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The Insularity of the Reasonable: Why Political Liberalism Must Admit the Truth*

David Estlund

Not everything, then, is constructed; we must have some material, as it were, from which to begin. (JOHN RAWLS, *Political Liberalism*)¹

Liberalism has long been identified with the protection of certain areas of life from the claims of collective authority. Central to the cluster of liberal protections has been a guarantee of freedom of speech, thought, and conscience. Citizens could not legitimately be compelled to acknowledge, for example, the tenets of any particular creed or religion. John Rawls and others have recently extended the liberal concern for freedom of conscience in a natural direction, with Rawls calling the view “political liberalism.”² Political liberalism asserts bold principles of philosophical toleration in the realm of political justification. The moral and philosophical principles and doctrines used in political justification need not be true. Indeed, even true doctrines are inadmissible unless they are acceptable to all reasonable citizens without contradicting any of the wide range of reasonable moral and philosophical worldviews

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1. *Political Liberalism* (New York: Columbia University Press, 1993), p. 104 (hereafter PL).

2. Rawls, PL. Some other authors who influentially espouse such a theory are Charles Larmore, *Patterns of Moral Complexity* (Cambridge: Cambridge University Press, 1987), and *The Morals of Modernity* (Cambridge: Cambridge University Press, 1996); and Thomas Nagel, “Moral Conflict and Political Legitimacy,” *Philosophy and Public Affairs* 16 (1987): 215–40. I concentrate in this paper mainly on the more elaborately articulated and defended theory of Rawls.

likely to persist in a just and open society. Political liberalism, Rawls says, “need not go beyond its conception of a reasonable judgment and may leave the concept of a true moral judgment to comprehensive doctrines.”³

Truth is held to be neither necessary nor sufficient for a doctrine’s admissibility. The moral idea behind this principle is that no person can legitimately be coerced or morally obligated to abide by legal rules and arrangements unless sufficient reasons can be given that do not violate that person’s reasonable moral and philosophical convictions, true or false, right or wrong. An apparently new extension of the Western liberal tradition of toleration, it is a philosophical doctrine that “applies the principle of toleration to philosophy itself.”⁴ It would be a kind of intolerance to think that any doctrines could form a part of political justification even if some citizens conscientiously held reasonable moral, religious, or philosophical views that conflicted with them.

If this principle about justification is itself offered as part of political justification, it applies to itself. Though Rawls never says so, it must itself be acceptable to all reasonable citizens and may not be invoked as true—not even the conception of reasonableness itself. My thesis is that political liberalism must assert the truth and not merely the reasonableness—or acceptability to all reasonable people—of its foundational principle that doctrines are admissible as premises in political justification only if they are acceptable to all reasonable citizens. If it were not true, rejection by reasonable citizens would *not* render any doctrines inadmissible into political justification. The principle could not be saved by being shown to be acceptable to reasonable citizens. That would assume what is in question: that acceptability to reasonable citizens has this moral significance, in truth.

If that doctrine must be put forward as true, we might wonder whether the liberal reticence about truth should be waived across the board. Perhaps truth should be required of all justificatory doctrines, not just this one. In Section II, I argue that it should not. If not, we should wonder whether that liberal reticence is weighty enough to preclude the appeal to truth even in this one case. In Section III, I argue that it is not. Thus, my conclusions are sympathetic to political liberalism, despite rejecting Rawls’s broad avoidance of truth claims in political justification. Some critics, insisting that truth claims cannot be avoided, have fundamentally opposed political liberalism on that basis. At the end of the article, I discuss such a critique by Joseph Raz and distinguish it from the approach taken here. I share the general view of some critics, including Raz, that normative political theory cannot hover like a blimp over the moral truth without any point of contact. What is needed, however, is

3. PL, p. 116. See also PL, pp. xx and 94, for similar statements.

4. *Ibid.*, p. 10.

not the complete deflation of political liberalism and the substitution of some comprehensive worldview, but merely a mooring—a single point of contact with the moral truth that permits political liberalism to float freely at all other points.

It is not necessary to define the class of theories that count as political liberalism here except to say that a theory does not count as a version of political liberalism unless it asserts a doctrine of the following form:⁵

RAN (Reasonable Acceptance Necessary): No doctrine is admissible as a premise in any stage of political justification unless it is acceptable to all reasonable citizens, and it need not be acceptable to anyone else.⁶

I use the term ‘doctrine’ to cover a wide variety of things: factual statements, principles, practical proposals, moral judgments, and so forth. Thus, RAN is itself a doctrine. “Admissibility” of a doctrine (or conjunction) consists in its not failing any of the criteria for inclusion in a fully valid political justification, whatever they are. The idea of justification must remain largely unanalyzed here. This much will suffice: a fully valid political justification lays out reasons that establish moral obligations of a citizen to comply and/or moral permissibility for the collective to enforce its decisions even coercively.

Different “stages of justification” are individuated by what is being justified: principles of justice, constitutional provisions or interpretation, laws, administrative policies, and so forth. To say justification at every stage is constrained by reasonable acceptability of all justificatory premises is not to say that public discourse in all the corresponding forums is similarly constrained. That is a separate question. Rawls holds that a similar constraint applies to public discussion at least in certain forums, at least on certain matters. However, that question is not addressed here.⁷

5. I discuss this question in “The Survival of Egalitarian Justice in John Rawls’s Political Liberalism,” *Journal of Political Philosophy* 4 (1996): 68–78.

6. Let arguments to the effect that something is unjustified fall within the scope of “justification.” This is one version of AN as stated below. It is essentially what Rawls calls the “liberal principle of legitimacy,” without certain Rawlsian specifics. See PL, p. 137.

7. Rawls advances two closely related doctrines that use the idea of acceptability to all reasonable citizens: the liberal principle of legitimacy and the ideal of public reason. The liberal principle of legitimacy is the more basic of the two and asserts that at least on fundamental matters political power is only justifiable by reference to principles and ideals acceptable to all reasonable citizens (PL, pp. 137, 217). He adds a natural corollary, that citizens are obligated not to exercise political power except in ways they believe could meet this test (PL, p. 241). This is the ideal of public reason, which Rawls conceives as a duty of civility that is recognized by all reasonable comprehensive doctrines. The difference between the principle of legitimacy and the doctrine of public reason consists mainly in the fact that a law or constitutional provision might be legitimate even if those who enacted it violate the constraints of public reason and act without regard to whether their guiding principles are acceptable to other reasonable comprehensive views. The regime might be

That Rawls accepts RAN is clear from his “liberal principle of legitimacy”: “our exercise of political power is fully proper only when it is exercised in accordance with a constitution the essentials of which all citizens as free and equal may reasonably be expected to endorse in the light of principles and ideals acceptable to their common human reason.”⁸

RAN applies to itself if it is a premise in political justification. Several of the results in this article depend on the assumption that RAN is within its own scope in this way. The results could be avoided in two ways: first, it might be denied that it is a part of political justification even if it is correct, since it is only a “metajustificatory” principle or some such thing. Second, if there were no denying that it is part of justification, the principle might be reformed so as to apply only to certain parts of political justification not including itself. For example, metajustification might be defined as a proper subset of justification but having only the complement within its scope of application. Advocates of either move must explain what reason there is for thinking there is such a principle that applies to some parts of political justification but not to the principle itself. The mere idea of a metaprinciple does not touch the question of self-application. The ideas behind this doctrine do not apparently give any reason to except it from its own strictures.⁹ The moral reasons for applying it anywhere are also moral reasons for applying it here. A political liberalism that availed itself of this foundational moral principle solely on the basis of its being true, for example, would be utterly disingenuous. We might call this a dogmatic version of political liberalism. The doctrine that acceptability to reasonable people is necessary for admissibility cannot apparently let that doctrine itself play a part in the public defense of principles of justice regardless of whether it is itself subject to reasonable objection, allowing this particular moral thesis to

entirely justified, even if its agents have misbehaved in this way. As noted earlier, in speaking about the admissibility of a doctrine into political justification, I leave the doctrine of public reason aside and concentrate on Rawls’s liberal principle of legitimacy. There is no question that, according to Rawls, the acceptance of reasonable citizens is required for the admissibility of any doctrine into political justification (at least on fundamental matters).

8. It should not be thought that since the principle limits its application to questions of constitutional essentials, therefore, since it does not address any constitutional essentials, it does not apply to itself. This principle is part of an account of the justification of the tenets of justice as fairness, Rawls’s theory of constitutional essentials and matters of basic justice. Many things plainly fall under this principle of legitimacy even if they do not themselves address specific constitutional matters or principles of justice, such as metaphysical conceptions of the self, theological doctrines, or philosophical theories of the nature of morality. Rawls explicitly acknowledges the principle of legitimacy’s application to these three matters at pp. 29 ff., 9–10, and Lecture III (*passim*), respectively. The quotation is from PL, p. 137.

9. I note a similar issue for comprehensive moral constructivism in Section III below.

have authority over even those citizens who conscientiously reject it.¹⁰ So it will be assumed that in political liberalism this principle is a premise in political justification and that it applies to itself.

In the case of factual matters that are neither principles nor ideals nor in any way part of the political conception of justice, it is possible that Rawls believes they must be true, as well as acceptable, to all reasonable citizens if the justifications based on them are to count as sound.¹¹ In any case, RAN is not in this category. In claiming that political liberalism must appeal to the truth of this doctrine, I believe I am differing with Rawls's stated view. As my epigraph suggests, Rawls is sensitive to similar points in his discussion of constructivism. However, Rawls never directly considers the question of whether his liberal principle of legitimacy may or must be put forward as true, and this interpretive question is secondary. The important thing is to see why truth must be invoked at this point and how this affects the scope in a political liberalism of a principle of philosophical toleration.

We might, then, distinguish three possible versions of political liberalism and its foundations: a wholly procedural version avoids appealing to any standard of truth or correctness outside of acceptability to reasonable citizens. A version that appeals to the truth of the acceptance criterion regardless of its acceptability to reasonable citizens would be a dogmatic substantive political liberalism. These both ought to be rejected in favor of an undogmatic substantive political liberalism in which no doctrine is available in justification unless it is acceptable to reasonable citizens, not even this doctrine itself (this makes it undogmatic), because such an acceptability criterion is true or correct independent of such acceptability (this makes it substantive). As Rawls "applies the principle of toleration to philosophy itself," we might say that the preferred version of political liberalism applies the principle of toleration to itself. In doing so, political liberalism must assert the requirements of toleration not merely as authorized by the principle of toleration but as also true. Thus, political liberalism must be, in this sense, both undogmatic and substantive.

A final preliminary: while I shall use the simple language of necessary conditions, sufficient conditions, if, only if, and so on, these are not

10. Some theories might apply such constraints only to justification regarding certain matters. Rawls pays special attention to "constitutional essentials" and "matters of basic justice," remaining agnostic on whether similar constraints apply more widely. No position on these matters is required for the purposes of this article, and for simplicity I speak of "political justification" without differentiating.

11. For text suggesting this, see PL, pp. 102, 112, 121ff., 225. Rawls may mean to preclude appeal to truth only in the case of moral doctrines, though I suspect this would be too permissive to fit with the larger view. Note that whatever limitation there may be on appeal to truth, RAN apparently applies to doctrines of all kinds. A somewhat different area of uncertainty about the availability of truth claims concerns the idea that not everything is constructed. See PL, pp. 103–104, the context of this article's epigraph.

meant (unless specified) in the sense of “material implication.” For most purposes it suffices to think of the conditions discussed as rules or qualifications for membership. This will trigger the appropriate logical relations.¹² I will sometimes substitute ‘required’ for ‘necessary’ and ‘decisive’ for ‘sufficient’, to mark this point.

I. THE INSULARITY OF THE REASONABLE

Consider the following principle in schematic form:

AN: No doctrine is admissible as a premise in any stage of political justification unless it is acceptable to a certain range of (real or hypothetical) citizens, C, and no one else’s acceptance is required.

C is usually specified, in versions of political liberalism, as the set of “reasonable” citizens (as in RAN above). But in order to emphasize that the points in this section do not depend on anything in the idea of reasonableness, I consider the principle in its more abstract form. What I will call its different “instances” are constituted by different specifications of C; one family of instances is RAN, wherein C is the set of reasonable people somehow specified. AN states only a necessary condition, not a sufficient condition for admissibility. In saying that no one’s acceptance is required unless they are in C, the question of whether there are conditions other than acceptability conditions on admissibility is still left open.

As we have seen, doctrine AN apparently applies to itself as one part of political justification. Under some conditions, therefore, it excludes itself. If an instance of AN is not acceptable to the set of people it specifies as C, it fails its own test. It is self-excluding when not acceptable to C, which is one way in which a doctrine can be excluded. The distinction is similar to that between a view’s being defeated and its being self-defeating. The latter consists in a view’s implying its own falsity, so it is false if true, and so false either way. Self-defeatingness is, of course, a

12. To say that P is required for admissibility is, here, to say that not-P is a conclusive reason for exclusion (the existence of a conclusive reason for exclusion also materially implies exclusion; it is excluded for at least that reason). A sufficient condition for admissibility is a conclusive reason for admissibility (also materially implying admissibility). The logic of these concepts does not follow material implication. The conjunction of “Q is a necessary condition for P” and “Q if and only if R” implies “R is a necessary condition for P” ($P \rightarrow Q \leftrightarrow R$, so $P \rightarrow R$). But, in this article, to say that Q is required for P would mean that not-Q is a conclusive reason for not-P. It would not follow from that and “Q if and only if R” (in the material sense) that R is a requirement for P. It might be something that just happens to covary with a certain requirement for P, namely, Q. The kind of implication involved in these notions of requirement and decisiveness is stronger than either material or strict implication, but is some form of “relevant” implication. For some discussion of these varieties of implication see Susan Haack, *Philosophy of Logics* (Cambridge: Cambridge University Press, 1978), pp. 36–37.

defect in a doctrine. A doctrine's self-exclusion is no defect in the doctrine, but is obviously trouble for any attempt to include it in political justification. The merely conditional fact that, since AN applies to itself, it would be self-excluding when not acceptable to C is not even a general problem of this kind for AN, however, since in other circumstances it allows itself into political justification. Suppose that some instance of AN is accepted by C. For example, suppose all reasonable people accept RAN. In that case it is not self-excluding. It is capable of passing its own test. It places no obstacles in the way of its own introduction into political justification.

Some standards apply to themselves, and then they either meet the standard or they do not. For an example of this in another context, consider the doctrine that says that the U.S. Constitution should only be interpreted or applied according to doctrines found in the original Constitution. David Lyons points out that "It is by no means clear that originalist theory can be found within the 'original' Constitution."¹³ The originalist doctrine applies to itself and apparently fails its own test. But if the original Constitution had included originalist doctrine, the standard would have succeeded; it would have met its own standard. A standard's self-application is no flaw in the standard. Depending on how C is specified, an instance of AN might meet its own standard. AN applies to itself, though that is not yet an objection to it or its inclusion in political justification.

The Insularity Requirement

There is a restriction on the specification of C stemming from AN's application to itself, however, and it will lead to trouble. Suppose C is the set of all redheads. To avoid excluding itself, recall, an instance of AN must be acceptable to all members of C. So, this version of AN, which makes C the set of redheads, must be acceptable to all redheads. This is more demanding than it might seem. Many redheads would reject AN in this version, even though they themselves are included in the authoritative group (as I shall sometimes call any specification of C). They may or may not object to their own inclusion, but many would object to making acceptance by all redheads necessary for the admissibility of a doctrine into political theory for the same reasons the rest of us would. In that case, not all members of C would accept that instance of AN, and it would disqualify itself. To avoid being self-excluding, AN must specify C so that its members accept that specification.

Each member of C, then, in order to accept AN, must think that acceptance by all and only the members of C is necessary for a doctrine's

13. David Lyons, "Principles of Constitutional Interpretation and Original Meaning," *Social Philosophy and Policy* 4 (1986): 75-101, p. 89.

admissibility, since that is what AN says. This amounts to a requirement that C be an insular group in the following sense.

Insularity Requirement: Each member of C must recognize the rejection rights of all and only the members of C.

(An individual has rejection rights over a doctrine if and only if its acceptability to her is necessary for the doctrine's admissibility into political justification. And recall that only members of C have rejection rights according to AN.) Insularity is not required here on any moral or other basis of its own. It is a logical consequence of AN's application to itself. And clearly it does not depend on C's being specified as reasonable citizens, and so it is not due to any feature of the idea of reasonableness. Adjusting that idea or substituting other authoritative groups would not avoid the insularity requirement.

Reasonable People as People-When-Reasonable

The language of "rejection rights" raises an important matter. How can there be any such group as C? This is a group of persons whose objections are decisive simply owing to whose objections they are—owing to personal credentials of some kind. It is important to realize that this is one form that doctrine AN could take. Surely, though, this is not the meaning of the frequent appeals to what would be accepted or rejected by "reasonable" people. It is not as if some people are reasonable and others are not, and any reasonable individual may decisively reject a proposal on any grounds whatever. Rather, the usual view accepts that there is no person or set of persons whose objections are decisive regardless of the grounds or other merits of their objection. And since no one is unfailingly reasonable, no one really has rejection rights, despite talk of what reasonable people would reject.¹⁴

The theory's reference to reasonable people, then, could be construed as reference either to people-when-reasonable or to hypothetical people who are always reasonable. The latter formulation is just as good as the former and allows us to see that the logical issues surrounding doctrine AN cannot be dissolved by noting that there are no permanently reasonable people with rejection rights. If we can speak of hypothetical reasonable people as comprising C, the above discussion stands intact. This group must be insular.

The Impervious Plurality of Insular Groups

Insularity is a severe constraint, and yet there are potentially infinitely many specifications of insular groups, those whose members recognize the rejection rights of all and only each other. Suppose the Branch

14. I am grateful to Tim Sommers for calling this point to my attention.

Davidians were insular, for example.¹⁵ Still, we might say, they are not morally plausible as the authoritative group C. The question is, plausible to whom? They are, by assumption, a plausible candidate to each other; each Branch Davidian may well think the Branch Davidians are the perfect way to specify C, the group of people with rejection rights in political justification. On what grounds may one specification be chosen over another?

The specification of C must be acceptable to C, and so insular. AN, however, does not say that this is enough for admissibility, and we might hope that further requirements will uniquely qualify one insular group. Unfortunately, Rawls also holds that political liberalism may not require the truth of a doctrine for its admissibility. With that move, the view loses any way to select among the plurality of insular groups, and it becomes untenable. Before making that argument, we should take a closer look at Rawls's position on political liberalism's need to avoid truth claims.

It is important to distinguish Rawls's view that the political conception does not require truth, from a comprehensive or "metaphysical" doctrine that truth is not required. Rawls's view, which I shall call 'Political NTN' (for no truth necessary), takes no stand on the question whether truth is in fact required, because there is reasonable disagreement about this question. Rawls's political use of the doctrine that acceptance is sufficient does not contradict the metaphysical view that truth is required, since one could hold that acceptance (by all reasonable citizens) is only possible on true doctrines. Political NTN does not imply Metaphysical NTN. Nor does it, or anything else in Rawls's political conception, contradict it.

It is clear that Rawls accepts AN, but it is less clear whether he holds that acceptability to reasonable citizens is sufficient (decisive). Where he appears to say that it is, the context often suggests that he may mean only that political liberalism need not claim truth for its doctrines and that reasonableness is enough.¹⁶ That would not necessarily mean that such acceptability is by itself sufficient (decisive); only that, whatever else may be required, truth is not. On the other hand, it is not clear what other requirements he might accept, and so he may mean to make both claims at once:

Political NTN: Political liberalism never requires truth for admissibility; and

15. The Branch Davidians are a religious cult many of whose members perished in a well-publicized battle with federal authorities in Waco, Texas, on April 19, 1993.

16. For example, PL, pp. 101 ("These conditions suffice for a reasonable conception of justice"), 116, and 127-28 ("With that done, the political conception is a reasonable basis of public reason and that suffices").

AS (Acceptance Sufficient (decisive)):¹⁷ Nothing is required for admissibility in political liberalism, other than acceptability to reasonable citizens.

My argument below depends only on his adopting Political NTN, and that much is beyond doubt in Lecture III on “political constructivism.”¹⁸ It is that move that saddles his view with an impervious plurality of insular groups.

Now for the central problem with this avoidance of truth. When a particular version of C is put forward in versions of AN, it must not be claimed to be the true or correct version of C, the one that makes AN true. All that can matter about AN and its version of C is whether it is admissible, but by Political NTN its truth does not bear on that question.

On one reading, AN is pointing to the version’s acceptability to its own version of C, whatever it is. This is precisely the insularity of C. Insularity is indeed a requirement for the coherence of any version of AN. If there were only one insular version, then this would be a fine answer to the question what makes C the admissible version for AN, as we have seen. But there are alternative insular versions because there are multiple insular groups, such as, perhaps, the Branch Davidians, and the set of reasonable citizens. Thus, to the question why C is the admissible version rather than alternative insular versions, its self-acceptability is no answer at all. That is something possessed by every insular version of C.

On another reading, AN is appealing not to bare self-acceptability but to the very admissibility standard, acceptability to reasonable people, whose authority is being questioned. This may look question begging, not an answer to the question about C’s credentials at all. That, however, is not my point. I allow, for the sake of argument, that this might be the true answer to the question, which would make it a good answer. My point is that offering it as the true answer violates Political NTN, which says that the truth on normative matters is left to comprehensive views and is never invoked by political liberalism.

Suppose, in order to avoid the truth, we understand political liberalism not as offering an account of the true standard but simply as using a standard that is acceptable to all reasonable people (the standard itself being acceptability to reasonable people). It asserts no account of what would constitute a proper justification (and so makes no effort to answer the question in the previous paragraph) and asserts nothing about whether the reasonable are truly authoritative. The problem with this reply is that the issue is not mainly about what political liberalism asserts or does not assert. The question is whether it could ground obligations

17. I only consider AS as a political doctrine rather than a comprehensive or metaphysical doctrine.

18. Below, I distinguish this from unqualified NTN.

and justify coercion even if the acceptance criterion it uses were not true. Never mind for the moment whether political liberalism says anything on this question; the answer to the question is that it could not have those moral consequences irrespective of the truth on those matters. Now, recognizing this, there is little reason to construe Rawls's theory so narrowly as to avoid any moral commitments about obligations and enforcement in politics. It would not be a theory of legitimacy at all in that case. If, as seems clear, it is supposed to be a theory of legitimacy, it is committed to the truth of its foundational doctrine about the authoritative group and not merely to that doctrine's admissibility on other grounds.

So, it is a problem if each insular group is equally admissible, but at most one of them can be admitted. Could the problem be avoided by somehow admitting them all? This is plainly inconsistent with the insularity of each group; by definition, the members of each insular group deny the rejection rights of all others, so at most one insular group could be admissible.

Political NTN implies that no set of citizens is available to authorize an admissible version of the acceptance criterion. Any insular group meets all the available criteria. There is no way to choose one specification of the reasonable over any other insular specification. There is not even any way to choose versions of the reasonable over any insular group whatever, such as the Branch Davidians. Of course, one of them might be the sole admissible version, but that is a matter of the truth about admissibility.

It seems that political liberalism must find some way to penetrate this plurality of insular groups. This is where it must appeal to the truth and not to reasonableness alone. The difficulty cannot be avoided by saying that "we the reasonable" should just carry on and ignore the other views about the authoritative group rather than insisting that they are false. Whatever practical value tact may have, as a philosophical matter our view must be that the other views are mistaken. For if they were not mistaken, they would be the ones with rejection rights and we would not. The question is not how often or how loudly we should say this but whether we can or cannot suspend judgment on it. We cannot, since suspending judgment would leave us with a plurality of insular groups, none evidently having a better claim to be authoritative than any other.

This raises a further question. This foundational doctrine cannot be true as stated, since, contrary to what the doctrine says, the political conception requires at least this one doctrine to be true, not merely acceptable to reasonable people. This could be solved either by singling out this principle itself as an exception (to its own standard), or by adding a truth requirement for all admissible doctrines, not just this one. The former approach may appear *ad hoc* and desperate. First, if truth can be required in the case of this doctrine, why not everywhere? Perhaps there

should be a general truth requirement in addition to the acceptance requirement. Second, whatever qualms we have about requiring truth elsewhere, why should they not also apply here? Perhaps political liberalism simply founders on the impervious plurality of insular groups and cannot be saved. These two questions form the subjects of Sections II and III, respectively.

II. MUST ALL ADMISSIBLE DOCTRINES BE TRUE?

Rawls argues that political liberalism may not require the truth of a doctrine as a condition of its admissibility into legitimate political justification (Political NTN). There is some appeal in the idea of avoiding the question of truth. Let us consider and grant two ways in which political liberalism should avoid questions of truth. First, the question whether a doctrine is exactly rather than approximately true should not bear on its admissibility. Second, the question whether it is true in a metaphysically substantial rather than a minimal sense should also have no bearing.

First, suppose it is agreed that it is patently unreasonable to withhold one's allegiance from reasonable political principles simply because they are not the exact truth. Thus, political liberalism might posit a basic political virtue of not being too picky in this way by exempting oneself from political principles on technicalities. Reasonable citizens are not sticklers. We might call this political virtue 'tolerance in the engineer's sense', or more handily, 'No Sticklers'.¹⁹ Just as some moral truth might have no authority in certain contexts, some moral falsities might have legitimate authority—if they are nearly true.²⁰

Second, we can distinguish between minimal and substantial senses of truth. A statement P is true in the minimal sense if and only if P. "All people are equal" is true in the minimal sense if and only if all people are equal. Some have argued that this is all there is to truth, but that is not asserted or denied by specifying a minimal sense of truth. Call a sense of truth that includes anything more than what the minimal sense provides a substantial sense of truth.

Reasonable people, let us assume, can disagree about the nature

19. *American Heritage Dictionary* gives as its second definition of 'tolerance' "a. Leeway for variation from a standard. b. The permissible deviation from a specified value of a structural dimension." Rawls too speaks of the "leeway" within comprehensive views, though he means their indeterminacy on certain matters within certain bounds. Thus, "a reasonable . . . political conception may bend comprehensive doctrines toward itself, shaping them . . . from unreasonable to reasonable" (PL, p. 246). That kind of leeway allows one to make any of a certain range of views actually a part of the comprehensive view. That is entirely different from the virtue of not insisting on the exact truth, even where one has a definite opinion as to what the exact truth is. There are other places where Rawls's language might be read as endorsing what I call "No Sticklers." See, e.g., his talk of "narrowing" differences (PL, p. 120) and "similarity" (PL, p. 112). He never lays out a No Sticklers principle, though it might be congenial.

20. Nagel pursues this surprising idea in "Moral Conflict and Political Legitimacy."

of truth, for example whether or not it involves some correspondence to a mind-independent reality. Therefore (by RAN), political liberalism should remain "not metaphysical" and should not take a stand on this question.²¹ So the question whether a doctrine is true in some substantial sense in addition to being true in the minimal sense should not bear on the doctrine's admissibility into political justification.

Thus, questions of exact truth and questions of substantial truth do not bear on admissibility in political liberalism, since they are themselves subject to reasonable disagreement and so run afoul of RAN. These two restrictions on the use of the idea of truth are plausible and apparently admissible in political liberalism.

With these refinements, the conclusion of Section I must be restated slightly: political liberalism must say that RAN is true, at least approximately and at least in the minimal sense. It is awkward to say truth may not be required for any other doctrine. Why require truth for some things and not for others? Should political liberalism hold that, in addition to being acceptable to all reasonable people, all admissible doctrines must be true (at least approximately, at least in the minimal sense)?

Consider this doctrine, that truth is required for admissibility:

TN (for Truth Necessary): The truth of a doctrine (at least approximate, and in at least the minimal sense) is required for its admissibility.

Speaking from a comprehensive standpoint for a moment, truth is either always morally required of admissible premises in political justification or it is not. Either TN or not-TN. What, then, is political liberalism required or permitted to say on this matter?

TN is apparently not an unreasonable part of a comprehensive view. Holding it would not weaken a person's attachment to the contents of a reasonable overlapping consensus on a conception of justice, unless one thought such a consensus might be false. But some might reasonably think that a genuine reasonable overlapping consensus is never seriously mistaken. Rawls himself, in a rare moment, deliberately reveals a controversial part of his own comprehensive view that comes close to this.²² Rawls apparently regards this coincidence thesis as a reasonable view even if reasonable people can disagree with him about it, and this seems correct. So there is no clear reason to suppose that TN is unreasonable.²³ Therefore, political liberalism is barred from contradicting TN.

21. I borrow the phrase from Rawls, "Justice As Fairness: Political Not Metaphysical," *Philosophy and Public Affairs* 14 (1988): 223-51. See also Rawls, PL, p. 127: "Political constructivism does not criticize, then, religious, philosophical, or metaphysical accounts of the truth of moral judgments and of their validity."

22. PL, p. 128.

23. In PL, Rawls never commits himself to TN even as a comprehensive view. At the end of Lecture III, however, where he supports the comprehensive view that at least one of

Indeed, the denial of TN can be made to sound implausible. Could we really hold that the contents of a reasonable overlapping consensus are a legitimate ground of obligation and coercion apart from whether they are even approximately correct? If this is an unreasonable view, political liberalism would be free to assert TN across the board. However, it has some plausibility in its similarity to other “proceduralist” commitments many of us accept. For example, in many legal contexts, the outcome of due process such as the acquittal of a guilty defendant is the ground of obligation and coercion even apart from whether it is even approximately correct by procedure-independent standards.²⁴

Similarly, it might be contended that the procedural fact of acceptability to all reasonable citizens qualifies a doctrine as an admissible premise in political justification, even if there is a procedure-independent fact of the matter (i.e., the truth) according to which the accepted doctrine is mistaken. This proceduralist view might emphasize the impartiality of the procedure or perhaps its imperfect but real tendency to arrive at the truth. The overall merits of this approach are not our concern here, except to note that it does not appear so far to be unreasonable in any pertinent way. While such a view could not avoid asserting the metaphysical truth of its proceduralist normative claim (for reasons similar to those discussed in Sec. I), it could avoid saying that the contents of the overlapping consensus need to be even approximately true, even in the minimal sense. Thus, it could not accept TN. If this is a reasonable view, political liberalism cannot assert TN without contradicting the reasonable comprehensive view that holds its negation, NTN.

On any reasonable view, the metaphysical truth of the matter at least sets limits on what doctrines are admissible. Still, on the assumption that there can be a reasonable version of this proceduralist view, political liberalism may not assert TN—that at least the approximate and minimal truth of a doctrine is necessary for its admissibility. And since, as argued above, TN is itself a reasonable comprehensive doctrine, *political liberalism may neither assert nor deny TN*.²⁵

When Rawls denies that truth is necessary, this ought to be interpreted as political—not metaphysical: Political NTN, not unqualified Metaphysical NTN. The claim is that political liberalism does not, in gen-

the views in an enduring reasonable overlapping consensus is highly likely to be true, he suggests that in his own comprehensive view he regards this as an important fact.

24. For example, others are obligated, and may be coercively compelled, not to discriminate against the acquitted person in certain ways that would be permitted if he were convicted. For example, he may not be denied the right to vote or to own a firearm.

25. Even if political liberalism may not take a side, the proceduralist view faces serious difficulties. I believe they roughly parallel the difficulties I pose for nonepistemic proceduralist accounts of democratic deliberation in “Beyond Fairness and Deliberation: The Epistemic Dimension of Democratic Authority,” in *Deliberative Democracy: Essays on Reason and Politics*, ed. James Bohman and William Rehg (Cambridge, Mass.: MIT Press, 1997), pp. 173–204.

eral, assert that truth is required; instead, it avoids the question by saying that reasonable acceptance is sufficient as a reason for admissibility. This can be accepted even by people who have the comprehensive view that truth is also required, so long as they think that reasonable consensus arrives at the truth.

In summary, even though political liberalism cannot adopt a general truth requirement such as TN, it appears that the acceptance criterion must be put forward as true, even while other doctrines are not. However, if there are sufficiently compelling liberal reasons for not requiring truth for the admissibility of any doctrine, political liberalism fails. In Section III, I argue that even a deeply liberal and Rawlsian conception of legitimacy and justification is not so wary of truth that it must refuse this lifeline.

III. CAN LIBERALISM ADMIT THE TRUTH?

If political liberalism is to avoid the plurality of insular groups, it must make contact with the truth in the following limited way, bringing together our conclusions so far:

Modified Acceptance Criterion (MAC): With the exception of this doctrine, no doctrine is admissible or excluded as a premise in political justification on grounds of its truth or falsity, but is admissible just when and because it is acceptable to all reasonable citizens (and no one else's acceptance matters). The present doctrine must be both acceptable to all reasonable citizens and true.

This includes AN, but rejects AS, and obviously rejects Political NTN, to make an exception for this one case: MAC must be both accepted and true. In other cases, acceptance by all reasonable citizens is sufficient, and truth is not politically required. This revised view cuts through the plurality of insular groups to the truly authoritative one (whatever it is). It also avoids entailing that reasonable acceptance guarantees the truth. But now we should worry whether the liberal reasons for which the truth may not be required elsewhere are also decisive against requiring it of MAC itself.

Is there anything illiberal about bringing in the truth as such? Certainly many liberal theorists think that the truth of a doctrine is not sufficient for its admissibility in political justification. As Rawls says, "Holding a political conception as true, and for that reason alone the one suitable basis of public reason, is exclusive, even sectarian, and so likely to foster political division."²⁶ All along we have granted a strong form of this, namely:

26. PL, p. 129. See also Nagel, "Moral Conflict and Political Legitimacy."

Not-TS: Truth is never sufficient (decisive) for the admissibility of a doctrine into political justification.

The account that makes both acceptance and truth of MAC necessary for admissibility would not violate it. It makes the truth alone insufficient as a reason for admissibility, since it must be supplemented by acceptance by reasonable citizens. Any reasonable citizen may still decisively reject any doctrine, even if it is true. Rejection trumps truth. However, in the case of MAC itself falsity trumps acceptance, since even if it is accepted by every reasonable citizen it is inadmissible by its own lights if false, whether or not anyone knows it is false.

Whose view of the truth would be operative? The truth requirement does not immediately concern anyone's view of the truth, but only truth itself. Those with conflicting views of the truth will disagree about when this condition is met, and at least some will be wrong. No one is empowered by this condition to "decide" for others what the truth is, and so no one is empowered to "decide" when a proposed justification is admissible, or a regime or policy legitimate.

Adding, as an admissibility requirement, that this doctrine be true may seem to be as much comfort to the Branch Davidian as it is to the rest of us. While it may allow us to reject the Branch Davidian version of AN (or other insular versions) as a criterion of admissibility, it equally gives the Branch Davidian a ground upon which to base the rejection of any other criterion—those they believe to be false. Still, there is some value in knowing that these are not equally valid moves. The truth is not indifferent between them. MAC thus implies that, at most, one of them is a genuine criterion of legitimate political justification.

Since MAC puts itself forward as true, this truth claim must itself be acceptable to all reasonable citizens. There is some question whether the sort of acceptance involved in requiring acceptance by reasonable citizens already includes acceptance as true (at least approximately, in at least the minimal sense). We might distinguish this cognitive sense of acceptance from a volitional sense of, say, acceptance as tolerable. If it involves acceptance as true, then MAC's claim to be true is obviously already acceptable to all reasonable people so long as MAC is acceptable-as-true to all reasonable people. If this is the case, nothing additional needs to be accepted as a result of the requirement that MAC be true. But if the acceptance of reasonable citizens does not already involve acceptance as true, then MAC's claim to be true must additionally be accepted in whatever sense of acceptance that is. Which kind of acceptance is appropriate for the basic idea of acceptance of reasonable citizens raises questions that cannot be pursued here.

If the truth requirement in MAC makes no difference to what a reasonable person would accept or reject, it might seem that it makes no

difference of any kind. However, if it were not for the truth requirement, it would have to be allowed that some radically false version of AN might be the sole admissible one, grounding obligations and warranting coercion even if it were not even minimally or approximately true, and even if it were correctly rejected by some citizens. Furthermore, without the truth requirement there would be an impervious plurality of insular groups available to do the work of group C, and no instance of AN could be admitted. The truth requirement precludes these possibilities, and so it is hardly idle philosophically, whether or not it makes any political difference.

In putting MAC forward as true, political liberalism would be committed to there being a normative political truth prior to acceptability to all citizens who are reasonable in the respects operative in political justification. This qualification, 'in the respects operative in political justification', is important. It is not necessary to assume that there is any moral truth that is prior to all manner of reasonable acceptability. It is best not to assume that, since one politically reasonable philosophical view may be a moral constructivism in which moral truth is nothing more than acceptability to all people reasonable in suitable respects.²⁷ When political constructivism assumes a prepolitical truth, it can allow the possibility that this prepolitical truth may be constituted as moral constructivism says it is.

It is worth briefly asking whether, with its usual talk of mutual agreement among reasonable people, moral constructivism may not face the issue of insularity in the same way as political constructivism. As a moral view it need not screen all the philosophical doctrines it employs to take account of reasonable diversity. In a contractualist form, for example, it can say, roughly, that true moral principles are just those that would be accepted by all reasonable people. The question need not arise whether this metaethical position is itself acceptable to all reasonable people, unless it, too, must be counted part of morality. For example, if it can adequately separate certain metaethical commitments from the contents of morality, it is free to contradict moral Platonism, or what Rawls calls 'rational intuitionism', though Rawls's political constructivism is not.²⁸

On the other hand, if contractualism's metaethical doctrines must count as moral doctrines, then the problems of the insularity of the reasonable afflict moral constructivism as well as Rawlsian political constructivism. For then, reasonable people would be the authorities over, among other things, how the class of reasonable people shall be construed. This

27. See Thomas Scanlon, "Contractualism and Utilitarianism," in *Utilitarianism and Beyond*, ed. Amartya Sen and Bernard Williams (Cambridge: Cambridge University Press, 1982), pp. 103–28.

28. PL, p. 95.

leaves no criterion other than a group's self-acceptance, and so any insular group would do equally well. Without some way to choose among the insular groups, with, for example, an appeal to the (agreement independent) truth, the plurality of groups is impervious. The challenge to contractualism is whether the following consideration is authoritative in moral deliberation regardless of whether it could be rejected by a reasonable person: an act is wrong if it violates any set of rules which no person with features R (for reasonable) could reject. Apparently, it is either supposed to be self-authorizing by way of reasonable acceptability (in which case it faces the plurality of insular groups) or the authority of this morally momentous fact is supposed to be prior to and independent of any possibilities of reasonable acceptance. Neither a wholly proceduralist nor a dogmatic account is plainly adequate, though I do not pretend to fully consider the matter here. Suffice it to note that there is a question for contractualism that parallels the one I have asked about political liberalism.

Do Truth Claims Drag Comprehensive Views Along with Them?

Rawls argues that a political liberalism can only stay clear of comprehensive views if it stops short of claiming the truth of its normative doctrines. The argument against appealing to the truth of political principles within political justification assumes that doing so would force the justification to go even deeper than that, into matters that are subject to reasonable disagreement. "The advantage of staying within the reasonable is that there can be but one true comprehensive doctrine, though . . . many reasonable ones."²⁹ The fact that there is only one true comprehensive doctrine would be a reason not to appeal to the truth of political principles only if doing so involved or required appealing to some whole comprehensive doctrine as the true one. In that case, such appeals would effectively contradict all comprehensive views except one. It is not clear that it does require this. There is a difference between (a) saying that principles are true, thereby implying that they are a part of the true comprehensive doctrine, and (b) saying that some particular comprehensive doctrine is the true one and that it includes the principles in question. Saying (a), which is all the truth requirement in MAC involves, does not involve or require saying (b). The appeal to truth is admissible so long as the view that the doctrines in question are true is itself beyond reasonable objection.

Furthermore, by invoking the truth of some statement, political liberalism would not be implying or contradicting any particular philosophical view about the nature of truth, for reasons just given. Still, political principles are a subset of moral statements, and some philoso-

29. *Ibid.*, p. 129.

phers deny that moral statements can be true or false at all.³⁰ Some have thought, for example, that they express affective states or that they prescribe actions without stating anything that could be true or false. No political liberalism could get away with assuming that all of these noncognitivist views are unreasonable—beyond the pale—by forfeiting their adherents' usual right to acceptable reasons for political principles and arrangements. So it may seem that political liberalism had better avoid the idea of truth so as to avoid contradicting reasonable metaethical and metaphysical positions.

However, as we have seen, the very idea of truth does not immediately take any such metaethical or metaphysical position. The notion of truth that political liberalism must use need not go beyond the minimal sense: for any statement P, P is true in the minimal sense if and only if P. So anyone who can accept that murder is wrong accepts that 'murder is wrong' is true in the minimal sense needed by political liberalism (even if they would reject, as some would, that this counts as truth).

This will be acceptable to any metaethical position, including noncognitivist positions, unless adherents will not assent to or endorse normative statements at all. That more radical kind of skepticism can be painlessly ruled out as unreasonable by political liberalism, but it has no connection to the noncognitivist analysis of moral statements.³¹ I hasten to add that it is not necessary that all the reasonable metaphysical positions accept, as some do, that the minimalist sense of truth is all there is to truth. That may be left aside when invoking truth in the minimal sense.³²

Minimal Truth and Authorized Doctrines

Political liberalism must accord a different status to its foundational doctrine, the acceptance criterion. That doctrine must be put forward as at

30. Rawls says that political principles are moral, at PL, p. 11. For further discussion of truth and moral statements, and references, see Geoffrey Sayre-McCord, "The Many Moral Realisms," and other papers in *Essays on Moral Realism*, ed. Sayre-McCord (Ithaca, N.Y.: Cornell University Press, 1988).

31. For a spirited exchange on the normative implications of noncognitivist and truth-minimalist analyses of normative language, see Ronald Dworkin, "Truth and Objectivity: You'd Better Believe It," *Philosophy and Public Affairs* 25 (1996): 87–139; and the symposium on that article on Brown Electronic Article Review Service (BEARS) in *Moral and Political Philosophy* (<http://www.brown.edu/Departments/Philosophy/bears/homepage.html>), edited by James Dreier and David Estlund, especially the articles by Simon Blackburn, Nick Zangwill, and the reply by Dworkin.

32. I am therefore not committing political liberalism or noncognitivists to a minimalist or "deflationary" conception of the concept of truth. Paul Horwich recommends this to (so-called) noncognitivists in "Gibbard's Theory of Norms," *Philosophy and Public Affairs* 22 (1993): 67–78. (That name would cease to be appropriate if they took his advice, as he notes.) One kind of constructivist view might hold that truth and falsity do not apply to political principles, although other standards of correctness do. Truth in the minimal sense does not offend against this view any more than it offends against noncognitivism.

least approximately true, at least in the minimal sense. A statement P is true in the minimal sense if and only if P. Thus, it suffices to put something forward as at least minimally true that one sincerely asserts it, or indicates one's willingness to do so. Political liberalism holds that truth is not necessary for the admissibility of the other doctrines in a political conception—not even their approximate or minimal truth. So, putting them forward in a political justification does not imply a willingness to assert them sincerely.

How, though, is a citizen to put forward a consideration as a part of a political justification without sincerely asserting it? It may seem a difficulty for this view that citizens are portrayed as justifying exercises of political power on the basis of statements they do not believe. And if they do not believe them, how can they think they have any power to justify what follows from them?

Some might take this to show that truth in the minimal sense is such a thin thing that any use of any doctrine in political justification commits the speaker to holding the doctrine to be true at least in the minimal sense. Therefore, it would be no surprise if this applied to the foundational doctrine of political liberalism. But my thesis would nevertheless fail, since I have claimed that only the foundational doctrine must be put forward as true.³³

The answer to this objection is that political liberalism must hold that properly putting a consideration forward as part of political justification does not depend on a willingness to assert that consideration sincerely. What it does require is a willingness to assert some higher-order doctrine according to which this consideration has the capacity to justify the things that follow from it. That would be a sufficient basis for putting the consideration forward as part of a justification.

Political liberalism, on this view, says that a citizen need not believe or be willing to sincerely assert a doctrine used in political justification (its truth is not required), since there is a higher-order doctrine that says that a doctrine has the ability to justify what follows from it so long as that doctrine is acceptable to all reasonable citizens. So a citizen can put forward a consideration as part of a justification on the ground that, whether or not it is true (even minimally), it is acceptable to all reasonable citizens. To use this ground is to appeal to a higher-order doctrine such as RAN. We might call this an authorizing doctrine, and the doctrines it authorizes, whether or not they are true, are authorized doctrines. I have argued, in effect, that the authorizing doctrine cannot be self-authorizing. However, that is not the issue at the moment. The idea of authorizing and authorized doctrines shows how a consideration can have justifying force apart from whether it is true (even in the minimal

33. I am grateful to Ernest Sosa and the editors and referees of *Ethics* for formulating this useful challenge.

sense): it can be given that force by some other doctrine, say, a moral principle. So there is no reason to suppose that doctrines used in political justification are asserted sincerely rather than used under the authority of an authorizing doctrine such as RAN.

It will be helpful to consider the idea of an authorizing doctrine in other contexts. One example concerns the idea of a legally authorized "finding." The following situation is familiar: If some agency declares, after due consideration, that *P*, then owing to an authorizing law, public policy can be justified by appeal to *P* whether or not *P* is true. A policy regulating smoking can be justified by appeal to the statement that smoking causes cancer, even by an official who does not believe that smoking causes cancer, if there is a higher-order rule that says that whatever policies are justified by the findings of the U.S. Food and Drug Administration are legitimate. If the authorizing doctrine is correct, "smoking causes cancer" becomes available as a premise in justification, apart from whether it is true.

A similar situation exists in the courtroom, where both sides of a case stipulate certain propositions. These are called the "facts" of the case, whether or not they are true, because they are legitimately used as if they were facts. If this is legitimate (and I believe it is), it is owing to the truth or correctness of some higher-order authorizing doctrine.

These examples show that there is nothing unusual about reasoning from certain statements as if they were true, without taking a position on whether they are true. Political liberalism conceives of political justification in just this way. Here, as in the other cases, the use of such statements is authorized by a higher-order principle. The thesis of the present article is that the authorizing doctrine cannot be entirely authorized by itself, even though other doctrines can be entirely authorized by it. The more limited point at the moment is only that the other doctrines used in political justification need not be thought of as sincerely asserted, even though they are surely stated, as are the stipulated facts in a criminal trial. Nor, obviously, is any of these uses of what I am calling authorized statements an instance of any vice we should call insincerity.³⁴

We can now see why no more than minimal truth is required of the authorizing doctrine in political liberalism, its acceptance criterion. What is needed is a distinction between those doctrines that are used only as authorized (and in that sense not necessarily asserted sincerely even in a perfectly proper justification) and a doctrine that is (also) used in a less qualified way. We may signal this latter use by speaking of a doctrine's being asserted, or sincerely asserted, or put forward as correct, or

34. In principle, an authorizing doctrine may be used without being put forward as true, if it is authorized by some higher-order doctrine. I see no candidate for such a thing in the case of political liberalism's acceptance criterion, and so I proceed on the assumption that it must stand on its own as true or correct.

put forward as at least minimally true. There should be no special objection to the last formulation. I use it in order to directly engage Rawls's formulation of the issue in terms of truth. As we have seen, Rawls holds that political liberalism "need not go beyond its conception of a reasonable judgment and may leave the concept of a true moral judgment to comprehensive doctrines."³⁵ The distinction is between what is reasonable within the limited context of political justification (or even what is "correct" in that limited context) on the one hand, and what is true or correct "all things considered."³⁶ Political liberalism, Rawls holds, may leave the question of what is true or correct all things considered to comprehensive doctrines.³⁷

Between Abstinence and Indulgence

Joseph Raz has argued that Rawls's political liberalism is incoherent unless it puts itself forth as true.³⁸ Raz argues that the theory must present itself not only as true, but as bundled with a comprehensive moral and philosophical view. Thus, he thinks Rawls must throw over his "epistemic abstinence" for epistemic indulgence. Raz's conclusion is much less congenial to political liberalism than the conclusion of the present article, and I believe the argument for it fails. It is worth concluding by criticizing Raz's argument, if only to highlight its difference from the argument presented here.

The crux of Raz's criticism comes in this short paragraph:

My argument is simple. A theory of justice can deserve that name simply because it deals with . . . matters that a true theory of justice deals with. . . . To recommend one as a theory of justice for our societies is to recommend it as a just theory of justice, that is, as a true, or reasonable, or valid theory of justice. If it is argued that what makes it *the* theory of justice for us is that it is built on an overlapping consensus and therefore secures stability and unity, then consensus-based stability and unity are the values that a theory

35. PL, p. 116. See related passages at pp. xx and 94.

36. See PL, p. 127: "Reasonableness is [political liberalism's] standard of correctness." The quotation is from PL, p. xx.

37. Rawls is not just distancing political liberalism from truth in favor of some other standard of correctness, all things considered, as Larmore argues that he is (*Morals of Modernity*, pp. 147–48). (If he were, of course, he could allow that doctrines used in justification need not be true in the minimal sense, that is, correct all things considered.) Rawls notes (PL, p. 126, n. 34) that contractualism might take reasonableness rather than truth as its standard for the correctness of moral and political judgments, but he plainly does not let political liberalism adopt this view, since it would then contradict rational intuitionism, a reasonable alternative view about the basis of the validity of moral and political principles. Rawls evidently means that political liberalism need not use any idea of a doctrine's being correct all things considered. This is what I deny in this article.

38. Joseph Raz, "Facing Diversity: The Case of Epistemic Abstinence," *Philosophy and Public Affairs* 19 (1990): 3–46.

of justice, for our society, is assumed to depend on. Their achievement—that is, the fact that endorsing the theory leads to their achievement—makes the theory true, sound, valid, and so forth. This at least is what such a theory is committed to. There can be no justice without truth.³⁹

Raz wonders how a certain theory of justice could be “the one for us,” actually grounding obligations and warranting coercive enforcement in our society, without thereby counting as “true, or reasonable, or valid,” or “sound.” His point is strongest where his conclusion is this weak one, with four choices. The argument is, I believe, even conclusive if he means (as he apparently does) true, or reasonable, or valid, or sound, *or some such thing*. For there must be some such word for this kind of, shall we say, normative success of the theory—its actually grounding obligations and/or warranting coercive enforcement. (I take these to follow from its being “the theory for us.”) I propose to mark this with the name ‘legitimacy’. A theory of justice counts, by definition, as legitimate for a polity if it accounts for obligations of citizens normally to comply with laws and policies that accord with the theory, and/or it justifies coercive enforcement of such laws in certain ways. So a theory of justice cannot be “the theory for us” without being legitimate.

Raz, however, lumps the concepts of truth, reasonableness, validity, and soundness all together as so many different ways of calling a normative proposition ‘true’. There is a substantial question that Raz’s terminology prevents us from asking: Could a theory of justice be legitimate apart from whether it is true? Raz does not see this as a substantial question, since he suggests that there is nothing to the truth of a theory except precisely what I have called legitimacy.

But truth and legitimacy are different. It is not a conceptual confusion to think that obligations can sometimes be grounded not in true justice but in a conception which, whether or not it is true, is authoritative for other reasons, such as that it is the only conception that is acceptable to all reasonable citizens. In that case, the theory of legitimacy would be saying that the false conception of justice ought to be obeyed as if it were true. One need not accept this theory of legitimacy in order to see that Raz’s objection fails, for this theory is a counterexample to Raz’s argument that, as a conceptual matter, our being obligated to do what a theory of justice purports to obligate us to do is simply the truth of that theory. It is conceptually coherent, at the very least, to allow that a theory of legitimacy might point to a theory of justice and tell us, for certain reasons, to obey it whether or not it is true. Analogously, one could be morally obligated to obey a false set of moral rules in a classroom if that were the only set of rules all reasonable students could accept, and they were not too far from the truth, and the teacher said to

39. *Ibid.*, p. 15.

do so. This does not make them the true moral rules, and yet there is a moral obligation to obey them as if they were. There may be an authorizing doctrine that gives them this status.

Raz is quite right to point out that “there can be no justice without truth,” by which I take him to mean that a society cannot count as truly just by conforming to a theory of justice that is not true. This is quite right and important. But it is not, I think, an objection to Rawlsian political philosophy properly understood, since it neglects the possibility that political rights, powers, and obligations are determined by the *legitimacy* of a theory of justice, not by its truth. Thus, Rawls must admit that a society that is well ordered in accordance with justice as fairness may or may not be truly just, but it may yet be just in the only sense of justice that can legitimately be brought to bear in the fixing of political obligations and state powers, that is, being well ordered according to a conception of justice that is acceptable to all reasonable citizens.

I have argued that this Rawlsian view fails unless it adds that its foundational doctrine, the acceptance criterion, is at least approximately true, at least in the minimal sense of truth. This grants little to Raz, since it allows that a conception of justice might be legitimate even though it is false. It does not even take a stand on whether approximate truth is required except in the case of the acceptance criterion itself, MAC. Nor, however, does it concur in Rawls’s opinion that not even approximate truth, not even in the minimal sense, can be made a necessary condition for admissibility of any justificatory doctrine in a political liberalism. The acceptance criterion is the exception.

The view of political liberalism defended here lies in between Rawls and Raz in another way as well. Raz believes that if Rawls grants the relevance of truth he must present his conception of justice as part and parcel of a particular moral view that goes beyond political questions into questions of the fundamental nature of moral value—from epistemic abstinence to epistemic indulgence.⁴⁰ The argument here, by contrast, would require no such thing. Political liberalism concerns itself primarily with showing that a conception of justice is acceptable to all reasonable citizens. It can (and must) add, however, that the acceptance criterion with its specification of the authoritative group is at least approximately true at least in the minimal sense. At this point, all reasonable people may already have been shown to have no objection to its approximate truth, perhaps each for her own deeper moral reasons, and so the truth requirement might make no political difference at all. If I am right, though, it makes a philosophical difference—the difference between an untenable and a tenable theory of political legitimacy.

40. “[Justification] of moral and political values depends in part on the way they can be integrated into a comprehensive view of human well-being” (Raz, p. 23).