

SYMPOSIUM
LIBERAL LEGITIMACY, PUBLIC REASON AND
CITIZENS OF FAITH



REPLIES TO COMMENTATORS

BY
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Replies to Commentators

Paul Weithman

I

Introduction

I am very grateful to all of the scholars who have contributed to this symposium for the time and energy they have put into commenting on my book *Rawls, Political Liberalism and Reasonable Faith*. I am also grateful for the generosity of their assessments of the book, even where they express disagreement. I am especially indebted to Valentina Gentile for organizing the conference in Antwerp at which some of the comments were first presented, and for shepherding all of the papers through to publication.

It is gratifying to learn that Professor Sala agrees with my interpretations of Rawls. Not wanting to spark disagreements where none exist, I shall leave her comments aside in what follows, saying only that readers should consult her contribution for a clear and helpful overview of my book's main themes and arguments. The five critical comments to which I do reply in this essay zero in on two topics which are prominent in my book. Professors Singh and Melidoro focus on my claim that Rawls's conception of justice has a "religious aspect." Professors Gentile and Loobuyck focus on my treatment of public reason. Professor Vallier does as well, though his concern is not – as theirs is – with political argument. He is interested in what kinds of reasons can be public, and the

divide between “consensus” and “convergence” theorists that results from different answers to that question. I shall therefore treat his comments in a separate section at the end of this set of replies.

A figure who connects the first two pairs of commentators is Habermas: both Professor Singh and Professor Loobuyck cite his discussion of religion’s place in the public sphere. I shall say a word about Habermas when I respond to Professor Loobuyck. But I am not a Habermas scholar and can therefore say much less than I would like. I shall begin with comments on the religious aspect of Rawls’s view. Because my reply to Professor Singh leads naturally to my response to Professor Melidoro, I shall start with Professor Singh’s comment.

II

Replies to Professors Singh and Melidoro

II.1 Reply to Professor Singh

Philosophers who know of liberalism through the academic debates of the last few decades, or through the great works in which it developed, may well view it as a political theory for societies which are self-contained. They are surely right in thinking that the classics of Anglophone political philosophy – Locke’s *Second Treatise* and his *Letter on Toleration*, Mill’s *On Liberty*, Rawls’s *A Theory of Justice* and their great precursor Hobbes’s *Leviathan* – all lack clear implications for state conduct in the international arena.

But Hobbes, Locke, Mill and Rawls all attempted to develop governing philosophies for nation-states which were also Great Powers and which had great military might at their disposal. Adherents of that philosophy who actually governed were deeply concerned with how that power should be projected abroad. In the

US – I know the case of the UK far less well – they thought it should be exercised to protect and extend liberal democratic values. Thus in the twentieth-century US, self-described liberals mobilized the country to fight in the second world war and passed the Marshall Plan to shore up democracy in western Europe against communist encroachment (Schlesinger 1962, 71). In the two decades after communism fell, they pursued what one critic has recently called a “liberal hegemony” and did so with “missionary zeal”.¹

The penchant of working liberals to try exporting their doctrine raises a host of interesting questions. What is it about liberalism that moves its adherents to extend its reach? Is it because liberalism has become neoliberalism, and neoliberals favor regimes which promise open markets and the free movement of labor and capital? If liberals want to export liberalism to secure a globalized economy, is it because they think that a globalized economy will increase corporate profits or because they think a globalized economy is the best guarantor of a global peace? And if liberalism has become neoliberalism, did it have to do so or are there alternatives? Or are liberals moved by liberalism's promise of human liberation, and think that the benefits of liberty should be available to all? If the latter, then liberals must claim that the religious, cultural and political conditions that the liberated are being liberated from are inferior to those that liberalism promises. Is that claim accurate and, if so, in which cases?

These questions are too rarely asked by political philosophers like myself who work in Rawls's wake. It is a merit of Professor Singh's comment that he prompts us to ask them. In what follows I shall ignore answers that appeal to the linkage between liberalism and neoliberalism. For Professor Singh is worried about the

¹ The phrases are Stephen Walt's. They are quoted in Heilbron 2018, 16 (a review of Walt 2018).

problems with liberalism that come to light even when we examine answers to the first question – What is it about liberalism that moves its adherents to extend its reach? – that are more high-minded.

Professors Singh observes that if philosophers following in Rawls's wake have not asked this question, some post-colonial theorists have. According to one postcolonial theorist cited by Professor Singh, Uday Mehta, the adherents of liberalism try to extend its reach because the drive toward empire is "implicit" "in the basic architecture of liberal thought" (Singh, 78). The drive toward empire is implicit and inherent in liberalism because, according to some postcolonial theory, "the linkage between Christianity and liberalism was not merely a historical accident" and because the drive toward empire – in this case, an "empire of souls"² – is implicit and inherent in Christianity (Singh, 79).

Thus the claim that American liberals sought "liberal hegemony" with "missionary zeal" after 1989 is to be taken literally, and points to the answer Professor Singh would have us explore: liberals seek to extend the reach of their doctrine because liberalism is inherently if implicitly Christian, and because Christianity moves its adherents to extend the reach of their doctrine. He wants us to explore that answer so that we can determine whether a distinctively political liberalism quells the imperial or hegemonic impulses of comprehensive liberalism. He worries, I believe, that my attempt to document a religious aspect to Rawls's liberalism implies that the answer is 'no'.

What are we to make of the claim that Christianity is implicit and inherent in liberalism? At first blush, the claim is surprising

² I take the phrase from the title of Tutino 2010.

since liberalism is so often thought antithetical to religion.³ But there are a number of things that the claim might mean. On at least one interpretation of it, the antithesis is just what we would expect.

On the *genetic interpretation*, the defining tenets of liberalism were originally derived from Christian premises, as Locke seems to have derived the equality of human beings from the claim that we are “all the workmanship of one omnipotent, and infinitely wise maker; all the servants of one sovereign master, sent into the world by his order, and about his business.”⁴

With the passage of time, those tenets – such as the proposition that beings are equal – have come to seem more obvious than the religious premises which originally supported them. The support of those premises no longer seems necessary. But, it may be said, Christianity continues to inhere in liberalism in the way that an ancestor inheres in her descendants – as genetic material the unseen persistence of which in political culture explains not just visible morphology, but pathology as well.

On the *political theology interpretation*, liberalism is a modern theory of the state and – Professor Singh quotes Carl Schmitt as saying – “All significant concepts of the modern theory of the state are secularized theological concepts.” (Singh, 84) Consider the concept of sovereignty, for example. Some strands of Christian theology embraced an absolutist view of God’s sovereignty over

³ As Nagel 1987, 217, said: “More generally, liberals tend to place a high value on individual freedom, and limitations on state interference based on a higher-order impartiality among values tends to promote the individual freedom to which liberals are partial. This leads to the suspicion that the escalation to a higher level of impartiality is a sham, and that all the pleas for toleration and restraint really disguise a campaign to put the state behind a secular, individualistic, and libertine morality-against religion and in favor of sex, roughly.”

⁴ John Locke, *Second Treatise* II, 6.

creation. Theorists of the modern state like Hobbes drew on this theology in their political philosophy, endowed the state with divine powers and prerogatives, and announced the endowment by calling the state a “mortal god.” More generally, on this interpretation and in contrast to the genetic one, Christianity inheres in liberalism because of the genealogy, not of liberalism’s fundamental premises, but of its fundamental concepts. Professor Singh’s quotation of Schmitt and his frequent references to “political theology” suggest that this interpretation captures at least part of what he has in mind.

Professor Singh’s implication that Christianity is implicit in the “basic architecture” of liberalism suggests what we might call the *constitutional interpretation*. Because the societies to which liberal theory is addressed are religiously diverse, a thoroughgoing commitment to liberalism is often thought to require an edifice something like the one that has emerged from American First Amendment jurisprudence. That edifice provides for free exercise, the separation of church and state, the neutral treatment of diverse religions and a willingness to accommodate those whose consciences are burdened by generally applicable laws. The architecture that the courts have drawn out of the First Amendment is largely designed to handle differences among Christian religions or religions that are relevantly like Christianity, in demanding religious devotion to a supreme being and in attaching eternal stakes to religious observance. And so according to the constitutional interpretation, Christianity is implicit in the architecture of liberal regimes because it is implicit in or presupposed by the way their constitutional structure is designed comfortably to house religious difference.

The implicitness claim may seem quite plausible when interpreted in any of the foregoing ways, but all three interpretations face a problem. The claim that Christianity is

implicit in liberalism was supposed to be explanatory: it was supposed to explain why liberals have tried to expand the reach of their doctrine by pursuing dreams of empire or hegemony. The problem with the three interpretations is that none of them glosses the implicitness claim in a way that does that. This problem leads me to think that a different explanation is called for.

A more promising explanation begins with the thought that Christianity and liberalism are rivals. They offer rival views of a good human life. Christianity holds out a view of the good life the central virtues of which are love of neighbor, devotion to God and submission to what God wills one's life to be. Liberalism, it may be said, holds out a view of the good life the defining characteristics of which are autonomy and self-creation. Seeing Christianity and liberalism as rivals, we can see why they are thought antithetical. And we can see the interest of the question Professor Singh raises in his paper: that of whether political liberalism, which purports to eschew questions about the human good, can "diffuse" the expansionist "dangers" of comprehensive liberalism (Singh, 79).

But the claim that Christianity and liberalism offer rival views of the good does not yet explain why either should pose expansionist dangers. Why should adherents of one or another view of the good be driven to expand its reach? Even if they have a good they want to share, why go to such lengths? The answer, I think, is that missionary zeal derives, not just from beliefs about the good, but also from beliefs about the right. Christian missionaries do not just think that they are spreading good news about how to live, though they no doubt think that. They also think that they or the ecclesial organization on whose behalf they evangelize would be culpably negligent – would violate a duty – if

they did not spread news about the good.⁵ Similarly, some of those who sought to extend the reach of liberal democracy since 1989 seem to have believed that they would be culpably negligent in doing otherwise.⁶

If I am right that what explains the expansionist tendency of liberalism is the felt duty to make the goods of liberal democracy more widely available, then the question Professor Singh wants to press about political liberalism might be put this way: Will political liberals, who regard the goods of liberal democracy as political values, feel duty-bound extend the reach of their political doctrine?

This is a very interesting and important question. But since we arrived at it from the supposition that Christianity and comprehensive liberalism offer rival accounts of the human good, it is not a question on which the implicitness claim – the claim that Christianity is implicit in liberalism – obviously bears. An affirmative answer to the question, at least with respect to some political liberals, might be defended by saying that political liberalism allows for allegiance to political values on a variety of grounds and that some political liberals will think the extension of political liberalism a religious duty. But that defense does not show

⁵ Benedict XV appealed to the coincidence of the good and the right in paragraph 7 of his 1919 encyclical letter *Maximum Illud*, writing: “From the days when We first took up the responsibilities of this apostolic office We have yearned to share with these unfortunates the divine blessings of the Redemption. So We are delighted to see that, under the inspiration of the Spirit of God, efforts to promote and develop the foreign missions have in many quarters of the world increased and intensified. It is Our duty to foster these enterprises and do all We can to encourage them; and this duty coincides perfectly with Our own most profound desires.”

⁶ In “Remarks by President George W. Bush at the 20th Anniversary of the National Endowment for Democracy,” Bush said “The advance of freedom is the calling of our time; it is the calling of our country.” The speech can be found at <https://www.ned.org/remarks-by-president-george-w-bush-at-the-20th-anniversary/> (accessed November 28, 2018).

the bearing of the implicitness claim on the question. Rather, it rests on an inversion of that claim, for it rests on the claim that political liberalism is somehow implicit in and follows from the tenets of Christianity. The implicitness claim found in post-colonial theory has the implicitness relation the other way round.

Could my claim that Rawlsian liberalism has a religious aspect ground an affirmative answer?

My argument that it has a religious aspect was inspired by an observation of Thomas Nagel's and Joshua Cohen's. The argument relies on a "religiosity condition" on which that observation rests and which I found in Rawls's lectures on Kant.

In brief, what Rawls says gives a view a religious aspect is that it "has a conception of the world as a whole that presents it as in certain respects holy, or else as worthy of devotion and reverence." That conception is not of the world as it is, but of the world as it might be. The world as it might be is a world of transcendent value, a world the value of which transcends the ordinary values of everyday life. It is therefore worthy of being doubly regulative for us. When we deliberate about how to conduct ourselves, doing our part to realize that world is not to be weighed against other things we might do. Rather, it is to govern our deliberations absolutely, so that we act always so as to bring that world about. Thus one way in which the conception is regulative for us is that it serves as the regulative object of our striving. But the conception of the world transformed also regulates how we strive to realize it. For since that conception is of "the world as a whole", it presents or includes beings with a human nature. We treat the conception as regulative only if we regulate our behavior in the world as it is by the principles that would regulate our conduct in the world transformed. When we treat the conception of the world transformed as regulative in these ways, we show our devotion to

it. When we conduct ourselves accordingly, our action expresses our nature and complete creation.

For the traditional Christian theist, that conception is of a world transformed by grace. But it might also be a conception of the world transformed by our common, public observance of the moral law. I lay out Rawls's argument that Kant's moral philosophy contains such a conception and satisfies Rawls's religiosity condition. I also argue that justice as fairness satisfies it, both before and after Rawls's turn to political liberalism. And I suggest in closing that Rawls developed a theory with a religious aspect in response to the same experience of wonder at creation that some thinkers – especially those influenced by Wittgenstein – identify as the wellspring of traditional theism. I did so because, though postcolonial theorists may think Christianity implicit in liberalism, in much of the west, liberalism and traditional theism are thought to be rivals. I think that at least with respect to political liberalism, the claims of rivalry are mistaken. I would like to engender some sympathy for political liberalism among citizens of faith who are disinclined to embrace it.

The details of my arguments are immaterial for now. What matters for present purposes is whether political liberals who treat a just, liberal democracy as regulative in the ways just described will feel duty-bound to extend liberalism's reach by intervening in non-liberal regimes.

It might seem that they would. The "devotion and reverence" with which a world transformed is supposed to be treated might seem to inspire just the "missionary zeal" with which liberal regimes are charged. But in laying out what gives a view a religious aspect, I said that the conception of a transformed world is supposed to regulate our attempts to bring such a world about, whether that conception is of the Kingdom of God or the Kingdom of Ends. In doing our part to realize that world, we are

to obey its regulative principles. And so whether political liberals feel duty-bound to extend the reach of their doctrine depends upon what the regulative principles of political liberalism's foreign policy are.

Rawls lays out those principles in *Law of Peoples*. There he famously argues that liberal societies should tolerate decent, non-liberal regimes rather than pressure them to change or interfere forcibly in their internal affairs (Rawls 1999, 59-78). He thus argues, in effect, that among the ways we show our devotion to political liberalism is by exercising self-restraint in its spread and promotion. Political liberals who accept Rawls's arguments will not, therefore, feel duty-bound to extend its reach. The answer to the question Professor Singh has raised about political liberalism is therefore 'no'. Some readers have, of course, criticized Rawls's argument, thinking him too tolerant of illiberal regimes.⁷ My own view is that by, in effect, inviting us to view political liberalism against the long history of imperial or hegemonic liberalism, Professor Singh has shown the appeal of Rawls's arguments for restraint in a way that I have not seen before. For that I am greatly in his debt.

II. 2 Reply to Professor Melidoro

Like Professor Singh, Professor Domenico Melidoro focuses on my argument that Rawlsian liberalism has a religious aspect. And like Professor Singh, he worries that an argument showing the religious aspect of liberalism also shows its imperial or hegemonic character. Unlike Professor Singh, Professor Melidoro worries that liberalism will turn its imperial impulses inward to colonize the many organizations of civil society by forcing them to comply with

⁷ See Tasiolus 2002, 387.

its principles. And so, though he does not say so, I take him to worry – for example – that if Rawlsian liberal democracy has a religious aspect, then the courts in liberal democracies could force churches to democratize their leadership structures or ordain women.

How does my interpretation of Rawls engender this concern? Two steps bring Professor Melidoro to it from the religious aspect of Rawlsian liberalism. According to the first step, “since the religiosity condition is too vague and easy to satisfy, all the political theories can ultimately be religious. We might end up having religion everywhere.” According to the second,

if religion is everywhere, we run the risk of having justice as the handmaiden of religion. [And] when religion is the handmaiden of liberal justice liberal pluralism and freedom of association can be trumped by the imperialistic character of liberal justice (Melidoro, 73).

I find the claim Professor Melidoro makes at the second step interesting and controversial. But here I shall confine myself to the claim he makes at the first step.

The first step does not just say that “all ... political theories can ultimately be religious.” It says that they all “can ultimately be religious” “since the religiosity condition is too vague and easy to satisfy.” It thus says, in effect, that if Rawlsian liberalism can be shown to have a religious aspect, then all other political theories can be shown to have one too, by parity of the reasoning that showed the religious aspects of justice as fairness. But can we really show, by parity of reasoning, that utilitarianism has a religious aspect? Can utilitarianism be shown to satisfy the religiosity condition?

I think the answer is ‘no’. The utilitarian – like the Christian, the Kantian and the Rawlsian – might have a conception of the world as it is and of the world transformed. In the utilitarian’s case, the conception of the world transformed is a conception of a world in which utility, whether total or average, is maximized. That world would, by the utilitarian’s definition of goodness, be a very good world and hence a world of great value, as the transformed world is for the Christian, the Kantian and the Rawlsian.

But here, I believe, the parity of reasoning comes to an end. For utilitarians acknowledge that their view is possibly self-effacing.⁸ That is, they acknowledge the possibility that the maximization of utility might require that everyone, or some people, believe that utilitarianism is false and that some other moral theory is true. Whether or not it actually requires that depends upon facts about the world as it is. Since utilitarianism is possibly self-effacing, it is possible that treating the world in which utility is maximized as doubly regulative would frustrate that world rather than being part of its realization. And so it cannot be a categorical requirement of utilitarianism that its conception of the transformed world be treated that way. But the argument that Rawlsian liberalism satisfies the religiosity condition depends on precisely the doubly regulative role that the Rawlsian conception of the world transformed is supposed to play in practical reasoning. That argument also depends upon the claim that when we conduct ourselves subject to its regulation, we express our nature. I assume that this stands in sharp contrast to the utilitarian. For I assume that the utilitarian thinks that what is essential to our nature is our capacity for pleasure. If that is right, then our nature is expressed or shown in our enjoyment of pleasure, and not in our promotion of a world in which its net balance is maximized.

⁸ See Parfit 1987, 24.

III

Replies to Professors Gentile and Loobuyck

I turn now to my responses to Professors Gentile and Loobuyck, both of whom take up the discussion of public reason in chapters 6 and 7.

By the time I wrote the essay that is chapter 7, I had arrived at an interpretation of Rawls's account of public reason according to which that account is, in the first instance, part of his ideal theory. Rawls's ideal theory includes an account of how the agreement reached in the original position is to be stabilized, so that society is well-ordered by justice as fairness in the long run. This is true of both *A Theory of Justice* and *Political Liberalism*, though of course the accounts of stability given in the two works differ significantly. In both works, stability depends upon each citizen's having the assurance that others accept justice as fairness. According to *Political Liberalism*, honoring the ideal of public reason and complying with the duty of civility are among the ways citizens provide one another with that assurance.

But though Rawls's account of public reason is, in the first instance, part of his ideal theory, in his first essay devoted to the subject, Rawls himself drew implications for – in Professor Gentile's words – “how his doctrine works in cases of actual existing societies and, especially, in those that are not well-ordered in a Rawlsian sense” (Gentile, 22). He did so by saying why he thought that the American abolitionists and Martin Luther King satisfied the demands of public reason (Rawls 1993, 249-250).

Rawls famously revised his account of public reason, replacing the elaborate conditions of his original essay with what he called “the proviso.” According to the proviso:

reasonable comprehensive doctrines, religious or nonreligious, may be introduced in public political discussion at any time, provided that in due course proper political reasons – and not reasons given solely by comprehensive doctrines – are presented that are sufficient to support whatever the comprehensive doctrines introduced are said to support. (Rawls 1999, 152).

When he revised his account of public reason by introducing the proviso, he revisited the Abolitionists and King, saying “I do not know whether the Abolitionists and King thought of themselves as fulfilling the purpose of the proviso. But whether they did or not, they could have. And had they known and accepted the idea of public reason, they would have.”

In chapter 6, I used the examples of King and of the Jewish refugee theologian Abraham Heschel to raise the question of whether the proviso had to be satisfied in societies that are not well-ordered. King was, of course, the leading figure in the American civil rights movement. Heschel was supportive of King, marched with him on at least one occasion and offered arguments in favor of civil rights. The arguments offered by both King and Heschel appealed to political values, such as the value of political equality. But I am assuming the political values to which they appealed were values they articulated and believed to be “given solely by comprehensive doctrines” – specifically, by religious doctrines. Call these values “comprehensive political reasons.” Comprehensive political reasons are not what Rawls calls “proper political reasons,” for proper political reasons are political reasons drawn and seen to be drawn from a free-standing political conception of justice.

I take it as a considered judgment that King and Heschel did not violate a moral obligation in bringing forward comprehensive political reasons. I take it Rawls would agree. Moreover, I think it

possible that they would not have violated any obligation even if they were not disposed to bring forward “proper political reasons” “in due course” to support the positions they supported with comprehensive political reasons. Indeed, I think it possible that they could have brought forward comprehensive political reasons for their positions, refused to support their positions with proper political reasons and still not violated any obligation. And so I think – and here Rawls would disagree – they could have refused to honor the proviso without violating any moral obligation. Professors Gentile and Loobuyck disagree as well.

III.1 Reply to Professor Gentile

I agree with Rawls that citizens are under an obligation to keep relations on the right footing. They must try to maintain some basis for agreement so that trust and mutual respect can eventually flourish. I put this obligation more clearly in chapter 7 than in chapter 6 by referring to the need to solve an assurance problem. The reason I argued in chapter 6 that King and Heschel could non-culpably have refused to satisfy the proviso is that I do not think satisfying the proviso, or being willing to satisfy it, is a necessary condition of maintaining relations on the right footing, at least in the case of a society that is not well-ordered.

In the case of Martin Luther King, my argument turned on the familiarity of the religious, and specifically the Biblical, language King used in his writings and speeches. It also depended upon the moral authority that King enjoyed in virtue of the evident depth and sincerity of his religious convictions, the history of oppression that African-Americans had endured and King’s own manifest willingness to share those sufferings. Faced with comprehensive political reasons drawn from a familiar religious tradition, articulated by someone with such authority, I claimed that many

Americans were willing to trust King – and perhaps to be transformed by him. And, I implied, that would have been so even had King refused to supplement his arguments and satisfy Rawls's proviso.

Professor Gentile seems to agree with me about the trust extended to King, for she writes “In the case of King, citizens clearly recognized his moral authority and endorsed his religious political struggle.” But she disagrees with me about why it was extended, about whether the case can be used to raise questions about Rawls’s treatment and, if so, about what questions it can be used to raise. In so doing, she has prompted me to think much harder about the case.

She continues:

For Weithman, King’s moral authority doesn’t depend on what he said in public forums. Rather, it was related to the special circumstances of his life and political struggle. King’s authority depended upon contingent features, and particularly his membership of a “racial group that suffered great oppression and injustice”. ... However, if what counts is King’s life and that he was perceived as a member of a group that suffered great oppression, it is not clear why other activists for black civil rights, such as Malcom X, did not garner the same popular support (Gentile, 24, citing Weithman 2016, 144).

She thinks that to distinguish the reception of King from the reception of Malcolm X, we need to appeal to differences in their conduct and differences in what they “said in public forums.” The difference in conduct, she implies, is that unlike Malcolm X, King satisfied a peaceable condition: he “pursued a peaceful form of

dissent – a form of ‘non-violent tolerance’” (Gentile, 25)⁹. The difference in what they said in public forums, she thinks, is that King satisfied a consistency condition: he “articulated [his] religious political arguments consistently with a political ideal of citizens understood as free and equal.”

A bit later, Professor Gentile says of King:

These forms of political dissent in fact met two conditions of the weak interpretation of public justification: the first eminently empirical, that is the wide acceptance of the values expressed in that view; and the second explicitly normative, that is the independence of that form of dissent from clearly unreasonable premises. (Gentile, 29)

By “these forms of dissent” she clearly means the “peaceful form[s] of dissent” she said King pursued. I take the “explicitly normative condition” – “independence ... from clearly unreasonable premises” – to be equivalent to the consistency condition Professor Gentile said King satisfied. So what this passage adds that the values on which King drew enjoyed “wide acceptance.”

I believe Professor Gentile thinks King’s satisfaction of the three conditions – the peaceable condition, the consistency condition, and the wide acceptance condition – is collectively sufficient for King to enjoy the trust that she and I agree he enjoyed. The claim that their satisfaction is sufficient has an important implication. For she adds immediately that “Wide acceptance does not directly imply shareability. King did not necessarily need to articulate his arguments in public terms.” Suppose, as seems plausible, that we take a reason to be shareable

⁹ Citing Appleby 2000, 121.

just in case it is what Rawls called a “proper political reason.” Then the sufficiency claim plus the claim that “King did not necessarily need to articulate his argument in public [i.e. shareable] terms” imply that King did not need to satisfy Rawls’s proviso.

But I now think that Professor Gentile and I are not so far apart, though I now see what I think more clearly than I did before reading her essay. What I would now say is: while I agree that satisfaction of three conditions which can plausibly be labeled the “peaceable condition”, “the consistency condition” and “the wide acceptance” condition is sufficient, I would spell out those conditions slightly differently than Professor Gentile does.

On p. 144, I said that King’s

authority derived not only from what King said in the public forum but also from what his fellow citizens believed about his life and the depth of his convictions. It derived as well from what they knew of the suffering of his people and of his own readiness to share those sufferings. What African-Americans underwent and what King was willing to undergo could be recognized as suffering even by those who did not share King’s religious beliefs. His evident willingness to undergo it helped purchase him the authority that enabled him to use religious arguments in the public forum without raising questions about his reasonability.

Part of what I had in mind in saying that King was ready “to share those sufferings” was his commitment to non-violent resistance and so to his satisfaction of the peaceable condition. But I also had in mind his willingness to accept judicial punishment for civil disobedience, his willingness to suffer physical violence without inflicting it, and his selflessness. I think the peaceable condition is too weak without reference to at least some of these traits.

In saying that King's authority "derived not only from what [he] said in the public forum", I meant to say that his authority was derived in part from what he said there. This brings us to the consistency and wide acceptance conditions.

While I think the peaceable condition needs to be stronger, I think a somewhat weaker consistency condition will do. Professor Gentile thinks it mattered that King's arguments were independent of "clearly unreasonable premises". But consider King's claim, "Letter from a Birmingham Jail", that "An unjust law is a human law that is not rooted in eternal law and natural law." While I myself do not think that this claim is "clearly unreasonable", I can imagine that someone might think that. But I differ from Professor Gentile in thinking that it doesn't matter. I would weaken the consistency condition to avoid any reference to King's premises and to say that what mattered was that his conclusion was "consistent[] with a political ideal of citizens understood as free and equal." But while I assumed such condition in my essay, I did not make it explicit. I am grateful to Professor Gentile for showing me the need to do so.

What of the wide acceptance condition? To see whether we differ on this condition and if so how, it will help to recur to what I referred to earlier as "comprehensive political values." These are political values, such as political equality, that are derived from comprehensive doctrine – and hence derived from, for example, religious claims or values. If Professor Gentile's wide acceptance condition applies just to political values like political equality, in abstraction from the reasons that are taken to support it, then I agree that the values to which King appealed were widely accepted. But I think that the trust and authority accorded to King also depended upon the values from which he derived the political values to which he appealed. As with the second condition so with the third, I think something weaker than Professor Gentile's

condition will do the work. On p. 144, I suggested what I would now call a “familiarity condition” and I am still inclined to think that it is right.¹⁰

But the differences I have highlighted here are differences of fine detail. I am pleased to learn that my view of the King case, and of the applicability of Rawls’s treatment of public reason to non-ideal cases, does not depart widely from Professor Gentile’s.

III.2 Reply to Professor Loobuyck

Professor Loobuyck also zeroes in on the cases I use in chapter 6 to raise questions about Rawls’s proviso. He says of those examples that they “do not convince me.” He continues immediately:

Of course the discourse of Martin Luther King or Abraham Heschel, do not undermine trust, respect, stability and assurance, but this is the case because their position is obviously in line with the principles of public reason and translation in terms of freedom and equality is so easy that nobody can deny it. There is no reason to presuppose that King would not be prepared to

¹⁰ I said there that: “Religion makes meaningful the most common and fundamental human experiences – suffering and death, sin and guilt, repentance, forgiveness and redemption, the experience of injustice and vulnerability, the hope that right will triumph. The familiarity of certain forms of religion enables those who are not religious to find in religious discourse moral propositions about those experiences with which they concur and which can move them to action. Sometimes this is straightforward enough. At others, it can be found only with sophisticated reinterpretation or misinterpretation of religious argument. Religious people often do the same with their thoroughly secular fellows, interpreting their discourse in what they take to be a charitable way so as to find a basis for agreement. Once such a basis of agreement is found, it is possible for cooperative political action, trust and respect to flourish even without political argument that avoids comprehensive doctrine.” (Weithman 2016, 144).

present his position in more general, political terms of public reason. Why should he refuse? (Loobuyck, 45).

Talk of “translation”, and of “translating” religious arguments into non-religious ones, is pervasive in discussions of public reason and is prominently associated with Habermas (2006). Professor Loobuyck’s use of the word “translation” furnishes an occasion for a cautionary note. If we take the process of translation to be meaning-preserving, then “translation” and its cognates are clearly out of place. For I do not believe any advocates of the duties of civility or of constraints of public reason think that the meaning of religious premises should be preserved when the duties or constraints are honored. How might one preserve the meaning of “Human beings are inviolable because they are made in the image and likeness of an all-good God” in non-religious language? What advocates of public reason think is that those who do or who would adduce religious arguments for a public policy should adduce, or should be prepared to adduce, non-religious arguments for the policy. That is why Rawls eschews talk of “translation” when he offers his proviso, instead saying:

provided that in due course proper political reasons – and not reasons given solely by comprehensive doctrines – are presented *that are sufficient to support whatever the comprehensive doctrines introduced are said to support* (Rawls 1999, 152, emphasis added).

Taken in isolation, the first sentence of the passage could be taken to say that Professor Loobuyck thinks King and Heschel’s arguments did not “undermine trust, respect, stability and assurance” just because their arguments satisfied the weak version of the consistency condition that I offered in my response to

Professor Gentile. But the first sentence needs to be read in conjunction with the second and third. Taken together, the two sentences seem to be an endorsement of Rawls’s position that they satisfied the duty of civility because they satisfied, or would have satisfied, the proviso. I take it Professor Loobuyck thinks we know they satisfied it or would have satisfied it because – as the tone of the question in his third sentence suggests – they had no reason to refuse.

When Professor Loobuyck implies that they had no reason to refuse, I take him to mean that they had no good reason to refuse – no reasons, consistent with the judgment he and I share, that neither King nor Heschel violated an obligation when they offered religious arguments. The only reason someone could have had to refuse, Professor Loobuyck says later, is that “he does not endorse the basic principle of political liberalism, namely that laws (esp. concerning constitutional essentials) should be based on arguments that can be accepted by all citizens, independent of their religion or other comprehensive doctrines” (Loobuyck, 46). And rejecting that principle, he says rightly, is objectionable precisely because it undermines citizens’ assurance in one another’s commitment to justice (See Loobuyck, 48-49).

In fact I believe it possible that someone who satisfied the conditions I discussed in my response to Professor Gentile could offer religious arguments for political positions without “undermining trust, respect, stability and assurance” and refuse to offer “proper political reasons” in support of his position. For I believe someone could have what his fellow citizens could recognize as good reasons to refuse, reasons I had in mind when I wrote the essay that became chapter 6. I did not spell out those reasons and Professor Loobuyck is surely right to challenge me.

In brief: I assume that for a host of readily imaginable reasons, the Holocaust was a crisis for Jewish theology. I further assume, at

least for the sake of argument, that in the immediate aftermath of the Holocaust, someone in Heschel's position might consider himself duty-bound to help reconstitute that theology. Reconstituting it might be thought to require showing its integrity and its comprehensiveness. That is, it might be thought to require showing that orthodox Judaism has spiritual and moral resources necessary to conceptualize and address past crises and current injustices, without having to fall back on secular moral sources.

It strikes me as at least possible that someone in Heschel's position would have thought that nothing less could provide the next generation of the Jewish people with a way of life. For the sake of argument, at least, I imagine that a sentiment like this was behind a remark Heschel confided to his diary after marching in Selma:

I felt again what I have been thinking about for years – that Jewish religious institutions have again missed a great opportunity, namely, to interpret a civil-rights movement in terms of Judaism. The vast number of Jews participating actively in it are totally unaware of what the movement means in terms of the prophetic traditions (Heschel 1997, xxiii-xxiv).

And so I imagine someone in Heschel's position feeling duty-bound to assure his religious community that the civil-rights movement could be interpreted entirely in terms of Judaism, without the need to borrow from liberal political morality to say why the movement was a moral imperative. I can also imagine him thinking that providing reasons drawn from a free-standing conception of justice would undermine that assurance. This strikes me as a good reason to refuse compliance with the proviso, and that his fellow citizens could recognize as good.

IV. Reply to Professor Vallier

Professor Kevin Vallier’s characteristically thoughtful and generous essay concerns the relative merits of convergence and consensus views of public reason. Addressing all of his arguments adequately would require a separate response long enough to make an article in its own right. I shall therefore have to respond selectively.

- I begin in § IV.1 with one of the distinctions Professor Vallier draws between convergence and consensus views. Querying that distinction brings to light a deeper difference between convergence theorists and some consensus theorists: consensus theorists who are political liberals think, as Professor Vallier apparently does not, that there is a realm of independent political values on which political philosophy can draw.

- One of those values is a distinctive form of political freedom to which Rawls’s consensus view accords a central place: political autonomy. Professor Vallier recovers an argument of mine that purports to vindicate a Rawlsian view by appealing to political autonomy. He then develops three objections to it. I take up two of his objections in § IV.2.

- I chose to respond to Professor Vallier’s discussion of autonomy, rather than to other parts of his essay, because in the chapter of my book which Professor Vallier takes as his point of departure, I had conjectured – and continue to believe – that what is most fundamentally at issue between convergence views and Rawls’s consensus view is the nature of political freedom. At the end of his own essay, Professor Vallier says that the convergence view “may yield a more classically liberal approach to politics.” Since Rawlsians and classical liberals privilege different forms of freedom, I take Professor Vallier’s remark to be at least consistent with my conjecture and perhaps supportive of it. I believe

Professor Vallier is amenable to classical liberalism because he thinks it, rather than Rawlsian liberalism, is the better response to the reasonable disagreement characteristic of free societies. In § IV.3, I ask on what principled basis he distinguishes views that are and are not party to such disagreement.

IV.1 Legitimacy and Comprehensive Doctrine

In responding to Professors Gentile and Loobuyck, I asked whether non-public reasons could play a role in public political argument. The differences between consensus and convergence roles concern what reasons can be public in the first place. That, rather an interest in the role of non-public reasons, is why consensus and convergence theorists differ about the role that reasons drawn from comprehensive doctrine can play in public justification.

One form of public justification is legitimation. According to Professor Vallier, consensus and convergence views differ over what considerations establish political legitimacy. He writes:

Convergence theorists think that reasons drawn from reasonable comprehensive doctrines are necessary and jointly sufficient to legitimize political arrangements. Rawls and Weithman think that there must also be shareable or accessible reasons sufficient to justify those arrangements to achieve political legitimacy (Vallier, 98).

Take comprehensive doctrines to be views, such as religious views, which express people's deepest commitments. Prominent among political arrangements are decision-making procedures: in a democracy, these procedures include voting methods for deciding among candidates for office and voting methods by which

legislators enact laws. Since Professor Vallier thinks reasons drawn from views that express people's deepest commitments are necessary to legitimate political arrangements, he must think they are necessary to legitimate voting procedures.

I take the legitimacy of voting procedures to depend upon their possession of certain properties, such as permutability and their satisfaction of a Pareto principle of some kind, and on their yielding acceptable results as judged by principles of justice. We have reason to want these properties in voting procedures because they give effect to other values, such as political freedom and equality. What Professor Vallier says implies that, according to convergence theory, these deeper values can legitimate arrangements such as voting procedures only if they are drawn from reasonable views which express people's deepest commitments. I am not sure what "drawn from" means, but the phrase suggests that if political freedom and equality are to legitimate, they must get their justificatory or reason-giving force from these views. But why think that? Perhaps reason-giving, and hence legitimating, force must bottom out in reasons of a distinctive kind, though that is not obvious. But why not think that if it must, it can bottom out in political values themselves?

Perhaps Professor Vallier assumes that political arrangements are legitimate only if all reasonable citizens have what they take to be sufficient reasons for accepting them. And perhaps he thinks that, since citizens' comprehensive views express what they most care about, those views are the sources of the reasons they take to be weightiest and therefore capable of defeating competing reasons. So, he may conclude, those views are the only possible sources of reasons they can take to be sufficient reasons for accepting political arrangements.

But this line of thought ignores the possibility that the views which express what some citizens most care about are only partially

comprehensive, and do not have any implications for political arrangements. Some citizens' comprehensive views may be aesthetic, for example, and have little if anything to say about politics. In the case of these citizens, the reasons they regard as legitimating may then bottom out at political values, which need only be consistent with – but not drawn from – their partially comprehensive views. Of course, if a society contains no such citizens then, given the assumption I imputed to Professor Vallier in the previous paragraph, it will follow that “reasons drawn from reasonable comprehensive doctrines are necessary ... to legitimize political arrangements.” In that case the necessity claim looks like an empirical one that is conditional on the scope of the comprehensive views citizens actually hold. Perhaps this is an implication that Professor Vallier would accept. That in itself would be an interesting result, since I had taken his necessity and sufficiency claims to be assertions of conceptual truths.

IV.2 Political Autonomy

One of the political values that I believe has some independent normative force is that of political autonomy. Its independent force has some bearing on the first of Professor Vallier's three objections to an argument that turns on that value. After giving a partial reply to that objection, I shall comment on the third, saving the second for § IV.3.

In his first objection, Professor Vallier distinguished political autonomy from what he calls “collective autonomy.” That is “the freedom of persons, in all their diversity, to unite with others under commonly authorized rules.” (Vallier, 101) Professor Vallier then says that there can be cases in which political autonomy and collective autonomy can conflict. He presumably has in mind societies in which citizens authorize rules on the basis of their

religious views that they could not authorize on the basis of political values alone.

To say that collective and political autonomy *can* conflict is not, of course, to say, that they *must* conflict. When there is a Rawlsian overlapping consensus on a liberal political conception, both forms of freedom can be had because citizens can and do authorize their rules on the basis of both their comprehensive views and their shared political values. Professor Vallier says “[t]here is great value in an overlapping consensus of religious reasons on political arrangements; people jointly authorize political arrangements based on their own principles and values” (Vallier, 102). But he also “acknowledge[s] the value of political autonomy” (*ibid.*). Taken together, these two remarks suggest Professor Vallier thinks a Rawlsian overlapping consensus, in which both of the kinds of freedom he recognizes are available, is the ideal case. That, in turn, suggests that Professor Vallier thinks Rawls was right about ideal theory, that he disagrees with Rawlsian consensus theory only in the non-ideal cases with which that theory does not concern itself, and that his departure from Rawlsianism is far less radical than much of his writing suggests.

But I do not think these suggestions are correct, for they put too much weight on what was doubtless meant to be an irenic concession – namely, that political autonomy is of value. I think Professor Vallier’s considered view is that the Rawlsian ideal is, as Rawls himself said in a very different connection, “no longer viable as a political ideal once we recognize the fact of reasonable pluralism.” (Rawls 1993, 388n21). I shall return to the topic of reasonable pluralism in the final section. For now, I want merely note that in imagining a conflict between political and collective autonomy and asking us to reflect on which of the two values is weightier, Professor Vallier is inviting us to step outside the bounds of political liberalism.

To see this, consider what Rawls himself tried to do in his later work. There, he tried to re-present his conception of justice, justice as fairness, as a free-standing view worked up from ideas and values in our public political culture. He thought that so presented, justice as fairness enjoys what he called “*pro tanto* justification.” This kind of justification depends upon the connection between justice as fairness and political values, such as political autonomy, which have some reason-giving force independent of their places in comprehensive doctrines. *Pro tanto* justification is a different kind of justification than what Rawls called “full justification.” The full justification of justice as fairness, unlike its *pro tanto* justification, *does* depend upon its connection to other values, such as those that are – in Professor Vallier’s phrase – “drawn from reasonable comprehensive doctrines.”

Since Professor Vallier presumably thinks that collective autonomy has legitimating force and since he thinks that only values drawn from comprehensive doctrines can legitimate, collective autonomy must be drawn from a comprehensive doctrine. So the question of whether values associated with justice as fairness trump collective autonomy is, in Rawlsian terms, a question about full justification.¹¹ But questions about full justification are not the kind of wholesale questions taken up by political liberals as such.¹² They are retail questions, to be answered by political thinkers working within each reasonable comprehensive doctrine.¹³ When I return to the pluralism of reasonable comprehensive doctrines in § IV.3, I will say something about how the differences among answers – such as the differences

¹¹ Rawls discusses *pro tanto* and public justification at Rawls 1993, 386.

¹² *Ibid.*, 156, Rawls does say that the values expressed by justice as fairness “normally outweigh” those that conflict with them. But I take this to be a conjecture that full justification will be achieved in favorable circumstances.

¹³ I discuss how this might be done in Weithman 2016, essay 4.

between Professor Vallier's answers and mine – might be resolved, though I fear that what I say will be less than fully satisfying.

In Professor Vallier's third objection to what I say about political autonomy, he invites us to consider two societies – a consensus well-ordered society and a convergence well-ordered society – which are observationally identical.

In the first well-ordered society, citizens never exchange public reasons because their allegiance to the political conception of justice is never in doubt, but they are nonetheless prepared to offer public reasons if assurance breaks down (Vallier, 105).

He continues immediately:

In the second well-ordered society, citizens never exchange public reasons because their allegiance to the political conception of justice is never in doubt, but they are generally not prepared to offer public reasons if assurance breaks down. However, they are prepared to offer comprehensive reasons, and many, but not all, are prepared to offer public reasons (*ibid.*).

He then says:

Weithman must claim that the consensus-WOS is freer than the convergence-WOS, even though they are observationally identical. The only feature that makes the consensus-WOS freer is that each person has an untriggered disposition to offer public reasons to demonstrate her allegiance and generate assurance, rather than comprehensive reasons. I find it implausible that this untriggered disposition is enough to make the consensus-WOS freer than the convergence-WOS by definition. Their actions are identical, their collective choices are indistinguishable from one another, and yet Weithman sometimes seems committed to the claim that the consensus-WOS is freer than the convergence-WOS all the same (Vallier, 106).

I do not remember describing societies as free or giving a standard for measuring the relative freedom of two societies, so I do not remember saying anything that would commit me to the claim that the consensus-WOS is more free than the convergence-WOS. But perhaps what Professor Vallier thinks I am committed to is the claim that more people are free in the consensus-WOS than in the convergence-WOS, or that some people in the consensus-WOS are more free than their counterparts in the convergence-WOS, or that each person in the consensus-WOS is more free than her counterpart in the convergence-WOS – including those whose counterparts are prepared to offer public reasons. The third of these possibilities strikes me as implausible, and I mention it only to lay it aside.

When we ask whether one person is freer than another, we sometimes mean to ask whether the acts one of them actually performs are performed more freely than the acts the other performs. The answer to this question depends upon the ranges of options open to the agents, and the internal and external constraints on their actions. The kind of freedom at issue in Professor Vallier's case is political autonomy, since political autonomy is the kind of freedom people realize when they govern or attempt to govern themselves on the basis of public reasons. I am inclined to say that no one in the consensus-WOS acts more autonomously than her counterpart in the convergence-WOS since no one either society actually offers public reasons when matters of governance are up for deliberation and decision. I do not think anything I say implies otherwise. If that is right, and if what is at issue is the political autonomy of the actions actually performed, then – regardless of how we take the claim to which Professor Vallier says I am committed – I am not committed to it.

But sometimes when we ask whether one person is freer than another we mean to ask, not about the actions they actually perform, but about their condition. If this is the question we are meant to ask about persons in Professor Vallier's two well-ordered societies, then we need know why some members of the convergence-WOS lack their counterparts' disposition to offer public reasons. Is it that, if the conditions for triggering the disposition obtained, they could offer public reasons but would choose not to do so? Or do they lack the disposition because they are unable to offer public reasons, regardless of the presence of the triggering circumstances, because of a disability of some kind? Or is it because knowledge that the triggering circumstances obtained would be, for them, motivationally inert – its effect on them akin to the effect on most people of learning the surface temperature on a distant planet?

Suppose Professor Vallier's case is of the first kind. Then there are unrealized circumstances in which some members of the consensus-WOS could – and would – act autonomously, and in which their counterparts could act autonomously but would not. If it is one of the latter two kinds, then there are unrealized circumstances in which members of the consensus-WOS could and would act autonomously but in which their counterparts could not.

It is only if the case is one of these latter kinds that I am at all inclined to say what Professor Vallier thinks I am committed to saying: that the condition of those in the convergence-WOS who lack the disposition is less free than that of their counterparts. I am inclined to say it because there is a valuable option which they are unable to exercise but that their counterparts are. And so I think both that more people are free in this respect in the consensus-WOS than in the convergence-WOS, and that some people in the consensus-WOS are more free than their counterparts in the

convergence-WOS. I am not thereby committed to the claim that those in the consensus-WOS who are more free than their counterparts are more politically autonomous than their counterparts. What I am committed to saying is that they have political autonomy available to them and their counterparts do not. That is what makes their conditions freer.

These verdicts about Professor Vallier's case all strike me as plausible, but I do not know if he would find them so.

IV.3 Reasonable Pluralism

Many of the differences between Professor Vallier and myself depend upon his claims about reasonable pluralism. Thus our different answers to a question raised in his first objection – whether collective autonomy or political autonomy is more valuable – stem from what he thinks of as reasonable disagreement about comprehensive doctrine. His second objection to my treatment of political autonomy turns on reasonable disagreement about appropriate conceptions of citizenship. And as I indicated at the outset, I believe Professor Vallier is amenable to classical liberalism because he thinks it the best response to reasonable pluralism.

Those who are steeped in Rawlsian consensus theory will find their initial forays into convergence theories disorienting. The familiar Rawlsian vocabulary is present: Professor Vallier speaks of “reasonable comprehensive doctrine” (Vallier, 98), “reasonable pluralism” (Vallier, 103), “reasonabl[e] reject[ion]” (Vallier, 107) and autonomy (Vallier, 101). But these terms are all given different meanings in convergence theory than they are in Rawls's hands. I take the convergence theorists' redeployment of Rawls's vocabulary to be their sincere tribute to his theory. For I believe Professor Vallier and other convergence theorists redeploy his

vocabulary because they think Rawls correctly identified the central concepts of liberal political theory and accurately mapped the logical relationships among them. But, I believe Professor Vallier and other convergence theorists think, those concepts have to be given different and less demanding conditions of application once we appreciate facts about reasonable pluralism that Rawlsians choose to overlook or downplay.

Rawls says, for example, that reasonable persons are willing to cooperate on terms all can accept (Rawls 1993, 49-50). Of course, he does not think that the right terms of cooperation are those that can be accepted by all as they are in the world as we know it. For the world as we know it includes persons who would unreasonably reject fair terms. And so we have to idealize away some of the pluralism and disagreements that characterize our world, and ask what terms would be accepted by those among whom reasonable pluralism obtains. That, Rawls thinks, is the pluralism that results from reasonable disagreement among those who hold reasonable comprehensive doctrines (*ibid.*, 59).

Professor Vallier seems to be in nominal agreement with this Rawlsian line of thought. Thus what he says about collective autonomy in his essay suggests that he thinks appropriate terms of social cooperation must be collectively authorized. He, like Rawls, seems to think that in order to identify those terms, we have to idealize away some of the disagreement present in our world. In his recent book, he says that “reasonable agents are normally prepared to be reciprocal cooperators” (Vallier 2019, 95). And so I believe he thinks that the right terms of cooperation are those that would be authorized, not by persons as they actually are, but by reasonable persons among whom reasonable disagreement obtains. Crucially, for him, reasonable disagreement includes disagreement, not just about conceptions of the good, but about

conceptions of justice and, as his second objection makes clear, the conceptions of citizenship associated with them.

But Professor Vallier also indicates that the notion of ‘reasonable’ that he applies to persons, comprehensive doctrines, conceptions of justice and disagreement is a “deflationary or thin” notion. It is “thin” enough that he seems to think – though I admit his treatment of the example is inconclusive – that “the ethical egoism advanced by followers of Ayn Rand’s ‘Objectivism’” is a reasonable view, and that Randians therefore get a voice in determining what terms of cooperation are authorized. Indeed, Professor Vallier says, his notion of reasonableness is so thin as to rule out only very few “evaluative standards” as unreasonable (*ibid.*).

It is not, however, so thin as to have no bite at all. And since the line between the reasonable and the unreasonable does considerable work in determining what appropriate terms of social cooperation are, we need to know what it bites off and why. Professor Vallier says:

We can rule out sadistic and masochistic evaluative standards on the same basis because both kinds of standard value destroying goods for their own sake, either goods for others or for one’s self (*ibid.*).

I take it Professor Vallier means sadists and masochists value destroying goods for *its* own sake. That is, they value the destruction of goods as an end in itself. Of course, and this is consistent with what Professor Vallier says in the quoted passage, it does not matter whether sadists or masochists wreak the destruction themselves. Someone surely counts as a sadist even if he takes pleasure in the painful destruction of the goods of another

by someone else. So one sadist might take pleasure in reducing children to a state of immiseration and squalor, while another might take pleasure in the spectacle of children's being in a state of immiseration and squalor whether or not he himself reduced them to that condition.

I assume Professor Vallier would agree, and would think the second form of sadism is unreasonable as well as the first. But recognizing that the second is unreasonable raises an uncomfortable question about the ethical egoism of Randian objectivism. Why is it unreasonable to hold a view which implies that the immiseration and squalor of children is morally acceptable because of the pleasure induced by the spectacle of it, but reasonable to think – as I assume some Randians do – that the immiseration and squalor of children can be countenanced in order to protect the property rights of those who would be taxed to fund programs which would relieve children's condition?

I am not suggesting that Professor Vallier or any other convergence theorist denies the justifiability of programs which would improve the welfare of children in poverty. The uncomfortable question I raised was about Randian objectivism and not about convergence theory. And it was not the question of whether those programs are justifiable under the right terms of social cooperation; I assume convergence theorists would grant that they are. The question is who counts as reasonable for purposes of determining those terms. What I mean to suggest in raising the uncomfortable question is that distinguishing sadists from Randians requires a good deal of philosophical work and a great many appeals to moral intuitions. It may, for example, require appeal to the moral significance of the distinction between intended and foreseen consequences, to intuitions about property rights and, perhaps, to intuitions about where to draw the line between views which are inside and beyond the moral pale. If I am

right about what is required to sustain the difference Professor Vallier sees between Randians and sadists, then his notion of reasonability is, though deflationary, not philosophically innocent.

Of course, the notions of reasonability used by Rawls, Rawlsians and consensus theorists are not philosophically innocent either. They, like those used by Professor Vallier and convergence theorists, are responsible to our moral intuitions. Because those intuitions differ, I do not expect a definitive resolution to the questions of whether collective or political autonomy is more valuable, whether the Rawlsian conception of citizenship is the most appropriate for pluralistic societies under conditions of freedom, or whether Randians are reasonable. No knock-down arguments are to be had. Rather, to determine what we are to believe, we have to see which intuitions seem firmest to us, which we would be forced to give up and when, and what the implications of various views are. Then we must, as David Lewis might have put it, count the costs.¹⁴ There will then be first-order disagreements about where what balance shows, and second-order disagreements about whether the first-order disagreements are reasonable. But by my own admittedly fallible reckoning, the philosophical and political costs of giving up on the Rawlsian project are too high and are far more than I am willing to pay.

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¹⁴ See Nolan 2015, especially 35-38.

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