



Between Abstinence and
Indulgence: Rawls's Politics
of Restrained Engagement
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Liberalism has come full circle. Much of its initial motivation came from circumstances of profound religious disagreements and from a struggle to find an appropriate form of living together. The reach of its early arguments had out of necessity to go far and wide. This inclusiveness was subsequently forsaken by the wish to give it a more positive and comprehensive agenda. The liaison of liberalism with pluralism, skepticism, radical individualism and with the value of autonomy could hardly have been possible without an accompanying exclusivism that undermined its early, broad appeal. In recent times, the re-assertion of religious groups and the self-confident affirmation of difference by cultural communities has re-ignited the initial impulse of liberalism and squarely put the question of toleration back on the agenda. Rawls's Political Liberalism (1996) is an attempt to bring together these inclusivist and exclusivist impulses to lay fresh basis of liberal toleration.

To remind ourselves, the issue before liberals is this: The mere acknowledgment of a concern for each other and the acceptance in turn of the burdens of justification, that we must offer reasons that no one can reasonably reject, does not guarantee the moral legitimacy of the political system. For someone can always claim that the best reasons in favour of the basic structure of society flow from his or her own particular conception of the good which by its sheer superiority commands universal assent. If every person follows this chain of argument, it

results in permanent value conflict and very likely in an injustice among what Nagel calls first order impartialities. A different order of impartiality that embodies an appropriate concern for others is therefore required. Principles embodying this impartiality must both show up the partialities of first order impartialities, put them in their place and then also arbitrate amongst them. Only this secures the idea of liberal toleration. For a theorist defending liberal toleration, the challenge is to identify the best formulation of second order impartiality, to show that it is a coherent idea and that it can square up with a plausible view of human motivation. This precisely is Rawls's undertaking in *Political Liberalism*.

This paper critically examines the broad contours of Rawls's *Political Liberalism*. The first part of the paper delineates the principal feature of *Political Liberalism*. It also locates common misunderstandings in some of its standard interpretations (call them s-interpretations). The second part offers a slightly different gloss and explains why this better interprets Rawls's ideas (call this c-interpretation). The third section shows why nevertheless, even this corrected version is flawed. Finally, in the fourth part an alternative position (call it a-interpretation) is briefly sketched in the hope that some of the objections leveled at c-interpretation can be met by it. In my view, the case against s-interpretations is fairly strong but perhaps Rawls hobbles ambiguously and uneasily between c-interpretation and a-interpretation. Therefore, the paper ends with uncertainty about where Rawls stands.

I

Rawls's book addresses two related questions. The first is: How is it possible for there to exist over time a just and stable society of free and equal citizens who still remain profoundly divided by reasonable religious, philosophical and moral doctrines? (Rawls 1996, 47) The second related question raises the issue of legitimate power: Given that they are deeply divided over conceptions of the good, how can people legitimately exercise power over each other? The core of Rawls's answer to these questions is that the basic structure of society must embody a political conception of justice that "may be shared by citizens as a basis of reasoned, informed and willing political agreement", which "expresses

their shared and public political reason” (Rawls 1996, 9) and that can “gain the support of an overlapping consensus of reasonable religious philosophical and moral doctrines in a society regulated by it” (Rawls 1996, 10).

Before I further explicate this answer, two common misunderstandings should be registered and set aside. The first interprets political liberalism as an austere doctrine of excessive self restraint for which principles concerning the basic structures must be justified in terms wholly independent of particular conceptions of the good (particular reasonable comprehensive doctrines). On this view, the Rawlsian ideal of public reason is so stringent that it gives no place at all to reasonable comprehensive doctrines (RCDs) in the justification of the two principles of justice. This, critics argue, carries a wholly unrealistic conception of human motivation. The second view claims that, having abandoned an earlier advocacy of a strategy of avoidance, Rawls now advocates a straight forward priority of the good over the right, seeking justification for principles of justice by invoking all RCDs. So now, different conceptions of the good form the starting point of the argument about a doctrine of justice. Accordingly, supporters of these conceptions follow different routes in arguing for it. Even so, they arrive at the same conclusion, namely, the soundness of a political conception of justice. On this interpretation, the idea of overlapping consensus is meant to capture this unanimity in conclusion despite the lack of unanimity in the route to it. Critics have argued that in a different way this too is unrealistic because it underestimates the diversity of modern societies which is ‘just too great’¹ This is an empirical argument against the possibility of an overlapping consensus. I believe both these interpretations are wrong and stem from a failure to see the Rawlsian answer as a two-tiered doctrine with distinct justifications appropriate at each level.

Let me elaborate. The exposition of Rawls’s answer involves four distinct moves, each successive one marked by greater analytical focus and precision. Rawls’s first move is to claim that an institutional design that makes living together possible must embody some general abstract, moral principles that all relevant persons endorse. The second move specifies these principles. Which principles

1 The phrase is Joseph Raz’s.

are acceptable to persons motivated by diverse conceptions of the good but a shared desire to cooperate and to justify their actions in terms that no one can reasonably reject? Rawls claims that these principles must embody a political conception of justice and include guidelines provided by public political reason with which this conception is defended, discussed, justified, criticized and opposed. His third move appears to follow fairly straightforwardly from the second. Here, Rawls's prescription is to avoid reliance on RCDs in for the justification of public policies connected with the basic structure in public or official forums. Rawls argues that we must rely on public reason i.e. justify only in terms of plain truths, general beliefs, uncontroversial conclusions of science because only such formulations are acceptable to all persons. To accept a political conception entails, for Rawls, a commitment to some ways of reasoning and certain types of considerations. It follows that at least some other reasons must be jettisoned as inappropriate and some evidence and information eschewed on grounds of relevance. Here, Rawls appears to advocate epistemological restraint, the harsh imperative for which the belief in the truth of the doctrine is not by itself a reason for it to become the ground of a public policy. All this, I am afraid, is pretty familiar. It is his fourth move which is unexpectedly novel. Now a place is once again found once again for RCDs. Removed from first order justification in public fora, RCDs are brought back, in their role as second order justification, to support one's commitment to public reason. Given their desire to cooperate and to justify their actions to others, people choose to remove RCDs from first order justifications. This may be viewed as a form of pre-commitment. This deliberate reshaping of the feasible set—certain choices flowing from a direct reliance on RCDs are excluded—is nevertheless endorsed from within the RCD (Rawls 1996, 242, 243) What explains this move? I believe in doing so Rawls acknowledges that he has hitherto insufficiently emphasized the motivational power of RCDs. People can act or justify independently of conceptions of the good only when there is a second order justification from within such conceptions for these actions or justifications. Rawls thereby acknowledges the insufficiency of the agreement motive to get us to principles governing our basic structure. But he insists that a conception of the good, provided it is reasonable, can be self limiting. When all reasonable doctrines limit themselves, they leave a space wherein can be constructed a non-RCD containing principles which no one can reject. Principles of justice occupy precisely this space and depend ultimately on the self-limiting

capacity of all relevant reasonable doctrines. This is Rawls's primary motivation for this move. A secondary reason is the idea that no single route to standards of public reason are necessary and that forms of reasons and evidence on which we converge need not be identical with the entire set of reasons and evidence available from within each of the reasonable comprehensive doctrines.

In order to grasp the ingenuity of this position, let me offer other possible answers to the two pivotal questions raised in the beginning. (A) For a start, there is the view for which the world is inhabited by those who firmly and exclusively rely on their particular conception of the good and have no moral desire to cooperate or to justify their actions in terms which others cannot reasonably reject. The outcome of this bizarre self indulgence is predictable. A potentially perpetual conflict amongst people to control which a bare modus vivendi is put together. This is an unprincipled and unstable agreement amongst all relevant persons and groups that reflects all the asymmetries of power as well as the injustice embedded in the circumstances of negotiation. The Rawlsian position is clearly demarcated from a modus vivendi.

But it is distinguished from the second view (B) that acknowledges the agreement motive but argues that people rely on their own conceptions of the good to justify at best to themselves why they must live together with others. Such people well understand the need to live together with those who have differing ideas of the good but do not feel a compelling need to justify to others in terms of reasons they endorse. Such persons may arrive at common principles of justice motivated solely by the imperative to cooperate (C). A third view exists that strives to arrive at a higher order principle of justice with no support whatsoever from RCDs or within the standards set by public reason. This is an austere form of impartiality for which a unique solution exists for all times and all places and in all situations of conflict amongst RCDs or between this higher order principle and RCDs. No doubt, a common ground exists but, discovered or constructed by a disengaged reason, it stands in complete abstraction from all RCDs and is indifferent to support from them. Here notions of morality diverge radically from conceptions of ethical existence. This is the severest interpretation of the idea of the priority of the right over the good because the justification of what is right is wholly internal

to the domain of the right and has nothing whatsoever to do with any conception of the good.

Two more positions exist that differ from Rawls's view. (D) On this view an overlapping consensus on a political conception of justice does not take us far enough. Given the coeval and complimentary status of the agreement motive and the motive to lead a good life, we must seek a political system legitimated by an overlapping principle of the good and the right. This view bifurcates further. (D1) One segment emphasizes that the overlapping good embedded in a set of acceptable principles be purely political in character. (D2) The other more ambitious seeks an overlapping good that is comprehensive in character. The idea here is that given appropriate conditions and motivations, people starting from different RCDs can still arrive at a conception of the good which contains within itself significant elements from all RCDs. For example, it has been argued in India that we need to develop a uniform civil code that genuinely encompasses the best features from each of the religiously guided personal laws currently operative in India. Arguably what can be done with a civil code can be done with most other features of society.

Now between an exclusive and direct reliance and a total prohibition on any reliance on RCDs lies the Rawlsian idea of an indirect reliance on RCDs. I have already delineated the structure of this two-tiered doctrine. We eschew reliance on RCDs and deploying the resources of public reason arrive at impartial moral principles to regulate the most fundamental political relations between groups and people. However, we rely indirectly on RCDs because in the last instance the motivation to give up a reliance on RCDs comes from within themselves. Indeed, Rawls claims that any conception of justice is inadequate in the absence of this indirect reliance. Talk of inadequacy gives Rawls's views a different dimension. Rawls is not just hopeful that his principles will draw the support from different RCDs. The more significant point is that the precise forms of these principles varies with the nature of the doctrines existing in specific societies.

II

Another way to grasp the novelty of Rawls's theory is to be sensitive to how Rawls plays with different ways of connecting the two principles of justice with RCDs. Here we have two scenarios. The first, involving an idea with which he flirts but ultimately rejects, envisages a direct dependence on RCDs and goes somewhat like this: Rawls realizes that disengaged reason alone cannot work out an ideal set of principles organizing the basic structure of any society. Therefore, he abandons the view that an ideal developed like this is the right moral solution that must be acceptable to all reasonable persons. It does not of course follow that, for him, such an operation is now entirely redundant or impossible. Disengaged reason can indeed work out a conception of justice. But such an ideal is bound to be inadequate and incomplete. To not only be feasible but morally adequate—and here lies his ingenuity and change in position—it must, in the last instance, be acceptable to all reasonable persons from within their own RCDs. Moral adequacy depends now on the point of view of agents motivated by their own conceptions of the good. This means that partial perspectives and reasons embedded in them are now morally required to complete the process of the formation or discovery of those principles that bind everyone within a set of basic political relations. To be sure, impartiality is not abandoned altogether after partial perspectives are brought in; rather, it gets a proper form and is available in an acceptable degree. The second scenario accepts the basic propositions of the first idea but goes on to mediate the relation between principles of justice and RCDs by public political reason. The principles of justice worked out by a disengaged reason are still morally inadequate but to gain adequacy they must now become political in the right way, that is to say, they must conform to the standards of public reason. Rawls requires that both a disengaged conception of justice and RCDs need to be adjusted to the limits set by public reason. I hope I have given a flavour of how the Rawlsian position differs from other answers to the two questions raised by Rawls. I understand and am in sympathy with the motivations underlying this view. On the whole, Rawls is correct in believing that support for a political conception of justice cannot come exclusively from the agreement motive but requires also the motivational resources from RCDs. The question then is why should RCD—dependent motives support Rawls's conception of justice. I shall not question that some version of the political conception of justice provides

the appropriate set of principles for the basic structure of modern societies. The question I briefly examine below is whether or not Rawls's ideal of public reason can be supported by all RCDs. If our concern is with an overlapping consensus on political conception of justice then we might ask if this purpose will be better served without this ideal than with it. Even if an ideal of public reason is necessary for overlapping consensus it still needs asking whether or not the particular formulation given to it by Rawls is the appropriate one. My paper will briefly and tentatively deal with this issue.

III

Allow me to reconstruct the Rawlsian position once more. Let a reason drawn from the resources of any reasonable comprehensive doctrine, be called an R-reason. Let S-reason stand for any reason that meets the limits of public reason. There are two ways of understanding R and S reasons and two ways to see how they relate. One is to view an S-reason as a reason that belongs to all RCDs. An S-reason, it follows, will be identical with at least one R-reason from each of the RCDs. For example, each particular form of life, apart from embodying a unique moral view, may also embody universal principles. Analogously we might say that each RCD has a large number of local R-reasons but also a set of S-reasons. A small number of R-reasons from each larger set of R-reasons are S-reasons by virtue of their relation of sameness. Every member of S is a member of each of Rs but clearly every member of all Rs cannot be a member of S. Now, to be fully legitimate, a public policy needs backing not only from S-reasons but also R-reasons. Since S-reasons are R-reasons, any policy acquires complete legitimacy the moment it enlists an S-reason in its support. This amounts to saying that every reasonable comprehensive doctrine already includes within itself an ideal of public reason and since this is patently false or implausible, it is a view which Rawls could not have held, and therefore can be ruled out as a reasonable interpretation of Rawls's views. Similarly, this view also implies the impossibility of a conflict between S and R-reasons. Every conflict is merely a conflict within R-reasons. If so, it is easy to invoke S-reasons to arbitrate whenever an internal conflict ensues. Although this accords with the general priority over R-reasons that Rawls accords S-reasons, this kind of priority is trivial and unlikely to be favoured by Rawls.

Alternatively, the set of R-reasons and the set of S-reasons may be distinct. This may either be because to become an S-reason, an R-reason must undergo some change. (The internal structure of R-reasons must be transformed if it is to gain wider appeal.) Or else because S-reasons are drawn from a few RCDs and therefore cannot, unless radical changes occur within all RCDs, be identical with some R-reason in each of the RCDs. On this view, a general presumption exists that every R-reason is different from an S-reason. But difference does not imply hostility. There may be some R-reasons that are different from but hospitable to S-reason. It follows that when formulating a public policy, we must try to ensure that for every S-reason that backs it, there exists another supportive reason R which is not inhospitable to it. If such hospitable reasons can be found in support of S-reasons- call this a concordance between S and R-reasons- and if a set of S-reasons supports a public policy, then and only then is a public policy legitimate. Concordance cannot on this view be taken for granted. It has to be discovered or achieved. So, Rawls assumes that people supporting all RCDs generally consent to a separate domain of S-reasons, that this is because of a concordance between S-reasons and R-reasons and that S-reasons have priority over R-reasons. In my view, this interpretation better accords with Rawls's view on this matter.

IV

Consider now a person amidst S-reasons and R-reasons. He knows that only S-reasons can be offered for a public policy. Assume also that he has independent R-reasons for the same policy. If the two are concordant, if, that is, he has the direct support of R-reasons as well as of S-reasons backed indirectly by R-reasons, then it matters little if he is asked to furnish only S-reasons. Suppose that both reasons matter to the person. Indeed, suppose that R-reasons matter more. His leaving R-reasons behind and formulating support in terms exclusively of S-reasons has few costs. Given this concordance, the Rawlsian citizen may argue thus: R-reason may be more important but because I must cooperate with others, and for the sake of political legitimacy, I should be willing to justify my stance on public policy in terms others willingly endorse. In short, upon performing the role-reversal test, the importance of S-reasons is thrown into relief. Clearly, the Rawlsian solution works well when S-reasons and R-reasons are in harmony with each other.

However, problems arise when this concordance breaks down, when for every S-reason a hospitable R-reason cannot be found and vice-versa. Consider a situation where X desires to cooperate, she even has an R-reason going for a public policy but cannot justify her stance in public because no S-reason that provides an analogue to the R-reason exists. Why should this person not seek a reassessment of S-reasons? Or consider the issue the other way round. Let us say that there is an S-reason for a public policy but in the case of persons with some RCDs, there is no R-reason going for it. If the S-reason does not go against any of the existing R-reasons then this poses no problem. But what if it goes against one of them? For Rawls an S-reason must still be followed. But what if X is reasonable, wishes to cooperate but cannot make the relevant S-reason a part of her motivational set because it is not a reason from within her reasonable comprehensive doctrine. Should she still be debarred from public discourse? It is tragic or ironic if a person wishing to participate cannot do so because entry into political discourse is prohibited on account of her R-reasons. S-reasons, on Rawls' views, are beyond re-negotiation. If so, it is odd that a person willing to cooperate cannot seek the renegotiation of S-reasons.

Why then does Rawls grant such importance to Public Reason? To answer this allow me to deploy the metaphor of a journey. Listed below are four interesting positions in this connection:

1. Conflict, modus vivendi—different content, different route, different starting point.
2. False universalism, strong communitarianism— common content, same route, same starting point.
3. Overlapping consensus unmediated by public reason—Common content, different route, different starting point.
4. (Rawls: OC mediated by PR)—Common content, same route, different starting point.

5, 6, 7 are uninteresting or impossible views —Common content, different route, same starting point; Different content same route, different starting point; Different content, same route, same starting point. For Rawls, position 1 is undesirable; 2 is dangerously naïve under modern conditions of radical diversity. Rawls toys with 3 but finds it unfeasible. So, he opts for the fourth position: given the agreement motive, people with different starting points will agree to take the

same route. However, a fifth position also exists. Suppose that we are placed at different starting points (different RCDs) and we wish to reach roughly the same point of arrival. (Desire to cooperate, the agreement motive). One possibility is to hope that, despite different routes, we can get to the same point. This would be wholly fortuitous and will naturally depend on the distance to be traveled and on how much each route diverges from the other. A second possibility is to choose to follow the same route. But a third possibility exists where we take different routes but agree to place similar constraints on them. To be sure, it is less certain that we will get to the same point but given our objectives and the understanding of the need to place relevant constraints, it is not unrealistic to believe that we might make it to the same place. This approach is more realistic than the view for which people with radically divergent starting points agree to take the same route. The relevant analogy is of different rivers originating from different sources but, guided by natural laws, moving towards the same sea.

It is hard to believe that people with different starting points will agree to take the same route. It is equally implausible that different routes will get them to the same point without any constraints at all. So, people with different starting points must agree that they will adopt some general constraints and these might even assume differential forms. Some views may agree to impose on themselves certain epistemic constraints, others may not. The motive to cooperate must ensure that some constraints will be adhered to. But nothing beyond this can be fixed a priori. So, what is wrong with strictly adhering to the limits imposed by public reason? I believe in the validity of the liberal distinction between what can be reasonably believed and what can reasonably be advanced as the foundation of a society's basic institutions. No personal belief about what is in everyone's best interests can be imposed on others. The assumption of the generic desire to cooperate of which the agreement motive is a particular instance is sound too. It is a truism that no agreement is ever reached without adjustment and some compromise. But from this it does not follow that agreement can be reached only by a priori ruling out beliefs of a certain kind. Most liberal strategies working with assumptions of equal respect, epistemic constraint and skepticism seek as a general norm precisely this sort of politics of abstinence. I believe them to be mistaken. I do not deny that this stringent politics of abstinence may be necessary

in some contexts but when and where certain kinds of beliefs are to be kept out is purely an empirical issue.

For Rawlsian liberalism what follows is this: by introducing the idea of overlapping consensus and by realizing that without the motivational resources of RCDs, the moral legitimacy of polities will be brittle or illusory, Rawls takes a step in the right direction. Since he knows only too well that an exclusive reliance on RCDs can lead to a Nietzschean politics of self-indulgence, he correctly decides not to go too far with it either. But it appears that rather than go for restrained engagement he opts for a familiar liberal strategy of abstinence. After all the idea of the limits of Public reason (only S-reasons) is intended to express precisely these restrictions on R-reasons. But the strictures on R-reasons imposed by public reason are just too stringent. R-reasons cannot be excluded on a priori grounds. The belief that RCDs will allow this self-restriction has little empirical warrant. Besides, nowhere does Rawls offer a convincing enough justification for his view that people will pre-commit themselves to the exclusion of R-reasons and that this will be endorsed from within their own RCDs. It follows that a sound political theory must allow the induction of R-reasons into the political process. They cannot be kept off the political agenda even when they do not meet the Rawlsian limits of public reason. Likewise, S-reasons cannot be beyond negotiation. And when these are questioned, some of the R-reasons will inevitably get into the political process, for criticism of S-reasons cannot come from anywhere else. The implication of this is not that everything is always up for grabs or that we abandon the very idea of limits; rather, that we modify our normative understanding of the limits of public reason so that R-reasons can be accommodated.

This sums up the main substance of my critique. Two other points complete it. First, like others in the liberal tradition, Rawls ambiguates between (a) the coercive power of the state and political institutions that are the locus of minimal or non-coercive power and (b) between citizens and public officials. For example, an equivalence or relationship of entailment between the following positions is widely assumed: that the advocacy of the use of coercive public power should never be justified in terms of reasons that no one can endorse/that official justification of public policy should never be in terms of reasons that no one can reasonably reject and that citizens should not bring into the political process and therefore

must keep off political agenda any issue that is justified by reasons that can be reasonably rejected by other citizens. But the two positions are not equivalent. Argument supporting one do not automatically help the other. For example, a reason that some people could not acknowledge as their own from within their own comprehensive doctrines cannot, without violating the norm of according equal respect and dignity to all persons, be a ground for the use of coercive power. For submission to coercive power- the use of a person as an object of another person's will - clearly violates his integrity and sense of worth. But no such norm is violated when for mutual negotiation and appraisal, justifications of public policies couched in terms of reasons that could not be acknowledged or endorsed by everyone in terms of their RCDs are brought into the political process. This is not to say that non-coercive political structures require no constraints at all, but surely here the form and degree of restraint required is different. Since in this case engagement rather than abstinence is desirable, the form and degree of restraint is different. Much the same point can be made about the agreement motive. It is true that the agreement motive must be activated both within and outside coercive political institutions and in the acts of both citizens and officials but the way this motive plays itself out should be different. For coercive public policies, the agreement motive must assume the form of endorsement from within. In the political process, what is needed is maximal interpretative charity. In short, we agree to disagree on terms that we understand but do not necessarily endorse. Why should the limits of public reason assume the same form for both citizens and public officials? Why should they be identical in the case both of official policies and for issues inducted into the political process. At best, Rawls is ambiguous on this issue. (This ambiguity is exploited for instance by Thomson and Gutmann.) Similarly, I doubt if the whole idea of epistemological restraint is meant to apply in all political institutions and for officials and citizens alike. Equally, I cannot see why one should reject this kind of restraint when it comes to the coercive use of state power by public officials. (Rawls might object that here I am ignoring his distinction between constitutional essentials and other political matters. My response here is merely to endorse Greenawalt's stand on this issue that a clear distinction between the two is difficult to sustain.)

My third and final point concerns the general tendency within liberalism that equates the desire to cooperate with the desire to offer reasons in terms that

cannot reasonably be rejected and more generally, to conflate practical reason with practical reasoning, the open exchange of reasons with reasonableness. It is of course undeniable that to desire to cooperate is to operate within a space of reasons. But to be in a space of reasons can mean two things: (a) to act within a space of discursive reasons of which you are at least partly aware either through an internal monologue or an external dialogue. (b) To act within a space of reasons without fully knowing or even acknowledging what these reasons are, partly because such reasons are embodied in skills, as practical knowledge that one acquires through initiation in a social practice. It is hard to dislodge the widespread assumption that if a person cannot be in, is indifferent to or chooses to walk out of (a), then he is stepping out of the circle of reasons and therefore being unreasonable. However, it is possible to be reasonable without standing amidst the commerce of reasons. The culture of reason-giving is not necessary for reasonable behaviour. Similarly, a desire to cooperate may not always be expressed in the form of the agreement motive. This means that people who do not exchange reasons may yet agree on common principles of justice. To this it might be said that getting people to do X without telling them why is tantamount to coercion. But morally appropriate ways of restraining actions other than the exchange of reasons exist. If so, such restraints cannot be identified as coercive. Rawls's reply to this objection that his point is valid only for American or western societies does not work. For western societies have a substantial presence of such people who could once be dismissed as unreasonable precisely on these counts. Insensitivity to (b) puts large sections of people outside the pale of politics.

The Politics of Restrained Engagement:

This view differs from Rawls by c-interpretation in the following ways:

- a) It espouses direct reliance on reasonable comprehensive doctrines in non-official, public forums.
- b) It does not require, as condition of political participation, a commitment to the ideal of public reason.
- c) It is less optimistic than Rawls that each comprehensive doctrine will somehow contain within it a module of ideals and principles over which there is complete overlapping consensus.

d) It differentiates between reasons endorsed by others and reasons understood by them. Like position (D-overlapping good), it takes for granted reliance on reasonable comprehensive doctrines as well the motive to cooperate and justify in terms others can endorse. But its objectives in comparison are scaled down. What it aspires to is not a common ground of overlapping good but rather an arena of common intelligibility. This too distinguishes it from the Rawlsian position. It requires that each person or group applies to every other person or group a principle of maximum interpretative charity. Each of us is required to do our best to understand the motivational resources of other comprehensive views in full awareness that we may never make them our own. The objective is maximal understanding not agreement, understandable, not incomprehensible disagreement. On this view, the common ground sought is neither as austere of the view that advocates abstract impartiality nor as rich as the one that seeks overlapping good in either of the two forms mentioned above. Finally, against the apriorism of some positions, it claims that any relatively stable society, barely crossing the threshold of moral legitimacy, will require a fairly stable agreement on some principles of justice and the good as well as a commitment of interpretative charity towards all other moral and ethical principles on which there is deep disagreement. Although realizing that moral stability requires some agreement on principles and ideals, this position is not willing to give a final verdict on what these are. Legitimacy requires a judicious mix of agreement and interpretative charity towards some of the many important principles and ideals in any given society. The actual content of these principles and ideals varies with place and time.

There is a wide spread impression among those skeptical of the Rawlsian position that, given (i) people's commitment to their comprehensive doctrines, (ii) the impossibility of attaining the Rawlsian ideal and (iii) the messiness of politics more generally, the only solution for deeply divided societies is a bare *modus vivendi*. I believe this issue needs more thinking. Is it not possible that in reaction to the neatness of the Rawlsian position or the severity of those advocating a higher order abstract impartiality, and in full awareness and because of the messiness of politics, people mistook the untidy, unclassifiable moral legitimacy of engagement with the moral illegitimacy of *modus vivendi*?

Conclusion

I schematically sketch, in conclusion, the difference between the two competing arguments delineated above, the standard liberal argument for abstinence and the alternative argument proposing restrained engagement.

The Politics of Abstinence:

1. An agreement motive exists.
 2. The agreement is about basic rules of social cooperation and about the legitimate uses of public power.
 3. The agreement must be on some (discursive) principles.
47776176. For such an agreement to exist, principles must be justified in terms of reasons no reasonable person can reject.
132170208. Either such reasons are drawn (4a) from the conceptual resources of a particular doctrine of the good or (4b) from none in particular.
132170209. For any doctrine to provide this structure of justification, it must already exist, and must be either reasonable and true or reasonable but not true.
132170160. People can reasonably reject a true doctrine. If reasons from within their own RCDs cannot be found in support people can reasonably reject reasonable doctrines. So, people can reasonably reject true or reasonable doctrines of the good.
132170210. If 7 is true, then (4a) is not an option because reasonable or true doctrines of the good can be reasonably rejected.
132170211. Hence, we must choose (4b).

The Politics of Restrained Engagement:

1. An agreement motive exists
 2. The purported agreement is about basic rules of social cooperation and political engagement and about the legitimate uses of public power
 3. The agreement must be on some principles
- 2a Principles must be acknowledged implicitly in non-discursive practices or explicitly through non-discursive practices, e.g. in conversations. If the former,

then practical reasoning is neither necessary nor sufficient. If the latter, it is necessary, though not sufficient.

3. If necessary, then for a discursive agreement to exist, principles must be justified in terms of reasons no reasonable person can reject.

132170112. Either such reasons are drawn (4a) from the conceptual resources of a particular doctrine of the good or (4b) from none in particular or (4c) wholly or partially from all doctrines.

5. Principles of political engagement are embedded (latent) in the political practices of democratic societies. The ideal and the priority of the political suggests that the choice amongst (4a), (4b) and (4c) must be settled politically. If this is to be so, (4a) cannot be disqualified from the political process. People may bring in R-reasons in their advocacy of any issue.

6. For any doctrine to provide this structure of justification, it must already exist, and must either be reasonable and true or reasonable but not true.

7. People can reasonably reject a true doctrine. If reasons from within their own RCDs cannot be found in support people can reasonably reject reasonable doctrines. So, people can reasonably reject true or reasonable doctrines of the good.

132170064. If 7 is true, then (4a) is not the solution to settle (i) basic rules of social cooperation or (ii) legitimate use of public power.

132170065. If 8 is true, then either we choose (4b) or (4c).

10. The decision between (4b) and (4c) is a contextual/empirical issue.

The burden of this paper was to show not only that Rawls hobbles between these two views but also that difficulties generated by the first view are somewhat resolved by the second. If so, Rawls must go further in the direction of the second.

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