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JOHN RAWLS, FROM THE METAPHYSICAL "A THEORY OF JUSTICE" TO THE QUASI-POLITICAL "POLITICAL LIBERALISM."

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DECLARATION.

I confirm that the report submitted herein is my own.

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PART 1

INTRODUCTION

This paper will outline and explore aspects of the development of John Rawls political philosophy in his book "Political Liberalism" hereafter referred to as PL. The focus will be on the question of whether and if so in what respect this later work is continuous with, or marks a significant departure from, the earlier "A Theory of Justice" hereafter referred to as TJ. In particular this study will take seriously Rawls own claim that not only do the lectures that constitute PL display a unity among themselves but that they have a unity with the spirit and content of TJ.

To this end PART 1 of the study will begin with a brief synopsis of the principle arguments and philosophical methods deployed by Rawls in the procedural recasting of social contract theory in TJ, the aims of which were to generalise and to carry to a higher level of abstraction the traditional doctrine of the social contract. PART 2 of the study will then provide an outline and critical evaluation of the first part of PL. The focus here will be on the specifically political emphasis of the work with special attention being paid to lecture ii, "The Powers Of Citizens And Their Representations," and lecture iii "Political Constructivism." Part 3 will draw out the main themes of lectures (iv-vi-vii) with especially close attention being paid to "The idea of an overlapping consensus" and "The idea of public reason." This part will emphasise the extent to which Rawls's later work takes a much more explicitly and clearly defined political character than does the earlier TJ. PART 4 will consist of the conclusion of the study in which a critical evaluation of this later work will be provided. This evaluation will attempt to assess the contribution that PL makes to the development of a plausible vision of liberal democracy.

John Rawls is widely regarded as one of the most important, if not the most important, political philosopher of the twentieth century. TJ has had a profound impact on the development of

political philosophy from 1971 to the present. Rawls has, however, in the intervening years responded to criticisms of aspects of his earlier work, and has attempted to refine and deepen the liberal perspective on justice. Although much of this subsequent reworking of his project has been brought together in, among other writings, his recently published *Collected Writings*, PL constitutes arguably the most accessible and coherent statement of Rawls's mature political philosophy.

The greater part of this study will involve an exposition of key aspects of PL. In this respect this paper will be an exercise in clarification and exegesis. It should thus help to contribute to the task of facilitating the reception of Rawls later work. While the exegetical and critical literature on TJ is now enormous, there is by comparison relatively little commentary dedicated to PL.

John Rawls "A Theory Of Justice" TJ [1971] succeeded in redefining the nature and status of political philosophy at a time when political philosophy was at a low point. Although this earlier work received popular recognition and the highest scholastic acclaim, Rawls some twenty-two years later, modified his theory in "Political Liberalism" PL [1993]. This transformation Rawls himself admits was due to various flaws that existed with the metaphysical approach adopted in TJ. Rawls asserts that such a metaphysical conception of justice as fairness cannot exist in a constitutional liberal democracy characterised by religious, moral, and philosophical pluralism. Instead he adds the ingredient of toleration, providing for a public political conception of justice independent of any single comprehensive religious, philosophical or moral doctrine.

In TJ, Rawls aimed at providing a theory of justice as fairness that would determine the way in

which primary goods would be distributed in society. He viewed his theory of justice as fairness as being able to address problems that doctrines such as utilitarianism and Kantian constructivism could not adequately address. This superior status Rawls vested in his theory led to justice as fairness being viewed as merely another reasonable comprehensive doctrine that was antagonistic to other reasonable doctrines. Rawls used the Hobbesian and Lockean social contract as a platform from which to "jump-start" his theory, although Rawls himself argues that this portrayal is a mere "convenience." The hypothetical state of nature and the free and equal natural human condition expressed by Lockean modern liberals, and the Kantian demonstration of autonomous practical rationality and the moral construction of the categorical imperative can be compared, in game-theoretic fashion, to Rawls's original position and the veil of ignorance, with the negotiators behind the veil acting in accordance with the requirements of "neutral," practical rationality.

In TJ Rawls focuses on the nature and role of the liberal state, making it responsible for guaranteeing social justice. In particular he focuses on the way in which primary social goods including, liberty and opportunity, income and wealth, and the basis of self-respect should be distributed in society. This distribution he argues should be done in accordance with two principles of justice, the first being equal liberty for all, and the second being the difference principle where inequalities are allowed to exist only if they are to the benefit of the worst off persons in a society based on equal opportunities. Due to the formulation of the difference principle, TJ" has been criticised and defended as a philosophical foundation of the liberal democratic welfare state. It is further argued that, "the version of liberal doctrine he produced in TJ was a rhetorically impoverished one. It was a liberalism without passion, an arid procedural liberalism that expressed, if anything the grey bureaucratic spirit of the culturally-neutralist

liberal welfare state." (1)

However, in an extensive series of writings in the years after the publication of TJ Rawls moves his focus from these redistributivist questions, which seemed to be of special salience when TJ was first published, to a political conception of justice focusing on how to protect basic liberties and maintain stability in a constitutional democratic society characterised by a diverse number of reasonable, comprehensive philosophical and religious doctrines. (If you like, a multi-cultural or plural society.) Rawls's recently amended theory of justice renders a profoundly different description of the "relation between individual and social value systems, between divergence and consensus, and between religion and politics." (2)

One of the crucial flaws with the approach set out in TJ is that the account of stability and the notion of a well-ordered society was a mere ideal and was unable to facilitate the type of stability that would be needed in a democratic society that is intrinsically marked by a pluralism of reasonable but comprehensive moral, religious, and philosophical views. Further, "it did not distinguish between two very different kinds of moral conceptions, that of a comprehensive moral theory which addressed the problem of justice and that of a political conception of justice that was independent of any comprehensive theory." (3) Notions of a universal truth and a single superior alternative theory of "justice as fairness," as compared to other reasonable comprehensive doctrines, in effect merely rendered justice as fairness itself as one of the many reasonable comprehensive doctrines that was incompatible with other such reasonable comprehensive doctrines existing in a society characterised by reasonable pluralism.

According to Rawls, the problem of stability in a constitutional democracy can only be solved

by a political conception of justice. "While a political conception of justice is of course a moral conception, it is a moral conception worked out for a specific kind of subject, namely, for political, social and economic institutions", (4) that is the basic structure of a constitutional democratic society. This is so because it has its basis in ideas that exist specifically with the public political culture of society and thus has a non-controversial element to it. Rawls argues that "we should take our starting point from some fundamental ideas that are, as he sees it, implicit in the public political culture of a democratic society." (5) He believes that there are three foundational ideas of a democracy, the cardinal idea is that of society as a fair system of co-operation over time, from one generation to the next. Two other adjoining ideas are the idea of citizens as free and equal persons, and the idea of a well-ordered society as a society effectively regulated by a political conception of justice.

The methodological and philosophical innovation that Rawls introduces is the original position. This idea differs from those already discussed in that it is not specific to a public political culture. "Rather, it is seen as a mediating model that integrates the other fundamental ideas into a coherent scheme of justice." (6) The role of the original position in PL is; however, markedly different compared to its role in "TJ." In TJ the original position is depicted as a vital multi-functional device, that is it is used as a means of justifying the principles of justice, and further, it defined the particular political backdrop from which the democratic institutions essential for justice as fairness would arise. In PL however, the original position has a somewhat "modest" role, in that its main purpose is to confirm and illustrate that the principles of justice as demonstrated in justice as fairness are the only principles consistent with the central tenets of a reasonable multicultural democratic society. "But even though this is a more modest task, it is still a very important one. For in showing that justice as fairness is the most compatible

conception, Rawls has shown that it is also a free-standing view, one that is independent of any comprehensive moral theory or doctrine. (7)

There are various new ideas and concepts that Rawls introduces in PL that enables it to have a distinct flavour and objective to that laid down in TJ. Some of these concepts include, "a well ordered society," "reasonable pluralism," "reasonable citizens," "an overlapping consensus" and "the idea of public reason." There have been various criticisms of the substance and the stylistic approach adopted by Rawls in PL, and it is these criticisms that need further investigation.

This paper will attempt to disclose an extensive critical analysis and explication of the text of PL, with the aim of clarifying ambiguities and answering controversial questions. Some of these controversies and questions include; does Rawls in fact in the ideas and approach adopted in PL manage to move away from the metaphysical modernist style towards a post-modernist political stance? Does the text, in respect of Rawls's various ideas and conceptions display internal coherence and consistency? Does the political conception of justice explicated in PL succeed in creating a plausible theoretical foundation for a model of deliberative liberal democracy? Above all else, "is there any evidence that Rawls even understands his proposed conception as a practical political matter at all, that is as a proposal that might at some point have to be worked out concretely in actual political activity, in actual dialogue with the various warring factions of some particular flesh and blood liberal democracy?" (8)

PART 2

THE RAWLSIAN PORTRAIT OF THE REASONABLE:

This part of the critique illustrates that justice as fairness as presented in PL falls far short of realising an absolute political design and character, but rather still adopts a somewhat Kantian metaphysical perspective. As a result of Rawls's enduring methodological connection to modernist, more precisely Kantian, conceptions of reason and rationality, Rawls can execute his reconstruction of his liberal doctrine in non-metaphysical terms only to a limited extent. It appears as if Rawls is unable to emancipate himself from formalist, quasi--transcendental modes of thought, and modernist constructivist methods. In PL Rawls does not succeed in a complete execution of the rhetorical turn, and thus is unable to give effect to a post-modern civic culture.

"Rawls employs a constructivist method which involves taking a series of subjects in turn, each time modifying the procedure to fit the particular subject under consideration. He begins by constructing a set of principles of political justice for the basic structure of a closed and self-contained democratic society." (1)

The objectivity of justice as fairness in PL is ensured by political constructivism, for political constructivism is limited to the political and excludes all comprehensive moral doctrines.

"Political constructivism is a view about the structure and content of a political conception. It says that once, if ever, reflective equilibrium is attained, the principles of political justice (content) may be represented as the outcome of a certain procedure of construction (structure).

(2) This procedure has its foundations laid in the original position where rational agents equal one to the other serve as representatives of citizens to determine fair principles of justice to regulate the basic structure of society. This procedure ensures that the principles of justice decided upon emanate from principles of practical reason together with conceptions of society

as a fair system of co-operation and persons as free and equal, due to their possession and use of their collective practical reason.

There are five essentials of objectivity which ensure that correct judgement is made in the original position "from which an objective order of reasons can be specified and these reasons applied to agents and in such a way that agreement in the judgement of these agents can be explained." (3) Political constructivism meets these essentials by describing how the conceptions of person and society, and other principles of practical reason, are correctly modelled. The original position is the device used for determining objective practical principles for the basic structure of a constitutional democracy. Rawls included constructivism in his theory because he believes that an overlapping consensus based on a political conception could not result without an independent account of objectivity and overriding reasons. If constructivism is unanimously construed as the deciding source of political reasons, comprehensive doctrines would not move away from an overlapping consensus. Being a theory that claims to distance itself as far as possible from opposing and contending philosophical issues, an account of Rawlsian objectivity clearly embarrasses such a claim. This conception of constructivism and objectivity will be further investigated in its relation to the idea of an overlapping consensus in PART 3.1, and the idea of public reason, in PART 3.3.

Justice as fairness as illustrated in PL has the notion of the "reasonable" being extensively deployed. Rawls includes the category of the "reasonable" because he believes that it permits his theory to avoid disputes about moral and religious truth, thus allowing for a stable overlapping consensus. Rawls suggests that we have the culmination of an overlapping consensus of all reasonable comprehensive doctrines, which affords justice as fairness its public political culture.

Clearly justice as fairness is also merely one of the various existing cultural conceptions of justice, but Rawls claims that his conception of justice is the most reasonably constructed conception and thus reasonably will win the support of reasonable citizens.

A few examples of the extensive use of the term reasonable in PL include the following: "reasonable principles of justice, a reasonable political conception of justice; a reasonable overlapping consensus; reasonable disagreement; the virtue of reasonableness; reasonable actions; reasonable doubt; a reasonable basis of public justification; reasonable variant of the public conception of justice; reasonable belief; a reasonable combination and balance of values; reasonable extensions of justice as fairness; a reasonable expression of political values; unreasonable force; reasonable pluralism; reasonable comprehensive doctrines and reasonable ways of affirming them; reasonable agents or persons who have a reasonable moral psychology..." (4) Looking at the extensive use of the "reasonable" in PL an investigation of the meaning of this term is necessary for it is what essentially holds the fabric of PL together.

Reference to the "reasonable" is made by Rawls in the presentation of justice as fairness rather than in the content. There has been no significant shift in Rawls's stance with regard to the content of justice as fairness, which includes the conceptions of free and equal persons, and of society as a fair system of co-operation, the original position and the two principles of justice selected by the representatives in the original position as denoted in TJ. "In contrast, the conception of the person not as free and equal but as reasonable has developed considerably in response to Rawls's concerns about pluralism and stability. The reasonable is now as important for the presentation of the theory as fairness is for the content of the theory, for the reasonable is used to explain how justice as fairness can be (what it was not before) a political conception of

justice." (5)

Rawls omits furnishing meanings for each and every use of reasonable referred to in PL. Instead he only gives precise definitions for two vital terms "reasonable comprehensive doctrine," and "reasonable person" expecting all the use of "reasonable" to derive their precise meanings in light of the two aforementioned terms. For example, "Political Liberalism assumes the fact of reasonable pluralism as a pluralism of comprehensive doctrines, including both religious and non-religious doctrines" (6) The "reasonable comprehensive doctrines" in a society differ one from the other. with regard to religious, moral, and philosophical views, and values and the ranking and weight of such views and values. Further, a reasonable comprehensive doctrine is not only an exercise of theoretical reason as illustrated above but is also an exercise of practical reason. "Although stable over time, and not subject to sudden and unexplained changes, it tends to evolve slowly in the light of what, from its point of view, it sees as good and sufficient reasons." (7)

It is clear that such a portrayal of comprehensive doctrines leaves no room for any comprehensive doctrine to be seen as unreasonable, for essentially any comprehensive doctrine can be interpreted and enunciated so as to correspond with the definition offered by Rawls, "just as with a little ingenuity, virtually any action can be construed and described so as to conform to Kant's categorical imperative." (8) However, clearly conforming to such formal essentials does not immediately and necessarily mean that such doctrines qualify to participate within a liberal social order. For example, the comprehensive doctrines held by white supremacists and Islamic fundamentalists may indeed deploy theoretical and practical reason, and thus according to Rawls's standards and definitions would qualify as reasonable comprehensive doctrines. Clearly

what Rawls refers to as "reasonableness" has to involve more than merely the exercise or application of Kantian theoretical and practical reason. "This would suggest that the concept reasonable has a substantive as well as formal force. "This means that reasonableness, that is, the capacity of the citizen to act in accordance with the principles of liberal justice, cannot be properly understood as a capacity merely to act in accordance with a set of formal rules or to meet certain formal requirements." (9)

The description of reasonable comprehensive doctrines is however dependant on the characterisation of a "reasonable person. "Reasonable person" is the concept that forms the basis for all the other use of Rawls "reasonable." In PL the "reasonable person" is clothed with 5 essential characteristics. He or she must:

1. "a.) possess the two moral powers - the capacities for a sense of justice and for a conception of the good; b.) possess the intellectual powers of judgement, thought and inference; c.) have a determinate conception of the good interpreted in the light of some comprehensive view; d.) be able to be a normal, fully co-operating member of society over a complete life;
2. Be ready to propose and willingly abide by principles and standards that are fair terms of co-operation, given assurance that others will likewise do so;
3. Recognise the burdens of judgement;
4. Have a reasonable moral psychology;
5. "Recognise the five essential elements of a conception of objectivity." (10)

From these 5 characteristics, it can be inferred that a reasonable comprehensive doctrine is one that concedes that all reasonable persons possess the above mentioned characteristics. "Since Rawls believes that the reasonable, as embodied in persons and comprehensive doctrines,

allows him to present justice as fairness as the focus of a stable overlapping consensus, these are the sorts of persons and doctrines he requires for his view to be by his own standards both feasible and appropriate." (11) The problem, however, that deters justice as fairness from assuming a political cloak is that the list of attributes Rawls claims all reasonable persons possess is needlessly too extensive and often contradictory and inconsistent with the holistic picture that he wishes to paint in PL.

A discussion and explication of the components of the burdens of judgement, a reasonable moral psychology, and the essentials of objectivity as attributes of the Rawlsian reasonable person will follow. This examination will be expanded upon in PART 3.1 illuminating how these elements make Rawls's conception of the reasonable fall far short of achieving a stable overlapping consensus, thus defeating the main objective of PL.

What constitutes "the burdens of judgement" which is also often referred to as "sources of disagreement?" Briefly it is an arduous task to make correct judgements about "values and facts, and to explain disagreement among people conscientiously using their powers of reason and judgement." (12) These burdens are set out on p55-57 of PL: Rawls argues that all citizens in an overlapping consensus will recognise the burdens of judgement, and that reasonable comprehensive doctrines must "acknowledge," at least not "deny" them. Rawls included the burdens of judgement as one of the attributes of his reasonable person so as to perform certain distinct functions. The main reason for such inclusion was to demonstrate why an overlapping consensus was essential, and to explain how we should regard this necessity. Further, it serves the vital role of underwriting toleration and consequently public reason. Rawls claims that accepting the burdens of judgement gives rise to people endorsing liberal constitutional

principles like liberty of conscience and freedom of thought, resulting in a liberal consensus. It will be illustrated in Part 3 that the burdens of judgement will fail in many of its roles and by Rawls including it as one of the characteristics that a reasonable person possesses, the transparency, consistency and coherence of his theory on the whole is greatly undermined.

A reasonable moral psychology accentuates the vitality of "conception dependent desires." "Conception dependent desires, are desires to act in accordance with an ideal that is formed by reference to reasonable or rational principles. For example, the desire to be viewed as a normal fully co-operating member of society." (13) This moral psychology is significant with regard to the transition from a mere political modus vivendi, to a constitutional consensus and then finally to an overlapping consensus. Rawls, in justifying the inclusion of this moral philosophy as a component of his political conception of justice, argues against contending philosophical conceptions of the person in favour of a Kantian moral philosophy. This argument appears to be rather contradictory and puzzling, for the point is often re-iterated in PL that it detaches itself from any long-standing altercations in philosophy, and more specifically that it makes no particular metaphysical claims about the nature of persons. How can Rawls make such claims whilst arguing in favour of a Kantian conception of the person, and whilst simultaneously opposing other moral psychologies. If we consider the ideas and conceptions deployed in the presentation of justice as fairness it is evident that no one metaphysical doctrine on the nature of persons, distinguishable and antagonistic to other existing metaphysical doctrines appears among its assumptions or is necessary for its argument.

Rawls claims that all reasonable persons accept the essentials of objectivity which itself is limited to a political conception. The essentials of objectivity may be satisfied by varying, comprehensive doctrines of an overlapping consensus in the manner of their choosing.

However, Rawls also emphasises that the members of an overlapping consensus are to accept political constructivism itself as the correct account of objectivity for the political realm, that is, the conceptions of person and society as conceptions of practical reason, the original position as a constructivist procedure, and the two principles of justice as specifying an objective order of reasons, should be accepted by all because they arise out of a constructivist procedure. Consequently all comprehensive doctrines despite their differences, have to agree that political constructivism provides for an adequate justification of objectivity for its circumscribed political ends.

In saying this, Rawls wishes to emphasise that political constructivism is not to announce on the objectivity of non-political values. Thus "Rawls intends political constructivism to be an independent and overriding source of normative force. He intends that political constructivism itself will give the reasons for citizens in a well-ordered society to act justly and that these reasons will apply to citizens regardless of their own comprehensive accounts of truth and objectivity." (14)[See the third essential feature of objectivity on p110-112.] The principles of justice as designed by the constructivist procedure, must override any principles, reasons and/or values of other comprehensive doctrines. However, it is evident that if political constructivism was designed by Rawls in order to serve the purpose of being an overriding source of normative force it will not be harmonious with other comprehensive doctrines as affirmed by Rawls.

It can be concluded then after an examination of the reasonable, that by Rawls characterising and classifying persons as possessing certain set qualities and attributes, his Kantian modes of construction, and his essentials of objectivity, that he fails to attain his goal of designing a pure political conception of justice free of metaphysics and inconsistencies.

PART 3

THE THREE MAIN IDEAS:

3.1. THE IDEA OF AN OVERLAPPING CONSENSUS.

3.2. THE PRIORITY OF RIGHT AND IDEAS OF THE GOOD.

3.3. THE IDEA OF PUBLIC REASON.

PART 3.1

THE IDEA OF AN OVERLAPPING CONSENSUS.

In a constitutional democracy it is essential that we have not only a shared public basis for the justification of social and political institutions but also provide a basis to ensure stability extending through the generations. This political conception of justice, protected by a constitution, should also attain the support of an overlapping consensus, that is, "a consensus in which it is affirmed by the opposing religious, philosophical, and moral doctrines likely to thrive over generations in a more or less just constitutional democracy, where the criterion of justice is that political conception itself." (1)

Rawls claims that this overlapping consensus would not require the convergence of individual and associational interests, or the victory of a single comprehensive doctrine resulting from political bargaining. This is clearly illustrated by Rawls when he says, "such a consensus, as we shall see, is moral both in its object and grounds, and so is distinct from a consensus, inevitably fragile, founded solely on self or group interest, even when ordered by a well framed constitution." (2) Rawls includes his idea of an overlapping consensus in his theory to illustrate how a pluralist constitutional regime "MIGHT" despite extensive diversity obtain stability and social unity by the public acknowledgement of a reasonable political conception of justice.

A political conception of justice is clearly a moral conception, advocating political values,

designed to address a particular type of subject matter, that is the regulation and interaction of the political, economic and social institutions which constitutes what is referred to as the basic structure of a liberal constitutional democratic regime. An overlapping consensus is achieved when there is agreement by all members of society on how these three aforementioned institutions that form the basic structure should be regulated, and what principles, norms and standards should be applied to them in such regulation. The reason for making this consensus the focus of a political conception of justice alone is because it is practically impossible to expect pluralistic and conflicting religious, moral, and philosophical doctrines - which are often general and comprehensive - to supply and sustain principles of justice that cross the borders of the political.

However, it will be argued below that the full theory that Rawls succeeds in advancing is, "in fact, not a political conception but a partially comprehensive doctrine- a doctrine that could support a political conception within an overlapping consensus, but that is itself too exclusionary to be the focus of such a consensus. Very few comprehensive views, as we now know them or can expect them to become will support justice as fairness as Rawls describes it" (3) There are various flaws and contradictory elements that further characterise this idea of an overlapping consensus. The following examples will display why an overlapping consensus cannot be stable and long standing let alone possible.

Rawls by including political constructivism in the presentation of justice as fairness unavoidably provides for the exclusion of numerous comprehensive doctrines from joining an overlapping consensus. There are great inconsistencies with a political conception of justice as described by Rawls and what he actually presents in PL. The main inconsistency can be seen in the way

Rawls envisages the relationship between the comprehensive doctrines of citizens in a consensus and the political conception which is the focus of the consensus. He says, "I assume, then, that citizens overall views have two parts; one part can be seen to be, or to coincide with the publicly recognised political conception of justice; the other part is a fully or partially comprehensive doctrine to which the political conception is in some manner related." (4) There are three possible ways in which Rawls interprets this relationship. The first possible interpretation is that a person's views could be contradictory, that is, She might accept the principles agreed upon within the political conception of justice, while at the same time she might believe in and follow the teachings of a comprehensive doctrine which fervently opposes such political principles. "An overlapping consensus might be maintained in spite of widespread internal conflict of this sort so long as the values of the political conception outweighed the political values of each citizen's comprehensive doctrine." (5) However, clearly this cannot be the interpretation Rawls had in mind. To make such an interpretation would mean that we are seeing citizens as "schizophrenic."

The second possible interpretation could be that comprehensive doctrines did not contain political values thus, making them immune to conflicting with the political conception. This sort of overlapping consensus is unrealistic, for even popular partially comprehensive doctrines like Roman Catholicism contain particular political values.

The third interpretation of the character of this relationship is that there is a convergence. Convergence means that the political values in comprehensive doctrines will align itself with the political conception in respect to all political matters. "God has sanctioned the conception of the person as politically free and equal, and of society as a fair system of co-operation, and that these conceptions are adequately modelled in the original position." (6)

The latter interpretation has the most textual justification. "Many citizens would want to give the political conception a metaphysical foundation as part of their own comprehensive doctrine and this doctrine I assume includes a conception of the truth of moral judgements." (7) Those who uphold the political conception start from within their particular comprehensive views and draw on the moral, religious, and philosophical basis it promotes. The solution to ensure stability in effect thus requires a convergence of the various conflicting religious, moral and philosophical doctrines. It is clear then that this interpretation of the relationship is inconsistent with Rawls's full presentation of justice as fairness, where one of his main tenets is to exclude any possibility of a convergence.

A further inconsistency arises from Rawls's description of a reasonable person and how such description blends with his characterisation of an overlapping consensus. "Reasonableness, the term Rawls uses to refer to the capacity for liberal democratic citizenship is a capacity that involves transformation of content, whether the content in question be the concrete self-understanding or identity of an individual or the doctrines and practices specific to a particularistic cultural community." (8) Phenomena of class, ethnic, linguistic and religious communities will always be features of heterogeneous liberal democracies that essentially shape the particular identities of citizens. Citizens have what many critics of Rawls have referred to as primarily a "communitarian" identity. This is the identity that must be transformed in the process of developing a political civic identity, or in Rawlsian terms an overlapping consensus.

The normative standpoint of citizenship stands in a relationship of tension with the standpoint proper to membership in a particularistic cultural community. To achieve full citizenship in the full cultural sense, a person must develop a capacity to adopt, cultivate, and act from both of

these opposing standpoints. Whether the capacity for such a transformation of two distinct somewhat opposing identities, that is communitarian v. citizenship can occur is an issue regarded with great scepticism.

The development of this capacity requires a transformation, a radical revision of the self-understanding associated with communitarian identity. It requires no less a fundamental rethinking and re-interpretation of the doctrinal content and practices proper to the cultural traditions supportive of communitarian identities. Such transformations cannot in principle be understood as a matter of meeting the formal requirements of Kantian theoretical and practical reason. Such transformations of content are produced by the development and cultivation of linguistic and moral capacities that are not properly understood as capacities for reasoning at all, and have the further assumption of citizens being "schizophrenic."

Rawls in his interpretation of the political history of the modern period considered the burdens of judgement, and then went a step further and included it in his theory. Contrary to Rawls's claim that the burdens of judgement play a fundamental role in bringing about the conception of an overlapping consensus, it is evident that the burdens of judgement eliminates persons, and associations, who could otherwise have entered into a liberal consensus. A clear example, is, "when a religious doctrine addresses the diversity and the lack of religious belief, it is most unlikely to ground its explanation in the difficulty of the issues and the limited perspectives of both believers and non-believers, for this would suggest the likelihood of error on both sides." (9) Members of the catholic faith do not endorse the burdens of judgement. If Catholics were forced to endorse the burdens of judgement, this would require them to forsake fundamental elements of their faith. Clearly it would be unfitting to expect such betrayals of their faith, for

Rawls himself claims that his presentation of justice as fairness in PL could be adopted by the main historical religions. "If his presentation conflicts with the dogma of just such a religion, he must revise either his claim to inclusiveness or the part of his presentation that causes the conflict." (10)

Rawls deploys the reasonable moral psychology as one of the attributes of a reasonable person to illustrate that an overlapping consensus is possible, yet it seems that including such a psychology accomplishes the complete opposite result. Clearly with Rawls adopting a Kantian philosophical position, numerous other philosophical positions will not qualify as being reasonable, and thus cannot join Rawls's overlapping consensus due to their differing conceptions of the person. Examples of such positions that won't be included are those held by Bentham, Hume, Hobbes, Gauthier etc. It has to be questioned, what did Rawls intend when he created such an exclusionary political conception? To hope that all the different philosophical positions and views will fade away and adopt a Kantian moral psychology is to expect a convergence, an occurrence Rawls cautions us cannot be envisioned.

To conclude, Rawls is however seemingly not sensitive to these contradictions and conflicts within his work for his main priority in his reconstruction of justice as fairness is to illustrate the necessity, possibility and the persistence of an overlapping consensus. Rawls's misjudgement does not lie with his idea of an overlapping consensus, but rather with the presumption that all reasonable people must accept it.

PART 3.2

THE PRIORITY OF RIGHT AND IDEAS OF THE GOOD.

[RAWLS AND THE QUESTION OF LEGITIMACY.

Rawls says in PL that the idea of priority of right should not be misconstrued as implying that a liberal political conception of justice cannot refer to any ideas of the good at all. Rather, a conception of justice needs to articulate both the ideas of right and good in its construction, in that these are complementary ideas. "In justice as fairness the priority of right means that the principles of political justice impose limits on permissible ways of life; and hence the claims citizens make to pursue ends that transgress those limits have no weight." (1) The main question however that Rawls himself poses, is, "how a political conception limits conceptions of the good?" (2) "The ideas of the good included must belong to a reasonable conception of justice so that we may assume,

a.) that they are, or can be, shared by citizens regarded as free and equal; and

b.) that they do not presuppose any particular fully or partially comprehensive doctrine." (3)

Thus, the purpose of priority of right in "justice as fairness" is to ensure that admissible ideas of the good must, "respect the limits of, and serve a role within, the political conception of justice." (4) Rawls proposes five ideas of the good which do qualify as part of the above mentioned category and are thus included in the political conception. These include,

"a.) the idea of goodness as rationality; b.) the idea of primary goods; c.) the idea of permissible comprehensive conceptions of the good (those associated with comprehensive doctrines); d.) the idea of the political virtues; and e.) the idea of the good of a well-ordered political society." (5)

"Rawls' trajectory implies, liberalism has to retreat methodologically -away from claims involving controversial metaphysics, theories of value or wide-ranging conceptions of the good and onto that common, political, ground that can alone satisfy the demands of public reason."

(6) Thus, it follows that, the vital limitation is that the ideas of the good included must be political ideas. The crucial distinction deployed by Rawls is between a political conception of justice and a comprehensive religious, philosophical or moral doctrine. He emphasises that such comprehensive conceptions of the good can have no part in establishing a political conception of justice. It is on these exclusions of the ideas of the good to which this part of the paper will focus.

""Political Liberalism" is constituted by the desire for the legitimate regulation and exercise of coercive state power on the basis of common political ground between irreconcilable and often violent differences in opinion over matters of ethical and moral value."" (7) How is it possible to convince people in a society to comply with liberal norms despite their own conflicting fundamental beliefs?

It can be inferred from Rawls's argument that citizens must suspend their deep moral, religious and philosophical values which relate to their particular comprehensive conceptions of the good, which might even give their lives its coherence and integrity when engaging in matters to do with them as citizens. When values and beliefs conflict with each other in relation to basic

political institutions in society, it is the political conception that must win. People must deal with their own comprehensive views as private opinions, and more importantly, not to impose these views on others irrespective of how firmly they believe that their convictions are true. Evidently, Rawls seems to underestimate the intensity of the conflict between values. For example,

"surveys seem to suggest that American citizens and others are more than willing to trade off political liberties when pushed for reasons of stability, security, or economic advantage, and tolerate huge degrees of inequality waiting for the trickle down. Citizens are more likely to act according to principles and tenets of their cultures and their particular communities. It is about the conception of the person built into liberal theories meeting its reflection in the world outside its theoretical walls. Will it recognise itself?" (8) Can the government created manage to maintain stability and order of Rawls's persons who are in reality not as he makes them out to be?

Rawls invokes a Kantian characterisation of the person, as being rational, reasonable, free and equal. By affording persons with these capacities Rawls is ensuring that his theory is successful, for such capacities enable citizens to be normal, fully co-operating members of society over a complete life. The first capacity relates to the rational, that is, "to what all individuals are trying to advance on behalf of themselves which is a conception of the good, a capacity to form, revise, and rationally to pursue such a conception... a conception of what we regard for us as a worthwhile human life." (9) There is a prioritisation of the securement and distribution of primary goods, which include, respect, rights, liberties equal opportunities etc. This is entrenched in a political constitution and instituted in the basic structure of society which helps to ensure the development and exercise of the highest order interests on the part of all citizens.

The essence of the political flavour of PL is ensured by the political conception of justice excluding questions related to religious, philosophical and moral conceptions of the good harboured by citizens and groups in society. Rawls argues that it is an illegitimate expectation of the majority to be entitled to coerce the minority into adopting and accepting the former group's conceptions of the good. "In order to respect one another's freedom and equality as reasonable and rational, citizens of constitutional democracies should not use the coercive power of the state against their fellow citizens except in ways that those subject to that coercion might reasonably be expected to endorse." (10) Clearly if such coercion was permissible, the right to liberty of conscience and freedom of thought would be seriously infringed inevitably resulting in ultimate instability. Theorists like Dworkin agree with Rawls's stance arguing that certain issues are essentially religious and should therefore not be included in the domain of the political. Rawls thus, argues for a common ground theory of justification, whereby citizens by way of public reason that proceeds through an overlapping consensus of comprehensive doctrines provides principles of justice making no reference to divergent theories of the good. Rather all normative doctrines, including moral, religious, and philosophical, must embrace this common ground of public reason and the non-involvement of sectarian doctrines in the promulgation of legislation.

Rawls like other liberal theorists such as Dworkin argue that legitimacy requires a pure political conception of justice. However, the paradox lies in the fact that although a pure political conception of justice seems to be a very attractive option, it gives rise to circumstances where, "citizens can and should accept a politics in which they are deprived of the power to enforce their own foundational views." (11) Clearly this is a very cynical, limited and critical perception

of Rawls's pure political conception, and its impact on legitimacy, that is, "how government can maintain legitimate authority over all citizens including those who can support common ground politics and those who cannot?" (12) Although one can understand Rawls's view that politics must be purged from all sectarian recommendations to ensure that no single view receives preference over others, the limitations he imposes on the sphere of the political are inappropriate and too broad in scope, resulting in "TRUE" legitimacy being undermined. For, how can a citizen be forced to obey the laws of a government that does not consider her foundational views of the good in the legislative process?

Sectarian conceptions of the good are predominantly held at the core of a citizen's being, but Rawls surprisingly does not embrace the possibility that such exclusion of peoples theories of the good may de-legitimize the governments claim to the obedience of its citizens. One of the fundamental tenets of liberal democracy is, in order for political legitimacy to exist, citizens must be furnished with the ability to participate adequately in the political process. Barring citizens from considering and taking cognisance of their particular moral, religious and philosophical values is tantamount to denying or limiting a fundamental constitutional right, such as voting rights, speech or press rights, which clearly does not afford sovereign citizens with necessary and adequate political participation, thus resulting in serious legitimacy questions being raised. Although a common ground politics that Rawls argues for is an excellent premise in theory, in practise, "the better premise is one that acknowledges the capacity of all human beings to hold true theories of the good," (13) allowing for permeable sovereignty, that is exempting excluded conceptions of the good from the complete sovereignty of the law.

Although Rawls claims throughout PL that his theory is congruous with a political liberalism, it is evident that his view is more compatible with a comprehensive liberalism, which he fervently claims he is not an advocate of. This is clear for Rawls fails to foresee the problem of legitimacy that results when sectarian views of the good are altogether excluded from the political arena. Thus it can be inferred that Rawls denounces any possibility of such sectarian views being true, which is consistent with comprehensive liberalism and contradictory to political liberalism. The foundational virtue of political liberalism is that it recognises the capacity of citizens to pursue their conceptions of the good. "Sovereignty over those we silence in politics should be permeable rather than complete." (14) The common ground politics advocated in this respect would thus be uncommon, that is, for the political gag rules suggested by Rawls are principles that can only be embraced by certain comprehensive doctrines and not others.

It can be argued that political liberalism is more compatible with a fair game premise which would manage more successfully to solve the legitimacy problem. Political liberalism and a fair game premise recognises the possibility that one or more comprehensive doctrines may be true. However, this recognition does not mean that all arguments will be permitted to enter the political arena. "Certain arguments might rely on privileged access to a source of normative authority that would exclude other citizens if allowed to justify law." (15) If the fair game premise results in certain theories of the good being excluded from politics and the legislative process, the problem of legitimacy and the dilemma of certain citizens being lowered to second class citizens will inevitably arise. The "fair" solution in this event would be to afford certain compensations and exemptions to these citizens with respect to such exclusions, hence protecting their citizenship rights from being reduced. For example, where the political conception agreed upon does not deem polygamous marriages to be valid, the law should make

provisions for such marriages to be given the necessary recognition it deserves in accordance with customary law.

The common ground premise appears to blend more effectively with a comprehensive liberalism for it strongly asserts that all theories of the good have equal validity, and fails to recognise the possibility that a sectarian theory of the good might be the most convincing. "An actual political liberal would after arguing for a rule excluding certain arguments from politics be concerned with the theoretical possibility that he has just silenced the truth. Only a comprehensive liberal will both support political gag rules and think no legitimacy problem follows because only the comprehensive liberal would reject the claim that some citizens might have superior access to moral truth." (16)

Rawls believes that adopting the premise of common ground politics results in the equal and fair treatment of all citizens, thus resulting in political legitimacy. Further, he argues that his theory of political liberalism does not assert or deny any particular truth claims. However, ultimately it can be argued that Rawls's theory does not treat all citizens alike. Clearly the political conception derived has as Rawls himself admits a "disparate impact" on the various reasonable but conflicting comprehensive doctrines. This would be an inevitable result, for the basic institutions and principles agreed upon in the establishment of the political conception of justice unavoidably favour and promote some ways of life and dissuade others, or even exclude them totally. One can concede that this unfortunate consequence is "incidental" and not "intentional," but nevertheless is an inconsistent component of Rawls's argument on the whole, and in effect allows for certain comprehensive doctrines being in a superior position to those doctrines that are inconsistent and thus excluded from being involved in designating a political

conception of justice. To reiterate the point made above, To alleviate this dilemma exemption and compensation should be given to certain citizens for clearly they are being governed by a political conception that has in effect been imposed on them, which amounts to illegitimate authority.

To conclude, Rawls's exclusionary stance would be very difficult to articulate in practise for it is a practical impossibility to expect persons to denounce all their moral, philosophical and religious views whilst engaging in politics and to embrace them in their daily lives thereafter. Rawls's attempt to construct a politics cleansed of all reference to comprehensive doctrines, "takes liberalism to an extreme to which it cannot and need not go." (17)

PART 3.3

THE IDEA OF PUBLIC REASON.

A focal idea of PL is the highly criticized and controversial idea of public reason. With its distinctive form of liberalism resting on an idea of free public reason, PL yields new insights into the question of justice in our pluralistic society. Rawls introduces the idea of public reason as the mechanism by which free and equal citizens although deeply divided in their comprehensive views can live in concord in a stable and just society, that is reach an overlapping consensus which in effect forms the center piece of PL. [See PART 3.1]

This part of the paper will include a discussion and critical evaluation of Rawlsian public reason. It will be argued that although Rawls has honorable motives when he includes the tool of public reason into the construction of "Political Liberalism," he succeeds only in illustrating that his creation is an extravagant "ideal" rather than a realistic practical possibility.

"It is by the reasonable that we enter as equals the public world of others and stand ready to propose, or to accept as the case may be, fair terms of co-operation with them. These terms set out as principles, specify the reasons we are to share and publicly recognize before one another as grounding our social relations. In so far as we are reasonable, we are ready to work out the framework for the public social world, a framework it is reasonable to expect everyone to endorse and act on, provided others can be relied on to do the same." (1)

Rawls argues that "public reason is a necessary condition for legitimate governmental power

because our exercise of political power is proper and hence justifiable only when it is exercised in accordance with the constitution, the essentials of which all citizens may reasonably be expected to endorse in light of principles and ideals acceptable to them as reasonable and rational." (2) The main concern of public reason is to decide upon questions of fundamental justice and constitutional principles, with deciding upon tedious political concerns being a secondary and ancillary objective. Public reason however, does not apply in relation to personal and private associational reflections and debates, but it does apply when we act as citizens in a public forum, or during elections, it applies to public officials, and above all, it is exercised exclusively by the judiciary. "Citizens should develop a common set of foundational principles of justice to undergird government through justifications that do not depend upon reference to divergent theories of the good, but that are acceptable from the point of view of each of those separate theories." (3)

Rawls's idea of public reason does have a degree of credibility to it, that is, with regard to his objective of preventing the courts and other rule making bodies in society from partitioning religious, philosophical and moral doctrines and beliefs when justifying public standards and regulations, for clearly these consist of conflicting value questions and cannot be shared by all citizens in a pluralistic society. Rawls agrees that such values, principles, beliefs, etc would inevitably play a role in individual and collective deliberation, but he is opposed to these conflicting private beliefs and convictions worming their way into legislation and other legal doctrines of society. However, Rawls clearly is arguing for more than this for he says, "the exercise of public reason imposes a duty of civility which the idea of democratic citizenship entails." (4) Rawls portrays an idealistic vision of the Supreme Court and its exemplary role in the exercise of public reason. Rawls in effect is arguing that in the event that we find ourselves

appealing to our sectarian values, we must ask ourselves, "how would our argument strike us, presented in the form of a Supreme Court opinion?" (5) However, if we look at recent law reports, we will find that even in the USA which is a western liberal democracy and best suited as indicated by Rawls to his theory, the supreme court failed to exercise public reason, see Bowers v. Hardwick where the court upheld a Georgia statute which declared that acts of sodomy was a criminally punishable offense. (6)

It has been argued by critics of Rawls that the theory of public reason will fail in reconciling the opposing comprehensive views of citizens and constructivism. This is clear for the only argument Rawls can present in favour of such accommodation is, "citizens can think to themselves that God or an independent moral order or whatever is the real source of objective reasons, but must speak as if constructivism has overriding normative authority when engaging in political discourse." (7) Clearly this appeal fails dismally and creates more defects than before. Public reason serves the limited purpose of providing citizens with reasons for appealing in public for only a portion of what they believe, and fails to provide citizens reasons to adopt and honor beliefs that are counter to their comprehensive doctrines. If the idea of public reason is viewed merely as a pretentious cloak that citizens wear for the occasion of politics although it is irreconcilable with the very core of their beliefs, then a stable overlapping consensus is clearly not possible, "for this sort of public reason would inevitably result in hypocrisy (where people publicly endorse policies they privately reject) or cheating (where people bend their public reasoning toward the conclusions they are really convinced off.)" (8)

Rawls in presenting a theory constitutive of the reasonable rather than the true, including the conceptions of objectivity and public reason is trying to indicate to all people despite their

diversity and disagreements, that they can become unified and reason collectively. In bringing about this convergence Rawls has included Kantian political values, that is justice should be viewed as the highest value, with practical reason furnishing its content and authority. Reconciliation is to focus beyond individual differences and to rather see them as being free and equal, reasonable and rational citizens. Reconciliation in the social order by way of pro-Kantian political values clearly excludes other contending philosophical and religious views on the nature of the social order, that is, each person must be able to find reconciliation from her own perspective. See PL pp157-158.

“Deliberative democrats insist that deliberation must be public in a radical sense - only reasons that can be embraced by all of us are truly public, and hence justificatory.” (9) However, many scholars such as James Bohman and William Rehg rightly contend that our broader disagreements will not escape the political realm, thus making it impossible for reason and public justification to facilitate “the regulative ideal of real political consensus” in a deliberative democracy. They argue rather for an “alternative, adjudicative, conception of democracy which retains the ideals of reason and public justification but rejects the pursuit of actual political consensus.” (10)

In its theoretical form, Rawlsian public reason and the model of deliberative democracy have certain similar foundational premises. Both theories see the processes of legitimizing political power and the examination of the justice of institutions as being open for the participation of all members of the public. Both the above mentioned models also hold as a fundamental value, that the public must be free to have access to and investigate the justice of institutions. However, when we unpack Rawls's idea of public reason, we will find that this idea in fact differs from the

value of public deliberation mentioned above.

Firstly, Rawls's model of public reason flows from a limited agenda, unlike the deliberative model which promotes for an open unimpeded agenda allowing for free and unhindered public debate. Rawls limits the exercise of public reason to deliberation on certain issues only. These include issues involving constitutional essentials and matters involving basic justice. Secondly, "the limits of public reason are set by a political conception of liberalism." (11) Public reason in effect cannot be construed as a process of reasoning among citizens, but rather as a "regulative" principle dictating boundaries upon how individuals, institutions and agencies should reason about public concerns. Thirdly, Rawls argues that public reason can only be exercised in certain limited "social spaces". Rawls ignores what is commonly referred to as the "background culture." Background culture refers to, personal forethought and considerations on political issues, or to other reasoning about such political issues by members of associations, for example, religious organizations and tertiary institutions which Rawls argues are exempt from public reason. The only public reason exercised within corporations and associations is that relating to its particular members alone, while the reasoning related to political society and citizens on the whole is non-public. Non-public reasons constitute the various reasons of civil society and thus conform to the "background culture."

However, to hold as Rawls does, that when in civil society individuals and associations are governed by non-public reason alone, and once they enter the political auditorium, they have to respect the limits of public reason is "absurd," for civil society is in various ways public in nature. Although civil society and its entities are not public with respect to the fact that they do not permit "universal" admittance to all, but "they are public in the sense of being part of that

anonymous public conversation in a democracy." (12) Rawls argues that public reason can detach itself and does not essentially arise from a cultural and social background, whilst the deliberative model of democracy more convincingly holds that "politics and political reason always seem to emerge out of a cultural and social context." (13)

Rawls believes that the public sphere is stationed in the state and its institutions, and not in civil society. However, "Rawls himself cannot sustain the distinction between civil society and the restricted conception of the public" (14) successfully. Almost all associations and organizations in a constitutional democracy are also public bodies open for public as well as legal "scrutiny." This is clearly evident for in order for them to gain recognition as being a corporate body, they have to conform and submit to the same constitutional principles and rule of law as all other more prominently noticeable public institutions. This is clearly illustrated in the fact that clubs, associations, corporations, and organizations within civil society if they wish to be recognized as legally incorporated entities under the due process of the law, would have to ensure that their memoranda of association, charters etc are not in conflict with any clauses in the constitution, for example, non-discrimination on the grounds of race, gender, class, sexual orientation, disability etc. Thus, although several of Rawls's formulations indicate otherwise, it should be noted that the state and its various organs, and the institutions within civil society are not exclusively distinct, but rather are tightly inter-related and complementary.

Many critics including Samuel Sheffler who is more or less sympathetic to Rawls's fundamental claims criticize Rawlsian public reason for advocating a hopeless distinction of public reason from private convictions. Clearly if persons were to disassociate themselves from their private convictions and views held by them in civil society from their reasoning in the public sector,

and subscribe to public reason instead, then the various public debates on issues such as abortion, pornography, euthanasia, etc would not arise. "This conception of public reason is empirically flawed and sociologically limited for analyzing the public sphere of our societies."

(15)

It can be concluded then, that Rawls's idea of public reason is greatly flawed, and Rawls's use of Kantian practical rationality, constructivism, his "blurred" distinction between the public and civil society, and his over exaggerated characterisation regarding the flexibility and chameleon like qualities of individuals is a clear illustration that this idea of public reason does not uphold the spirit and purport of PL, and above all cannot become a reality in society, whether it be western liberal or not.

PART 4

CONCLUSION

Although I commend John Rawls for his work of art as displayed in PL, I am inclined to conclude that there are various inconsistencies and flaws that suffocate his political conception of justice. In this part of the paper the most significant of these stalemates will be revealed, in certain instances reiterated, clearly displaying the lack of the holistic coherence within, and practicability and credibility of, Rawls's mature political theory.

Rawls includes in PL certain assumptions about the historical course of society. Thus, not surprisingly he is able to reach synonymous conclusions and findings argued for in TJ, for clearly once we accept history as being characterised by, and constitutive of certain norms, conditions, cultures and events, for example, the facts of a liberal culture, we are likely to arrive at the same practical results as if we had begun our investigation from a liberal comprehensive theory. Rawls used in PL the same historical condition deployed in TJ, that is he argued his position through the eyes of a conservative liberal. "By modelling the account on a certain strand of historical experience, which then is regarded as an irreversible achievement, the theorist indirectly avails himself of the theories implicit in what is being modelled," (1) in this case that is human reason under free institutions.

Rawls says that his theory can only be applied to western liberal democratic societies. He says that liberal ideals alone are capable of ensuring long term trans-generational stability. He views the might and ideals of liberalism as being the self-evident truth, and makes this claim with, no basis or, even any attempt to justify his argument. All he relays to us in PL is that people in the original position will choose the two principles of justice he advocates, by exercising public reason eventually resulting in an overlapping consensus and a political conception of justice

because it is the most reasonable option they have. "If the moral ideals of particularistic ethnic, class and religious communities are arbitrary and accidental historical artefacts, then liberal democratic moral ideals are no less so." (2) Clearly what Rawls successfully presents in PL is a comprehensive quasi-religious doctrine, something he repetitively claims he is not advancing. This doctrine Rawls is advocating has as its focal tenets, stability is good, and society should be organised in a manner so as to prevent civil strife, and various other liberal ideals. Clearly this idea stems from religious belief, but can be applied to any political or social idea. It should be noted that often questions and issues are so fundamental in nature that civil strife is required and justified to resolve them. Rawls's work "gives the impression of a born conservative, mindlessly dedicated to stability and public order." (3)

"Rawls's project of political reflection and enlightenment is captured by the rhetoric of modernist philosophy and becomes an exercise in quasi-transcendental philosophy." (4) Once again Rawls finds himself unable to develop an original masterpiece free of borrowed constructions and thought. Just as in TJ where he used the Lockean and Hobbesian contractarian model to "jump start" his theory, in PL he conveniently chooses to stand on the "shoulders" of Kant, who is not surprisingly one of Rawls's chief idols. As indicated in Part 2/3, Rawls writes in the voice of a Kantian constructivist interested primarily with developing a particular family of conceptions including "reasonable" persons with five essential characteristics, public reason, an overlapping consensus and so forth, to be used in the procedure of constructing a free standing political conception of justice. However, to say that the outcome resulting from such a procedure of construction is a recommendation for a conception of justice is inappropriate and lacks a sound basis or persuasive justification.

It appears that Rawls believes that because the conception of justice he advocates results from an extravagantly dressed family of ideas involved in a particular procedure of construction, that all reasonable people in society will unquestioningly and blindly accept and honour it. How can Rawls even speak of objectivity, for it seems he truly believed that adherents of competing conceptions of justice were incapable of tendering their own proposed conceptions of justice as the outcome of similar procedures of construction underpinned by their own fancied families of conceptions. "Instead he continues to speak as though the process of adopting basic rules for social co-operation is a monological process of a conceptual derivation rather than an actual political process aimed at achieving an overlapping consensus among diverse and conflicting social, economic and cultural groups." (5) Clearly, by including the burdens of judgement and a Kantian reasonable moral psychology as attributes of the reasonable person, and by adopting a constructivist approach Rawls excludes various comprehensive doctrines from joining an overlapping consensus, which is most definitely not consistent with the spirit of justice as fairness. [See part 2.]

We can concede however, that when the question of the possibility of liberal democratic pluralism is construed as a matter requiring public reflection in particular historical and cultural circumstances, then the numerous elusive methodological questions pertaining to the adaptation of Kantian constructivism to the construction of a political conception of justice simply lose their significance. There are admittedly certain parts in PL where Rawls manages to escape the chains of the Kantian voice, for example, at one point in PL Rawls says that the original position is not merely a representative device forming part of a constructivist procedure, but of greater significance is its function as a "heuristic device, a resource for civic education, a means of public reflection and self clarification." (6) Rawls would have created a greater impact with

his theory if he maintained this voice throughout the text of PL, because this voice is consistent with Rawls's rhetorical turn, that is the introduction of toleration to philosophy.

Another inconsistency and impracticability in Rawls's argument is the requirement of all persons to suspend their particular moral, religious, and philosophical values when participating in the political realm. He expects citizens to let political values outweigh their private values when conflicting value questions arise. Once again we can see here that Rawls's includes another presumption that lacks plausibility, that is that citizens are modelled in a manner that results in them denouncing their cultural, religious, and moral views to uphold political rights and liberties encapsulated in liberal ideology. [See part 3.2] We can also see then that Rawlsian public reason is a mere ideal, for expecting persons to exercise public reason in a manner contradictory to their particular private beliefs and reasoning is not justified and practical. An obvious problem resulting from Rawls's pure political conception of justice is that of government legitimacy, for clearly people are not going to favour a government that does not recognise their conceptions of the good during the law making process.

Finally, Rawls has raised vital issues over the past 31 years, however, he has not succeeded in PL in providing us with concrete practical resolutions to these problems. However, it is impossible for any contemporary scholar to ignore the fact that "Political Liberalism" has earned a place in the highest ranks of contemporary political philosophy and is fast claiming the scholastic attention of both supporters and critics alike, that was so long given to his first publication "A Theory Of Justice.

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