

Is Liberalism Disingenuous? Truth and Lies in Political Liberalism

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Abstract: Rawlsian political liberalism famously requires a prohibition on truth. This has led to the charge that liberalism embraces non-cognitivism, according to which political claims have the moral status of emotions or expressions of preference. This result would render liberalism a non-starter for liberatory politics, a conclusion that political liberals themselves disavow. This conflict between what liberalism *claims* and what liberalism *does* has led critics to charge that the theory is disingenuous and functions as political ideology. In this paper, I explore one way that this charge unfolds: critics charge that liberalism utilizes an individualistic and identity-insensitive social ontology, which in turn yields epistemic deficiencies that render it incapable of detecting oppression. The theory's claim to freestandingness then shields it from necessary critique. I argue that this objection relies on constructing a conflict between liberalism's professed non-cognitivism and its actual cognitivist commitments. By demonstrating that Rawlsian political liberalism explicitly endorses substantive moral truths, and that the method of avoidance applies only to public justification for coercive state action, I show that the theory is openly and foundationally cognitivist, and thus that the charge of disingenuousness does not stick.

Keywords: Rawls, liberalism, non-cognitivism, truth, oppression.

1. Introduction

In a time of post-truth politics, “alternative facts,” and strategic claims that “truth is relative,” it might seem that democratic citizens desperately need to embrace the truth.¹ Indeed, defending a theory that prohibits appeals to truth in politics may seem backwards or misguided; yet Rawlsian political liberalism famously requires such a prohibition. This has led sympathetic commentators to update or amend Rawls's argument to make room for truth within political liberalism (Estlund 1998, 2012; Larmore 1999; Cohen 2009), while less sympathetic

¹ “Alternative Facts” is a phrase first used by Kellyanne Conway in an interview with NBC's *Meet the Press* on January 22, 2017: <https://www.nbcnews.com/meet-the-press/video/conway-press-secretary-gave-alternative-facts-860142147643>; Rudy Giuliani argues that “truth is relative” and that “They [special counsel Robert Mueller's office] may have a very different version of the truth than we [members of the Trump Administration] do” in an interview with the *Washington Post* on May 23, 2018: https://www.washingtonpost.com/politics/in-reversal-giuliani-now-says-trump-should-do-interview-with-mueller-team/2018/05/23/82f8fa24-5eb8-11e8-9ee3-49d6d4814c4c_story.html?noredirect=on&utm_term=.ce1fe5862b67.

commentators have argued against Rawls's epistemic abstinence (Raz 1990), often charging that his method of avoidance reveals a commitment to political non-cognitivism. According to the non-cognitivist interpretation, avoiding truth-talk about democratic essentials requires denying the truth-aptness of political claims; if Rawls is indeed a truth-denialist in this way, political claims, rather than being either true or false, would have the moral status of emotions or expressions of preference. From here it is a quick step to the conclusion that political liberalism requires either skepticism or relativism, according to which one view of justice can never be any better, or any worse, than the next.²

This is a troubling conclusion for several reasons. First, when we make political claims or form political beliefs, we tend to think that we are saying or believing something *true*. If political liberals really require that, as citizens, we should avoid the truth, what does this mean about the claims and beliefs that we standardly take to be true (or at the very least truth-apt)? Second, don't we want our political theory to be able to accommodate our intuition that some claims or beliefs about justice are *better* than others? Isn't a roughly egalitarian theory of distributive justice better than one based on natural hierarchies? Isn't working to eradicate structural oppression better than accepting the status quo? Truth denialists cannot make comparative evaluative assessments like these, though surely the ability to do so is a desideratum for any adequate political theory. These outcomes of a non-cognitivist reading of Rawls have been discussed by both critics and defenders of political liberalism.³

What is less discussed is the impact of Rawls's method of avoidance on political liberalism's *liberatory* aims. My goal in this paper is to address political liberalism's fraught relationship with truth with a particular focus on defending political liberalism against the charge of disingenuousness that arises when one views Rawls as a truth-avoider⁴. After all, Rawls appears to make all sorts of truth-apt claims about justice – claims that he, presumably, believes to be true. Do liberals exempt themselves from their very own standards for political argumentation? I argue to the contrary that Rawls is not a full-blown truth-avoider – he does not avoid the truth when discussing the moral basis of liberalism, itself (Larmore 1999). Rawls does argue, though, that we should avoid comprehensive truth claims when discussing constitutional essentials in

² For discussion of skeptical or relativistic interpretations of Rawlsian justification, see Barry 1995, Wall 1998, McCabe 2000, Scanlon 2003.

³ In addition to the sources already cited, see Hampton 1989; Habermas 1995; Rawls 1995; Wenar 1995; Landmore 2017.

⁴ The charge of disingenuousness is sometimes leveled by religious critics, who argue that political liberalism unjustly excludes religious reasons from the realm of public reason (see especially Eberle 2002). This objection is often called the asymmetry objection. I refer to the objection central to this paper as the disingenuousness objection, rather than a version of the asymmetry objection, because I want to distinguish the sources of this objection from the religious critics who are the source of the asymmetry objection.

the public sphere. In this limited sense, Rawls does avoid the truth, and on this point I argue that political liberals should agree.

The paper proceeds as follows: after a brief explanation in Section 2 of Rawls's method of avoidance, including his apparent prohibition on truth, I explain in Section 3 the practical payoff of such a view for the liberatory potential of a political theory. If it is the case that political claims can be neither true nor false, then important political debates devolve into battles of personal opinion with no correct answers about justice and injustice. However, since political liberals, themselves, endorse as true many claims about justice, critical commentators charge that political liberalism is a disingenuous theory that functions as ideology. In Section 4, I explicate one way in which the disingenuousness critique unfolds. Critics charge that liberalism utilizes a social ontology that is individualistic and identity-insensitive, which in turn yields epistemic deficiencies that render the theory incapable of detecting oppression. The social ontology and epistemic results are both illicit, since political liberalism claims to be freestanding. The claim to freestandingness, in turn, shields liberalism from critique and allows it to function ideologically. In Section 5, I defend political liberalism against the charge of non-cognitivism that begets the disingenuousness critique by demonstrating that liberalism is grounded in substantive normative truths, including truths about the nature of citizens and citizenship. Liberalism's truth-avoidance only applies at the level of public justification for coercive state action and not to liberalism, itself. Sections 6 and 7 consider objections and Section 8 concludes.

2. Rawls on Truth

According to Rawls, a political conception of justice "does not ... use (or deny) the concept of truth; nor does it question that concept ... Rather, within itself the political conception does without the concept of truth" (Rawls 2005, 94). Rawls's view on truth in politics is motivated by the fact of reasonable pluralism – the idea that under conditions of freedom like those that ideally exist in democracies, people will come to hold different sorts of comprehensive worldviews (e.g. Rawls 2005, 54-58). In order to meet the liberal requirement that we respect all citizens as free and equal, a conception of justice must not be grounded in a single comprehensive doctrine. This is because political liberalism is centrally concerned with the question of justification: when is the coercive use of state power consistent with the freedom and equality of all citizens? If our conception of justice were grounded in one particular moral doctrine, citizens who held competing moral views could not recognize our offered reasons as justificatory reasons. State action justified by such reasons, then, would violate the liberal principle of legitimacy since it would coerce a group of citizens without justification that they could recognize as such. This violation of the liberal principle of legitimacy would render our conception of justice unjust (Rawls 2005, 37).

Avoiding this injustice is why Rawls urges that our conception of justice must be freestanding – it must require no specific moral, metaphysical, or epistemological foundation (Rawls 2005, 12). To preserve this freestandingness, citizens must avoid appealing to the truth of their comprehensive doctrines when debating with their fellow citizens matters of basic justice and constitutional essentials; this is a central requirement of public reason. Indeed, citizens who cite the truth of their own comprehensive doctrine as a justifying reason are unreasonable, since they display a willingness to coerce their fellow citizens on terms they could not accept.⁵ Unreasonable citizens would violate the spirit of toleration at the core of political liberalism, according to which citizens are free to pursue their idea of the good life without oppressive state interference.

Although disagreement is bound to arise in a free society, Rawls wants our political conception of justice to be agreed upon by an overlapping consensus of reasonable citizens. But how can we achieve an overlapping consensus in a society marked by pluralism? Part of Rawls's answer involves the avoidance of truth. He argues, "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" (Rawls 2005, 129). To avoid political division, which would potentially jeopardize an overlapping consensus, citizens should avoid offering justifying reasons that appeal to the truth, either of their own comprehensive doctrines or of the political conception of justice that they favor. In this way, we can hope to avoid a society "divided into contending doctrinal confessions and hostile social classes" (Rawls 1999a, 475). Given the fact of this pluralism and the divisions it creates, legitimacy demands truth-avoidance.

3. Boo to Oppression!

Political liberalism's truth-avoidance raises the specter of political non-cognitivism, or truth *denial*. According to non-cognitivists, moral judgments do not express beliefs about the world; for emotivist A.J. Ayer, for example, moral judgments merely express emotions of approval or disapproval and as such can be neither true nor false (Ayer 1952). Similarly, political non-cognitivists maintain that political judgments have no truth value; they are simply not the kinds of things that can be either true or false. Thus, political non-cognitivists also eliminate an objective standard by which to judge our political claims. Like in Ayer's emotivism, claims made within democratic politics amount to mere expressions of personal approval or disapproval. For the non-cognitivist, when we make political claims about equality and justice, we are merely expressing feelings like "Yay for equality!" and "Boo to injustice!"

⁵ Note that Larmore's political liberalism utilizes a different conception of reasonableness (Larmore 1999).

Since Rawls argues that his political conception of justice does without the truth it is understandable why some commentators have interpreted his view as non-cognitivist. Habermas, for example, wonders whether Rawls is reduced to value-skepticism, according to which “behind the validity claim of normative statements there lurks something purely subjective: feelings, wishes, or decisions expressed in a grammatically misleading fashion” (Habermas 1995, 123). Although he recognizes that Rawls himself wants to avoid this conclusion, Habermas questions his success: “Rawls must be understood to mean that ... the procedure of the public use of reason remains the final court of appeal for normative statements” (Habermas 1995, 124). Indeed, Rawls contrasts his own political constructivism with moral realism, claiming that reasonableness, not truth, is the standard of correctness for a political conception of justice.

In Section 5 I will argue that Rawlsian political liberalism is not non-cognitivist. The purposes of the current section are to understand the charge of non-cognitivism and to outline the consequence that follows from this interpretation: if political liberalism is indeed committed to the view that political judgments are not truth-apt, then it is a non-starter as a liberatory view. Consider a basic example involving two competing normative claims: “Access to affordable birth control is mandated by justice,” and “Access to affordable birth control is not mandated by justice.” An adequate political theory must be able to diagnose and address inequalities like a lack of equal access to safe and affordable birth control. Ostensibly, the tasks of diagnosing and addressing inequalities must rely on the acceptance of certain claims *as true*, in this case, that access to affordable birth control is mandated by justice, and that a lack of access contributes to the structural oppression of women. Feminists must be able to state these political claims *as true* in public deliberation, and lawmakers must rely on these political claims *as true* in order to amend legislation.

But a political non-cognitivist holds that political claims are neither true nor false. This means that stating “Access to affordable birth control is mandated by justice” amounts to claiming “I really like affordable birth control,” or worse yet, “Yay to affordable birth control!” Moreover, these statements of personal preference carry the same weight as the opposing claim “Affordable birth control is not mandated by justice,” or “Boo to affordable birth control!” Debate about this important issue becomes a matter of competing personal perspectives, in which case “Boo to oppression!” is all a non-cognitivist liberalism can say about injustice.

4. Is Liberalism Disingenuous?

But of course, political liberalism does much more than merely emote about oppression. Rawls himself has plenty to say on the topic; indeed, Rawls’s political turn is motivated by the idea that free and equal citizens should be free from oppressive state intervention. Further, feminist liberals argue that political liberalism can yield substantive feminist outcomes (Hartley and Watson 2010),

and critical race scholars like Tommie Shelby maintain that liberalism has the tools necessary to combat racial oppression (Shelby 2016). But how is this possible? How can political liberalism claim to be truth-avoiding while at the same time embracing normative truths, which as we've seen, seem to be required for liberatory political goals? This apparent puzzle has led some critical commentators to the conclusion that liberalism is *disingenuous*; liberal theorists claim to abide by one set of norms while illicitly relying on opposing ones⁶. At times, Rawls appears to make himself vulnerable to this charge. Recall Rawls's claim that a political conception of justice "does not ... use (or deny) the concept of truth." How is that truth-avoidance supposed to align with the argument that "There are facts about justice that may be discovered" (Rawls 2005, 125)? Here Rawls seems to be appealing to *normative facts*, the very sorts of things that a non-cognitivist Rawls would disavow.

The charge of disingenuousness thus amounts to the charge that political liberalism violates its own truth-avoidance. One way for this sweeping objection to proceed is by illustrating that liberalism illicitly relies on a problematic social ontology, which in turn yields *ideological epistemic blind spots*.⁷ This marks liberalism as disingenuous since its truth-avoidance and freestandingness require that it not rest on or assert as true any specific moral, metaphysical, or epistemological view. In other words, political liberalism claims to be epistemically abstinent when in fact its ontological assumptions cause an inability to detect oppression. Because the particular ontological assumptions relied upon by political liberalism are, it is charged, individualism and identity insensitivity, the result is a theory that is conceptually unable to detect or address oppression that is both group- and identity-based. A seemingly innocent truth-avoidance yields a political theory indifferent to oppression. At each step along the way – at the illicit ontological assumptions and resulting epistemic failures – liberalism has smuggled in substantive normative truths, violating its own insistence on truth-avoidance. My goal in this section is threefold: first, I aim to explicate the charge against liberalism that it relies on an individualistic and identity-insensitive social ontology; second, I demonstrate how these illicit ontological assumptions are understood to yield epistemic blind spots surrounding oppression and marginalization; and third, I explain how these targeted arguments contribute to the broader objection that liberalism is disingenuous.

Though Rawls claims that his theory of justice is political, not metaphysical (Rawls 1999a), communitarians, feminists, and other identity

⁶ For example, Anne Phillips comments that for some feminists, "liberalism [is] shorthand for everything stodgy, unambitious, and dishonest" (Phillips 2001, 249).

⁷ Here I follow Charles Mills' definition of ideology: "A set of group ideas that reflect, and contribute to perpetuating, illicit group privilege" (Mills 2005, 166). Thanks to Patrick Taylor Smith for urging me to consider the disingenuousness critique as an objection to liberalism as ideology.

theorists have charged that liberalism in fact relies on a conception of persons as antecedently individuated (Sandel 1998, 53), or in other words, that liberalism is implicitly committed to ontological atomism.⁸ On this view, liberal theory, despite protestations to the contrary, relies on a metaphysically robust conception of personhood according to which persons are separate from, and prior to, their ends (Jaggar 1983, 28; Young 1990, 44; Sandel 1998, 19). Early critics thus understand liberalism as “political solipsism” (Jaggar 1983, 40). More recently, critics have argued that liberalism “harbor[s] individualist metaphysical conceptions of selfhood and agency” (Alcoff 2009, 126), and that Rawls in particular “adopts a classically liberal abstract individualism” (Hirschmann 2013, 104).

To understand the objection, recall Rawls’s hypothetical contract scenario, the original position, in which citizens deliberate behind a veil of ignorance. The veil of ignorance effectively brackets certain features of persons, since attributes that are morally arbitrary should not factor into our deliberations regarding the principles of justice. With morally arbitrary features bracketed, we are unable to be biased in our own favor. One problem with this line of reasoning for identity theorists is that the proposed methodology of bracketing supposes that people can set aside their identities and their conceptions of the good. Rawls’s demand for truth-avoidance in public reason similarly supposes that we can separate our identities from the truths of our comprehensive doctrines. For this methodology to make sense, the objection runs, Rawls must think that people exist apart from their traits and commitments. I must be able to set aside my personal attributes and still have the ‘I’ remaining. For critics, this supposition reveals Rawls’s substantive view of personhood (Sandel 1998, 55-56).⁹ Iris Marion Young, for example, embraces this vision of liberalism when she argues that “Liberal individualism denies difference by positing the self as a solid, self-sufficient unity, not defined by anything or anyone other than itself. Its formalistic ethic of rights also denies difference by bringing all such separated individuals under a common measure of rights” (Young 1990, 229).

Here, Young links the charge of individualism to the charge of identity insensitivity (Young 1990, 229). In its most basic form, the charge of identity insensitivity holds that political liberalism’s method of avoidance requires laws to treat all citizens equally. However, the argument runs, liberals assume that equality requires sameness and therefore disallow any policy that would violate identical treatment (Hirschmann 2002, 223; MacKinnon 2005, 44; Young 2009,

⁸ Onora O’Neill raises a similar objection. She argues that the abstraction of the original position actually involves strategic idealization that makes it seem as though human agents are independent rather than interdependent, and that their desires can be understood accordingly (O’Neill 1989, 208-210). Unlike the critics I consider here, however, O’Neill’s solution is not less abstraction but rather *more* abstraction, or at least proper abstraction without idealization.

⁹ See also Taylor 1992.

380).¹⁰ Critics charge, then, that liberalism's focus on equality requires the elimination of difference, arguing that "visible difference threatens the liberal universalistic concepts of justice based on sameness by invoking the specter of difference" (Alcoff 2006, 180). Similarly, some objectors explicitly contrast Rawlsian liberalism with the politics of difference; liberalism is so "inhospitable to difference" that its main contrast is with a theory that is capable of recognizing and supporting diversity (Taylor 1994, 37-38); this contrast is due to the fact that liberalism is, and according to liberals ought to be, "blind to race, gender, and other group difference" (Young 2003, 231). Indeed, the critique that political liberalism relies upon a purposeful obliviousness to difference is one of the most common themes in antiliberal arguments, especially in arguments leveled by those who advocate for the importance of community, identity, and diversity.

The effects of liberalism's identity insensitivity, the argument continues, are then unevenly distributed throughout society so that members of marginalized social groups cannot make claims on their own behalf. Doing so would require an appeal to their distinct identities, and such public appeals are (per this critique) disallowed by liberalism (Pierik and Van der Burg 2014, 498). Just as Rawls's original position is *de facto* biased towards individualistic worldviews, as the charge of ontological atomism is meant to illustrate, liberal policies molded by truth-avoidance are biased in favor of the majority. Since aspects of majority culture are taken as the neutral starting point, any claims on behalf of minority groups are construed as special interests requiring appeals to certain normative truths in politics; as such, these interests are dismissed as violations of Rawls's method of avoidance.¹¹ This is one way in which ontological commitments yield ideological epistemic blind spots – marginalized groups who need to make *true political claims* about their own marginalization are kept from doing so by a truth-avoiding political liberalism.

According to critics, the effective silencing of marginalized social groups is one particular instance of political liberalism's larger problem: because of its individualistic and identity- insensitive ontological commitments, and because oppression is inherently group- and identity- based, political liberalism is conceptually unable to detect oppression (Schwartzman 2006, 2013).¹² As Lisa Schwartzman explains, "Because liberal theory grants rights to individuals *as individuals*, it primarily recognizes violations of rights that occur one at a time, to individuals *as individuals*" (Schwartzman 2006, 27.)¹³ Oppression, however, does

¹⁰ For discussion see Zerilli 2015, 367. For a defense of Rawlsian liberalism against the objection that its focus on ideal equality mandates a prohibition on identity-conscious policies, see Boettcher 2009.

¹¹ For a discussion of this point, see Laden 2009, 349-350.

¹² Carol Hay has an excellent discussion of this class of objections. See Hay 2013, 24.

¹³ See also Schwartzman 2013, 46. Schwartzman concedes that liberalism can eventually take account of oppression by admitting that oppressed individuals have different opportunities,

not impact people as individuals; it only impacts people insofar as they are members of a specific social group (Cudd 2006). Critics charge that since “liberal individualism denies the reality of groups,” it is conceptually incapable of detecting systematic oppression (Young 1997, 17).¹⁴ This inability to detect oppression disproportionately impacts oppressed or marginalized individuals; thus political liberalism’s epistemic blind spots systematically harm the oppressed (Pierik and Van der Burg 2014, 504).

Although objections about political liberalism’s epistemic blind spots and social ontology can stand on their own, my concern here is with how they contribute to the charge of disingenuousness. This critique maintains that political liberalism’s ontological problem is not just that the theory is individualistic and identity-insensitive; rather, it is individualistic and identity-insensitive *while claiming not to be*. And political liberalism’s epistemic problem is not just that it has blind spots; rather, it has blind spots *where it claims not to have any*. So, for example, though Rawls maintains that he only utilizes a political conception of personhood (2005, 397, note 15), critics charge him with a voluntarist view according to which our ends are external and freely chosen; but because Rawls explicitly disavows a robust conception of personhood, this voluntarist view must be smuggled in to his theory. In turn, this view requires that there can be no commitment important or central enough to be constitutive of one’s identity (Sandel 1998, 62), and rules out *ex ante* any conception of the good that relies on such a constitutive understanding of selfhood. In short, although political liberalism claims to require no particular comprehensive doctrine, it is in fact biased in favor of comprehensive worldviews that understand the self as a freely choosing, abstract individual. Moreover, political liberalism’s truth-avoidance ostensibly requires us to tolerate our fellow reasonable citizens even when we strongly, perhaps vehemently, disagree with their views (Rawls 2005, 190); this requirement is meant to respect citizens with different identities. Yet critics maintain that political liberalism is *in actuality* identity-insensitive due to its abstraction away from, or bracketing of, personal traits. In short, although political liberalism’s method of avoidance claims to respect different identities, it is in fact biased in favor of the majority. This bias is compounded by epistemic blind spots that preclude the detection of oppression.

At the heart of these objections is the belief that there is something dishonest about liberalism. Relying on a specific social ontology while claiming not to require any metaphysical foundation, and functioning with epistemic blind spots while claiming to respect as free and equal people with different identities, unite to allow the diagnosis that truth-avoiding political liberalism does not, in fact, avoid truth at all. Worse still, the *reasons* political liberalism

for example, than non-oppressed individuals. But she argues that even though liberalism might ultimately acknowledge oppression, it is not a sufficient theory for discovering or detecting instances of oppression; on her view, radical critiques are necessary for this task.

¹⁴ See also Pateman 1988; MacKinnon 1989.

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touts truth-avoidance are to respect all citizens as free and equal and limit oppression; yet, the objection runs, its faux-truth-avoidance yields a theory that respects only the majority and contributes to the oppression of marginalized groups. In other words, according to critics, liberalism functions as yet another ideology.¹⁵

5. Normative Truths in Political Liberalism

The danger of a disingenuous political theory that functions as ideology is that it cannot be properly challenged. In the case of political liberalism, the charge of disingenuousness amounts to arguing that, while it pretends to be truth-avoiding or truth-neutral, the theory is in fact biased in particular ways – it is individualistic, identity-insensitive, and oblivious to oppression. All three biases favor the majority, as discussed in the previous section, yet members of marginalized groups are unable to object on these grounds since the theory claims to be bias-free. This result would render political liberalism inappropriate for liberatory political goals¹⁶.

But in order for the charge of disingenuousness to stick, it must be the case that there is a conflict between what political liberalism *claims* and what it *does*. Since the objection centers around political liberalism's truth-avoidance, to be guilty of disingenuousness it must be the case that the theory actually claims to do "without the truth, any kind of truth, at all" (Landemore 2017, 278); in other words, it must be the case that political liberalism endorses political non-cognitivism. In this section, I take a closer look at Rawls's method of avoidance in order to demonstrate that he does not endorse political non-cognitivism. In short, I argue that while Rawls does advocate truth-avoidance at the level of public justification, he does not avoid moral truth in his discussions of the founding moral norms of liberalism. These two levels, or projects – the project of legitimizing state action and the project of defending political liberalism – are not identical, though the latter does set important limits on the former;¹⁷ these limits are explicit and thus the charge of disingenuousness does not stick.

¹⁵ The two aspects of the disingenuousness critique that I consider, an illicit social ontology and epistemic blind spots, are two of the features that Mills attributes to ideal theory as ideology (2005, 168-169). The epistemic inability to detect oppression and the fact that this inability functions to reinforce oppression are also central features of ideology according to Tommie Shelby's account of ideology critique (2003, 183-4). What I am highlighting are therefore what James Boettcher terms the *epistemic* and *functional* connotations of ideology (2009, 242).

¹⁶ That faux neutrality about truth prevents political activism is part of MacKinnon's critique of liberal objectivity. For discussion, see Zuckert 2018.

¹⁷ The two levels or projects of political liberalism map on to what Jonathan Quong calls the external conception of political liberalism, where the task of liberal theory is to justify liberalism itself, and the internal conception, where the task of liberal theory is to determine how to justify state action within a pluralistic liberal society (Quong 2011). My view here commits me to interpreting Rawls as an internalist since he does not attempt to justify the

Above, I noted Rawls's argument that his political conception of justice "does not use (or deny) the concept of truth; nor does it question that concept, nor could it say that the concept of truth and its idea of the reasonable are the same. Rather, within itself, the political conception does without the concept of truth" (Rawls 2005, 94). The key part of this passage is Rawls's insistence that truth-avoidance applies only to the political conception of justice *within itself*. In other words, while political liberalism does avoid the truth, it does so only at the level of public justification for constitutional essentials and political conceptions of justice *within a liberal society*. At this level, when citizens are debating amongst themselves using public reasons, the liberal principle of legitimacy together with the fact of reasonable pluralism does demand that they avoid appeals to the truth of their comprehensive doctrines for the purposes of justifying state action. Insofar as Rawls is engaged in this conversation when he defends his preferred political conception of justice, justice as fairness, he too must avoid appeals to the truth of his view for the purposes of justifying state action.¹⁸ Indeed, he is explicit that his truth-avoidance applies only to the task of "uncovering a public basis of justification on questions of political justice given the fact of reasonable pluralism" (Rawls 2005, 100). So it is only when citizens are proposing a specific conception of justice or debating constitutional essentials that political liberalism demands we avoid appeals to the truth of our personal comprehensive doctrines.

Some critics have objected that even this limited domain of truth-avoidance is enough to charge political liberalism with "a move away from moral objectivism and cognitivism, and at any rate moral or normative truth-claims" (Landemore 2017, 279).¹⁹ But this objection misses Rawls's normative meta-

normative limits I discuss below, but rather stipulates them as defining features of liberalism. Consider, for example: "Those who reject constitutional democracy with its criterion of reciprocity will of course reject the very idea of public reason. For them the political relation may be that of friend or foe, to those of a particular religious or secular community or those who are not; or it may be a relentless struggle to win the world for the whole truth. Political liberalism does not engage those who think this way. The zeal to embody the whole truth in politics is incompatible with an idea of public reason that belongs with democratic citizenship" (Rawls 1999b, 574). In other words, Rawls's project is not to convince illiberal citizens who reject the criterion of reciprocity to become liberals; if this were his project, he would embrace what Quong calls the externalist conception of political liberalism, and he would have to provide justification for the substantive moral concepts he currently stipulates.

¹⁸ To be consistent with his own demand, Rawls notes that his view that justice as fairness is the most reasonable conception of justice is a "conjecture, since it may of course be incorrect" (Rawls 1995, 139).

¹⁹ Though Landemore does argue that Rawls moves away from cognitivism, she does not object that his theory is fully non-cognitivist. Instead, she believes that Rawls substitutes his concept of reasonableness for the concept of truth (Landemore 2017, 280). She is here agreeing with Habermas, who notes that "we have reason to ask why Rawls does not think his theory admits of truth," since "he here uses the predicate 'reasonable' in place of the predicate

commitments. Briefly, Rawls's method in *Political Liberalism* is political constructivism, according to which the principles of justice are seen as the outcome of a deliberative procedure (Rawls 2005, 93). Rawls adds two additional features of political constructivism that are relevant here: first, that "it uses a rather complex conception of person and society to give form and structure to its construction," and second, that it "specifies an idea of the reasonable" (Rawls 2005, 93-94).²⁰ Both of these features involve explicitly moral criteria that establish *normative limits* on the type of society in which the construction of principles of justice can take place, the type of citizens who can engage in construction, and what count as politically acceptable reasons in the process of construction.

More specifically, Rawls argues that the construction of principles of justice can only take place within a society understood as a fair system of social cooperation (Rawls 2005, 93). Citizens within this society are free and equal, and possess the two moral powers – a capacity for a sense of justice and for a conception of the good (Rawls 2005, 18-19). Rawls is clear that, though this conception of persons is political, it is normative (Rawls 2005, 18, note 20). Also normative is the concept of reasonableness, according to which citizens must accept the fact of reasonable pluralism, including both the burdens of judgment and their consequences for public reason and legitimacy, as well as the criterion of reciprocity. The latter requires that citizens are willing to propose fair terms of cooperation that could be endorsed by their fellow free and equal citizens, who are not dominated, manipulated, or "under pressure of an inferior political or social position" (Rawls 2005, xlii).²¹ These features of political constructivism are meant to establish *normative truths*, at the level of what I've called Rawls's meta-commitments, that set limits on what sorts of reasons can justify political action at the level of public justification within a politically liberal society. It is because political liberalism, itself, is grounded on the normative concepts of *fairness, equality, freedom, and respect for persons* that it cannot be construed as non-cognitivist.²²

'true' (Habermas 1995, 122). Rawls explicitly rejects this proposition, as we've seen (see also Rawls 1995, 149-50).

²⁰ An additional feature is that the construction procedure is based on practical reason and not theoretical reason, which helps differentiate political constructivism from Kantian moral constructivism (Rawls 2005, 93).

²¹ See also (Rawls 1999b, 578; 2005, 54). For the significance of the criterion of reciprocity for liberatory politics, see Hartley and Watson 2010.

²² Importantly, Rawls does not provide a deeper moral justification for liberalism's valuation of fairness, equality, or freedom; he does not provide a justification for why equality, for example, is a proper norm for liberal political theory, or for why reasonable citizens should value it. Such a justification is not necessary since his project is already addressed to reasonable people who by definition accept these values. This does not mean that Rawls is committed to the view that these moral values do not *have* a deeper justification, as it seems some critics attribute to him (Raz 1990). Rather, engaging in justification for these values

6. Different Games, Different Rules

In the previous section I argued that political liberalism cannot be construed as non-cognitivist, since the foundations of the theory employ normative truths that are acknowledged to be simultaneously *normative*, *political*, and *true*, thus committing the political liberal to political cognitivism. Further, because these premises are explicitly built into the theory and not smuggled in as critics charge, political liberalism cannot be construed as disingenuous. Two related objections are likely to be raised at this point – one that I’ve missed the *site* of the disingenuousness critique, and the other that I’ve missed the *point*. In this section I consider the first objection and in the following section I consider the second.

My argumentative strategy thus far has been to defend political liberalism as cognitivist by illustrating the moral truths that Rawls builds in to the foundations of his theory. I did so by highlighting two ways that one could interpret the project of political liberalism: either it is addressed to non-liberals as a defense of liberalism, or it is addressed to those who are already (broadly) liberals as a theory of how properly to justify coercive state action (Quong 2011). Rawls’s moral truths are built in at the first level, which serves to establish as his audience those who already accept key moral tenets of liberalism – that citizens are free and equal and accept the criterion of reciprocity, for example. Of those who do not accept that citizens are free and equal, Rawls simply states, “political liberalism does not engage with those who think this way” (Rawls 1999b, 574). It is only at the second level, or the level of justifying state action, that political liberalism eschews moral or political truth-claims.

A proponent of the disingenuousness critique, however, might object that highlighting two potential projects for political liberalism as I’ve done is already to demonstrate the disingenuousness of the theory. It appears political liberals can help themselves to normative truth-claims, one might argue, while at the same time preventing democratic citizens from having the same access when debating constitutional essentials and conceptions of justice. Liberalism would thus be disingenuous in the sense discussed by Jean Hampton: “On the one hand, liberalism is committed to tolerance and thus to the state’s remaining impartial in its dealings with the clashing ideas of its citizens; yet on the other hand, it demands partiality with respect to itself, and thus insists on the use of coercion

would place Rawls in conversation with other reasonable citizens who might disagree about the deeper grounding for fairness, equality, and freedom, and so he is constrained here by his truth-avoidance. Utilizing these moral values in the first place does not violate truth-avoidance because reasonable citizens will accept these values from within their own individual comprehensive doctrines; in other words, these three moral values are suitably public. For discussion, see Quong 2011 Chapter 8 where he explains what he calls Rawls’s “buck passing approach to truth.”

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against anyone who would challenge the principle of tolerance” (Hampton 1989, 803).

But note that engaging in fundamentally different projects allows for the use of different tools. Defending liberalism and justifying the coercive actions of a liberal state are fundamentally different projects; they are addressed to different audiences, have different goals, and establish different success criteria. Most importantly, only one involves the coercive and potentially oppressive use of state power. Allowing appeals to normative truth in one project and not the other is no more disingenuous than allowing a wide-receiver to catch a football while penalizing a mid-fielder for catching a soccer ball; the wide-receiver and the mid-fielder are simply playing different games and must follow different rules.

This *different games, different rules* approach is available as a political liberal response to critics who rest their objections on a blurring of lines between the two different projects. I think we can see this tendency in the following remarks from Helene Landemore, in which she describes the role of reasonableness in Rawlsian political liberalism and its associated “agnosticism with respect to the truth-value of moral and political claims” (Landemore 2017, 277):

Yet, Rawls insists that ‘the reasonable’ has nothing to do with truth... For Rawls, the function of ‘reasonableness’ does not require going beyond abstaining from criticizing comprehensive accounts of truth (including religious, philosophical and metaphysical). Asking himself: ‘Should we think that any of the reasonable doctrines present in society are true, or approximately so, even in the long run?’, his answer is an unambiguous, intentional, and fully assumed dodge. (Landemore 2017, 281)

But there is a difference between reasonableness having “nothing to do with truth,” and Rawls’s resistance to categorize certain reasonable comprehensive doctrines as true, namely, the first assessment is about reasonableness as a concept, while the second is about its employment by democratic citizens engaged in the process of justifying coercive state action. As a concept, reasonableness is explicitly normative, and so it is incorrect to say that it has nothing to do with truth. Eliding the distinction between political liberalism’s two projects allows Landemore to move from claiming non-cognitivism at the level of political justification to claiming non-cognitivism for political liberalism as a whole. But this move is unwarranted once the two projects are disambiguated.

7. Missing the Point

It remains the case, however, that political liberalism is truth-avoiding at the level of public justification. Liberal citizens are still prevented, in some sense, from appealing to comprehensive truth when engaging in deliberation using

public reasons.²³ One might object, then, that the worry of non-cognitivism still lingers, and that this is the level at which we should be concerned with a lack of truth, in the first place. In this section, I address the lingering concern.

Recall the details of the disingenuousness objection: liberalism illicitly relies on an individualistic and identity-insensitive social ontology, which in turn yields ideological epistemic blind spots that disfavor marginalized groups. Members of marginalized groups are then prevented from making claims on their own behalf that might highlight these blind spots because political liberalism disingenuously claims to be bias-free. It was the clash between political liberalism's apparent non-cognitivism and its illicit cognitivism that yielded the charge of disingenuousness. By defending political liberalism as cognitivist, I have addressed this objection at one level. One might think that I have not yet addressed the objection at the level of public justification, however, and it is at this level that a non-cognitivist political liberalism would yield a battle of personal preferences rather than allowing debates about justice.

To employ an example used above, it is at the level of public justification that political liberalism would pit "Yay for affordable birth control!" against "Boo to affordable birth control!" as the most substantive sort of debate about reproductive justice permissible within the confines of its truth avoidance. From this point, critics could charge that liberalism's identity-insensitive ontology would prevent it from detecting the structural oppression of women that is at issue in the denial of affordable birth control. When women claim a right to affordable birth control, then, political liberalism would mark this as a special-interest claim based on the normative truth that affordable birth control is required by justice. As such, this claim would be disallowed from the realm of public reason and would not be heard as a potential justifying reason for state policy. The supposedly truth-neutral status quo would remain intact, and women would continue the struggle to control their reproductive lives. Again, the fulcrum of this argument is that political liberalism is formally non-cognitivist while illicitly cognitivist in a way that systematically favors the majority, and I have not yet addressed this worry. In short, one might object that I've thus far simply missed the point of the disingenuousness critique: certain claims about justice *are true*, and this in itself should be sufficient for public justification, *regardless* of what the unjust status quo presents as truth-neutral.

This objection would have bite if political liberals were engaged in the project of justifying liberalism, itself, to illiberal citizens who did not endorse from within their own comprehensive doctrines the moral values of fairness, equality, freedom, and respect. But as we've seen, this is not the project of political liberalism and these moral values set normative limits on what is appropriate at the level of public justification. Because Rawls constrains the set

²³ Citizens are only 'prevented' from violating public reason in the sense that they ought not to do so. They are bound by the duty of civility, which is a moral duty, and not by legislation.

of citizens to reasonable ones, conversations about justice are not held hostage by the illiberal views of those who are unreasonable. This means that there is nothing preventing citizens from claiming women's right to affordable birth control.

As an example, Ruth Bader Ginsburg's dissenting opinion in *Burwell v. Hobby Lobby Stores, Inc.* (2014) perfectly illustrates a public reason argument for access to affordable birth control. She does so utilizing only the public moral values of freedom, equality, and fairness that Rawls builds into political liberalism, without appealing to any specific comprehensive doctrine to ground these values. She begins her dissent by citing *Planned Parenthood of Southeastern Pa. v. Casey* (1992): "The ability of women to participate equally in the economic and social life of the Nation has been facilitated by their ability to control their reproductive lives" (Ginsburg 2014, 2). She notes the "disproportionate burden women carried for comprehensive health services and the adverse health consequences of excluding contraception from preventive care" (Ginsburg 2014, 5), and on these grounds argues that the supposedly neutral status quo in preventive health care in fact operated to disadvantage women. Therefore, she concludes, the Court's decision to exempt Hobby Lobby from the contraceptive mandate under the Affordable Care Act was incorrect. She comes to this conclusion without questioning the truth of the religious beliefs of Hobby Lobby's owners, and without grounding her own argument in a competing comprehensive view. Rather, she appeals to the public moral values of freedom, equality, and fairness that act as normative limits on public deliberation in political liberalism.

Note that Ginsburg is asserting as true substantive claims about justice, and that this is not disallowed by political liberalism. This is because the same moral values that keep political liberalism from non-cognitivism at the level of Rawls's meta-commitments allow certain truth claims at the level of public justification. As long as our justificatory reasons utilize public values like freedom, equality, and fairness and as long as they do not appeal to the truth of the comprehensive doctrine that we believe grounds these values, then liberal citizens can make truth-apt claims about justice. This in turn means that marginalized citizens can speak on their own behalf about their marginalization; they may make truth claims which hold that their equality is systematically undermined, or that they do not have the effective freedom to pursue their idea of the good, *and that both of these things are unjust*. Moreover, they may believe the claims they are making to be true; so at the level of public justification political liberalism does not commit itself to non-cognitivism.²⁴

The force of this objection, though, is that I've failed to acknowledge that insofar as political liberalism is truth avoiding, it does not allow the truth of a

²⁴ Indeed, it would be inconsistent for political liberalism to endorse non-cognitivism, since there are comprehensive doctrines that endorse the contrary view. See Cohen 2009, 17-18.

conception of justice to serve as sufficient justification for its implementation by the state. Indeed, Rawls does argue as I noted above that “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” (Rawls 2005, 129). There are two things to note in response. First, Rawls is not arguing that holding a political conception as true is forbidden by political liberalism; this would commit liberalism to requiring skepticism about citizens’ beliefs and values. Rather, it is the conjunction of holding a political conception as true *and thinking that its truth renders it sufficient for justificatory purposes* that is disallowed. This is reflective of the fact that political liberals are principally concerned with what sorts of reasons could legitimate coercive state action in a society of free and equal citizens. Citizens are allowed to believe that their chosen comprehensive doctrine or conception of justice is true, and they are allowed to make truth-apt claims that derive from these comprehensive doctrines in public reason; what political liberalism disallows is the assertion of controversial, non-public moral truths with the expectation that these truths are sufficient to justify coercive state action.

Second, this is the way things should be in a society marked by reasonable pluralism; truth should not be sufficient to justify coercive state action. With this I expect many critics to disagree; critics might insist again that certain claims about justice are true, and moreover that preventing appeals to their truth has the unwelcome expressive result of insinuating that they are up for debate. Rawls considers this objection, but in my opinion his response unhelpfully refers to two different kinds of facts in a way that lends itself to criticism; because his response is so critical to the defense of political liberalism and truth, however, it deserves extended discussion and clarification. To respond to critics on this point, Rawls notes: “Some may ask, why look for something to ground the fact that slavery is unjust? What is wrong with the trivial answer: slavery is unjust because slavery is unjust? Can’t we stop with that?” (Rawls 2005, 123-124). Rawls agrees that there are features of slavery, such as that it involves the ownership of one person by another person, that allow us to “appeal straightaway” to *the fact* that slavery is morally wrong (Rawls 2005, 122); this is a *basic fact* that is contained within the features of slavery, itself. This is the first kind of fact to which Rawls refers – moral facts that are rendered true or false by certain rightness or wrongness-making features in the world. Political liberalism does not deny these moral facts. But within political liberalism, our role as citizens requires the offering of justificatory reasons. We must offer reasons based on the moral commitments of liberalism to justify that slavery is unjust, for example, that it violates the moral commitment that citizens are free and equal. This is the second kind of fact to which Rawls refers – political facts that are rendered true or false by the process of political constructivism.

Separating moral and political facts in this way may make it seem as though moral and political facts are two distinct types in a way that fuels the

criticisms I've considered. However, Rawls's own response on behalf of political liberalism relies on blurring this distinction. It is accurate that political liberalism requires justificatory reasons for claims that are *unobjectionably morally true*, and it is accurate that the objective standard by which to judge these claims differs in both cases. Moral facts, like the fact that slavery is *wrong*, are rendered true by certain wrongness-making features, while political facts, like the fact that slavery is *unjust*, are rendered true by a process of construction. But Rawls also notes that "there is no possibility that a principle allowing slavery would be agreed to. That is just a fact related to the injustice of slavery" (Rawls 2005, 125). In other words, the moral boundaries of liberalism, itself, set normative limits on the process of construction. While liberal citizens, at the level of justifying coercive state action, must offer justificatory reasons for a claim that they find unobjectionably true, the truth of the claim itself is not up for debate. To deny that slavery is wrong would violate the moral commitments to freedom, equality, fairness, and respect that ground political liberalism. To refer to a point made earlier, asserting that something is morally wrong and asserting that it is politically unjust require engaging in two different games for which there are separate rules; in only one of these cases are we required to provide justificatory reasons. But this does not mean that these reasons are any less truth-apt than the claim that slavery is morally wrong, since the reasons we offer will appeal to the moral foundations of liberalism, itself. One of these foundations is respect for fellow citizens. It is this moral commitment that we uphold when we offer justificatory reasons for claims that we may believe require no explanation. Political liberalism's truth avoidance is thus best understood as a moral restriction on what sorts of claims can justify state action. Truth is not enough, nor should it be.

8. Conclusion

In this paper I have argued that political liberalism is not committed to formal non-cognitivism in the way that some critics have charged. Because political liberalism never disavows the truth apt-ness of moral or political claims, the appearance of moral values like freedom, equality, and fairness within the theory itself should come as no surprise. These values make up Rawls's meta-commitments and are taken as the moral starting point for the political liberal project of justifying coercive state action in a society of free and equal citizens.

Moreover, these normative concepts help provide answers to the complex charge of disingenuousness leveled by some critics of liberalism. Recall the three elements of this objection: first, that political liberalism assumes a robust ontological conception of persons while claiming not to utilize any conception of persons whatsoever; second, that the particularities of this assumed ontological conception yield epistemic blind spots that prevent liberalism from conceptualizing oppression, even though the theory claims to be able to do so; and finally, that this conflict between liberalism's claim to non-cognitivism and

its illicit cognitivism make it appropriate to charge the theory with disingenuousness. This, in turn, makes it so that the theory cannot be properly challenged, since at each turn political liberals will claim to be bias-free; thus, critics conclude that political liberalism is simply another political ideology.

But as my discussion of Rawls's meta-commitments shows, it is not the case that political liberals claim not to utilize any conception of persons whatsoever. Rather, Rawls builds substantive normative values into his conception of persons as citizens. While this conception is political and not metaphysical, it is still normative and still taken to be true. And although I have not argued for this claim here, since citizens are taken to be free and equal possessors of a capacity for a sense of justice – where both equality and a sense of justice are partially relational concepts – Rawls's political conception of personhood is arguably more relational than is often acknowledged. The important point for our purposes here is that there is no conflict between a non-cognitivist front and a cognitivist reality; political liberalism is cognitivist from its very foundation, and thus the charge of disingenuousness does not stick. Similarly, reasonableness is a moral notion that includes the criterion of reciprocity, which mandates that free and equal citizens must be able to participate in public deliberation not as dominated, manipulated, or “under pressure of an inferior political or social position” (Rawls 2005, xlii). These normative limits help answer the charge of epistemic blind spots surrounding marginalization and oppression in addition to marking political liberalism as a cognitivist theory. Again, the charge of disingenuousness does not stick.

I suspect, however, that some critics may be left unsatisfied by my defense of political liberalism. The charge of dishonesty is extremely difficult to rebut, since any response could potentially be seen as an effort to obscure the ways in which political liberalism functions to preserve the status quo. But if this is the case, I wonder what political liberals could say that would nullify the charge of disingenuousness without being seen as merely furthering liberal ideology. If it is really the case that there exists no successful response on behalf of political liberalism, one might worry that the critical view is not open to counter-evidence, or indeed, that the critique is itself not truth-apt. A basic epistemic norm for engaging in political deliberation is that one's beliefs must be susceptible to contrary evidence; if it is the case that no amount of evidence that political liberalism is not disingenuous would suffice to dispel the critique, then this is a shortcoming of the critique, not of political liberalism. Further, if it is the case that the critique fails to be truth-apt, then political liberals themselves can level the charge of non-cognitivism anew.

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