

John Rawls and The Liberal Faith

John Rawls, a giant of modern political philosophy, has worked throughout his career to articulate the theoretical foundations of liberalism. Almost against his will, Rawls has suggested that those foundations are entangled with, and fortified by, religious faith.

by Peter Berkowitz

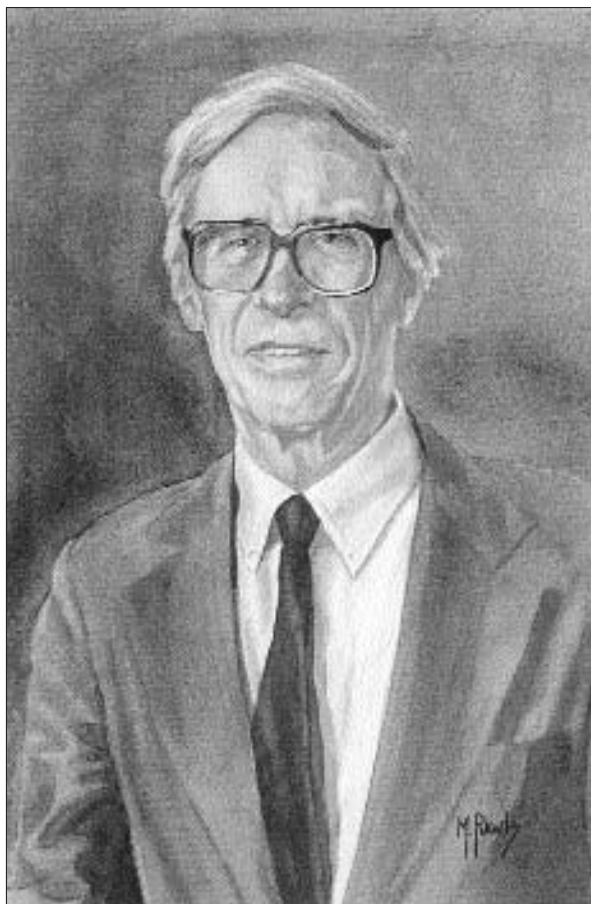
Liberalism has always staked its claim to govern on its superior rationality. The modern liberal tradition, with its premise of the natural freedom and equality of all, arose in the 17th century partly in response to the turmoil of Europe's wars of religion. When John Locke set out in his first *Letter concerning Toleration* (1689) to demarcate the sphere of life that belonged to religion and the sphere that belonged to secular authorities, he relied on reason rather than religion to map the boundaries. In the 18th and 19th centuries, in the writings of Montesquieu, James Madison, John Stuart Mill, and others, liberalism forged an alliance with the commercial spirit, science, and democracy. These were the forces associated with progress, while religion was generally equated with reaction. In the 20th century, the liberal tradition faced the eruption of the forces of unreason in hideous secular forms—Nazism and communism—and defeated them. At the beginning of the 21st century, a threat to the liberal tradition has erupted again, this time drawing strength from religion.

Over the centuries, however, the liberal tradition has also drawn strength from religion. Locke viewed the law of reason—a moral law that he regarded as universal and objective—as an expression of God's eternal order. He also argued that religion, no less than reason, taught toleration. In the 19th century, Alexis de Tocqueville argued that liberal democracy in America depended on the vitality of the people's religious faith. Hegel sought to show that the liberal state is Christianity in secular and political form. Today, even as the United States wages a worldwide war against religiously inspired terrorism, religion remains a powerful force within America itself.

Yet at the heart of the liberal idea a question remains: Is it reasonable for a liberal to be religious? Can it be reasonable to claim to put freedom first while also binding oneself to a system of theological notions about where

we come from, what we are, and how we ought to live? Such doubts have a distinguished pedigree in the liberal tradition, and they have impelled many contemporary liberals to regard religion with intense suspicion, if not outright hostility.

In the old quarrel between liberalism and religion, John Rawls, the preeminent academic moral philosopher of the last 50 years, has often seemed to encourage the view that while liberals must tolerate religious faith, it would be unreasonable for them to profess it. But with the publication at the end of his career of his



A portrait of philosopher John Rawls, by his wife Mardy.

Lectures on the History of Moral Philosophy (2000), Rawls's most searching examination of liberalism's foundations, he provides reasons to believe that far from being the antithesis of freedom, religious faith of a certain sort may be the basis of our respect for freedom, the very thing that renders our respect rational.

Rawls's *Lectures* is based on his notes for the class on moral philosophy he taught at Harvard University between 1962 and 1991. As in all his writings, he gives pride of place in these lectures to questions about moral reasoning. He is concerned above all with the logic of morality, its presuppositions, its principles, and the basic legal and political institutions that flow from it. Rawls finds inspiration chiefly in the daunting writings of the great 18th-century German philosopher Immanuel Kant. He does discuss other thinkers. David Hume, with whom he begins, raised the question that Kant attempted to resolve: How can there be universal moral standards untainted by our passions and interests? Part of Kant's answer is elaborated in the *Critique of Pure Reason* (1781): The very structure of reason, independent of our passions and interests, provides universal standards. Another part is found in the *Groundwork of the Metaphysic of Morals* (1785), *The Critique of Practical Reason* (1788),

and other works in which Kant develops the idea from a variety of angles that the universal moral standard takes the form of a law, the Categorical Imperative, which requires us to act according to a maxim that we could will to be a universal law. Rawls concludes with Hegel, who clarified, corrected, and supplemented Kant. But, as in Rawls's other writings, Kant is the looming philosophical presence.

Despite the title's suggestion that the book will be a panoramic survey, Rawls turns in the *Lectures* to the history of moral philosophy in the apparently narrow interest of making sense of Kant. But he turns to Kant in order to make sense of the moral life as it truly is. The implication is that the history of moral philosophy culminates in Kant and more or less comes to an end in the Kantian-inspired moral philosophy that Rawls's own work exemplifies. What Rawls introduces as a circumscribed scholarly effort to understand Kant is actually a bold defense of the Kantian idea that the very essence of morality consists in reasoning correctly on the basis of universal moral laws.



Immanuel Kant

An intriguing mixture of circumspection and boldness has been a leading trait of Rawls throughout his career. Colleagues and students at Harvard marveled at the quiet and unassuming manner of this man whose work his many admirers believe is likely to stand alongside that of Kant, and Locke and Mill too, as a lasting contribution to the liberal tradition. As a young assistant professor in the early 1950s, Rawls was already devoting himself to development of the ideas about freedom, equality, and justice that would eventually establish him as the most influential academic moral philosopher of his age. Yet he did not publish his first book, the seminal *A Theory of Justice*, until 1971, when he was 50. His second book, *Political Liberalism*, born as a response to criticisms directed at his first, did not appear until 1993, two years after Rawls had retired. In 1999, when he was 78, he published two more books. *The Law of Peoples* is a compact volume in which he develops a liberal theory of international law and foreign policy. In the massive *Collected Papers* he gathers together the vast majority of his published scholarly articles, virtually every one an occasion to elaborate or modify his interpretation of the moral and political imperatives of liberalism. In *Justice as Fairness: A Restatement* (2001), Rawls seeks to provide a final, unified statement of his ideas. But it is in *Lectures on the History of Moral Philosophy*, a work composed, in effect, over the entire span of his career, that Rawls provides

>PETER BERKOWITZ, a research fellow at the Hoover Institution and a contributing editor at *The New Republic*, teaches at George Mason University School of Law. His *Virtue and the Making of Modern Liberalism* (1999) was issued in paperback last year. Copyright © 2002 by Peter Berkowitz.

the most sustained and provocative exploration of the theoretical foundations of his liberalism.

A Theory of Justice, 20 years in the making, was immediately hailed as a classic. Not only was it the defining work of Rawls's career, but it also set the agenda for an entire generation of moral philosophers and political theorists. In 600 highly theoretical, closely argued pages, Rawls sought to show that a distinctive conception of justice is implicit in relatively simple human "intuitions," and that it has definite implications for constitutional law and the basic organization of political institutions.

The well-ordered state that emerges from Rawls's prodigious philosophical labors is nothing very novel, especially for the professors who have always been his chief audience. It is the familiar modern progressive welfare state, which seeks to protect individual liberty while redistributing wealth in the name of social and economic equality. What makes *A Theory of Justice* distinctive is the complex conceptual machinery Rawls assembles in making his case. But what is truly remarkable, when you step back and think about it, is Rawls's crowning contention that a certain interpretation of left-liberal politics is not only right and good and in accord with our intuitions—all partisans see their own positions that way—but that such a politics is nothing less than an imperative of reason—objective, universal, and, when all is said and done, binding on everybody.

The key device Rawls uses to derive all of this from our intuitions is what he calls the "original position." Think of it as a modern version of the early liberal thinkers' "state of nature." It is a purely hypothetical state or condition that Rawls constructs in order to determine what choices about basic principles a perfectly reasonable person would make if asked to design a society from scratch. In order to guarantee their reasonableness, Rawls puts his hypothetical subjects behind a "veil of ignorance." The veil of ignorance removes from their sight the attributes that distinguish them from other human beings. They are stripped of information about what is given to them in particular by society and what is given to them in particular by nature and fortune. To ensure that their choice of fair principles for social cooperation is not influenced by morally irrelevant factors, they are deprived of knowledge of family and friends, social class and political opinions, nation and religious beliefs, height and weight and sex, and whether they are healthy, wealthy, or wise. Nevertheless, they know that in the society they design, they will share four traits with all other human beings: desires that require the cooperation of others to satisfy; rationality, which enables choice among different ends; a sense of justice; and a capacity to formulate ideas about what is good. This is the "original position."

According to *A Theory of Justice*, anyone in the original position would rationally choose to live under a conception of justice founded on two principles. The

AN INTRIGUING MIXTURE OF
CIRCUMSPECTION AND
BOLDNESS HAS BEEN A
LEADING TRAIT OF RAWLS
THROUGHOUT HIS CAREER.

first principle provides that “each person is to have an equal right to the most extensive basic liberty compatible with a similar liberty for others.” This principle has priority; it cannot be violated, even in the name of the other. The second, the so-called difference principle, stipulates that “social and economic inequality are to be arranged so that they are both (a) reasonably expected to be to everyone’s advantage, and (b) attached to positions and offices open to all.” These principles, formed by reasoning in the original position, represent an interpretation of the moral and political significance of the freedom and equality of persons.

When it comes to the relation between reason and morality, *A Theory of Justice* suffers from a fundamental ambiguity. Rawls himself sometimes notes, but obscures by endless restatement and qualification, that the original position is not a point of departure for discovering morality’s premises so much as a formulation of them and a means for sketching out some of their most basic practical implications. The veil of ignorance is not a device for deriving morality: It already reflects an interpretation of what is and what is not morally relevant for politics. Because it takes a strong stand on the essence of morality, presupposing that what is morally worthy in human beings is their elemental freedom and equality—and not, for example, particular pas-

sions and virtues such as courage and self-control, or practical attachments and achievements such as friendship and family—the original position is moral through and through. And controversial.

At the same time, to make the case that it would be rational to choose his two principles—which in significant measure define the essential features of progres-

A THEORY OF JUSTICE
INSINUATES THAT MANY
OPINIONS HEARD IN PUBLIC
DEBATE—ON WELFARE
REFORM, ON ABORTION,
ON AFFIRMATIVE ACTION—
DON’T DESERVE A PLACE
AT THE TABLE.

sive politics in America—Rawls must introduce assumptions about human nature that are not secured by reason. They are based instead on his understanding of human psychology. He assumes, for example, that people are fundamentally risk averse. Placed in the original position, they would not gamble on principles that might allow them to come out far ahead of others. Instead, they would choose principles of justice that provide the highest possible standard for the minimal conditions under which society would allow anyone to live. Why? Because they might be forced to live under those conditions themselves.

The obfuscations that underlie the relation between reason and morality in Rawls’s theory encourage an unlovely tendency—which ripens in the thought of his disciples—to regard anybody who does not share the enthusiasm for an energetically redistributive liberalism as more than mistaken. By cloaking its political conclusions in the mantle of disinterested and universal reason, *A Theory of Justice* insinuates that many opinions heard in pub-

lic debate—on welfare reform, on abortion, on affirmative action—don't deserve a place at the table. They are, in this view, unreasonable. Such a view can all too easily feed the illiberal conviction that left-wing progressives are separated from centrists and right-wing conservatives not just by opinions (over which reasonable people can disagree) but by a gulf akin to the one that separates civilized people from philistines and barbarians.

In *Political Liberalism*, Rawls tried to allay the concerns of those—particularly communitarians—who found that the conception of liberalism he had developed in *A Theory of Justice* went too far, making comprehensive claims about morality and politics that failed to respect the limits of reason and the value of tradition and faith. Rawls responded with a line of argument that seemed to meet his critics halfway. He implicitly acknowledged defects they attributed to his argument, but he said they were defects that were not essential to his conception. His brand of liberalism, he argued, did not depend on comprehensive moral claims or controversial first principles, and did not forsake the shared values and actual agreements of people living in today's liberal democracies. But by insisting in *Political Liberalism* that his liberalism could be understood as “political, not metaphysical,” Rawls exacerbated the confusion about the relation between reason and morality inhering in *A Theory of Justice*.

The key concept in *Political Liberalism* is “the idea of public reason.” This is the reason, or that part of reason, that should govern citizens of a liberal democracy in deliberating about constitutional essentials and questions of basic justice. It is based on the idea of the “reasonable.” People are reasonable by virtue of “their willingness to propose and abide by fair terms of social



The Sorrowing Soul Between Doubt and Faith (c. 1887), by Elihu Vedder. Rawls has struggled to define the ambiguous relationship between reason and morality.

cooperation among equals,” which requires “their willingness to accept the consequences of the burdens of judgment” (i.e., they recognize that citizens inevitably will come to different conclusions about important moral and political questions). While few readers would quarrel with Rawls’s definition of what is reasonable, it is odd for him to suggest that qualities that have built into them the idea that consent and fairness and equality are good things are not at the same time essentially moral, and therefore entangled with opinions about metaphysics and first principles.

The idea of public reason is not a correction of the confusion found in *A Theory of Justice*; it is only a more subtle version of it. This reluctance to state clearly liberalism’s dependence on morality and metaphysics would be nothing more than an eccentric intellectual tic were it not that this obfuscation reflects, and provides continuing cover for, the unlovely tendency to advance one’s own partisan political judgments as if they flow from impartial reason. Taking one’s stand with reason rather than morality—especially a “reason” into which considerable moral and political content has already been poured—is a way of being judgmental without getting personal or political, of seeming to remain above the partisan fray.

In a long footnote in *Political Liberalism*, Rawls himself demonstrates how easy it is to abuse the idea of public reason by peremptorily conferring its prestige on quite debatable moral and political judgments. The footnote deals with the issue of abortion, and Rawls assumes “three important political values: the due respect for human life, the ordered reproduction of political society over time, including the family in some form, and finally the equality of women as equal citizens.” But in the very effort to show the real-life operation of public reason, he dispenses with argument and instead offers authority:

Now I believe any reasonable balance of these three values will give a woman a duly qualified right to decide whether or not to end her pregnancy during the first trimester. The reason for this is that at this early stage of pregnancy the political value of the equality of women is overriding, and this right is required to give it substance and force. Other political values, if tallied in, would not, I think, affect this conclusion.

Note well what Rawls says on this formidable issue, and the ease with which he says it. Public reason, as Rawls wields it, goes well beyond providing the ground rules for debate between pro-choice and pro-life forces. It proclaims that the pro-life view is unwelcome in public debate because it does not acknowledge public reason’s minimal determination: “At this early stage of pregnancy the political value of the equality of women is overriding.” And Rawls thinks it enough to assure the reader that public reason declares all of this without examining the key competing “political value,” due respect for human life in the form of the life of the fetus or unborn child.

It is sobering to observe that even in the hands of a careful and high-mind-

ed thinker such as Rawls, the appeal to public reason can serve to highhandedly deny the reality of competing goods and tragic choices and intractable questions—to disguise, in other words, reason’s limits. The master’s lapse dramatizes how readily partisan intellectuals might arrogate public reason and, thus armed, use it in the heat of public debate to dispense with reason, cut off discussion, shut down questioning, and stop the inquiring mind dead in its tracks.

In *The Law of Peoples*, Rawls revisits the question of public reason, but he only compounds the confusion. He reiterates the claim that public reason is political rather than

metaphysical—that it has nothing to do with controversial beliefs about human nature and comprehensive moral, philosophical, and religious conceptions. Yet he holds that public reason specifies “equal basic rights and liberties for all citizens”—which sounds a lot like a moral claim with metaphysical roots, even if it’s one that virtually all Americans would endorse.

The confusion is compounded in other ways. To avoid, under the guidance of public reason, the making of universal, comprehensive claims, political liberals “seek a shareable public basis of justification for citizens in society.” Yet political liberalism’s very quest for laws and institutions that can in principle be shared by and justified to all is motivated by the sort of universal, comprehensive claims—about freedom and equality and what it means to treat people fairly—that it earnestly forswears and says, for the record, that it does without. And so on. The consistency in his confusions suggests that the idea of public reason answers a need that arises within Rawls’s thinking to hide his universalism while extending it to cover all peoples.

TAKING ONE’S STAND WITH
REASON RATHER THAN MORALITY
IS A WAY OF BEING JUDGMENTAL
WITHOUT GETTING
PERSONAL OR POLITICAL.

In the interpretation of Kant in *Lectures on the History of Moral Philosophy*, Rawls’s inability to decide whether liberalism’s moral foundations are secured by reason comes most clearly to light. On the one hand, he emphasizes the centrality to Kant’s philosophy of “the fact of reason.” As Rawls explains it, this is “the fact that, as reasonable beings, we are conscious of the moral law as the supremely authoritative and regulative law for us and in our ordinary moral thought and judgment we recognize it as such.” In other words, the very operation of reason compels us to accept the moral law. But on the other hand, Rawls stresses Kant’s view that the moral law only achieves its full significance and justification in the spirit of religious faith:

I conclude by observing that significance Kant gives to the moral law and our acting from it has an obvious religious aspect, and that his text occasionally has a devotional character.

What gives a view a religious aspect, I think, is that it has a conception of the world as a whole that presents it as in certain respects holy, or else as wor-

thy of devotion and reverence. The everyday values of secular life must take a secondary place. If this is right, then what gives Kant's view a religious aspect is the dominant place he gives to the moral law in conceiving of the world itself. For it is in following the moral law as it applies to us, and in striving to fashion in ourselves a firm good will, and in shaping our social world accordingly that alone qualifies us to be the final purpose of creation. Without this, our life, in the world, and the world itself lose their meaning and point.

Now, perhaps, we see the significance of the mention of the world in the first sentence of Groundwork I: "It is impossible to conceive anything in the world, or even out of it, that can be taken as good without qualification, except a good will."

At first it seems strange that Kant should mention the world here. Why go to such an extreme? we ask. Now perhaps we see why it is there. It comes as no surprise, then, that in the second Critique he should say that the step to religion is taken for the sake of the highest good and to preserve our devotion to the moral law.

These religious, even Pietist, aspects of Kant's moral philosophy seem obvious; any account of it that overlooks them misses much that is essential to it.

One is tempted to say of Rawls's philosophy what Rawls says of Kant's philosophy. For both one must ask: How can the moral law be both a fact of reason and in need of justification by faith?

Perhaps in the end it is less that Rawls is confused than that his conscientious philosophical investigations lead him to keep bumping up against fundamental tensions in the liberal spirit. And these fundamental tensions shed light on conflicting qualities to which the liberal spirit seems to give rise. On the one hand, for example, an appreciation that the moral foundations of liberalism are bound up with a faith in human dignity, a faith that is not entailed or guaranteed by reason, may encourage a certain humility, of the sort shown in toleration, in interest in the variety of ways of being human, and in skepticism about comprehensive claims. On the other hand, the conviction that the founding truths of liberalism, as well as the more contingent policies and political institutions a person may prefer, are implicit in common sense may promote a certain hubris. It is this hubris that one sees in the bullying, blustering attitude of people who are secure in the knowledge that those who disagree with them on social and political matters suffer from wicked or twisted minds. Contemporary liberals do not have a monopoly on humility or on hubris. But the ascendancy of one or the other of these qualities in the liberal spirit may make the difference between a liberalism that knows its limits and a liberalism that knows no limits.

In an instructive phrase in the *Lectures*, Rawls says that Kant's moral philosophy aspires to the ideal of an "aristocracy of all." This calls to mind John Stuart Mill's vision of a society of sovereign individuals, as well as the Protestant notion of a "priesthood of all believers." All three notions are variations on a venerable modern theme: the harmonization of a substantial human equality with a sweeping individual freedom. It is not hard to understand the aspiration to an aristocracy of all. But can a person's human desire for dis-

tion be satisfied in a society in which everybody is recognized as an aristocrat, sovereign, or priest? What are the practical effects on our hearts and minds of the conviction that each person is supreme? And what are the implications for moral psychology, or how the moral life is actually lived, of a form of moral reasoning that authorizes all individuals to conceive of themselves as laying down universal laws? These are some of the intriguing questions—seldom raised by his colleagues and students—that Rawls’s probing classroom lectures ought to provoke among those who wish to assess the reasonableness of Rawlsian liberalism.

In the universities, at a time when most philosophy professors were engaged in dry-as-dust conceptual analysis, John Rawls gave new life to a certain progressive interpretation of classical liberalism. His philosophical labors, which were devoted to clarifying the structure of liberal thought, brought to light, in some cases unwittingly, stresses and strains, fissures and flaws, and ironic twists and turns in the liberal spirit. Nowhere was this more true than in relation to liberalism’s foundations.

Rawls’s thinking culminated with a series of books in which he defended the idea of a “political conception of justice.” This was supposed to be a free-standing liberalism, a liberalism resting solely on Americans’ shared intuitions about freedom and equality. From these shared intuitions, Rawls tried to derive fair terms of social cooperation, the constitutional ground rules under which it would be reasonable for free and equal citizens to choose to live. But is the intuition that we are free and equal a free-standing truth of reason? Or is it a belief that is also nurtured by religious faith? While many of Rawls’s followers regard it as bad manners (at best) to raise such a question, we now know, thanks to his recently published lectures, that Rawls himself raised the question and saw something serious at stake in how it was answered.

In trying to come to grips with the foundations of liberalism, Rawls offers conflicting ideas. On the one hand, he holds that the founding moral intuitions are self-evident. On the other, he holds that they rest on faith. Yet if good arguments can be made on behalf of both propositions, then by definition the moral intuitions cannot be self-evident. What is evident is the doubt about how precisely to understand liberalism’s moral foundations. So at minimum it is reasonable to pursue the fecund thought that Rawls’s free-standing liberalism actually stands on an act of faith. Perhaps Rawls’s conflicting accounts can be reconciled, as in the Declaration of Independence, through the idea that a certain faith impels us to hold as self-evident the truth that all people are by nature free and equal.

No one is saying that liberalism requires you to be religious or that religious people are more amply endowed with the liberal spirit. But for those who care about understanding liberalism, a more precise knowledge of its foundations should be welcome. And as a practical matter, for those who care about freedom and equality, knowledge of the foundations of the truths we have long held to be self-evident can contribute to our ability to cultivate the conditions under which we can keep our grip on them firm. □