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RELIGIOUS POLITICAL ARGUMENTS, ACCESSIBILITY, AND DEMOCRATIC DELIBERATION

*Paul Billingham**

Christian critics of liberalism, and especially of contemporary public-reason liberalism, often argue that it objectionably excludes religious voices from the public square, by requiring citizens to bracket their religious convictions when they engage in democratic deliberation. In response, liberals often deny that their views have this implication. Many public-reason liberal theorists are “inclusivists,” who permit religious contributions to deliberation.

Yet even inclusivists provide little reason to think that religious political arguments can be persuasive or fruitful. After all, they tend to see religious reasons as inaccessible to others, due to relying on beliefs, values, and methods of reasoning that others do not share. Other citizens are seemingly unable to assess their validity, critically engage with them, or be persuaded by them.

This Article challenges this view. It seeks to show that other citizens can meaningfully engage with religious political arguments, such that those arguments can play a productive and persuasive role within public deliberation and in ways that can ultimately shape the content of laws. All of this can be true even if religious arguments do not meet the standard of accessibility required to qualify as public reasons. To make this case, I discuss two arguments from Christian theologians.

The Article speaks to two audiences. First, it shows that liberals (including public-reason liberals) should positively welcome religious arguments within democratic deliberation. Liberalism, on its own terms, should be more open to religious reasoning

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* Associate Professor of Political Theory, Department of Politics and International Relations, University of Oxford. This chapter draws on material from the book *DOES FAITH BELONG IN POLITICS?: A DEBATE* (forthcoming 2023), in which I debate the titular question with Marilie Coetsee. I am grateful to Routledge for permission to use that material. I also owe thanks to Jonathan Chaplin, Chris Eberle, David Frisch, James Hooks, Maxime Lepoutre, Nathan Chapman, Tom Simpson, Collis Tahzib, Tony Taylor, and Paul Weithman for helpful comments. Special thanks to Henrik Kugelberg for invaluable research assistance and extensive feedback, and to Nicholas D’Andrea, Meghan Flanigen, Courtney Klaus, Julia Fissore-O’Leary, and the rest of the team at *Notre Dame Law Review* for their excellent work preparing the paper for publication.

than is commonly assumed. Second, this shows that Christian critics of liberalism can be answered, on this point at least.

INTRODUCTION

Christian critics of liberalism have long argued that it objectionably excludes religious voices from the public square, thus cutting politics off from a vital source of moral guidance, motivation, energy, and indeed truth. It seeks a “naked public square,” divorcing public affairs “from the moral vitalities of the society.”¹ It overlooks, or even actively undermines, the institutions that nurture virtues of character that are required for democratic citizenship.

In recent years these criticisms have been particularly focused on “public-reason liberalism,” according to which laws must be justified using reasons that all citizens can accept in order to be legitimate. For the critics, public reason bypasses citizens’ moral traditions and identities, offering “us ‘reason’ as a pre-determined quantity, ready sliced and ready packaged It does not invite us to a discursive engagement as human thinkers with other human thinkers on matters of common concern.”² Instead, it demands that religious citizens “bracket” their religious convictions when they engage in democratic deliberation, and thus “severs many citizens’ deepest religious or moral commitments from their political deliberations and actions.”³ Further, compliance with a demand not to base one’s political advocacy and actions upon one’s religious convictions would itself violate the religious convictions of many, and thus undermine their integrity.⁴ After all, many believers “are inescapably entangled in the belief that the moral truths of religion have a universal and public validity.”⁵ Such a demand also threatens to close off vital paths to realized citizenship, by undercutting the role that churches play in providing information, civic skills, and motivation for active citizenship.⁶

1 Richard John Neuhaus, *The Vulnerability of the Naked Public Square*, in *THE ETHICS OF CITIZENSHIP: LIBERAL DEMOCRACY AND RELIGIOUS CONVICTIONS* 327, 336 (J. Caleb Clanton ed., 2009).

2 Oliver O’Donovan, *Judgment, Tradition and Reason: A Response*, 9 *POL. THEOLOGY* 395, 409 (2008).

3 Jonathan Chaplin, *Governing Diversity: “Public Judgment” and Religious Plurality*, in *THE AUTHORITY OF THE GOSPEL: EXPLORATIONS IN MORAL AND POLITICAL THEOLOGY IN HONOR OF OLIVER O’DONOVAN* 122, 122 (Robert Song & Brent Waters eds., 2015).

4 The classic statement of this integrity objection is in Nicholas Wolterstorff, *The Role of Religion in Decision and Discussion of Political Issues*, in *RELIGION IN THE PUBLIC SQUARE: THE PLACE OF RELIGIOUS CONVICTIONS IN POLITICAL DEBATE* 67, 105 (Robert Audi & Nicholas Wolterstorff eds., 1997).

5 Neuhaus, *supra* note 1, at 336.

6 See PAUL J. WEITHMAN, *RELIGION AND THE OBLIGATIONS OF CITIZENSHIP* 36–66 (2002). While Weithman is critical of Rawls in this work, he has since become an advocate

A common response to these objections is to deny that liberalism excludes religion from public life in the way that they suppose. For example, Patrick Neal carefully examines the various nuances of John Rawls's position and concludes that his "doctrine of public reason places no real restriction" on the use of religious political arguments.⁷ As I explain further below, many public-reason theorists are "inclusivists," who permit citizens to offer religious reasons within public deliberation.

But even those who permit religious contributions to democratic deliberation often provide little reason to think that they can be persuasive or fruitful. After all, they tend to see religious reasons as *inaccessible*. Religious reasons are based on beliefs and values that others do not share. As a result, other citizens—whether nonreligious or adherents to other religions—are unable to assess their validity, critically engage with them, or see them as having normative force. Religious reasons cannot advance debate or provide arguments that others can respond to, grapple with, or be persuaded by. The strongest form of this claim, pressed by Richard Rorty, is that religious contributions to deliberation are "conversation-stopper[s]."⁸

The aim of this Article is to challenge this view. I seek to show that nonreligious citizens (and those of other religions) can meaningfully and fruitfully engage with religious arguments. Such arguments can play a productive role within public deliberation—and in ways that can ultimately shape the content of laws. I make this case by considering two arguments from Christian theologians: Nigel Biggar's argument against legalizing euthanasia and Luke Bretherton's defense of a cap on interest rates on unsecured personal loans. I argue that non-Christian citizens can understand these arguments, critically engage with them, and even be persuaded by them. This can affect what laws are enacted, by influencing other citizens' views and the policies they support.

This Article seeks to speak to two audiences. First, Christian (and other) critics of liberalism. I respond to those critics somewhat indirectly, by working within the liberal paradigm, in order to explore the extent to which it can be open to religious reasoning. I argue that liberalism, on its own terms, can be much more open in this regard than is commonly assumed by its critics. Indeed, liberals have reason to welcome the kinds of theologically grounded contributions to

of the Rawlsian position. See PAUL WEITHMAN, WHY POLITICAL LIBERALISM?: ON JOHN RAWLS'S POLITICAL TURN (2010).

7 Patrick Neal, *Is Political Liberalism Hostile to Religion?*, in REFLECTIONS ON RAWLS: AN ASSESSMENT OF HIS LEGACY 153, 158 (Shaun P. Young ed., 2009).

8 Richard Rorty, *Religion as Conversation-Stopper*, 3 COMMON KNOWLEDGE 1 (1994), reprinted in PHILOSOPHY AND SOCIAL HOPE 168, 171 (1999).

public life that Christians often wish to make. This suggests that, on this point at least, the critics can be answered. This builds on previous work in which I have explored the possibility of a rapprochement between Rawlsian political liberalism and Christian political theology.⁹

Second, liberal theorists. Public-reason theorists often use accessibility as the standard for determining what qualifies as a “public reason”—and thus a reason that can permissibly be used within the justification of laws. Even if this view is correct, and even if religious reasons are not accessible in the relevant sense, my argument shows that they can still play a positive role in deliberation, and even influence what laws are enacted, consistent with this public-reason view. I thus offer a novel justification of an “inclusivist” position. I expand upon these points in the next Part.

The argument also speaks to liberal theorists of democratic deliberation more generally, whether or not they endorse public-reason liberalism. The question of what role religious reasons can play within deliberation and decisionmaking is relevant for all democratic theorists. Even those who reject the requirements of public reason might still doubt that religious reasons can play a productive role, on the grounds that they are inaccessible. My argument responds to those doubts.

Various other theorists have argued that citizens can, and even should, engage with one another’s comprehensive doctrines or conceptions of the good—including religious conceptions—within democratic deliberation.¹⁰ But they have not usually offered any detailed explanation of how this is actually possible or could be fruitful. Again, the concern about the inaccessibility of religious arguments looms over these proposals. I seek to fill this gap by examining in some detail the possibilities for engagement with, and persuasion by, Biggar’s and Bretherton’s arguments.

Three further introductory comments. First, my argument is made from within political theory. While I make empirical claims, I

9 Paul Billingham, *Can Christians Join the Overlapping Consensus? Prospects and Pitfalls for a Christian Justification of Political Liberalism*, 47 SOC. THEORY & PRAC. 519 (2021). That article did not directly consider the place of religious reasons within democratic deliberation. My argument in the present Article thus complements that piece and bolsters my conclusion that Christians might well be able to join the Rawlsian “overlapping consensus,” by confronting another prominent barrier to this reconciliation. However, it is important not to overstate this conclusion. My previous article identifies various strands of political theology that cannot be so reconciled, and even the reconciliation that I argue is possible contains remaining tensions, as I emphasize in its final section.

10 See, e.g., Simone Chambers, *Secularism Minus Exclusion: Developing a Religious-Friendly Idea of Public Reason*, GOOD SOC’Y, no. 2, 2010, at 16, 19; Mark Cladis, *Religion, Secularism, and Democratic Culture*, GOOD SOC’Y, no. 2, 2010, at 22, 24; Japa Pallikkathayil, *Disagreement and the Duties of Citizenship*, 56 AM. PHIL. Q. 71, 74–75 (2019).

approach this topic as a political theorist, and thus am primarily interested in showing what is theoretically justifiable and possible. The success (or otherwise) of my argument thus does not turn on showing that other citizens have in fact engaged with Biggar's and Bretherton's arguments in the ways that I discuss. It turns on this being something that well-intentioned and motivated citizens could do—i.e., on the apparent inaccessibility of religious arguments not preventing this from happening.

Second, my strategy of making my argument by examining two specific examples of religious political argumentation obviously has limits. Perhaps these two examples have particular features that enable the kind of engagement that I will discuss, which other religious arguments lack. This is certainly possible, and something that might be explored in future research. But absent some compelling reason to think otherwise, the examples I explore are illustrative of my broader claim regarding religious political arguments. If nothing else, they are sufficient to show that religious arguments need not be conversation-stoppers.

Third, while I show that religious arguments can play a productive role within democratic deliberation, I do not mean to imply that religious citizens tend only to offer such arguments. They often offer non-religious argumentation, either alone or alongside religious arguments.¹¹ And they can of course also accept, and engage with, non-religious arguments.

The rest of this Article proceeds as follows. Part I explains the place of the idea of accessibility within public-reason liberalism, and how my argument relates to that background. Part II presents Biggar's argument against euthanasia and identifies various ways that non-Christians could engage with, and be persuaded by, it. Part III does the same for Bretherton's argument concerning usury. While those Parts primarily focus on interpersonal deliberation, Part IV considers the implications of my argument at the systemic level. The Article then briefly concludes.

I. PUBLIC REASON, ACCESSIBILITY, AND RELIGION

Public-reason liberals endorse a “public-justification principle,” according to which laws must be justified by public reasons in order to be legitimate. The concept of accessibility plays a prominent role in the public-reason literature, where it is often endorsed as the standard

11 For relevant empirical studies, see Steven Kettell, *You Can't Argue with God: Religious Opposition to Same-Sex Marriage in Britain*, 61 J. CHURCH & ST. 361 (2018); Steven Kettell, *How, When, and Why Do Religious Actors Use Public Reason? The Case of Assisted Dying in Britain*, 12 POL. & RELIGION 385 (2019).

that a reason must meet in order to count as a “public reason.” In this context, accessibility is a way of capturing the idea of reasons that all citizens can recognize as having normative force, such that the laws and policies that they justify are ones that all citizens could accept.¹² Reasons are said to be accessible in this sense when they are based upon shared evaluative standards—normative ideals and methods of reasoning that all citizens endorse.¹³ This does not mean that all citizens actually endorse the reason. Some might think that it is ultimately unpersuasive, due to it being outweighed by countervailing normative considerations, or adopting a mistaken interpretation of some value, or incorrectly assessing the empirical evidence, and so on. But the reason nonetheless appeals to substantive considerations and epistemic norms that all share, such that all citizens can recognize it as a genuine reason, assess it, and debate its ultimate persuasiveness, drawing on their shared evaluative standards. Accessible reasons are ones that everyone could come to accept, in the light of standards of assessment that they share.

Religious reasons are often seen as the archetypal *inaccessible* reasons, since they are grounded in a set of beliefs and adopt modes of reasoning that other citizens do not share. Cécile Laborde gives the example of a reason against assisted suicide that states that because life is a gift of God no person has the right to put an end to it. The premise here—that life is a gift of God—is “neither shared nor subjectable to common standards.”¹⁴ Those who do not believe in God cannot see the reason as having any normative force; its justificatory weight necessarily depends on an unshared premise. Only those who share this belief, and a set of theological beliefs based upon it, could endorse the reason. Religious reasons thus should not be used in the justification of laws.

Now, many public-reason theorists are “inclusivists.”¹⁵ They believe that citizens may permissibly offer nonpublic (including

12 It is important to highlight that I am assuming a so-called “consensus” view of public reason here, setting aside the competing “convergence” view. On this distinction, see KEVIN VALLIER, *LIBERAL POLITICS AND PUBLIC FAITH: BEYOND SEPARATION* 103–40 (2014).

13 Vallier offers a formal definition of accessibility as follows: “*Accessibility*: A’s reason R_A is accessible for members of the public if and only if members of the public regard R_A as epistemically justified for A according to common evaluative standards.” *Id.* at 108. For recent discussion, see Gabriele Badano & Matteo Bonotti, *Rescuing Public Reason Liberalism’s Accessibility Requirement*, 39 *LAW & PHIL.* 35 (2020). As they show, Rawls’s view can plausibly be seen as adopting an accessibility standard. *Id.* at 40–44.

14 CÉCILE LABORDE, *LIBERALISM’S RELIGION* 121 (2017).

15 James Boettcher states that “[l]eading voices” in the debate are “generally united” in endorsing some kind of inclusivism. James W. Boettcher, *Strong Inclusionist Accounts of the Role of Religion in Political Decision-Making*, 36 *J. SOC. PHIL.* 497, 497 (2005). There are exceptions, however. For a recent defense of “exclusivism,” see CHRISTIE HARTLEY & LORI

religious) reasons within public deliberation, even though those reasons should not ultimately be used to justify laws. For example, John Rawls states that nonpublic reasons “may be introduced in public political discussion at any time, provided that in due course proper political reasons . . . are presented that are sufficient to support” the relevant law.¹⁶ Others have gone further and held that the public-justification principle places no limits on reason-giving by ordinary citizens. Only representatives or public officials have duties to offer public reasons; it is their responsibility to ensure that the public-justification principle is fulfilled, leaving ordinary citizens free to offer any reasons that they wish to within public deliberation.¹⁷

Inclusivist public-reason theories *permit* citizens to offer religious reasons in deliberation. But they usually take this position due to believing that the public-justification principle can be fulfilled without imposing a duty on ordinary citizens only to offer public reasons in their own political advocacy. This makes such a duty unnecessary, and thus citizens should not be burdened with it. But this still leaves the question of whether there is much *point* in citizens offering religious reasons. If religious reasons are inaccessible, then it might seem that they cannot play a *fruitful* role in deliberation. Citizens are permitted to offer them, but no interlocutor can actually engage with or be persuaded by them. If other citizens cannot see such reasons as having normative force, then they seemingly cannot advance debate, or provide a basis for a productive exchange of arguments. The value of offering them is solely expressive, rather than deliberative. Indeed, I think this is likely a common view even among inclusivists.

My argument in this Article seeks to rebut this view, and to give positive reasons for public-reason theorists to adopt an inclusivist position, based on the contribution that religious reasons can make to democratic deliberation and decisionmaking. It shows that the “exclusionist” position, which prohibits citizens from offering nonpublic reasons within deliberation, does not only impose a burden on those who wish to bring their religion into politics. It imposes a loss on *everyone*, by preventing the contribution that nonpublic reasons can make.

WATSON, EQUAL CITIZENSHIP AND PUBLIC REASON: A FEMINIST POLITICAL LIBERALISM 62–87 (2018).

16 JOHN RAWLS, POLITICAL LIBERALISM 462 (expanded ed. 2005).

17 For examples of this kind of view, see Jürgen Habermas, *Religion in the Public Sphere*, 14 EUR. J. PHIL. 1, 9–10 (2006); LABORDE, *supra* note 14, at 113–59; MATTEO BONOTTI, PARTISANSHIP AND POLITICAL LIBERALISM IN DIVERSE SOCIETIES 124–51 (2017); Aurélie Bardón, *Two Misunderstandings About Public Justification and Religious Reasons*, 37 LAW & PHIL. 639, 645–657 (2018); BENJAMIN R. HERTZBERG, CHAINS OF PERSUASION: A FRAMEWORK FOR RELIGION IN DEMOCRACY 63–102 (2018).

Theorists who directly defend the place of religious reasons in political deliberation usually do so by rejecting public-reason liberalism (even if they continue to endorse liberalism more broadly).¹⁸ My strategy is different. My claim is that even those who endorse the public-justification principle should welcome religious contributions. But my argument also is not *based* on the public-justification principle. Indeed, I can remain agnostic about it. This means that the argument can also speak to liberal theorists who reject public-reason liberalism. My claim is that liberals of all stripes should welcome religious contributions to democratic deliberation. In turn, this provides a response to the concerns of Christian critics.

My argument is also agnostic concerning debates over public reason in a second way. I take no stance on whether or not religious reasons can be accessible in the sense that accessibility-based public-reason theorists believe is required if they are to be part of the justification for laws. Even reasons that are inaccessible in this sense can still be *intelligible*: other citizens can understand their terms, recognize their logic, and see why their proponents endorse them based on their religious convictions. Further, other citizens can also *engage* with such reasons, learn from them, and even be *persuaded* by them. Or so I will argue. To put it another way, my argument is that many religious reasons are “accessible” in a less technical sense of that term. This kind of accessibility is sufficient for reasons to play fruitful roles within political deliberation and decisionmaking—whether or not it is sufficient for being a “public reason.”

So far, I have mainly expressed these ideas using the language of “reasons,” following the public-reason literature. But such “reasons” will consist of a set of premises that are used to support a conclusion, so the language of “argument” might be more helpful, and I will adopt that language for the rest of this Article.

Following Benjamin Hertzberg, I understand a religious argument as one “whose premises invoke a religion’s values, norms, and /or epistemic standards as premises to justify a conclusion.”¹⁹ Religious political arguments can come in various forms, but a few general

18 See, e.g., CHRISTOPHER J. EBERLE, RELIGIOUS CONVICTION IN LIBERAL POLITICS (2002); Wolterstorff, *supra* note 4; NICHOLAS WOLTERSTORFF, *What Are the Prospects for Public Reason Liberalism?*, in UNDERSTANDING LIBERAL DEMOCRACY: ESSAYS IN POLITICAL PHILOSOPHY 76, 110 (Terence Cuneo ed., 2012). VALLIER, *supra* note 12, also rejects the “consensus” public-reason view I have focused on.

19 HERTZBERG, *supra* note 17, at 72. This invites the question of what counts as a “religion.” This is a contested matter. For example, see Laborde’s discussion of the “critical religion challenge,” LABORDE, *supra* note 14, at 15–26. My argument does not depend on settling this issue, but I think Vallier provides a useful working definition: “a comprehensive doctrine with a core set of principles about the supernatural that prescribe social organization, practices, rituals, norms, beliefs and actions.” VALLIER, *supra* note 12, at 46.

comments about them might be helpful. These comments will no doubt seem obvious to those who are familiar with religious argumentation, but highlight ways that such argumentation differs from certain stereotypes to which political theorists sometimes fall prey. Perhaps most importantly, such arguments rarely (which is not to say never) involve bare appeals to Scripture or other sources of religious authority, of the form “We ought to enact law L because God says so in this verse of the Bible.” As Giorgi Areshidze puts it, “most religious interventions in public debate do not simply appeal to the incontrovertible authority of revelation or the church to justify coercive measures.”²⁰ They certainly use these resources as sources of insight and truth. But using such resources to defend a law or policy involves interpreting and applying the ideas found there to the specific issue at hand, and thus several argumentative steps. Further, Scripture and religious traditions themselves do not simply consist of lists of commands or statements of doctrine. They involve narrative, poetry, wisdom literature, and much else. Religious arguments often draw on stories, and lessons found within them, in order to defend a proposition or claim. They frequently involve drawing on various passages from Scripture, theological ideas that have been developed on the basis of those passages, and religious traditions of thought about the issue at hand. Such traditions themselves commonly involve internal disputes and disagreements on many matters.²¹ Further, religious arguments are also not limited to theological sources of knowledge. They can involve philosophical argumentation, conceptual analysis, empirical claims, and so on. Sometimes their use of these methods or interpretation of the evidence they adduce is itself informed or shaped by religious ideas; but sometimes it is not. As Biggar notes, some questions are purely philosophical, such that theology does not contribute anything specific to answering them.²² The same is clearly true for descriptive questions. Religious arguments for a law or policy will often involve philosophical and empirical premises.

20 Giorgi Areshidze, *Taking Religion Seriously? Habermas on Religious Translation and Cooperative Learning in Post-Secular Society*, 111 AM. POL. SCI. REV. 724, 732 (2017); see also Jeremy Waldron, *Two-Way Translation: The Ethics of Engaging with Religious Contributions in Public Deliberation*, 63 MERCER L. REV. 845, 852–56 (2012).

21 Those familiar with Christian moral and political thought will certainly recognize this fact. For insight into pluralism within Islamic ethical theory and jurisprudence, see Mohammad Fadel, *The True, the Good and the Reasonable: The Theological and Ethical Roots of Public Reason in Islamic Law*, 21 CANADIAN J.L. & JURIS. 5 (2008).

22 NIGEL BIGGAR, BEHAVING IN PUBLIC: HOW TO DO CHRISTIAN ETHICS 10–11 (2011).

With these general observations as background, let us now consider a specific religious argument—Biggar’s argument against the legalization of euthanasia.²³

II. BIGGAR ON EUTHANASIA

Biggar’s argument starts with an account of the value of human life as rooted in humans’ capacity to exercise responsibility, by responding to created goods and to a vocation from God.²⁴ He then argues that the primary determinant of the morality of an act is the intentions of the actor, and in particular their intending and accepting its effects.²⁵ This view is grounded in seeing human life as preparation for the life to come, such that it is the quality of our wills that is of utmost importance.²⁶ This leads him to a version of the doctrine of double effect, whereby we should never intentionally destroy the life of a human capable of responsibility, but may perform acts where this is a foreseeable effect, if we intend a benefit and have proportionate reason for accepting the unintended evil.²⁷

The prohibition on intentional killing rules out euthanasia in most cases. But it can be permissible to intend to kill a human rendered permanently incapable of exercising responsibility. Even that kind of killing should not be permissible in the social and medical context, however, since it would undermine society’s general commitment to the preciousness of human life. Jesus’s resurrection means that suffering can be viewed without ultimate despair. A humane society resolves to support those in adversity and to help the suffering to flourish as far as they can. Legalizing euthanasia, in contrast, would lead to constant debates over the precise circumstances in which the exception to the prohibition on killing patients applies, and the tendency would be toward permitting killing on demand. The resulting policy would be incompatible with a commitment to the high value of human lives and a humane social ethos, since it involves intentionally killing humans who have the capacity to exercise responsibility. This pessimistic view of the social consequences of the legislation is shaped by a recognition of humans as sinful and capable of brutal indifference to one another. The upshot is that all forms of euthanasia should remain illegal.

23 Nigel Biggar, ‘God’ in *Public Reason*, 19 *STUD. CHRISTIAN ETHICS* 9 (2006). This article summarizes an argument that he develops in full in NIGEL BIGGAR, *AIMING TO KILL: THE ETHICS OF SUICIDE AND EUTHANASIA* (2004).

24 Biggar, *supra* note 23, at 15.

25 *Id.*

26 *Id.* at 13.

27 *Id.* at 13, 15.

What would someone who does not share Biggar's Christian beliefs make of this argument? For a start, they can certainly *understand* it, in the sense of recognizing its logic and its argumentative structure. They can also understand the role that theological concepts play within it at various points. (Such understanding might well require hearing the full version of the argument, rather than the condensed summary I have offered here, of course.) For example, even someone who rejects the idea of a life to come can understand why this could lead to a view of morality focused on the quality of the agent's will. Clearly this does not give them direct reason to understand morality in that way; but they can see why Biggar does. His view is *intelligible* to them, in that sense.

They can also *critically engage* with the argument. Partly this is due to the fact that various moves within it do not directly depend on theological ideas. The validity of the moral distinction between intending and foreseeing a consequence depends on philosophical rather than theological considerations,²⁸ and is of course subject to much philosophical debate. Empirical claims regarding the effects of legalization also play a crucial role in the argument, and are open to challenge. Interestingly, Biggar's empirical speculations here are themselves informed by his theological anthropology—i.e., his view of human sinfulness. But this does not prevent contestation on this point. Seeing humans as having a tendency toward sin does not decisively determine that one takes Biggar's pessimistic view of society's ability to permit euthanasia in certain specific circumstances without tending toward killing on demand. Evidence might be adduced that suggests that this outcome is not inevitable.²⁹

More generally, religious arguments often contain "secular" premises, both normative and empirical. Jeremy Waldron notes that this is true for a common Christian argument against abortion, which centers on the continuity of fetal development, such that any cutoff point at which killing is deemed permissible is arbitrary. This argument is shaped by religious convictions; it involves a "disciplined insistence on taking the continuity of human life, both in and outside the womb, seriously in light of what biblical faith does tell us about the general preciousness of human life."³⁰ But non-Christians can nonetheless engage with the argument, considering whether there are morally relevant points in fetal development that change the permissibility of killing, or indeed arguing that abortion can be permissible even if

28 As Biggar himself notes elsewhere. See BIGGAR, *supra* note 23, at 10–11.

29 For his part, Biggar supports his empirical claims by discussing the experience in the Netherlands in some detail. See BIGGAR, *supra* note 23, at 124–52.

30 Waldron, *supra* note 20, at 855.

the fetus has full moral status, as in Judith Jarvis Thomson's famous argument.³¹

Turning back to Biggar's argument, I think it is also the case that non-Christians might be *persuaded* by part or all of the argument, in various ways. At minimum, they might encounter new ways of articulating ideas that they already endorsed. They might find the way that Biggar expresses or develops those ideas attractive or helpful in terms of informing their own thinking—on the issue at hand, or on other issues.

Someone who already endorses a premise of Biggar's argument might be persuaded that it leads to the conclusion that he claims. For example, someone might already share his view that support for those in adversity is a central feature of a humane society—while grounding this view differently to him—and be persuaded that this gives us reason not to legalize euthanasia. Or they might already be attracted to the intention-based view of the moral quality of acts, and be persuaded that this can ground a doctrine of double effect. In these kinds of cases, the interlocutor accepts a premise of Biggar's argument for reasons different to his, and is then persuaded that that premise has the implications that he avers.

Another possibility is that an interlocutor recognizes insights in Biggar's argument that they can then accommodate into their own broader views. They might find his analysis of the nature of suffering and the possibility of viewing it without ultimate despair powerful, and come to accept this insight, even without endorsing Biggar's specific motivation for it. Here, an interlocutor comes to accept a new idea, which Biggar articulates in theological terms, but they can express in other ways (or indeed in the terms of a different religious viewpoint).

Finally, someone might already endorse one of Biggar's claims, and find that his theological ideas provide a better grounding for it than the one they currently possess. For example, grounding the idea of the high and equal value of all human lives is notoriously difficult.³² An interlocutor might consider Biggar's theological conception of that value to provide a securer foundation for it than they have previously encountered. As a result, they might strive to extract ideas from it that do not rely on a theistic worldview. Or they might even adopt this theological account. Either way, there is a gain in terms of the development of their own views.

31 Judith Jarvis Thomson, *A Defense of Abortion*, 1 PHIL. & PUB. AFFS. 47 (1971).

32 For recent discussion, see ANNE PHILLIPS, UNCONDITIONAL EQUALS 40–62 (2021).

A. *Biggar and Accessibility*

I have argued that non-Christians can fruitfully engage with Biggar's argument. But might this be because the argument is in fact accessible, in the sense required by public-reason theorists? Biggar himself argues that it is, but his view of accessibility seems to just involve others being able to understand the argument and recognize it as intelligible and rational, which is a lower bar than that involved in public-reason-style accessibility.³³ Nonetheless, a case could certainly be made here. Three central premises in Biggar's argument are that human life has great value, that the morality of actions depends on the intentions of the actor, and that legalizing euthanasia will have deleterious social consequences.³⁴ All three of these premises can be understood independently of any theological ideas, and debated on that basis. Biggar grounds these premises theologically, and this shapes his interpretation and application of them. But they need not be so grounded.

Laborde suggests that some religious arguments "are *detachable* from specific systems of belief: they can be assessed on their own merits, by reference to ordinary criteria of rationality."³⁵ "Their deeper foundations and claims to authority may not be accessible to all," but they generate "detachable, accessible public reasons that can be the object of public discussion."³⁶ Her central example here is arguments from natural theology, which, while they are about religious matters such as the existence and nature of God, explicitly avoid any reference to revelation and are constructed based on observations about the world and philosophical reasoning, using shared modes of reasoning such as inference to the best explanation.³⁷ As Vallier puts it, in his own defense of the accessibility of natural theology, "[n]atural theology is the attempt to discern evidence for the existence or activity of the supernatural through natural reason."³⁸ For Laborde, "arguments from natural theology are accessible in exactly the same way as philosophical, ethical arguments."³⁹

33 See Biggar, *supra* note 23, at 16, 18.

34 *Id.* at 12.

35 Cécile Laborde, *On the Parity Between Secular and Religious Reasons*, 47 SOC. THEORY & PRAC. 575, 585 (2021).

36 LABORDE, *supra* note 14, at 126; see also Aurélie Bardon, *The Pope's Public Reason: A Religious yet Public Case for Welcoming Refugees*, 4 MIGRATION & SOC'Y: ADVANCES RSCH. 137 (2021).

37 See Laborde, *supra* note 35, at 582–85.

38 VALLIER, *supra* note 12, at 113. Badano & Bonotti, *supra* note 13, at 44–49, argue that such arguments are not accessible. In reply, Laborde contends that Badano and Bonotti set the bar for accessibility too high. See Laborde, *supra* note 35, at 583–85.

39 Laborde, *supra* note 35, at 585.

Now, Biggar's argument is not natural theology in this sense. He explicitly appeals to specifically Christian understandings of God, God's work in the world, and of eschatology. Nonetheless, the premises of his argument can seemingly be detached from these theological underpinnings. Citizens who reject Biggar's theology could see those premises as having normative force. It thus might be accessible, on Laborde's account.

Other public-reason theorists might well reject this, however. As Biggar emphasizes, his argument is "thoroughly theological," in that theological ideas shape it at each stage.⁴⁰ The reasons that he gives for each premise, and the way those premises are thus constructed and interpreted, are religious, and in that sense the argument does not appeal to shared evaluative standards. On this view, the kind of detachability that Laborde identifies is not sufficient for accessibility.

Another way to understand this is in terms of how deep the agreement about an argument needs to be in order for it count as providing reasons that could be accepted by all citizens. Is it enough that the argument's premises involve shared values, or must the bases on which one interprets and balances those values themselves be shared?⁴¹ For example, Biggar's premise regarding the value of human life is certainly shared, but his particular understanding of that value is distinctly theological, and this shapes the role that this value plays within his argument. This might lead one to conclude that his conception of the value of human life cannot provide a public reason. On the other hand, one might hold that the fact the value of human life itself is shared is sufficient for public reason.⁴²

This question concerning the accessibility of Biggar's argument, and of other forms of religious argument, is obviously important for those who see accessibility as the standard for determining whether an argument provides public reasons. The answer to it will shape the extent to which religious arguments can play a part in public justification. If certain kinds of religious reasons can be accessible then this points to another way that public-reason theories might be less exclusionary with respect to religion than is usually thought. This would provide a further point of reply to the Christian critics.

40 Biggar, *supra* note 23, at 15.

41 For related discussion, see Paul Billingham, *Can My Religion Influence My Conception of Justice? Political Liberalism and the Role of Comprehensive Doctrines*, 20 *CRITICAL REV. INT'L SOC. & POL. PHIL.* 403 (2017).

42 One could also think of this in terms of the level of "zoom" within a public-reason view, i.e., the level of abstraction at which agreement must occur in order for something to count as a public reason. For discussion, see Paul Billingham, *Does Political Community Require Public Reason? On Lister's Defence of Political Liberalism*, 15 *POL., PHIL. & ECON.* 20, 31–34 (2016).

That point is not our main focus here, however. Whether or not Biggar's argument is accessible in this public-reason sense, what matters for my purposes is that other citizens can deliberatively engage with, learn from, and be persuaded by it.

Another crucial point follows from this discussion. Even if Biggar's argument is not accessible, there is a similar argument that is, and Biggar's argument might lead other citizens to develop that argument. Several of the forms of persuasion that I noted above could take the form of interlocutors adapting ideas they encounter in Biggar's argument in order to produce and present an accessible argument for the same conclusion. In other words, even if Biggar's argument is not itself a public-reason argument, it can play a role in shaping the public-reason arguments that are presented—and that ultimately shape legislation. Religious arguments can affect the way that other citizens come to understand shared values and their policy implications, in ways that lead them to endorse public-reason arguments that they otherwise would not. Religious arguments can shape laws, in this indirect way, even if they are not themselves accessible. Inaccessible religious arguments, presented within democratic deliberation, can thus be highly relevant to the ultimate enactment and public justification of laws—in a way that is entirely consistent with public-reason liberalism.

B. *A Note on Habermas*

My argument here has similarities with Jürgen Habermas's view concerning the "translation" of religious reasons into secular analogues.⁴³ Habermas has a version of the view I noted in Part I whereby officials and ordinary citizens have different reason-giving duties.⁴⁴ For him, only secular reasons should be presented in the formal political sphere (legislatures, executives, etc.),⁴⁵ but religious reasons can be presented in the informal public sphere—i.e., in political discussions within civil society.⁴⁶ More strongly, Habermas *welcomes* religious contributions in such discussions, because he believes that they can contain "normative truth content" that all citizens can recognize, due to religious traditions' "special power to articulate moral intuitions."⁴⁷ When others recognize such truth contents they can "be translated from the vocabulary of a particular religious community into a

43 Habermas, *supra* note 17, at 9–10.

44 See *supra* note 17 and accompanying text.

45 See Habermas, *supra* note 17, at 9–10. To be clear, nothing I have said implies endorsement of (or disagreement with) this aspect of Habermas's view.

46 *Id.*

47 *Id.*

generally accessible language.”⁴⁸ The secularized versions of the reasons can then enter into the formal political sphere. As Simone Chambers puts it, for Habermas “[r]eligious appeals open up perspectives and dimensions on public issues that can be mined for insights and solutions to public problems.”⁴⁹

This quote from Chambers captures a less attractive feature of Habermas’s view, which is his rather instrumentalized view of religion in politics. Habermas tends to see secular reasons as the source of real rationality, while religion can be useful for inspiration. For example, he states that “there might well be buried moral intuitions on the part of a secular public that can be uncovered by a moving religious speech”⁵⁰ and that “[i]n the best of cases, the rationalizing force of one side meets the powerful images of a world-disclosing language on the other side.”⁵¹ The risk of this perspective, as Areshidze highlights, is that by approaching religious arguments only with an attitude of seeking to extract ideas that can be expressed in secular language, “a great deal of religion’s insight (and motivational power) is ‘lost in translation.’”⁵² Simply seeing religion as a source of ideas that can be mined for secular ends overlooks both the possibility of genuine engagement with religious arguments themselves and the way that religious perspectives shape their advocates’ understanding even of secular or shared ideals.⁵³ Indeed, some of the modes of persuasion that I noted in relation to Biggar’s argument depended on the way that his theology shaped his views. To overlook this or simply try to extract secular insight would distort Biggar’s argument and might well make it less persuasive.⁵⁴ But even if the secularized version *is* more persuasive to many, there is still something lost if we do not engage with the theologically infused argument, recognizing the role that religious ideas play, and grappling with the argument on its own terms—identifying

48 *Id.* For related discussion, exploring the possibility of “demythologized” versions of religious arguments constituting public reasons, see Albert Weale, *Can There Be a Public Reason of the Heart?*, in *NEGOTIATING RELIGION: CROSS-DISCIPLINARY PERSPECTIVES* 77 (François Guesnet, Cécile Laborde & Lois Lee eds., 2017).

49 Chambers, *supra* note 10, at 17.

50 *Dialogue: Jürgen Habermas and Charles Taylor*, in JUDITH BUTLER, JÜRGEN HABERMAS, CHARLES TAYLOR & CORNEL WEST, *THE POWER OF RELIGION IN THE PUBLIC SPHERE* 60, 65 (Eduardo Mendieta & Jonathan VanAntwerpen eds., 2011) (statement of Habermas).

51 *Concluding Discussion: Butler, Habermas, Taylor, West*, in BUTLER ET AL., *supra* note 50, at 109, 115 (statement of Habermas).

52 Areshidze, *supra* note 20, at 725.

53 This is especially true if religious arguments are (wrongly) seen as impervious to rational examination, as Habermas sometimes suggests.

54 Biggar himself makes this claim, in his critique of Habermas. See Nigel Biggar, *Not Translation, but Conversation: Theology in Public Debate About Euthanasia*, in *RELIGIOUS VOICES IN PUBLIC PLACES* 151, 170–171 (Nigel Biggar & Linda Hogan eds., 2009).

points of strength and weakness, agreement and disagreement, comprehension and incomprehension. It is by engaging with the *unshared* aspects of religious arguments that we open ourselves to unfamiliar ideas, and to the way that they might challenge our current conceptions.⁵⁵ It is possible to have a genuine, open-ended, conversation, rather than merely seeking translation, and this will tend to lead to more understanding, learning, and perhaps even more persuasion.

To reiterate, I agree with Habermas that one important role that religious arguments can play is that they can lead other citizens to develop nonreligious analogues. Further, this role has particular importance if one endorses a public-reason view, since it is a central means by which religious arguments can ultimately shape political decisionmaking within such a view. But this is not the only role that such arguments can play, and indeed that role itself might be better served if “translation” is not seen as the primary goal of engagement with religious arguments.⁵⁶

III. BRETHERTON ON USURY

At this point one might question whether my argument holds up for religious arguments that are very clearly inaccessible in the public-reason sense. After all, perhaps the reason that citizens who do not share Biggar’s Christian faith can engage with his argument is that it isn’t particularly inaccessible; as we have seen, it might even meet the public-reason standard for accessibility. One might doubt whether fruitful engagement of the kind that I have identified is possible with arguments that are unequivocally inaccessible, such as arguments that make extensive use of scripture or religious tradition. As a response to this, let’s consider such an argument—Bretherton’s discussion of usury.⁵⁷ That discussion is wide-ranging, outlining the teaching regarding debt and lending found throughout the Bible and the views held by Christian scholars in the Patristic, Scholastic, and Reformation periods. I will note some key aspects here.

Bretherton first highlights that a prominent template for understanding salvation in the Bible is the Exodus, when the Israelites were freed from debt slavery in Egypt. The Mosaic law contains explicit prohibitions against usury and time limits on debt slavery among the Israelites, grounding these in the relationship established between God

55 This is a central claim of Areshidze, *supra* note 20.

56 And, relatedly, if religion is not merely seen as a nonrational source of “inspiration.”

57 Luke Bretherton, ‘Neither a Lender nor a Borrower Be’?: Scripture, Usury and the Call for Responsible Lending, in *CRUNCH TIME: A CALL TO ACTION* (Angus Ritchie ed., 2010).

and the people through liberation from Egypt.⁵⁸ In the New Testament, a central idea is that Jesus's death liberated humans from their debt of sin.⁵⁹ Luke frames Jesus's announcement of his purpose and mission through the declaration of Jubilee—release from debt slavery—and depicts the early church as enacting a Jubilee community where no one has debts, because of their sharing of their possessions.⁶⁰ In sum, at the “heart of the story of salvation we find the power of money and liberation from debt is a central concern.”⁶¹ Thus, “[t]o put the pursuit of money before the welfare of people, and use money to re-enslave and exploit people, especially the poor and vulnerable, is to turn your back on God's salvation and deny in practice the revelation given in Scripture of who God is.”⁶² Further, the Israelites understood both their land and people as ultimately belonging to God, such that human ownership and use of them is limited, and in particular that neither should “be expropriated for personal gain or monetized as commodities to be bought and sold.”⁶³ Lending to those in need is a good thing, and creates relationships between people, but it also gives enormous power to the creditor, which if misused “can be hugely destructive on social and political relations.”⁶⁴ As such, clear limitations must be placed on the level of interest that lenders can charge, and controls put on the potentially immiserating impact of debt repayments. The power of money must be channeled to ensure that everyone benefits, rather than allowing it to become a tool of exploitation.

Discussions in the Scholastic period centered on distinguishing legitimate interest from usury: “Trading agreements and loan contracts where both parties were expected to gain were one thing; lending at usury, where only the usurer could profit, was quite another.”⁶⁵ The Reformers concurred, paying particular attention to the way in which the consent of those who agree to pay interest due to necessity is not truly free, and lenders in such cases are engaged in—an act of unjust coercion.⁶⁶

Overall, Bretherton argues that lending and borrowing are good things: “To be a lender and a borrower is to be situated within economic relations of inter-dependence, cooperation and mutual

58 *Id.* at 20–21.

59 *Id.* at 21.

60 *Id.*

61 *Id.* at 22.

62 *Id.*

63 *Id.* at 24.

64 *Id.* at 28.

65 *Id.* at 30.

66 *Id.* at 31.

responsibility that reflect the God given pattern of life set out in Scripture.”⁶⁷ But maintaining those kinds of economic relations, where the flourishing of each is dependent on the flourishing of others, requires limits on usury, “to ensure that the vulnerabilities involved in being a lender or a borrower do not become occasions for exploitation, oppression and abuse.”⁶⁸ Lenders should not be able to use their power to extract large personal gains at the expense of vulnerable borrowers. On the basis of these arguments, Bretherton supports a range of proposals from London Citizens aimed at restoring responsibility to borrowing and lending, including a twenty percent cap on interest rates on unsecured personal loans.⁶⁹

As an argument for a cap on interest rates, Bretherton’s discussion clearly is not accessible, in the public-reason sense. It appeals throughout to the Bible’s teaching and the way that teaching has been interpreted over the course of church history. Non-Christians will not see the prohibition on charging interest in Exodus 22:25 or the importance of freedom from debt slavery within the biblical understanding of salvation as having normative force, or as providing them with reasons they can accept. Fully endorsing the argument requires accepting the authority of the Bible and a rich set of associated theological ideas. In Laborde’s terms, the argument is not detachable from a specific system of beliefs. But this does not make the argument unintelligible or incomprehensible. Other citizens could certainly understand Bretherton’s argument, and see why it would be forceful for those who do endorse the authority of the Bible and the Christian tradition. This in itself can aid mutual understanding, showing other citizens why Christians might oppose high levels of interest. This can contribute to showing why a broad range of citizens can endorse policies regulating usury, for partially overlapping and partially diverging reasons. It thus might provide the basis for cooperation with others who share this conclusion, for their own reasons.⁷⁰

But I also think that we can say more than this. Non-Christians could engage with Bretherton’s argument on its own terms, and assess its plausibility within that context. In other words, they could accept for the sake of argument that we are taking the Bible to have authority and consider whether Bretherton’s argument would then be persuasive. For example, as Bretherton explains, there is no absolute ban on usury in the Old Testament; Israelites were allowed to charge interest

67 *Id.* at 33.

68 *Id.*

69 *Id.* at 19.

70 Indeed, that is exactly what it did do, as I explain below.

to foreigners, apparently without limit.⁷¹ One might argue that our relations within large, pluralistic, societies today are more like the Israelites' relations with non-Israelites. We interact within large, impersonal, financial systems, rather than living as a small, close-knit fraternal community. Something similar can be said about the model of sharing and debtlessness we find in the early church; it is unclear that this is a model for society at large, or what its implications are for policies at the society-wide level. The application of biblical teaching about usury to contemporary law is thus not straightforward. One might also question whether the grounds used by Scholastic scholars to distinguish interest and usury still make sense today, or can be applied within our context. If not, then alternative distinctions are required, which Bretherton does not provide. In the light of this, the twenty percent figure for a cap on interest rates seems somewhat arbitrary. At least, it is underdetermined by the argument; there is plenty of scope here for further debate about what level of interest is compatible with avoiding exploitation and oppression—and on this point the argument would likely not turn on distinctively religious concepts or ideas. This illustrates again that even thoroughly theological arguments, including those that directly appeal to scripture, contain premises and argumentative steps that are not simply or straightforwardly “religious.”

These are just a few examples of places one might press Bretherton, or a coreligionist who has adopted his argument, with respect to this argument. Further, in interpersonal deliberative contexts consideration of the argument can be done in conversation. This could include asking questions about it, querying various claims and argumentative moves, and so on, in order to better understand and assess the argument. This means that interlocutors need not have a high level of biblical literacy or prior knowledge in order to engage in such discussion, since they can ask for further explanation of points they do not follow, and can focus the exchange on the aspects they consider most interesting, insightful, or easiest to engage with.

Laborde sometimes seems to suggest that this kind of discursive engagement is impossible. She writes that “[t]o make sense of” specific theological arguments and find debates about them “meaningful” one must have a set of background beliefs that make you part of the relevant epistemic community.⁷² The standards of rational inquiry used to assess such arguments are “internal to particular bodies of knowledge,” such that only “epistemic peers,” who share the relevant set of background beliefs, can “properly debate the[ir] plausibility.”⁷³

71 Bretherton, *supra* note 57, at 26–27. The seven-year cut off at which all debts must be cancelled also did not apply to foreigners. See *Deuteronomy* 15:1–3.

72 Laborde, *supra* note 35, at 585.

73 *Id.* at 585–86.

Habermas makes an even stronger claim: “[T]he evidence for religious reasons does not only depend on cognitive beliefs and their semantic nexus with other beliefs, but on existential beliefs that are rooted in the social dimension of membership, socialization, and prescribed practices.”⁷⁴ Thus, only those with the relevant socialization and lived membership within the community can engage directly with religious arguments.

There is something to these claims. Engaging with arguments like Bretherton’s is not necessarily easy, and a full assessment of it does require knowledge of the epistemic practices of biblical exegesis and hermeneutics. For example, there are complex questions regarding the role that Old Testament law should play within Christian ethics, which non-Christians cannot be expected to fully grasp or find very “meaningful.” Laborde’s and Habermas’s comments might well indicate why theological arguments like Bretherton’s are not accessible in the sense required by public reason. Nonetheless, those comments are overstated. As I have sought to illustrate, a level of internal engagement with Bretherton’s argument is possible even for those who do not share his religious beliefs. As Waldron emphasizes, “[h]umans are enormously curious about each other’s ideas and reasons, and, when they want to be, are resourceful in listening and understanding across what appear to be barriers of incomprehensibility.”⁷⁵ Further, it is quite possible that such engagement, even with someone who is not an “epistemic peer,” would lead Bretherton to reconsider aspects of his argument, provide responses to objections, and bolster points of weakness. It is even possible that it could lead him to change his mind about various claims.

This kind of engagement is possible even when a religious citizen’s argument involves direct appeal to scripture. As Chambers notes, such appeals “can be challenged with alternative interpretations or alternative passages.”⁷⁶ If nothing else, one can always ask for further explanation of why the citizen is interpreting or applying this passage in a particular way, or for a fuller articulation of the argumentative steps that take them from that passage to the specific policy they are advocating. Such articulation will invariably provide openings for further discussion and debate.⁷⁷ Again, I am not claiming that this is easy, and I am not claiming that this makes such appeals to scripture accessible public reasons; I am remaining agnostic on the question of what kinds of reasons can provide public justification. What I am claiming

74 *Dialogue: Jürgen Habermas and Charles Taylor*, *supra* note 50, at 62 (statement of Habermas).

75 Waldron, *supra* note 20, at 859.

76 Chambers, *supra* note 10, at 19.

77 For example, see Chambers’s discussion of an appeal to Genesis 1:27. *Id.*

is that other citizens can discursively engage with religious arguments, and such engagement can be a fruitful and productive form of democratic deliberation.

Returning to Bretherton's argument, non-Christian interlocutors could also encounter ideas and insights that they find compelling, and wish to accommodate into their own views. In that sense, they could be persuaded by aspects of the argument. For example, one might recognize insights into the nature of human community and the inter-relatedness of different citizens' lives and flourishing; into the way that money can generate significant social power; and into the double-edged nature of offering credit at interest, which serves an essential economic and social need yet can also provide a means of exploitation, distorting human communities and creating unjust power relations. One might also be persuaded by Bretherton's comments on the possibility of unfree consent and his suggestion this is often a live issue when it comes to individuals' agreement to borrow at high rates of interest.⁷⁸ Part of Bretherton's argument is that seeing the way that financial power dynamics played out in the context of the Old Testament agrarian economy, and the wisdom of the laws on usury in that light, can provide insights into the way that such power can still be present today, and the need for regulation in our context.⁷⁹ This could certainly be persuasive to citizens who do not consider the Bible to be authoritative. Even the ancient Israelite view of natural resources as ultimately owned by God, and the role of humans as stewards of those resources for the good of all, might have contemporary attractions, and provide ideas that can be transposed into a secular worldview.⁸⁰ As with Biggar's argument, an interlocutor might even come to think that the various attractive normative ideals they find here make most sense within a theistic worldview, and thus be attracted to such a view. Discursive consideration, critical assessment, points of persuasion, borrowing of moral insights, and even conversion—or a mix of all of these—are all possible through engagement with Bretherton's argument.

Further, these various responses can again have effects with respect to what laws are ultimately enacted. I already noted the possibility of building a coalition of citizens from diverse backgrounds who each have reason to endorse the policy restricting interest rates. But citizens who engage with Bretherton's argument might also transpose moral insights they encounter there into an argument for that policy that does not rely on religious premises and that is accessible in the public-reason sense. Importantly, such citizens might previously not

78 Bretherton, *supra* note 57, at 31–32.

79 *See id.* at 34.

80 For example, Weale reflects on the idea of stewardship, in relation to environmental protection. *See* Weale, *supra* note 48, at 90–91.

have advocated such a policy, but through engagement with Bretherton's argument they come to be persuaded of it, and develop their own arguments in favor of it. In other words, deliberative engagement with arguments like Bretherton's can be fruitful both at the level of interpersonal discussion within civil society about matters of common concern and at the level of affecting lawmaking itself.

IV. SYSTEMIC CONSIDERATIONS

These comments move us from the interpersonal level, which has been the main focus of my discussion, to the systemic level. Deliberative democratic theorists have paid increasing attention to the overall system of deliberation, highlighting the way that public discourse occurs in multiple, varied, forums, which can play different roles within an overall system of democratic will formation and decisionmaking.⁸¹ We should be interested both in the role that religious arguments can play within interpersonal deliberation and in their place and impact within the overall discursive system. It matters in itself that other citizens can engage with religious arguments at the interpersonal level; but the full political implications of this are appreciated by seeing the way this can have effects at the systemic level. Such effects can occur both through enabling coalition-building among citizens with similar political ends and through causing those who are persuaded by the religious argument to develop other arguments for the same conclusion, which can then appeal to other constituencies. These effects, which can ultimately shape what laws a polity enacts, are important for my overall argument. They show that religious arguments can be politically productive—and in ways that are compatible with public-reason liberalism.

Hertzberg has offered a helpful analysis of the systemic effects of religious arguments, using the concept of “chains of persuasion.”⁸² Such chains occur when A's religious argument persuades B, who then develops a different argument for the same conclusion, which is able to persuade C, and so on. Hertzberg in particular emphasizes the way that such chains can occur among individuals with differing levels of affiliation with a particular religious community.⁸³ A might present an argument that narrowly appeals to scripture or religious authority. B might be a coreligionist who is persuaded by A's argument but believes

81 See Jane Mansbridge, James Bohman, Simone Chambers, Thomas Christiano, Archon Fung, John Parkinson, Dennis F. Thompson & Mark E. Warren, *A Systemic Approach to Deliberative Democracy*, in DELIBERATIVE SYSTEMS 1 (John Parkinson & Jane Mansbridge eds., 2012).

82 HERTZBERG, *supra* note 17.

83 *Id.* at 76–77.

its conclusion can also be supported using considerations that have wider appeal—even if those considerations are still religious. C might be what Hertzberg calls a “loose[] affiliate,” who has some sympathy with the religion, in belief or practice, but is not a full or orthodox member.⁸⁴ Having been persuaded by B’s argument, C might develop a version of that argument that only contains nonreligious premises, and proves persuasive to nonreligious D. Alternatively, B’s religious argument might be persuasive to E, a member of another religion with certain theological overlaps with A’s and B’s religion. E might then develop an argument for the same conclusion that appeals to other theological resources from within her religion, which then persuades her coreligionist F. Such chains of persuasion can also go the other way: nonreligious D’s argument might persuade loose-affiliate C, who draws on religious ideas to persuade B and A.

Hertzberg offers several persuasive examples of real-life chains of persuasion. One of these involves the Jubilee Movement, which campaigns for debt relief for poor countries.⁸⁵ This movement was started by Christian academic Martin Dent, who linked the biblical idea of the year of Jubilee, when debts were forgiven and land returned to its original owners, to the need for sovereign debt relief.⁸⁶ This religious argument was key to persuading Christian Aid and the Anglican and Catholic churches to advocate for the policy.⁸⁷ Secular arguments that the debts of the poorest countries of the world were unjust and unpayable, and must be cancelled to alleviate poverty and enable economic development, also had wide appeal.⁸⁸ The combination of religious and secular arguments drew a wide coalition into the Jubilee 2000 campaign, which ultimately led to \$23.4 billion of debt being written off.⁸⁹

Hertzberg’s account of chains of persuasion focuses on the role of loose affiliates as mediators between a category of religious citizens who are impervious to secular argumentation and nonreligious citizens, who are seen as unable to be persuaded by religious arguments. This might seem to conflict with my discussion in this Article, which has sought to argue that religious arguments can be persuasive to the nonreligious (or those of other religions). I think that our approaches can be seen as complementary, however. While I have argued that nonreligious citizens can be persuaded by religious arguments, this clearly does not always happen. Hertzberg is also certainly right that there is a range of levels of openness to such persuasion among the

84 *Id.* at 78, 78–79.

85 *Id.* at 87.

86 *Id.*

87 *Id.*

88 *See id.*

89 *Id.*

citizenry. What his analysis helpfully shows is that even when such persuasion does not happen directly, chains of persuasion can occur. Even citizens who would never be persuaded by a religious argument could come to be persuaded via such a chain. This also shows that not everyone has to engage with religious arguments in order for them to have systemic effects. Further, while I have emphasized that one need not be a member of a particular religion in order to engage with arguments that appeal to it, such arguments clearly vary with respect to how easy or difficult it is for nonadherents to engage with them. The chains of persuasion approach shows that there can be a role in a system of democratic discourse even for religious arguments that are very difficult for nonadherents to engage with.

In sum, my earlier arguments show that Hertzberg's portrayal of chains of persuasion is too narrow, due to his suggestion that loose affiliates are always required as mediators between committed religious believers and nonreligious citizens. Chains of persuasion between the religious and nonreligious can also occur in more direct ways. But Hertzberg's analysis also helpfully complements mine, by showing that the kinds of persuasion I have considered do not exhaust the systemic effects of religious arguments, and thus such effects are not limited to religious arguments that manage directly to persuade the nonreligious (or those of other religions).

Before concluding, I want to further support my argument by returning to Bretherton, and considering the context in which he wrote his discussion of usury. In 2009, London Citizens, a community organizing group, ran a large listening exercise, in order to understand the impact of the financial crisis, and to develop policy responses.⁹⁰ Christians who were involved in this were inspired and challenged by their Muslim interlocutors' fidelity to Islamic teaching that prohibits usury.⁹¹ This led them to reassess their own theological sources and to recognize the need for stronger opposition to exploitative lending. In other words, Christians were persuaded by the arguments, and indeed practice, of their Muslim interlocutors, in a way that led them to develop arguments for similar conclusions, drawing on their own tradition.⁹² They did not straightforwardly accept arguments appealing to the Qur'an, since they do not recognize its epistemic authority.⁹³ But they did find various premises within those arguments attractive, and thus

90 ANGUS RITCHIE, *INCLUSIVE POPULISM: CREATING CITIZENS IN THE GLOBAL AGE* 94 (2019).

91 *Id.* at 94–96; Selina Stone & Tom Chigbo, *The Just Money Campaign*, in *GOD AND THE MONEYLENDERS: FAITH AND THE BATTLE AGAINST EXPLOITATIVE LENDING* 51, 52–56 (Angus Ritchie & David Barclay eds., 2013).

92 See RITCHIE, *supra* note 90, at 93.

93 See *id.*

examined whether those insights might also be grounded within their own worldview.⁹⁴ Bretherton wrote his piece as a result, to better inform Christians of the theological rationale for opposing usury.⁹⁵ This could then form the basis for a chain of persuasion, with Bretherton's development of the Christian case against usury persuading other Christians on this issue (including individuals who are not involved in London Citizens). And Bretherton's argument might well also prove persuasive to non-Christians, as I have already discussed.

It is also notable that the Muslims and Christians involved in London Citizens did not end up endorsing identical conclusions.⁹⁶ For most Muslims, all lending at interest is forbidden, whereas Christians distinguish lending at modest rates of interest from usury.⁹⁷ The Christians here were persuaded to change their minds, but doing so according to their own evaluative standards meant they reached a somewhat different conclusion.⁹⁸

Nonetheless, the two groups could unite in supporting a cap on interest rates, and thus participate in London Citizens' campaign. And this campaign was successful. It led to the first anti-usury laws in the United Kingdom for over a century, with the Financial Conduct Authority introducing a cap on the cost of payday loans in 2015.⁹⁹ As Citizens UK reported, the campaign for this cap involved an "interfaith call to prohibit usury, appealing to teachings in the scriptures of the Muslim, Jewish and Christian faiths."¹⁰⁰ This appeal evidently involved insights that nonreligious citizens could also recognize and be persuaded by, as evidenced by its success.

CONCLUSION

This Article has argued that nonreligious citizens (and those of other religions) can fruitfully engage with religious arguments. Such arguments can therefore play a productive role within interpersonal deliberation, and within the overall system of democratic public discourse. As I have emphasized throughout, my argument is compatible with (but does not depend upon) a public-reason view according to which religious arguments should not ultimately be used within the

94 *Id.*

95 Bretherton, *supra* note 57, at 19–20.

96 RITCHIE, *supra* note 90, at 95.

97 *Id.* at 95–96.

98 *Id.* at 94.

99 *Id.* at 96.

100 *Citizens UK Celebrates Cap on Credit Coming into Force and Call for Community Finance Fund*, CITIZENS UK (Jan. 7, 2015), <https://www.citizensuk.org/about-us/news/news/citizens-uk-celebrates-cap-on-credit-coming-into-force-and-call-for-community-finance-fund/> [https://perma.cc/2RT9-JDVK].

justification of laws, due to not meeting the standard for being public reasons. This is a significant feature of my argument, since most defenses of religious reasoning within political deliberation proceed by rejecting public-reason liberalism. I have taken a different tack.

My argument shows that liberals should welcome religious reasons within political deliberation, and thus public-reason theorists should adopt an inclusivist position. Further, they should do so not simply on account of concerns about expressive freedom or limiting the demands placed on citizens. There are positive reasons to permit religious reasons within political deliberation, given the fruitful role that such reasons can play within it.

This argument from within liberal theory also provides a response to one of the central objections that Christian critics have pressed against liberalism, and especially public-reason liberalism. Showing that liberals should, on their own terms, welcome religious contributions within public life, might help to lessen the divide between liberal theorists and Christian critics.

