

## Rawls, Religion and Rationality

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According to a number of philosophers, notably Robert Audi, religion and politics do not mix. What I mean when I say this is that in Audi's view we ought not to advocate political policies or principles that affect other people in a similar way just on the grounds of religious beliefs that we hold. For my purposes here, I call this view prohibitionism, since it seeks to prohibit something, namely the advocacy of any policy on such grounds.

This paper is not about whether or not prohibitionism is the right view to hold, although for the record, I do not think that it is. This paper is about one of the reasons offered for prohibitionism. That reason is a fairly widely advocated principle in modern liberal political philosophy, but one of the main proponents of it has been John Rawls. In a nutshell, this principle says that you should not advance a policy unless you can give public reasons for supporting that policy.

Just how good do "public reasons" have to be if they are to count as sufficient grounds for public and political actions? If Rawls can be taken at face value, the policy in question must be one that her fellow citizens "may be reasonably expected to endorse in the light of principles and ideals acceptable to them." Reflecting on this principle, Gaus concurs with Rawls (although where he differs from Rawls will be spelled out shortly):

As a liberal citizen seeking to justify a moral demand on Betty, then, Alf must be able to distinguish between his personal or private reasons from public reasons – considerations that are reasons for others as well as for him. The former are reasons that flow from his values, ends and plans; though they may well be central to Alf's way of living and his character, he must acknowledge that no matter how important they are to him, they are not in themselves reasons for Betty. Public reasons, in contrast, are considerations that are not only verified from Alf's perspective, but from Betty's as well.<sup>1</sup>

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<sup>1</sup> Gaus, *Contemporary Theories*, 209.

As it turns out then, political liberalism as propounded by Rawls is certainly more qualified than simple tolerance of all conceivable views of the good (as might be inferred from some political theorists when they are not being careful), and it is also more qualified than the view that you yourself need to have *good enough* reasons for voting, lobbying and deciding as you do on social and political matters. What it seeks to do is erect a public language, a limited common basis for political interaction. If you want to endorse public policy or principles, you must be prepared to offer reasons that other people – *all* other people actually, would consider rational, or you must withhold your advocacy of that policy.

Here I will be probing this principle for soundness in its own right, and also – and more importantly for my own purposes – asking whether or not it serves as a good reason to endorse prohibitionism.

## Rationality

It is not obvious that there is any consensus on exactly what a reasonable person or a rational reason might be (in fact it is obvious that there is no such consensus). This is all the more perplexing given the prevalence of the language of rationality and reasonableness in discussions of the criteria that our reasons for supporting a given policy must meet. One cannot avoid the impression at times that important epistemic assumptions are being made when we observe the range of terminology used to describe the kinds of reasons we need to be prepared to offer. Christopher Eberle offers a brief listing:

One can hardly read an essay about the proper role of religious convictions in liberal politics that doesn't include a healthy dose of references to "rationality," "ideal rationality," "self-critical rationality," "communicative rationality," "reason," "reasonableness," "public reason," "shared reason," "common human reason," "reasonable rejectability," "accessibility," "public accessibility," "in principle public accessibility," "justification," "rational justification," "public justification," "open justification," "closed justification," "mutual acceptability," "criticizability," "intelligibility," "provability," "fallibility," "checkability," "replicability," and so on.<sup>2</sup>

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<sup>2</sup> Christopher Eberle, *Religious Convictions in Liberal Politics*, 14.

Our reasons then cannot just be reasons that we think are sufficient or even reasons that *are* sufficiently strong to endorse a particular policy. They must be reasons that it would be rational for another reasonable person to accept. They must meet the standard of public reason, expressed all the various language cited by Eberle. But who sets the standard? And even before we ask how reasonable or rational a reason needs to be, what does it mean at all for a reason to be such that another person could “reasonably” accept it as rational? These are by no means trivial or time wasting questions or quibbles. Given that this nebulous quality is *the standard* (or at least a necessary standard) that our endorsement of public policy must meet, it is not only interesting but essential to know what this quality consists of. Whatever it consists of, the question is going to arise – Is it a quality that religious convictions lack and “secular” moral convictions have? This question will be addressed elsewhere, but for now the question before us is *what* a reason for supporting a policy must be like before we can rightly claim that it meets the criterion of being such that all citizens may be “reasonably expected to endorse in the light of principles and ideals acceptable to them as reasonable and rational.” Only once a reason has met this criteria can it be considered an appeal to “public reason” and hence allowed into the public square according to political liberalism (and hence according to the kind of prohibitionism with which we are dealing) so we must hunt down exactly what this criterion amounts to.

The language of reasonableness and rationality is Rawls’ language to describe reasons and people in the political process. I will turn to him first. For Rawls, “reasonable” and “rational” are not at all synonymous. Reasonableness and rationality “are distinct in that there is no thought of deriving one from the other; in particular there is no thought of deriving the reasonable from the rational.”<sup>3</sup> But they are related in that rational means pursuing the ends that are appropriate to our conception of the good (ends that are a good for us), while reasonableness has to do with our willingness to consider the claims and arguments of others when they explain to us why it is rational to endorse their policy (e.g. Saying to a person who will not listen, “Oh come on, be reasonable, this is *obviously* a policy you can rationally endorse!”).<sup>4</sup>

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<sup>3</sup> Rawls, *Political Liberalism*, 51.

<sup>4</sup> Rawls, *Political Liberalism*, 50.

## Instrumental and Epistemic Rationality

While the definition of rationality offered above is a fair starting point for one kind of understanding Rawls' political liberalism, it needs some further explanation. If we simply take rationality as applying to actions that effectively advance our chosen ends and if we take it to be nothing more, then rationality has no necessary connection with truth. If you want to give up smoking (i.e. this end has become a good in your view), then provided you are not a homicidal maniac, it would be rational for you to believe that lighting a cigarette will annihilate the entire population of everyone on earth, since this "action" (if belief can be construed as action) is conducive to your goal. In short, rationality is *instrumental*.

On the face of it, this appears to be the kind of rationality offered by Rawls. Nozick sums up this approach well:

On this instrumental conception, rationality consists in the effective and efficient achievement of goals, ends and desires. About the goals themselves, an instrumentalist conception has little to say. If rational procedures are ones that that reliably achieve specified goals, an action is rational when it is produced by such a procedure, and a rational person is rational when he appropriately uses rational procedures.<sup>5</sup>

Herbert Simon states it in perhaps a more provocative way. "Reason is wholly instrumental. It cannot tell us where to go; at best it can tell us how to get there. It is a gun for hire that can be employed in the service of any goals we have, good or bad."<sup>6</sup>

Ordinarily, this is not what we think of when we think about reason (or at least on a biographical note, it certainly isn't what *I* think of). For example, a student who defended her appalling essay on the grounds that her premises got her to the conclusion she wanted, consequently she must have made good use of reason is unlikely to be excused in spite of her protest that "I was rational, I concluded exactly what I wanted to conclude!"

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<sup>5</sup> Robert Nozick, *The Nature of Rationality* (Princeton: Princeton University Press, 1993), 64.

<sup>6</sup> Herbert Simon, *Reason in Human Affairs* (Stanford: Stanford University Press, 1983), 7-9, cited in Nozick, *The Nature of Rationality*, 64.

While at first blush this might look like a fairly odd approach to rationality, since it can make wildly absurd beliefs rational just if they assist in reaching whatever goals a person happens to have, there is reason to think that it is an approach which has much going for it. Suppose we think of rationality as being conceived of in two broad ways, instrumental on the one hand and epistemic on the other. *Instrumental* rationality is the property of being conducive to one's chosen end, as described above. *Epistemic* rationality on the other hand is the property that a belief has of being supported by reasons, which we may refer to as evidence. What makes instrumental rationality look odd is that it might be thought to not coincide with epistemic rationality. That is, there are times when beliefs that suit our chosen ends do not coincide with beliefs that are based on adequate reasons in the sense of evidence supporting those beliefs. This is because the kinds of reasons that make beliefs epistemically rational are reasons for thinking that a belief is true.

But suppose that we have a goal of believing truth (or to use Rawlsian language, true beliefs *are a good for us*). In such a scenario, which is actually the scenario we tend to believe we are in, epistemic rationality is really a species of instrumental rationality, since it will entail believing things that are based on good reasons for thinking that those things are true. In fact as Thomas Kelly notes, it is popular to think that epistemic rationality is a species of instrumental rationality. He cites philosopher of science Larry Laudan to this effect:

Epistemic rationality...is simply a species of the genus instrumental rationality...Epistemic rationality, no less than any other sort of rationality, is a matter of integrating ends and means...Good reasons are instrumental reasons; there is no other sort.<sup>7</sup>

Epistemic rationality then is instrumental to holding true beliefs, and as such, we may expect that Rawls would include it in his conception of rationality when he says that we should only endorse policies that any of our fellow citizens would find rational for herself, given her own goals.

### **[A Major Response]**

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<sup>7</sup> Larry Laudan, "Aimless Epistemology?" *Studies in History and Philosophy of Science* 21 (1990), 318, cited in Thomas Kelly, "Epistemic Rationality as Instrumental Rationality: A Critique," *Philosophy and Phenomenological Research* 66:3 (2003), 614.

Within the context of talking about a way of going about public discourse and the political enterprise that entails *not* basing such things on religious or otherwise controversial assumptions that not everyone shares, to say that we should only advance ideas and policies that another reasonable person could take to be rational is to assume that doing so involves not appealing to religious claims. However, to say this is to say that a significant school of Christian thought is just incorrect, and hence it cannot be taken as rational by those who subscribe to that school of thought. This will be seen in what follows.

In what I will call “Reformed thought,” as manifested in such writers as Alvin Plantinga, Nicholas Wolterstorff and others, rationality just does not mean this.

More to the point, what if it is rational to believe that God exists, for example, and that to disbelieve this involves some sort of noetic dysfunction? Granted, this is a controversial religious or metaphysical claim, but it is a claim which Rawls is apparently denying, by suggesting that to only advance policies that could be rationally advanced by any reasonable person entails not advancing policies that depend on any religious claims, such as the claim that God exists.

As it turns out, this claim is precisely what many people living in Western democracies do believe. In fact, Rawls has the appearance of denying the truth of what major Christian traditions teach about the relationship between faith and reason.

The Apostle Paul:

The wrath of God is being revealed from heaven against all the godlessness and wickedness of men who suppress the truth by their wickedness, since what may be known about God is plain to them, because God has made it plain to them. For since the creation of the world God’s invisible qualities – his eternal power and divine nature – have been clearly seen, being understood from what has been made, so that men are without excuse. For although they knew God, they neither glorified him as God nor gave thanks to him, but their thinking became futile and their foolish hearts were darkened.

(Romans 1:18-21; New International Version).

This claim, as interpreted historically, should not be confused with some kind of “teleological argument” – the argument from design for God’s existence. The knowledge posited here is intuitive, knowledge that is formed in the minds of proper functioning persons in response to creation.<sup>8</sup> This means that if Christianity is true, it is not true that it operates on esoteric truth claims that the reasonable person would not rationally affirm. Rather, it operates on evident truth claims, claims the truth of which sinful beings have suppressed. This view is clearly present in Calvin, who wrote:

That there exists in the human minds and indeed by natural instinct, some sense of Deity, we hold to be beyond dispute, since God himself, to prevent any man from pretending ignorance, has endowed all men with some idea of his Godhead, the memory of which he constantly renews and occasionally enlarges, that all to a man being aware that there is a God, and that he is their Maker, may be condemned by their own conscience when they neither worship him nor consecrate their lives to his service.<sup>9</sup>

Calvin echoes the thoughts of the Apostle Paul, arguing that the only reason people do not acknowledge and have faith in God is that they *suppress* the truth that is already evident to them:

The expression of David, (Psalm 14:1, 53:1,) “The fool has said in his heart, There is no God,” is primarily applied to those who, as will shortly farther appear, stifle the light of nature, and intentionally stupefy themselves. We see many, after they have become hardened in a daring course of sin, madly banishing all remembrance of God, though spontaneously suggested to them from within, by natural sense.<sup>10</sup>

If all people were truly rational – if their minds functioned as they were meant to and were not darkened by the effects of sin, all people would acknowledge and worship God. To quote myself:

Thus, to ask Christians to participate in public discourse on the condition that they abstain from appeals to their knowledge of God is really like asking a person to engage in discussion with a room full of people with blindfolds on, and not base her claims on her visual observation of the physical world! Perhaps an analogy from physical disabilities will clarify further. There are some people who cannot see, and others who cannot hear. Things are there to be seen and heard, but these people do not apprehend these things by sight and hearing. The fact that some people are simply *unable* to apprehend certain truths through the senses does not in itself entail that we *ought not* to appeal to truths that these people cannot know in their limited state of perception.

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<sup>8</sup> I am borrowing Plantinga’s language here.

<sup>9</sup> John Calvin, *Institutes*, Bk 1, Ch. 1, par. 1.

<sup>10</sup> Calvin, *Institutes*, 1:4:2.

Similarly, the Christian might argue, the fact that non-believers do not apprehend the truth about God from what God has created is not good grounds for only appealing to truths that can be demonstrated to them in their limited state of perception. This invites a somewhat offended response. Surely I am being condescending, speaking about non-Christian people as spiritually “blind,” saying that they lack perception. And to be quite honest, this is precisely what I *am* saying. However, to deny these things is to say that Christianity is untrue, since these are all fundamental elements of Christian theology (or at any rate, a dominant school of thought in Christian theology). Such a move is not simply a presumption of naturalism. To ask Christians not to proceed in this way is to ask them to behave as though their faith is in fact false and thus to exclude them from the very discourse that is meant to be inclusive.<sup>11</sup>

The importance of this response is precisely here: If we take Rawls to be saying that we should only endorse policies that any fellow citizen could rationally endorse in terms of epistemic rationality, and if we say that this entails not endorsing any policy with a solely religious justification (taking “religious” to apply to some sort of theism), then we have said something that entails the claim that it is not dysfunctional to disbelieve in and deny the existence of God, which is a controversial religious doctrine. Even if we are correct in saying that, we are not being Rawlsian pluralists, and we are saying that a lot of religious people have got it wrong.

This problem arises if we take epistemic rationality to be a species of instrumental rationality, that is, if we extend Rawl’s approach to rationality to methods of belief formation and if we assume that just as pursuing non epistemic goods requires certain plans and actions that we can call rational, so the acquiring of true beliefs is a good and as such epistemic rationality (if it is instrumental in nature) consists in forming beliefs via processes that tend to effectively meet this goal. To construe rationality *this* way and to say that the demand of only pursuing policies that it would be rational for *anyone* to pursue means not pursuing policies that require religious grounding is to deny certain truth claims that are important to many religious people.

And so if the prohibitionist wants to appeal to Rawls as a ground for prohibitionism, at best he will have an argument that will be acceptable to those who reject anything like a Reformed view of the human noetic state of affairs, that is, if we take Rawls’ view of rationality to include epistemic rationality.

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<sup>11</sup> Glenn Peoples, “Faith in Public: A Response to Greg Dawes,” *Journal of Religion and Society* 7 (2005), 4.



I turn now to analysing Rawls' view of what justification involves to probe it for soundness in its own right. The above objection to this attempt only arises if we try to rescue Rawls from saying that rationality is just instrumental and has nothing to do with truth or truth-conducive procedures. As it turns out, however, this criticism might not be available after all, since Rawls does not wish to be rescued from this situation. Rather than defend himself against the claim that his account of rationality has nothing to do with truth, he admits it. While Rawls has said that he assumes a certain kind of competence in the agents who are supposed to possess this rationality, it is not a competence with respect to true belief formation.

In [my] account of deliberative rationality I have assumed certain competence on the part of the person deciding: he knows the general features of his wants and ends both present and future and he is able to estimate the relative intensity of his desires and to decide if necessary what he really wants. Moreover, he can envisage the alternatives open to him and establish a coherent ordering of them: given any two plans he can work out which one he prefers or whether he is indifferent between them, and these preferences are transitive. Once a plan is settled upon, he is able to adhere to it and he can resist present temptations and distractions that interfere with its execution.<sup>12</sup>

In considering what it is to be rational in terms of doing what is properly required in pursuit of individual goods, Rawls is frank: "I should observe here that ... the value of knowing the facts is derived from their relation to the successful execution of rational plans. So far at least there are no grounds for attributing intrinsic value to having true beliefs."<sup>13</sup>

On a purely instrumental account of rationality, this appears to be the correct outlook. There are many beliefs that we might hold that are simply *not* conducive to our goals or what we would consider a "good," (and recall that "a good" has no moral connotations in Rawls), but which it is rational to believe in terms of strictly epistemic rationality. I might have a good of having a good time singing at a local karaoke bar, and a belief that I am a terrible singer to whom nobody likes listening. I believe this because everybody tells me so, and because I have heard myself singing, and it sounds awful (I am, of course being merely hypothetical here, this is false of my singing abilities). I am thus epistemically rational in thinking this, and thinking this is not conducive to my good of having a good time singing at a local karaoke bar. It would be far more rational,

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<sup>12</sup> Rawls, *A Theory of Justice*, 367.

<sup>13</sup> Rawls, *A Theory of Justice*, 368.

instrumentally speaking, to believe an obvious falsehood, that I am a terrific singer to whom everyone loves to listen.

So while Rawls' take on what is rational might in some cases have something to do with truth when it applies to a rational epistemology (although not necessarily so, given his reluctance to classify truth as a good), the kind of rationality a proposed public policy has is not rationality of this kind. The kind of rationality that Rawls' *Political Liberalism* is concerned about really is disconnected from truth and contingent on no more than the *actual* goals, desires and beliefs etc, whatever they may be, of the person who is asked to consider the policy in question. But it is also important – more important, in fact – that for Rawls the fact that a belief is rational for us to hold is not in itself grounds to bring it into the political realm. What is important is that we can convince the reasonable person that a policy or rule is not just rational for us to hold, but rational for *them* to advocate as well, in light of beliefs and values that they hold. If they believe that they are a leprechaun, and this belief on their part is what makes it rational for them to endorse your favoured policy (perhaps it is a policy that is conducive to the kind of society a leprechaun would like to live in), then their belief that they are a leprechaun means that you have passed the justificatory hurdle, at least with respect to that person. What this suggests is that since Rawls' view passes no judgement on the beliefs that people in society have, a person's endorsement of a policy may be rational even if their reasons for endorsing it are epistemically irrational in any ordinary sense of the word "irrational."

Gaus faithfully summarises Rawls' argument concerning the principle of liberal legitimacy thus:<sup>14</sup>

(1) The Principle of Liberal Legitimacy (LL): The exercise of political power is legitimate only if it accords with a constitution the essentials of which all free and equal citizens may reasonably be expected to endorse.

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<sup>14</sup> Gerald Gaus, "Reasonable Pluralism and the Domain of the Political: How the Weaknesses of John Rawls's Political Liberalism Can be Overcome by a Justificatory Liberalism," *Enquiry* 42:2 (1999), 261.

- (2) In our democratic societies, there exists a reasonable pluralism of comprehensive religious, philosophical and moral views.
- (3) If (i) free and equal citizen Alpha holds a reasonable comprehensive view  $C_\alpha$ , and (ii) if citizen Beta's reasonable comprehensive view  $C_\beta$  is 'irreconcilable' with  $C_\alpha$ , then (iii) Alpha cannot reasonably be expected to endorse  $C_\beta$ .
- (4) If Alpha cannot reasonably be expected to endorse  $C_\beta$ , he cannot reasonably be expected to endorse a constitution whose justification requires endorsing  $C_\beta$ .
- (5) Therefore a constitution relying on  $C_\beta$  as in step 4 violates **LL** (step 1).
- (6) Given step 2, for every reasonable comprehensive view  $C_x$  there exists another reasonable comprehensive view held by some free and equal citizen that is irreconcilable with it.
- (7) Therefore, there exists no constitution satisfying **LL** that requires the endorsement of any specific comprehensive view.
- (8) However there exists a political conception  $P$  such that there exists no reasonable comprehensive view  $C_x$ , where it is the case that  $C_x$  is irreconcilable with  $P$ .
- (9) Given step 8, a constitution relying on  $P$  for the justification of political power does not violate **LL**.

Citizen thief holds to a reasonable comprehensive view  $C_{\text{thief}}$  in which property rights do not exist, except to the extent that you have a right to whatever you are clever enough to steal and get away with it. Citizen Locke on the other hand, holds an equally reasonable comprehensive view  $C_{\text{Locke}}$  entailing that we in fact do have property rights that entail the prima facie wrongness of another person's taking our belongings without our consent. But if each premise of Rawls' argument is correct, we must either say that in light of the principles that citizen thief reasonably holds, he cannot be expected to endorse  $C_{\text{Locke}}$ , and hence  $C_{\text{Locke}}$  fails the test of liberal legitimacy thereby rendering it inappropriate for the state to oppress people by enforcing it, or we must say that either  $C_{\text{thief}}$  or  $C_{\text{Locke}}$  or both are not reasonably held. We certainly cannot come up with a  $P$  that says anything about property rights to resolve the situation, since such a  $P$  cannot be reconciled with both  $C_{\text{thief}}$  and  $C_{\text{Locke}}$ .

If the above presentation of Rawls' explanation of liberal legitimacy were the first and only exposure we had to Rawls, we might not appreciate that his concept of rationality is bound up within this concept (LL). After all, Citizen Thief cannot rationally pursue a policy that depends on the principles held as true by Citizen Locke, just because such a policy would not be conducive to any of Citizen Thief's goods – or at least what he takes to be goods based on his beliefs, commitments and aspirations. And since it is not true, in Rawls' view, that there are goals or aspirations that we ought to have, if Citizen Locke cannot persuade Citizen thief to endorse his policies about property rights in light of the beliefs and values that Citizen thief actually does have, we are at an impasse. Given this view of justification, you can only endorse a policy if it is such that it can be endorsed in light of the actual beliefs and goals held by the KKK, the Catholic Church and the humanist rationalist society. Of course, we can always avoid such difficulties by building into the concept of "reasonableness" all the features that we want to see in our version of a liberal democracy: equality of all races, no religious values being used as grounds for public policies and so forth. But if this is the way the prohibitionist wants to go, all he needs to say is that no reasonable person has religious grounds for their proposed policy, because if anyone has such grounds they are not reasonable people. One would hope however that nobody intends to have nothing more than a battle of definitions.

Enter Gerald Gaus.

### **Gaus, Open Justification and Idealisation**

Gaus distinguishes between three views on justification – *closed* justification, *God's eye* justification and *open* justification, the last of which is his solution to the problems he sees in the other two.

#### *Closed Justification*

As Gaus portrays closed justification, it is recognisable as the view of public justification presented in Rawls. Simply stated, a person is “closely justified” in holding a belief  $\beta$  if the beliefs that person currently holds provide him with good reasons for believing  $\beta$ . Recall that in Rawls’ view, before I can advocate a public policy, I have to argue for it in such a way that another person (all reasonable people actually) have reasons to support it (i.e. they would be rational to support it), reasons that accord with *their* currently held beliefs and goals, so that the end product is a set of principles that is a subset of everyone’s comprehensive view. Gaus provides the example of Alf’s beliefs about the faithfulness of Betty. The facts are that Alf and Betty first saw each other while they were both married to other people, and now Betty is having another affair with another man. But Alf does not know this, and everything he is aware of suggests that Betty is finished with her days of sexual impropriety and is now devoted to her husband. Referring to closed justification as justification from “an internal perspective,” Gaus explains that regardless of the fact that Betty is having an affair, “from an internal perspective, Alf has good reason to believe that Betty is faithful,” meaning that Alf has closed justification for his belief that Betty is faithful.<sup>15</sup>

If the requirement that citizens in a liberal democracy have is a requirement to justify the policy she endorses to all her fellow citizens in terms of closed justification, then the requirement of a liberal democracy would lapse into a populism that is unreasonable and illiberal. If it so happens that society contains people who genuinely believe that liberal ideals should not be pursued, then if liberalism is correct, it would follow that in that society I ought not to advocate policies that advance liberal ideals. Since it is a safe assumption that such people do exist in my society and in every liberal society, it follows that liberalism would require me to not advocate policies that advance liberal ideals. The idea that we should have to justify policies to people whose relevant beliefs about the policy, reasons that might count as supporting it, and what would follow from it are just basically misinformed seems itself basically misinformed.

### *God’s Eye Justification*

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<sup>15</sup> Gerald Gaus, *Justificatory Liberalism: An Essay on Epistemology and Political Theory* (New York: Oxford University press, 1996), 30.

The problem with the Rawlsian “closed” view of justification is, according to Gaus, that it is too dependent on whatever a person just *happens* to believe, when in fact a person can believe some things that – to put it bluntly – she really shouldn’t. She might believe that Asians are stupid or that they are part of an anti-Western conspiracy and so any policy that the Asian community in her society are in favour of must be a bad idea. In fact seriously held beliefs like this might well, given closed justification as a sufficient criterion for making her rational in endorsing a policy, make her rational in endorsing a policy of exterminating Japanese people as a final solution to the “Asian problem.” As an attempt to find an alternative model of justification that avoids such susceptibility to the biases, ignorance and perhaps at times just intellectual laziness of citizens, *God’s Eye* justification is the view that we should idealise away from the beliefs that our fellow citizens do hold and towards the facts of the matter, or the beliefs that our fellow citizens *would* hold if they were suitably informed.<sup>16</sup>

In God’s eye justification, a view Gaus describes as strong externalism, Alf is justified in believing  $\beta$  or endorsing a policy that requires  $\beta$  simply if  $\beta$  is the case.

### *Open Justification*

Open justification, Gaus would have us believe, avoids the pitfalls of these other two options. Here Alf might hold to all kinds of prejudices and false beliefs that would lead him to reject a policy, and yet we might still be justified in advocating that this policy be imposed on him because if he were a bit more reasonable and open to new information and consideration of other factors, he would endorse it. Stated differently, a person can be openly justified in accepting  $\beta$ , and yet consciously reject  $\beta$ . In Gaus’ words:

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<sup>16</sup> Gaus does not use the term “God’s Eye Justification.” He refers instead to *strong* externalism. I am borrowing the term “God’s Eye Justification” from Christopher Eberle as it is a good way of getting a handle on what Gaus is describing, namely a perspective of omniscience.

Open justification asks the question: Are there considerations of which Alf could be made aware that are grounded in his system of beliefs and, if integrated, would they undermine the justification of  $\beta$  given his revised system of beliefs? Put somewhat more elegantly, if Alf's beliefs were subject to extensive criticism and additional information, does *his viewpoint commit him* to revise his beliefs?<sup>17</sup>

Notice that Alf need not reject  $\beta$  in order to have open justification for doing so. Gaus is clear about this. "Open justification... allows for Alf to have reasons for beliefs that are not presently a part of his system [of beliefs], but his commitment to the new reasons must be based on his current system as revised by new information."<sup>18</sup>

As Gaus' critic Christopher Eberle is careful to point out, "A sufficient condition of a proposed policy's defeat is *not* that there is at least one citizen who *believes* that, relative to her viewpoint, she has good reason to reject a given policy. A citizen can be wrong about what her system of beliefs commit her to and, therefore, about whether she is openly justified in dissenting from that policy."<sup>19</sup>

Eberle is correct to describe Gaus' approach as one that idealises away from what a person actually believes and desires and towards what they would hold if they were better informed, but it is absolutely crucial to Gaus that this idealisation is only moderate. While Gaus is willing to think of justification in terms of whether or not our policy would be justifiable to our fellow citizens once we have hypothetically attributed to them relevant information, Gaus does not want to hypothesise or idealise all the way to God's eye justification. What he has idealised to is to the facts and factors that a citizen *considers* to count as evidence or reasons. Rather than simply ask what Alf *does* believe and desire and then restrict our advocacy of any policy to policies that are compatible with that – after all Alf might be ignorant, intellectually lazy, unduly biased or any number of other things – we should ask what Alf's beliefs about what count as evidence *should* commit him to. Using the racism example again, we should not ask what Alf actually believes about Asians, we should ask what he should believe about Asians based on what he takes to be good reasons to think a certain way about someone. It is highly unlikely that Alf simply hates the colour yellow-brown, and let us postulate that he at least

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<sup>17</sup> Gaus, *Justificatory Liberalism*, 32.

<sup>18</sup> Gaus, *Justificatory Liberalism*, 140.

<sup>19</sup> Eberle, "What Does Respect Require?" in Terence Cueno (ed.), *Religion in the Liberal Polity* (Notre Dame: Notre Dame University Press, 2005), 179.

thinks people who are intelligent, hard working, virtuous and so forth deserve the same kind of respect that he wants for himself. And so even if he does not respect Asians in the same way that he would like to be respected, he is *openly justified* in respecting Asians as much as anybody else based on the things that he himself takes to be good reasons to respect people. It might be that his distaste for Asians has such a hold on him that *no amount of evidence*, even evidence that meets what would ordinarily be his criteria of good evidence, would persuade him. This is exactly the reason that open justification idealises away from what Alf is prepared to accept and what he should accept based on new information plus his standard of evidence and reasons.

Important to reiterate is the fact that open justification thus described does not require that all of our fellow citizens can bring themselves to accept the policy that we are advocating. Unanimity has nothing to do with it. In fact, a policy might be unanimously accepted, but *not* openly justified, since all the citizens who accept it might have good reasons not to accept it that they are unwilling or unable to face up to.

### **Eberle's criticism**

Credit must be given. Gaus has improved considerably on Rawls' criteria of public justification, in a way that seems fairly obvious. Why indeed should we cater to and be willing to be restricted by any and all outrageous beliefs that other people hold when we know full well that those people really shouldn't hold those beliefs even based on their own standard of evidence?

But, says Eberle, why stop there? It is vital to Gaus' conception of justification that idealisation be only moderate, but his reasons for idealising away from closed justification are such that they commit him to much more. If the fact that a belief is subject to ignorance, laziness and bias etc is a good enough reason to ideal away from a person's actual beliefs, then we need to take care what we idealise *to*. If we idealise, as Gaus does, to the beliefs a person would have if they were exposed to more information and arguments, in light of



what they take to count as good reasons and evidence, we must in turn ask if what person takes to count as evidence is immune ignorance, intellectual laziness and bias etc. Eberle offers the following argument along these lines:<sup>20</sup>

- 1) Any of an agent's beliefs about a given policy might be compromised by ignorance or prejudice.
- 2) Since *any* of an agent's beliefs about a given policy might be compromised by ignorance and prejudice, Gaus must accept an understanding of epistemic justification according to which it is appropriate to idealize away from any of an agent's beliefs about a given policy.
- 3) Since Gaus must accept an understanding of epistemic justification according to which it is appropriate to idealize away from any of an agent's beliefs about a given policy, he must also accept an understanding of epistemic justification according to which it is appropriate to idealize away from *all* of her beliefs about a given policy.

Eberle asks us to consider the concrete example of Jerry, who believes that the bible is an infallible source of information, and hence if the Bible teaches  $p$ , then  $p$  is the case.<sup>21</sup> It should be fairly clear that Jerry's belief that the Bible is such a source of information is a belief about what counts as evidence. But it is also possible, many would say, that this belief that Jerry has about the Bible has arisen through ignorance or prejudice or one of the factors that would justify idealising away from a citizen's actual beliefs in Gaus' view. For example, Eberle asks us to suppose that Sigmund Freud was correct to say that religious beliefs are the result of mere wishful thinking, perhaps a desire for the ideal father we never had or something like that. Holding beliefs on the basis of a wish is surely no better than holding them on the basis of prejudice or ignorance in general, and hence if Gaus' moderate idealisation is a good move, we should not stop at the "moderate." There are other examples we might come up with. What if our neighbour is a member of a brainwashed cult? The most

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<sup>20</sup> Eberle, "What Does Respect Require" 180.

<sup>21</sup> Eberle, "What Respect Requires," 181.

relevant standard of evidence for that person might be something like “whatever our great and exalted leader says is true and rational in light of the goals I ought to have.”

It needs to be made clear that “idealising away from” all of a person’s beliefs about a given policy is not the same as saying that all those beliefs are false, it is simply to say that we are not primarily concerned with what a person *does* believe that is relevant to a policy but rather with what they *would* believe relevant to policy, and there may or may not be overlap in those two belief sets.

## Summary

Rawls’ position is that a proposed policy must be such that it would be rational for any reasonable person to advocate that policy. Some people use this principle to argue for prohibitionism, but to do this is to take for granted that it is not dysfunctional to reject all religious claims, at least, if we are talking about epistemic rationality. This entails the rejection of a key part of Christian theology, and as such it cannot be justified to believers in this theology in light of what they believe.

I also noted that there are some important policies for a liberal democracy that would themselves not pass the justificatory test in this approach to justification, since there are people who might reasonably reject them, unless we just make “reasonable” mean “conducive to a liberal democracy,” in which case we are making definitions to the arguing for us.

Gaus improves on Rawls by offering an idealising approach to justification, where it is not the beliefs that our fellow citizen *has* that must be respected when proposing a policy to him, but rather the beliefs that he would have were he exposed to the relevant information, as filtered through his critical apparatus and criteria about what counts as good reasons. Christopher Eberle has offered good reasons to think that this approach is arbitrary in what it idealises and what it does not, and even if these weaknesses were not present in this model

of justificatory liberalism, we are still left asking whether or not justificatory liberalism of this sort entails prohibitionism. Of particular interest is the reason for idealising away from what a citizen currently believes, since after all, “a citizen can be wrong about what her system of beliefs commit her to.”

This opens the way to saying there is no reason here to say that religious convictions should have any problem *per se* in the public square, if, as a matter of fact (whether citizens realise it or not), religious claims actually *are* entailed by some of the beliefs or systems of beliefs that citizens in a liberal democracy hold. But this would take us into territory that will wait for another time.