Politicizing Political Liberalism

On the Containment of Illiberal and Antidemocratic Views

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Contents

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Introduction

C0P1 Writing in reaction to the worldwide spread of fascism and authoritarianism that characterized the early twentieth century, Karl Loewenstein observed that '[d]emocracy and democratic tolerance have been used for their own destruction. Under cover of fundamental rights and the rule of law, the anti-democratic machine could be built up and set in motion legally.'[1] Indeed, Adolf Hitler's democratic rise to power in Weimar Germany had made it impossible to keep believing that democracies are always capable of neutralizing internal threats to their institutions. As Loewenstein painfully warned, the freedoms that (at least liberal) democracies guarantee might well enable illiberal and anti-democratic political forces to end democracy through procedurally democratic means.

C0P2 Loewenstein's observations strongly resonate with the anxieties of many of us. Since the early 2010s, political leaders, parties, and movements that are inimical to at least some key liberal democratic values have enjoyed considerable success, even in those countries that have been (imperfect versions of) liberal democracies for a long time. Donald Trump's election as US President in 2016, followed by the assault on Capitol Hill mounted by his supporters after his defeat at the following presidential election, constitutes the most obvious example. However, the so-called 'democratic backsliding' experienced by East European countries like Poland and Hungary and the 2022 appointment as Italian Prime Minister of Giorgia Meloni, leader of a party whose origins can be traced back to the old National Fascist Party, are two other cases among many that contributed to spark a rich literature attempting to explain how democratic institutions can perish at the hands of internal enemies.[2]

[1] Karl Loewenstein, 'Militant Democracy and Fundamental Rights, I', *American Political Science Review*, 31 (3) (1937), p. 423.

[2] Nancy Bermeo, 'On Democratic Backsliding', *Journal of Democracy*, 27 (2016), pp. 5–19; Pablo Castillo-Ortiz, 'The Illiberal Abuse of Constitutional Courts in Europe', *European Constitutional Law Review*, 15 (1) (2019), pp. 48–72; Tom Daly, 'Democratic Decay: Conceptualising an Emerging Research Field', *Hague Journal on the Rule of Law*, 11 (1) (2019), pp. 9–36; Roger Eatwell and Matthew Goodwin, *National Populism: The Revolt against Liberal Democracy* (London: Pelican, 2018); Roberto Foa and Yascha Mounk, 'The Signs of Deconsolidation', *Journal of Democracy*, 28 (1) (2017), pp. 5–15; William Galston, *Anti-Pluralism: The Populist Threat to Liberal Democracy* (New Haven, CT: Yale University

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C0P3 This wide-ranging scholarship also speaks to the urgency of theorizing what should be done to ward off and react to such internal threats to liberal democratic values. One of the main goals of this book is precisely to put forward a novel normative account of this complex matter. In the scholarly literature, there are many different approaches to it. However, three of them seem to have become particularly salient in civil society.[3] To start illustrating the need to look beyond existing proposals, and by means of introduction to our own account, we will now briefly discuss them in turn.

C0P4 The first position—call it *the heavy-handed approach*—suggests that the legal repression of illiberal and anti-democratic actors is in order. This position, which is connected to the tradition of so-called 'militant democracy', has recently re-emerged in certain contexts. For instance, in Germany, a heated debate took place after the publication of a 2023 study by The German Institute for Human Rights exploring the grounds for banning the far-right political party Alternative für Deutschland (AfD), which had become worryingly popular. Some commentators, including the author of the study, maintain that the violent and exclusionary extremism of AfD must be stopped by any means. Thus, they urge the Bundestag, the Bundesrat, or the Federal Government to apply to the Federal Constitutional Court for a ban.[4] Like the heavy-handed approach, the normative theory we aim to develop in this book

Press, 2020); Stephan Haggard and Robert Kaufman, *Backsliding: Democratic Regress in the Contemporary World* (Cambridge: Cambridge University Press, 2021); Aziz Huq and Tom Ginsburg, 'How to Lose a Constitutional Democracy', *UCLA Law Review*, 65 (1) (2018), pp. 78–169; Tarunabh Khaitan, 'Executive Aggrandizement in Established Democracies: A Crisis of Liberal Democratic Constitutionalism', *International Journal of Constitutional Law*, 17 (1) (2019), pp. 42–56; Ivan Krastev and Stephen Holmes, *The Light That Failed: A Reckoning* (London: Allen Lane, 2019); Steven Levitsky and Daniel Ziblatt, *How Democracies Die* (New York: Crown/Penguin Random House, 2018); Valeriya Mechkova, Anna Luührmann, and Staffan Lindberg, 'How Much Democratic Backsliding?, *Journal of Democracy*, 28 (4) (2017), pp. 162–168; Yascha Mounk, *The People vs. Democracy: Why Our Freedom Is in Danger and How to Save It* (Cambridge, MA: Harvard University Press, 2018); Jan-Werner Muüller, *What Is Populism?* (Philadelphia: University of Pennsylvania Press, 2016); Pippa Norris and Ronald Inglehart, *Cultural Backlash: Trump, Brexit, and Authoritarian Populism* (Cambridge: Cambridge University Press, 2019); Adam Przeworski, *Crises of Democracy* (Cambridge: Cambridge University Press, 2019); David Runciman, *How Democracy Ends* (London: Profile Books, 2018); David Waldner and Ellen Lust, 'Unwelcome Change: Coming to Terms with Democratic Backsliding', *Annual Review of Political Science*, 21 (2018), pp. 93–113; Fabio Wolkenstein, *Democratic Regressions: Subversions of Popular Rule and Paths to Recovery* (Oxford: Oxford University Press, forthcoming); Jan Zielonka, *Counter-Revolution: Liberal Europe in Retreat* (Oxford: Oxford University Press, 2018).

[3] This book will critically engage with the nuances and heterogeneity of the literature on how to protect liberal democratic institutions from internal enemies. Here, we limit ourselves to painting with broad brushes three important positions picked up by commentators in newspapers, radio and TV programmes, and similar fora.

[4] Hendrik Cremer, *Warum die AfD Verboten Werden Könnte: Empfehlungen an Staat und Politik* (Berlin: Deutsches Institut für Menschenrechte, 2023); Dietmar Hipp, 'Verfassungsfeinde Verbieten!', *SpiegelPolitik*, 11 August 2023, https://www.spiegel.de/politik/radikalisierung-der-afd-verfassungsfeinde-verbieten-a-50bdd3e1-8968-47e7-ba9c-5072b4e304f5 (last accessed 2 February 2024). For a theoretical defence of the heavy-handed approach, see András Sajó, 'Militant Constitutionalism', in *Militant Democracy and Its Critics: Populism, Parties, Extremism*, eds. Anthoula Malkopoulou and Alexander Kirshner (Edinburgh: Edinburgh University Press, 2019), pp. 187–206.

holds that it is imperative to forcefully tackle any erosion of liberal democratic values. However, we plan to demonstrate that this approach is too simplistic; unless legal repression is tightly limited, our defence of liberal democratic values is bound to violate those very ideals.[5]

C0P5 A second position stresses that many present-day supporters of parties and movements with dubious liberal democratic credentials are animated by demographic anxiety; they worry that new waves of immigration might disintegrate their traditional culture and ways of life. The proponents of this position believe that such worries must be taken seriously and that liberals need to give up on some of their universal principles to save liberal democracy. There is something important we share with this position, which could be called *the compromising approach*.[6] Indeed, we aim to argue that it is often important to intercept some of the demands that are presently catered for by illiberal and anti-democratic political actors. However, we believe that doing so by working with ideals of homogeneity and closedness is neither practically sensible nor morally acceptable. Not only do extreme parties tend to own issues like immigration, but also we should refuse as a matter of principle to reiterate problematic messages linked to xenophobia, racism, and fear of those who depart from traditional norms.[7]

C0P6 A third position is popular among commentators with left-wing leanings discussing, in particular, the rise of right-wing populism in the US and Europe. This position identifies the causes of the growth of illiberal and anti-democratic forces in the flaws of existing institutions and especially in their inegalitarian character. Instead of protecting those bearing the brunt of globalized financial capitalism, those institutions, together with left-wing political parties and progressive social movements (fighting, e.g., for a feminist, anti-racist, multicultural, or LGBTQ+ agenda), are accused of abandoning them by failing to pursue policies of economic redistribution.[8] This view, which we

[5] See in particular chapter 4's critical analysis of militant democracy.

[6] Tony Blair, 'Against Populism, the Centre Must Hold', *The New York Times*, 3 March 2017, https://www.nytimes.com/2017/03/03/opinion/tony-blair-against-populism-the-center-must-hold.html (last accessed 2 February 2024); Frank Bruni, 'The Democrats Screw Up', *The New York Times*, 11 November 2016, https://www.nytimes.com/2016/11/13/opinion/the-democrats-screwed-up.html?module=inline (last accessed 2 February 2024); David Goodhart, 'Britons Need to Discover the Ties that Bind', *The Guardian*, 8 October 2017, https://www.theguardian.com/commentisfree/2017/oct/08/britons-need-to-rediscover-the-ties-that-bind-brexit (last accessed 2 February 2024); Henry Olsen, 'Europe Is Proof That Right-Wing Populism Is Here to Stay', *The Washington Post*, 18 March 2021, https://www.washingtonpost.com/opinions/2021/03/18/europe-is-proof-that-right-wing-populism-is-here-stay/ (last accessed 2 February 2024).

[7] For a detailed discussion of how to walk this fine line, see chapter 5.

[8] See, for instance, Nancy Fraser, 'From Progressive Neoliberalism to Trump—and Beyond', *American Affairs*, 1 (4) (2017), pp. 46–64; Mark Lilla, 'The End of Identity Liberalism', *The New York Times*, 18 November 2016, https://www.nytimes.com/2016/11/20/opinion/sunday/the-end-of-identity-liberalism.html (last accessed 2 February 2024). For a different view that is nonetheless relevant here, see Samuel

might call *the excusing approach*, is onto something important that we, too, aim to argue for. Specifically, the excusing approach is right in denouncing the serious shortcomings (including the rampant inequality) of existing societies that identify themselves as liberal democratic. However, those adopting this approach take such shortcomings as extenuating circumstances when it comes to morally assessing those voting for or otherwise supporting illiberal and anti-democratic actors. This feature is deeply problematic not only because it patronizes these persons by considering them completely at the mercy of their material conditions and, thus, denying them any agency. It is also worrisome in that, as we wish to argue, there are no circumstances in which it is morally justified to endorse a political programme that is exclusionary and discriminatory.[9]

C0P7 Building on a critical analysis of these three and other existing approaches, this book puts forward a novel account of how societies characterized by at least some key liberal democratic institutions should stop views that reject basic liberal democratic commitments from gaining influence. Such an account prescribes different courses of action depending on the severity of the threat that illiberal and anti-democratic actors pose to the liberal democratic institutions that are already in place. It calls for a collective effort, mobilizing many different (including non-state) agents and keeping legal repression to a minimum. Our account recognizes the need to denounce the severe injustices characterizing real-world societies and, thus, to address any legitimate grievances aired by supporters of illiberal and anti-democratic actors. However, it refuses both to excuse them for their endorsement of such actors and to pander to their illegitimate demands.

C0P8 We develop both our critical analysis of existing accounts and our positive proposal by building on John Rawls's influential framework of political liberalism. Rawls's political liberalism offers invaluable tools to discuss what to do about the erosion of liberal democratic values that we will employ throughout the book and we can at most begin to discuss here. Rawls stresses that views rejecting the most basic liberal democratic commitments constitute an ineliminable feature of even the most perfect liberal democracies possible, let alone the defective liberal democracies that exist in the real world. Indeed, the scenario in which those views become so influential as to threaten liberal democratic institutions is an ever-present danger. In Rawls's words, the possibility that they might gain traction in society 'gives us the practical task of containing them—like war and disease—so that they do not

Scheffler, 'The Rawlsian Diagnosis of Donald Trump', *Boston Review*, 12 February 2019, https://www.bostonreview.net/articles/samuel-scheffler-rawlsian-diagnosis-donald-trump/ (last accessed 2 February 2024).

[9] See in particular chapter 3.

overturn political justice'.[10] Moreover, Rawls's political liberalism revolves around some central ideas that—we believe—are intuitively compelling and therefore promise to work as an excellent guide for our normative analysis of how containment should be carried out. The appeal of the project of treating persons as free and equal through a cooperative scheme that is mutually acceptable and acknowledges the unavoidability of disagreement, which lies at the core of Rawlsian political liberalism, can be appreciated by many with very different religious, moral, and philosophical commitments. This is a project that persons can find worth fighting for across the significant disagreement that we should expect in our societies as well as more perfectly liberal scenarios.

C0P9 This book employs the real-world success of right-wing populism as a recurring case study illustrating how views in tension with liberal democracy might indeed grow increasingly influential in society—and helping us to understand how to tackle them. Right-wing populism presents some particularly interesting challenges, given that it is not even straightforward to point out why right-wing populism should be combatted. Moreover, it contributes to establishing the attractiveness of Rawls's political liberalism in this context. As we plan to show, important Rawlsian notions can be used to clarify some crucial elements of right-wing populism that are fundamental for discussing containment.

C0P10 In addition to putting forward an original account of how to protect liberal democratic institutions from internal threats (or, in Rawlsian language, of containment), this book proposes a defence and significant elaboration of Rawlsian political liberalism itself. Specifically, we aim to reply to some classic objections to it and turn it into a framework apt for contemporary politics—i.e., a more political political liberalism. This will be further discussed below, given that section 0.1 better explains the goals and contributions of our work. Section 0.2 reconstructs Rawls's political liberalism, while section 0.3 concludes by providing a chapter-by-chapter structure of the book.

C0S1 0.1 Aims, Contributions, and Scope

C0P11 Despite Rawls's evocative mention of containment cited above, there has been surprisingly little attention paid to it by Rawlsian political liberals.[11] Still,

[10] John Rawls, *Political Liberalism*, expanded edition (New York: Columbia University, 2005), p. 64 fn. 19.

[11] For two exceptions, see Matthew Clayton and David Stevens, 'When God Commands Disobedience: Political Liberalism and Unreasonable Religions', *Res Publica*, 20 (1) (2014), pp. 65–84; and Jonathan Quong, 'The Rights of Unreasonable Citizens', *Journal of Political Philosophy*, 12 (3) (2004), pp. 314–335.

containment, which can be defined as the task of stopping views in tension with basic liberal democratic values from growing any more influential in society, might make the whole difference between the survival or demise of any liberal democratic institutions that might already be in place in the society in question. Moreover, working out what containment should look like is bound to be not only extremely important but also very complicated from any liberal democratic perspective, including political liberalism. Briefly, given that suppressing political views is inherently illiberal, political liberals are bound to struggle to understand how to face potentially existential threats without renouncing their liberal principles.

C0P12 The first main contribution of this book is to fill this gap by finally providing a much-needed comprehensive account of how containment should work according to Rawlsian political liberalism. In other words, introducing one of Rawls's notions that will recur the most across the book, we aim to carry out the first extensive normative analysis of the containment of 'unreasonable' views, i.e., views that deny any of the basic values of freedom, equality, fairness, and acceptance of pluralism that for political liberals constitute the core commitments of liberal democracy.

C0P13 The second main contribution, which is closely linked to the first one, is to demonstrate that the account of containment that we aim to build from within political liberalism provides a novel and appealing normative theory of liberal democratic self-defence. By 'liberal democratic self-defence' we mean the project of working out how broadly liberal democratic countries can defend themselves from the domestic growth of illiberal and anti-democratic sentiments without themselves betraying liberal democratic values.[12] Militant democratic approaches, characterized by their focus on legal repressive measures, are a staple of the existing literature,[13] although there has recently been a flurry of accounts exploring alternative strategies that can actively contrast illiberal and anti-democratic ideas while keeping repression to a minimum.[14]

C0P14 This book argues that against the backdrop of existing debates over self-defence, one of the sources of appeal of our original framework is the idea that militant repressive measures should be part of self-defence, but only as

[12] War and all other international threats to the liberal democratic character of a country fall outside the scope of this book. Such threats pose an additional set of distinct theoretical challenges that are best left to a separate treatment.

[13] For example, see Alexander Kirshner, *A Theory of Militant Democracy: The Ethics of Combatting Political Extremism* (New Haven, CT: Yale University Press, 2014).

[14] Among others, see Corey Brettschneider, *When the State Speaks, What Should It Say? How Democracies Can Protect Expression and Promote Equality* (Princeton, NJ: Princeton University Press, 2012); and Anthoula Malkopoulou and Ludvig Norman, 'Three Models of Democratic Self-Defence: Militant Democracy and Its Alternatives', *Political Studies*, 66 (2) (2018), pp. 442–458.

one of *three different tiers of containment strategies*. Militant interventions are allowed, but only if there is a real threat to existing liberal democratic institutions. In contrast, softer state measures, exemplified by the organization of school curricula and the school system more in general, can be justifiably employed under any circumstances to reduce the risk that illiberal and anti-democratic sentiments might start growing in the future. Finally, different kinds of soft containment measures are required of a multiplicity of 'reasonable' non-state actors when an intermediate set of conditions occur, i.e., in the case of deconsolidation of liberal democratic achievements.

C0P15 Another source of appeal of our account of self-defence is precisely that it highlights how crucial it is to mobilize several *non-state actors* in the pursuit of soft containment. More specifically, we aim to explore the role of common citizens, partisans, and municipalities. In contrast, not only militant democratic but also less repression-friendly existing accounts of self-defence overwhelmingly focus on the responsibilities of central government. However, among other things, this narrow focus condemns them to struggle with scenarios where the threat to existing liberal democratic institutions is so serious that unreasonable actors occupy (at least some) important governmental roles. As the current political landscape shows, these scenarios are far from fanciful.

C0P16 Also, we aim to show that yet another appealing feature of our account of self-defence is our choice to embed it in the richly articulated theoretical framework offered by Rawls's political liberalism. As mentioned, this choice provides us with precious theoretical resources that can be mobilized when discussing the intricacies of self-defence. For example, we aim to demonstrate that Rawls's definition of 'unreasonableness' is extremely useful for identifying precisely what groups should concern the supporters of liberal democracy. Moreover, the political liberal framework gives depth to our normative recommendations about self-defence by grounding them in fundamental values like justice, liberal legitimacy, and stability, which Rawls shows to be interconnected. For instance, its strong liberal commitments are what allows us to develop the three-tiered account of the triggering conditions of duties of self-defence that we alluded to above. Finally, we believe that part of the appeal of our account is its ability to go beyond the mere contemplation of this complex theoretical apparatus, bringing it to bear on right-wing populism and other real-world issues.

C0P17 The last two main contributions that our book aims to offer have to do with the work that we need to do to place on solid theoretical ground our project to

discuss containment and, in turn, liberal democratic self-defence from within political liberalism. Specifically, the book's third central contribution is to attend in a novel manner to political liberalism's alleged weaknesses that are most relevant to that project. Those weaknesses concern Rawls's distinction between reasonable and unreasonable persons, which we define in full in the next section. That distinction is the target of both a family of important objections that describe it as unacceptably exclusionary and criticisms that instead consider it to be problematically inclusionary. This book aims to reply to all of them.

C0P18 An important clarification that we wish to make at this point is that our book's third main contribution is *not* to provide a general defence of Rawlsian political liberalism, e.g., against the numerous attacks launched by convergence public reason liberals and liberal perfectionists.[15] The debate over the tenability of Rawlsian political liberalism is so vast that no single book could ever provide that sort of general defence, let alone one that also aims to develop a novel account of containment and liberal democratic self-defence. Therefore, to a good extent we are forced to assume without argument that other political liberals' responses to the attacks received by political liberalism are sound.[16] Still, as part of our project of attending to political liberalism's alleged weaknesses that are most relevant to containment and self-defence, this book certainly aims to reply to *several* formidable objections to political liberalism, including some put forward by convergentist and perfectionist authors.

C0P19 This book's fourth major contribution is advancing a *more political* political liberalism. Indeed, to tackle the objections that we have just mentioned and, more in general, lay the theoretical groundwork for our account of containment, we plan to modify what political liberal theory at large should be for and how some of its parts are supposed to work. Specifically, we aim to propose several revisions that turn out to ease some of the concerns voiced

[15] Convergence public reason liberals share Rawls's idea that at least some laws must be justified according to public reason. However, while (as explained in the next section) Rawls maintains that public reason calls for justifications built on principles shared by all reasonable persons, convergence public reason liberals believe that a law can be justified in the relevant sense through a convergence of arguments resting on different citizens' idiosyncratic religious or otherwise comprehensive beliefs (for a prominent convergentist approach, see Gerald Gaus, *The Order of Public Reason: A Theory of Freedom and Morality in a Diverse and Bounded World*, Cambridge: Cambridge University Press, 2011). In contrast to both Rawlsian and convergence public reason liberals, perfectionist liberals endorse liberal democratic institutions because they are thought to enable citizens to lead good lives, not because they are justified in the relevant sense to their citizens (for example, see Joseph Raz, *The Morality of Freedom*, Oxford: Clarendon Press, 1986). Taken together, convergentists and perfectionists are the most prolific critics of Rawlsian political liberalism.

[16] Among others, Jonathan Quong provides replies to many important criticisms coming from different directions, including convergence public reason liberalism and liberal perfectionism (*Liberalism without Perfection*, Oxford: Oxford University Press, 2011).

by so-called 'realist' thinkers who, looking either at Rawls's work specifically or at mainstream political theory more in general, complain that we need analyses that are more closely in touch with politics.[17]

C0P20 Most conspicuously, this book places centre stage the idea that political liberalism cannot shy away from the fact that institutions and actors loyal to liberal democratic values need to work hard to create citizens who are reasonable and therefore supportive of liberal democracy itself.[18] This need to shape citizens in a liberal direction is one of the staples of Matt Sleat's liberal realism, which, like our framework, stresses that an authentic liberal approach to this task will have to be moderate and reserve legal repression to the most extreme circumstances.[19]

C0P21 And this is not all. Based on our conception of the purpose of political liberal theory, political liberals need to discuss not only 'well-ordered' ideal liberal democratic societies but also real-world deeply imperfect liberal democracies. More distinctively, this book argues that although ideal and non-ideal theory are both important to political liberalism, we should largely disentangle the latter from the former, creating a relationship of broad independence.[20] Moreover, in contrast to a popular reading of political liberalism, we aim to maintain that it is simply a fact of political life that some members of society will be coerced into obedience to a regime they find unacceptable.[21] Political liberals should integrate this fact into their framework, to the point of endorsing our revision of the notion of the well-ordered society, which in our view is bound to include a minority of unreasonable citizens. Finally, this book suggests that political liberals should be open to accepting that disruption and violence can be perfectly justifiable elements of political action.[22]

[17] To be clear, this book does not aim to make Rawlsian political liberalism completely acceptable to realists. There are numerous realist authors, who voice many more concerns about the current state of political theory than we can touch on in this book. Moreover, they often disagree with each other as to which concerns are actually valid. However, we do aim to demonstrate that our reformulation of political liberalism solves at least some important problems highlighted by many prominent realist critics of Rawls and mainstream political theory at large.

[18] This book will explore in full detail only one element of this task, which goes beyond containing possible growths of unreasonableness in society.

[19] Matt Sleat, *Liberal Realism: A Realist Theory of Liberal Politics* (Manchester: Manchester University Press, 2013).

[20] This is in line with the point, voiced by several realist authors, that letting our picture of the ideal polity guide our normative analysis of real-world problems is unhelpful at best and at worst creates serious distortions in that analysis. For example, see William Galston, 'Realism in Political Theory', *European Journal of Political Theory*, 9 (4) (2010), pp. 385–411.

[21] Among many realists stressing the need to accept this fact, see Andrew Sabl, 'Liberal Realism: An Agenda', *Critical Review of International Social and Political Philosophy*, 20 (3) (2017), pp. 366–384.

[22] Marc Stears, 'Liberalism and the Politics of Compulsion', *British Journal of Political Science*, 35 (3) (2005), pp. 533–553.

C0S2

0.2 John Rawls's Political Liberalism

C0P22 As seen, the argument of this book builds on Rawls's theory of political liberalism, although we aim not only to supplement it in several crucial areas but also to deviate from it whenever that seems necessary to strengthen our political liberal framework. In this section, we reconstruct Rawls's theory, introducing key concepts that are relevant to our arguments in later chapters. Individual chapters will often dig deeper into this or that concept and expand on the reconstruction of them. Here we aim in particular to bring out the links that keep all those concepts together, attempting to offer a general account of what Rawls's political liberalism is about that can be particularly helpful to readers unfamiliar with it.

C0P23 Let us start with the 'fact of reasonable pluralism', which is one of the most recognizable features of Rawls's political liberalism. According to Rawls, whenever political institutions give individuals the freedom to make up their mind about religious, moral, and philosophical issues, we can expect disagreement about these comprehensive matters to proliferate in society. Such disagreement is not just the product of individuals' stupidity, lack of information about the issues at hand, or bad faith; to a good extent, the ensuing disagreement is reasonable in the sense that it constitutes 'the natural outcome of the activities of human reason' in the absence of state suppression of unorthodox beliefs.[23] Indeed, Rawls maintains that our best efforts to agree on the right answer to complex questions are inevitably hindered by what he calls 'burdens of judgement', including the vagueness of concepts; the complexity of the evidence relevant to difficult matters; the fact that appealing considerations often hold on both sides of them; the inherent difficulty of assigning weights to conflicting considerations; and the fact that the way each of us understands concepts, assesses evidence, and handles trade-offs between conflicting considerations is to some extent shaped by our total life experience.[24]

C0P24 On the face of it, the fact of reasonable pluralism seems to deliver a fatal blow to both the legitimacy and stability of any liberal democratic order. Rawls understands legitimacy as the ability of institutions to justify themselves to all citizens who are themselves committed to the mutual justification of political arrangements, at least if they accept that pluralism can indeed be reasonable. However, it seems that no framework of liberal democratic institutions could ever be widely justifiable in this way, given that the

[23] Rawls, *Political Liberalism*, p. xxvi. See also p. 37.
[24] Ibid., pp. 54–58.

citizens living under them subscribe to a variety of mutually incompatible comprehensive doctrines. Turning to stability, Rawls believes that it can only be achieved if it is 'for the right reasons', i.e., stability grounded in citizens' principled acceptance of institutions, not a mere modus vivendi.[25] However, how could citizens holding comprehensive doctrines that are so different from each other find principled reasons supporting the same institutional framework?

C0P25 Rawls's solution to these problems hinges on his idea that if we reduce liberal democratic commitments to their political core, they can still be the subject of an 'overlapping consensus' between otherwise extremely different comprehensive doctrines. At the most fundamental level, these commitments consist of two basic political ideas compatible with extremely different belief systems about God, the good life, and other comprehensive matters—that of society as a fair system of cooperation for mutual benefit and that of persons as free and equal members of this cooperative system.[26] According to Rawls, different individuals accepting such basic ideas might disagree about which conception of justice brings them to bear most plausibly on concrete political issues, but the conceptions they will all arrive at share three liberal democratic features: (i) the universal provision of basic rights and opportunities familiar from constitutional regimes; (ii) the acknowledgement of their special priority; and (iii) the supply of sufficient all-purpose means to make their use effective for all citizens.[27]

C0P26 These areas of possible agreement across comprehensive differences make it possible to satisfy Rawls's moral 'duty of civility to appeal to public reason',[28] which applies to members of the judiciary and elected politicians when they are in the process of settling constitutional essentials and issues of basic justice as well as to common citizens when they vote and participate in political campaigning. In those circumstances, individuals should only support arrangements for which they can (and are willing to) offer each other at least one public reason, i.e., one argument that makes no reference to their deep comprehensive commitments and is built from within a framework provided by the two widely shareable basic political ideas and a liberal democratic conception of justice they sincerely believe convincingly interprets those ideas.[29] Given Rawls's acknowledgement that reasonable pluralism extends to political matters, the content of a society's public reason is 'given by a

[25] Ibid., pp. 391–392.
[26] Ibid., pp. 15–22.
[27] John Rawls, 'The Idea of Public Reason Revisited', *University of Chicago Law Review*, 64 (3) (1997), pp. 773–775.
[28] Rawls, *Political Liberalism*, p. 226.
[29] Rawls, 'The Idea of Public Reason Revisited', pp. 783–786.

family of political conceptions of justice, and not by a single one', although they all share liberal democratic features (i)–(iii) above.[30] More specifically, public reason's content is given by those conceptions compatible with the two basic ideas that are dominant in society at the point in time we are considering.[31]

C0P27 According to Rawls, this public reason requirement is what makes his account of democracy deliberative.[32] Importantly, it is derived from his principle of liberal legitimacy, which posits that power is only legitimate 'when it is exercised in accordance with a constitution the essentials of which all citizens may reasonably be expected to endorse in the light of principles and ideals acceptable to them as reasonable and rational'.[33] Therefore, Rawls explains that a liberal democratic society can indeed be legitimate despite the fact of reasonable pluralism as long as fundamental political questions are settled according to the duty to comply with public reason. Similarly, we are now able to see how Rawlsians can also hope for that society to be stable for the right reasons. As mentioned, the duty to comply with public reason is a duty to approach constitutional essentials and issues of basic justice from within one out of a range of recognizably liberal democratic conceptions of justice. Hence, as long as enough members of society accept that duty out of principle (or, more precisely, see it as congruent with their comprehensive beliefs in the sense that they are ready to normally assign priority to it in case of conflict with them), the stability of the liberal democratic order is guaranteed.

C0P28 Now, importantly for the sake of the argument of this book, Rawls rightly stresses that accepting the duty to obey public reason and the basic political ideas of society and persons that constitute the foundations of all public justifications is not a natural fact of human existence. Indeed, these crucial commitments are shared by all—*and only*—'reasonable' persons, where reasonableness must be understood in terms of two features. First, reasonable persons are willing to propose and abide by fair terms of social cooperation between free and equal persons. Rawls clarifies that in this context, 'fair' is to be understood as 'reasonable for everyone to accept' or, in other words, acceptable to all other reasonable persons.[34] Consequently, reasonableness in this first aspect already involves the willingness to follow the duty to appeal

[30] Ibid., p. 773.
[31] Rawls, *Political Liberalism*, pp. xlviii–xlix and 226–227.
[32] Rawls, 'The Idea of Public Reason Revisited', pp. 771–773.
[33] Rawls, *Political Liberalism*, p. 217.
[34] Ibid., p. 49.

to mutually acceptable public reasons 'provided others can be relied on to do the same'.[35] Also, reasonable individuals conceive persons as free and equal simply in virtue of their having two moral powers—namely, the capacities for a sense of justice and a conception of the good—that give them the ability to become fully cooperating members of society.

C0P29 Second, reasonable persons are willing 'to recognize the burdens of judgement and to accept their consequences for the use of public reason'.[36] The consequences that Rawls has in mind, which we have already explored in this reconstruction of political liberalism, are that reasonable persons are divided over comprehensive matters and therefore no argument constructed from within any comprehensive doctrine could ever count as authentically public; to qualify as public, any argument must ultimately rest on the basic political ideas of society as fair cooperation and persons as free and equal, which are shared by definition by all reasonable persons.

C0P30 Crucially for the prospects of the legitimacy and stability of liberal democratic institutions, Rawls investigates at some length how reasonableness could progressively create its own support and move from strength to strength, even in societies that at first contain few reasonable persons and where toleration is accepted merely as the only alternative to protracted civil strife.[37] He outlines forces that could first spread principled acceptance of a restricted set of individual rights and democratic procedures, without reaching any deeper or broader than them, and then convince persons of the appeal of features (i)–(iii) above based on the basic political ideas of society and persons. Many such forces promise to work because as suggested by Rawls, most persons' doctrines display a certain looseness and therefore count as 'partially', not 'fully', comprehensive. In other words, most persons do not appear to accept a political conception out of a 'belief in its derivation from a comprehensive view', but rather as attractive in itself.[38] Therefore, when fundamental liberal democratic principles govern the basic structure of their society, it is 'possible for citizens first to appreciate the good those principles accomplish both for themselves and those they care for, as well as for society at large, and then to affirm them on this basis'.[39] Also, once liberal democratic principles have grown on them in this way, if any citizen identified any inconsistency between those principles and their comprehensive doctrines,

[35] Ibid., p. 53.
[36] Ibid., p. 54.
[37] Rawls, *Political Liberalism*, pp. 158–168.
[38] Ibid., pp. 159–160.
[39] Ibid., p. 160.

they might well decide to tweak their comprehensive beliefs rather than reject liberal democracy.

C0P31 Despite his faith in progress towards a liberal democratic society grounded in a solid overlapping consensus, Rawls admits that the presence of unreasonable views is a permanent fact of any society, regardless of how advanced they are on this journey. In the case of these views, 'the problem is to contain them so that they do not undermine the unity and justice of society'.[40] But specifically, how should societies handle the case in which the spread of reasonableness slows down, stops, and eventually reverses? This question is extremely important, because of the links we have reconstructed between, on the one hand, reasonableness and, on the other hand, the legitimacy and stability of liberal democratic rule. It is also a challenging one, given that liberal democracy appears to be in tension with the suppression of political views and the disenfranchisement of any group in society. Still, Rawls never discusses it in any detail, creating part of the impetus for this work.

C0S3 ## 0.3 Plan of the Book

C0P32 The argument of this book can be thought of as divided into two main parts—Part I and Part II. Part I includes chapters 1–3, which aim to place on firm theoretical ground our project of developing from within Rawlsian political liberalism a novel normative theory of containment and, in turn, liberal democratic self-defence. Among other things, they provide original answers to the most relevant objections to political liberalism while revising the political liberal framework itself in a more political direction. It is worth sounding a note of caution here, saying that chapters 1–3 might be difficult to digest for those who are not interested in Rawlsian political liberalism and in particular in philosophical discussions about it. They delve into technical debates that we believe are important both in their own right and to put our normative framework on solid theoretical foundations. However, we appreciate that—pun intended—there might be reasonable disagreement about that. Consequently, some readers might want to skip such chapters and jump directly to chapter 4. They can always work their way back to chapters 1–3 if they need some conceptual clarification or decide they wish to dig deeper into the foundations of our normative account of containment and liberal democratic self-defence. Chapters 4–6 are in charge of putting together such normative account, centred on three different tiers of containment measures

[40] Ibid., p. xix.

and the underappreciated need to mobilize non-state actors to defend liberal democratic values.

C0P33 Chapter 1 advances a novel account of the purpose of Rawlsian political liberal theory. The prominent 'internal view' of political liberalism conceives of it as merely meant to establish liberalism's internal coherence; political liberals' task is to show that legitimate and stable liberal institutions are possible despite reasonable pluralism. On this view, the scope of political liberalism only includes societies characterized by reasonable pluralism and reasonable pluralism arises exclusively in well-ordered liberal societies, which are inhabited only by reasonable citizens.[41] Therefore, the very project of investigating containment is effectively thrown out of political liberalism properly understood.

C0P34 We criticize this view by arguing that it misunderstands the notion of reasonable pluralism. Reasonable pluralism is also a feature of non-ideal 'minimally liberal' societies. Consequently, the purpose of political liberal theory should also include showing how minimally liberal societies can move closer to a reasonably just society overwhelmingly populated by reasonable persons. In turn, this makes understanding containment a priority for political liberals. The resulting view of political liberalism, which we label the view 'internal to at least minimally liberal societies', remains safe from the traditional objections the internal view was created to sidestep. In defending such a view, we also propose an original methodological approach, according to which ideal and non-ideal theory are important but largely independent projects within political liberalism. This broad independence of non-ideal from ideal theory constitutes an important building block of our politicized political liberalism.

C0P35 Even after showing that the internal view properly understood is inclusive towards theories of containment, we are still faced with a difficult problem, which is dealt with in chapter 2. Any Rawlsian theory of containment stands or falls on the reasonable/unreasonable distinction. However, this distinction is heavily criticized as too exclusionary for its role in the Rawlsian account of public reason, according to which justifications for political decisions should only be directed to reasonable persons.[42] This chapter provides an original answer to these critiques.

[41] Quong, *Liberalism without Perfection*, chapter 5; and Lori Watson and Christie Hartley, *Equal Citizenship and Public Reason: A Feminist Political Liberalism* (Oxford: Oxford University Press, 2018), chapter 1.

[42] Among many others, see Marilyn Friedman, *Autonomy, Gender, Politics* (Oxford: Oxford University Press, 2003), chapter 8; Joseph Raz, 'Disagreement in Politics', *American Journal of Jurisprudence*, 25 (1) (1998), pp. 25–52; and Chad Van Schoelandt, 'Justification, Coercion, and the Place of Public Reason', *Philosophical Studies*, 172 (4) (2015), pp. 1031–1050.

C0P36 Some political liberals reply by striving to demonstrate that the exclusion of the unreasonable from the constituency of public reason can actually be justified to them.[43] In line with the project of amending political liberalism in a more political direction, one crucial implication of our critique of this reply is that we should accept that under any regime, there will be groups that are coerced into obedience without any justification. Other political liberals offer what they take to be the correct justification for exclusion, e.g., that the exclusion of the unreasonable is necessary to build a relationship of civic friendship in society.[44] In so doing, however, those theorists endorse deeper premises than the basic political ideas defining reasonableness—ideas that include the notion that public reasons are directed to reasonable persons. We explain why this is a mistake, arguing that the exclusion of the unreasonable should simply be taken as an implication of an intrinsically appealing political ideal that represents the core truth of political liberalism—that of establishing together a cooperative system that is justifiable to all persons who themselves care about acceptability to others and are open to disagreement.

C0P37 Chapter 3 tackles a different family of objections to the reasonable/unreasonable distinction that any Rawlsian theory of containment hinges on. On a Rawlsian definition, part of being reasonable is abiding by public reason and therefore being civil when pursuing political change. Critics maintain that in calling on citizens to be reasonable, political liberals are too demanding towards groups that, suffering from a long history of injustice, have every right to be uncooperative.[45] Moreover, disruption and violence might well be their only chance to make progress towards redressing that injustice.[46] This chapter replies to these critiques by arguing that under certain conditions, disruption and violence are perfectly reasonable political strategies, adding another element to our politicized revision of political liberalism.

C0P38 We stress that Rawls's duty to comply with public reason is conditional on reciprocity. However, in contrast to other analyses of the applicability of public reason in non-ideal conditions, we highlight that Rawls does not consider reciprocity important in itself, but because compliance on the part of others is necessary to avoid sacrificing one's core interests by following public

[43] For example, see Alessandro Ferrara, *The Democratic Horizon: Hyperpluralism and the Renewal of Political Liberalism* (Cambridge: Cambridge University Press, 2014).

[44] See e.g., Andrew Lister, 'The Coherence of Public Reason', *The Journal of Moral Philosophy*, 15 (1) (2018), pp. 64–84.

[45] Sheldon Wolin, 'The Liberal/Democratic Divide: On Rawls's Political Liberalism', *Political Theory*, 24 (1) (1996), pp. 97–119.

[46] John Medearis, 'Social Movements and Deliberative Democratic Theory', *British Journal of Political Science*, 35 (1) (2005), pp. 53–75.

reason. We then show that being at the receiving end of severe injustices constitutes evidence of a risk of self-sacrifice serious enough to relieve members of oppressed groups of the duty to obey public reason. We specify what injustices count as severe by drawing on Rawls's account of the features shared by all reasonable conceptions of justice, and we start discussing what normative constraints apply to citizens who, relieved of public reason, are morally allowed to engage in disruption and violence. Indeed, while those suffering from severe injustice have a right to deviate from public reason's civility, abandoning reasonableness should never be excused.

C0P39 After chapters 1–3 have placed on firm ground the project of conducting a normative analysis of containment and liberal democratic self-defence, Part II carries out such analysis, starting with chapter 4's exploration of the role of common citizens. Criticizing militant democratic accounts of self-defence, we argue that the liberal value of everyone enjoying equal rights is compatible with legal repressive measures only when softer containment interventions have been attempted earlier on in the build-up to an unreasonable threat to existing liberal democratic institutions. Consequently, heavy-handed responses to the rise of illiberal and anti-democratic political actors can at most provide a partial solution to the problem of self-defence. To start exploring what the softer interventions in question should look like, we derive from Rawls's principle of liberal legitimacy a brand new moral duty, called 'duty of pressure', calling on reasonable common citizens to press the unreasonable persons they know on their political views in an attempt to change their mind.

C0P40 This chapter carefully specifies the duty of pressure, including the circumstances of liberal democratic deconsolidation in which it applies and the range of tailored rhetorical strategies that are morally allowed under it. We also introduce right-wing populism to illustrate the workings of the duty of pressure in greater detail. Developing and readapting prominent Rawlsian concepts, this chapter suggests that the bulk of the supporters of right-wing populism display 'unaware' unreasonableness while holding partially comprehensive doctrines. In turn, these features illuminate what specific rhetorical strategies would be particularly apt to put pressure on them.

C0P41 Chapter 5 turns to political parties. Normative theorists of liberal democratic self-defence rarely discuss their role as agents of self-defence, and only with reference to the *cordon sanitaire* they should build against certain opponents.[47] They overlook partisans' creative ability to reshape

[47] Stefan Rummens and Koen Abts, 'Defending Democracy: The Concentric Containment of Political Extremism', *Political Studies*, 58 (4) (2010), pp. 649–665.

society's public opinion, stressed instead by the burgeoning literature in political theory on ethical partisanship,[48] which also includes political liberal approaches.[49] However, this literature is similarly silent about how partisans should contribute to liberal democratic self-defence.

C0P42 This chapter argues that under conditions of liberal democratic deconsolidation, reasonable partisans should employ their creative abilities to transform the visions for society each of their parties campaigns on. They must never adopt unreasonable messages, therefore rejecting any compromise with popular illiberal and anti-democratic beliefs. In Rawlsian language, partisans have a moral duty to transform society's public reason in a strategic way, calling on partisans to work towards renewed political conceptions of justice that, while staying within the limits of reasonableness, have a chance of winning back the support lost to unreasonable competitors. Rawls's appreciation of the pluralism of reasonable conceptions of justice allows us to assign a role to reasonable partisans of various parties on the left–right spectrum, potentially tapping into different electorates of unreasonable competitors and showing the full potential for containment of a pluralistic party system. Moreover, Rawls's distinctive account of sincerity in democratic deliberation turns out to be especially well suited to justify this strategic behaviour as ethical. The case of right-wing populism is used across the chapter to illustrate in detail how this duty to transform public reason might work in practice.

C0P43 Finally, chapter 6 focuses on municipalities, which we define as any subnational administrative units with some powers of self-government or jurisdiction. Considering the resources that municipalities can tap into, it is quite puzzling that the literature on liberal democratic self-defence has thus far overlooked them. This chapter fills this important gap by identifying two duties falling upon them and triggered under different circumstances.

C0P44 First, we argue that municipalities should refuse to cooperate with unreasonable central governments when they enact legislation that violates basic rights and opportunities. Second, under conditions of deconsolidation of liberal democracy, municipalities must promote initiatives that attempt to prefigure the politics that political liberals would like to see realized one day. In other words, municipalities should try to establish and nourish relations of freedom, equality, and fairness, which characterize the well-ordered society, within their jurisdiction in the here and now. We also suggest that central

[48] Among others, see Jonathan White and Lea Ypi, *The Meaning of Partisanship* (Oxford: Oxford University Press, 2016).

[49] Matteo Bonotti, *Partisanship and Political Liberalism in Diverse Societies* (Oxford: Oxford University Press, 2017).

governments committed to liberal democratic values should implement institutional mechanisms that empower municipalities to discharge the two duties of containment we have just summarized should their triggering conditions ever obtain. To illustrate our argument, this chapter focuses primarily on cities as agents of containment. As we will see, cities are particularly interesting given their contributions to the real-world effort of pushing back against right-wing populist and other illiberal and anti-democratic actors.