“Convergence without the Internalist Public Justification Principle?: An Externalist Account of Convergence Public Reason Liberalism”

Abstract: Gerald Gaus argued in his 1996 book *Justificatory Liberalism* that proponents of public reason liberalism should attempt to ground their position in a specific epistemology. Critics of public reason liberalism such as David Enoch have also argued that public reason liberals need to elucidate their epistemic claims. Surprisingly, few public reason liberals have taken up Gaus and Enoch on their challenge. This paper will interact with the epistemological position undergirding the public justification principle, access internalism, arguing that it fails. In its place, I put forward and defend proper functionalism as the better grounding epistemology, and then defend the new theory from possible objections. The result will be a synthesis of Nicholas Wolterstorff’s version of liberalism and an externalist version of convergence public reason liberalism.

Keywords: externalism, internalism, public reason liberalism, public justification principle, proper functionalism

Public reason liberal theorists have often supposed that a justified polity must be neutral on all comprehensive doctrines, epistemology included. Gerald Gaus challenged that claim.[[1]](#footnote-1) He set a program for future public reason liberals to ground their positions in a specific epistemology. Some have taken up Gaus on his charge, but few have engaged the epistemological literature on internalism and externalism in a full manner, exploring the problems public reason liberalism faces for wedding itself to access internalism.[[2]](#footnote-2) This paper argues that the access internalist position of public reason liberalism fails. In its place, it will offer an externalist alternative. Section one defines terms and positions. Section two explores Gaus’s and Sean Donahue’s work on public reason liberalism and its epistemological commitments. Section three explores arguments against internalism and arguments for a specific externalist epistemology, proper functionalism. Section four sketches a theory resulting from section three and defends the theory against possible objections.

**Defining Terms and Positions**

The two fundamental questions the public reason tradition seeks to answer are: (1) How can people of goodwill who reasonably disagree live well together? (2) How can coercive political authority be justified to reasonable, free and equal people? The public reason tradition post-John Rawls has split into two camps in how it answers these questions. The two camps are *consensus* theories of public reason and *convergence* theories of public reason. Both camps make use of the public justification principle. However, the two camps differ on the entailments of the public justification principle.

*Consensus* theories of public reason seek to *insulate* disagreement amongst the populace and justify the political order through an *intelligibility requirement*, *a* *shared reasons requirement, an accessibility requirement, and a symmetry requirement*, which are attached to the public justification principle.[[3]](#footnote-3) The shared reasons requirement is formalized by Kevin Vallier as follows:

*Shareability*: A’s reason is shared with the public if and only if members of the public regard as epistemically justified for each member of the public, including A. *Shareability Requirement*: A’s reason can figure into a justification for (or rejection of) a coercive law *L* only if it is shared by all members of the public.[[4]](#footnote-4)

What this amounts to is that citizens cannot appeal to controversial moral, metaphysical, and religious reasons/doctrines to advocate for coercive public policy laws. The *accessibility requirement* and the *symmetry requirement* hold that reasons be first-person known in some sense by the agent and that the reasons be subjected to a common evaluative standard.[[5]](#footnote-5) The *intelligibility requirement* is merely that a person *A*’s reasons for a belief be coherent within *A*’s own perspective/set of other beliefs.[[6]](#footnote-6) Michael A. Neblo and other consensus theorists go even further and add a *sincerity requirement*. The sincerity requirement imposes a strong perspective condition. Citizens must believe that the reasons they offer “are the strongest known coherent subset of reasons within the subset of public reasons.”[[7]](#footnote-7) Within the already strict requirements imposed by the consensus theory, there is a strong subject’s perspective condition imposed on citizens.

*Convergence* theories of public reason reject the shared reasons requirement, the accessibility requirement, the symmetry requirement, and the sincerity requirement.[[8]](#footnote-8) *Convergence* theories only retain the *intelligibility requirement* and a minimal public justification principle. They argue that religious citizens can appeal to their comprehensive doctrines in seeking to advocate for coercive laws.[[9]](#footnote-9) Gaus argues that consensus theorists fail to take seriously Thomas Hobbes’s argument that insulation is impossible.[[10]](#footnote-10) Disagreement will cascade into all areas of life. This seems intuitive with the consensus requirements themselves. People dispute the coherence and validity of all the requirements of consensus theorists. Convergence theorists, after critiquing the other requirements, argue that principles of restraint should not be imposed on citizens, but only on legislators and other governmental officials.[[11]](#footnote-11)

We must now define the public justification principle which is common to both versions of public reason liberalism. The public justification principle in its minimal definition is, “*Public Justification Principle (PJP)*: A coercive law L is justified only if each member *I* of the public P has some sufficient reason(s) to endorse L.”[[12]](#footnote-12) The concept of sufficient reason is minimally defined in terms of an epistemological account of *epistemic justification*. A sufficient reason for any public reason theorist will involve epistemic justification understood in *access internalist* terms. Access internalism says that for any belief *P*, one is entitled or permitted (deontic concepts) to hold that belief *P* if and only if one is psychologically aware or can become psychologically aware via reflection of reasons for the belief and can defeat contrary reasons against the belief.[[13]](#footnote-13)

The public justification principle which undergirds all versions of public reason liberalism is wedded to access internalism. Few public reason theorists have interacted substantially with the epistemology literature on internalism and externalism about justification to see if the view undergirding their answer to the problem of rational disagreement and the fundamental questions of their tradition are even viable. In the next section, I will explore the responses of two public reason theorists, Gaus and Sean Donahue, to this issue. I argue that their responses are insufficient.

**Gaus and Donahue on Justification and Public Reason Liberalism**

Gaus recognizes the problem of the relation between epistemological theories of justification and public reason liberalism early in *Justificatory Liberalism*. In the introduction, Gaus writes, “My central claim in this book is that justificatory liberalism cannot achieve significant robustness in relation to theories of justification; for good or ill, it can only be as strong as the account of justification on which it is based.”[[14]](#footnote-14) Gaus defines *robustness* as the ability of a theory 1 to remain justified even in the face of substantial changes to a theory 2.[[15]](#footnote-15) Gaus argues that vis a vis epistemological theories of justification and public reason liberalism, public reason liberalism is what he calls *sensitive*. *Sensitivity* is when changes in theory 2 produce justificatory changes in theory 1.[[16]](#footnote-16) Public reason liberalism in its justificatory force stands or falls on the epistemological theory of justification it adopts.

Gaus adopts a theory of justification that is partly internalist and partly externalist. He calls this theory *open justification*. A person’s beliefs and reasons for her belief are construed in an internalist manner, as requiring that the subject be psychologically aware of her reasons for her beliefs and what her beliefs are. Yet the system of beliefs and reasons is not infallible, contra the foundational beliefs in classical foundationalism. The person and her system is always sensitive (open) to new information and arguments that could potentially undermine the justificatory force of the system and lead the person to revise either her reasons for her beliefs or the beliefs themselves. The ideal is for the person’s belief system to be stable and not subject to many defeaters, but the person is open to changing her mind in the future if new information and defeaters come. What distinguishes open justification from stronger externalist accounts of justification is that open justification considers the agent’s internal system as the starting point for criticism, not a purely externalist system completely separate from the agent’s current belief system at a particular time *t*.[[17]](#footnote-17)

Specifically, Gaus has concerns with reliabilist theories of justification. Minimally, reliabilist theories propose that what counts as a sufficient reason for justification is simply that which efficiently causes a belief *p*. However, brain in a vat and evil demon scenarios provide counterexamples; someone could be justified in a belief *p*, yet the belief be false because the efficient causation which produced the belief was not reliable. For example, person *A* could be justified in believing he has a hand, even though he actually does not have a hand; the efficient causation which produced the perceptual belief was unreliable because it was produced by an evil demon seeking to trick person *A* in his wider belief system.[[18]](#footnote-18)

Gaus is also concerned with other strong externalist theories of justification; he thinks these theories make reason impersonal and thus useless for practical political concerns such as justifying coercive political authority. Gaus is not a skeptic about third-person facts. He admits there are many things humans do not know and indeed maybe can never know. Yet he insists that these facts cannot be reasons for actual people because reasons involve an irreducible first-person element. Gaus modifies the stronger internalist awareness requirement by saying that a person could have a dispositional belief; in other words, person *A* has the potential to access a previously conscious belief in memory. He also allows for the importance of social environment (the second-personal)[[19]](#footnote-19) without overriding the other elements, particularly the first-personal.[[20]](#footnote-20)

Gaus’s public reason liberalism arises from the requirements of morality, as he understands it, grounded in a specific epistemology.[[21]](#footnote-21) The need for a justified state comes from the natural liberty each person possesses.[[22]](#footnote-22) In a separate paper, Gaus explicates T.H. Green’s understanding of rights, arguing that Green’s doctrine is grounded in moral internalism. Gaus provides a helpful summary of Green’s moral internalism and why someone might be motivated to adopt it. A significant motivation for adopting an internalist view of morality is that certain externalist theories of morality cannot explain the relation between duty and motivation. A duty could exist, an agent be aware of the duty, and the awareness of the duty not change the agent’s motivation to act in the slightest. This lack of a relation between a known duty and motivation intuitively seems false.

Green’s view is summarized by Gaus as follows. “*Green’s Recognition Internalism*: That (i) ‘*D* is Alf’s moral duty’ implies (ii) that Alf recognises that *D* is absolutely desirable (his duty); (iii) given (ii), it is *generally true* that Alf is disposed to act in accord with *D*.”[[23]](#footnote-23) Green does not make the connection between duty and awareness a necessary connection. It is contingent insofar as there are exception cases. Yet generally duties are tied to the awareness of persons and those duties are recognized as desirable by the persons themselves.[[24]](#footnote-24)

To summarize, Gaus’s arguments for grounding public reason liberalism in a version of internalism include the following: the inability of strong externalist theories of justification to account for the irreducible first-person element in reasons, the requirements of morality and natural liberty, and the needed relation between duty and motivation. We now turn to Donahue’s interaction with internalism and externalism and the implications he draws for the public justification principle. Donahue recognizes that strong externalism can succeed. He puts forward a scenario called Transparencia to show how strong externalism succeeds and public justification can still be achieved. Then he contrasts a view of trust and the dependency of citizens on testimony with the recent work on social trust by Vallier. Donahue argues for a trust-first account over Vallier’s justification-first account due to the finiteness of governments and citizens. Rather than trust being dependent on justification (Vallier), justification is dependent on trust (Donahue).[[25]](#footnote-25) Citizens will inevitably be dependent on testimony, and governments and citizens cannot provide justification *ad infinitum* because it generates infinite regresses.[[26]](#footnote-26)

Donahue also argues against consensus views and convergence views of public reason liberalism in a separate article by discussing the issue of *powerful deceivers*.[[27]](#footnote-27) The powerful deceiver case is a version of the *agent-type challenge* to public reason liberalism. Agent type challenges say that justification for coercive laws can never be achieved if justification has to be secured for the perspectives of especially immoral persons. Vallier has responded to agent type challenges by appealing to moderate idealization[[28]](#footnote-28) or by saying that, empirically, there are very few people who fit the category of “especially morally vicious or reprehensible” which the agent-type challenges need to get off the ground.[[29]](#footnote-29)

Donahue is not convinced by such responses; he thinks that powerful deceivers succeed against both of Vallier’s responses. Powerful deceivers are agents who “manipulate people of other agent types into believing that particular rules are unjustified.”[[30]](#footnote-30) Powerful deceivers provide theoretical and practical problems for public reason liberal views that rest on internalism. The theoretical challenge is that powerful deceivers undermine idealization of moderate and radical kinds; powerful deceivers affect reasonable people of goodwill, who are genuinely seeking evidence from their own evaluative standards, because they can deceive reasonable people about internal facts. As reasonable people form beliefs based on false internal facts, the views they actually hold might be reasonable, yet false, and so can lead to a lack of justification for some coercive law *x*.[[31]](#footnote-31)

There is furthermore a practical challenge from powerful deceivers. The practical challenge arises from three factors: *the expert identification problem*, *information overload*, and *undercutting inoculation*. These three factors involve a citizen being unable to evaluate reasons because the reasons fall outside the citizen’s rational capacity. As a result, the citizen relies on experts and information; but if there is too much information, the experts disagree, or the experts are corrupt, a reasonable citizen can be powerfully deceived into denying there are sufficient justificatory reasons for a coercive law *x* while remaining rational. Donahue then uses these three factors to form a hypothetical, though close to real-life scenario, to show how powerful deception undermines public justification that is grounded in internalism. He concludes by adding an externalist condition to public reason liberalism, which is that the reasonable person under consideration in the public justification principle has not had her belief caused in a malicious way leading to falsehood.[[32]](#footnote-32)

**Against Internalism and for Externalism**

This section will explore arguments against internalism and versions of externalism before providing arguments for a specific version of externalism, proper functionalism. Rather than glibly responding to Gaus, Vallier, and Donahue, I seek to take their concerns and motivations seriously; I will incorporate their insights into my theory even as I depart from their conclusions. In reverse order, I will respond to Donahue first. Donahue merely adds in an epistemic externalist condition to public reason liberalism while maintaining the internalist conditions, which does not avoid the challenges to internalism. Furthermore, while Donahue does not explicitly claim this view, the emphasis in his practical example on causality seems to indicate he endorses a version of reliabilism. I think there are sufficient issues with reliabilism to advocate an alternative externalist theory, and to go further in reformulating public reason liberalism. In addition, while I think Donahue’s powerful deceivers response succeeds against Vallier’s internalist conception of moderate idealization, I think it fails against a second-personal or externalist account of moderate idealization. A second-personal/externalist account of moderate idealization makes better sense of Vallier’s argument that moderate idealization of some sort is presupposed in practices of moral accountability.[[33]](#footnote-33)

Gaus’s motivations for retaining internalism are, as noted above: the inability of strong externalist theories of justification to account for the irreducible first-person element in reasons, the requirements of morality and natural liberty, and the needed relation between duty and motivation. I aim to show how a version of externalism, proper functionalism, can account for these concerns and insights while remaining externalist and which goes farther than Donahue in its revisionary conclusions. Before exploring proper functionalism and how it can incorporate Gaus’s concerns and insights, it will be salient to explore problems with internalism and reliabilism. A major counterexamples to reliabilism and all forms of internalism is the Swampman case. There is also Michael Bergmann’s well-known dilemma against all versions of internalism.[[34]](#footnote-34)

The Swampman counterexample posits a random accident, such as lightning striking a tree. When the lightning strikes the tree, it produces a particle for particle duplicate of the subject in the example. The particle for particle duplicate has all the same beliefs, memories, knowledge, etc., but it lacks a proper function and design plan. Swampman could still have justified beliefs, as his faculties are reliable and are able to formulate arguments and give reasons but lacks knowledge. This example is meant to be a counterexample to proper functionalism, but defenders of proper functionalism have turned it into a counterexample for reliabilism and internalism. Swampman is a counterexample to reliabilism and internalism because Swampman has reliable faculties and access to reasons, but his true beliefs cannot be knowledge because they are a result of luck. Swampman’s beliefs lack a way they ought to be. This fact in the counterexample is also what rescues Swampman from being a counterexample to proper functionalism. The problem with the Swampman counterexample is that Swampman does not meet one of the necessary conditions for warrant to count as a genuine counterexample. Swampman lacks a tight connection to truth because he lacks a design plan.[[35]](#footnote-35)

Tyler McNabb in his dissertation on Alvin Plantinga’s epistemology (which has been further developed in the literature into the view called proper functionalism) turns the Swampman counterexample around and aims it back at reliabilism and internalism. He tweaks the case by posting that Swampman has a design plan, but it is a poorly crafted one. Swampman could have reliable faculties and internal access, but lack a tight connection to truth, and thus lack knowledge. The reason why Swampman would lack knowledge is because his beliefs came about by chance, even though the faculties were reliable, and he was aware of the correct reasons for holding his beliefs. Swampman plausibly lacks a way his beliefs ought to be generated, meaning that his faculties could be reliable, and he could have all the correct reasons for holding those beliefs, but there is no explanation for what beliefs he should possess in the first place.[[36]](#footnote-36) The conclusion is that reliability and internal access are not what makes the difference for knowledge, and at least partly, justification.

It seems that I am equivocating on justification and knowledge in these theories, because the counterexample states that Swampman does have *justified* beliefs yet lacks *knowledge*. The original counterexample was formulated to undermined certain theories of knowledge. Yet it can be modified to undermine internalist theories of justification. Suppose with the internalist that justification properties supervene on internal mental states, however one construes internal mental states. Now suppose that justifications include the need for reasons, evidence, and arguments, and that reasons, evidence, and arguments need to have a tight connection to truth, such that justification waxes and wanes based on their connection to truth. A tight connection to truth is a proper functionalist condition for warrant, which is the key ingredient in knowledge. Yet we can also see why a tight connection to truth would be attractive for a theory of justification.

If reasons, evidence, and arguments lacked a tight connection to truth, it would be a matter of luck which reasons, evidence, and arguments produced justification and led to knowledge. Yet for an internalist, the Swampman example shows that Swampman’s internal justified beliefs are lucky beliefs. Swampman lacks a tight connection to truth because he lacks a design plan, or he has a poor design plan, so the reasons, evidence, and arguments he has are lucky insofar as he does not have a way his faculties ought to function. Yet if an internalist wants to maintain a tight connection to truth as part of his theory of justification, he cannot remain internalist. The conditions needed for a tight connection to truth are externalist conditions, outside the awareness of Swampman’s internal faculties. Thus, Swampman undermines an internalist theory of justification as well as knowledge.

Next, I formulate my own original argument that applies to all versions of internalism.[[37]](#footnote-37) All versions of internalism implicitly assume an important proposition, that proposition being, “*s* is not insane.” This implicitly assumed proposition provides the basis for a *reductio ad absurdum* towards all versions of internalism. The reason this proposition provides the basis for a *reductio* is because this proposition cannot be *justified* or *known* from an internalist perspective. Any justification for the above proposition will supervene not on internal mental states, for the sanity of those states is the very issue in question, but will supervene on external factors, such as the brain data obtained by certain medical instruments (third-person) and the professional judgements of clinical psychiatrists (second-person/social context).

We can formalize this informal *reductio* into a *modus tollens*:

If internalism about justification and knowledge is true, then *s* is not insane.

(If *I*, then *s* is ~*IS*.)

Possibly, *s* is insane. (Possibly, *s* is ~ ~*IS*.)

Therefore, not internalism about justification and knowledge. (∴, ~*I*.)

An internalist about justification or knowledge could respond by saying that their theory is not a universal theory. It is a restricted or particular thesis. For example, George Pappas describes a version of weak or restricted internalism. “Weak AJI: One has a justified belief that *p* only if one can become aware by reflection of some essential justifier one then has for *p*.”[[38]](#footnote-38) This thesis says that an agent *s* need not have all justifications ready and available for the belief *p*. The agent *s* need only have some accessible. The problem though with the weak or restricted thesis becomes immediately apparent.

*S* could not even have some justification or knowledge for the belief that she is not insane. All possible internal reasons and evidence she could have would presuppose the very issue at hand, that she is not insane. Insanity alters the mind in such a way that the mind perceives evidence in a faulty manner. But the only way *s* can know her mind is faulty or not faulty is from an external perspective, from brain data or the perspectives of other agents. Any attempt to know or justify that *s* is not insane from her own perspective would generate a vicious circle.

Now Gaus could respond at this juncture in the dialectic by saying that this argument succeeds against purely internalist theories of knowledge or justification, but not his theory. For as noted above, Gaus’s theory, *open justification*, is partly internalist and partly externalist. The problem with this potential response is that the *modus tollens* still has force against the part of Gaus’s theory that is internalist. Gaus posits that the agent in his theory is sensitive to defeaters for her beliefs, always open to new information that could change her views. However, this presupposes that the agent is not insane. Insanity of a particular kind, for example, extreme cases of schizophrenia, often alter a person’s mind in such a way so that the agent becomes distrustful of sources of testimony or any new information. For the agent *s*’s beliefs to be construed in an internalist manner and for *s*’s beliefs to be the starting point for further criticism presupposes that *s* is not insane. But then the *modus tollens* argument applies to Gaus’s theory. The *modus tollens* argument applies to weak/restricted and strong/universal internalist theories of knowledge and justification.

Gaus could then respond that even if my argument succeeds, it has little downside practically. Empirically, it can be shown that few people possess such insanity that would affect their knowledge or justification as described above. This is true but note what my argument is. My argument is not an empirical argument against Gaus’s theory. My argument is a theoretical-philosophical argument against Gaus’s theory. Gaus has argued theoretically that justification must be construed in an internalist manner. I have responded in a theoretical mode. What matters is not the empirical data, but whether the argument against Gaus’s theory succeeds.

Gaus could provide a further counterargument, which could take the form of an insulation thesis or relevancy objection. The possibility of insanity is a theoretical postulate that can be reasonably accepted by the internalist, but the mere possibility of insanity does not make internalism false; we can isolate the relevant justificatory and epistemic properties and insulate them from the possibility of insanity. Insanity is simply not relevant when determining the correct view on knowledge and justification.

In other words, disputes over justification and knowledge can be insulated from questions of sanity. I am not convinced insulation is possible. The problem is that even if one’s view of justification and knowledge focuses primarily on awareness and the first-person perspective, it must presuppose to some degree that the subject has reliable first-person cognitive processes. Again, this is a theoretical, not empirical, consideration. The insanity argument is meant to target the reliability needed to generate whatever the correct first-person properties are for knowledge and justification. Since those properties will be some sort of first-person mental state(s), there can be no theoretical insulation between what properties justify and questions of sanity. If a person *s* can be justified in the belief that he has a hand even if his first-person cognitive processes are completely unreliable (because insane) and his awareness of his reasons for the belief are faulty (because insane), then the justification for the belief does not supervene on any first-person mental state. In the next section I will sketch an alternative externalist convergence theory of public reason liberalism and defend it against possible objections.

**Sketching an Alternative**

If access internalism and the public justification principle fail, in what sense can this new synthetic theory be a public reason liberal position? It is a public reason position because it is still attempting to justify coercion to the majority of the citizenry, just not in internalist, agent-relative terms. We are also left with Gaus’s data that needs to be accounted for. Natural liberty requires respect for the dignity of persons. If we are creating coercive laws, we owe persons justifications for those laws.[[39]](#footnote-39) There is also a needed relation between duty and motivation. If there is a third-person moral fact, there needs to be a bridge between the third-person facts and the first-person elements of the agent, and likely that bridge will need to be a first-person element. Lastly, there is the need to preserve the irreducibility of the first-person elements in reasoning.

How does proper functionalism account for Gaus’s insights? First, it will be salient to define proper functionalism. Proper functionalism is a theory of knowledge and justification. Its theory of knowledge states that warrant is the needed condition to turn true belief into knowledge.[[40]](#footnote-40) McNabb provides a summary of what warrant is which he draws from Joseph Kim:

1) One’s cognitive faculties must function properly,

2) one’s cognitive environment has to be sufficiently similar to the one for which the cognitive faculties were designed,

3) the design plan that governs the production of such beliefs is aimed at producing true belief, and

4) the design plan is a good one such that there is a high statistical (or objective) probability that a belief produced under these conditions will be true.[[41]](#footnote-41)

Proper function (hence the name of the view) is key to Plantinga’s theory of warrant. What makes a true belief knowledge is warrant; one has at least some degree of warrant when one has proper function of one’s cognitive faculties. Proper functionalism’s theory of justification is externalist. Insofar as one has properly functioning cognitive faculties (which is an external fact the agent does not have access to), one’s beliefs will be justified.

Proper functionalism is compatible with natural liberty because it has a “no-defeaters” clause. If a citizen has a defeater for a particular coercive law *x*, we respect that citizen’s dignity in virtue of their rational nature by providing reasons and justifications for the law. However, as Donahue shows, this process cannot continue *ad infinitum*. Justification must terminate on first principles. It is unreasonable to expect infinite reasons. If there is to be an explanation for a law, it must have a sufficient terminus.

Proper functionalism can posit that the relations between duty and motivation are necessary conditions for warrant applied to moral cases. If one’s cognitive faculties have a design plan, aimed at truth, in the right sort of environment, and are functioning properly, they will provide the agent with the relation between duty and motivation. We need not specify this relation, only that the external and internal will cohere in the faculties producing warranted true moral beliefs to be acted on. The last piece of data is the irreducibility of the first-personal in the process of reasoning. Gaus thinks one needs at least some internalist conditions in order to adequately account for this data. Timothy and Lydia McGrew agree and argue that Plantinga’s theory must presuppose internalism.

McNabb provides two counterarguments to this claim. Rather than defining internal rationality as having metalevel reasons for beliefs or a litany of arguments or *ad infinitum* justificatory reasons, we should instead construe internal rationality as “having a correct doxastic response.”[[42]](#footnote-42) Proper functionalism, as noted above, has a no-defeaters clause. So a correct doxastic response in some cases involves giving arguments and justifications in order to correctly respond to the design plan, which includes no-defeaters. How does a subject know in which cases reasons, arguments, and justifications should be given? McNabb proposes a *hierarchy* of cases.[[43]](#footnote-43)

The more basic the belief, such as the reliability of one’s own faculties, the less reasons, arguments, and justifications (or none at all in the case of the reliability of one’s own faculties) are needed. The less basic a belief, the more reasons, arguments, and justifications are needed. For example, complex metaphysical theories, such as the correct mereology of a material object require more reasons, arguments, and evidence as opposed to the belief that one sees a tree in front of oneself or that murder is always wrong. Applied to sphere of political philosophy, what this hierarchy would amount to is that complicated laws less closely connected to basic principles of morality need greater justification. For example, complicated restructuring of tax brackets that could negatively impact young families would need greater justification than restricting abortion on the supposition that a right to life and the duty to protect life are basic moral principles.

I would add to McNabb’s *hierarchy* criterion that a subject knows in which cases reasons, arguments, and justifications should be given based on his or her context. In other words, social epistemology and the second-personal are highly relevant to knowing when reasons are needed and when they are unneeded. For example, in a social context where the persons involved highly value freedom, and a proposed law is on the table to impinge that freedom, more reasons will be needed. Another example is in the area of disagreement. When disagreeing with another philosopher, the social context demands more reasons be given for the position one is defending. However, in a social context with a family arguing over politics at a Thanksgiving dinner, providing a litany of arguments will be unneeded. If one is providing many abstract arguments at a Thanksgiving dinner, rather than seeking to persuade through ordinary language the family members one is disagreeing with, one is liable to cause confusion and derail the conversation.

I will now formalize my theory into a series of propositions and then elaborate on the theory:

Externalist Convergence Public Reason Liberalism:

(P1): Human persons have natural liberty, dignity, and rights.

(P2): States have design plans and proper function, way(s) they ought to be.

(P3): That design plan minimally involves protecting and promoting a limited set of basic human goods and protecting the natural liberty, dignity, and rights all human persons possess.

(P4): A justification for what limits the goods the states may or may not promote is their connection to a human person’s natural rights. Goods not connected to such rights have a larger threshold of justification to pass.

(P5): Because states enact laws which restrict a person’s liberty, states must provide some justification for those laws.

(P6): Because there are significant philosophical problems with understanding justification *as having a sufficient reason from one’s own perspective*, we should understand justification instead as a permission to believe some proposition *p* while following one’s epistemic duties.

(P7): However, the need for justification cannot be infinite, and it corresponds to the law’s relation to the hierarchy of basic beliefs to non-basic beliefs and the social context.[[44]](#footnote-44)

(P8): If the law is closely connected to a basic moral belief, the state may need to provide less justification for passing a coercive law to protect and promote the good connected to the basic moral belief.

(P9): Furthermore, justification is wholly external to the person, so a state may still possess justification in some cases even if the person has sufficient reasons from their own perspective to reject a law.

(P10): Thus, the justification process will terminate on first principles and, in a democratic context, the votes of the citizens and decisions of their representers.

This theory will need a new principle of justification and a new closure rule to combine with Gaus’s principle of natural liberty. I have appealed above to a hierarchy of basic to non-basic moral principles and the second-personal/social context. But do I have a principle of justification that is not so context-dependent, that is more generalizable? Here I take a cue from Henrik Friberg-Fernros and Johan Karlsson Schaffer.[[45]](#footnote-45) They argue that a political theory of justification should be based on epistemological theories of argumentation because they are truth-preserving.

I concur, but I propose a different theory of argumentation as the grounding principle. Fernros and Schaffer argue for an inductive argumentative scheme. Induction may be too high a standard. In a democratic context in particular, many citizens are unable to formulate valid inductive arguments due to the variances in formal education; the citizens may have correct insights but are unknowingly formulating their arguments fallaciously.

I instead propose an *abductive argument scheme*. This scheme still grounds the justificatory principle in laws of logic and valid inference forms such as *modus ponens*.[[46]](#footnote-46) However, instead of focusing on probabilities, this scheme focuses on *inferences to the best explanation*, the inferences being grounded in laws of logic and valid inference forms. This allows citizens to bring a diverse range of data and reasons for what they think is the best explanation for a particular conclusion they desire to be instantiated in a coercive law.[[47]](#footnote-47) This scheme also places less of a strenuous standard on citizens to formalize their argumentation, instead holding citizens to the standard that they merely informally adhere to these laws of logic and inference forms.[[48]](#footnote-48) If they fail, other citizens can show the faultiness of their reasoning by pointing to where they violated the standards.

Gaus in *The Tyranny of the Ideal* argues for an open society by contrasting three closure principles: *the principle of natural liberty*, *the residue prohibition principle*, and *the proceed with justification principle*.[[49]](#footnote-49) The principle of natural liberty states that "whatever is not prohibited (and this includes non-performance of specific acts) is permitted.”[[50]](#footnote-50) The principle of residue prohibition states that “whatever is not permitted is prohibited.”[[51]](#footnote-51) The principle of proceed with justification states that a new act-type for which there is no current permission may be permissible iff it can be justified.[[52]](#footnote-52) Gaus argues, rightly, that the residue prohibition principle is far too restrictive. It allows for little to no reform in a society’s moral opinions, laws, and social practices. Gaus also argues that the proceed with justification principle has far too high a degree of indeterminacy. He then argues for the principle of natural liberty based on empirical research conducted by himself and Shaun Nichols.

However, Gaus considers no alternative closure principles to the three listed above. He relies on a false trilemma in only considering those three closure principles and then arguing for an open society based on the principle of natural liberty. I propose a new closure principle in addition to the principle of natural liberty called *The Inconsistency Principle*. The Inconsistency Principle is defined as follows:

*The Inconsistency Principle*: A new act-type Φ is prohibited if and only if it is destructive of or inconsistent with a basic human good.

The sense of inconsistency in the definition is that of logical and practical (action) inconsistency. The inconsistency principle provides a fence and a sifter by which to reject some new act-types, because the act-types in question are inconsistent with the basic human goods themselves. However, this principle may also be subject to Gaus’s objections above – strictness and indeterminacy. Given the grounding epistemology of proper functionalism, reform and innovation will be possible because citizens can bring defeaters to current moral opinions. If those defeaters succeed, laws and social practices can and ought to change. This defeats the strictness objection.

What about the indeterminacy objection? I think the indeterminacy affects the proceed with justification principle because of the issues associated with *ad infinitum* justification and infinite regresses discussed above. However, the inconsistency principle does not suffer from the indeterminacy objection because the society will have a vast number of tests that can be applied from the diverse perspectives to see if some new act-type Φ destroys, undermines, and/or is inconsistent with a basic human good. Furthermore, unlike internalist justification in the political sphere, justification in externalist convergence liberalism has a terminus. It must terminate on first principles[[53]](#footnote-53) and a decision, on a vote. Citizens need to be comfortable with losing votes and decisions sometimes, else democracy as an institution and process cannot succeed.[[54]](#footnote-54)

There are other problems with the open society, as currently conceptualized, besides Gaus’s false trilemma. Gaus recognizes a further problem with the open society ­– it faces stability issues. Given the open society’s commitment to diverse perspectives and dynamic social relations (moral reform and innovation), the open society may face stability issues in its moral constitution. In other words, the open society may change too quickly. Gaus thinks the open society can accommodate this concern because it values diverse perspectives, including conservative ones which are dedicated to the preservation of the current moral order.[[55]](#footnote-55) I think Gaus is correct, but this accommodation needs to be supplemented with the theoretical addition of the inconsistency principle. The inconsistency principle helps prevent one ideology from being privileged in convergence theory. The principle of natural liberty and the inconsistency principle balance each other out, allowing for both perspectives to have a place in the foundations of the open society.

It is important to recognize that this theory is not seeking to justify coercion to only *one* *perspective*. In rejecting that coercion be justified to the first-person perspective of every citizen, the theory does not postulate that one perspective reign supreme. The theory as noted above accounts for defeaters. What the theory says is that there are certain externalist constraints/conditions placed on the justificatory process and political action for the sake of preserving important goods in the society and the justificatory process itself. A constraint is not a perspective. These needed constraints actually provide a *convergence* between consensus public reason liberalism and convergence public reason liberalism. As noted above, consensus theories of public reason liberalism adopt: the public justification principle, access internalism, a shared reasons requirement, an accessibility requirement, an intelligibility requirement, a symmetry requirement, and a sincerity requirement. Convergence public reason liberalism retain the public justification principle, access internalism, an intelligibility requirement, and an accessibility requirement while rejecting the other requirements. Externalist convergence public reason liberalism rejects all the requirements as they currently are formulated besides the intelligibility requirement. However, it does adopt a version of the symmetry requirement.

Recall that the symmetry requirement subjects citizens’ reasons to common evaluative standards. On a consensus theory of public reason, this conceptualization means that religious reasons *qua* religious cannot figure into the process of public justification. However, given externalism, we should instead adopt a *logical symmetry requirement*. Instead of the common evaluative standards turning on questions of shared or unshared content and the private reason/public reason distinction, we should instead construe common evaluative standards as a common set of logical tools for progressing in the democratic dialectic and justificatory process. As noted above, this will involve recognizing external constraints on the justificatory process and recognizing that laws of logic, inference rules, and epistemological theories of argumentation inevitably inform the justificatory process, even if informally among the citizenry.

This informality of the logical symmetry requirement can be understood in normal conversational terms where citizens utilize their common sense (Reid’s term for *a priori intuition* which includes non-inferential knowledge of necessary and contingent things) to seek to persuade citizens in a diachronic and dialogical process; this diachronic and dialogical process culminates in voting. Votes are not static but dynamic. Different parties win and lose over time. Laws remain overall stable while also changing in important ways to reflect the votes.

I also need to explain in some detail the relationship between *justification* and *permission*. I noted in a footnote above that Wolterstorff has subjected Gaus’s understanding of justification to severe criticism in *Understanding Liberal Democracy*. Wolterstorff thinks that those sympathetic to Gaus’s position should reformulate the position in terms of permission rather than justification. This suggestion may be because justification is largely construed in an internalist manner, whereas permission (also called entitlement) is construed in an externalist manner. While agreeing with Wolterstorff’s criticisms of Gaus’s and Vallier’s position as it is currently formulated, I think distinguishing sharply between justification and permission is a mistake. If justification is, as Blake McAllister argues that Descartes and Locke conceive of it as, “deontological, as pertaining to what we are permitted to believe when operating in accordance with our epistemic duties”[[56]](#footnote-56), then justification and permission fit very well together because of deontologism.

Wolterstorff though is correct that Gaus’s concept of justification as *open justification* and *having a sufficient reason* fails. It falls prey to the problems of internalism and the problems with internalist moderate idealization, particularly the powerful deceivers case put forward by Donahue. I thus need to provide an analysis of justification as permission that avoids the problems with Gaus’s and Vallier’s formulation, but which is still a convergence public reason account (with the changes of externalism and permission). In the philosophical literature, there are two prominent notions of permission. One is a moral notion; the other is an epistemic notion. McAllister’s definition utilizes the epistemic one, but there is also a moral notion of permission, the counterpart (moral demand) featuring heavily in Gaus’s *Justificatory Liberalism* (though strangely, not permission; permission features more prominently in *The Tyranny of the Ideal*).

I need to provide a defense for thinking that justification and permission can come together in an externalist manner compatible with a version of deontologism. One standard reason given why deontologism is thought to pair best with internalism as opposed to externalism is because of the ought-implies-can principle and the plausibility of an agent having at least some level of control over her beliefs. A further argument is given that the deontological concept needs to be internalist is to account for clairvoyance cases that are thought to be counterexamples to reliabilism.[[57]](#footnote-57) I do not propose a reliability externalism, so the clairvoyance case is not a positive reason to think deontology does not fit with externalism. The problem with the ought-implies-can argument and the minimal doxastic voluntarism argument is that neither of these principles entail internalism. One can have control over their beliefs in terms of having a correct doxastic response based on proper function, which is perfectly compatible with proper functionalism. Thus, in *ought implies can*, there is a critical ambiguity in the “possibility” part of the definition as applied to epistemology. The “possibility” in the ought-implies-can principle is ambiguous between multiple epistemic interpretations; thus the principle does not entail accessibility.

If deontologism, permission, and justification can be understood in an externalist manner, should we understand permission as moral or epistemic or both? I argue both. Politics is not solely a knowledge enterprise. It is a moral enterprise as well. Taking a wide scope of permission allows for the epistemic fix Wolterstorff suggests while maintaining the two moral closure rules formulated above. How should we understand permission in an epistemic sense?

Here is my proposal. One is permitted/justified to believe *p* if: “(i) S does not take B to be defeated and (ii) the cognitive faculties producing B are (a) functioning properly, (b) truth-aimed and (c) reliable in the environments for which they were ‘designed’.”[[58]](#footnote-58) Furthermore, I adopt *intrapersonal belief permissivism*, which is defined as, “Intrapersonal Belief Permissivism (IaBP): there are evidential situations in which a single agent can rationally adopt more than one belief-attitude toward a proposition.”[[59]](#footnote-59) Why adopt this understanding of epistemic permission and adopt intrapersonal belief permissivism? Two key reasons. First, Reidian externalism about permission/justification coupled with a “common sense” thesis allows for citizens to engage in normal, everyday conversational persuasion. They do not have to appeal to counterfactual persons or complicated theories such as *open justification*. Second, intrapersonal belief permissivism makes good sense of cases of doubt in the diachronic and dialogical democratic process. Suppose Bob believes abortion is morally wrong and should be heavily restricted by U.S. law. Now suppose Bob comes to doubt that proposition without having a change in evidence or arguments. He thus retains his belief in that proposition but also withholds assent.

A standard public reason theorist who is also an impermissivist would have to say that Bob cannot have multiple conflicting doxastic attitudes. Bob either changes his belief or he does not. Furthermore, if he comes to doubt *p* without having a change in evidence, Bob is inconsistent and needs to be moderately idealized. He should be justified in believing *p* because he has the same evidence. Yet Bob might come to doubt *p* for non-evidential considerations, or evidential considerations that are not based on arguments. A scenario that occurs in the everyday world is that a person *A* comes to doubt that abortion is morally wrong because a close loved one goes through a tragedy and obtains an abortion. Yet that person *A* has had no change in his evidence (in the strict sense) that abortion is morally wrong.[[60]](#footnote-60)

Bob is a problem for both standard consensus and convergence theorists. Bob is a problem for consensus theorists because Bob’s reasons for *p* are all religious and therefore inaccessible. Yet plausibly Bob still has a right to vote according to his reasons. Bob is a problem for standard convergence theorists because plausibly Bob violates the intelligibility requirement. Bob has multiple conflicting doxastic attitudes and thus on an impermissivist construal of the intelligibility requirement is unintelligible. If standard convergence theorists cannot account for these cases, there is a problem with their concept of justification. An understanding of justification as construed above allows for a synthesis of Wolterstorff and Gaus/Vallier, producing an externalist version of convergence public reason liberalism.

**Conclusion**

This paper has argued that the epistemology undergirding standard accounts of public reason liberalism’s public justification principle, access internalism, fails. It is subject to counterexamples such as Swampman and the New Evil Demon, Bergmann’s dilemma, and a new *reductio modus tollens* I articulate. In its place, I have defended a different grounding epistemology, proper functionalism. The result is a new externalist version of convergence public reason liberalism that has a different theory of justification as permission coupled with proper function and intrapersonal belief permissivisim. By synthesizing the insights of Gaus, Vallier, Donahue, Wolterstorff, and the Reidian externalists (proper functionalists), a theoretical version of public reason liberalism that is able to better account for every day, common sense data is born. Ultimately, Gaus was correct. A theory of justification is sensitive to an epistemology. The public justification principle fails because of the significant problems with access internalism. Public reason liberals should pursue a new grounding epistemology. I have suggested a way it could move forward.

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1. See Gerald F. Gaus, *Justificatory Liberalism: An Essay on Epistemology and Political Theory*, Oxford Political Theory (New York: Oxford University Press, 1996), 3-4, eBook (EBSCOhost). [↑](#footnote-ref-1)
2. Besides Gaus’s own book, exceptions to this rule include: Fabienne Peter, “Epistemic Foundations of Political Liberalism,” *Journal of Moral Philosophy* 10 (2013): 598-620, Han van Wietmarschen, “Reasonable Citizens and Epistemic Peers: A Skeptical Problem for Political Liberalism,” *The Journal of Political Philosophy* 26, no. 4 (2018): 486-507, Sameer Bajaj, “Self-defeat and the foundations of public reason,” *Philosophical Studies* 174 (2017): 3133-3151, https://doi.org/10.1007/s11098-016-0850-9, Collis Tahzib, “Are Public Reason Liberalism’s Epistemological Commitments Indefensible?”, *The Philosophical Quarterly* 73, no. 2 (2023): 602-624, https://doi.org/10.1093/pq/pqac051, Patrick Zoll, “Religious Reasoning in the Liberal Public from the Second-Personal Perspective: A Defense of the Inclusivist Model of Public Reason Liberalism,” *Journal of Ethics and Social Philosophy* 20, no. 3 (2021): 248-284, https://doi.org/10.26556/jesp.v20i3.1127, Sean Donahue, “Powerful Deceivers and Public Reason Liberalism: An Argument for Externalization,” *Australasian Journal of Philosophy* 101, no. 2 (2021): 405-422, https://doi.org/10.1080/00048402.2021.1989701, Sean Donahue, “Public Justification and the Veil of Testimony,” *The Journal of Political Philosophy* 28, no. 4 (2020): 378-396, https://doi.org/10.1111/jopp.12216, and Kevin Vallier, *Liberal Politics and Public Faith: Beyond Separation* (New York: Routledge, 2016), 104-105. An important contemporary critic of public reason views, David Enoch, has also done work in this area. See David Enoch, “Political Philosophy and Epistemology: The Case of Public Reason,” in *Oxford Studies in Political Philosophy*, vol. 3, eds. David Sobel, Peter Vallentyne, and Steven Wall (Oxford: Oxford University Press, 2017), https://doi.org/10.1093/oso/9780198801221.003.0007. However, excluding Gaus, Enoch, Vallier, and Donahue, none of the above authors discuss the relevant epistemological literature on internalism and externalism, the challenges to both positions, and the severe challenges the public justification principle faces from wedding itself to access internalism. This paper is an interdisciplinary project as it seeks to bring the relevant epistemological literature into dialogue with the public reason liberal and broadly political philosophical literature. [↑](#footnote-ref-2)
3. Contemporary consensus theorists include Charles Larmore, Michael A. Neblo, Micah Schwartzman, and Fred D’Agostino, to name a few. [↑](#footnote-ref-3)
4. Vallier, *Liberal Politics and Public Faith*, 110. [↑](#footnote-ref-4)
5. Ibid., 108, 111. [↑](#footnote-ref-5)
6. Ibid., 106. [↑](#footnote-ref-6)
7. Michael A. Neblo, “Motive Matters: Liberalism and Insincerity” (academic paper, Ohio State University, 2014), 4-5, unpublished. [↑](#footnote-ref-7)
8. Contemporary convergence theorists include the recently deceased Gerald F. Gaus, his student Kevin Vallier, Patrick Zoll, and James Dominic Rooney, OP. [↑](#footnote-ref-8)
9. See Gerald F. Gaus and Kevin Vallier, “The roles of religious conviction in a publicly justified polity: The implications of convergence, asymmetry and political institutions,” *Philosophy and Social Criticism* 35, no. 1-2 (2009): 51-76, https://doi.org/10.1177/0191453708098754. [↑](#footnote-ref-9)
10. Gerald F. Gaus, “Hobbes’s Challenge to Public Reason Liberalism,” in *Hobbes Today: Insights for the 21st Century*, ed. S.A. Lloyd (Cambridge: Cambridge University Press, 2012), 172-177, eBook (EBSCOhost). [↑](#footnote-ref-10)
11. Vallier, *Liberal Politics and Public Faith*, 189, 191, 195. [↑](#footnote-ref-11)
12. Ibid., 24. [↑](#footnote-ref-12)
13. Ibid., 104-105. [↑](#footnote-ref-13)
14. Gaus, *Justificatory Liberalism*, 6. [↑](#footnote-ref-14)
15. Ibid. [↑](#footnote-ref-15)
16. Ibid. [↑](#footnote-ref-16)
17. Gaus, *Justificatory Liberalism*, 30-32.. [↑](#footnote-ref-17)
18. Ibid., 26-27. [↑](#footnote-ref-18)
19. For more on the second-personal, see Stephen Darwall, *The Second-Person Standpoint: Morality, Respect, and Accountability* (Cambridge, MA: Harvard University Press, 2009). For critical interactions with Darwall, see Ariel Zylberman, “Two Second-Personal Conceptions of the Dignity of Persons,” *European Journal of Philosophy* 25, no. 4 (2017): 921-943, DOI: 10.1111/ejop.12210, and Kevin Vallier, “Second Person Rules: An Alternative Approach to Second-Personal Normativity,” *Res Publica* 23 (2017): 23-42, https://doi.org/10.1007/s11158-015-9305-y. [↑](#footnote-ref-19)
20. Gaus, *Justificatory Liberalism*, 35-7. [↑](#footnote-ref-20)
21. Nicholas Wolterstorff critiques Gaus’s theory, arguing we should be skeptical of whether we can know that someone possess open justification, and arguing that Gaus should employ the concept of entitlement and permissibility rather than justification. He essentially disputes Gaus’s reliance on counterfactual judgements. This line of criticism is born out in Donahue’s work on powerful deceivers. While agreeing with Wolterstorff’s criticisms, I pursue a different line of critique below, critiquing public reason views based on their internalism. However, below I also attempt to develop a synthetic view of permissiveness and justification. See Nicholas Wolterstorff, *Understanding Liberal Democracy: Essays in Political Philosophy*, ed. Terence Cuneo (Oxford: Oxford University Press, 2012), chapter 3, eBook (EBSCOhost). [↑](#footnote-ref-21)
22. See Gerald F. Gaus and Shaun Nichols, “Moral Learning in the Open Society: The Theory and Practice of Natural Liberty,” *Social Philosophy and Policy* 34, no. 1 (2017): 79-101, https://doi.org/10.1017/S0265052517000048. [↑](#footnote-ref-22)
23. Gerald F. Gaus, “Green’s Rights Recognition Thesis and Moral Internalism,” *The British Journal of Politics and International Relations* 7, no. 1 (2005): 11, https://doi.org/10.1111/j.1467-856X.2005.00163.x. [↑](#footnote-ref-23)
24. Ibid., 11-12. [↑](#footnote-ref-24)
25. I think there is likely not a logical or temporal priority of one over the other. A distrusting person will likely not see a coercive law as justified; so also will a person who fails to have any justification given to them likely become distrusting. See Kevin Vallier, “Christian Reconciliation through the Public Use of Reason,” *Social Theory and Practice* 47, no. 3 (July 2021): 570, DOI: 10.5840/soctheorpract2021614132. [↑](#footnote-ref-25)
26. See Donahue, “Public Justification and the Veil of Testimony,” 378-96, https://doi.org/10.1111/jopp.12216. [↑](#footnote-ref-26)
27. See Donahue, Powerful Deceivers and Public Reason Liberalism: An Argument for Externalization,” 405-22, https://doi.org/10.1080/00048402.2021.1989701. [↑](#footnote-ref-27)
28. See Vallier, *Liberal Politics and Public Faith*, chapter 5. [↑](#footnote-ref-28)
29. Vallier utilized this empirical response to me in personal correspondence when I put forward two thought experiments designed to get at the insight of the agent-type challenge. [↑](#footnote-ref-29)
30. Donahue, “Powerful Deceivers and Public Reason Liberalism: An Argument for Externalization,” 406. [↑](#footnote-ref-30)
31. Donahue, “Powerful Deceivers and Public Reason Liberalism: An Argument for Externalization,” 409-11. [↑](#footnote-ref-31)
32. Ibid., 412-14. [↑](#footnote-ref-32)
33. See Kevin Vallier, *Must Politics Be War?* (New York: Oxford University Press, 2019), https://doi.org/10.1093/oso/9780190632830.001.0001, and Kevin Vallier, “In Defense of Idealization in Public Reason,” *Erkenntnis* 85 (2020): 1109–28, https://doi.org/10.1007/s10670-018-0067-8. [↑](#footnote-ref-33)
34. See Michael Bergmann, *Justification without Awareness: A Defense of Epistemic Externalism* (New York: Oxford University Press, 2006). [↑](#footnote-ref-34)
35. Tyler Dalton McNabb, “Closing Pandora’s Box: A Defense of Alvin Plantinga’s Epistemology of Religious Belief” (PhD diss., University of Glasgow, 2016), 29-32, http://theses.gla.ac.uk/7587/. [↑](#footnote-ref-35)
36. McNabb, 33. [↑](#footnote-ref-36)
37. I owe the insight for this argument to personal correspondence with Thor Madsen. [↑](#footnote-ref-37)
38. See George Pappas, “Internalist vs. Externalist Conceptions of Epistemic Justification,” *The Stanford Encyclopedia of Philosophy* (Spring 2023): eds. Edward N. Zalta and Uri Nodelman, https://plato.stanford.edu/archives/spr2023/entries/justep-intext/. [↑](#footnote-ref-38)
39. Wolterstorff disputes the argument from respect, arguing that Gaus does not consider opposite cases, like when cases of respect require restrictions on a person’s freedom. It seems the externalist convergence theorist can easily accommodate this worry given the need for external rules and constraints on the justification process given the infinite regress issues discussed above. Wolterstorff, 68-75. [↑](#footnote-ref-39)
40. McNabb, 3. [↑](#footnote-ref-40)
41. Ibid., 9. [↑](#footnote-ref-41)
42. McNabb, 52. [↑](#footnote-ref-42)
43. Ibid., 52-3. [↑](#footnote-ref-43)
44. Thanks are due to Paul R. DeHart for pointing me to his work on this topic. This affords me the opportunity of clarification. I do not ground externalist convergence public reason liberalism in classical foundationalism. Religious beliefs can be basic beliefs, epistemic reasons for political theorizing and political action. My view is compatible with weak epistemic foundationalism and a different construal of evidentialism, but this will not cause issues for religious believers, unlike the older models, which DeHart recognizes. See Paul R. DeHart, “Political Philosophy after the Collapse of Classical, Epistemic Foundationalism,” in *Reason, Revelation, and the Civic Order: Political Philosophy and the Claims of Faith*, eds. Paul R. DeHart and Carson Holloway (DeKalkb, IL: Northern Illinois University Press, 2014), 51. See Michael Bergmann for how proper functionalism and evidentialism can go together. Michael Bergmann, “Reidian Externalism,” in *New Waves in Epistemology*, eds. Vincent F. Hendricks and Duncan Prichard (New York: Palgrave Macmillan, 2008). [↑](#footnote-ref-44)
45. See Henrik Friberg-Fernros and Johan Karlsson Schaffer, “An epistemic alternative to the public justification requirement,” *Philosophy and Social Criticism* 50, no. 6 (2024): 955-58, https://doi.org/10.1177/01914537221137855. [↑](#footnote-ref-45)
46. This epistemological argumentative scheme presupposes a version of classical logic, which will be controversial to non-classical logicians who object to the validity of inference rules like *modus tollens*. It is outside the scope of this paper to address non-classical concerns here. In future work I hope to address how the intersection of philosophy of logic, epistemology, and political philosophy bears on the topic of the justification of coercive laws. [↑](#footnote-ref-46)
47. This abductive approach differs from Fernros and Schaffer, who argue in the probabilistic scheme that religious arguments from authority rank lower than if they are translated those arguments into arguments from “natural reason.” See Fernros and Schaffer, 957. In the abductive scheme, religious arguments do not rank lower because they may figure into an overall best explanation case that cannot be reduced to natural reason based arguments. [↑](#footnote-ref-47)
48. I am not saying citizens in the democratic process have to appeal to the law of non-contradiction. I am merely suggesting we have an evaluative standard for faulty reasons that governs our informal dialogue as citizens. We can point to violations of rules and faulty reasoning to try to persuade our fellow citizens. [↑](#footnote-ref-48)
49. Gerald F. Gaus, *The Tyranny of the Ideal: Justice in a Diverse Society* (Princeton, NJ: Princeton University Press, 2019), 187-198. [↑](#footnote-ref-49)
50. Gaus, *The Tyranny of the Ideal*, 187. [↑](#footnote-ref-50)
51. Ibid., 192. [↑](#footnote-ref-51)
52. Ibid., 196. [↑](#footnote-ref-52)
53. The sense of “first principles” I have in mind is not the classical foundationalist sense of first principles, but the Reidian sense. See Bergmann, 65-6. [↑](#footnote-ref-53)
54. Wolterstorff makes the same point about voting. Wolterstorff, 49. [↑](#footnote-ref-54)
55. Gaus, *The Tyranny of the Ideal*, 234-40. [↑](#footnote-ref-55)
56. While McAllister thinks of justification as internalist and treats issues of internalism and deontology as going together, I think they can come apart. One can have a deontological view of justification that fits with externalism about justification, especially a proper functionalist externalism which has a no-defeaters clause. Blake McAllister, *Seemings and the Foundations of Justification: A Defense of Phenomenal Conservatism*, Routledge Studies in Epistemology, ed. Kevin McCain and Scott Stapleford (New York: Routledge, 2024), 5. [↑](#footnote-ref-56)
57. See Pappas for these arguments. Pappas, https://plato.stanford.edu/archives/spr2023/entries/justep-intext/. [↑](#footnote-ref-57)
58. Bergmann, 63. [↑](#footnote-ref-58)
59. Elizabeth Jackson, “A Defense of Intrapersonal Belief Permissivism,” *Episteme* 18 (2021): 315, doi:10.1017/epi.2019.19. [↑](#footnote-ref-59)
60. One may analyze Bob’s situation in the following manner. Suppose emotions appraise evidence. Perhaps Bob’s emotions "misfired” or are disordered in such a way so as for him to misappraise the evidence he has, thus leading to his two conflicting doxastic attitudes. Even if one adopts this analysis, one still needs a way to account for the two conflicting doxastic attitudes, thus providing a further phenomenological reason to accept Intrapersonal Belief Permissivism. Though the doxastic attitudes may be the result of a mistake on Bob’s part or a lack of courage, the phenomenon remains and must be explained. See Jason McMartin and Timothy Pickavance, “Affective Reason,” *Episteme* (2022): 1-18, doi:10.1017/epi.2022.45, for the view that emotions appraise evidence. [↑](#footnote-ref-60)