**The Independence/Dependence Paradox within John Rawls’s Political Liberalism**

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 (Updated draft: Comments welcome)

**I. The paradox**

There are two facets of Rawls’s political liberalism; let us call them ‘independence’ and ‘dependence’. I will first lay down the main elements of these two facets and then formulate the paradox that is created by the tension between them.[[1]](#footnote-1) I will then contextualise the paradox and suggest some ways to overcome it.

*A. Independence*

(i) Political liberalism[[2]](#footnote-2) is conceived (and presented)[[3]](#footnote-3) as a freestanding (hence independent)[[4]](#footnote-4) conception in the sense that its conceptualisation abstracts from all comprehensive or partially comprehensive doctrines (Rawls, 1996: 10, 12, 144, 154); the “content” of the political conception of justice “is not affected in any way by the particular comprehensive doctrines that may exist in society” (ibid.: 141). No reference is made to these doctrines in the formulation of the political conception, which is devised as a complete conception as far as the political realm[[5]](#footnote-5) is concerned: for Rawls, political liberalism works entirely within the domain of the political “and does not rely on anything outside it” (Rawls, 1995: 133). Completeness requires that political values are sufficient (self-standing) to deal with political questions; moreover, they form a system - a complete system - which can deal with “all, or nearly all, questions involving constitutional essentials and matters of basic justice” (Rawls, 1997: 777). Completeness is part of the independence of the political conception in two senses: firstly, if the conception is complete it can systematically deal with the questions it sets for itself on its own terms (hence independently);[[6]](#footnote-6) secondly, it follows from the first that the system and the values emanating from it “are not puppets manipulated from behind the scenes by comprehensive doctrines” (ibid.), and hence are independent.

Moreover, the justification of the political conception in the first instance (the first stage of justification) is *pro tanto*; at this stage the political conception is justified on its own terms without any reference to comprehensive doctrines[[7]](#footnote-7) (and hence is completely independent of such doctrines).[[8]](#footnote-8)

Rawls insists that his intention is to stay away from “the opposing and conflicting philosophical doctrines that citizens affirm” (ibid.: 10) and avoid entering into deep philosophical and religious questions which by their very nature defy “conclusive arguments” (ibid.: 53). This is Rawls’s avoidance strategy (ibid.: 57, 138).[[9]](#footnote-9) The purpose of the strategy is to avoid interference[[10]](#footnote-10) in the workings of comprehensive doctrines, which is pragmatically undesirable since the doctrines are mutually “conflicting and incommensurable” (ibid.: 135);[[11]](#footnote-11) and, since the diversity is a product of free reason and free institution themselves, it is “a permanent feature of the public culture of modern democracies” (Rawls, 1987: 4). Thus the avoidance is essential to the practical task of achieving political agreement on the fundamentals of social cooperation as far as the political realm is concerned. And since such a situation is the outcome of free reason and free institutions, it is something to be lauded and not a thing to be lamented (Rawls, 1996: xvi; Krasnoff, 1998).

The independence of a political conception and the impulse to avoid controversies within comprehensive doctrines are two sides of the same coin. Political conception is formulated independently of comprehensive doctrines precisely to avoid controversies which are profound and important yet intractable; the strategy of avoidance in turn is essential if there is to be “some hope of uncovering a basis of a stable overlapping consensus” (Rawls, 1996: 152).

 (ii) The reasonableness of political liberalism[[12]](#footnote-12) is defined in its own internal terms (and hence is independent of any outside reference) using the well known constructivist device of the original position (ibid.: 22-28, 139) in the context of principles of mutuality and reciprocity (ibid.: xlii, 49f, 54), and using methodological parameters defined within political liberalism itself, such as the reasonable decision procedure, general and wide equilibrium etc. (Rawls 1951, 1995: 139, 141 n. 16). These procedures are not linked to any particular comprehensive doctrine; they are the product of common human reason (Rawls, 1995: 138, 1996: xx).

(iii) At the second level of justification (the so called ‘full justification’) every citizen justifies and embeds the political conception (privately, but either individually or in association with others) (Rawls, 1996: 153) in terms of her own respective comprehensive doctrine.[[13]](#footnote-13) Again, very crucially, this is abstracted from the political conception and without any reference to or interference from it, i.e. in total independence from the political conception, in this instance. The political conception gives no guidance in these questions (Rawls, 1995: 143).

The purpose is to stay independent of (and avoid) controversies within comprehensive doctrines.

(iv) At the third level of justification (public justification) participants take notice of the fact of the *existence* of different comprehensive doctrines (since they know that others like them have gone through the second level of justification) and acknowledge the overlapping consensus among those doctrines and political liberalism, but they do not look into the content of each other’s comprehensive doctrines, and only refer to the general fact of the existence of the plurality of comprehensive doctrines and of an overlapping consensus. The reason (among others) is to avoid making the public justification of political liberalism dependent on the content of comprehensive doctrines.

 Again, the purpose is to stay independent of (and avoid) controversies within comprehensive doctrines.

*B. Dependence*

(i) The deepest convictions of citizens (and their identities) are formed by and within comprehensive doctrines: the political liberal basis of social unity “is the deepest because the fundamental ideas of political conception are endorsed by the reasonable comprehensive doctrines, and these doctrines represent what citizens regard as their deepest convictions, religious, philosophical and moral” (Rawls, 1995: 147). Political liberalism totally depends on comprehensive doctrines in this respect – according to Rawls, the roots of loyalty lie within comprehensive doctrines: “roots of democratic citizens’ allegiance to their political conceptions lie in their respective comprehensive doctrines, both religious and nonreligious . . . We may think of reasonable comprehensive doctrines that support society’s reasonable political conceptions as those conceptions’ vital social basis giving them enduring strength and rigour” (Rawls, 1997: 784-785). Note that Rawls’s argument here can go wrong at least in two fundamental ways: it can go wrong if he is wrong in his supposition that comprehensive doctrines play such a crucial role in democratic citizens’ life today; it can also go wrong if his assumption that comprehensive doctrines can (reasonably) support a political liberal conception in the way that he proposes (or in a similar way) is incorrect. Crucially, his argument in the latter respect will go fundamentally awry if the liberal conception cannot be defended in front of a citizen reared in a comprehensive doctrine in the way Rawls assumes, i.e. “without criticizing or rejecting their deepest religious and philosophical commitments” (Rawls, 1995: 146).

(ii) Political liberalism is totally dependent on (each and every)[[14]](#footnote-14) partial and comprehensive doctrine for its full justification. The full justification of the political conception by citizens and the embedding of it into their respective comprehensive doctrines is absolutely crucial for three interrelated reasons:

1. The ability of citizens to embed and justify the political conception is important for its independent character because it is only once political liberalism is so embedded that we *know* that political liberalism can function as a complete and independent conception with the full blessing of (at least all major) comprehensive doctrines: thus to the question, “if political justification is always *pro tanto*, how can public justification of it be carried out?” one can reply that this is because after the full justification the existence of an overlapping consensus becomes public knowledge (Rawls, 1995: 147). Therefore, completeness and independence of political conception from a particular comprehensive doctrine come only at the price of its dependence on each and every one of them.
2. Full justification is the necessary condition for public justification (justification at level 3): public justification “depends on reasonable comprehensive doctrines”,[[15]](#footnote-15) although admittedly this dependence is “indirect” (Rawls, 1995: 144) because at the third level of justification citizens only know the fact or the existence of full justification, they do not know the content of the justification. In other words, they know that the citizens have justified political liberalism based on their respective doctrines but they do not know (in fact they should not know) the actual reasons on the basis of which different doctrines have endorsed a political conception. Public justification in turn is absolutely crucial for stability for the right reasons as well as for the liberal conception of legitimacy.[[16]](#footnote-16)
3. It follows from (b)the ability of citizens to embed and justify the political conception within their respective comprehensive doctrines is also absolutely crucial for the distinction between overlapping consensus and consensus for the wrong reasons, and consequently for stability for the right reasons. Stability for ‘the right reasons’ follows only when citizens are able to justify the political conception from within their own comprehensive doctrines as either right or true.[[17]](#footnote-17) In turn, “showing that stability for the right is at least possible is also part of public justification” (Rawls, 1995: 146).

iii) Political liberalism is not only dependent on comprehensive doctrines for its full justification but also for checking whether it is in fact a reasonable political conception, because it is only “when citizens affirm reasonable though different comprehensive doctrines, seeing whether an overlapping consensus on the political conception is possible is a way of checking whether there are sufficient reasons for proposing justice as fairness . . . which can be sincerely defended before others without criticizing or rejecting their deepest religious and philosophical commitments” (Rawls, 1995: 146). In other words, we can know what all reasonable persons can reasonably be expected to reasonably accept only once we have gone through the full justification.[[18]](#footnote-18) It is only after the full justification that public justification is performed and everyone knows that political liberalism can be accepted by all reasonable people. Only in this way can we know that political conception is reasonable *in relation* to the outside world (given the conditions of reasonable pluralism).[[19]](#footnote-19)

*C. Paradox*

Combining A & B we get these two paradoxical results:

(i) Although the intention is to stay independent of comprehensive doctrines, the political conception is in fact totally (and precariously) dependent on comprehensive doctrines (not just on one doctrine but on each and every major doctrine in society).

It is dependent on them for its conceptualisation as an independent idea, for its justification, for the check of its reasonability in relation to the external world, for the formation of identities and value inculcation and hence for the formation of its model citizen. It relies on comprehensive doctrines for the source of principled loyalty and hence stability for the right reason and hence for legitimacy of the regimes founded on it.

(ii) The very search for independence makes the political conception *more* dependent on comprehensive doctrines. Thus, for example, to show that political conception is independent of comprehensive doctrines, it seems essential to show that comprehensive doctrines can justify the political conception on their own terms, and by extension this makes it potentially more prone to intervention in and tampering with comprehensive doctrines (it is enough to show that it is a strong conceptual possibility to cast doubt on the whole strategy). Thus, for example, the political conception relies on the hope that “firmly held convictions gradually change” and that it would “in fact . . . have the capacity to shape those doctrines toward itself” (Rawls, 1995: 145; also see 1996: 158-168). The purpose of the Rawlsian conjecture is to give these ‘hopes’ a concrete, practical form by giving advice to proponents of the comprehensive doctrine on how they can do all this and “try to show them that, despite what they might think, they can still endorse a reasonable political conception” (Rawls, 1997: 786).

The paradox is captured by the fact that on the one hand the political conception seeks independence from comprehensive doctrines in various ways mentioned above, while on the other hand it conceives itself as “a module, an essential constituent part that fits into and can be supported by various reasonable comprehensive doctrines that endure in society regulated by it” (Rawls, 1996: 12). And even though it is a ‘module’ within a comprehensive doctrine, and even though it is limited to the political in the strictest sense, it still encompasses the whole life, including the family life, and the life of the associations like churches, mosques and synagogues. Thus:

Even if the basic structure alone is the primary subject of justice, the principles of justice still put essential restrictions on the family and all other associations. The adult members of families and other associations are equal citizens first: *that is their basic position*. No institutions or association in which they are involved can violate their rights as citizens.

 (Rawls, 1997: 791, italics added).

This seems at least *prima facie* in direct contradiction with the thought that the most essential (hence primary I suppose) matters belong to citizens’ comprehensive doctrines and their primary loyalty lies with them (not with the political conception and the regime founded on them). How can both be primary? At the end one has to decide who the ultimate boss is, and there is no doubt that, for Rawls, it is the political conception and the regime founded on it, and not comprehensive doctrines, which are the ultimate boss (even though this leads to the paradoxical results just mentioned). The paradox is of course not a logical contradiction; it does not follow from the mere fact that political conception is simultaneously independent and a module. What makes it paradoxical is how the two elements are set in the context of the aims of the theory as a whole. To make this clear we need to contextualise the paradox.

**II. Contextualising the Paradox**

In political liberalism, Rawls sets himself two basic interrelated but distinct tasks. On the one hand he aims to formulate a conception of justice that is political - not metaphysical - in the sense that it is not entrenched in or embedded in a particular comprehensive doctrine. To do this he employs well-known procedures of Kantian constructivism and relies on the public political culture of constitutional democracies as a resource. On the other hand, he aims to show how it can be justified in the context of the culture prevalent in constitutional democracies. The present paper has been exclusively concerned with the second problem. The problem of justification is important for Rawls because stability for the right reasons and legitimacy of a liberal regime founded on Rawlsian principles hinges upon a principled justification of political conception.

Now, like the conceptualisation of the political conception of justice, the justification of the political conception presumes the background culture of liberal constitutional democracies and the facts about such societies.[[20]](#footnote-20) However, unlike the former, Rawls cannot merely point back to the facts about modern societies as reasons because we are now in the process of justification of the conception, not merely its conceptualisation. True, the justification is not supposed to be transcendent (it is an immanent justification), and hence can draw on the background culture and facts about constitutional democracies as its resource, but such a resource cannot be employed in a circular manner without sacrificing the very meaning of justification. The common human reason and basic laws of logic should be respected even in an immanent justification. What Rawls needs at the level of justification are three things: a) he needs to show the logical (conceptual) possibility and internal coherence of the overlapping consensus, given his assumptions about comprehensive doctrines, pluralism and other related facts; b) he needs to show that such a possibility is realistic given the background assumptions;[[21]](#footnote-21) and c) he needs to explain the remaining gaps between the ideal and reality by casting his conception as an on-going project. Such a project would be realistic, and plausible to the extent that b) is plausible. My focus in this paper is only on a). If the project is internally incoherent, logically speaking, b) and c) do not matter.

Thus the paradox (incoherence, tension) I have pointed out in this paper is an internal paradox which arises from the internal incoherence of Rawls’s schema given the conditions of common human reason and the basic laws of logic. The paradox is ultimately created by essentially opposing tendencies in tandem within the key conceptual apparatus used in constructing and justifying political liberalism. I will pick up two central concepts to briefly illustrate what I mean by the above. The two central opposing tendencies are the following:

(i) In constructing the justificatory framework for his political conception, Rawls works with a strong notion of comprehensive doctrines. Comprehensive doctrines for Rawls are a central piece of his picture of modern societies. Almost every citizen in these societies belongs to one of these doctrines. They encompass the whole life of the citizens. They are the source of socialisation, identity formation, and the basis of loyalty for the liberal or any state. Liberalism on its own cannot muster that fountain of loyalty (although it has to be conceded that comprehensive liberal doctrines would provide some resources of their own to political liberalism, and the liberal culture prevalent in constitutional democracies will also provide essential resource for that, though obviously that is not sufficient, at least in Rawls’s eyes). Comprehensive doctrines are reasonable to the extent that they accept principles of tolerance and equal freedom (in their own terms and understanding, though the political liberal constitutional order would provide some minimal boundaries on how this must be understood); however, these comprehensive doctrines are mutually incompatible and even incommensurable in various cases. Furthermore, these comprehensive doctrines are formally equal in their importance.[[22]](#footnote-22)

(ii) Rawls’s notion of stability for the right reasons is quite robust, and the conception of legitimacy depends on this strong conception of stability for the right reasons. The principle of legitimacy in turn defines the very meaning of liberalism (without legitimacy as defined by Rawls, there is no liberalism): “If justice as fairness were not expressly designed to gain the reasoned support of citizens who affirm reasonable although conflicting comprehensive doctrines . . . it would not be liberal” (Rawls, 1996: 143). Hence, the notion of justification and the steps involved in it are absolutely necessary for Rawls. But such a strong conception of stability which is based on loyalty to the liberal conception and the regime founded on it, also assumes that all comprehensive doctrines in society understand the liberal conception (especially its conception of equal freedom and legitimacy) in the same (or at least in a fairly similar) way as liberalism itself, and hence are a loyal to (political) liberalism as liberalism itself.[[23]](#footnote-23) Thus Rawls envisages a scenario in which Christian supporters of liberalism and Kantian supporters of liberalism are equally loyal to liberalism, and the fact that one of them becomes a majority would not alter the basic assumptions and nature of a constitutional order.[[24]](#footnote-24) This is an extraordinary assumption even in the context of the background assumption that both Kantian and Christian doctrines support the liberal conception and the regime founded on it on principled grounds. Rawls’s strong conception of stability assumes that “those who affirm the various views supporting the political conception will not withdraw their support of it should the relative strength of their view in society increase and eventually become dominant” (ibid.: 148).

Even if one accepts that different conceptions support liberalism on a principled basis (ibid.: 147-148), it does not follow that the understanding of constitutional principles, the nature of values and their balance and different priorities will not change. A constitutional regime in which Kantians are in the majority, and a constitutional state in which Christians are in majority, cannot be the same in character; in turn they (i.e. the Kantian and Christian political regimes) cannot be political liberal regimes in the same sense in which a regime will be a liberal regime when people whose primary loyalty lies with political liberalism (and not to Kantianism or Christianity) are in command.[[25]](#footnote-25) So, it would be a stretch to call a Christian regime a political liberal regime even if the Christian doctrine once supported liberalism on principled grounds because principled grounds can shift with changes in ground conditions. To suppose otherwise would either be pure madness or denote that there is something else going on in the argument.

What explains Rawls’s optimism? One explanation is that he uses two different notions of comprehensive doctrine at different stages in his argument: a weak notion and a strong notion. He works with a strong notion of comprehensive doctrine when he talks about it being about the most important matters in citizens’ life, source of identity formation and loyalty. However, he uses a weak sense of comprehensive doctrine when he hopes that it will be able to support liberalism in the same way it supported it when it was a minority, even after it becomes a majority. But this (the fact that he is working with two different notions of comprehensive doctrines) is not explicit and it shows in Rawls’s struggle to explain why political values almost always (normally) trump non-political values. The key questions for Rawls are twofold: whether different doctrines are able to support liberalism on principled (reasoned) grounds; and when there is a clash between political and non-political values, which of them trumps the other? One of the key elements of Rawls’s conception of stability for the right reasons is that political values almost always trump non-political values (when they clash), and providing a satisfactory answer to this should go a long way towards suggesting the route to stability for the right reasons. But Rawls struggles to provide a coherent answer. For sure, political philosophy is not mathematics or deductive logic (or a thing of that sort), but on such crucial question one should expect a slightly more convincing explanation than Rawls actually gives. So what is Rawls’s answer? One answer is that political values are great values, and this fact is established from within each comprehensive doctrine. But from the fact that political values are great values it does not follow that they should almost always trump non-political values. The very question of the clash between political and non-political values presupposes that at least for some comprehensive doctrines political values might not be as important as other values, even though they are great values.

The second part of the answer is that being able to prioritise political values over non-political values is the very condition of social cooperation within free societies. But the very phrasing of the answer smacks of pragmatic inevitability that does not sit well with the desire to provide principled grounds for the political conception. Moreover, for such eventuality to become a genuine argument, one would have to show that the liberal political arrangements are the only possible arrangements within a free society and that without them all hell will break loose. But Rawls has not shown any such thing (1996: 149).[[26]](#footnote-26)

One final reason Rawls offers for why political values normally win out is that “severe conflict with other values [in constitutional democratic cultures] is much reduced” (ibid.: 157).[[27]](#footnote-27) But that does not show that there is not the real possibility that some values still exist which might conflict with political values, and that the question of priority would be urgent in such possible, even though relatively rare, cases. In order to eliminate the possibility of the latter, Rawls would have to unrealistically assume that political liberalism (and the culture from which it flows) has permeated comprehensive doctrines to such an extent that no such conflicts are a realistic possibility anymore. More crucially, such a possibility assumes a much weaker role for comprehensive doctrines than Rawls assumes in his argument (for the most part). In the end Rawls provides merely an empty hope: “we believe the concern for salvation does not require anything incompatible with . . . liberty” (1996: 153). When pushed to consider the possibility that “a religious salvation of those holding a particular religion” may require abandonment of the view that political values, when in conflict with the concern for salvation (for example), should trump it, Rawls merely notes the hopelessness of such a situation and wishes that this would not be the case. Of course, Rawls can argue that empirically speaking such possibilities are not very high; but that would be an empirical fact and not a principled ground for the hope that political values should normally (almost always) trump non-political values. To avoid this situation what Rawls needs to say and show is that certain political values are not only great values but “intrinsically important than other values and that is why the latter are overridden” (1996: 157). But Rawls is honest about this: “Having to say that is just what we hope to avoid”; but his claim that achieving an overlapping consensus helps us to avoid saying this is too hasty, to say the least. Rawls wants to avoid saying that political values are intrinsically more important than non-political values because it would undermine the rationale for and very basis of his political liberalism.

**III. Overcoming the Paradox**

Larry Krasnoff has claimed that Rawls’s argument with regard to political liberalism is an argument “concerned with rational justification in a quite deep sense”, and that it provides “his theory of justice with much stronger sort of justification” than the one Rawls had provided in his earlier works (Krasnoff, 2010: 681). On the face of it Krasnoff’s claim makes sense, since evidently it should be counted as a stronger and deeper justification if a conception can be supported by not just one comprehensive doctrine (as it was in Rawls’s earlier work) but by all major comprehensive doctrines in a society.[[28]](#footnote-28) But Krasnoff ignores an important consideration in this regard. The fact that the political conception is supported by different comprehensive doctrines for their own reasons does not necessarily ensure that those different reasons (i.e. reasons of different mutually incompatible and incommensurable comprehensive doctrines for supporting liberal conceptions) are mutually compatible or form an overall coherent system. Krasnoff brushes aside this worry on the grounds that what political liberalism is after is the practical goal of agreement, and the actual reasons, their quality (and by inference their compatibility with other reasons offered by other doctrines) is of no concern (as long as it is supported by those reasons).

This makes sense to a certain extent because the full justification is performed in private (independent of and without reference to political liberalism). Neither is there any mention of the content of those reasons at the level of public justification, nor are those reasons mentioned in the public political life of a society (with which political liberalism exclusively deals). But this ignores the fact that one cannot divide the citizen into political and comprehensive halves,[[29]](#footnote-29) even if we have agreed to use only political language (and translate our concerns into that language) when we are engaged in public political life.[[30]](#footnote-30) The comprehensive reasons lingering in the background must in some sense inform the decisions and political arguments of the citizen, and unless the background reasons informing the political reasons of citizens are in broad harmony they are bound to create social tensions and political instability,[[31]](#footnote-31) and hence it seems that on the face of it the strategy of avoidance is too hasty. Political liberalism cannot avoid the substantial question of the mutual coherence and minimum, overall, internal (and not just external[[32]](#footnote-32)) compatibility of the doctrines supporting it. The paradox elaborated in this paper indirectly supports this claim and casts doubt on Rawls’s overall strategy regarding political liberalism.[[33]](#footnote-33)

The only plausible retort to the above argument available to a Rawlsian is to point towards the fact of socialisation. Socialisation is a great leveller; and undoubtedly the background culture of pluralistic constitutional democracies, as well as the non-political part of public culture, plays a crucial role in providing plausibility to Rawls’s argument as a whole. So Rawlsians can say that the sort of disharmony and incongruence mentioned above is not inevitable, and that socialisation processes in constitutional democracies will make sure that the quality of reasons emanating from comprehensive doctrines is not only externally controlled but is also internally regulated and shaped, which in the long run will ensure that there is no threat of conflict or incongruence among the different reasons emanating from conflicting and often mutually irreconcilable doctrines. I think this line of response is highly plausible in itself; however, it is in conflict with other key assumptions with which Rawls works in developing political liberalism. Rawls, for example, assumes that the fundamental irreconcilability among different comprehensive doctrines cannot be transcended in principle because it emanates from the fact of free reason itself and is not some external constraint which can be circumvented.[[34]](#footnote-34) Therefore, accepting the burden of judgements, for example, is part and parcel (and a necessary condition) of developing the political liberal conception Rawls advocates. For these reasons it seems to me that the argument presented above stands intact, despite the last-ditch effort to salvage the argument with reference to the fact of socialisation.

Is Rawls’s argument doomed, then? There are no knock- out arguments in political philosophy, so there are always more than one trade-offs available. To conclude the paper, I shall briefly consider a few options available to Rawls for avoiding the paradox, and their pros and cons.

i) Rawls could work with a weak conception of comprehensive doctrine throughout his argument. This would be empirically more sound, as in contemporary constitutional democracies (including the US, where religion plays an apparently much more dominant role as compared to other such democracies) comprehensive doctrines (especially the religious ones) are in reality much weaker than Rawls assumes at various points in his argument.[[35]](#footnote-35) In fact, when setting out to show how an overlapping consensus is plausible in reality, Rawls works with much weaker and more porous conception of comprehensive doctrines (as compared to the stronger version he uses in justifying the liberal conception). Thus in his discussion on “Steps to Constitutional Consensus” he significantly claims that “liberal principles of justice” which are initially accepted “as a mere modus vivendi” gradually acquire much more principled acceptance in a society (initially due to their efficacy, but once that is demonstrated their worth begins to be appreciated for its own sake), and one crucial factor in making this possible, which Rawls refers to, is “ a certain loosens in our comprehensive views, as well as their not being fully comprehensive”. Referring to his earlier justificatory claims that people’s “acceptance of the political conception was said to be solely derived from and to depend solely on the comprehensive doctrines” (Rawls, 1996: 159), he now raises the question whether it is true in actuality (reality) or in practice? And the answer he comes up with suggests that it is not the case, or at least not in the way he had dubbed at the justificatory stage. Now he thinks that people might be able to appreciate the worthiness of liberal conceptions independent of their comprehensive doctrines because:

Most people’s . . . doctrines are not seen by them[[36]](#footnote-36) as fully general and comprehensive, and these aspects admit of variations of degree. There is lots of slippage, so to speak, many ways for liberal principles of justice to cohere loosely with those (partially) comprehensive views, and many ways within the limits of political principles of justice to allow for the pursuit of different (partially) comprehensive doctrines.

 (ibid.: 160).

So people can accept liberal principles on their own merit and without reference to their comprehensive doctrines because (among other reasons) their comprehensive doctrines in reality are loose and porous enough to allow for such process. This presupposes extensive liberalisation (and necessary secularisation?) of society so much so that: “Should an incompatibility later be recognised between the principles of justice and their wider doctrines, *then they might very well adjust or revise their doctrines rather than reject those principles*” (ibid., emphasis added).

This suggest a rather different picture than the picture one gets in Rawls’s justification of political liberalism involving three stages, and his subsequent discussions on stability, social unity and legitimacy of liberal conceptions and regimes. The current view, which incidentally seems to me much more in tune with the reality of historical transformation as well as contemporary constitutional democracies, seems incompatible with a strong notion of comprehensive doctrines, their incommensurability, and related notions.[[37]](#footnote-37) There can be four possible explanations for this:

(i) First, some might claim that Rawls, with his category of partial loose comprehensive doctrines (note that looseness and not partiality is of essence here), had already paved the way for this, as in fact he himself suggests (see 1996: 152 n.). But this would be letting Rawls off the hook too easily. Two sub points may be noted in this regard: a) first, Rawls’s main category is comprehensive doctrine and not partial comprehensive doctrine. His general account of reasonable pluralism assumes at least two widely held opposing comprehensive doctrines which are essential to the lives of their adherents but which are incompatible with each other.[[38]](#footnote-38) b) Second, looseness is not something essential to a partial doctrine,[[39]](#footnote-39) or in other words looseness does not follow (at least not necessarily) from the partiality of a doctrine. Or if it does, Rawls has not provided any argument for it. For this explanation to be tenable Rawls would need to argue that loose comprehensive doctrines are either in the majority or at least form a critical mass in societies he has in mind while constructing his argument.[[40]](#footnote-40) But such an assumption would be in a direct clash with much of the backdrop of Rawls’s argument. So, this explanation does not hold much water when pressed further.

(ii) Second, one explanation might be that Rawls might have dropped this account (i.e. his discussion in steps towards constitutional consensus), which was part of his initial, laxer formulation, for a stricter formulation aiming at principled justification of political liberalism and demarcating it clearly from a modus vivendi approach. However, the new introduction to *Political Liberalism* reaffirms the step; Rawls now sees the introduction of the notion of reasonable comprehensive doctrine as extending the initial pragmatically evolved consensus and “hastening the change to a just constitutional regime” (1996: lvi). Whatever the case might be, such an argumentative strategy is incompatible with a strong notion of the comprehensive doctrine. As Rawls himself notes in the same introduction, “the point is that not all reasonable comprehensive doctrines are liberal comprehensive doctrines; so the question is whether they can be compatible for the right reasons with liberal political conception” (ibid.: xxxvii). In this context, for his discussion in “steps to constitutional consensus” to be even minimally plausible, we would have to presuppose that nonliberal comprehensive doctrines are a minority in society, and moreover that most comprehensive doctrines are loose and porous. But this seems to be totally in contrast to and incompatible with Rawls’s overall justificatory strategy with relies heavily on a strong notion of comprehensive doctrine (be it a partial or complete comprehensive doctrine).

iii) Third, someone might suggest that in the current discussion Rawls is concerned about the ‘fact’ of how political liberalism gets support in a society not its justification. This is relevant to a certain extent, but as I, and others, have argued elsewhere[[41]](#footnote-41) the concepts used in justification stage should not be too much at variance with reality, otherwise justification would have no bearing on reality (and hence would not be realistically plausible).

iv) Fourth, Thomas Scanlon has suggested that “much of the work [i.e.in Rawls’s justificatory schema] is done by the notion of a *reasonable person* – that is to say, by taking the question of overlapping consensus to be whether a political conception is one that every reasonable person would have reason to support no matter what reasonable comprehensive view he or she held” (Scanlon, 2002: 164). There is nothing wrong with this suggestion in itself, and the positive side of it is that it can circumvent many problems discussed above, which are the direct outcomes of relying on a strong notion of comprehensive doctrine. The down side of this, however, is that Rawls then cannot simultaneously rely on a strong notion of comprehensive doctrine, and also, such an idea of free floating reasonable persons also presupposes that loose and porous doctrines are a majority, or at least a critical mass in society, which again seems incompatible with the official justificatory strategy. Not to mention the fact that this is not a factually correct description of Rawls’s justificatory strategy either, notwithstanding his use of the notion of reasonable persons to which Scanlon refers. Thus, this strategy also fails.

Now, at this stage, one possible option is that the strong notion of comprehensive doctrine, its role in socialisation and the provision of the sources for loyalty as a necessary condition in justification of the liberal conception, be dropped. This would make Rawls’s account more realistic, and more coherent, on the line he himself suggests in his discussion on steps to constitutional consensus. But on the down side he would have to give up the whole notion of political liberalism as the reconciler of different warring factions which are permanently incommensurable due to the burdens of judgement. Rawls’s account of the burdens of judgement might be salvaged to the extent that there is no final (conclusive) answer to many ‘deep’ questions that relate to metaphysical issues, meaning of life, etc., but he would have to distance it from reliance on a strong notion of comprehensive doctrine, which either belongs to the relics of history or to societies which are not as yet developed constitutional democracies. True, there remain divisive issues which by their very nature defy conclusive answers and so they might be dealt with on the lines Rawls suggests, not because of the predominance of comprehensive doctrines, but due to the very nature of issues on which citizens in a free society might find themselves in different camps. And to the extent that Rawls’s political liberalism provides a solution to the problem it remains relevant (once it is purged of its reliance on the archaic notion of strong comprehensive doctrines).

With the dropping of the strong notion of comprehensive doctrine, Rawls would have to drop the whole notion of loyalty to liberalism emanating from various comprehensive doctrines. But this can be compensated by the fact that political liberalism (not just Rawls’s but the family of political liberalisms) and their secular and religious affiliates can seek the source of loyalty to political liberalism in its own worthiness, and in the process of socialisation grounded in liberal institutions, liberal media and liberal education system etc. This would get rid of precarious reliance on comprehensive doctrines, and consequently (hopefully) cure liberalism’s proneness to interference in those doctrines in various ways, which only creates confusions and backfires most of the time (any additional help from comprehensive doctrines on their own accord is obviously always welcome but would not be officially required). But again, the downside of this is that Rawls’s hope of foreclosing all the doors to revolution[[42]](#footnote-42) cannot be seen realistic; if (and that is a big if) a strong comprehensive doctrine (which is not liberal) attains majority it cannot be guaranteed that it would not be tempted to tinker with the liberal constitutional regime. But as I have argued elsewhere, the strong conception of stability which lurks behind such hopes is utterly unrealistic anyway.

Another option (and perhaps less attractive on the whole from the perspective of political liberalism) would be to keep working with a strong notion of comprehensive doctrine, but drop the strong conception of loyalty to liberalism and a liberal regime. If comprehensive doctrines are as important and as vital for socialisation processes and identity formation as Rawls at times claims that they are, then it is reasonable to expect that citizens’ primary loyalty would be to their respective doctrines, and their loyalty to liberalism would be only secondary and mediated through corresponding doctrines. In this scenario, several downsides emerge. Liberalism will be continuously dependent on comprehensive doctrines, and the political society would be based on precarious consensus which would have to be negotiated and renegotiated on a continuous bases. Support for liberalism would be great in the case if its natural allies among different comprehensive doctrines are dominant, and those comprehensive doctrines which are the least compatible with it (even though they are reasonable) are in a permanent weak state. In such a scenario it would be better to drop the conception of the formal equality of different comprehensive doctrines. One can make room for a certain hierarchy among comprehensive doctrines, and can explicitly acknowledge the fact that certain comprehensive doctrines[[43]](#footnote-43) will fare better than others in a liberal regime. Nevertheless, one can argue at the same time that those comprehensive doctrines which are not likely to prosper on the whole in a liberal regime (even under the umbrella of constitutional rights) still have interest in supporting liberalism on their internal reasons as all other things being equal liberalism is still the best system for those doctrines. But Rawlsian liberals would have to concede in return something that Rawls rejects. They would have to accept that in case the doctrines least compatible with liberalism become majority the overall character of the liberal regime would considerably change for two reasons: a) liberal principles would be interpreted in the light of the new dominant comprehensive doctrines’ understanding of those principles (at the level of background culture and at the level of socialisation); b) the social, educational and cultural system would express that change in the overall system. This would be done without infringing Rawls’s overall minimal requirements. In such a scenario the temptation for liberalism is to try to actively weaken such comprehensive doctrines theoretically and practically, but such active interference would be against the spirit of liberalism. On the positive side, if Rawls’s account is correct, and if all or nearly all mainstream comprehensive doctrines lend support to liberalism in a robust way, then one can imagine it getting a robust support and unconditional loyalty that Rawls envisions for it, even though such a support would be an on-going phenomenon, and there is no principled argument (even in such a case) to foreclose the possibility of revolution (although in practical terms it might be almost impossible).

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1. The initial idea of the paradox was presented in (Rizvi, 2011). Here it is presented in much more detail and is developed fully. [↑](#footnote-ref-1)
2. Political liberalism for Rawls is “equally distinct” from both religious and nonreligious comprehensive doctrines (1996: xxxviii), and thus an entity in its own right. This provides the basis for the way I speak of political liberalism throughout the paper. [↑](#footnote-ref-2)
3. It is also part of the independence of the political conception that it “can be presented independently from comprehensive doctrines of any kind” (Rawls, 1997: 776, 1995: 134-135). [↑](#footnote-ref-3)
4. The main source of such conceptualisation is the public political culture of constitutional democracy and its free institutions (and perhaps also common human reason) (Rawls, 1995: 135). The independence aspect I discuss here incorporates (but goes beyond) what Joseph Raz refers to as the autonomy aspect of the theory of justice (Raz, 1990: 8). [↑](#footnote-ref-4)
5. It should be noted here that ‘political values’ for Rawls are a subset of moral values, and hence ‘political’ is not to be construed as morally or value neutral. The political values Rawls is concerned about (fairness, freedom, equality) are for him moral values. The function of the ‘political’ is to delineate two points: firstly, they are moral values related to the political realm; secondly, they are not referred to any particular comprehensive moral and metaphysical doctrine. Thus political liberalism is not political “in the wrong way” in that “its form and content are not affected by the existing balance of political power between comprehensive doctrines” (1996: 142). [↑](#footnote-ref-5)
6. “. . . the ordering of values is made in the light of their structure and features within the political conception itself, and not primarily from how they occur within citizens’ comprehensive doctrines” (Rawls, 1997: 777). [↑](#footnote-ref-6)
7. Joseph Raz has termed this a shallow foundation of political liberalism and claims that “[e]mbracing autonomy and shallow foundations is Rawls’s response to the fact of pluralism” (1990: 8). I agree with Raz on the autonomy part but disagree on the shallow foundation part. In fact it will become clear that Rawls’s paradox arises in part because he is not content with shallow foundations for his theory (shallow foundations are precisely *pro tanto*) and seek deep (in fact very deep) foundations for it. [↑](#footnote-ref-7)
8. But note that, crucially, the justification at this stage is *pro tanto*, which precisely means that it can in principle be overridden by a comprehensive doctrine (Rawls, 1995: 143), although admittedly the possibility of being overridden by a comprehensive doctrine is only factual given Rawls’s insistence that political values should (normally) trump all other values (Rawls, 1997: 801-802, 1996: 138-139). [↑](#footnote-ref-8)
9. Rawls’s avoidance policy is embedded within his overall principled approach and hence does not necessarily commit him to a *modus vivendi*. Following Raz we can call Rawls’s avoidance strategy ‘epistemic abstinence’. However, I do not agree with him in his claim that “epistemic abstinence lies in the fact that he refrains from claiming that his doctrine of justice is true” (1990: 9, italics removed). In fact, Rawls’s refrain mentioned here is, so to speak, only *pro tanto*; Rawls requires (or hopes in any case) that most comprehensive doctrines justify the theory as true or right at the second level of justification. Thus the doctrine is claimed true or right not just by one but almost every comprehensive doctrine in society (this can hardly be termed as a search for shallow foundations). [↑](#footnote-ref-9)
10. Which I suppose should at least mean the following: a) avoid tampering with the doctrines in order to muster support for the political conception; b) avoid taking sides in intra- or inter-doctrinal disputes (Rawls, 1996: xx, xxviii). One of the paradoxes of Rawls’s position is that it is highly probable that liberals would normally end up doing precisely this. [↑](#footnote-ref-10)
11. Rawls also speaks of “competing transcendent elements” of comprehensive doctrines that “do not admit of compromise” (1996: xxxviii-xxxix, the same phrase occurs on xliv). [↑](#footnote-ref-11)
12. There are two aspects of reasonableness as related to political liberalism; this one I call ‘internal’. There is an external aspect of reasonableness which will be mentioned below. [↑](#footnote-ref-12)
13. This is as defended in Rawls’s debate with Habermas (Rawls, 1995). In the original proposal (*Political Liberalism*), Rawls had less stringent requirements; for example, there he sometimes speaks as if justification is only necessarily required of “society’s politically active citizens” and the doctrines they adhere to (1996: 134). It seems to me that Rawls retracted some of the earlier pragmatic formulation in the face of criticism from his acolytes after the first publication of *Political Liberalism* (on this see Hill, 1994). I have argued elsewhere (Rizvi, 2011) that Rawls can still retain the pragmatic attitude without giving up some of his later concerns about a more robust response to the modus vivendi charges. [↑](#footnote-ref-13)
14. At least those of them which are powerful and have large followings. [↑](#footnote-ref-14)
15. Comprehensive doctrines “play a basic social role in making public justification possible” (Rawls, 1995: 145). [↑](#footnote-ref-15)
16. Rawls, 1995: 146, 148. [↑](#footnote-ref-16)
17. Here Rawls claims (or demands) two things: a) “a true judgement in a reasonable comprehensive doctrine never conflicts with a reasonable judgement in its related political conception”; and b) “a reasonable judgement of the political conception must still be confirmed as true, or right, by the comprehensive doctrine” (Rawls, 1997: 801). The latter point is repeated on ibid.: 804 (cf. Rawls, 1995: 143, where ‘right’ is replaced by ‘reasonable’ and “depending on what that doctrine allows”. Rawls, 1996: 151 has the same wording as Rawls, 1995). [↑](#footnote-ref-17)
18. For this double use of ‘reasonably’ and its significance see Rawls, 1996: xlii. [↑](#footnote-ref-18)
19. This is separate from the reasonableness of the political conception in itself. Let us call it its ‘external reasonableness’. When we apply the criterion of reciprocity to the political conception we know that it is reasonable (this is the first occurrence of ‘reasonably’ – what we can reasonably expect others to accept), but we still do not know whether others would *in fact* be able reasonably to accept this (this is the second occurrence of ‘reasonably’), which we can only know after the public justification (see n. 9 above). Larry Krasnoff seems to conflate the two senses of reasonableness (see Krasnoff, 1998: 282-283.). James Bohman and Henry S. Richardson (2009) also ignore the distinction in their otherwise fine discussion of the topic. [↑](#footnote-ref-19)
20. I refer here to Rawls, 1995: 144 n. 20. [↑](#footnote-ref-20)
21. Rawls notes in his introduction to the paperback edition that “PL makes no attempt to prove, or to show, that . . . [reasonable overlapping consensus] would eventually form around a reasonable political conception of justice” (1996: xlv-xlvi). [↑](#footnote-ref-21)
22. The only criterion of normative hierarchy is ‘reasonableness’ and once they are found reasonable there is no internal mechanism to further hierarchise them. Sometimes Rawls speaks of doctrines which are in majority in a society or those which are more influential, but such criteria cannot have any normative significance given the fact that Rawls hopes that once a doctrine has accepted a liberal conception on a reasoned basis it makes no difference whether it becomes a majority or remains a minority (as in both cases it will support the liberal conception on reasoned grounds). [↑](#footnote-ref-22)
23. This claim might be disputed by some as a correct interpretation of Rawls, but when read with the next paragraph it should be accepted as a fairly straightforward understanding of Rawls. [↑](#footnote-ref-23)
24. But compare this to what Rawls says on 1996: xxxvii. [↑](#footnote-ref-24)
25. Such people might either lack a comprehensive doctrine, or belong to a pluralistic comprehensive doctrine, or belong to traditional doctrines, but have developed independent loyalty to the political conception for various reasons. [↑](#footnote-ref-25)
26. One could use, for example, a comparative-possibilities approach to arrive at an alternative to Rawls’s solution. For an excellent use of the approach for similar but separate issues, see an excellent paper by Steven Wall, 2001. [↑](#footnote-ref-26)
27. Insertion within brackets mine. [↑](#footnote-ref-27)
28. It is essential for stability for the right reasons of a political regime that reasonable comprehensive doctrines are in “in an enduring majority” (Rawls, 1995: 147, 1996: xlvii). [↑](#footnote-ref-28)
29. Such a view is implied (for example) on Rawls, 1996: 135 and 140. But my claim here does not necessarily run afoul of Rawls’s clarification that the political conception “does not regard the political and the nonpolitical domains as two separate, disconnected spaces, each governed solely by its own principles” (Rawls, 1997: 791). My objection is not that the two spaces are disconnected but that they are governed by two different regimes of reasoning (even if the principles involved might be similar or the same). My claim here also should not be construed as an objection that Rawls is relying on an untenable distinction between one's ‘public’ self and one’s ‘private’ self. [↑](#footnote-ref-29)
30. Rawls, 1997: 777f., presents the ‘completeness’ of a political conception as part and parcel of its self-sufficiency and independence, and as part and parcel of his attempt to compartmentalise the political conception from comprehensive doctrines (this should be read with the clarification in n. 27 above). [↑](#footnote-ref-30)
31. Such tension can be seen in debates on abortion on the political plane where Catholic Christians (for example) present ‘political’ reasons such as “public peace, essential protections of human rights, and the commonly accepted standards of moral behaviour in a community of law” (Rawls, 1997: 798, n. 82; Rawls here refers to the work of Cardinal Joseph Bernardin and concurs that all three reasons presented by the Cardinal are political reasons) to argue for their case against abortion. Although these values are shared by many anti-abortion citizens, they do not cut much ice with them in the context of the debate, not just because they do not see them relevant to or true for the abortion debate (which they may or may not), but mainly because a Catholic Christian understands these so-called political values in the light of the ultimate values of the Catholic religion itself (which I submit she cannot help as long as she remains Christian or unless she changes her conception of Christianity. She might agree to exclude certain issues from the political debate, but cannot sincerely pretend to ultimately ‘forget’ her Christian reasons while engaged in a public political debate). Thus a much more straightforward and sincere course would actually be to present the ‘real’ reasons behind these political reasons rather than beating around the bush. There is a vast literature on the topic, but the literature generally concentrates on the issue of sincerity in this context; my concern, on the other hand, is ‘understanding’, which is crucial for assessing the validity of reasons given (see Schwartzman, 2010, for an overview of the debate and further references). [↑](#footnote-ref-31)
32. I consider the criterion of reasonableness as applied to comprehensive doctrines to be external because it only regulates the reasoning of these doctrines in the public politic arena and not internally. Hence it cannot know or judge the quality of the internal reasons of a doctrine. [↑](#footnote-ref-32)
33. Let us imagine Catholic Christians becoming a majority in a regime founded on broadly Rawlsian principles (not very unlike the US constitution- here I concur with Raz, 1990: 6 n. 6). The newly formed Christian majority reasserts its allegiance to the constitution and pledges to respect basic liberties and rights, but announces a public ban on abortion and its intention to make it a punishable crime in due course. A law is passed in due course, with a clear majority, of course, and the constitution is duly amended (let us assume that they have two-thirds majority, needed in most countries to pass such amendments) to remove any ambiguities in this regard. Rawlsian liberals object to it on the ground that it flouts the principle of reciprocity. But the Christians reply that it has nothing to do with protecting basic liberties, as it is clearly a case of killing an innocent human being and must be treated as such. They also believe that they have given sufficient reasons (political reasons, which they sincerely believe to be supporting their case); the case also for them does not fall under the burden of judgements, as the issue is evidently that of killing in their eyes, and they have passed the law with clear majority, and since the regime is the one which generally protects basic liberties etc. even those who think that in this particular case the regime’s act is unjust should support it, and violent resistance to it would be unreasonable (cf. Rawls’s argument regarding Quakers and their opposition to the war: Rawls, 1995: 148ff.; also see PL: liii for the relevance of voting in this context) . [↑](#footnote-ref-33)
34. This obviously does not rule out fundamental rapprochement between *this* or *that* doctrine, but it does rule out the transcendence of the plurality of irreconcilable doctrines as such. As Rawls states, “Political liberalism mitigates but cannot eliminate” the conflicts “deriving from citizens’ conflicting comprehensive doctrines” (PL: lviii). [↑](#footnote-ref-34)
35. I present this as purely intuitive assertion without any further argument; nothing in my argument in the paper depends on this claim. [↑](#footnote-ref-35)
36. Recourse to the distinction between phenomenology (how the followers *see* the doctrine) and reality of the doctrine would not help Rawls at this stage either. [↑](#footnote-ref-36)
37. In fact, seen in the context of the discussion referred to in the text, it would seem that weakening of comprehensive doctrines (becoming loose and less stringent) is a necessary condition (or at least one of the necessary conditions in a disjunctive set of necessary conditions) for the independence of the political conception (see PL: 168), which is in stark contrast with the official position elaborated in section I of this paper. [↑](#footnote-ref-37)
38. In fact Rawls’s discussion in his new introduction to *Political Liberalism* seems to imply that the existence of ‘religious’ (or non liberal doctrines in general) is what necessitates the idea of political liberalism (see xxxvii). [↑](#footnote-ref-38)
39. It is true that Rawls (at least as he presents it) makes it seem that ‘looseness’ is part of ‘partiality’ by definition (see 1996: 13), but I see no justification for it, and I am sure Rawls would concede the point, if pressed on the matter. But note that my argument does not exclusively hinge on this point. [↑](#footnote-ref-39)
40. On the contrary Rawls admits that: “Many religious and philosophical doctrines aspire to be both general and comprehensive” (1996: 13). [↑](#footnote-ref-40)
41. See (Rizvi, 2011) for discussion and further references. [↑](#footnote-ref-41)
42. Such hope is implied on Rawls, 1997: 782, for further discussion on this see (Rizvi, 2011). [↑](#footnote-ref-42)
43. Rawls talks of the historical preeminence of Kantianism and utilitarianism among liberal doctrines (1996: 135n). [↑](#footnote-ref-43)