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## John Rawls, Political Liberalism

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If your first book were hailed as one of the great works of political philosophy of all time, what should you do for your next project? Surely not devote yourself to repudiating a significant part of the first book, and developing a view in which your original theory appears as only one among many possibly correct views. But that is exactly what John Rawls did. The first aim of *Political Liberalism* (*PL*) was to correct what Rawls saw as a major problem with his magisterial *A Theory of Justice* (*TJ*).<sup>1</sup> The theory of justice defended there (“justice as fairness”) could not be a stable basis for a well-ordered society, he decided, because its premise that citizens hold the same comprehensive moral view is incompatible with the “fact of reasonable pluralism” (xliii). Rawls did not renounce justice as fairness. He still thought that it is the best theory of justice, but he came to believe that his earlier account of how citizens can accept it was mistaken.

Most of the initial reaction to *PL* focused on the differences with *TJ*.<sup>2</sup> Some readers were disappointed because Rawls seemed to have weakened his liberalism by appearing to downgrade justice as fairness. He seemed to put the egalitarian principles of *TJ* at the mercy of democratic politics. He had become too political. Other readers were disappointed for the opposite reason. He had not become political enough. *PL* was still just as “abstract and unworldly” as *TJ* (lxii). It tried too hard to rise above the political fray. It seemed to cast the theorist in the role of an umpire, impartially setting the rules of

debate and terms of cooperation. With only the view from *TJ*, political liberalism looked neither sufficiently liberal nor appropriately political.

Preoccupation with comparing the two books—which continues in much recent commentary—has eclipsed the independent contribution of *PL*. Fixing a problem in *TJ* is only one of the aims of *PL*. The other—and arguably more important—aim is to find fair terms of political cooperation in the face of reasonable pluralism (xxxvi, 47). There is reasonable disagreement about justice, including justice as fairness. How then can we justify imposing laws on one another? *PL* thus shifts from formulating a theory of justice to finding a theory of legitimacy. This shift sets a distinctive new agenda.

“Political liberalism . . . has a familiar ring,” Rawls writes, but “I mean by it something quite different . . . from what the reader is likely to suppose” (3). That is certainly the case if the reader supposes that it refers to the term as used in contrast to conservatism in American politics, or as used (in quite another way) to describe the ideology of liberal parties in European politics. The liberal tradition from Kant to Mill comes closer to the view that Rawls is developing, but he wishes to distinguish his view from those thinkers as well. His view captures the core values of the liberal tradition, but revamps them for pluralist societies marked by persistent moral and political disagreement. Whatever the merits of *TJ*, the political liberalism of *PL* is on its own remarkably robust, and with some modifications can be made more so—liberal in a new way, and political in the right way.

We can better appreciate the contribution the theory makes by considering each of its elements separately to see what makes the theory liberal, and what makes it political. Its distinctiveness comes in part from an aspect of the theory that has not been

sufficiently emphasized—what may be called its dynamic character. Like Rawls' own theory, political liberalism is a work in progress. It invites citizens to revise and reconsider their political views as they seek agreement even while they continue to disagree. Political liberalism, as both theory and practice, is essentially provisional.

## How Liberal is Political Liberalism?

A conception qualifies as liberal if it gives priority to basic rights over claims based on the general good or perfectionist values, and requires institutional measures to enable citizens to make effective use of those rights (6, xlvi). Which rights, what kind of priority, and how extensive the measures are all questions about which there can be reasonable disagreement. Different liberalisms answer them in different ways, and so there is a reasonable pluralism of liberalisms. The liberalism of *TJ* is one among many.

All the liberalisms accept the values of freedom and equality, and in that respect all presuppose liberal democracy in some form. *PL* assumes the validity of these basic values. It is not intended to justify liberal democracy to those who would reject those values. Nor does political liberalism include the standard forms of libertarianism, which impoverish liberty by ignoring the effects of social and economic inequalities (lvi). But political liberalism is still quite inclusive. This admirable capaciousness nevertheless creates problems.

The first problem arises because not all disagreements can be accommodated. In striving for a well-ordered society, citizens seek to agree on the same conception of justice, based on moral principles, and to recognize that they do. It is unlikely that there could be an agreement that would include all such conceptions, and even if there were, it would probably be incoherent. So which conceptions should be accommodated?

Some theorists try to avoid choosing among substantive conceptions by relying instead only on procedures to produce the right outcomes. To the extent that the political procedures are equal and impartial, the process is open, participants are not coerced and are guided by the force of the better argument, the laws they produce and conceptions they embody are just or at least legitimate. Habermas (1995) presents a sophisticated version of this kind of procedural theory, and claims that, in contrast to Rawls', his "can leave more questions open because it entrusts more to the *process* of rational opinion and will formation (131)."

But Rawls argues that no plausible theory of justice can avoid taking a substantive position on justice. Values that on their face seem purely procedural—such as impartiality and openness—are included as part of the procedure only because "they are necessary to render the outcomes just or reasonable"(425). In Habermas' case, they are intended to guide discussion to an "outcome [that] is certainly substantive, since it refers to a situation in which citizens' generalizable interests are fulfilled." Habermas has in effect "shaped the procedure to accord with our judgment of those outcomes" (ibid.).

So the question persists: if not all views should be accommodated, which ones should be? Rawls' answer is that only reasonable comprehensive views affirmed by reasonable persons. There are two different sets of criteria here—one for views and another for persons. A reasonable comprehensive view presents a coherent and complete account of important aspects of human life, provides guidance for choosing among important human values, and gradually evolves "in light of what, from its perspective, it sees as good and sufficient reasons" (59). The last characteristic—gradual evolution—is especially significant because it supports the dynamic practices of political liberalism,

enabling comprehensive views to converge in an overlapping consensus over time. Views that do not remain open to revision or change in light of new evidence are unreasonable. Roman Catholicism presumably counts as reasonable because it has responded to changes in social understandings and scientific knowledge. But fundamentalist religions that deny scientific evidence about the creation of the world do not. Still, Rawls keeps this test “deliberately loose” (59) so as to accommodate a wide range of conflicting religions, moralities, and ideologies.

The more stringent criterion is that the views must be of the kind that can be affirmed by reasonable persons. (Reasonable persons tend to hold reasonable comprehensive views, but the connection is contingent, not definitional, as “reasonable” is not the same in both tests.)<sup>3</sup> “Reasonable person” may seem at first a rather vague criterion, as Rawls himself acknowledges (48). But Rawls shows that it is actually based on a familiar idea in personal relationships in everyday life. He appeals to the experience of seeing someone propose a deal that is rational given a disproportionate bargaining position but one that most people would consider to be “highly unreasonable, even outrageous.” Persons are reasonable when “they are ready to propose principles and standards as fair terms of cooperation and to abide by them willingly, given the assurance that others will likewise do so” (49). They seek agreements that express a principle of reciprocity, which holds that all who cooperate on fair terms should benefit according to whatever standard of justice is adopted (16). Reasonable persons would reject comprehensive doctrines that cannot support democratic society, such as certain forms of aristocracy, autocracy, and dictatorship (483). They would also reject any conception that

does not recognize basic liberal rights, such as those of free speech, association, voting, and running for office (228).

Rawls' argument that a reasonable society should exclude some views has often been misunderstood, with the result that his liberalism can appear less liberal than it is. Exclusion refers to the content of justice, not the conduct of citizens. Rawls does not mean that those who hold the unreasonable views should be denied any rights that other citizens enjoy, or that their views should be banned or censored. Indeed, in a society governed by justice as fairness (or almost any other liberal conception of justice), those who hold unreasonable views (as defined by the first criterion) are to be treated as rightful citizens as long as they obey the law. The claim is only that their comprehensive views are not to be considered as public justifications for shared political institutions.

In deploying reasonableness in this way, Rawls takes an idea familiar in everyday negotiations, and elevates it to a core principle of political philosophy. The idea becomes the basis for the principle of reciprocity, which preserves the liberal value of a respect for individuals freely pursuing their own ends while recognizing the obligations they owe to each other. He has found the sweet spot between impartiality and prudence that previous liberalisms seem to have missed (16–17). He is puzzled that no one had “worked out” the idea earlier (374n). The explanation may simply be that reasonableness seemed too quotidian to serve as an ideal in a high-minded philosophy of liberalism..

Yet, as Rawls reminds us, it is an ideal that deserves respect: “The reasonable society is neither a society of saints nor a society of the self-centered. It is very much a part of our ordinary human world, not a world we think of much virtue, until we find ourselves without it” (54). It is a virtue developed not in one-time interactions but in

ongoing relationships that engage citizens in the liberal project of living with reasonable disagreement. Its practice displays another dynamic facet of political liberalism. Because political liberalism emphasizes that the norms of reciprocity develop in relationships among citizens over time, it avoids the static approaches that disable other liberalisms.

A second problem arises not because political liberalism excludes some views but because it includes so many. Given the profusion of reasonable views, many of which conflict with one another, how can citizens possibly agree on a conception of justice that will enable them to cooperate in the making of the laws? Or as Rawls states it: “How is it possible that deeply opposed though reasonable comprehensive doctrines may live together and all affirm the political conception of a constitutional regime?”(xviii; also see 4, 47).

The answer is to be found in the idea of an overlapping consensus, one of the two most important concepts in *PL*, and one not found in *TJ*, or for that matter in any other major political theory.<sup>4</sup> An overlapping consensus is an agreement on a political conception of justice endorsed by all the reasonable opposing religious, philosophical, and moral doctrines that gain a significant body of adherents over time in a more or less just constitutional regime (15). Its distinctive feature is that the adherents of each doctrine endorse the conception for their own moral reasons from within their own comprehensive views. The reasons produce conclusions that converge on the political conception. A Kantian may support the consensus because it promotes the autonomy of persons. Religious citizens may support the political conception because their theology shows that it is the right way to relate to others who do not share their faith. A “perfect example of overlapping consensus” is the Islamic reformer who writes that the “Qur’an does not



mention constitutionalism, but human rational thinking and experience have shown that constitutionalism is necessary for realizing the just and good society prescribed by the Qur'an" (461).

The political conception on which the overlapping consensus converges is free-standing in the sense that it does not depend for its justification on any of the comprehensive views. It is "worked up" from the fundamental intuitive ideas that are implicit in the public culture of a democratic society (43). The ideas vary depending on the society, but they must include "fixed considered convictions of justice," such as the idea of society as a fair system of social cooperation and the idea of free and equal citizens. These ideas are not usually part of any comprehensive doctrine, but the political conception they support can be accepted by all reasonable doctrines for their own reasons.

Yet the political values in the overlapping consensus must somehow take precedence over other values. That is the purpose of the idea, but it prompts this question: how can we expect citizens to let these political values outweigh their moral and religious values? Rawls' answers are not entirely reassuring. He observes that most people's views are only partially comprehensive, and only loosely related to principles. In everyday life they have not thought much about how their comprehensive views relate to political justice, and most of the time do not need to. There is a lot of "slippage" between their partial views and the claims of political justice (160). This may be a plausible account of everyday political thinking, but it does not help much with the deep disagreements that often divide citizens. If citizens have not thought about how their comprehensive views relate to political justice when disagreements are few and minor, they will be less likely

to appreciate its value when conflict heats up, and more is at stake. When political justice is needed most, it may be least available.

A more promising answer can be developed if we situate the problem in a dynamic context. Notice that Rawls does not claim that an overlapping consensus now exists, or even that it will ever be fully realized. At most, we can expect that under the right conditions citizens will gravitate toward it over time (19–20, 30, 34). We should think of it as the product of a continuous process in which citizens at first fitfully, later more dependably, practice the political virtues of tolerance, reasonableness, and a sense of fairness in face of political conflict. Political liberalism is as much about living with disagreement as about reaching agreement. That is why the liberal ideal of citizenship imposes a duty of civility that includes a “willingness to listen to others and a fairmindedness in deciding when accommodations to their views should be reasonably made” (217).<sup>5</sup>

Insofar as citizens try to fulfill the duty of civility, they build up what Rawls calls political capital, which can be drawn on in face of disagreement (157). When conflicts with their comprehensive views occur, citizens are more inclined to adjust those views rather than to reject political values (160). Liberal versions of Roman Catholicism evolved over time in much this way by giving greater value to separation of church and state, and by emphasizing the pursuit of social justice more than the conversion of individual souls. Rawls concludes: “As the success of political cooperation continues, citizens gain increasing trust and confidence in one another. This is all we need say in reply to the objection that the idea of overlapping consensus is utopian” (168).

It is not all we need to say, however. What is missing is a substantial account of the practices and institutions that could support this gradual development of the consensus. If citizens do not have occasion to think about, and confront in public and try to resolve, deep conflicts, they are not likely to develop the political virtues and see the value of cooperation. They would take the political conception for granted—an attitude that would not sustain the sense of justice required for the stability of liberalism. Theorists such as J. S. Mill argue that greater political participation is required to help citizens develop these civic virtues. But Rawls relies mainly on the “political conception as educator.” As citizens see liberal principles embodied in the public institutions of society, they will learn the value of liberal citizenship (71, 85–86). He does not reject the value of participation provided it is not promoted as a good for its own sake (205–206). But he gives neither political participation nor civic education the prominent role that liberalism requires—especially that his liberalism understood as a dynamic project requires. Those who would adopt and extend his liberalism need to give citizens a more active role in this process by treating them less as students and more as co-teachers of the political conception.

The practices and institutions that support political liberalism over time will not be neutral in their effects, Rawls acknowledges (199–200). That might seem to violate the principle of neutrality that many liberals hold dear—the requirement that the state should not favor any comprehensive doctrine or conception of the good (190). Although Rawls generally avoids the term “neutrality” and its cognates, he reluctantly—and unfortunately—relents in one section in *PL*. He argues that liberal justice should not try to be neutral in its effects, which would be impossible, but that it should still be neutral in

its aim. The basic institutions and public policy are not to be designed to favor any particular comprehensive doctrine (194).

But when the theory is considered from a dynamic perspective, this distinction loses its significance. As citizens practice the habits of fair cooperation, modify their own comprehensive views to fit better with political justice, as children grow up in a liberal society, some comprehensive views come to be strengthened more than others. The views that have more affinity with the political conception—such as those that value individuality as do the moral theories of Mill and Kant—gain, while those that only tangentially connect with the political conception—such as perfectionist or religious views—lose, or do not benefit to the same degree.

Rawls acknowledges the possibility that liberal socialization and civic education may produce citizens who accept a morality of liberal individualism: “the unavoidable consequences of reasonable requirements for children’s education may have to be accepted, often with regret” (200). These are effects, to be sure, but they are the direct and essential effects of the aim, which cannot be realized over time without producing such effects. The distinction between aim and effects begins to dissolve here. Moreover, if the effects are essential, why accept them “with regret”? This concession to neutrality even in aim risks putting Rawls in the position of the liberal who cannot take his own side in an argument.<sup>6</sup> Liberals would do better to shed the mantle of neutrality, and when its practices of education and socialization favor some liberalisms over others, stand their ground on the political conception without apology.

The third problem with the idea of overlapping consensus also results from the capaciousness of Rawls’ liberalism. He welcomes so much disagreement that he risks

lacking any way to resolve it. In applying “the principle of toleration to philosophy itself” (10, 154), he goes further than many readers have recognized. Political liberalism accommodates not only disagreements about religion, morality, and conceptions of the good, but also different interpretations of liberal rights, liberties, and opportunities, and the means to realize them. Even citizens who share the same comprehensive views may disagree about the political values of liberalism. The political conception—political liberalism itself—is contestable over time. “It is inevitable and often desirable that citizens have different views as to the most appropriate political conception; for the public political culture is bound to contain different fundamental ideas that can be developed in different ways” (227, 339).

This rather surprising and novel expansion of political liberalism makes Rawls’ liberalism more liberal than most other forms. Its basic conception is open to a wider range of challenges. But the expansion raises the question: how should we decide among competing forms of liberalism? Rawls’ answer points again to a dynamic process: “An orderly contest between them *over time* is a reliable way to find which one, if any, is most reasonable” (227, emphasis added). The process may not reach a final conclusion at all; that seems to be the implication of “if any.” The political conception is supposed to provide a framework for dealing with disagreements, but if the framework itself is contestable, indeed indefinitely so, the “orderly contest” begins to look less well-ordered. A constitutional consensus may help by removing some issues such as slavery and serfdom from the political agenda (151–152). Also, the structure of government should be changed only as required by political justice or the general good, not in response to shifts in political power (228). But controversial questions remain, because the

interpretation of the constitution is subject to reasonable disagreement, and on occasion requires amendment itself (158–159, 165).

Even so, citizens are not without deliberative resources. The agenda of disagreement is fixed: it is focused on the relevant merits of the “variant liberalisms”—the interpretation of the basic liberties and equal opportunities, their priority over other values, and the means necessary to protect them (6). When citizens disagree about these interpretations, they can appeal not only to substantive principles of justice, but also to “other moral norms,” especially the norm of reciprocity. Moreover, they do not have to challenge all the principles and norms at once. They can maintain a partial framework in which to challenge particular principles and applications. The framework at any particular time does not have to include the full set of principles of justice, or even any single principle of justice.

We may think of the process of contestation as one in which a provisional interpretation of liberalism is challenged—a few principles at time, not all at once. We might appropriate Otto Neurath’s metaphor of a reconstructing a ship at sea (which he used to argue against the foundationalist view of science) to suggest how the principles of liberalism can be revised even as the liberal project proceeds. “We are like sailors who on the open sea must reconstruct their ship but are never able to start afresh from the bottom. Where a beam is taken away a new one must at once be put there, and for this the rest of the ship is used as support. In this way, by using the old beams and driftwood, the ship can be shaped entirely anew, but only by gradual reconstruction.”<sup>8</sup> The liberal revisions could be more radical: how fast and large the changes will be depends not only the

democratic contestation itself but on historical events. And as Rawls remarks, “History is full of surprises” (87).

Accepting the possibility of fundamental change of a conception within the conception itself, some may still object that we still lack guidance in making the changes. We are, so to speak, still at sea without a rudder. The “first part” of the political conception, its substantive principles of justice, is too general and expansive to offer more than a set of broad limits to any reconstruction during the continuing voyage. That is why we need the “second part” of the political conception, a principle to guide the interpretation and application of the substantive principles. This is the task of public reason.<sup>9</sup>

## How Political Is Political Liberalism?

Public reason places limits on the justifications that may be legitimately used in interpreting and applying the principles of justice. It prescribes that citizens and their representatives justify the laws they would enact by appealing to reasons that could be accepted by free and equal persons motivated to find fair terms of cooperation (49). The requirements of public reason represent the minimal terms of cooperation that no citizen could reasonably reject.<sup>10</sup> The requirements are necessary to make the exercise of political power legitimate.<sup>11</sup> The “political relationship” in which citizens stand is non-voluntary and coercive (135–136, 216–217, 222). Under these circumstances, the application of the principles of justice—legislating on constitutional essentials that result in laws that bind everyone—must be justified in terms that free and equal citizens could

accept. Otherwise, some would be imposing laws on their fellow citizens without showing the respect all are owed.

Public reason does not restrict free speech in any way. Rawls is as staunch an advocate of a constitutional right of free speech as any civil libertarian (340–348). Nor is public reason meant to regulate deliberations within associations such as churches and universities in the “background culture” (215). It governs only “political advocacy in the public forum” and applies only to “constitutional essentials” and “matters of basic justice” (such as voting rights, religious toleration, and free speech), not to other political questions that involve the “many economic and social issues that legislative bodies must regularly consider” (such as tax legislation, environmental protection, and property regulation) (214, 227–230).<sup>12</sup>

Still, on its face public reason seems an odd idea. In justifying the laws they advocate and deciding how they should vote on issues involving constitutional essentials, all citizens and their representatives have a “moral duty of civility” to appeal “only to a public conception of justice, not the whole truth as they see it” (216). They should not appeal to their moral, religious, or other comprehensive views. Refraining from telling the whole truth—deliberately ignoring reasons that are relevant to reaching a well-grounded decision—seems more like an authoritarian vice than a liberal virtue. It is like swearing to tell the partial truth, and nothing but the partial truth.

Rawls goes even further: “political liberalism does without the concept of truth” entirely (94). He believes his theory does not need to take a stand on the question of whether a conception of justice is true (394–395).<sup>13</sup> The idea of the reasonable is sufficient as a standard of correctness. Many critics object that Rawls cannot abstain from



making truth claims. Habermas asks: how “could the religious conflicts have been brought to an end [in the way that Rawls posits] if the principle of tolerance and freedom of belief and conscience had not been able to appeal, with good reasons, to a moral validity [a truth] independent of religion and metaphysics?”<sup>14</sup> Even theorists sympathetic to Rawls’ aims believe he has gone too far in this respect, and that public reason can be better defended, and its democratic potential more fully realized, by allowing that claims about justice can be true or false.<sup>15</sup>

To make the idea of public reason seem less paradoxical and more acceptable, Rawls offers several analogies, all from the law. He wants to remind us that there are familiar cases where we accept the idea of not appealing to the whole truth even when it is readily available. He cites the exclusionary rules of evidence in criminal trials, testimonial privileges, and protections against self-incrimination (218). What the analogies have in common is that they are “all cases where we recognize a duty not to decide in view of the whole truth in order to honor a right or duty or to advance a good” (219).

The analogies, though illuminating, obscure a critical difference between these practices and public reason. The requirements of public reason are not simply another instance of balancing or trading-off some values in order to promote others, as are the examples from the legal process. If the requirements are interpreted in that way, as a choice to promote some values over others, they invite an obvious objection. It is the public reason version of the question raised earlier about giving the political conception precedence in developing an overlapping consensus. Why should the values of public reason generally take priority over other kinds of values? In establishing the rules of

evidence and other legal practices, we weigh the value of deciding on the basis of the whole truth against the values protected by deciding on the basis of partial truths. By the same token, the objection continues, “to assess restrictive rules of public reason, *we* need to weigh their moral and political costs against the political values they are said to make possible” (Sandel 1994, 1792, emphasis added). Some citizens may place a higher value on promulgating their comprehensive religious views than on promoting the civility or legitimacy that public reason calls for.

This objection is misconceived because balancing or trading-off values in “political relationships” has to be decided collectively, and in a process that already presupposes the conditions that the objection would include in the balancing. The preclusion of certain reasons is required to get the process of balancing going in the first place. It is a presupposition of the practice’s taking place at all. In the case of public reason, it is a presupposition of making any collective decision legitimately, including a decision about what “we” would balance or trade-off in making laws and constitutions. In a conception of legitimacy, “we” has no meaning in the absence of a mutually justifiable procedure for making collective decisions. Public reason helps to define that procedure. Furthermore, as citizens practice public reason over time, they come to see less conflict between the political values and their moral and religious views. Public reason benefits from the same dynamic process, described above, that helps to bring the comprehensive doctrines into alignment with the political conception in an overlapping consensus.

Rawls seeks to make public reason more appealing in another way—by moderating its requirements. As he develops the requirements, he rejects an absolutist interpretation, which would hold that citizens should never introduce comprehensive

doctrines in the public forum. He suggests that citizens may introduce such doctrines if they do so in ways that strengthen the ideal of public reason itself (247–248). In subsequent revisions, he further loosens this requirement. He adds a proviso that allows reasonable comprehensive conceptions to be introduced at any time if they are supplemented by the appropriate political reasons “in due course” (xlix–l, 453, 462, 491–494). To establish that the abolitionists and the leaders of the civil rights movement satisfy the requirement of public reason, we do not need to cite the injustice of their circumstances, or show that their religious appeals furthered the cause of justice (l). It is enough that their views at some point are defended in terms consistent with public reason. In the spirit of this dynamic liberalism, Rawls modifies his own view of public reason.

Although public reason is not as restrictive as is often assumed, it is not as political as the dynamic character of Rawls’ theory seems to require. Rawls himself invites revisions in public reason by remarking that its “content is not fixed,” and will change over time as different groups raise different problems (li). Public reason can be made more political in at least three ways that would strengthen the dynamic character of political liberalism.

First, the requirements of public reason should be more responsive to the relative power that citizens and their representatives possess and exercise. Although Rawls himself emphasizes the coercive character of political power, he neglects one of its most important implications. The requirements of public reason should apply more rigorously to individuals and institutions who have power over other people, and who have responsibilities to others on whose behalf they act. Those who have the power to make

the decisions binding have a greater obligation to observe its requirements. Rawls seems to recognize that the requirements can be more or less strict: the Supreme Court is expected to follow them more thoroughly than other institutions. But his rationale for holding the Court to more stringent standards turns less on its political power than on its institutional competence and constitutional role (231–240).<sup>16</sup>

If the stringency of the requirements varies with degrees of political power, we should also place greater demands on majorities than on minorities in the public forum, especially if the majorities are relatively permanent, and the minorities relatively discrete. This is not to say that minorities do not have any duty of civility. They should try to appreciate that when their claims are rejected because they fall outside the limits of public reason, they are not being treated unfairly. They should accept the legitimacy of the decision, or at least the legitimacy of the regime and its constitution. But the implications for those who exercise power are even more important. Those in power should have stronger obligations to seek accommodations with minorities on other matters, and even to support a minority's cause to which they might not otherwise assign a high priority.

A second way in which Rawls' liberalism can be more political in the right way concerns the role of institutions. At first, he seemed to think it sufficient to say that political liberalism does not assert or deny claims about the relative merits of various democratic institutions (235). But as he revised the theory, he came to see that public reason must be situated in an institutional context not only to function well, but even to serve its stated aim at all.<sup>17</sup> Political liberalism may not have to decide between parliamentary and presidential forms of democracy, but it does have to adopt the

institutions that support a certain kind of deliberative democracy, based on an ideal of political equality (447–450). He prescribes a robust set of institutions, including public financing of campaigns, educational reform, income redistribution, welfare support, and universal health care, and asserts that they are “necessary” for the form of deliberation that public reason requires to be “possible” at all (lvi–lvii). The purpose of public reason would be completely undermined if the resources to which various groups had access were radically unequal. The reciprocity in the reason-giving requirement would be overwhelmed by the disparity in the bargaining power of citizens.

Does that mean that public reason has no place in politics until deliberative democracy is fully realized? If so, political liberalism would lose much of its political relevance; it would have to retreat to the sidelines waiting for a turn that might never come. But here the dynamic character of liberalism again comes into play. It is a mistake to think of institutional change in separate stages: first create the prerequisites, and then practice public reason. The efforts to realize the requirements of public reason must proceed in tandem with efforts to promote the institutional requisites. The requisites are not prerequisites but conditions that are continually in the process of being realized, never completely, but (if all goes well) progressively.

Rawls keeps this process more open than some of his critics would like. He does not include principles of social and economic justice in the catalog of constitutional essentials (229–230). This has led critics to charge Rawls with abandoning the egalitarian commitments of *TJ*—especially, the concern for the least advantaged as expressed by his difference principle.<sup>18</sup> The criticism is misplaced. Rawls is still committed to his theory of justice as fairness, including its egalitarian principles, as the most reasonable political

conception. But a theory of legitimacy must take account of the fact that we can reasonably “expect more agreement about whether the principles for the basic right and liberties are realized than about whether the principles of social and economic inequalities are realized” (229–230). We should therefore make more room for alternative interpretations of social and economic justice, such as a social minimum that may be lower or higher than required by the difference principle. These alternatives should be debated in the democratic process—within the limits of public reason but not entrenched in a liberal constitution. The implication of the critics’ charge is that economic and social justice should be decided in advance, or in some other way insulated from the give-and-take of democratic deliberation. In this respect, political liberalism is more political than the views of some of its critics.

The third way to make liberalism more political also seeks to make the democratic process more open—not by relaxing its requisites but by broadening its content. Without abandoning the core of public reason, we could make more room in the public forum for comprehensive views than Rawls suggests, both in their characteristic forms of expression as well as their substance.<sup>19</sup> The boundary between the background culture where moral and religious debate is to flourish and the public forum where it is to be contained can be, and in practice often is, porous. With less restrictive requirements, citizens might find that they could—without flouting the principle of reciprocity—welcome comprehensive views into public deliberation and even in some instances as the grounds for legislation. The comprehensive views could serve more directly as a check on the anorexic tendency of the political conception (its impulse toward lowest-common-denominator deliberation). Citizens could engage in more free-wheeling political debate,

with greater prospects for changing their minds not only about a piece of legislation but also about the reasons for it. This capacity for change through reasoned discussion is one of the hallmarks of deliberative democracy, a conception that Rawls himself endorses. Enabling this kind of continuing deliberation should count as a friendly amendment to a political liberalism that would support a dynamic political process.

A more robust conception of public reason would deal more satisfactorily with the concern that its requirements run out when political conflicts heat up. Public reason is “incomplete” because Rawls’ political values do not provide a final resolution for some kinds of disputes, those that have been called “deliberative disagreements,” conflicts in which the best efforts at moral reasoning in the spirit of mutuality produce no uniquely correct solution.<sup>20</sup> These include disputes about abortion, which on some reasonable views cannot be resolved in the political forum on terms that no one could reasonably reject.<sup>21</sup> The U.S. constitution as presently interpreted may provide a practical resolution, but that does not mean that the question is no longer subject to reasonable disagreement. The public forum should make room for deliberation on such questions (specifically, those about which there are deliberative disagreements), even at the risk of a “stand-off” in which parties on both sides of the dispute continue to appeal to their comprehensive conceptions rather than to only free-standing political values. The value of reciprocity itself as well as deliberative democracy provide good reasons to adopt this wider view of public reason.

Even on this wider view, public reason would still impose some limits. The primary constraint should be not the lack of comprehensiveness, but mutual accessibility. That God commands us to adopt a certain law does not count as a reason, not because it

is based on a comprehensive view, but because its authority is not accessible to citizens who do not have a special link to this particular supreme being. In his later work, Rawls himself recognizes a criterion that is similar to this idea of accessibility. Interestingly, he interprets the criterion so that it also rules out some secular views, such as “elaborate economic theories of general equilibrium” if they are in dispute (Rawls 2001, 90).

All citizens should be able to appeal to the “whole truth as they see it” within the public forum, as long as it is a truth that others can appreciate (if not actually accept), and as long as it is a truth that can be reasonably seen as consistent with one of the several conceptions of justice that express political liberalism (581–582). In this way, the commitment to reciprocity would be preserved as far as necessary but not so far as to preclude all reasons that appeal to comprehensive conceptions.

Public reason combined with the idea of an overlapping consensus constitutes a powerful, even inspiring, development in the history of liberalism. Practiced properly, Rawls’ political liberalism expresses the liberal value of mutual respect that free and equal citizens should enjoy in a democracy. Revised periodically, it can support a dynamic politics that democratic citizens should welcome.

Political liberalism is a work perpetually in progress. Rawls’ auto-revision of his own theory would have continued. He was planning a revised edition of *PL* when his plans were cut short by illness.<sup>22</sup> The robust politics that *PL* promotes does not exempt the political philosopher. Rawls does not elevate the philosopher above the political fray: “students of philosophy take part in formulating these ideas [of right and justice] but always as citizens among others” (427). He throws his own theory into the political ring: “So far as other citizens pay attention to it, what is written may become part of the



ongoing public discussion, *A Theory of Justice* along with the rest, until it eventually disappears” (383–384).<sup>23</sup>

Rawls’ work is not likely to disappear from the canon of political philosophy any time soon, if ever, but whether Rawls’ political liberalism survives and prospers depends largely on whether democratic citizens can develop and sustain the civic virtues that *PL* calls for, and the capacity for revision that Rawls himself exemplifies.

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! *PL* was originally published in 1993. Its eight chapters are described as lectures, all but one of which had been previously published, though several in a substantially different form. For the paperback edition in 1996, Rawls wrote a new introduction, providing a "reader's guide" and presenting some significant revisions in the theory. For an "expanded edition" (Columbia University Press, 2005), he added his "Reply to Habermas" (1995) and "The Idea of Public Reason Revisited" (1996). The page citations and substantive discussion in this chapter refer to the expanded edition, which Rawls intended to be read as a single work.

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By including the revisions, he shows the evolution of the theory. The first book, *TJ*, was published in 1971, and itself substantially revised in 1999.

<sup>2</sup> The single most valuable commentary on Rawls' theory is Freeman (2007). Its extensive bibliography includes references to many of the philosophers who focus on the comparison of the early and later Rawls, as well as some to those who concentrate mostly on *PL*. Freeman devotes two chapters to *PL*, which not only clarify its relation to *TJ*, but also discuss the elements of *PL* that stand on their own. Freeman is also the editor of an important collection of essays on Rawls (2003). In addition, see Weithman (2010); and Mandle and Reidy, eds. (2014).

<sup>3</sup> The criteria also may have different implications for toleration: see Kelly and McPherson (2001).

<sup>4</sup> The term appears in *TJ* but with a different meaning and in a smaller role (*PL*, 15n).

<sup>5</sup> For the principles of accommodation, Rawls refers to Gutmann and Thompson (1990), the substance of which is extended and somewhat revised in Gutmann and Thompson (1996, 79–81).

<sup>6</sup> “He lends himself to the gibe that he is ‘so very liberal, that he cannot bring himself to take his own side in a quarrel’” (Hocking 1942, 45).

<sup>7</sup> Or more positively, the political conception is open to a wider range of justifications: “the distinctive contribution of political liberalism may be to suggest that there are many ways to arrive at liberal principles and that that very fact is a source of liberalism’s strength” (Scheffler 1994, 22).

<sup>8</sup> Neurath (1973, 199). Cf. Plutarch (1914, 49).

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<sup>9</sup> For an instructive overview of the vast literature that this concept has generated, most of it within the orbit of political liberalism understood broadly, see Quong (2013).

<sup>10</sup> Rawls' formulation is "closely connected with T.M. Scanlon's principle of moral motivation" (49 n2). Rawls' basis for the justification that citizens should give—the political values of public reason and the interests of free and equal citizens—is very close to Scanlon's idea of the grounds of reasonable rejection. However, Rawls allows citizens to take into account their own comprehensive views, a qualification that Scanlon's idea does not include.

<sup>11</sup> Power is legitimate only when exercised in accordance with a constitution that citizens "may reasonably be expected to endorse in the light of principles and ideals acceptable to them as reasonable and rational" (216–217).

<sup>12</sup> Rawls leaves open the possibility that the requirements of public reason might be extended to these other political questions ("we can then proceed to other cases") though "not in the same way, or so strictly" (215).

<sup>13</sup> Anti-foundationalists such as Richard Rorty (1991) welcomed this turn but took it further than Rawls was willing to go. Rawls does not deny that moral and epistemological views may need a metaphysical foundation, only that his political conception does. He "leaves the concept of true moral judgment to comprehensive doctrines" (116, 125).

<sup>14</sup> Habermas (1995, 126).

<sup>15</sup> Joshua Cohen develops a "political conception" of truth, which like Rawls' political conception of justice, makes no metaphysical claims but still enables public reason to express "a concern about getting it right, that is, about the truth about

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justice” (Cohen 2009, 42). But even some epistemic democrats (who would agree that democratic process should be concerned about getting it right) argue that democratic theorists “need not buy into a political conception of truth” but need only to accept the idea of a procedure-independent standard of correctness” (Landemore 2013, 230).

<sup>16</sup> Rawls’ discussion of judicial review and constitutional essentials in *PL* has generated a substantial literature by legal theorists: see, e.g., Michelman (2004).

<sup>17</sup> For an argument that Rawls’ theory could benefit from a greater attention to the role of political parties, see Muirhead and Rosenblum (2006).

<sup>18</sup> E.g., Ackerman 1994, 371–374.

<sup>19</sup> But cf. Larmore (2003, 387), who argues that, although public reason should permit comprehensive conceptions in “open discussion,” it should not allow such departures in “decision making” when citizens deliberate about which options should have the force of law unless “its most elementary ingredients are in wide dispute.”

<sup>20</sup> Gutmann and Thompson (1996, 2–3, 60, 73–79).

<sup>21</sup> Rawls does not intend his comments about abortion (243–244n) to be an argument for the right to abortion—at least not a “decisive” argument—and not an argument showing that the denial of such a right would “run afoul of public reason” (liv, 479).

<sup>22</sup> See Rawls’ proposal for a revised edition sent to his editor at Columbia University Press in 1998: “My thoughts keep changing as time passes” (438–439).

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<sup>23</sup> In an interview with students, Rawls reflected further on the public role of political philosophy: “In a democratic society, as ours is—although it distressingly falls short of what it should be—I see political philosophy as addressing the citizenry—not government . . . if they find your ideas convincing, you might change society for the better, or more realistically perhaps, you might prevent it from getting worse” (Aybar, Harlan, and Lee 1991, 39–41). In *PL* Rawls suggests that philosophy can “shape the underlying attitudes of the public culture and the conduct of politics” (lix), but he also recognized its significant limits (338–339).