The Ambiguities of Rawls's Influence

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John Rawls is the towering figure of academic liberalism. A gentle, dignified, self-effacing man, he taught philosophy at Harvard for more than thirty years and from his commanding position exerted a decisive influence on his profession. Through his scholarship and teaching he played a major role in establishing the now-dominant understanding of liberalism in the academy and, more generally, of the method and purpose of the philosophical study of politics.

Before Rawls, professors of philosophy, when they addressed questions about politics at all, tended to restrict their analysis to the use of words and their logical relations. Rawls's 1971 masterwork, *A Theory of Justice,* changed that. Bound to stand as a lasting contribution to the liberal tradition, Rawls's book restored the question of justice to its place of preeminence in the philosophical study of politics and thereby inaugurated a new era not only for professors of philosophy interested in political ideas but also for political theorists headquartered in political science departments.

Rawls's undertaking was exceptionally ambitious. His aim in *A Theory of Justice* was to extend and refine the social contract tradition from Locke to Kant—especially Kant—and, in a sense, to bring it to completion. Starting from intuitions about morality and human nature that he held to be austere, widely-shared, and deeply rooted in contemporary liberal democracies, he sought to provide, in 600 highly theoretical and densely-argued pages, a rigorous deduction of the fundamental principles and institutional arrangements of a well-ordered state. The state constructed in accordance with justice, according to Rawls, protected certain basic individual rights and, in a manner consistent with those rights, redistributed goods to achieve a substantially more egalitarian society. What makes *A Theory of Justice* distinctive, however, is not the egalitarian version of the modern welfare state that it seeks to vindicate, but the complex conceptual machinery that Rawls assembles to make the case.

Although Rawls himself did not draw the connection, his well-ordered state turned out to converge with the political program championed by the left wing of the Democratic Party. This convergence lent credence to the profoundly mistaken notion—reflexively embraced by many academic liberals, particularly those who took to calling themselves deliberative democrats—that policy debates between conservatives and progressives about how to protect freedom and achieve equality can be decided by abstract reason in favor of progressives.[1] The reflex has had unfortunate consequences inside the academy, not least for the liberal tradition that Rawls strove to vindicate. Those who did not occupy themselves with extending or refining or criticizing Rawls—those who attempted nearly any inquiry in political philosophy not defined by the Rawlsian project—were often regarded by Rawlsians as, at a minimum, suspect and sometimes as not practicing political theory at all. Moreover, as Rawls's followers rose to positions of prominence and power in the university world, more than a few fostered an environment in which disagreement with progressive opinion about the justice of abortion, affirmative action, or welfare reform, or any number of other difficult and divisive questions of public policy, was viewed as giving expression to antidemocratic sentiments and violating the boundaries of reasonable and morally respectable discourse.

To be sure, intolerance of dissent and the suppression of inquiry does not represent an iron law of necessity imposed by Rawlsian principles. Rather, it is a temptation that arises within and is furnished means by Rawls's approach. For example, followers found in Rawls's rationalist method a justification for restrictive and self-aggrandizing judgments about the proper aim and boundaries of philosophical and political inquiry. They asserted correctly that to engage in reasoned argument it was necessary for interlocutors to proceed from common ground, but then confused the Rawlsian research paradigm and their own political agendas with the civility, toleration, and respect for competing points of view that

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ought to provide the common ground in universities.[2] On the basis of this confusion, academic liberals could persuade themselves that they were justified in excluding from their conversations, programs, and centers those who did not embrace Rawls as the point of departure for moral and political thinking. The exclusion, however, has had costs, including for the excluders. Depriving themselves and their programs of the benefit of alternative approaches and sealing themselves and their centers off from dissenting points of view, many academic liberals lapsed into equating liberalism with Rawlsian liberalism, and Rawlsian liberalism with political philosophy itself. For them, the philosophically valid and the politically correct became increasingly difficult to distinguish.

Rawls was different. Throughout his career he confronted questions about the limits of reason and the dependence of justice on opinions about which reasonable men and women could differ. Indeed, what is hinted at in certain recurring equivocations and obscurities in his books is confirmed by the explicit analysis of the last of his books, *Lectures on the History of Moral Philosophy.* Justice in the liberal tradition, in Rawls's considered opinion, is bound up with controversial metaphysical notions and a biblically grounded religious faith. To understand Rawls's legacy, it is necessary to observe how he wrestled with questions about liberalism's grounds, as well as with the tendency to shut down even forms and topics of inquiry that derived sustenance from his thought.

The paradox can be glimpsed in Rawls's exposition of the "original position" in *A Theory of Justice.* An up-to-date version of the "state of nature" teaching, it is a hypothetical and nonhistorical condition that Rawls constructs to illustrate the basic principles that perfectly reasonable persons would accept if asked to design a society from scratch.[3] Choice is not wide open in the original position because Rawls assumes that "each person possesses an inviolability founded on justice that even the welfare of society as a whole cannot override."[4] This assumption, an up-to-date way of speaking of natural and inalienable rights serves as the foundation stone on which the moral and political primacy he ascribes to individual choice rests. Indeed, to speak of "choice"[5] or "assent"[6] or "consent"[7] in the original position as does Rawls repeatedly, to say nothing of describing the principles of justice as emerging in the original position as "the result of a fair agreement or bargain,"[8] or of characterizing persons in it as achieving "unanimity,"[9] is to adorn the original position with a misleading democratic and participatory facade.[10] In fact, constraints built into the original position are designed to ensure the reaching of a single conclusion about the principles of justice by all who enter it, or rather the moral and political conclusions are built into the constraints.[11]

Rawls calls the constraints imposed on persons in the original position the "veil of ignorance."[12] By hiding knowledge of the attributes that distinguish one person from another, the veil of ignorance ensures that the reasoning about fair principles for social cooperation in the original position is not influenced by what Rawls regards as inessential or morally irrelevant factors.[13] And because Rawls, following Kant, considers only what is universal in the human condition to be morally relevant, persons behind the veil of ignorance are deprived of information about what is given to them in particular by society and what is give to them in particular by nature and fortune. They are forbidden knowledge of family and friends, social class and political opinions, nation and religious beliefs, height and weight and sex, and whether they are healthy, wealthy, or wise. They do know that they share desires whose satisfaction requires the cooperation of others; rationality, which enables choice among the variety of human ends; and the elements of "moral personality"—a sense of justice and a capacity to formulate ideas about what is good.[14]

Reasoning in the original position gives rise to "justice as fairness," which receives expression in two principles.[15] The first has priority and may not be violated, even for the sake of the second. It provides that "each person is to have an equal right to the most extensive basic liberty compatible with a similar liberty for others."[16] The second stipulates that "social and economic inequalities are to be arranged so that they are both (a) reasonably expected to be to everyone's advantage, and (b) attached to positions and offices open to all."[17] These principles represent an interpretation of the political significance of the freedom and equality of persons. But, to repeat, it is an abuse of terms to see these principles as a result of choice, consent, agreement, or, as it is fashionable to say today, the product of deliberation.[18] They are binding, for Rawls, not because they are hashed out in common and jointly assented to but because they are reasonable. They "are not contingent upon existing desires or present social conditions."[19] Along with the conception of moral personality they presuppose, they answer the need for an "Archimedean point." They are of practical value "for appraising institutions and for guiding the overall direction of social change."[20]

Unfortunately, Rawls obscures the function of the original position and the veil of ignorance that constitutes it, through use of the metaphor of discussion and debate. In fact, the original position is not a point of departure for the collaborative discovery of the moral foundations of politics. Nor is it a framework for the give and take of restrained public debate. Rather, it is a representation or modeling of common intuitions among citizens of liberal democracy about moral and political life and a means for clarifying inferences that should be drawn from them.[21] Because it presupposes that what is morally worthy in human beings is the capacity for moral reasoning—and not, for example, also an individual's passions and virtues; or friendships and family and faith; or achievements in public and private life—the original position is suffused

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with moral judgment.[22] And therefore it should be controversial among reasonable people.

Indeed, the supposedly austere assumptions about human nature on which Rawls's reasoning relies are themselves not secured by theory. Nor are they really austere. They are based instead on opinions about psychology, morality, and metaphysics that are very much open to question, certainly among those whose job it is to understand moral and political ideas. It is not just that the idea of the inviolability of individuals is itself a grand moral judgment. In addition, Rawls's theory depends on grand judgments about human psychology. For example, Rawls supposes that in practice the two principles of justice "lead to social arrangements in which envy and other destructive feelings are not likely to be strong,"[23] without addressing or even mentioning Burke's critique of the arrogance of Enlightenment rationalism in *Reflections on the Revolution in France,* Tocqueville's exploration of the democratic soul's envy of human excellence in *Democracy in America,* or Mill's observations in chapter 3 of *On Liberty* on the lassitude and irrational disdain for custom and tradition induced by the spirit of liberty.[24] And the moral and metaphysical idea, critical to the construction of the original position and the interpretation of Rawls's second principle, that our vices, like our virtues and accomplishments, are "arbitrary from a moral perspective"[25] and so justify treating "the distribution of natural talents as a common asset"[26] flies in the face of common sense and is anything but axiomatic for morals and politics, though Rawls sometimes wields it as a truth of reason and the very essence of the moral point of view.[27]

These flaws in the foundations do not prevent Rawls from illuminating liberalism's deep structure and enduring imperatives. Of particular significance, and central to his derivation and application of the two principles of justice, is his exploration of how the worth or enjoyment of rights in a liberal democracy is necessarily related to the social and economic conditions under which those rights are exercised. Freedom of speech, for example, confers vastly greater benefits on tenured professors than it does on individuals who can't afford a soap box. What remains eminently disputable after Rawls is the extent of government's capacity and obligation to provide for the social and economic bases of equality.

Rawls has not been without his academic critics, the best known of whom came to be called communitarians. Perhaps not coincidentally, the best known form of communitarian criticism was essentially another form of progressive liberalism, one that silently assumed the primacy of individual rights and which did not challenge the redistributivist requirements of *A Theory of Justice.*[28] Nor did it take exception to the idea that the primary task for academic political theory was to justify a left-liberal interpretation of American democracy. Rather, in the idiom of analytic moral philosophy that it shared with Rawls, it affirmed certain sound sociological observations about human beings that Rawls, and the social contract school of liberalism from which he hailed, tended to underplay.

Nevertheless, the communitarian critique led astray.[29] It correctly pointed out that human beings do not exist in isolation but are constituted in part by the associations—friendships, family, neighborhoods, clubs and committees, nation, and religion—of which we are members. It also correctly stressed that although we often do not freely choose these associations, membership in them is an important good that the state must respect in the process of respecting citizens as individuals. And it rightly emphasized that in many instances we consider ourselves bound by duties that flow from or are given to us by the roles we inhabit. However, communitarian critics caused a great deal of mischief by incorrectly suggesting, despite their own implicit commitment to individual freedom and equality before the law, that it was somehow impossible to appreciate the social side of our nature while remaining devoted to liberal principles.[30]

Twenty two years after *A Theory of Justice,* Rawls published a major restatement of his views. In 1993, with *Political Liberalism,* he sought to provide a defense of justice as fairness that was "political, not metaphysical." Contrary to the widespread perception that his second book marked a fundamental revision in his thinking, Rawls emphasizes, and the book bears him out, that *Political Liberalism* instead represents an effort to resolve difficulties internal to his theory.[31] His theme remained that of the reasonable limitations on choice in a liberal democracy, or the principles that people would choose to live under if they reasoned properly. And he continued to focus on general ideas and what he took to be their political implications and not on the actual expressed wants, needs, and desires of his fellow citizens. Indeed, despite the variety of competing conservative and progressive interpretations of liberal democracy vigorously debated beyond the boundaries of contemporary academic life, Rawls once again in *Political Liberalism* gave to a particular partisan interpretation of American liberalism the color of universality, objectivity, and moral necessity.

In particular, Rawls tried to allay the concerns of critics who found that *A Theory of Justice* went too far, making comprehensive claims about morality and politics that failed to respect the limits of reason and the claims of tradition and faith. His brand of liberalism, he maintained, did not depend on comprehensive moral claims or controversial first principles, and did not forsake, indeed proceeded from, the shared values and actual agreements of people living in today's liberal democracies.[32] Indeed, contended Rawls, a fairly wide range of reasonable but ultimately irreconcilable comprehensive religious, philosophical, or moral views could achieve an "overlapping consensus" in support of justice as fairness.[33] In such a conception, the right is prior to the good, which means that government's

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task is to protect people's liberty to pursue the good as they understand it, in part by assisting in the provision of those primary goods which all citizens need a share of whatever their understandings of ultimate happiness.[34]

The key innovation in *Political Liberalism* involves the introduction of "the idea of public reason."[35] This is the form of reason, or that part of reason, that should govern citizens of a liberal democracy in deliberating about "'constitutional essentials' and questions of basic justice."[36] Its content is roughly equivalent to the two principles of justice that emerge out of the original position.[37] It is based on the idea of the "reasonable," which is exhibited "when, among equals say, persons 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."[38] This further requires a "willingness to accept the consequences of the burdens of judgment," or recognize that citizens in a free society inevitably will come to different conclusions about fundamental moral, philosophical, and religious questions.[39] In this constellation of notions Rawls seeks to capture the power and limits of reason's capacity to bring politics into line with justice.

Yet the idea of public reason is not a correction of the false democratic and participatory facade found in *A Theory of Justice* but rather a restatement of it. Or at least it lends itself to fortifying the facade. For while the purpose of public reasons is to specify principles for the conduct of public debate in a liberal state, it provides cover for the practice of advancing partisan political judgments as if they flowed from impartial reason. Taking one's stand with reason rather than morality—especially a "reason" into which considerable moral and political content has already been poured—is a convenient way of being partial and judgmental while pretending to stand above the partisan fray.

In an attempt to illustrate "comprehensive doctrines that run afoul of public reason,"[40] Rawls himself illustrates how easy it is to abuse the idea of public reason by peremptorily denying its approval to moral and political judgments with which one disagrees. The illustration, which occurs in a long footnote, deals with abortion. Rawls proceeds by assuming "three important political values: the due respect for human life, the ordered reproduction of political society over time, including the family in some form, and finally the equality of women as equal citizens."[41] But in the very effort to show the real-life operation of public reason, he dispenses with argument and instead offers personal authority:

> Now I believe any reasonable balance of these three values will give a woman a duly qualified right to decide whether or not to end her pregnancy during the first trimester. The reason for this is that at this early stage of pregnancy the political value of the equality of women is overriding, and this right is required to give it substance and force. Other political values, if tallied in, would not, I think, affect this conclusion.[42]

Public reason, as Rawls briskly applies it to one of the most difficult and divisive issues of the day, goes well beyond providing the principles for conducting public debate between pro-choice and pro-life opinions. For Rawls it functions as the final arbiter of the debate, proclaiming that the pro-life view is unwelcome, because it does not meet public reason's minimum requirements. Indeed, the idea of public reason fails to compel or inspire Rawls to examine, or recognize a need to examine, claims made on behalf of the key competing political value, "due respect for human life" in the form of the life of the fetus or unborn child.

To be fair, in subsequent publications Rawls retreated from his calmly delivered decree that public reason cleanly settles the debate over the justice of abortion.[43] Nevertheless, it remains sobering to observe that even in the hands of so conscientious and high-minded a thinker as Rawls the appeal to public reason can serve to deny the reality of competing goods and tragic choices and intractable questions. The obscurity of its boundaries and the authority with which Rawls and his followers endow it allow it to serve as a magical incantation for use in the heat of debate—or in the leisure of scholarship—to advance partisan causes by cutting off discussion, shutting down questioning, and stopping the inquiring mind dead in its tracks.

In *The Law of Peoples,* which appeared several years after his retirement, Rawls extended his reasoning about justice to international relations. Unsurprisingly, when it comes to foreign affairs and the laws that binds nations and states, it turns out reason requires a progressive, international order and an interventionist, international human-rights agenda. Unsurprising as well is that the idea of public reason in *The Law of Peoples* functions once again both to declare independence from and disguise dependence on morality and metaphysics. To avoid, under the guidance of public reason, the making of universal, comprehensive claims about the human good, political liberals on the international plane, as on the domestic plane, seek a "shared basis of justification" that "can be uncovered by due reflection."[44] Yet political liberalism's very quest for laws and institutions that can in principle be shared by and justified to all is motivated not in the first place by prudential considerations about the need to gather majority support but by the sort of universal, comprehensive claims—by virtue of our common humanity, all people's opinions are deserving of respect—that it earnestly forswears and says, for the record, that it does without.[45]

Rawls's "political conception of justice" was supposed to represent a "freestanding" liberalism, a liberalism resting solely on liberal democratic citizens' shared intuitions about the freedom and equality of persons in society.[46] But the ambiguities of Rawls's own thinking cast doubt on the proposition that the intuition that we are free and equal is itself freestanding, or that the determination to

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respect what human beings share is devoid of substantial or controversial moral and metaphysical presuppositions. If liberalism's fundamental premise is not simply based on observation or given by reason or vindicated by being shared, might it also involve faith? Might it even derive from and be nourished by religious faith? While some who follow Rawls might regard it as bad manners or worse in a discussion of political theory to raise questions entangled with human nature and metaphysics, let alone religion, publication at the end of his career of *Lectures on the History of Moral Philosophy* (2000) shows that Rawls himself raised such questions and found something of vital importance at stake in how they were answered.

In fact, the old quarrel between liberalism and religion goes back to the beginning, to the emergence of the liberal tradition in the sixteenth and seventeenth centuries in response to the European wars of religion. In the name of the rights of individuals, the founders of the liberal tradition elaborated constraints on religion's political authority and politics' religious authority. As the liberal idea took hold, individuals demanded more and more autonomy from the state—and from religion. Yet whereas the state and its lawmaking apparatus grew, in part to secure the conditions of freedom, the demands of autonomy increasingly reduced faith's domain. After much progress in freedom over several centuries, a question remains: Is it reasonable for a liberal to be religious? Can one reasonably claim to put freedom first while also embracing on faith teachings about where we come from, what we are, and how we ought to live? Such doubts have a distinguished pedigree in the liberal tradition, and they have impelled many contemporary liberals to regard religion with intense suspicion, if not outright hostility.

It is common to suppose that while liberals must tolerate religious faith it would be unreasonable for them to profess it. But in the *Lectures,* which provides some of his most searching examination of liberalism's foundations, Rawls provides reasons to believe that far from being the antithesis of freedom, religious faith of a certain sort may be the basis of our respect for freedom, the very thing that renders our respect for the dignity of man rational.

The *Lectures* is based on an extraordinary cycle of notes that Rawls regularly revised for a class on moral philosophy he taught on many occasions at Harvard between 1962 and 1991. As in all his writings, he gives pride of place in the *Lectures* to questions about moral reasoning. Despite the title's suggestion that it will provide a panoramic survey, and despite his extended discussions of Hume and Hegel, Rawls turns in the *Lectures* to the history of moral philosophy in the apparently narrow interest of making sense of Kant. But he turns to Kant with grand ambition: to make sense of the moral life as it truly is. The implication, quite consistent with *A Theory of Justice* and the books that followed, is that the history of moral philosophy culminates in Kant and more or less comes to an end in the Kantian-inspired moral philosophy that Rawls's own work exemplifies.

His interpretation of Kant in the *Lectures,* based on a close and sympathetic reading, sheds light on Rawls's considered judgment about the extent to which liberalism's moral foundations are secured by reason. On the one hand, he emphasizes the centrality to Kant's philosophy of "the fact of reason." This is "the fact that, as reasonable beings, we are conscious of the moral law as the supremely authoritative and regulative law for us and in our ordinary moral thought and judgment we recognize it as such."[47] In other words, the very operation of reason compels us to accept the moral law. On the other hand, Rawls stresses Kant's view that the moral law only achieves its full justification in the spirit of religious faith:

> I conclude by observing that the significance Kant gives to the moral law and our acting from it has an obvious religious aspect, and that his text occasionally has a devotional character.
>
> What gives a view a religious aspect, I think, is that it has a conception of the world as a whole that presents it as in certain respects holy, or else as worthy of devotion and reverence. The everyday values of secular life must take a secondary place. If this is right, then what gives Kant's view a religious aspect is the dominant place he gives to the moral law in conceiving of the world itself. For it is in following the moral law as it applies to us, and in striving to fashion in ourselves a firm good will, and in shaping our social world accordingly that alone qualifies us to be the final purpose of creation. Without this, our life in the world, and the world itself lose their meaning and point.
>
> Now, perhaps, we see the significance of the mention of the world in the first sentence of *Groundwork* I: "It is impossible to conceive anything in the world, or even out of it, that can be taken as good without qualification, except a good will."
>
> At first it seems strange that Kant should mention the world here. Why go to such an extreme? we ask. Now perhaps we see why it is there. It comes as no surprise, then, that in the second *Critique* he should say that the step to religion is taken for the sake of the highest good and to preserve our devotion to the moral law.
>
> These religious, even Pietist, aspects of Kant's moral philosophy seem obvious; any account of it that overlooks them misses much that is essential to it.[48]

In view of how much, as Rawls emphasizes, it shares with Kant, one is impelled to say of Rawls's philosophy something similar to what Rawls says of Kant's philosophy. Any account of it that overlooks its metaphysical and religious aspects misses much that is essential to it.[49]

In the *Lectures,* as throughout his writings, Rawls's prodigious philosophical labors brought to light, in some cases unwittingly, stresses and strains, fissures and flaws, and ironic twists and turns in the liberal spirit. In the process, Rawls exposed conflicting qualities to which the liberal spirit gives rise. On the one hand, an appreciation that the moral foundations of liberalism are bound up with a faith in human dignity that is not entailed or guaranteed by reason may encourage a certain humility, of the sort demonstrated in the virtue of toleration, in the energetic interest in the variety of ways of being human, and in a certain

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skepticism about comprehensive claims about moral and political life. On the other hand, the conviction that the founding truths of liberalism are implicit in common sense and that judgments about political institutions and public policy are derivable by the healthy operation of human reason may promote a certain hubris. It is this hubris that one sometimes sees among those who are satisfied that those who disagree with them on moral and political matters suffer from wicked or twisted minds and deserve to be segregated into separate intellectual communities.

In an instructive phrase in the *Lectures,* Rawls says that Kant's moral philosophy aspires to the ideal of an "aristocracy of all."[50] This calls to mind John Stuart Mill's vision of a society of sovereign individuals, as well as the Protestant notion of a "priesthood of all believers." All three represent variations on a venerable modern theme: the harmonization of a substantial human equality with a sweeping individual freedom. To understand the source of the liberal aspiration to an aristocracy of all, however, is one thing. To think through its moral and political consequences is another. Can the desire for distinction be satisfied in a society in which everybody is recognized as a kind of aristocrat, sovereign, or priest? What are the practical effects on our hearts and minds of the conviction that each person is a supreme authority? And what are the implications for politics of a form of moral reasoning that authorizes all individuals equally to conceive of themselves as laying down universal laws? These are some of the intriguing questions—seldom raised by Rawls or his followers—that the publication of his probing classroom lectures ought to provoke among those who wish to assess, rather than profess, the reasonableness of Rawlsian liberalism.

Particularly intriguing is the question about foundations to which Rawls himself constantly returned and to which he gave consistently conflicting indications. On the one hand, he suggests that the founding moral intuitions are all but self-evident. On the other, he holds that they rest on faith. Yet if good arguments can be made on behalf of both propositions, then what is most evident is the doubt about how precisely to understand liberalism's moral foundations. So it would be reasonable to pursue the stimulating thought that Rawls's freestanding liberalism is not only consistent with a variety of religious perspectives, as he emphasizes, but derives critical support from specific forms of religious faith, which he gestures at. Perhaps Rawls's conflicting accounts can be reconciled, as the Declaration of Independence suggests, through the idea that a certain faith impels us to hold as self-evident the truth that all persons are by nature free and equal.

This is certainly not to say that liberalism requires one to be religious or that religious people are more amply endowed with the liberal spirit. But for those who care about understanding liberalism, a more precise knowledge of its foundations should be welcome. And as a practical matter, for those who care about freedom and equality, knowledge of the foundations of the truths about morals and politics that we have long held to be self-evident can contribute to our ability to cultivate the conditions under which we can keep our grip on them firm.

Confronting the ambiguities of his legacy and pursuing questions provoked but not adequately addressed by his philosophizing belong to the task of conserving Rawls's achievement.

The liberal in John Rawls would have it no other way.

Notes

This essay weaves together (and in places corrects) the argument of "John Rawls and the Liberal Faith," in *The Wilson Quarterly,* Spring 2002, pp. 60–69, and "The Academic Liberal," in *The Weekly Standard,* Dec. 16, 2002.

1 See, for example, Berkowitz 2003 and Berkowitz 1996, 36–42.
2 Mill draws the crucial distinction at the end of chapter 2 of *On Liberty.*
3 TJ, 17–22.
4 TJ, 3.
5 TJ, 18. See also, for example, 41–42, 48, 584.
6 TJ, 13.
7 TJ, 19.
8 TJ, 12. See also, for example, 16, 17, 21, 28, 31, 42, 44.
9 TJ, 141. See also, for example, 122–23, 140, 263–64.
10 Contrary to the misleading facade but in keeping with the actual structure of his analysis, Rawls does explain that the argument for the principles of justice in the original position "aims eventually to be strictly deductive. . . . We should strive for a kind of moral geometry with all the rigor which this name connotes." See TJ, 121.
11 TJ, 136–42.
12 Ibid.
13 TJ, 18, 53.
14 TJ, 17–22, 136–42, 504–07, 561.
15 TJ, 60. Rawls calls the formulations of the two principles I cite here "provisional." Subsequently, he offers a more refined and technical version of both principles. See TJ, 302–303. For a more "provisional" formulation, see TJ, 14–15.
16 TJ, 60.
17 Ibid.
18 When Rawls uses the terms "deliberation" or "deliberative" he generally has in mind not the give and take of discussion but the calm and rigor of systematic thinking. See, for example, TJ, 17, 416–24.
19 TJ, 263.
20 Ibid.

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21 For a particularly clear statement of why the original position should be seen not as a discussion but as a derivation, see PL, 273–74.
22 See, for example, TJ, 311–12.
23 TJ, 144, 534–41.
24 Rawls does mention without discussing Nietzsche's analysis of *ressentiment.* TJ, 535n8. And he does briefly discuss Freud's account of the origin of justice in envy and jealousy, 539–41.
25 TJ, 74.
26 TJ, 101.
27 TJ, 72–75, 100–108.
28 See, for example, Sandel, 1981.
29 See Berkowitz 1995, 54–64.
30 Communitarian critics (as well as Rawls's followers) generally gave short shrift to, or simply ignored, Rawls's extended discussion of family, society and the virtues in Part III of *A Theory of Justice.*
31 PL, xv–xvi.
32 PL, 8–10.
33 PL, 133–72.
34 PL, 178–90.
35 See PL, 214–20. See also LP, 131–80.
36 PL, 214.
37 PL, 223.
38 PL. 49. In fact, Rawls supposes as well the much stronger claim that it is reasonable to regard other persons as equal. See PL, 48–54.
39 PL, 54.
40 PL, 243–44.
41 PL, 243n32.
42 PL, 243n32.
43 "The Idea of Public Reason Revisited," in *LP,* 169, especially note 80.
44 LP, 19.
45 See, for example, LP, 68. It might be objected that Rawls resists universalization inasmuch as he emphasizes that peoples whose political society falls short of liberal justice, so-called "decent peoples," nevertheless deserve toleration and membership in the global "Society of Peoples" governed by the law of peoples. See LP, 59–88. Yet Rawls makes clear that this toleration and membership are imperatives of liberal justice applied to foreign policy. And the very definition of a people as "decent," which implies both the achievement of a respectable minimum and the persistence of a defect, reflects moral judgments rooted in liberal principles. Moreover, the "long run aim" of well-ordered societies "is to bring all societies eventually to honor the Law of Peoples and to become full members in good standing of the society of well-ordered peoples." See LP, 92–93.
46 PL, 12.
47 *Lectures,* 260.
48 *Lectures,* 160–61.
49 Consider also Rawls's assertion that "political liberalism starts by taking to heart the absolute depth of the irreconcilable latent conflict" introduced into moral life by the Reformation. See PL, xxvi.
50 *Lectures,* 211.

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