Lecture 4: Political Liberalism
The plan for today…

1. Community and the self

2. Political liberalism

3. Reasonableness

4. Concluding remarks
§1. Community and the self
The argument from the Original Position…

P1 We should choose whichever PSJs we would choose in the OP.

P2 The PSJs we would choose in the OP are the PEL and the DP (with the PEL taking lexical priority).

C We should choose the PEL and the DP (with the PEL taking lexical priority).
In the Original Position, we don’t know anything about our place in society…

Nor do we know anything about our community, its values, etc.

Nor do we know our own conceptions of the good…
Objection 1...

Rawls falsely believes that we are...

...unembedded selves...

...unencumbered selves...

...i.e. that our conceptions of the good, and ties to a particular community, are not part of who we are.
The *constitutive* conception of community and the self...

‘...to say that the members of a society are bound by a sense of community is... to say that... they conceive their identity... as defined to some extent by the community of which they are a part.’ (Michael Sandel, *Liberalism and the Limits of Justice*, p.150)
Rawls is just interested in what we would choose if we didn’t know which community we were in embedded in/which conception of the good we were encumbered with…

Objection 2…

Rawls falsely believes that we would still be able to make choices if this were true.

‘…the self is prior to the ends which are affirmed by it…’ (TJ, p.560)
‘What is at stake… is… whether rights can be identified and justified in a way that does not presuppose any particular conception of the good life… The fundamental question, in other words, is whether the right is prior to the good.’ (Michael Sandel, *Liberalism and the Limits of Justice*, p.x)
If you want to persuade me to accept a particular conception of justice...

...you need to give me reasons grounded in my conception of the good...

...Rawls wants to persuade us to accept a particular conception of justice...

...by asking us to consider which conception of justice we would choose if we didn’t know our conception of the good.
But we wouldn’t have any reason to accept a particular conception of justice if we didn’t know our conception of the good…

Rawls’ response…

We would still have reason to choose a particular conception of justice – the fact that it would help us to pursue our conception of the good, whatever that turned out to be…
Does this mean that we would have reason to choose a particular conception of justice if we had a different conception of the good…?

‘The [OP] seems to presuppose not just a neutral theory of the good, but a liberal, individualistic conception according to which the best that could be wished for someone is the unimpeded pursuit of his own path…’ (Thomas Nagel, Rawls on Justice, p.10)
§2. Political Liberalism
The fact of reasonable pluralism…

In a free/democratic society…

…people will adopt different reasonable comprehensive moral/philosophical/religious doctrines…
The fact of oppression...

If we don’t want people to adopt different reasonable comprehensive moral/philosophical/religious doctrines...

...we will have to use the power of the state to enforce uniformity.
A well-ordered society...

Our society is well-ordered if and only if...

‘...everyone accepts, and knows that everyone else accepts, the very same principles of justice...

…and ‘[the] basic structure… is publicly known, or with good reason believed, to satisfy these principles’ (PL 35)
Suppose we use a particular reasonable comprehensive doctrine – *Kantianism* – as the basis of our conception of justice…

**P1** Our society is well-ordered only if everyone accepts Kantianism.

**P2** Everyone accepts Kantianism only if our society is not free/democratic.

**C** Our society is well-ordered only if it is not free/ democratic.
What is the alternative to using a particular reasonable comprehensive doctrine as the basis of our conception of justice…?

Using a *political* conception of justice!

So what’s that…?
A political conception of justice...

It only tells us about the basic structure of society…

It isn’t presented as part of any particular reasonable comprehensive doctrine…

It exploits ‘certain fundamental ideas seen as implicit in the public political culture of a democratic society’ (PL 13) – in particular, the idea of society as a fair system of social cooperation.
‘...political liberalism looks for a political conception of justice that we hope can gain the support of an overlapping consensus of reasonable religious, philosophical, and moral doctrines in a society regulated by it.’ (PL 10)
A simple case…

Rowan Williams opposes assisted dying/euthanasia…

‘…chiefly on the grounds of my religious commitments – the conviction that life is a gift from God that we cannot treat as a possession of our own to keep or throw away as we choose.’
P1 Our life is a gift from God.

P2 It is morally wrong to throw away something that we don’t own.

P3 If our life is a gift from God, it is something that we don’t own.

C It is morally wrong to throw away our life.
P1    Our life is a gift from God.

P2    It is morally wrong – because it is ungrateful – to throw away a gift.

C    It is morally wrong to throw away our life.

P1 is part of a comprehensive doctrine to which not all reasonable people subscribe.
P1 Legalizing assisted dying increases the risk of vulnerable people being manipulated into an early death.

P2 Nothing should be done that increases the risk of vulnerable people being manipulated into an early death.

C Assisted dying should not be legalized.

There could be an overlapping consensus on P2…
So what has changed…?

‘…it is clear, I think, that the text [of *TJ*] regards justice as fairness and utilitarianism as comprehensive, or partially comprehensive, doctrines.’ (*PL* xvi).

Rawls now wants to regard justice as fairness as a political conception of justice.
The problem of stability...

What if our conception of justice conflicts with our conception of the good...?

The congruence argument...

In a well-ordered Rawlsian society, justice becomes part of our conception of the good!
The problem of stability...

What if our conception of justice conflicts with our comprehensive moral doctrine…?

Although justice as fairness is not part of our comprehensive moral doctrine…

…our comprehensive moral doctrine gives us reason to accept justice as fairness.
A new argument…

P1  We should accept a conception of justice if it allows us to achieve a well-ordered society while respecting the fact of reasonable pluralism.

P2  Justice as fairness allows us to achieve a well-ordered society while respecting the fact of reasonable pluralism.

C  We should accept justice as fairness.
Against P2…

In a well-ordered Rawlsian society…

…is the fact of reasonable pluralism respected?

…or is the power of the state used to suppress reasonable comprehensive doctrines?
§3. Reasonableness
What is a reasonable comprehensive doctrine…?

‘…it covers the major religious, philosophical, and moral aspects of human life in a more or less consistent and coherent manner…’

It tells us ‘…which values to count as especially significant and how to balance them when they conflict…’

‘…it normally belongs to, or draws upon, a tradition of thought and doctrine…’ (PL 59)
These are *weak* conditions…

Take *white supremacism*…

It tells a consistent story…

It tells us what to value…

It can draw on a tradition of thought…
P1  White supremacism is a reasonable comprehensive doctrine.

P2  In a well-ordered Rawlsian society, the power of the state is used to suppress white supremacism.

P3  The fact of reasonable pluralism is respected only if the power of the state is not used to suppress reasonable comprehensive doctrines.

C   In a well-ordered Rawlsian society, the fact of reasonable pluralism is not respected.
A comprehensive doctrine is *reasonable* when it is one reasonable people could accept.

So when is a *person* reasonable?

‘…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.’ (*PL* 49)

They ‘recognize the burdens of judgment’ (*PL* 54).
A reasonable person accepts that differences in comprehensive doctrines are due to…

…complicated, conflicting evidence…

…vague concepts…

…the influence of people’s different life experiences…

…and not just to ‘ignorance and perversity’.
These are *strong* conditions…

Compare most organized religions…

Do Christians really think that the religious disagreement is due to the burdens of judgment…?
So on one way of understanding respect for the fact of reasonable pluralism...

...it requires us to accommodate white supremacy...

...and on the other way of understanding respect for the fact of reasonable pluralism...

...it doesn't require us to accommodate Christianity.
§4. Concluding remarks
How is it possible for people to cooperate as members of the same society…?

A super-pessimistic answer…

Since people in a free/democratic society tend to have radically different views and values…

…only if this society isn’t entirely free/democratic.
How is it possible for people to cooperate as members of the same society…?

A *super-optimistic* answer…

We can have a free/democratic society *without* radical differences in people’s views and values...

This rejects the fact of reasonable pluralism…
How is it possible for people to cooperate as members of the same society…?

A *moderately-pessimistic* answer…

People with radically different views and values can achieve a *modus vivendi*…

…they can agree to particular ways of resolving conflicts…
How is it possible for people to cooperate as members of the same society…?

A *moderately-optimistic* answer…

People with radically different views and values can agree on a *political conception of justice*…

(as long as there is an *overlapping consensus*…)
Please fill in the questionnaires!