

Lecture 10

Political Liberalism

1 ‘Political liberalism’

- Rawls holds that it is ‘political liberalism’ which can meet the challenge of providing for the legitimation of political institutions which define the requirements of political cooperation among reasonable people who have not chosen to live together. There are two key aspects to this:

(i) the principles of political liberalism are consistent with all reasonable comprehensive conceptions of the good, i.e. ethical standpoints; there is, as Rawls puts it, an ‘overlapping consensus’, concerning these principles.

(ii) the principles can also be affirmed on the basis of ‘public reason’ alone – i.e. the application of practical reason purely within the sphere of politics, and without reference to deeper ethical doctrines.

2 Is it reasonable to expect others to be reasonable?

One key question raised by Rawls' late position is whether the conception of what is 'reasonable' is non-question-begging. The demands of political liberalism are supposed to be satisfied by all 'reasonable' ethical standpoints; but it is easy to think of ethical standpoints which conflict with them – e.g. those which affirm that the tenets of some religion should be given privileged political recognition. So why are such positions 'unreasonable'?

According to Rawls, there are several interrelated grounds for this:

- (i) ethical pluralism is theoretically 'reasonable' in the sense that there just are not decisive public reasons for any one ethical position rather than any other.
- (ii) equally, political liberalism is practically reasonable since it respects the fact that we are all equally free subjects whose reason is autonomous
- (iii) furthermore, political liberalism takes account of the fact that membership of political societies with coercive powers is not voluntary

3 Are we persuaded?

- (i) (ii) and (iii) together imply that citizens must expect to find fellow citizens with different but reasonable ethical standpoints. Since these citizens are autonomous, it is unreasonable to expect them to bear the coercive power of the state unless they endorse the legitimacy of its basic political institutions. Equally, the political institutions of society should be practically reasonable: that is, they should incorporate a recognition of reasonable pluralism. So the political institutions should be legitimate from a plurality of ethical standpoints ('overlapping consensus').
- If this works then unreasonable ethical standpoints are those which will be excluded either because (i) they have presumptions which can be refuted because 'they fly in the face of reason'; or (ii) they demand political institutions which other, equally free, citizens cannot be expected to endorse in the light of their different ethical standpoints.

4 The Ideal of Public reason

- So far the argument has been that the ‘fact of reasonable pluralism’ implies that a political liberalism which ‘stays on the surface’ provides a good way (maybe the only good way) of legitimating the coercive political institutions of society.
- That, indeed, was the main thesis of PL (1993). But in Rawls’s last major paper, ‘The idea of public reason revisited’ (1997), he shifts his focus towards the ‘natural moral conception’ that underlies political liberalism.
- This is ‘the ideal of public reason’.

5 Political liberalism & Justice as Fairness

- It is characteristic of this late approach that Rawls now distinguishes between ‘political liberalism’ and ‘justice as fairness’, whereas in PL the impression given was that the content of Rawls’s liberalism was much the same as ever – i.e. ‘justice as fairness’; all that was changed was the core argument for it – ‘political’, not ‘metaphysical’ (i.e. Kantian).
- Instead we now get a distinction within the political between
 - (a) political liberalism, which characterises the core normative framework of ‘constitutional democracy’, &
 - (b) reasonable political conceptions of justice, such as ‘justice as fairness’, which, while consistent with political liberalism, are much more specific in their proposals concerning distributive justice and the organisation of society.

6 Rawls's new 'trinity'

- So there is now a three-way distinction between:
 - (i) the social and individual 'comprehensive conceptions of the good' (CCG) exemplified within society; the 'fact of reasonable pluralism' applies to these – no doubt some such CCGs are also unreasonable;
 - (ii) 'political conceptions of justice', such as justice as fairness – but also utilitarianism, socialism, libertarianism (Nozick-style) etc.;
 - (iii) 'political liberalism': the doctrine which informs, and legitimates, the core public institutions of a constitutional democracy within which different political conceptions of justice are developed and argued for, and in which individual reasonable CCGs are encouraged.
- It is crucial to distinguish here between (i) and (ii). Contrary to what Rawls's critics maintain, there is plenty of space for active political debate concerning the appropriate political conception of justice within political liberalism.

7 The fractures in Rawls's position

- One way to see what is going on here is to compare three stages in Rawls's thought –
 - (a) in TJ (1971) all the elements of this 'trinity' are unified: the package is (i) Kantian constructivism + (ii) justice as fairness + (iii) liberal politics
 - (b) in 'Justice as Fairness: Political not Metaphysical' (1985) Rawls separates (i) individual and social CCGs from (ii) & (iii). But so far as I can see, he still treats (ii) and (iii) as a unified package.
 - (c) in 'The Idea of Public Reason revisited' (1997) Rawls separates (ii) – political conceptions of justice', from (iii) political liberalism.
- Where does PL (1993) sit? I'm not altogether sure at present!

8 The new trinity and the old principles

- In TJ Rawls famously advances two principles of justice – one demanding respect for a fully adequate scheme of the same basic liberties for all members of society, and one setting out criteria for legitimate inequalities of power and wealth within society.
- In effect in this late work Rawls is now separating these principles:
 - the first principle goes into political liberalism as the core doctrine of constitutional democracy;
 - the second principle deals with issues that are dealt with within political conceptions of justice, such as justice as fairness and competing political doctrines.
- So these principles are no longer conceived as a unified package.

8 Rawls on TJ

- Rawls is not (so far as I know) completely explicit on this issue. But there is a striking passage at the end of the ‘Public Reason’ paper (LP p. 179) in which he turns back to criticise TJ for presenting justice as fairness as a comprehensive conception of justice for a well-ordered society.
- He comments that because of the fact of reasonable pluralism, no such ‘comprehensive’ conception of justice is appropriate for a well-ordered society. Instead it is just the ‘thin’ doctrine of political liberalism which one should hope to find generally affirmed within a well-ordered society; concerning the more substantive issues characteristic of ‘political conceptions of justice’ one can expect to find reasonable disagreement.

10 Back to ‘public reason’

- Once Rawls has separated off justice as fairness from political liberalism, what is the ‘natural moral standpoint’ which is the basis of political liberalism?
- It is ‘the ideal of public reason’.
- What is this? It is the ideal of public political institutions which are guided by ‘the criterion of reciprocity’ – i.e. the recognition among citizens of each other as ‘free and equal’ citizens.
- The application of this ideal is restricted to public political institutions, i.e. to coercive normative institutions that apply universally within society in ‘the public sphere’.

11 The public sphere

- Rawls's emphasis on reciprocity is not new – it was there in 'Justice as reciprocity' (1971). But he now wants to give it restricted application within the legal + constitutional + institutional framework of society. The reason for this restricted application is his new emphasis on reasonable pluralism of CCGs and political conceptions of justice.
- So the emphasis is now on constitutional democracy. His claim is that it is only the core institutions of constitutional democracy – the rule of law + supreme court + a genuinely deliberative democracy – which makes sustains the ideal of public reason with the public sphere.
- Part of the emphasis is now on the model of procedural justice as applied within a supreme court. But Rawls also insists on the importance of the informal practices and constraints which are needed to sustain a genuinely deliberative democracy (see LP 139-40).

12 Citizens and officials

- The requirements of public reason apply primarily to public officials, since they are in charge of the public political institutions which are supposed to embed the ideal of public reason within the public sphere. Rawls's term for these requirements is 'duties of civility'. – term from the 'republican' tradition.
- Equally, Rawls holds that citizens have a 'duty of civility' to each other in sustaining the exercise of public reason in the public sphere. This duty draws on the relation of 'civic friendship', for Rawls, should hold between citizens of political society despite disagreements concerning 'the good' and specific political conceptions of justice. (On 'civic friendship' – cf. the Stoics and Aristotle).

13 The content of public reason

- It may appear that the demands of public reason are largely formal (procedural). But – as indicated by Rawls’s reliance on his first principle of justice here – that is not how he thinks of it.
- So, public reason affirms the political priority of the protection of the basic liberties of all citizens.
- Further, Rawls affirms that the material conditions for the effective enjoyment of basic liberties is also a requirement of public reason – i.e. both the means to a decent life, education and to healthcare (a new condition).
- This is not an egalitarian programme: but it is, in effect, a recognition that the criterion of reciprocity implies that civic friendship holds between members of society who are not materially dependent upon each other.

14 Applications

- (i) Religious toleration – as a positive value, not just compromise from weakness. Issue of church schools
- (ii) Within the family: the basic liberties of women and children need to be protected. Implications for the public/private distinction ...
- (iii) But what's not settled are: debates about economic systems and distributive justice; or again issues such as abortion.

Instead political liberalism aims to provide a public forum in which these debates can be pursued in an informed, reasonable, and rational manner.