John Rawls and the Moral Vocation of Liberalism

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Reasonable people disagree. In fact, they expect to disagree, and they behave themselves when they do, sacrificing neither their convictions nor their persuasive relationship with each other. That they expect other reasonable people to disagree with them is not a sign that they don’t take their convictions seriously (as if their convictions were only arbitrary preferences, not considered developments of insights arising from deeper levels of conviction). Nor is their ability to live with each other in the face of those disagreements a sign that they underestimate how far their convictions really do divide them (as if what they really had in common were a shared blindness to their incompatibilities).

By attending to how reasonable people engage in principled disagreements John Rawls seeks to describe some of the conditions which must obtain before anyone would agree to enter into a persuasive arena in which there are high stakes but no certainty of winning. These conditions provide Rawls with an insight into the nature of political obligation, for they define what parties to principled disagreements must grant each other if a culture of persuasion is to be maintained among them. The obligations which govern a culture of persuasion do not apply only to cases in which opponents are actively engaged in the attempt to win each other over but also to cases in which they are merely required to share a public world with people to whom they owe respect in the face of disagreement. These obligations define the central moral tenets of political liberalism, a theory of public life which seeks to enable people of reasonable but not fully compatible convictions not only to live with each other but also to affirm a set of common political values.

“Liberalism” has lately been, for both left and right, a term of abuse, as if it described not so much a body of convictions as an impatience with the costs of conviction, or as if it were not so much a matter of, say, respect for a variety of views, as of distaste for conflict. Here is the nightmare about liberalism current in our culture: in discrediting authority and tradition as arbiters of value liberalism also discredits reason as an arbiter of value, because it is panicked
by the inability of reason to provide apodictic solutions to problems of value.

Although it disclaims any doctrine of the proper ends of human life, nightmare liberalism seeks to play a moral role in human behavior as a fair arbiter of conflicts about those ends. But in its despair about finding certain grounds for evaluating disputes about value it treats values as if they were compulsions whose inner logic one cannot subject to critical examination. Nightmare liberalism has no choice about this, because the moral language in which moral claims are to be evaluated as moral claims is one of the things that is in dispute in the quarrels it wishes to arbitrate. In treating values merely as a kind of compulsion, as being rather like interests except in being somewhat sentimental and irrational, nightmare liberalism abandons also the tests which would distinguish a fair deal from an unfair one, a freely chosen arrangement from a concession made under duress, because all compromises among compulsions are concessions made under duress except if they can be described in the kind of moral language nightmare liberalism specifically abjures.

The nightmare liberal must ultimately see in human disputes about the ends of power only disguised versions of conflicts over power, biological conflicts waged in an abstract space. But, strangely, unmasking value as a strategic illusion does not destroy value but drives it underground. Value is driven off as reasonable conviction, but returns as the prophetic motive underlying one’s own critique, or as a vitalizing elan, as charisma, as “value-judgments,” as “decision.” (Something of Weber’s sense of these terms remains in the newsman’s admiration for decisiveness of any political stripe.) What is cast out of method returns as mysticism.

The nightmare liberal inhabits a world which is totally mechanical–all actions are strategic, and no explanation of an action counts as explanation unless it is finally strategic. Yet this totally mechanical world is also a haunted one–charged with something that produces an admiration for totally inexplicable leaps of faith uncompromised even by the attempt to describe them as strategic. The world of the nightmare liberal is not a living world; it is a dead one galvanized, not a human being but a corpse animated by a demon.

Critics of liberalism as diverse as MacIntyre, Bloom, Strauss, Arendt, Pocock, MacPherson, and Sandel see liberalism as the abandonment of any teleological view of human nature, as the triumph of the oikos over the polis, of the idiot over the citizen. Other strains of cultural critic, such as those influenced by Althusser or by the Frankfurt school, are fond of placing liberals in a cleft stick. On one hand, if X confesses to a moral aim, then that moral aim is a hegemonic ideology and his work serves an ideological state apparatus, the profession of fairness serving only as a strategic illusion with which to catch the unwary. On the other hand, if X makes good on his professions of neutrality about moral aims, then he reduces people to mere consumers, fitting them with the amoral purely instrumental or technical view of culture and
action characteristic of late capitalism, whatever that is. The specific features of X’s belief matter little, since whatever it is it will fall under one of the two headings.

The nightmare critique of liberalism is close enough to the unexamined practices of our day to be stinging. But it’s an open question whether what is being rebuked by it is any species of liberalism recognizable to Kant, or to Madison, or to Tocqueville. The cleft stick I have described arises from a loaded view of the moral personality and a loaded view of the character of moral knowledge. It argues that either we adjudicate our disputes by access to moral absolutes, or we are merely interested special pleaders advancing our interests in moral guise. Either moral thought is as rigorous as calculation, or it is totally arbitrary and therefore totally strategic. But moral argument does not depend upon unproblematic access to first principles. All it takes is enough detachment to recognize when a compelling appeal has made against one in terms of values one has reason to respect.

The special character of liberalism as Rawls imagines it derives from his sense of the role of reason in a persuasive culture and the moral vocation he discovers in that culture. We think of reason as settling disagreements. But reason is itself a rich source of disagreement, since it raises new questions in the process of settling old ones, unsettles old answers as it puzzles out their implications, introduces new distinctions which divide those who thought themselves to be in agreement with each other, or discovers inner unities which put previously distinct views in each other’s company. That we see the world differently is not necessarily a function of our different interests, or of our different levels of intelligence or courage, or even of our different assumptions about the world. We see the world differently because it is in the nature of reason to develop even the same insights in different directions.

This difference, Rawls argues, is neither a scandal to be suppressed, nor a melancholy fact to be borne with and improvised around, but a central and valuable feature of being human. It is a valuable feature because engagement with others of different views not only causes us to doubt our unexamined certainties but also helps us to articulate the things that really do matter to us: we are morally bound to others of different views, not only because we have duties toward them, but also because we cannot make sense of our own moral destiny except in terms of engagement with them. Persuasive engagement refines convictions as often as it blurs them, even when it does not lead to agreement. That is why the part of reason that we call wisdom, the part we distinguish from any kind of knowledge or intelligence, insists that reasonable people are not panicked by the concession that their certainties have limits.

Our disagreements depend strongly upon our agreements; how else could we make a telling claim or recognize when one has been made upon us? It is this dependence of disagreement upon agreement which renders the story of our differences
intelligible, at least over the short haul. Over the long haul, however, our disagreements develop unpredictably, since the agreements in whose terms we engage in them are refined and revised continuously, under the pressure of our ever-changing conversation with each other. To concede this is not to concede that our convictions are arbitrary, only that they are not mechanical, only that we do not know in advance which agreements will gain more telling force as our conversation extends over the longest haul. Our persuasive engagements unfold intelligibly, but unpredictably. It is this dance of agreement and disagreement which makes the work of reason a lived experience, and which distinguishes reason from mere preference on the one hand and from mere calculation on the other.

The mutual dependence of agreement and disagreement, Rawls argues, enables us to define ground rules to which we can expect to hold each other. Rawls proposes a Kantian test for the rules we would lay down about persuasive engagements: if a rule is not loaded, then it is one we would agree to be bound by even if we did not know what our stake and situation would turn out to be. If one finds one’s self unable to hold one’s self to that kind of rule, one must ask one’s self whether one’s position can only be maintained by special pleading such as one would never allow one’s opponents to get away with. (Describing political obligation this way, as a scruple about one’s own convictions rather than as a rule about somebody else’s, best captures, I think, the moral force of the test Rawls proposes.)

Minimal as this condition is, it nevertheless strongly constrains what one can do to advance one’s own views, and weakly constrains what those views can be. Further, this minimal condition motivates a set of public commitments which are not merely formal or procedural rules of order but also the consequences of a vision of political obligation no less deep for being held in common by adherents of doctrines otherwise in conflict.

This is not to say that it is the aim of liberalism to provide conditions under which all convictions—or even all reasonable convictions—prosper equally. To demand this is to propose an unreasonable test of the impartiality of liberalism anyway, one that falsifies the meaning of the term “impartiality”. The test of liberalism is not whether the space of views it tolerates is infinitely broad—Rawls notes that the metaphor of “sufficient space” makes sense only from within a theory of justice which would produce some version of liberalism—but whether under its regime the story of how our agreements and disagreements work out in our unfolding life with each other is a story that is already over. And indeed, only versions of liberalism do not foreclose political conflicts before they begin, because only liberalism asks what people of different convictions will have to give each other if they wish to live with each other.

John Rawls’ classic *A Theory of Justice* described a method by which societies can regulate and adjudicate conflicts over interests and views of the good by imagining how parties would arrange their common life if they were placed in what
Rawls called the original position. The original position is a heuristic fiction which consists of two parts: imagined parties who are asked to represent people in the actual world, and a veil of ignorance which prevents those parties from knowing which people they represent. Unlike real people, these parties are capable of rationally advancing their desires and their ideas of the good, but they are not capable of reasonableness, of fairness to others. (These last are linked concepts for Rawls.) It is the veil of ignorance which models the reasonableness of real human beings, because like reasonableness it requires the parties to choose general principles and a basic structure of society which are not already loaded in their own favor, since they can not know, from behind the veil of ignorance, whether that principle or basic structure will be loaded for or against them.

Adopting the fiction of the original position enables us detach ourselves from our personal urgencies at least so far as to imagine what we would make of a society if we felt urgencies far different from our own. Critics of Rawls continue to imagine that the original position is not only a heuristic model but also somehow an idealized and abstracted version of how people really are; some imagine that the parties in the original position are possessive individualists or members of the primate species *homo economicus*. (It is amazing how this misreading of Rawls persists!) The parties are individualists only to the extent that they are asked to judge for themselves; nothing else about them requires the view that people are morally isolated from each other.

Rawls' new book turns on a vision of what a government is and does which is distinct from but consonant with the view he developed in *A Theory of Justice*. The first book viewed government as a kind of disbursing agent, fairly apportioning the social cake—*to use* a famous metaphor first employed three centuries ago by Harrington. While government even in the first book has a commitment to liberty which overrides any social aim, Rawls' most detailed arguments in his first book concern how the government is to supervise the economy. *Political Liberalism* by contrast views government as a forum for principled disagreement, and develops in critical detail the commitment to liberty which—as H.L.A. Hart pointed out in his penetrating review of *Theory*—the first book seems to have almost taken for granted.

Rawls seeks in *Political Liberalism* to account for this commitment to liberty by correcting what he takes to be a major problem in the earlier book, its inability to distinguish between a comprehensive liberalism which addresses all aspects of human life from religion to economics, and a more modest purely political liberalism which governs behavior in the public sphere. Comprehensive liberalism is incompatible with many other comprehensive doctrines, not all of them unreasonable, and to require a public consensus on it would trample adherents of other comprehensive doctrines. Political liberalism, which restricts its purview to public questions wherein adherents of different comprehensive doctrines
are engaged with each other, would not trample non-liberal comprehensive doctrines in the same way.

Rawls' first approximation to a solution of this new problem is to use the original position to solve the problem of conflicting comprehensive doctrines much as he had used it earlier to solve the problem of conflicting economic interests: when a society is designing the deliberative bodies that are to govern it and the rights that are to be regulated by the political institutions of that society (what Rawls calls the “basic structure”), they must be the ones one would chose if one did not know which comprehensive doctrines one would seek to advance under their rule. This method provides Rawls with a method of ruling out as unjust any arrangement which seeks to use special pleading to enable adherents of one comprehensive doctrine to trample those of another.

Any rule which can only be defended from within a particular comprehensive doctrine thus cannot be used as the basis for coercion in a just political society, for the state can coerce only on the basis of principles that adherents of different comprehensive doctrines could reasonably be expected to agree to. The compelling force of a political arrangement does not arise as it were from a higher transcendence that trumps other people’s views of transcendent things, but from the fact that it honors values which people of different views reasonably expect from each other. This means that political compulsion can only arise from purely political values and that other orders of value cannot count on the coercive force of the state to enforce them, although those values may be true, and may require the force of the state to be of any effect.

In limiting state coercion to purely political grounds, Rawls does not seek to require citizens to treat their comprehensive doctrines as illusions. Rawls takes his cue from the political arrangements which finally made it possible for adherents of some different religions in the West to tolerate each other: in the U.S., for instance, different religious traditions have required the state to adopt tolerant institutions because the state is large and diverse enough that they can not know which of them will be in a position to dominate it. Religions tolerate each other not because they have doubts about their own truth, but because they recognize that they can only expect tolerance if they are willing to give it as well. But to say this is to notice that tolerance does not spring only from prudential grounds. Religions tolerate each other not because they have weakened their moral commitments in search of a political advantage (the ability to survive in a state they cannot dominate), but because toleration is itself the fruit of a moral commitment, the commitment to return to others what one expects from them.

The tension between justice and faith is a version of the tension between the fair and the good. This tension is not that between moral communities and the amoral state but a tension within the concept of morality itself, a tension between a moral commitment to our own values and an equally moral commitment to honor fair terms of cooperation and to work
out our destiny by discovering the form our common life will take.

This simple solution, the recourse to the original position, however, does not of itself suffice to solve the problem of political liberalism. Recourse to the original position would not persuade those who take their comprehensive doctrines to be foundational for the rest of their lives to restrain their ethical demands in the name of political justice, because doing so seems to require them to partition their lives into public and private spheres, which, in turn, seems to require their treating their comprehensive doctrines with less than full seriousness. They must treat a political appeal to justice as always trumping a religious appeal, or even an ethical appeal whose warrant strikes them as transcendent.

Political obligations will often be in tension with ethical obligations, and no theory respects the seriousness of that tension which allows one to sweep away one side of that tension. One need not be a religious fanatic to see that an arrangement that gives trumping force to political obligations over religious and ethical ones amounts to a kind of repression of all but the most tamed and washed-out sorts of religious life. This limitation applies of course to the positions of other comprehensive doctrines as well, not only to religions.

To meet this objection Rawls gives new prominence to what he calls an overlapping consensus, a concept which played a limited part in A Theory of Justice. An overlapping consensus is a structure of values adhered to by different sorts of people. They may adhere to these values for different reasons, and they may see them as parts of vastly different wholes, but they nevertheless can agree on what those values are. Can one see values as parts separated from the wholes in which they have their full meaning? Most contemporary cultural theorists would deny this. But in that case even the most trivial conflicts over ethical issues would reduce to screaming. To the extent that any ethical conflict is intelligible at all, individual values must be provisionally capable of being separated from the wholes of which they are a part. One concedes the existence of an overlapping consensus every time someone whose beliefs are wholly different from one’s own nevertheless calls one to account in terms whose force one grants from within one’s own values. (If this has never happened to you, what are you?)

Rawls originally elaborated the concept of an overlapping consensus as part of his effort to explain the logic of civil disobedience. The civilly disobedient person breaks the law as a way of making the body politic keep faith with its own acknowledged public values. The civilly disobedient person claims that his or her views do better justice to the opponent’s values (taking them as a whole and considering what they must finally mean) than the opponent’s views do. The aim is to transform the opponent’s moral nature, but in a way which does justice to wholeness of the opponent’s most fully considered convictions: civil disobedience succeeds, this is to say, when it poses an interpretation of the opponent’s
character so persuasive that the opponent buys it.

As a first approximation, one might imagine that Rawls argues that the adherents of different comprehensive doctrines may see each other in roughly the way civilly disobedient persons see their society: as people who hold very great values in common in the face of their deepest disagreements. There are two new twists on the concept in *Political Liberalism* which were not emphasized in *A Theory of Justice*. The first is that an overlapping consensus applies even where persuasion of the others is not the aim. The civilly disobedient person aims to convert the others. But adherents of different comprehensive doctrines need not be making any such attempt: they need only seek to work out a habit of public life acceptable to each other and worthy of respect within the horizon of their own values.

Second, what in *Theory* provided a rationale for disobedience provides in *Political Liberalism* a rationale for obedience: the overlapping consensus sets limits on what adherents of one group can expect of a society which will in principle include adherents of other views. Here again the twist is not as radical as it may at first seem. Even the civilly disobedient person is strongly constrained by the necessity of respecting an overlapping consensus, for he or she must, if persuasion of the other is the aim, refrain from doing anything that will render unstable the culture of persuasion in which moral appeals can be plausibly made: someone who fails to exercise this restraint destroys the moral aim he or she pretends to serve.

Adherents of comprehensive doctrines thus play both roles in the scenario of civil disobedience Rawls sketched out in *Theory*: they resemble the civilly disobedient in that on the basis of an overlapping consensus they make morally valid claims against each other. And they are like the civilly disobedient in that they refrain from doing anything which will render a persuasive culture untenable. At the same time they are like the society that is challenged by civil disobedience, in that they recognize that they can be held to account by a commanding appeal to their own values by those with whom they find themselves in conflict.

The crucial difference the notion of an overlapping consensus makes is that it does not require adherents of comprehensive doctrines to treat their convictions as having no force in the public world, even when those convictions are not shared by the society at large. They may treat the convictions that separate them in the general culture in precisely the way that the civilly disobedient treat the convictions that separate them. They may seek to persuade the general culture to adopt their view of the issues that matter to them, and they may use the persuasive resources available to their comprehensive doctrines, not merely the persuasive resources available to purely political reasoning. (Rawls has in mind the use of the persuasive resources of evangelical Christianity in the Civil Rights movement, but of course the use
of that kind of resource can’t stop there.) The condition on these appeals, however, is that they must use them in a way which supports, or at least does not corrupt, the public culture of fairness in which they seek to have influence; we have a duty of care to each other and must not easily write each other off as depraved or as unworthy of being taken seriously in our own terms, although those terms are not guaranteed to take the day of their own force.

This is why the Rawlsian theory applies to a state of flawed and erring but still moral human beings: one could not extend this duty of care to demons. This limitation also marks the cultural horizon of liberalism, for although liberalism can govern many kinds of cultural conflict and can apply to many kinds of culture, including traditionally religious ones or cultures with command economies, cultures can become demonic (as the experience of our century suffices to prove), and liberalism cannot govern a demonic culture, or even redeem it. Indeed, struggles with demonic cultures can force liberalism to means which corrupt it as liberalism.

To treat religious values as a purely private matter is to force religious people to accept complicity in what they have reason to object to, and to require them to choose between whether to be citizens or believers. To allow them to use religious appeals, so long as they remain part of a persuasive culture in which they must recognize that they cannot trample others merely because they think they are in the right, is to enable one to be both citizen and believer, although the two roles may be in some tension.

In recognizing this tension, politics does not argue that ethical and religious values are purely private in the way that desires and interests are private (as if the moral claims which arise from comprehensive doctrines were merely something like urgent feelings described in moral language). It treats them as nonpublic, which is to say, as something about which those in the original position must not know where they stand and which therefore must not be erected into a principle which the state can compel all to accept.

Political liberalism depends upon the ability to maintain the distinction between the private (or morally neutral) and the morally charged but nonpublic. Roughly speaking the private concerns that about which no significant faction has a moral issue, and the morally charged but nonpublic is that which all sides concede is a moral issue but which the public sphere cannot be asked to decide.

The distinction between the private and the non-public but morally charged is messy but crucial, for the distinction between a principled engagement over different views which owe each other seriousness and a mere equilibrium of forces hangs on it. Treating moral convictions as private requires the state to solve moral conflicts only by contests of force between their adherents: it cannot seek principled grounds of compromise, because those grounds would themselves be
private. If on the other hand we seek principled grounds for political arrangements, we have a duty of care to take each other’s convictions seriously as convictions, even when we do not allow those convictions to dictate policy at will.

To do this, we must imagine each other’s distinguishing moral convictions as non-public (in that the state can’t write the moral concerns of one group into the higher law and place it beyond the reach of political bargaining), but still as morally charged (in that the state cannot also treat those moral convictions merely as illusions or as arbitrary compulsions). If we stand in a relationship of overlapping consensus to each other, then we have a duty to treat each other’s moral convictions as possibly of some bearing on the issue at hand, and to keep alive a persuasive engagement with each other which enables us to take each other with respect for each other’s moral point of view. Respect does not necessarily demand agreement. But it does demand that one continually keep before one the possibility that the other may in some unanticipated way transform one’s convictions without violating one’s identity.

Philosophy cannot clearly draw the lines between the morally private, the morally nonpublic, and the morally public. They are drawn by this contingency: what people happen to feel strongly enough about to be willing to kill each other over. Something is morally nonpublic only if one is willing to view tolerance as something other than a form of complicity in absolute evil, on the one hand, and is willing to view the issue as not merely “a matter of private choice of no conceivable moral relevance to other people” on the other. And one is willing to do that only if one is aware of enough of an overlapping consensus that one feels satisfied with half the moral loaf (or at least one is not willing to risk a contest of force in which one may well lose in a sweeping way). It is perhaps better if one can make the case that one can advance one’s moral agenda in a more sturdy if less sweeping way through tolerance than through repression. But for this to happen, both sides need to concede that the moral issues each bring to the contest are genuine enough to merit consideration (if not surrender) from the other side, each side must recognize that it has a duty of care to the values of the other.

If I sacrifice a moral aim to preserve political stability I may well be putting political values over ethical ones; from a purely ethical point of view one could call that act valuing the expedient over the good. But I could be serving those ethical aims in an indirect way, since if I sacrifice political stability I also may sacrifice the necessary instruments of my ethical aims. Am I really required to let God’s will be done, though the world perish, if the price of my action is the probable triumph of evil in that world and the price of my restraint is to hold at least some debatable ground against it?

It is a mistake to think that adherents of comprehensive doctrines have no interest in circumspection about action on their basis: we all know that it is possible to be stampeded by our beliefs into actions which we will regret, not only
as people, but also as believers, and that sometimes we are stampeded into actions which do violence to the very beliefs we wish to advance. Like the lover who kills his beloved in a fit of jealousy we are sometimes blinded to the nature of our convictions by the intensity with which we hold them. One of the ways we ensure against doing violence to our own convictions is to give fairness to convictions which may not oppose our own directly, but which at least have enough distance from them and on them to enable them to bring us to our senses.

I think this dependence of apparently incompatible comprehensive doctrines on each other is what Rawls has in mind when he argues for what he calls “reasonable pluralism.” My picture of the world, for all of its universality and rigor and claim to being able to cover all contingencies and answer all questions, is somehow incomplete without the living engagement with other pictures of the world which contradict it.

It is the duty of care we have towards people of different views which is the foundation of the moral task of liberalism, for we discover in our relations with people of different convictions principles that are worth respecting from within our own; indeed, that respect often gives us a grasp upon our principles which we could have come upon in no other way. The duty of care also provides us with a way of distinguishing between the relations of mutual respect offered by liberalism and a mere ad hoc standoff of moral enemies who are bound to each other only by the happenstance that neither is strong enough to exterminate the other, what Rawls calls a mere *modus vivendi* or equilibrium of force.

One has reason to respect a liberal arrangement because it is the product of principled reflection. One has no such reason to respect a *modus vivendi*—the terms we have now are merely those we were in a position to insist upon. We would have no reason for respecting those terms were we to come into the power to demand better ones, since the fact that the terms are what they are is only a reflection of our relative power when we drew them.

The case for political obligations when they conflict with ethical obligations is strongest over the longest range: I am willing to cut a deal and keep to it even if that deal is morally flawed so long as that deal keeps alive the possibility of my having my moral way and so long as the clean-hands alternative would risk my principles in even worse ways. (Even so, unless I have some grounds for owing my opponents some respect, what I engage in here is more an equilibrium of force than a kind of principled politics.) Certainly if I let loose tyranny in the name of my views, I make myself vulnerable once my opponent finds himself in the position to return the favor. If I give up political circumspection in the name of ethical urgency, if I do not seek my opponent’s deliberated and morally reasonable consent (from within his principles), even if I do so in the name of moral reason, I can not resort to the restraint political circumspection might impose upon his force when I need it. (Don’t reply to this by saying with a wise look that circumspection does not ever really restrain
force. Haven’t you yourself ever restrained yourself in just the way I describe? And what is so special about the people who believe what you believe that has rendered you so uniquely capable of self-restraint? Circumspection can restrain force if it takes place in a culture which has established a tradition of finding morally respectable ways of allowing people to climb down from high horses.)

If the long-range view favors political over ethical obligation, the short range view does not, because restraint, circumspection, and dealmaking commit one to moral failures which trading and persuasion, even if they ultimately allow one’s side to prevail, do not suffice to recoup. For instance: I may win in the long run over the issue of my opposition to capital punishment. But that eventuality hardly reconciles me to the execution of Mr. A, because when I win that fight I won’t be able to go back and restore his life. That law works itselfpure is no recompense for those who incur in law’s name suffering which even a purified law can’t pay for. This is not a trumping argument against liberalism only because the price of disabling political compromise is higher still; it is, however, a recognition that liberalism suffers tragic limitations.

Clearly not all comprehensive doctrines are capable of entering into an overlapping consensus with other views. Even those which are must sometimes be modified to fit, although they are not always the losers by this, even in their own lights. Rawls refers to the limit of the space of liberalism when he distinguishes between “reasonable pluralism,” which political liberalism can rule, and “pluralism as such,” which it cannot.

When Rawls proposes that liberalism does not apply to pluralism of comprehensive doctrines as such but to “reasonable pluralism” one’s first response is to object that doing this is to exclude all the really hard cases. “If all I have to deal with are the reasonable doctrines, then the space of politics is a pretty small one, particularly if I get to say which doctrines are reasonable!” one might say. But Rawls defines “reasonableness” broadly, as that part of the moral psychology which knows that it must share the world with other people to whom it owes respect and fairness. One takes another comprehensive doctrine to be reasonable (although perhaps not true) if one can see the ways in which reason itself, as a source of disagreement, originates the differences which separate that doctrine from one’s own. Rawls calls these sources of principled disagreement “the burdens of judgment.” It is an awareness of the burdens of judgment that distinguishes wisdom from mere intelligence and enables wise people to be able to hold convictions seriously and yet respect as reasonable those whose convictions differ.

At the same time one might wonder whether these means are sufficient to bring cases of true ideological conflict under the purview of liberalism, whether liberalism is capable of providing regulative principles for ideological conflicts
or is instead merely one of the ideologies in conflict. One is tempted at first to reply with a short answer: what are comprehensive doctrines other than ideologies? And indeed, if adherents of conflicting ideologies are to get along at all, is there any means available for doing so other than resort to something like the Rawlsian original position?

One can’t reply to this that it suffices to demonstrate that all contests are ideological and finally concern power, for that observation is only an intelligible one from within a moral program which seeks to denounce such exercises of power as oppressive. Nobody who argues that “all justice is somebody’s justice, even if that somebody is a disseminated unconscious cultural conspiracy rather than a person” draws the conclusion that “I can do what I wish and do not have to be just,” although the conclusion follows. If one does not follow through to that conclusion, it is only because one does not really believe the premise. Cultural critique has moral motives; it merely cannot make them the conscious subject of philosophy. If it did so, it would become liberalism.

It is this blindness to its own moral motivation which enables contemporary cultural criticism to believe that its claim that “all values are political and to that extent arbitrary” is somehow liberating. It is a liberating claim if it applies to the moral pretensions of the strong; if it applies more generally the claim merely deprives the weak of a ground of appeal against the strong. How abetting the tyranny of the strong is liberating is beyond me.

The quick answer doesn’t fully meet the case, however, because one of the features of ideological conflict as it is currently described is that conflicting ideologies are mutually incomprehensible, in which case an overlapping consensus could not be arrived at because the parties would speak past each other.

It would be better perhaps to attack the views of ideological politics current in literary critical circles by describing them as a species of skepticism. If the concept of ideological politics understood there is relevant to political debate, then it should be possible to point to some difference in political affairs that seeing a conflict as ideological would make. But if one can point to such a difference, than one can imagine some idiom not under ideological control which would register it and respond to it. If one cannot do this, then one is confined, like skepticism, to distinctions which make no difference. If one can do this, on the other hand, the politics which motivates ideology criticism reduces to liberalism.

That liberalism is capable of seeking grounds for itself that are not obviously loaded does not of course mean that liberalism is equally hospitable to all points of view, nor should it. This does not mean that liberalism suffers from the ideological blindness contemporary cultural critics describe. Further, that liberalism places opposing comprehensive doctrines in a public space of fairness does not mean that it will under all circumstances be able to resolve their differences. Some quarrels will be intractable. And these quarrels will often place public and non-public values at odds with each
other. But because liberalism develops an overlapping consensus of comprehensive doctrines, the quarrel between public and non-public values is not a quarrel between those who are included in the public order and those who are not, but an inner tension in the convictions of citizens who do not lose their citizenship or their rights (and who are not freed from their obligations) by those tensions. Tensions within and among one’s values are no tragedy; they are in fact one of the things which renders the experience of value a human experience and which makes thought about value something other than mechanical.

Even under ideal conditions, however, the engagement of citizens in a persuasive economy will come at a price in that some doctrines will fail if they lack the ability to control the state machinery. Is the fact that some doctrines do not prosper under liberalism grounds for believing that liberalism is repressive? Adherents of these doctrines may view the failure of the state to take special measure in their favor as a kind of de facto repression.

Certainly, as Rawls points out, the fact that the doctrine fails is not evidence that it is unworthy of prospering. Nothing about Rawls’ doctrine commits him to the Mill’s belief that doctrines fail to thrive because they are unworthy—what one might call the “marketplace of ideas” argument, in which ideas engage in a Darwinian competition with each other in which the survivor is *ipso facto* the fittest. Worthy doctrines will fail under liberalism because worthy doctrines will fail under any regime. Liberalism as liberalism renounces the ambition to compel conscience, and the price of freedom of conscience is that worthy doctrines sometimes fail: to demand otherwise would require a moral elite to compel conscience, which would be tyranny, although a high-minded tyranny.

Might liberalism itself be one of those worthy doctrines that can fail? Alas, I fear so. Rawls imagines a scenario first developed by Bruce Ackerman in which the United States, following the procedures of Article V of the Constitution, were to repeal the First Amendment. Rawls, disagreeing with Ackerman, makes the case that the Supreme Court could invalidate that repeal, arguing that that repeal would be false to the values inherent in the Constitution itself. (Of course, the Constitution was in fact ratified without a First Amendment, because its authors felt that the internal tensions between the different deliberative bodies of the government would suffice to secure its effect.) My own feeling is that Ackerman is correct, and that a court’s attempt to preserve liberalism under these conditions would contribute to its destruction.

If the people were to repeal the First Amendment, the culture of freedom would already have been lost, and no decision by any court could revive it. Freedom might be saved under those circumstances by the things that change people’s hearts, but it could not be saved by the pure force of law, except to the extent that law itself sets up traditions
that change people’s hearts. The legitimacy of a political order is maintained not only by the consistency of its laws but by the continuity of a set of cultural allegiances in exactly the same way that the legal institution of marriage depends in ways the law cannot formalize upon the structures of feeling it both expresses and stabilizes. If a liberal culture neglects itself as a culture, it may well put itself in a position in which the means available to liberalism are incapable of defending it, and it must adopt means which are more likely to destroy freedom than to preserve it.

Finally, I fear, (with both Adams’s, and with Webster, Clay, and Lincoln) that liberal government rests not upon first-principle grounds but upon a culture of respect for freedom, a tradition which, once it comes apart, is very hard to reconstruct. I do not think, however, that this means that Rawls’ attempt to develop in conceptual detail a version of liberalism which does not depend upon adherence to liberal comprehensive doctrines fails, for to transcend comprehensive doctrines does not require a theory that transcends culture in all respects, only a theory which makes it possible for those who are concerned with fair cooperation among people of different traditions to make good on that concern. Where this desire for cooperation is extinguished, liberalism has nothing to say. How could it?

Does this mean that the Rawlsian theory finally describes merely a convention, that it derives its warrant and grounds for respect from nothing deeper than from the liberal culture from within which it is written? The alternatives this question provides—either a warrant on first-principle grounds or the concession that the enterprise concerns only the rationalization of the habits of a particular interpretive community—strike me as a familiar false dichotomy. For there is plenty of room between first-principle argument and pure arbitrariness, and most judgment goes on in that room. At the very least, Rawls does place liberalism on a far broader basis than other theorists of liberalism have been able to do. And he does provide grounds which might enable liberalism to talk down some, if not all, of the forcers of conscience. Indeed, if different cultures are ever to get along, liberal and non-liberal, it is hard to imagine any basis for that other than their asking each other better than what they could reasonably expect the other party to buy, which is of course the motivating insight behind the Rawlsian original position in the first place. Perhaps as a motivating insight, as one of those rules of thumb which have to do with liberalism as a habit of mind rather than with liberalism as a doctrine, this act may indeed make possible cooperation and fairness across cultural and ideological boundaries, even if it cannot be the basis for a fully developed theory of politics that completely transcends culture.

Most important of all, *Political Liberalism* provides a way of reflecting upon what a commitment to liberalism means and what a liberal culture must do to live up to its own professions. Even if Rawls cannot finally work his way completely outside of an already liberal culture, his work is ultimately about how liberals, as liberals, are to define and respond to
the moral demands liberalism imposes, and not about how rationalizations are to be constructed for liberalism. To ask what we must do to answer to our commitments is finally a more practicable, as well as a more human, task than the task of providing for a theory of politics which utterly transcends culture anyway.