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[Book Review] Why Political Liberalism?

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BOOK REVIEWS

Paul Weithman, Why Political Liberalism? On John Rawls's Political Turn, New York: Oxford University Press, Pp. 379, ISBN: 9780195393033

The question of stability has remained on the margins in discussions of Rawls's political philosophy, despite the considerable attention that Rawls devoted to the topic. Multi-author edited volumes on Rawls often will not include a single essay concentrating on the stability problem.¹ Moreover some who have addressed the problem have worried that Rawls conceives of stability in an unusually narrow and empirically questionable way (Klosko 1994; McCarthy 1994). Others have cast doubt on the overly rationalistic character of Rawls's approach to the problem in *Political Liberalism*, suggesting that perhaps overlapping consensus is not best seen as a model for achieving actual stability (Hill 2000, 237-59). Still others think that devising the theory of political liberalism in response to the stability problem was generally a mistake on Rawls's part (Barry 1995).

Paul Weithman's *Why Political Liberalism?* attempts to determine why the solution to the stability problem from part III of *A Theory of Justice* was thought to fail.² As its title suggests, Weithman's book attempts to explain why "Rawls rebuilt his cathedral," i.e., why he made the so-called political turn over the course of the 1980s, leading to the publication of *Political Liberalism* in 1993 (WPL, 16). The short and familiar answer is, of course, "stability." But Weithman believes that the key ideas presupposed by this answer – i.e., the nature of the problem along with the particular arguments addressing it in both major texts – have not been understood as well as we might think.

In an earlier book on religion and citizenship, Weithman had presented a sympathetic critique of Rawls. There he had called the Rawlsian conception of citizenship a "very attractive ideal" (Weithman 2002, 211). At the same time, his praise was tempered by concerns that Rawls's standard approach to public reasoning is somewhat at odds with the empirical conditions necessary for educating and socializing citizens, securing equal opportunities for political participation, and sustaining serious and fruitful political discourse and deliberation.³ Weithman defended an alternative to this standard approach to public reasoning (2002, 3). Thus he is sometimes cited as a critic of Rawlsian political liberalism, at least with respect to its idea of public reason.⁴

Why Political Liberalism? is not critical of political liberalism. It is a defense. More precisely, it is a defense of political liberalism as providing a successful solution to Rawls's stability problem and of justice as fairness as presenting an especially compelling vision of a politically liberal and just society. The central thesis of Weithman's book is that Rawls understood the stability problem as a kind of generalized prisoner's dilemma and designed arguments that can and should be appreciated in game-theoretic terms.

1] Indeed, a quick scan of the tables of contents from six different multi-author volumes in my office finds that the term "stability" neither appears in nor is directly implied by the titles of the books' combined 69 essays.

2] *Why Political Liberalism?* is cited hereafter as WPL.

3] Here I draw on my review essay of Weithman's *Religion and the Obligations of Citizenship* (Boettcher 2006).

4] For a noteworthy example see Habermas 2006.

A second main thesis is that *Political Liberalism* follows *A Theory of Justice* in adopting the same basic argumentative strategy with respect to stability, presenting different arguments that nevertheless aim to resolve a collective action problem and establish congruence between the right and the good.

In sections I-III of what follows, I summarize Weithman's reconstruction and critical evaluation of *Theory's* congruence arguments. I pose a few questions along the way, particularly with respect to the comparisons Weithman makes with several other interpretations from the secondary literature. But on the whole I find this part of *Why Political Liberalism?* – the majority of the book – convincing and genuinely illuminating. I then turn to Weithman's account of the failure of *Theory's* congruence arguments and the reconceptualization of stability in *Political Liberalism* (section IV). The next two sections (V-VI) pursue the following challenges to Weithman's view: His interpretation of political liberalism does not fully account for either the obligatoriness of public reason's requirements or the possibility of politically justified decision-making in the context of disagreements about justice. These are challenges, and not necessarily objections, since presenting a complete picture of political liberalism is beyond the main scope of Weithman's book. I conclude by looking briefly at Weithman's important reflections on the morally urgent and redemptive character of Rawls's philosophical project, which Weithman reads as an "exercise in naturalistic theodicy" (WPL, 8).

I. THE "PUBLIC BASIS VIEW"

Weithman sets the stage for his own interpretation of Rawls's political turn by criticizing an alternative account that he calls the *Public Basis View*. According to the *Public Basis View*, the fundamental problem that motivates the transition to political liberalism concerns the metaphysics of the person sometimes associated with *Theory*. It is this metaphysical view, according to the *Public Basis View*, that would serve as the "publicly available justification of justice as fairness" (WPL, 18). Such a reading of justice as fairness is exemplified by the communitarian critique with its claim that the so-called unencumbered self is essential to the case for the two principles of justice. A strong version of the *Public Basis View* reads political liberalism as abandoning this metaphysical conception of the person while a weaker version suggests that political liberalism aims mainly to clarify that a metaphysical conception was never meant to ground principles of justice in the first place.

The *Public Basis View* includes a particular understanding of justice as fairness that Weithman labels the *Pivotal Argument* (WPL, 21-23). This argument begins with the premise that persons are by nature free and equal rational agents who are capable of reflecting on their ends and interests and evaluating social arrangements in light of them. The *Pivotal Argument* then cites Rawls's claim that our nature as free and equal is the decisive determining element in the original position. Respecting persons as free and equal entails that the distribution of primary goods must be acceptable in a choice situation in which our nature is in fact the decisive determining element. Thus we arrive at the two principles of justice.

Weithman believes that something like the *Pivotal Argument* does indeed appear in *Theory* and is subsequently recast in more strictly 'political' terms during the transition to political liberalism. Yet, against the *Public Basis View*, he avers that it was not dissatisfaction with this argument or more generally with the analysis of part I of

Theory that motivated the political turn. After all, Rawls explicitly observes that all of the changes introduced in *Political Liberalism* are the result of the need to rethink the account of stability developed in part III of the earlier work (Rawls 2005, xv-xvi).⁵ Neither the strong nor the weak version of the *Public Basis View* can adequately explain all of these changes.

While Weithman hopes to shed light on “underexplored” questions about Rawls’s political turn, the contrast in this first chapter of his book is not especially helpful. For it is not at all obvious who holds the *Public Basis View* or whether it is indeed the “standard explanation” in the literature, that is, the “prevailing interpretation” of the development of political liberalism (WPL, 17, 32). Weithman acknowledges that the *Public Basis View* is a kind of “ideal type” based on related interpretations, and he also observes that it has “some very prominent defenders” (WPL, 31). Yet, while Michael Sandel’s criticism of the Rawlsian conception of the person has certainly been influential, it is also widely considered mistaken. A footnote refers to Charles Larmore and Bruce Ackerman as proponents of the weak version of the *Public Basis View*, though the article by Larmore appeared several years before the publication of *Political Liberalism* (WPL, 31, n. 11).

In my view, Weithman’s important investigation of Rawls’s political turn does not really need this rather stylized contrast with the *Public Basis View*. We know from Rawls’s own writings that a concern with stability led to the changes introduced over the course of the 1980s. What we want to know, and what Weithman helps us to understand more deeply, is exactly why the stability problem resisted the solutions that were proposed in *Theory*. Weithman’s book examines these solutions in detail, tracks the subsequent changes in Rawls’s view, and even points to some important differences between the 1980s essays and the “Lectures” that appear in the published version of *Political Liberalism*.

II. STABILITY AND THE GENERALIZED PRISONER’S DILEMMA

A central thesis of *Why Political Liberalism?* is that the question of stability should be understood in terms of one or more collective action problems. Indeed, toward the end of *Theory*’s section on congruence (§. 86), Rawls observes that the match between the right and the good removes the “hazards of a generalized prisoner’s dilemma” (Rawls 1999a, 505). While this claim might otherwise be seen as merely suggestive, Weithman argues that it generally informs Rawls’s treatment of stability as a whole. One basic problem is mutual assurance: Even persons with an effective sense of justice need some assurance that compliance with the rules of justice will not significantly work against their interests because of the fact that others may refuse to comply. Second, even with confidence that others will follow the rules, certain individuals might still be tempted to ignore the demands of justice when doing so is sufficiently advantageous for them. Enough persons reasoning similarly would threaten institutions of justice.

That the social order can be destabilized by difficulties of this sort is a point familiar to students of political philosophy since Hobbes. After all, the one who is “modest and tractable” and performs all of his promises when others fail to do so would thereby

⁵All references to *Political Liberalism* herein are to the expanded edition (Rawls 2005). All references to *Theory* are to the revised edition (Rawls 1999a). Weithman’s WPL cites both editions of *Theory* and the 1996 “Paperback” edition of *Political Liberalism*.

“make himself a prey to others, and procure his own certain ruin” (Hobbes 1994[1651], 99). Hobbes’s well-known solution is to use the fear of the sovereign’s power to guarantee compliance and to reassure subjects, thus averting the prisoner’s dilemma that is our natural condition. But justice as fairness aspires to achieve a kind of internal stability – or, what Weithman calls “inherent stability” – as an alternative to both the externally imposed stability exemplified by the Hobbesian contract and the manufactured social unity exemplified by Plato’s noble lie or the coercive enforcement of a state religion. For Rawls, collectively rational principles of justice should also be, “when institutionalized, ‘self-reinforcing’ and so... immune to the instability that results from collective action problems” (WPL, 55). Just institutions would thereby reach a state of general equilibrium and remain stable with respect to individual deviations from justice.

Recall that in *Theory* there are two necessary conditions for the stability of a just society. First, its members must acquire an effective sense of justice. And, second, they must find that doing justice is congruent with their conceptions of the good (Rawls 1999a, 397). Weithman explains that congruence essentially requires that persons maintain a supremely regulative desire for justice, so that they do not attempt to decide on a case-by-case basis whether or not to act justly. Hence Rawls needs to show what Weithman calls the “*Congruence Conclusion*” (C_c):

Each member of the WOS [well-ordered society] judges, from the viewpoint of full deliberative rationality, that her balance of reasons tilts in favor of maintaining her desire to act from principles of justice as a highest-order regulative desire in her rational plans (WPL, 62).

One way to arrive at C_c is to rely on the following two claims. First, from the standpoint of full deliberative rationality, members of the well-ordered society also “want to live up to the ideals of personal conduct, friendship, and association included in justice as fairness” (WPL, 81). Second, these ideals entail that one must maintain a regulative desire for justice. But an inference of this sort does not address the most pressing concerns about stability, namely, whether persons would maintain their regulative desire even on the basis of the thin theory of the good. The thin theory includes neither the desire to do justice for its own sake nor the ethical ideals of justice as fairness. Thus resolving the congruence problem also means demonstrating (C_c):

Each member of the WOS judges, *from within the thin theory of the good*, that her balance of reasons tilts in favor of maintaining her desire to act from principles of justice as a highest-order regulative desire in her rational plans (WPL, 63).

And, given the mutual assurance problem noted above, persons will be wary of maintaining this desire if they believe that others will not do so. So (C_c) ultimately depends on the truth of what Weithman calls the “*Nash Claim*” (C_n):

Each member of the WOS judges, from within the thin theory of the good, that her balance of reasons tilts in favor of maintaining her desire to act from principles of justice as a highest-order regulative desire in her rational plans, *when the plans of others are similarly regulated* (WPL, 63).

The emphasis on the *Nash Claim* (C_n) illustrates the game-theoretic approach to stability. Reasons to cooperate – in this case, reasons to recognize a supremely regulative desire for justice – must defeat or outweigh competing reasons to defect. Moreover,

the willingness to cooperate depends in part on the expectation that others will reason similarly, and the assurance that they will act accordingly. In sum, the main congruence arguments in *Theory* begin with a conception of our nature and the desires associated with our nature, then provide grounds for establishing the *Nash Claim* (C_n), and conclude by moving from (C_n) to (C_6) to (C_7).

III. THE CONGRUENCE ARGUMENTS

Chapters three through seven of *Why Political Liberalism?*, roughly half of the book, are devoted to working out the fine details of these arguments. What unfolds in these pages is a rich and insightful interpretation of stability, a reading that is at the same time carefully and firmly grounded in Rawls's texts. Here I can only highlight some of the more essential ideas from Weithman's analysis of *Theory*'s "intricate" arguments in support of congruence (WPL, 220).

The conception of human nature at work in *Theory* enables Rawls to identify four desires that members of the well-ordered society would share as part of a "partial but thin" conception of the good (WPL, 121). These are the desires to (a) express our nature as free, equal, and rational; (b) avoid the psychological costs of hypocrisy and deception; (c) maintain ties of friendship; and, (d) participate in forms of social life that cultivate human talents (WPL, 93). Rawls's "Aristotelian Principle" and its companion effect, which together imply that we enjoy the realization of human capacities, especially complex capacities, both in ourselves and others, support the claim that members of a well-ordered society would acquire these four desires and hope to satisfy them. Satisfying these desires typically commits one to honoring and maintaining the sense of justice. So, if the four desires can best or only be satisfied by maintaining a supremely regulative sense of justice, and if each knows that the others have the same desires along with an effective sense of justice, then the *Nash Claim* (C_n) would be established and congruence could be shown even from the standpoint of the thin theory of the good (WPL, 148).

The challenge, however, is not simply to locate strong reasons to be just but also to demonstrate that these reasons would be *decisive*, that is, that each person's overall balance of reasons would ultimately militate against deciding case-by-case whether to forego justice for the sake of competing desires and goods. Just as in a prisoner's dilemma, we want to know whether the typical payoffs associated with these various goods, given the possible choices of others, would lead a representative member of the well-ordered society – Weithman's running example is a fictional member named "Joan" – to maintain a regulative desire to act from principles of justice or decide case-by-case. Should Joan worry that she will later deeply regret one of these choices? A key step in answering this question is what Weithman calls a *Balance Conditional*. The *Balance Conditional* suggests that if, even in the world as it is, a particular good would tilt Joan's balance of reasons in favor of replying to the justice of others by maintaining her own supremely regulative desire for justice, then that good would also tilt her balance of reasons toward justice in the well-ordered society of justice as fairness (WPL, 162).

Theory ultimately presents two main congruence arguments. Weithman explains that each argument begins with the thin-theory desires associated with our nature and arrives at the *Nash Claim* (C_n) via a *Balance Conditional*. First, there is the *Argument from Love and Justice* that begins with our desires for (b) integrity, (c) friendship, and (d) par-

participation in social life. Desires for friendship and association are realized in forms of love, and loving others includes treating them justly. So the relevant *Balance Conditional* holds that if a person's balance of reason tilts in favor of answering love with love in the actual world, then the balance of reasons in the well-ordered society would tilt in favor of answering justice by maintaining a supremely regulative desire for justice. This is particularly the case in a well-ordered society because its history of just practices and institutions transforms the motives and expectations of its members, disposing them even further toward justice.

Rawls recognized the limitations of this argument. So, the second argument, the more familiar *Kantian Congruence Argument*, begins instead with desire (a), namely, the desire to express our nature as free, equal, and rational. Recall that our nature is the decisive determining element in the original position. Wanting to express our nature means wanting to act from principles chosen in the original position, and so this desire is practically equivalent to the desire for a supremely regulative sense of justice. It is the finality condition, a formal constraint of the original position, that supports this inference, since our rational plans are coherently unified only if they are pursued in accordance with final (i.e., supremely regulative) principles of right (WPL, 211).

In short, the very unity of the self depends upon organizing one's life-plans in terms of such regulative principles. Once again, Weithman introduces a *Balance Conditional* to explain that if the balance of reasons points to preserving a supremely regulative sense of justice in the world as it is, then that balance would point in the same direction in the well-ordered society where our characters are shaped toward justice. The latter point, that justice as fairness would have a "transformative effect" on desires and aspirations, turns out to be essential to both congruence arguments (WPL, 127). Because each member of a well-ordered society would reason similarly about the balance of reasons, even from the standpoint of the thin theory, the *Nash Claim* (C_n) can be established and, with public knowledge of that claim, (C_6) would follow. Thus "desires to be unjust are outweighed by other desires members of the WOS have, quite apart from their desire to be just" (WPL, 219). Including this latter desire for justice from the standpoint of full deliberative rationality only provides further reason for "Joan" and her fellow citizens to see the sense of justice as supremely regulative. Thus Rawls moves from (C_n) to (C_6) and then reaches the *Congruence Conclusion* (C_c).

Weithman's reading of *Theory* has the virtue of revealing how various claims and arguments advanced throughout the book are complementary to or presupposed by the rather compressed analysis of congruence in §. 86. Indeed the original position itself functions not just as a device of representation for arriving at principles of justice, but also as the "bridge" bringing together the right and the good. Contrary to utilitarianism, the Rawlsian approach can account for Joan's choice without having to posit the existence of a single dominant end (WPL, 158). Moreover scholars have generally failed to appreciate how Rawls's critique of intuitionism returns in part III of *Theory* as part of the effort to find determinate and decisive grounds for tilting the balance of reasons toward the choice to maintain a supremely regulative sense of justice (WPL, 214).

Weithman's reading also responds to several misconceptions in the secondary literature. For instance, some have challenged Rawls's claim that *Theory* presents a partial comprehensive doctrine (Barry 1995). Weithman explains that justice as fairness is comprehensive in the sense of specifying partial ethical *ideals*, i.e., conceptions that are rational to value. The ideals of conduct, friendship, and association help to specify the

desires supporting the *Argument from Love and Justice* (WPL, 74). Weithman's reconstruction of that *Argument*, already a significant scholarly contribution, also suggests how misguided it is to interpret Rawls as presupposing or defending a kind of atomistic individualism. For Rawlsian stability crucially depends on our natural desires for sociability and the effects of just institutions on the development of the desires for association and a social union of social unions. A person like Joan who lives under such institutions will have "wide-ranging loves and attachments" that affect what she values and how she acts with and for others (WPL, 178).

Another interesting feature of Weithman's book is his *Two Conjunct* interpretation of Rawls's Aristotelian Principle. Recall that the Aristotelian Principle states:

[O]ther things equal, human beings enjoy the exercise of their realized capacities (their innate or trained abilities), and this enjoyment increases the more the capacity is realized, or the greater its complexity (Rawls 1999a, 374).

Weithman claims that scholars have tended to focus on the "second conjunct" of this principle, concerning our greater enjoyment from increasingly complex realized capacities. Yet the first conjunct is essential to the congruence arguments, since it supports the claim that we enjoy the exercise of our natural powers and abilities and so we value the expression of our nature and the activities of friendship and association (WPL, 130).

Yet Weithman's appeal to the *Two Conjunct* reading as a difference between his interpretation of Kantian congruence and Samuel Freeman's is somewhat questionable.⁶ Freeman's presentation of the Aristotelian Principle does in fact emphasize its second conjunct, concerning the good of *complex* capacities. Nevertheless, when Freeman actually sets forth Rawls's congruence argument in twelve steps he cites the Aristotelian Principle mainly in order to vindicate the claim that it is "rational to realize one's nature" (2007a, 159; 2007b, 275). The "role" of the Aristotelian Principle, Freeman writes, is to "suggest that it is intrinsic to persons' good to realize their nature (as free and equal rational beings)" (2007a, 159). So while Freeman introduces the principle by discussing its second conjunct, it's not obvious that his formulation of Rawls's argument depends on that reading.

Either way, much of what Weithman has to say about congruence is indeed quite distinctive. Precisely because Weithman lays out both congruence arguments in such detailed fashion, only one chapter, "The Great Unraveling" (WPL, 234-69), is needed in order to identify just what goes wrong with them. In short, the conceptions of conduct, friendship, association, and autonomy that support several premises of the congruence arguments – namely, those premises referring to the above mentioned thin-theory desires (a), (b), (c), and (d) – are *ethical ideals* that not all citizens will value or value highly enough. Moreover, the so-called companion effect to the Aristotelian Principle does not accurately characterize all citizens, since some will find the activities of others to be trivial or immoral and will refuse to value pluralism as such just because it is the product of human freedom. This judgment may, in turn, significantly alter a person's desire to take part in a social union of social unions and thus change the balance of reasons relevant to the *Argument from Love and Justice*. Finally, some individuals will hold

⁶Weithman cites this reading as one difference, but not the only or even the most important difference, between his interpretation and Freeman's (WPL, 129-30, 267).

conceptions of human nature or the unity of the self that are incompatible with a key step in the *Kantian Congruence Argument*, namely, the claim that our nature is expressed by – and, indeed, is the decisive determining element in – the original position.

To be sure, some of these difficulties, particularly the last one, will be familiar to most readers who are well aware that Rawls came to doubt the ideal of autonomy implicit in *Theory*. But Weithman's rigorous analysis enables us to understand more clearly how the failure of the congruence arguments results from problems with several quite specific premises and inferences in light of the concern to avoid a generalized prisoner's dilemma.

IV. THE POLITICAL TURN

Weithman believes that political liberalism also addresses the question of congruence and answers that question by following a more strictly political version of the same game-theoretic argumentative strategy pursued in *Theory*. Once an overlapping consensus obtains, then citizens would know that the *political* ideals of conduct, friendship, and association in justice as fairness normally outweigh other values that might conflict with them. Each member of the well-ordered society is able to recognize this fact, at least when others reach the same judgment, and so we are led to a politically liberal version of the *Nash Claim* (C_n):

Each member of the WOS judges, from within her comprehensive view, that her balance of reasons tilts in favor of maintaining her desire to live up to the values and ideals of justice as fairness, at least when others live up to those values and ideals as well (WPL, 275).

Public knowledge that a reasonable overlapping consensus obtains solves the mutual assurance problem and enables citizens to determine that, as Rawls writes, “the political values either outweigh or are normally (though not always) ordered prior to whatever nonpolitical values may conflict with them” (2005, 392; WPL, 280). Citizens can reach this conclusion even without presupposing the desire to do justice for its own sake. Once that desire is also included we have even more support for (C_{pl}):

Each member of the WOS judges, from the viewpoint of full deliberative rationality, that the balance of reasons tilts in favor of maintaining her desire to live up to the values and ideals of justice as fairness (WPL, 281).

This is a state of general equilibrium comparable to that of (C_c), i.e., a “state which would be stabilized by the enduring character of the forces that bring it about” (WPL, 281). Weithman acknowledges several textual obstacles to this reading. Yet what emerges from the final chapters of the book is a generally persuasive account of how the stability question in political liberalism continues to present a type of congruence problem and how that problem would be resolved by the emergence of an overlapping consensus.

Weithman's interpretation of stability also fits especially well with several important aspects of political liberalism. First, it reflects the significance of the *ideals* of fair cooperation, citizenship, legitimate democratic governance, and public reason stressed by Rawls in his later writings. Weithman explains that Rawls came to understand (political) ideal-dependent desires for conduct, friendship, and association to be “at the

center of a sense of justice” (WPL, 297). This marks something of a shift, albeit a largely unnoticed one, in what “the sense of justice” means to Rawls, even though the development of an effective sense of justice is still the first step to the inherent stability of a well-ordered society (Rawls 2005, 141).

Second, Weithman rightly calls attention to passages from *Political Liberalism* explaining that comprehensive doctrines are far from fixed and can and do change over time (WPL, 311). Part of what makes reasonable overlapping consensus possible is that political conceptions of justice are likely to have a liberalizing effect on religious and other comprehensive doctrines. Rawls observes that there is “lots of slippage” in world-views, so that the political conception “may bend comprehensive doctrines toward itself, shaping them if need be from unreasonable to reasonable” (2005, 160 and 246).

Third, Weithman’s reconstruction suggests that the revised stability argument depends on the recognition, and eventually the mutual recognition, that political values outweigh nonpolitical values in cases of conflict. Of course the relations between comprehensive doctrines and the values of a political conception may take different forms even within an overlapping consensus, since each doctrine may be “either congruent with, or supportive of, or else not in conflict with” these values (Rawls 2005, 169; WPL 276). Weithman interprets Rawls’s model case of overlapping consensus in terms of these distinctions. The upshot is that the emergence of a reasonable overlapping consensus suggests that adherents of *each* reasonable doctrine have found *comprehensive* reasons to see the political conception as comprising *politically overriding* values. According to Weithman, this is a crucial step in the revised stability argument.

V. THE PRIORITY OF THE POLITICAL

Whether political values and ideals outweigh or take priority over nonpolitical values in the public political domain is clearly a crucial question. Call it the priority question. It is introduced in *Political Liberalism’s* Lecture IV as a more specific version of the question of how “political liberalism is possible” (Rawls 2005, 139). The priority question is posed again several pages later with roughly the same two-fold answer (Rawls 2005, 156). First, political values are very significant and, second, the existence of overlapping consensus reduces the conflict between the political and nonpolitical. Rawls emphasizes the second part of the answer in the “Reply to Habermas,” clarifying that political liberalism’s priority of the political does not “express a comprehensive moral point of view that ranks the duties owed to just basic institutions ahead of all other human commitments” (2005, 392, fn. 29).

The priority question is also connected to the “paradox of public reason,” concerning how citizens can be expected to set aside the whole truth in their political activity (Rawls 2005, 216). Honoring public reason means giving “very great and normally overriding weight to the ideal it prescribes” (Rawls 2005, 241). The paradox “disappears” with the existence of an overlapping consensus, since citizens will have affirmed public reason’s ideal “from within their own reasonable views” (Rawls 2005, 218).

Nevertheless, there’s something not fully satisfactory about the claim that the existence of overlapping consensus is what establishes the priority of political over nonpolitical values in public reason. A first concern is circularity. For Rawls also appeals to the practice of public reasoning to explain the stability of a constitutional consensus out of which an overlapping consensus would emerge. Public reasoning engenders the nec-

essary trust in institutions, democratic procedures, and fellow citizens (Rawls 2005, 163). This claim is certainly consistent with Weithman's argument that the practice of public reasoning helps to solve the mutual assurance problem and thereby supports the revised *Nash Claim* (C_n^*) (WPL, 327). But it is not consistent with the notion that overlapping consensus is a precondition for successful public reasoning. Instead, the passage from Rawls suggests the possibility that citizens recognize and honor public reason's ideal without having first achieved overlapping consensus on a political conception. Moreover, when Rawls briefly discusses overlapping consensus in "The Idea of Public Reason Revisited" he appeals to the reasonable itself – that is, "the idea of the politically reasonable as set out in political liberalism" – rather than to the *existence* of reasonable overlapping consensus, in order to address the priority question (2005, 483-84).

Even more, if public reason's requirements really are moral duties, part of the so-called duty of civility, then it would seem that they should be considered obligatory in a range of non-ideal conditions and not only in the still unlikely case that a reasonable overlapping consensus obtains and is recognized by all. Citizens who honor public reason must acknowledge the priority of political values even without the assurance that all other reasonable citizens have done so. As we have seen, one reason that a citizen would answer the priority question in the affirmative is that she endorses public reason's ideal from within her reasonable comprehensive doctrine. But this does not really vindicate the morally charged expectation that others should honor public reason, whatever their particular comprehensive views, or the moral criticism of those who fail to do so. It is here, I submit, that Rawls should have appealed more directly to a foundational duty of *mutual respect* formulated in public political terms, i.e., equal respect for one another as cooperating free and equal citizens with an interest in exercising the two basic moral powers (cf. Larmore 2008). Yet this is a move that Weithman finds unnecessary.

VI. WHAT IS POLITICAL LIBERALISM?

Weithman thinks Rawls opts for a "conception-based" rather than a "respect-based" approach to "justice as fairness" (WPL, 353-57). But what Weithman fails to appreciate is that it is political liberalism that seems to require a duty of mutual respect in order to ground its requirements of public reason. For political liberalism seems to present conceptions of legitimacy and public reason that are ultimately independent of the arguments for the two principles and that might apply in a liberal-democratic society in which no citizen happens to endorse justice as fairness. Weithman is mainly interested in answering the question of *why Rawls turned* to political liberalism. But his powerful answer to that question does not necessarily tell the whole story about *what political liberalism is*, either in the sense of how Rawls eventually came to understand political liberalism or how we should understand it in its most plausible form.

We can underscore the difference between Weithman's question and these latter concerns by considering the possibility that a *family* of reasonable political conceptions might support a legitimate liberal-democratic society and provide the content for its idea of public reason. Rawls acknowledges this possibility in the original edition of *Political Liberalism* and emphasizes it in the "Paperback Introduction" as well as in the later essays (2005, l-li, 164, 167, 226, 374-75, 451-53). Political liberalism is itself a "kind of view" and justice as fairness is "but one example of a liberal political conception" (Raw-

ls 2005, 226). Indeed some commentators have suggested that the liberal principle of legitimacy mainly responds to the possibility that reasonable citizens might disagree about the content of justice (WPL, 319).⁷

Weithman also acknowledges the possibility of multiple reasonable political conceptions, but he generally sets it aside in order to focus instead on how a “society well-ordered by *justice as fairness* could be stable” (WPL, 273). This aim leads him to interpret public reason and the liberal principle of legitimacy accordingly. Weithman claims that this latter principle applies mainly to constitutional authority rather than ordinary legislation (WPL, 313; Rawls 2005, 137, and 393). The liberal principle of legitimacy would be adopted in the original position to guide the application of the two principles of justice at the constitutional stage. Guidelines of public reason would also be chosen in the original position. The liberal principle of legitimacy and the idea of public reason together “constrain the exercise of legislative power and interpretive authority” and help citizens to realize a form of social unity that Weithman calls the *Ideal of Democratic Governance* (WPL, 316). This ideal contributes to the stability of justice as fairness insofar as citizens are able to appreciate the politically overriding weight of political ideals and values without having to deny the truth of their doctrinal commitments.

It is not that this interpretation is wrong or without textual support. But as an interpretation of liberal legitimacy and public reason it is decidedly partial and incomplete. The most obvious lacuna concerns Rawls’s later formulation of the liberal principle of legitimacy based on the criterion of reciprocity, to which Weithman pays far less attention. In “The Idea of Public Reason Revisited,” Rawls writes that:

our exercise of political power is proper only when we sincerely believe that the reasons we would offer for our political actions – were we to state them as government officials – are sufficient, and we also reasonably think that other citizens might also reasonably accept those reasons. This criterion applies on two levels: one is to the constitutional structure itself, the other is to particular statutes and laws enacted in accordance with that structure. To be reasonable, political conceptions must justify only constitutions that satisfy this principle” (2005, 446-47).

Of course we might still read this passage as consistent with the notion that the principle of legitimacy, including the call for reasons that are sufficient and reasonably acceptable, applies directly only to the constitutional structure. The idea would be that other laws and statutes are legitimate just insofar as they are “enacted in accordance with” the procedures of that already reciprocally justified structure. But there are several considerations that militate against such a reading.

First, Rawls says that public reason instructs citizens to accept the criterion of reciprocity and apply it directly to laws and statutes, “*as if they were legislators,*” in order to hold their elected officials accountable (2005, 444-45). Second, the idea of public reason applies not only to constitutional essentials, but also to matters of basic justice and, by implication, to laws and statutes that have direct implications for constitutional essentials and matters of basic justice (Rawls 2005, 476). Indeed “The Idea of Public Reason Revisited” lists several examples of laws or legislative questions to which requirements of public reason – and so the criterion of reciprocity – should apply (Rawls 2005, 456-57, 476, 478-79). Furthermore, without “substantive guidelines for admis-

⁷See Dreben 2003, 316-7.

sible reasons” even a justified institutional procedure based on a legitimate constitution can fall prey to the problem of “garbage in, garbage out” (Rawls 2005, 431). Weithman is surely right to observe that citizens will not agree about particular laws and statutes. But the principle of legitimacy still applies to laws and statutes directly insofar as deliberating citizens and officials are expected to satisfy the criterion of reciprocity in their public reasoning.⁸

A second problem with Weithman’s interpretation concerns the guidelines of public reason being chosen in the original position (Rawls 2005, 225). This feature of public reason, from Lecture VI of *Political Liberalism*, is meant to apply to *justice as fairness*, and the subsequent paragraphs in the text indicate that the original position is not essential for developing principles and guidelines of public reason *as such*. For if the content of public reason may be based on any complete and reasonable political conception, and if one or more of these political conceptions does not include the original position as a methodological device, then it must be possible for a citizen to adhere to public reason’s requirements without having those guidelines selected in the original position.

In fact, in “The Idea of Public Reason Revisited,” Rawls does not refer to the original position at all in describing either the five “aspects” or the “content” of public reason, other than to suggest that the original position provides but *one way* to identify public reason’s “principles and guidelines.” He notes that “[o]thers will think that different ways to identify these principles are more reasonable” (Rawls 2005, 450). Weithman argues throughout his book that the original position is indispensable for Rawls’s account of the stability of justice as fairness. Perhaps it is. But it is clearly not indispensable for political liberalism’s account of either liberal legitimacy or public reason.

My point is not that the liberal principle of legitimacy is somehow foundational for justice as fairness, a position Weithman attributes to Larmore and then criticizes (WPL, 319). If anything is foundational in political liberalism, it is the idea of free and equal citizens seeking fair terms of cooperation under conditions of reasonable pluralism. Weithman is right to highlight these fundamental ideas of the person and society as a starting point for justice as fairness and political liberalism (WPL, 355). We should see conceptions of justice, liberal legitimacy, and public reason as based on these ideas. However, if public reason and liberal legitimacy are to be formulated without relying on the original position, then, *pace* Weithman, the norm of mutual respect may very well play a crucial role in an argument connecting these fundamental ideas as premises to the conclusion that all citizens must adhere to requirements of public reason and prioritize the values of a reasonable political conception when addressing fundamental political questions.⁹

Political liberalism is a theory that defends a principle of legitimacy and requirements of public reason that enable us to understand how politically justified laws and policies are possible under conditions of reasonable pluralism, even when citizens fail to reach an overlapping consensus about justice as fairness or any other single conception of justice. That is not all that political liberalism is, but it is that.¹⁰ This understand-

8] See also Quong 2011, 210.

9] Or so I argue in Boettcher 2012.

10] Freeman argues that in addition to addressing the stability problem “*Political Liberalism* also can be understood independently of *Theory* and as responding to different problems” (2007b, 324). Maffetone

ing of political liberalism is most obviously on display in “The Idea of Public Reason Revisited.” And I think that it is confirmed by what Rawls later says about that essay (originally published in 1997) and political liberalism as a whole. In the 1998 letter to Columbia Press Rawls states explicitly that *Political Liberalism* is “not about this idea [of justice as fairness]” and that “Public Reason Revisited” is “the best statement I have written on ideas of public reason and political liberalism” (PL, 438-39).¹¹

VII. CONCLUSION

To summarize: Weithman’s interpretation of political liberalism does not fully account for either the obligatoriness of public reason’s requirements or the possibility of politically justified decision-making in the context of disagreements about justice. Perhaps Rawls’s own texts do not fully and explicitly account for them either (Boettcher 2012). I said earlier that my concerns are challenges rather than objections to Weithman’s view. Whether they are serious challenges presumably depends on whether a full explanation of public reason and political justification is somehow inconsistent with the case for the stability of a just society. That is a question for another day (cf., WPL, 333).

Weithman’s book pursues a more specific goal, consistent with the originally stated aim of *Political Liberalism* (Rawls 2005, 3-4). He attempts to explain how a politically liberal society organized by justice as fairness could be inherently stable. His explanation of that possibility is inspiring and persuasive. More generally, his treatment of *Theory’s* stability problem, with its careful attention to Rawls’s texts alongside its use of the prisoner’s dilemma and other collective action problems, is original and insightful. *Why Political Liberalism?* should be the starting point for subsequent scholarly discussions of the stability problem and the origins of Rawls’s political turn.

I conclude with a comment on the book’s final section, which depicts the vision of the world and human nature encouraged by a serious engagement with Rawlsian political philosophy. Weithman is not the first to discuss his former teacher’s Kantian conception of philosophy as the defense of reasonable faith (Rawls 2005, lx, 101).¹² But the final pages of *Why Political Liberalism?* are the best discussion of that topic that I’ve encountered. At the deepest level, Rawls’s philosophy is a reply to what he took to be the “dark minds of Western thought, Augustine and Dostoevsky” and to the cynicism according to which the catastrophic violence and oppression in human history should lead us to abandon the hope for a just society.¹³ The success of Rawls’s stability argu-

makes a similar point, though he generally stresses the overall continuity between Rawls’s texts (2010, 222).

11] See also Dreben 2003: “*Political Liberalism* and the subsequent papers connected with it are not always consistent” (320). Dreben also observes that what Rawls says in “Public Reason Revisited” “goes beyond the book [*Political Liberalism*]” (338).

12] See also Rawls’s claim in “Justice as Fairness,” referring to the possibility of reaching an uncoerced agreement about justice in light of our social and historical conditions: “Until we bring ourselves to conceive how this could happen, it can’t happen” (1999b, 395).

13] Weithman cites Rawls’s *Lectures on the History of Moral Philosophy*, identifying these two figures as the tradition’s “dark minds” (WPL, 362, n. 31). See also Freeman’s Memorial Service remarks, observing that Rawls rejects the “desolate view of humankind” according to which “our nature is so selfish, scarred, and corrupt as to put justice beyond human capabilities” (1997a, 323).

ment shows not only that it is reasonable to hope for such a society, but that its realization fundamentally fits our nature. Weithman quite plausibly suggests that Rawls's project has an enduringly religious aspect, addressing a version of the problem of evil. His concerns are "not unrelated to the question of theodicy," as Rawls himself writes in an unpublished version of the "Paperback Introduction" to *Political Liberalism* (WPL, 368). Affirming our moral nature is necessary if we are to understand God's judgment that the world itself is good, "worthy of devotion and reverence" (WPL, 368). Weithman's excellent book helps to sustain that judgment.

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