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ARTICLE



Civic equality as a democratic basis for public reason

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ABSTRACT

Many democratic theorists hold that when a decision is collectively made in the right kind of way, in accordance with the right procedure, it is permissible to enforce it. They deny that there are further requirements on the type of reasons that can permissibly be used to justify laws and policies. In this paper, I argue that democratic theorists are mistaken about this. So-called public reason requirements follow from commitments that most of them already hold. Drawing on the democratic ideal of civic equality, I show that it can successfully explain why political decision-making must have the right sort of procedure-independent justification. However, contra standard accounts of public reason, I argue that laws and policies need to be justified with convergence accessible, not shared, reasons. Public reasons are those that are accessible in light of evaluative standards shared by all, or in light of every citizen's private evaluative standards. Since this will make the set of public reasons wider, it makes the theory more palatable to sceptics while retaining the framework's justificatory potential.

KEYWORDS Argumentative democracy; civic equality; convergence accessibility; political liberalism; public reason

The state exercises considerable power over its citizens. It has been a primary concern for political liberals and democratic theorists alike to work out the conditions that make it the case that the employment of this power is legitimate. Political liberals typically argue that legitimacy demands that public officials give 'public reasons' in favour of laws and policies. Democratic theorists emphasise that when a decision is collectively made in the right kind of way – in accordance with the right procedure – it is permissible to enforce it. Many deny that there are further requirements on the type of reasons that can permissibly be used to justify laws and policies.

In this paper, I argue that democratic theorists are mistaken about this, because public reason requirements follow from commitments that most of them already hold. Drawing on the democratic ideal of civic equality, I show that it can successfully explain why political decision-making must have the right sort of procedure-independent justification. However, contra standard

accounts of political liberalism, I argue that laws and policies need to be justified with *convergence accessible*, not shared, reasons. Public reasons are those that are accessible in light of evaluative standards shared by all, or in light of every citizen's private evaluative standards. Since this will make the set of public reasons wider, it makes the theory more palatable to sceptics while ensuring that the justifications for the laws that bind us are not alienating.

I begin by giving a brief overview of the central ideas of political liberalism (section 1). After this, I outline the democratic ideal of civic equality and suggest that it can ground public reason requirements (section 2). The justification of law needs to be convergence accessible (section 3) to moderately idealised citizens (section 4). I then compare the standard to what I take to be the two strongest non-public reason views, argumentative democracy (section 5) and the right reason view (section 6). The convergence accessibility standard outperforms both when it comes to securing civic equality. Finally, I consider whether we might need even stricter public reason standards. I conclude that the convergence accessibility standard is at least as good as the more demanding shared reasons standard at upholding civic equality (section 7). The view presented here should therefore be an attractive alternative for democratic theorists and political liberals alike.

Political liberalism

A first premise of political liberalism is that people who reason freely about moral matters will reach different and incompatible conclusions (Billingham, 2016, p. 22). The only way of avoiding this result, of establishing a shared religious or moral framework, is through coercively enforcing it via the state. This is because the fact that people reach different conclusions about moral matters is not necessarily due to mistaken reasoning. The free exercise of reason leads to disagreement because of the 'burdens of judgment' (Rawls, 1993/2005, pp. 36–7; 55–7; see also Quong, 2011, pp. 36–7).

Political liberals try to establish how this reasonable pluralism could be accommodated. Their answer centrally involves citizens having sufficient reason to accept being bound by the laws that govern them. On the standard, Rawlsian, view, having sufficient reason is conditional on having the law be justified with public reasons, reasons based on the political values of fairness, freedom, and equality. Public reason serves as a way of establishing that political institutions and principles can be publicly justified with moral ideas 'that each person who is bound by them could reasonably endorse' (Quong, 2011, p. 37). All reasonable citizens share these ideas, because they disagree about matters of the good but adhere to a view of justice that belongs to a family of liberal views. Since the state needs to appeal to reasons that all reasonable citizens share, it cannot justify political proposals with reasons

that presuppose the truth of a conception of the good life (Quong, 2011, pp. 105; 192–220; Rawls, 1997).

Political liberalism can be understood as a theory about what we should do when people disagree about what to do, and the conditions that make enforcing whatever we decided to do permissible. Democratic decision-making plays an important role. Prominent political liberals such as Rawls (1997) and Quong (2011, p. 137) argue that when citizens disagree about what liberal justice requires, they should vote. Laws that are the result of a vote are ‘binding on citizens by the majority principle’ (Rawls, 1997, p. 798). Put differently, political liberals are also democrats.

At the same time, many contemporary democratic theorists deny that political power needs to be justified with public reasons (see, for instance, Christiano, 2008; Eberle, 2002; Kolodny, 2014; Valentini, 2012; Viehoff, 2014; Wolterstorff, 2012). They reject Rawls’s and Quong’s conclusions because they do not share their fundamental commitments. If it turned out that public reason requirements follow from widely shared democratic assumptions, it would force democratic theorists to revisit their scepticism.

Civic equality

It is a cornerstone of democratic thought that citizens should be viewed as fundamentally equal before the state. Citizens in a democracy are, and should be treated as, civic equals (Cohen, 2007, p. 219). I take civic equality to be the relationship of equal standing among a pluralist community of citizens *vis-à-vis* the state. Civic equality, or ‘equal civic status’ requires ‘appropriate expressive treatment as civic equals by state institutions’ (Laborde, 2017, p. 135).

Every citizen has a weighty interest in being treated as a civic equal. This interest is substantial enough to make it morally impermissible to enforce legislation that treats citizens unequally, as citizens. Citizens who are denied their status as civic equals by an exercise of state power do not have sufficient reason to accept that exercise of power. All citizens have a basic interest in being treated as equals, regardless of their comprehensive worldviews. In this sense, all of us have a universal interest in having our civic equality respected if we are to live together as citizens in a political society. This interest is weighty enough to give citizens a substantive complaint when they are not treated as civic equals. A grave violation threatens the legitimacy of the exercise of state power that gave rise to it.

Civic equality is uniquely well suited to provide the foundation of a theory of legitimacy that recognises reasonable pluralism. To use some Rawlsian jargon, there is an overlapping consensus on the value of civic equality among a very diverse set of views of the good life and society. To give just a few examples, the ideal has been associated with Machiavellian republicanism, liberalism, and

Axel Honneth's theory of recognition (Bonadeo, 1969; Lægaard, 2019; Jørgensen, 2015). Most importantly, for my purposes, it is a cornerstone of democratic thought (Satz, 2007).

Democratic theorists have tended to think that a commitment to civic equality does not ground public reason requirements. Christiano (1996, p. 35), Kolodny (2014), Valentini (2013), and Viehoff (2014) in different ways all argue that giving each person an 'equal say' in political decisions and guaranteeing that the outcomes do not violate an independent standard (such as the non-violation of basic rights) is enough for legitimacy.

I believe that they are mistaken about this. To make this argument, it will be useful to contrast civic equality with the related notion of civic friendship, a value that has been said to ground public reason requirements. Andrew Lister has in recent years done important work to develop the idea of civic friendship as a basis for public reason requirements. On Lister's (2013, pp. 106, 116) picture, 'the joint commitment to making political decisions on public grounds realises a valuable kind of relationship', that is, 'public reason makes possible civic friendship despite deep disagreement'.¹ Thus, public reason is necessary if (and insofar as) it leads to a relationship of civic friendship between disagreeing citizens.

Civic friendship concerns the relationship between citizens *qua* citizens. Civic equality, as I understand it here, concerns the relationship between the state and its citizens. In other words, while civic friendship is a horizontal relationship, civic equality is vertical and top-down – the state needs to treat citizens as civic equals, the requirement is not for citizens to treat each other as civic equals.²

I do not wish to claim that the minimal or vertical understanding of civic equality that I rely on is the only way of conceptualising this ideal. On the contrary, there are many other available definitions. Some will take civic equality to go beyond a requirement for the state to view its citizens as equals. For instance, it is sometimes said that civic equality requires that citizens both are treated as equals by the state and that citizens view one another as co-equal members of the polity (e.g. Gutmann, 1987).

For the purposes of this paper, the important thing to note is that all, or most, democratic theorists would at least want to ensure that civic equality understood in the vertical sense is realised. It is difficult to imagine a form of civic equality that does not include the equality of citizens *vis-à-vis* the state as a constitutive element. I focus on this narrow idea of citizens as equals before the state, because if it turns out that democratic theories without procedure-independent justificatory requirements cannot ensure that this minimal ideal is satisfied, there is no need to examine thicker accounts.

Paul Billingham has recently argued that Lister fails to establish that public reason views uniquely realise civic *friendship*. Billingham gives the example of a so-called 'argumentative democracy,' versions of which are defended by

Eberle (2002, pp. 84–108) and Wolterstorff (2012). The idea is that citizens ‘openly and honestly’ deliberate by trying to understand and respond to each other’s reasons. Decisions are made by democratic procedures. The reasons given for political proposals do not need to be public to be permissible, it is enough that every citizen ‘commits to understanding others’ points of view and to engaging in public deliberation as to what decisions best promote justice and the common good’ (Billingham, 2016, pp. 24–5). This, paired with a commitment to something like civic equality, where the views of all matter equally in democratic processes, is enough to realise civic friendship. That is, ‘the commitments and attitudes that Lister believes to be constitutive of civic friendship are present in argumentative democracy’ (Billingham, 2016, pp. 24–5).

I grant that Billingham’s argument applies to the horizontal relationship of civic friendship. However, let me preview my argument for why I believe that it does not apply to the vertical relationship of civic equality. What the ideal of civic equality embodies is not a valuable community between citizens, but an appropriate relationship between the state and the citizens living under its rule. There is a distinctive wrong committed when the state offers citizens reasons for legislation that a subsection of them cannot properly engage with. This wrong is, I believe, the wrong of violating their status as civic equals.³ It is not that citizens disrespect *each other* when they sincerely offer non-public reasons, or that they cannot have a valuable form of community.⁴ The disrespect is top-down, it is about having coercive political power imposed on you justified on terms that you cannot accept.

Of course, I grant that this does not settle the issue. A version of Billingham’s argument might still apply to civic equality. This would entail that those who are committed to civic equality would not need public reason. I have yet to show that democratically chosen laws justified with public reasons respect civic equality whereas those who are non-publicly justified do not. I return to this issue in [section 5](#) and [section 6](#).

Before doing so, however, we need something more concrete to compare non-public reason views to. We need to ask what the set of public reasons looks like.

Shared and private evaluative standards

In the last few years, it has become increasingly common to suggest that justifiability can be achieved if reasons are *accessible* to those who are subject to the laws justified with them (Badano & Bonotti, 2019; Tyndal, 2019; Wong, *in press*). Vallier (2011, p. 369) defines accessibility such that ‘A’s reason R_A is accessible to the public if and only if all members of the public regard R_A as justified for A according to common evaluative standards.

Evaluative standards are the tools we use for engaging with and assessing a reason. For instance, reasons drawn from a religious doctrine can be evaluated by drawing on the relevant scripture, a reason based on natural science can be evaluated by using tools of science, and so on. In a society where not everyone is a Christian, reasons that need to be evaluated and engaged with by drawing on Christian scripture would be inaccessible, and therefore impermissible in public justification. In this sense, reasons that are not ‘detachable’ from specific moral or religious frameworks are ruled out (Vallier, 2018, p. 696).

There is a plausible case to be made for leaving this definition of accessibility behind. If we want all citizens to be able to appreciate the normative relevance of the laws that bind them (if laws should be justified *to* them), it is hard to see why having shared standards is what matters. Rather, it should suffice that the reason is justified for each citizen, regardless if this is so based on shared standards or their own, private, standards. In other words, it is enough that a reason achieves *convergence accessibility*; accessibility achieved for different reasons for different citizens.

Convergence accessibility: A’s reason R_A is accessible to B if it is justified by evaluative standards held by B.⁵

The standards held by B may either be shared by all or B’s own private standards. Public reasons are those reasons that are convergence accessible to all moderately idealised citizens in a given society. I say more about moderate idealisation in the next section.

The difference between the traditional accessibility standard and the convergence accessibility standard does not much matter for our purposes here. It may well be the case that given reasonable pluralism, the convergence accessibility standard and the traditional accessibility standard would often diagnose the same reasons as accessible. That is, if there are few reasons that are justified only according to each citizen’s evaluative standards, but not according to standards shared by all, it will be rare to find reasons that are convergence accessible but not accessible on the traditional view. The purpose of the convergence accessibility standard is that if we were to identify such reasons, then they would be permissible in public justification.

Let me exemplify with the reason ‘we should care for the vulnerable.’ Anna sees the reason as justified in light of her liberal egalitarian commitments, and so it is accessible to her. Beatrice sees the reason ‘we should care for the vulnerable’ as justified in light of her reading of biblical passages.⁶ Hence, it is accessible also to her. There might also be some shared standard that both could draw on to evaluate the reason. On the other hand, Clare’s reason ‘God commands that we should care for the vulnerable’ is accessible to Beatrice, but not to Anna. This reason assumes, as Laborde (2017, p. 127) puts it, ‘that those to whom the reason is addressed share a commitment to do what God

prescribes', and it is therefore inaccessible to citizens like Anna who do not share that commitment.

Let us put those different versions of the reason to the test in a stylised case based on the real-world debate on assisted suicide (Kettell, 2019; see also Laborde, 2017, p. 121). Anna says: 'keeping assisted dying illegal is the best way to care for the vulnerable.' She believes that people with serious illnesses are vulnerable because they are under severe psychological distress. Allowing assisted dying would make their position even more insecure. Beatrice does not *share* this reason, yet it is convergence accessible to her. She believes that 'we should allow assisted dying because this is the best way of caring for the vulnerable.' People in the late stage of their life with severe pain who wish to end their lives should be free to do so. Allowing assisted dying is a way of attending to the needs of the vulnerable. Even if Anna's and Beatrice's commitments to care for the vulnerable have different bases, and even if they do not share the reasons based on this commitment, the reasons that they rely on are detachable from their wider philosophical or religious frameworks. And so, Beatrice's reason with a Christian basis can be understood and engaged with through the lens of Anna's liberal egalitarianism, and vice versa.

Now, imagine instead Clare who also thinks assisted dying should be illegal. She offers two reasons: R_{C1} : 'God commands that we should care for the vulnerable,' and R_{C2} 'life is a gift from [the Christian] God and to interfere to end it early is sinful.' So, she believes that God's command to care for the vulnerable entails that we should not allow assisted dying, and she supports this claim by appealing to her view that interfering to end life prematurely is sinful. These reasons can only be evaluated according to standards held by those who share the worldview that the Christian God exists. Anna, who does not share Clare's worldview, could merely challenge the reason from the outside by inserting her own worldview with reason R_A : 'life is not a gift from the Christian God because the Christian God does not exist. Other Gods exists, and they have not given human life as a gift.' Beatrice, who on the other hand does share the worldview that the Christian God exists, can evaluate the reason in accordance with the same epistemic perspective as Clare. Recall that Beatrice also held that God commands that we should care for the vulnerable. However, to her, saying that this entails that we should prohibit assisted dying is a mistaken way of applying this idea to the case at hand. She supports this claim by appealing, further, to the reason R_B 'life is a gift from the Christian God, but this does not entail that there are not certain conditions such that when they are met, we might end it prematurely'. Clearly, Clare does not *share* this reason. She believes there are no such conditions. Nevertheless, the reason is accessible to her because she shares the relevant evaluative standard.

Political liberals who hold that public reasons must be drawn from a set of reasons that all members of the well-ordered society share, would say that in a society consisting of only Clare and Beatrice, Clare would not be allowed to appeal to R_{C1} or R_{C2} when justifying legislation – despite the shared epistemic perspective (Quong, 2011, pp. 261–3; Watson & Hartley, 2018, pp. 62–87). The reason is neither shared nor derived from a view about citizens as free and equal, and it is therefore impermissible. The evaluative standard (‘what does the scripture say about the matter’) is, however, shared. Thus, on the convergence accessible reasons view presented here, Clare’s reason is *accessible* to Beatrice but not to Anna, since she does not believe in the Christian God and in the Bible as a relevant source of authority.

This entails that in a society consisting of only Clare and Beatrice, Clare – were she a state official – could permissibly argue for legislation forbidding assisted suicide because of reason R_{C2} : life is a gift from the Christian God. If Beatrice were in power, she could justify legislation to Clare by using R_B . In a society consisting only of Anna and Clare, Anna could not permissibly appeal to R_A . Similarly, in a society consisting of all three, none of the reasons would be accessible – Anna does not find Beatrice’s and Clare’s reasons accessible and vice versa. Instead, all three would have to use reasons that all are accessible to everyone, reasons that are convergence accessible, such as ‘we should care for the vulnerable.’

Disagreements between citizens on the shared reason standard is explained by the different ways of balancing the reasons shared by all. On this picture, the disagreement might instead look like this. Denise and Emma believe that caring for the vulnerable speaks in favour of banning assisted dying. They also believe that the political value of being free to decide over one’s own life is important. In balancing these considerations, Denise comes down in favour of banning assisted dying, Emma comes down in favour of keeping it legal.⁷

According to the convergence accessibility standard, reasons drawn from religious doctrines are permissible insofar as they are detached from the deeper theological commitments, or if *everyone* in society share similar religious commitments. Following Laborde (2017, p. 127), I believe that the latter is impossible in most real contemporary society, and so, if the reasons’ validity ‘depend on the acceptance of the authority of a particular God, text, or religious hierarchy’ it is almost always impermissible. On the other hand, if it does not require ‘special knowledge such as divine revelation’, if all citizens can engage with and meaningfully discuss the reasons by using standards that they themselves hold, it is accessible to all and therefore a public reason (Laborde, 2017, p. 127).

Moderate idealisation

For whom should the law’s justification be convergence accessible? Should we understand Anna, Beatrice, and Clare as real citizens? Or should laws only

be justified to the reasonable citizens who populate the well-ordered society? (Billingham & Taylor, in press). Quong (2011, p. 146) argues in favour of the latter, because he worries that justificatory constituencies based on real citizens are 'political in the wrong way'. This means that legitimacy is tied to 'whatever views real citizens currently happen to hold', which is problematic since 'citizens might hold mistaken beliefs about empirical or normative matters, they might be blinded by self-interest, epistemic flaws, or be unreasonable in some other respect.' (Quong, 2011, p. 146). For these reasons – why should we care about what they think? I think the answer is, simply put, that we should care about what they think precisely because they are real citizens. Public officials should justify policies to real citizens because they are the ones who are going to live under the laws and policies that are justified.

For Quong, whose theory is meant to uniquely support liberal principles of justice as the outcome of public reasoning, it becomes a problem that real-world citizens have widely different views about what justice entails. 'Libertarians, luck egalitarians, socialists, Republican flat-taxers, and Democrat tax-and-spenders can all be plausibly seen as developing conceptions of justice where freedom, equality, and fairness play central roles' (Quong, 2011, p. 148). This is of course only worrying for those who believe that views reminiscent of Rawlsian justice should be the only legitimate outcome of public reasoning. In other words, for those who believe that considerations of justice and legitimacy never come apart to a significant degree. I, however, consider this a *possibility result* – we should welcome the fact that these very different theories share central commitments. It may be that some – or many – libertarian or luck egalitarian policies are unjust (some of them may even be illegitimate if the injustice is serious enough to violate citizens' civic equality⁸), but the fact alone that they are justified with 'libertarian reasons' – insofar as those reasons are convergence accessible – cannot make it the case that they are ruled out at the justificatory stage.

There are, I believe, good reasons from the point of view of civic equality for basing public reason on the views of individual citizens. The alternative, radical idealisation, can come across as infantilising, patronising, and paternalist (Wolterstorff, 2012, p. 74). Vallier (2020, p. 1118) argues that this kind of idealisation violates our 'personal integrity' because we ascribe to persons 'reasons based on projects and plans that are entirely alien to them as real-world persons.'⁹

At the same time, I agree that it would be disconcerting if we allow views that are clearly mistaken to figure as public reasons. However, we do not need to take citizens precisely as they are. The justificatory constituency should consist of *moderately idealised* citizens. The idealisation is moderate, as it entails that the citizens do not make faulty inferences, have access to easily available information, et cetera (Gaus, 2011, p. 276; Laborde, 2017). It

also excludes citizens who do not see others as moral equals. This light idealisation is not vulnerable to the paternalist objection, because ‘fictional counterparts’ of citizens are not very fictional, they are merely a ‘heuristic to give the best account of *what reasons each person has*’ (Vallier, 2020, p. 1117).

Some might worry that the set of convergence accessible reasons is empty. If so, the state would be unable to do anything. This is a result that would strike many liberal egalitarians as deeply objectionable. It could also be the reason why political liberals thus far have often refrained from basing the set of public reasons on real citizens (however, see Klosko, 2000; see also Laborde, 2017). In response, however, let me emphasise that political liberals do not need to hold that citizens must agree on the all-things-considered justifiability of a law. On the consensus interpretation of political liberalism, public justification is understood as a requirement concerning the type of reasons that can permissibly justify laws – not on the all-things-considered justifiability of those laws themselves. This is, in other words, the so-called ‘reasons-for-decisions model,’ where what is needed is only a set of *reasons* that all citizens can appreciate the normative relevance of (Lister, 2013, pp. 15–23). I cannot see why this set would be empty. There will be all kinds of reasons that are convergence accessible to all moderately idealised citizens.

Having considered important objections to getting the convergence accessibility standard off the ground, we have finally arrived at the point where we are in a position to answer whether democratic theorists should include public reason requirements in their views about legitimacy. In the next section, I will consider if the strongest possible version of an argumentative democracy could succeed in upholding civic equality.

Argumentative democracy

In an argumentative democracy, public officials justify laws with intelligible reasons that they sincerely believe are sufficient for justification. Laws are enacted after open and robust deliberation in which citizens and public officials genuinely try to persuade others while remaining open to persuasion themselves. This is a procedural account of legitimacy – if the right procedure has been followed it is permissible to enforce the laws that are ultimately decided on. Even if the justifications for the laws are inaccessible.

For the sake of the present argument, I will turn to Eberle (2002, p. 115), a proponent of argumentative democracy, to ‘remove the rhetorical clutter’ and focus on a law that would be congruent with many liberal political philosophers’ considered judgements about justice. This is not to say that only such laws would be permissible in an argumentative democracy. But it will help us isolate the relevant factor, that is, it will help us focus on the justification for the law rather than the substantive content of it. A typical

judgment among liberal political philosophers is that we should give some kind of distributive priority to the poor over the rich.

Now, imagine the argumentative democracy Argumentania. In their political culture, public officials try to convince citizens, by means of offering the reasons that they consider relevant. Suppose that the liberation theological 'Liberation Party' is voted into power through a fair democratic procedure. The party holds that 'God has a preference for the poor,' and that this 'obliges us to take quite drastic measures in narrowing the disparities in life opportunities between rich and poor' (Eberle, 2002, p. 112). These reasons are intelligible, and so it is permissible for the Liberation Party to use them as justification for a tax policy in Argumentania. The party engages in deliberation and tries to persuade others that it is the right policy. After a period of deliberation, they implement the redistributive scheme that takes resources from the rich and gives them to the poor. The reason that they appeal to is that this is what God's love for the poor requires of us.

Would it be a problem, from the point of view of civic equality, to organise society as in Argumentania? I believe that it would.

It is important to note that a reason is intelligible if the person who uses it is justified in doing so according to her own evaluative standards. It might therefore be the case that only the Liberation Party officials and supporters are the only citizens who adhere to the worldview in question. They can justify legislation with reasons that only they themselves can assess and engage with. If they do so, reasons drawn from other worldviews could never challenge their legislation other than from the 'outside'. Anna, who has a different epistemic perspective since she is not a Christian, is thus not treated as an equal source of authority. True, giving her voting rights ensures that she is an equal source of authority in the choice of representatives. And, true, she will be participating in public deliberation. But her worldview and epistemic perspective are entirely irrelevant when legislation is crafted.

Allowing inaccessible reasoning entails that those voted into power not only get the privileged political position of governing the country. Their worldview and epistemic perspective also get a privileged position when their reasons always are authoritative. At the same time, in domains where there is no overlap between different epistemic perspectives, the worldviews of others are not authoritative at all. The main concern here is not the one that philosophers like Enoch (2015, pp. 130–4) and Raz (1984, p. 27) carefully refute. It is not that 'I am giving extra political weight to my own beliefs over yours'. Instead, the problem is that this discrepancy gets translated to differences in standing for the citizens of the same polity. Citizens adhering to the creed of the governing majority will have their beliefs affirmed and acknowledged by the state regularly, non-Christian citizens will not. Every time the Christian beliefs justify legislation, the state will stipulate that liberation theology is the correct view. Minority citizens will, on the other hand, not

see the reasons underpinning political institutions and legislation as important considerations.

Compare the Muslim friends Emma, a citizen of Argumentania, and Farid who lives in Accessibilien. In Accessibilien, the ruling parties always use reasons that are convergence accessible to the citizens with a diverse set of beliefs who live there. The governments of the two countries simultaneously propose identical redistributive schemes. In Argumentania, the scheme is implemented by the Liberation Party and justified with liberation theology. In Accessibilien, a Christian democratic party justifies it with convergence accessible considerations of fairness and equality.

Emma and Farid both oppose the schemes publicly, but they have different resources for doing so. Farid agrees that the government's considerations are essential in assessing how the economy should be regulated, but in balancing these values against others, he finds that there are overriding considerations. He has strong, broadly luck egalitarian, views, so whether a state of affairs was brought about due to brute luck or option luck should partly determine what you are owed. Farid develops strong counterarguments that are accessible to both his fellow citizens and to himself.

Just as in Argumentania, the legislators of Accessibilien are Christians. Since Farid is a Muslim, there are significant parts of their worldview that he does not share. Yet, the reasons that the Christian democrats appeal to are not contingent on their Christian worldview or epistemic perspective. Therefore, Farid does not need to engage with Christian reasoning in order to assess the reasons presented to him. The parts of his worldview that are convergence accessible to his fellow citizens – important parts of his luck egalitarianism for instance – are treated as a potential source of authority and political power.

The situation is different for Emma (this argument draws on Laborde, 2017, pp. 119–32). Since Emma also is a Muslim, many or most reasons based on Christian scripture are not accessible to her. To challenge the proposal in Argumentania, she needs to read up on the Christian theological debate surrounding God's preference for the poor. After careful study, she concludes that Liberation Theology seems justified in light of central Christian premises. However, the argument is not persuasive *to her*, only an intelligible consequence of the beliefs of the Christian majority. Her only way of challenging the proposal on its own terms is through reasoning from conjecture; she needs to show that the Christian God does not have a preference for the poor. Since she opposes the scheme, she does so, even though she does not believe this argument to be true. First, because she agrees that liberation theology looks plausible given central Christian tenets and, second, because she does not believe Christianity to be authoritative in the first place.

Not only is there a certain kind of 'top-down' disrespect from the state to citizens like Emma when her worldview is not treated as a potential source of

authority. She is also disempowered by being forced to debate and engage with others on unfamiliar ground. Farid can challenge the policy in *Accessibilien* in a ‘thick’ way. Emma, on the other hand, needs to advocate inconsistent reasons that she does not believe in publicly. She must engage with reasons in a purely instrumental way – she is epistemically alienated from the reasons that legislation is based on. She is not treated as a civic equal.

Argumentative democracy is not the only democratic theory that does not consider the giving of public reasons to be constitutive of legitimacy. On other views, it is sometimes thought that what matters is that the right reasons are offered, not that those reasons are public. In the next section, I consider whether the strongest version of this sort of view outperforms the convergence accessibility standard of public reason when it comes to upholding civic equality.

Public reason as fairness

In contrast to argumentative democracy, the ‘right reason view’ says that it is not enough that public officials offer reasons that they sincerely believe in. There are substantive constraints on the reasons that could permissibly figure as justifications for laws, but the set is not limited to public reasons. First, a reason to implement a law should count in favour of that law (Scanlon, 1998, p. 17). Second, the reason needs to be *intelligible* to others. Third, and finally, on this view, the reasons used to justify state action must be the right reasons. With this, I mean that the reason is agreement-independent. It does not matter whether people see the reason as the right one. What matters is that it actually *is* the right reason.

As Peter (2020, p. 147) explains, on a right reason view of legitimacy, whether a reason can justify law depends on ‘objective facts’ – the legitimacy of laws ‘depends on how well they are supported by those reasons.’¹⁰ For instance, if it is true that utilitarianism is the correct moral theory, it does not matter whether people believe utilitarianism to be true or not. If a policy is utility-maximising, and is justified as such, it is the correct policy supported by the right reasons. Hence, it is permissible to enforce it. Right reasons are fact-relatively right, they are right regardless of what evidence we have for them (Parfit, 2011, pp. 162–3).¹¹

Does appealing to the ‘right reason’ respect the equal civic status of all citizens? It is difficult to say, because a ‘right reason requirement’ is inoperational under conditions of epistemic uncertainty.

To see this, suppose that the members of the Liberation Party have discovered that Liberation Theology is the correct comprehensive doctrine through their impressive reasoning. The members of Utility, their main competitor, have mistakenly found through their reasoning that hedonistic utilitarianism is the

correct moral theory. Both parties assert that their view is the right one, and the evidence that they present is equally credible. Suppose that liberation theology is, in fact, true. On the right reason view of legitimacy, only the Liberation Party can permissibly justify legislation with their comprehensive doctrine. Utility is not allowed to justify legislation with utilitarianism.

Assuming that a functional theory of legitimacy should be action-guiding under non-ideal conditions, not merely a stipulation of what the best state of affairs would be, the right-reason view does not hold up. Given our epistemic circumstances, we have no grounds for blocking the Utility-officials who say that they, too, should be allowed to use their reasons to justify legislation. Given reasonable pluralism, we are unable to conclusively show that a specific moral theory or comprehensive doctrine is true. This is the case even though it might very well be that one doctrine *is* correct. Hence, if we are to let the fact-relatively right reason figure in the justification for actual laws, we must also allow reasons that *could* be the right reasons but that are not, since we have no way of separating the two types of reasons. In the real world it will undoubtedly often be the case that several different, mutually incompatible, views will have epistemic support (see also Peter, 2020).

A proponent of the right-reason requirement could respond that the mere practical possibility of identifying the right reasons is enough to undermine the plausibility of the public reason standard. If we manage to conclusively find the right reasons, we do not need public reason anymore.

In response, I believe that this is correct, but that it does not undermine the value of public reason. The right reason, in the strict sense, *would* fact-relatively justify a policy, but it does not provide an evidence-relative justification under epistemic circumstances such as our own. In a different world, where we could uncontroversially single out one moral theory or religious doctrine as correct, right reasons derived from it would probably be sufficient for legitimacy. As Peter (2020) argues, our epistemic circumstances do not let us affirm with confidence the truth of most agreement-independent reasons. It is impossible to single out one 'vision of the moral truth' and use it to organise the shared political system (Gaus, 2015, p. 1094).

Finally, even if we somehow would manage to find the correct comprehensive doctrine, the threat to civic equality lingers. For how should the citizens and parties who hold the wrong view be treated? If they are voted into power, should judicial-review-type institutions constantly overturn their decisions? If so, we might wonder in what sense the system really is democratic, and such procedures would amount to grave violations of civic equality. Or should people who hold the 'wrong' view still be allowed to appeal to it? If so, it is not clear in what sense the right reason view is different from argumentative democracy.

It might be objected that it is enough to have legislation imposed upon you that you do not agree with to be treated as an unequal source of

authority, to have your civic equality violated. This is mistaken, I believe. It is true that it will often be the case that a majority of citizens will see a piece of legislation as a good thing, and a minority will hold that it is not. However, the reasons of the minority might convince the majority – they are of the same kind as the reasons that justify the policy. Since the reasons in favour and against the proposal can be meaningfully evaluated by everyone, citizens do not need to convince each other that their worldview is correct before showing that a specific proposal is the correct interpretation of what follows from the commitments of that worldview. Their reasons are already on the same level as the reasons that they are challenging.

Opponents to public reason often point out that the requirements are unfair to religious citizens since they privilege secular worldviews (Greenawalt, 1995). A way of responding to this is to say that an argumentative democracy, or other non-public reason views, arbitrarily privileges some views of the good over others to a much greater extent: the views of those who currently are in power. In that sense, such views are inherently unequal.

Public reason, on the other hand, can be a tool for ensuring the civic equality also for citizens of other faiths and worldviews than that of the governing majority. Those aspects of all comprehensive views that are not translatable into terms that are accessible to all citizens are excluded. The aspects that can be accessed by fellow citizens will be retained. Hence, the exclusion of some parts of all comprehensive doctrines is not arbitrary. The alternative to public reason for a large subset of citizens is not that their own comprehensive view is used to justify legislation. If they are lucky, the legislation will be based on someone else's broadly similar view. However, it might just as well be based on considerations that they view as entirely irrelevant. Epistemic equality creates a threshold that excludes the inaccessible parts of not only your own comprehensive doctrine but also of the comprehensive views of your political opponents.

I have shown that the most prominent alternatives to public reason fail to uphold civic equality. A worry that arises at this point is that my argument could be turned on its head and used against me. That is, proponents of stricter public reason requirements might suggest that my view also lets the wrong reasons in. I consider this next.

Why not shared reasons?

Political liberals with more demanding views of what counts as a public reason might press that convergence accessibility is not enough for upholding civic equality. For instance, Quong (2021, p. 58) has previously suggested that it can never be 'legitimate for laws to be justified by appeal to religious reasons or specific claims about the good life', even if these reasons are accessible. This is so because such laws 'violate the ideal of civic inclusion

in a pluralistic society' (Quong, 2021, p. 58). Under conditions of pluralism, accessible but unshared reasons are alienating since they are not 'drawn from shared political values such as freedom, equality, and fairness, but rather from controversial religious and ethical doctrines', and thus there will be many citizens who will 'rightly understand themselves to be, to some extent, excluded from the political and legal institutions that govern them' (Quong, 2021, pp. 59). The argument is, in other words, analogous to the one I pursued in [section 5](#) against argumentative democracy.

A lot seems to turn on precisely what we mean when we say that a reason is drawn from a controversial religious or ethical doctrine. What Quong's argument comes down to is, I take it, that the reason is alienating because it is unshared. I do not think he would suggest that the mere fact that the reason has its *origin* in a religious worldview would be problematic. For instance, the history of liberalism is full of arguments about freedom and equality with a Christian basis (e.g. Waldron, 2002).

Presumably, the problem also cannot be that the reason public officials have for holding the view has a religious basis, the second-order reason, as it were. There seems to me nothing immediately objectionable, from Quong's own point of view, about appealing to values such as freedom and equality even if the reason we have for doing so happens to be religious (Billingham, 2017). So what Quong depicts as an argument about religious reasons and claims about the good should, I think, be understood as a restatement of his general view: public officials must appeal to shared reasons. It is therefore important to note that in Quong's framework, it would be equally wrong to appeal to the value of natural beauty, the badness of drug addiction, and the importance of art for a flourishing life as it would be to appeal to the word of God. On his definition, all of these reasons are unshared and, consequently, not public.

I believe that Quong's objection ultimately is not decisive. I will return to why that is momentarily. Before doing so, however, let me suggest that the problem for Quong is that if the argument were in fact to be decisive, it would not only undermine the convergence accessibility standard. It would undermine his own standard too: a law justified with reasons drawn from political values can be equally alienating as a law justified with convergence accessible reasons.

Let me explain why. A central part of Quong's political liberalism is that disagreements about justice and the good are of a different kind. Disagreement about justice is *justificatory* whereas disagreement about the good is 'almost certainly' *foundational*: when there is foundational disagreement, there is no 'deeper standard of justification that ... [the disagreeing parties] accept that could serve as the basis for adjudicating their dispute' (Quong, 2011, p. 193). Justificatory disagreement, on the other hand, means that we share the same view of 'what counts as a good reason when debating

about the principles of justice,' and that we can 'accept the other's argument as a reasonable example of a public justification, although they do not believe it is the most reasonable public justification available' (Quong, 2011, pp. 206, 212). State action is legitimate if it is compatible with justificatory disagreement, but not with foundational disagreement. Disagreements that are justificatory are disputes involving shared public reasons such as those based on the political values of fairness, freedom and equality. This is so because all citizens in the well-ordered society share a commitment to these values.

As should be clear, however, from the philosophical debate about the true meaning of freedom (or equality and fairness), there are several different contenders for the label. Suppose that Philip Pettit, Nancy Hirschmann, and Isaiah Berlin argue for different policies based on their promotion of freedom. Is their disagreement justificatory? Or is it disagreement that goes all the way down? (See also Fowler & Stemplowska, 2015).¹²

To put the point explicitly: when you, who hold the view that being free is not being a slave to your low desires, argue in favour of banning drugs ('drug-users are unfree') and I argue against it ('we should be free to use drugs if we want to') do we really share the same value?¹³

This becomes a problem for Quong for the following reason. Quong (2021, p. 53) has previously argued that statements such as 'hard-drug addiction is harmful to *most, if not all, people*' is unshared and non-public (Mang, 2013, pp. 302–3). Consequently, he would diagnose the reason as alienating. But why would it be less alienating to be offered an interpretation of freedom that I vehemently disagree with than a convergence accessible reason that I also disagree with? Is the reason 'drug-users are unfree' less alienating to those committed to certain interpretations of negative freedom where this is not true than the statement 'hard-drug addiction is harmful to most, if not all, people'?

I cannot see why it would be. Neither reason presupposes the truth of a comprehensive doctrine or a religion. In most societies it would be possible for most citizens to engage with the reasons based on standards they hold themselves. They would therefore be convergence accessible.

In responding to this, Quong is faced with a dilemma. On the one hand, he could maintain that the value of freedom is shared even among people with very different interpretations of it. With this response, Quong would need to say that there is an important asymmetry between the two reasons. Reasons based on the unfreedom of people addicted to drugs are not alienating while reasons based on the harms of drug addiction are alienating. This strikes me as a counterintuitive result, if anything claims about the true nature of freedom seems to me to be more metaphysically loaded and divisive than claims about the harms of drug use. It would also mean that public reason allows what, to me at least, looks like unshared values. If he goes for this horn of the dilemma, Quong would owe an explanation for why laws based on these

reasons are not alienating, whereas laws based on the value of natural beauty or the harmfulness of drug use are.

Alternatively, Quong could hold that only one interpretation (or a range of interpretations) of freedom, equality, and fairness is (or are) the correct one(s). For instance, he might say that interpretations of freedom that lead us to believe that drug users are unfree are wrong because all citizens in the well-ordered society – all reasonable citizens – believe that freedom means something else. Clearly, this route is available to him; in response to a related worry from Laborde, Quong (2021, pp. 54) notes that it is possible to ‘insist that a fully specified conception of the reasonable citizen . . . would make reasonable disagreement over the limits of the liberal state impossible.’ Similarly, he might say that all reasonable citizens have views about freedom that make deep disagreement about the value impossible.

However, if he goes for this response, it leads to another, even more serious, problem. The state would then only be allowed to appeal to the correct interpretation of freedom when making policies. But this would, of course, take us back to the problems associated with the right reason view from [section 6](#) – how can we know which interpretation of freedom that is correct under epistemic circumstances such as our own? And how should we treat citizens with differing interpretations?

Quong might respond that the correct view is whatever view the fully specified conception of the reasonable citizen holds. But this seems to me unconvincing: through this strategy we would have excluded virtually all reasonable disagreement from the theory – despite reasonable disagreement being precisely what political liberalism is meant to respond to. Quong’s theory has previously been criticised for being sectarian because of the way it excludes considerations of the good (Vallier, 2017). The full-specification strategy would entail that even political liberal theories with only slightly different views about the liberal value of freedom could not be permissible in public justification. This threatens civic equality in much the same way that the right reason view does.

Thus, if Quong’s argument undermines convergence accessibility, it undermines his own standard too.

Nevertheless, this is precisely what I deny. The argument undermines neither standard. Convergence accessibility excludes reasons that are fundamentally incompatible with every citizen’s worldview, and whereas I believe that Quong’s argument holds for things such as the liberation theological views discussed above, or the appeals to Biblical authority, I fail to see that it holds for convergence accessible reasons. Such reasons are not metaphysically loaded (again, at least not *more* metaphysically loaded than reasons making judgements about what freedom is). They are, ultimately, compatible with all, or most, worldviews. One does not have to be committed to a specific worldview for the reason to fit with one’s view of the world.

Some will disagree with the reason, but were they to change their minds they would not have to adopt a radically different worldview.

This is the difference between shared or convergence accessible reasons and merely intelligible reasons. Inaccessible reasons demand that we change our whole epistemic perspective to accept them. Allowing all intelligible reasons therefore violates civic equality. Convergence accessible reasons do not.

To sum up, convergence accessible reasons are no more alienating than reasons that are compatible with Quong's more demanding standard. Hence, we have no grounds from the point of view of civic equality for preferring it.

Conclusion

Democratic theorists have tended to wrongly think that democratic decision-making processes are enough for treating citizens as civic equals. I have argued that they are mistaken about this. In doing so, I have developed a distinct answer to the question of what counts as a public reason: the convergence accessibility standard. This standard is more permissive than competing public reason standards. For democratic theorists who are hesitant to impose a public-reason-giving requirement on public officials, this should be welcome news.

It is worth emphasising that my account shifts political liberalism's perspective. Public reason should play an important – yet more limited – role in our theories of legitimacy. To fully work out the conditions that need to be met for legislation to be permissibly enforceable, we need to look at a law's justification, ask whether it was selected in accordance with the right procedure, and make sure that the outcome itself is not such that it violates civic equality. Working out how these different aspects fit together is an essential avenue for further research.

Notes

1. For other recent examples of similar views, see (Neufeld, 2019), (Leland & Van Wietmarschen, 2017), and (Leland, 2019).
2. For a similar point, see (Kymlicka, 2003, p. 147).
3. Nussbaum (2011, p. 35) puts a version of this argument strongly, arguing that when 'the institutions that pervasively govern your life are built on a view that in all conscience you cannot endorse, that means that you are, in effect, in a position of second-class citizenship'.
4. However, I believe that there are instrumental reasons for why citizens should try to understand their political disagreements in terms of public reason (Kugelberg, *in press*). I leave this aside for now.
5. To my knowledge, something like the convergence accessibility standard was first suggested in (Lægaard, 2020) and developed in (Laborde, 2020).

6. Typical examples are Isaiah 58:1–12 and Matthew 25:35–40.
7. Generous comments from an anonymous reviewer helped me clarify these points.
8. While I do not explore that possibility here, this requirement might in itself lead to the need for institutional reform. On this, see (Agmon, 2021 press).
9. See also (Wolterstorff, 2012, p. 34). For a broader discussion, see (Ahlin Marceta, in press).
10. For a different argument against the right reason view, see (Billingham, 2015, ch., p. 4).
11. For an example, see (Arneson, 2004, p. 52), see also (Wall, 2002, p. 386).
12. Indeed, these deep debates even extend within each tradition. See e.g. (Sandven, 2020).
13. For a similar point see the ‘zoom problem’ in (Billingham, 2016, p. 32). Greenawalt (1995, p. 28) also raises a similar thought.

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