

## An Empirical Approach to Political Liberalism

In this paper I explore a particular approach to political liberalism. Placing the professed aims of political liberalism at the heart of our theoretical enterprise will lead to developing political principles in a particular way, and the principles will be of a particular kind. My main claim is that political liberalism should be deeply concerned with citizens' existing beliefs, and so should develop its principles with careful attention to the best evidence available about them. Although political philosophers have generally paid little attention to social science research on beliefs and attitudes of liberal citizens, proper development of the principles of political liberalism must take these into account. The argument here is in five parts. After outlining the aims of political liberalism, in Section I, I turn to constraints on developing liberal principles that these imply. Section III presents and criticizes the approach of John Rawls in Political Liberalism and contrasts this with what I take to be a preferable method, which I call the "convergence method." Section IV sketches some of the relevant evidence and the liberal principles that will follow from this approach. This is followed by a brief conclusion.

### I

The questions with which political liberalism deals have come to general attention mainly through the work of Rawls, in a series of articles published during the 1980's,<sup>i</sup> culminating in his 1993 book, Political Liberalism, which is widely recognized as the starting point for work in the field. Probably the easiest way to introduce the particular subject matter and beginning assumptions of political liberalism is by briefly outlining a few points made by Rawls.

The starting point for Rawls's arguments is recognition of the diversity of

contemporary liberal societies. In Political Liberalism, Rawls argues that fundamental disagreements in liberal societies are unbridgeable. Because people who deliberate about moral and political issues emphasize different aspects of questions and employ different methods of investigation, they will come to different and irreconcilable answers. Rawls calls this fact of human reason the "burdens of judgment," and argues that a diversity of doctrines is a permanent feature of liberal public culture, not an accident of history, destined to pass away (Rawls 1993, 54-8).

Political liberalism is intended to contribute to the stability of liberal societies, in spite of this diversity, by providing a basis for agreement where agreement is possible. Rawls describes a moral view as "comprehensive" if it contains answers to a full range of difficult and controversial questions, for example, what is of value in human life, ideals of personal character, and other subjects. In order to attain the support of adherents of different comprehensive views, political liberalism attempts to generate an "overlapping consensus." Briefly, Rawls argues that, in spite of their important differences, people who subscribe to diverse comprehensive views are able to agree in regard to a range of issues and principles bearing on society's basic institutions. Though people will support these principles for different reasons, with those of each person stemming from his or her own comprehensive view, the area of agreement throughout society will be sufficiently broad to contribute to the stability of liberal societies.

According to Rawls, political liberalism is intended to address two different questions, to which we can refer as normative and practical. The first is to identify "the most appropriate conception of justice for specifying the fair terms of social cooperation between citizens regarded as free and equal, and as fully cooperating members of society over a complete life." (Rawls 1993, 3) The aim here is to identify the best possible principles in a normative sense. The practical question addresses means of bridging the different comprehensive doctrines in contemporary liberal society, identifying principles on which

diverse people can agree, so as to contribute to stability (Rawls 1993, 3-4). The practical task influences Rawls's conception of how the principles of Political Liberalism are justified.

In his 1985 article, "Justice as Fairness: Political not Metaphysical," he writes:

[J]ustification is addressed to others who disagree with us, and therefore it must always proceed from some consensus, that is, from premises that we and others publicly recognize as true...

Thus the aim of justice as fairness, as a political conception is practical, and not metaphysical or epistemological. That is, it presents itself not as a conception of justice that is true, but one that can serve as a basis of informed and willing political agreement between citizens viewed as free and equal persons. (Rawls 1985, 229-30; similarly 1987, 6; 1989, 250; 1993, 9)

Although his remarks on justification emphasize the practical question, Rawls's primary interest is in the normative. He addresses this in the first of the two fundamental questions and in the first stage of his two-stage process of political construction. However, the need to respond satisfactorily to the practical question has important implications for acceptable answers to the normative. Although Rawls recognizes this to some extent, I believe he does not go far enough. Political liberalism should be more political than he allows.

In assessing political liberalism, my starting point in this paper is the requirement that principles be able to be accepted by the wide range of citizens in diverse, contemporary societies. This demand is deeply rooted in the liberal tradition, bound up with the familiar idea that individuals have the right to consent to political authority, advanced by Locke and other theorists. In spite of consent theory's problems grounding general political obligations (see Simmons 1979, Chaps. 3 - 4), this notion expresses a permanent liberal theme, that people should be able to consent to their political arrangements. So understood, this requirement can be construed as one of

"hypothetical consent," that citizens would consent to their government if given the opportunity. (Pitkin 1960) Political arrangements should be able to be understood and accepted by each member of society, according to the dictates of his or her own reason.

The central role a particular conception of justification plays in liberal theory is eloquently expressed by Jeremy Waldron (Waldron 1987). Waldron explores strong connections between liberalism's view of justification and the rise of the Enlightenment, with its conviction that human reason could make sense of the world, explaining its fundamental principles and regularities (p. 134). According to this point of view, society too could be understood. It too should be transparent, with its fundamental principles capable of being grasped and accepted by everybody (Waldron 1987, 146).

Liberal theory's commitment to principles that are generally accepted was central to Rawls's work throughout his long career. In the first version of social contract theory, in "Justice as Fairness," Rawls grounds his conception of fairness in the idea of moral principles that everyone could accept. He describes this as "the possibility of mutual acknowledgment of principles by free persons who have no authority over one another." (Rawls 1958, 179) When this possibility is realized, people should be able to "face one another openly and support their respective positions, should they appear questionable, by reference to principle which it is reasonable to expect each to accept." (p. 178) Thirty-five years later, in Political Liberalism, Rawls invokes the "liberal principle of legitimacy": "our exercise of political power is proper and hence justifiable only when it is exercised in accordance with a constitution the essentials of which all citizens may reasonably be expected to endorse in the light of principles and ideas

acceptable to them as reasonable and rational. This is the liberal principle of legitimacy." (Rawls 1993, 217)

If we accept a similar condition for political liberalism, then we will require that individuals be able to assess and accept the principles according to which they are governed. Our question is how such a consensus can be obtained in contemporary liberal societies. Different sorts of agreements among citizens are possible. We can posit a continuum, ranging from the intensely shared convictions of a sectarian group, to broader principles that can be accepted by a large percentage of a given population, in spite of many other points or issues about which they continue to disagree. I believe the principles political liberalism seeks should be closer to the latter than the former. They should be able to be accepted by large percentages of the population, while still remaining recognizably liberal.<sup>ii</sup> I will concentrate on the United States, though with references to other liberal societies.<sup>iii</sup> But as soon as we turn to contemporary liberal societies, we confront the problem of diversity. Given the wide range of moral and religious views these societies contain, it is difficult to imagine how all citizens could agree on a single set of political principles.

If we agree with Rawls that pluralism is ineradicable, then we can recognize the depth of the challenge. There are different ways political liberalism can be conceived, and so its core principles worked out. As I have noted, I believe that careful assessment of empirical evidence is necessary in order to develop the most defensible account of these principles. If the end is to discover principles that people can accept, then a great deal depends on their existing moral and political views, with which principles must cohere. We

must inquire into what liberal citizens believe, and craft our principles accordingly.

## II

Although a basic commitment of liberal theory is to work out political principles that can be accepted by all citizens, there are obvious limitations. Because of the diversity of liberal societies, it is unlikely that a set of principles could be developed that would be acceptable to everyone. However, it is not necessary that principles be accepted by everyone. In order to participate in society's consensus, citizens must be reasonable in some basic sense. They cannot make patently unreasonable demands and should be willing to cooperate on reasonable terms with others. This requires willingness to accept appropriate principles.

In order to flesh out these ideas, we require a clear understanding of what it is for people to be "reasonable." A problem immediately, though, is that in a pluralistic society, people with different moral views will disagree about what exactly this means. For our purposes, the sense of "reasonableness" we employ should be determined by our aims. Because political liberalism is intended to develop moral principles that can be accepted by people with widely different comprehensive views, we should employ a minimal conception, which can avoid controversy as much as possible.

What I view as the most suitable concept of reasonableness centers more on how people behave than on what they believe. The concept bears on both behavior and beliefs; people can be "reasonable" in cognitive and attitudinal senses. In the former, a person is reasonable if she has beliefs or opinions that are adequately grounded. She has good evidence (good reasons) for holding them, while additional beliefs or principles follow from them according to sound rules of inference. In the second sense, reasonable people are able to get along with others. They are open-

mindful and fair to some degree, not demanding more than their share and within limits willing to let others live as they please. Reasonable people are willing to live and let live, to interact with others on fair terms of cooperation.

"Reasonableness" in the attitudinal sense admits a range of construals. Here too we can posit a rough continuum. According to what we can call a strong conception, a reasonable person is genuinely open minded and tolerant, strongly motivated to live with others on terms all can accept. But people can be attitudinally reasonable in a weaker sense. As long as they are willing to preserve social order and do not attempt to force their beliefs or practices on other people, they can be viewed as reasonable, even if they are not strongly motivated by concerns of open-mindedness or tolerance.

The sense of "reasonableness" to which political liberalism should appeal follows from our fundamental aims. Because of our wish to develop principles that will encompass as many people as possible, we should accept as "reasonable" people who fall on the weak end of the continuum, without regard to their motivation, as long as they are willing to live cooperatively with others and respect the basic commitments of liberal society. Reasonable principles encompass the range of principles subscribed to by people on the entire continuum. Such people should be distinguished from the "unreasonable," who are unable to live cooperatively with others, especially those whose moral principles stand in the way of this. Such people can be unwilling to adhere to minimal requirements of social cooperation, for instance, by demanding excessively large shares of society's benefits or to impose their beliefs on others. As long as people are willing to refrain from such objectionable behavior, there is no a priori reason why they too should not be allowed to live according to principles they accept. It is an empirical question whether people are able to behave appropriately without subscribing to moral principles of a particular sort. Without strong evidence that

this is not possible, we should not exclude any cooperative individuals from the requirement that principles be justified to them.

Working from a conception of "reasonableness" along these lines has significant implications for the resulting conception of political liberalism. This gives large segments of the population veto power over liberal principles and so could well dilute their content. Obviously, by advancing a more restrictive concept of "reasonableness," we could exclude various groups of citizens and so develop principles with greater moral substance. But such a strategy is objectionable. By carefully tailoring our concept of "reasonableness," we could ensure the adoption of virtually any principles whatsoever. Restrictions on "reasonableness" require independent justification. Political liberalism's goal of providing principles that can be justified to the diverse inhabitants of pluralistic societies, generates a presumption against a concept of "reasonableness" that excludes any group.

It seems then that Rawls is not justified in restricting "reasonable" comprehensive views to those with what he views as appropriate cognitive content. According to Rawls, reasonable people possess three attributes. First, they are willing to propose fair terms of cooperation and, to abide by them, when others are as well. Second, reasonable people recognize the burdens of judgment, that diversity of comprehensive views is to be expected. Because of the normal workings of human reason, people will arrive at different conclusions about fundamental moral matters. Rawls holds that this realization "limits the scope of what reasonable persons think can be justified to others" and so leads to a form of toleration (1993, 59). Third, reasonable people will object to the use of political power to promote their own comprehensive views or to suppress alternative views (p. 60).

As one can see, Rawls runs together essentially attitudinal aspects of reasonableness--his first and third senses--and cognitive requirements, his second. For



the sake of argument, we can grant his claim that recognizing the burdens of judgment causes one to moderate one's attitude towards one's own comprehensive view and to tolerate those of other people. But Rawls has not shown that accepting the burdens is necessary for toleration. Even if accepting them does promote tolerance, it remains to be demonstrated that not accepting them will make one impermissibly intolerant. It seems clear that people who subscribe to various fanatical doctrines will oftentimes believe in suppressing the views of other people. Rawls quotes Bossuet: "I have the right to persecute you because I am right and you are wrong." (Rawls 1993, 61 n. 16) But these connections do not always hold. People can be tolerant for reasons other than accepting the burdens of judgment. For example, people can believe that, in matters of theology, even if someone else is incorrect, it is wrong to penalize him or to compel him to alter his convictions. One reason for religious tolerance advanced by Locke in his Letter Concerning Toleration is that religious beliefs should be held sincerely, and it is not possible to enforce sincere conformity (Locke 1955, 18) There are doubtless other justifications for tolerance as well. If we grant this, then people can be reasonable in Rawls's other two senses--i.e., in aspects of what we have termed the attitudinal sense--without accepting the burdens of judgment. Rawls recognizes that we should avoid "excluding doctrines as unreasonable without strong grounds." (1993, 59) And so we should leave open the possibility of reasonableness in the attitudinal sense based on beliefs other than the burdens of judgment, until convincing evidence shows this to be impossible.

Because of wide disagreement about how principles are to be construed, the attitudinal conception of "reasonableness" can be employed most usefully in regard to what it excludes. People who are not able to live cooperatively with others are not reasonable in this sense. This is most clear in regard to people whose beliefs entail harming others, who can be considered unreasonable, and so forfeit the right to be

governed by principles they can accept.

This notion can be extended. In order to be included in society's consensus, people must be moved to some extent by virtues of tolerance and civility.<sup>iv</sup> They must recognize minimal requirements of liberal societies, be concerned with preserving civil peace and willing to cooperate in this. Because it is generally accepted in liberal societies that public disagreements must be settled by democratic institutions,<sup>v</sup> they must also possess in some degree the important virtue of being willing to accept decisions made by fair procedures. Thus society owes justifiable principles to all individuals who are willing to live under them with some degree of cooperation. People whose principles are not compatible with this degree of cooperative existence or otherwise tell against fundamental requirements of liberal societies forfeit their rights to justification. As Charles Larmore says of fanatics: "A liberal political system need not feel obliged to reason with fanatics; it must simply take the necessary precautions to guard against them." (Larmore 1987, 60; also 66)

I take it that the need to exclude people who are patently unreasonable in the attitudinal sense is not controversial. Any defensible theory must proceed similarly. Rather, what is more controversial is my claim that the principles developed must be so inclusive. For instance, although different religious views are based on beliefs that are not "reasonable" according to many construals, the position outlined here implies that political principles and policies should be justifiable to their proponents, if at all possible. Because of significant differences in ways in which devoutly religious and secular people view the world, including widely different conceptions of persuasive arguments, there are obvious problems in presenting canons of argument that will be accepted by all groups. But doing so is necessary if the principles of political liberalism are to be widely accepted. It is not consistent with political liberalism's basic values not to attempt to justify principles to people who are willing to live cooperatively with others,

while not to do so could also damage social peace and stability. Generating wide consensus is especially important if large percentages of the population subscribe to religious comprehensive views. Construing "reasonable" principles in such a way that excludes large percentages of the population is obviously at odds with the goals of political liberalism.<sup>vi</sup>

### III

Since the main task of political liberalism is to discover principles on which diverse liberal citizens can agree, the most advisable strategy is to begin by examining the beliefs of the full range of reasonable citizens--the large majority of the population--and to look for areas of overlap or agreement among adherents of different comprehensive views. We can refer to this as the method of convergence.

As I have said, in attempting to justify principles to a group of people, a great deal depends on what they already believe. If some principle P is to be justified to Smith, it must fit in with his existing beliefs.<sup>vii</sup> And so adequate justification requires detailed inquiry into the beliefs of liberal citizens. Since complete evidence is not available, we must attempt to use the best evidence we can find. In general, in a large society with tens of millions of inhabitants, this will be the evidence of survey research. In spite of the superficiality and other limitations of surveys, there is no real alternative.<sup>viii</sup>

Rawls's approach in Political Liberalism sharply different. His method of "political constructivism" is complex and cannot be discussed in detail here. As in Theory of Justice, the principles of justice Rawls defends are the outcome of a process of choice, conducted in the original position, behind a veil of ignorance. Because of problems caused by the pluralism of liberal societies, Rawls believes that argument must be from "intuitive ideas" that he claims are deeply rooted in liberal culture, and so subscribed to by adherents of

different comprehensive views.

The two specific intuitive ideas on which Rawls focuses are conceptions of society as a fair system of cooperation and of the person as possessing two moral powers. These are the ability to form and revise one's own conception of the good and to live on fair terms of cooperation with others. Though Rawls does not describe in detail how the intuitive ideas tie in with the choice of principles in the original position, these particular conceptions of the person and of society are built into the structure of the original position. Selection of principles of justice under these conditions identifies them as the most suitable principles for free and equal citizens, possessing the two moral powers, who seek to live on fair terms of cooperation with others.

Because the principles of justice must be acceptable to people with different comprehensive views, Rawls argues that the principles must be "freestanding." Principles should not be constructed on the basis of the existing comprehensive views in society, but rather through the intuitive ideas. The process of construction is divided into two stages. In the first, principles are constructed without reference to existing comprehensive views. Rawls says of the principles of justice: "Their content is not affected in any way by the particular comprehensive doctrines that may exist in society." (Rawls 1993, 141) Once the principles of justice have been developed, in the first stage, they are assessed in regard to their acceptability to proponents of society's different comprehensive view, or as Rawls terms this, in regard to their contributions to "stability."<sup>ix</sup> If principles are lacking in this regard, suitable adjustments may be necessary (Rawls 1993, 65-6)

For our purposes here, we can assume that Rawls's principles of justice would be chosen through the method he describes.<sup>x</sup> But this goes only part of the way towards making his case. Basic features of the selection process itself must be justified. In Theory of Justice, Rawls notes that different versions of the conditions under which principles of justice are chosen will yield different sets of principles: "We may conjecture that for each

traditional conception of justice there exists an interpretation of the initial situation in which its principles are the preferred solution." (Rawls 1971, 121) To avoid circular argument, Rawls must demonstrate that the choice situation should be built upon the features he presents rather than others. The fact that Rawls does not make this case in detail weakens his position in Political Liberalism--although this does not necessarily mean that the features he presents cannot be justified.

In criticizing Rawls's method, I will focus on two problem areas, his concentration on basic intuitive ideas in liberal public culture and his accompanying account of justice as fairness as a "freestanding" view. I believe these features of Rawls's method are not consistent with the practical aims of political liberalism. Rather, as I have noted, a simpler, alternative method is better suited to these tasks, the "method of convergence," which does not have these objectionable features. Once again, Rawls works from intuitive ideas, because of deep disagreements in liberal societies. The intuitive ideas are intended to be generally subscribed to in ways that principles of justice are not. Rawls describes them as "public and shared ideas" (Rawls 1993, 90). However, because of the burdens of judgment, it seems unlikely that adherents of conflicting comprehensive views will readily agree that a specific conception of justice is best suited to free and equal people who have to live together. Among the many issues over which adherents of different views could well disagree are the precise characteristics of free and equal persons. Because "freedom" and "equality" are "essentially contested" concepts (Gallie 1955-56; Connolly 1983, Chap. 1), there is little reason to believe that liberal citizens will agree more readily about them than about other contested moral questions. Indeed, one reason Rawls claims for his method of construction is the existence of conflicting strands in liberal societies concerning how the values of freedom and equality should be reflected in the rights of citizens (Rawls 1993, 4-5).

In regard to the "freestanding" character of his principles, Rawls notes the possibility that principles derived in the first stage of construction will not be generally accepted in the second.

However, aside from conceding that this would require "acceptable changes" in the principles to bring them into accord with society's comprehensive views (Rawls 1993, 66), Rawls devotes little attention to this possibility. He sets it aside, assuming--"on the basis of a number of plausible considerations"--that it will not arise (Rawls 1993, 66). If we are less confident, we can see that Rawls glosses over serious difficulties, especially the need to take appropriate steps in the first stage of construction to make sure the resultant principles will fit with society's views. Because of political liberalism's deep concern with contemporary pluralism, the burden of proof is on Rawls to show that justice as fairness would fit. He notes that its suitability can be "verified only by actually elaborating a political conception of justice and exhibiting the way in which it will be supported" (Rawls 1987, 6-7; similarly, 1993, 15). But Rawls does not attempt to meet this challenge. His view is characterized by one commentator as "wildly optimistic."<sup>xi</sup> Detailed analysis of actual liberal societies and their comprehensive views is almost entirely lacking in Political Liberalism--and the articles leading up to it.<sup>xii</sup>

It is not impossible that Rawls's principles will fit with liberal culture. However, Rawls's distinctive method of construction--based on pursuing the best possible principles that can be drawn from selected intuitive ideas--is defensible only if his principles will fit. In order to address the strong possibility that they will not, a more advisable procedure would focus on the need to generate principles that would, and then select from these the ones that are normatively preferable. In other words, if the goal is to find serviceable principles, the order of Rawls's two stages of construction should be reversed.

Because of the need to find principles that will be acceptable to adherents of different comprehensive views, a preferred method would aim first at generating a set of principles that are as uncontroversial as possible. This requirement creates a strong presumption against relying on controversial notions--including a specific conception of the free and equal person--in their construction. The alternative, convergence method begins by attempting to find areas of agreement between existing comprehensive views. Once such areas have been identified,

the second stage would attempt to derive principles with the most robust possible normative content. Throughout this paper, I will focus on the first of these tasks, leaving aside complex issues concerning the second. The first stage of the convergence method can be represented visually as a Venn diagram, with a highlighted area of agreement--or overlap--between different comprehensive views, in spite of their other differences.<sup>xiii</sup>

#### IV

Developing political principles from the existing beliefs of liberal citizens will yield results that can be characterized as "procedural liberalism." I will briefly discuss two main areas, studies of attitudes towards democratic rights and liberties, and of political support. I will concentrate on beliefs of Americans, but it is worth noting that evidence suggests that members of other liberal societies share these basic beliefs.

Important evidence concerning liberal citizens' view of rights is found in the literature on political tolerance, which dates back to Samuel Stouffer's classic study, Communism, Conformity, and Civil Liberties, published in 1955 (Stouffer 1955).<sup>xiv</sup> In addition to institutions insuring electoral accountability, a working democratic system must guarantee its citizens a range of rights. Since democratic accountability requires open debate and participation in the political system, citizens must be able to express their ideas, including unpopular ones, free from government interference. Moreover, according to central tenets of liberal theory, rights are of more than instrumental value. Freedom of speech, of conscience, of travel and association, are viewed as central to meaningful lives and so are also inherently valuable. Thus it is not surprising that among the rights Rawls would protect under his first principle of justice, the equal liberty principle, are freedom of speech and the press, as well as rights to vote, to assemble, to be eligible for public office, and other related freedoms, such as freedom from arbitrary arrest (Rawls 1971, 61; also 1993, 291-2)

In his study, Stouffer examined Americans' attitudes to civil liberties during the McCarthy period. His study uncovered disquieting facts. For example, Stouffer examined attitudes toward rights to free speech of socialists, communists, and atheists. Respondents were asked, "If a person wanted to make a speech in your community favoring government ownership of all the railroads and big industries, should he be allowed to speak or not?" 31% of respondents replied, no, 11%, no answer, and 58%, yes. Thus 42% of the sample had at least some doubts about socialists' rights to speak (p. 29). In regard to atheism, respondents were asked, "If a person wanted to make a speech in your community against churches and religion, should he be allowed to speak, or not?" Sixty percent replied, no, 3%, no opinion, and 37%, yes (p. 33). In regard to communism, the following question was asked: "Suppose an admitted Communist wants to make a speech in your community. Should he be allowed to speak or not?" To this, 68% responded no, 5%, no opinion, and 27%, yes (p. 41). Clearly, Stouffer uncovered widespread willingness to interfere with the rights of various groups of people.

Subsequent research by numerous scholars--Prothro and Grigg; McClosky and different associates; Nunn, Crockett, and Williams; Sullivan, Piereson, and Marcus; Gibson; Sniderman; and numerous others--have strongly confirmed Stouffer's overall findings.<sup>xv</sup> For example, in surveys reported by John L. Sullivan and David Barnum, conducted in Britain (in 1986) and the United States (in 1978 and 1987), levels of tolerance were found to be similar in the two countries and similar to what Stouffer found (Barnum and Sullivan 1990, 722). Nationwide samples were asked whether they would allow members of groups they especially disliked<sup>xvi</sup> to (1) make a public speech, (2) hold a public rally, (3) run for public office, (4) form an organization that is not banned or outlawed, or (5) teach in a public school, and (6) whether the government should be allowed to tap the telephones of group members. Sample figures for Britain



and the two U.S. surveys respectively are as follows. 27% of respondents (Britain 1986), 16% (U.S. 1978), and 27% (U.S. 1987) would allow members of the least-liked group to run for public office; 34%, 34%, and 33% would permit members of the least-liked group to hold a public rally; 31%, 29%, and 32% opposed banning (outlawing) the least-liked group. Slightly more, 51%, 50%, and 50% would permit members of the least-liked group to make a public speech. This evidence, then, indicates similar levels of tolerance—or intolerance—in the U.S and Britain (see also Barnum and Sullivan, 1989)

Similar results were found in Canada. Paul Sniderman and associates examined attitudes towards civil liberties in Canada, in 1987. Only 32% of their general sample believed that their most disliked group should be allowed to hold public rallies. This is in comparison to 61% who responded that "members of extreme political groups" should be allowed to hold public rallies. But only 20% believed that groups like the Nazis and Ku Klux Klan should be allowed to state their views on public television (Sniderman et al. 1991, 355). 59% responded that police should be able to search a young man who was seen near a house where drugs are sold. (p. 358) Clearly, these results also indicate that the intolerance uncovered by Stouffer and subsequent researchers is not particular to the McCarthy era and not particular to the United States.

The precise nature of the principles in regard to rights to which liberal citizens subscribe is difficult to identify from the evidence of survey research. But analysis of additional studies indicates that democratic principles include numerous tacit qualifications.<sup>xvii</sup> Many liberal citizens are willing to set aside protections afforded by general principles in order to deal with perceived dangers, and to protect other values that they view as important. This last phenomenon is seen in widespread support for restrictions on various forms of political protest and similar willingness to outlaw broad classes of expression that can be viewed as indecent or obscene.

The conceptions of rights to which high percentages--if not the majority--of democratic citizens adhere are bound up with overall, developed world views (often highly tinged by religious beliefs).<sup>xviii</sup> It is therefore unlikely that they would assent to liberal principles that contain sweeping views of rights, along the lines of Rawls's priority of liberty (1971, 243-51). The evidence suggests that liberal principles to which high percentages of the population could consent would center on curtailed conceptions of rights.

In spite of the limitations of liberal citizens' view of rights, survey evidence suggests overwhelming agreement on another central value, support for democratic political processes. The evidence that interests me here bears on a certain type of political support, closely related to what David Easton calls "diffuse political support." Easton describes this as "a reservoir of favorable attitudes or good will that helps members to accept or tolerate outputs to which they are opposed or the effects of which they see as damaging to their wants." (Easton 1965, 273)<sup>xix</sup> In other words, diffuse support correlates closely with support for decision-making mechanisms--"procedures and arrangements through which demands are negotiated and compromised" (Easton 1965, 272)--without immediate regard to specific decisions or the people making them.

A series of national surveys indicate strong support for the American political system--for the decision-making mechanisms in the United States. For example, in a 1992 national telephone survey, John Hibbing and Elizabeth Theiss-Morse inquired into support for different political institutions (Hibbing and Theiss-Morse 1995). Their results are striking. 88% of respondents either approved or strongly approved of Congress, 94% of the Supreme Court, and 96% of the Presidency (Hibbing and Theiss-Morse 1995, 44-5). Only 8% of respondents disapproved of the "basic constitutional structure of the U.S. government." Only 9 individuals (.06%) strongly disapproved (p. 59). James Hunter and Carl Bowman report similar results, in their 1996 national

survey. In response to the question, "Do you feel you should support our system of government?" 80% had positive responses, 11% neither positive nor negative, and 9% negative--only 2% strongly negative (Hunter and Bowman 1996, Table 12D).<sup>xx</sup>

Additional surveys could be cited in regard to the U.S. and other liberal countries.<sup>xxi</sup> Such evidence strongly suggests the likelihood of general acceptance of basic democratic political institutions and decisions they produce. I believe that principles along these lines will constitute the core of a defensible version of political liberalism.

#### IV

It is possible to criticize the convergence method as leading to liberal principles that are based mainly on survey research, and so often crude. Though I am aware of the limits of survey research, it bears mention that the results noted here (and others discussed in Klosko 2000) are thoroughly documented. They have been reported consistently by different researchers over a protracted period of time. This is the best evidence we have about what liberal citizens believe. The only alternatives are reliance on anecdotes and what Kurt Baier refers to as "armchair sociology." (Baier 1989, 783)

Accordingly, our best empirical evidence indicates that the content of the principles of political liberalism will be as I have noted, focusing on democratic procedures, with a less than full conception of liberal rights. In spite of their shortcomings, these principles are clearly important for the practical tasks of political liberalism, as can be seen if we look briefly at a discussion of liberal disagreements in Charles Larmore's 1987 book, Patterns of Moral Complexity (Larmore 1987).

In accordance with other theorists, Larmore argues that political liberalism is made necessary by pervasive disagreements in liberal societies. In the portion of his book that is of concern here, he explores connections between liberal disagreements

and "a universal norm of rational dialogue." (1987, 53). Larmore contends that disagreements in liberal societies should be addressed through rational dialogue. When people disagree about specific issues, "those who wish to continue the conversation should retreat to neutral ground, with the hope either of resolving the dispute or bypassing it." (p. 53; his emphasis)

What interests me here is the nature of this neutral ground. The empirical studies I have examined--especially those concerning psychology of religion in this highly religious country<sup>xxii</sup>--lead one to doubt the existence of substantive intellectual grounds of the kind Larmore suggests. It seems unlikely that researchers will be able to unearth a set of premises that would (a) be acceptable to proponents of widely different comprehensive moral, religious, and philosophical views, and (b) also be sufficiently substantive to provide disputants with common ground adequate to lead to agreement on disputed moral issues. Larmore does not explain exactly what the necessary neutral principles are, while the most notable attempt to provide them, Rawls's "intuitive ideas" latent in the public culture of liberal societies, is not convincing (see Klosko 2000; 1997, Chap. 7). Accordingly, one great advantage of the convergence method and the principles to which it gives rise is that the latter constitute an adequate neutral ground in Larmore's sense. By adverting to them, disputants could resolve their disagreements through means that would be mutually acceptable. Although principles developed along these lines can be viewed as lacking in terms of normative content, they do have the considerable advantages of being likely to be widely accepted in liberal society, and so of being able to fulfill the main function that principles of political liberalism are supposed to serve.<sup>xxiii</sup>

<sup>i</sup>Rawls 1985, 1987, 1989; also Rawls 1980, 1982, 1988.

<sup>ii</sup>An additional distinction worth noting is between what we can call "actual" consensus and "potential" consensus. The former consists of principles that people can accept now, as things stand. Potential consensus consists of principles people can be led to accept through additional education, or perhaps through greatly increased philosophical examination of their views. Because of the important practical association between political liberalism and the stability of liberal societies, I believe we should concentrate on the former, though without saying that consensus of the latter sort is either unimportant or necessarily impossible. For further discussion, see Klosko 2000, 29-32.

<sup>iii</sup>The evidence in Klosko 2000 suggests similarities between liberal societies in regard to views of rights, democratic political systems, procedural justice, and other subjects.

<sup>iv</sup>Cf. Gutmann and Thompson, Chap. 2, on reciprocity, and Galston 1992, Chap. 10, on virtues necessary for liberal societies. For further commitments of political liberalism, see Klosko 2000, Chap. 1.

<sup>v</sup>For evidence, see Klosko 2000, Chap. 5.

<sup>vi</sup>For discussion of religious views that Rawls would consider "unreasonable"--and also raise problems for democratic values--and percentages of the population of American society who subscribe to them, see Klosko 2000, Chap. 4. Criticisms of Rawls's arguments in Political Liberalism for excluding religious citizens are presented by Galston 1992), Wenar (1995), and Tomasi (2002).

<sup>vii</sup>On restrictions, and criticisms of the alternative view of justification advanced by Gerald Gaus (1996), see Klosko 2000, 24-9.

<sup>viii</sup>For problems of surveys, see Klosko 2000, Chap. 2.

<sup>ix</sup>For Rawls's use of the term "stability," see 1989, 239 n. 12. For the concept of stability elsewhere in Rawls's works and problems with it, see Klosko 1994.

<sup>x</sup>An excellent account of a possible argument for this outcome is Cohen 1993.

<sup>xi</sup>Jones 1995, 526-7. To explain Rawls's belief that the views he regards as "reasonable" doctrines will be accepted as the content of the overlapping consensus, Jones argues that Rawls runs together two senses of "reasonable." Rawls bases his view of the overlapping consensus "on the wrong sort of reasonableness," the reasonableness of the doctrine to be accepted rather than of the people who are to accept it.

<sup>xii</sup>For Rawls's empirical investigations of liberal societies in the articles leading up to Political Liberalism, see Klosko 1993.

<sup>xiii</sup>For additional, detailed criticisms of Rawls's method, see Klosko 2000, and 1997.

<sup>xiv</sup>For discussion of the tolerance literature, including more detail on Stouffer's studies, see Klosko 2000, Chap. 3.

<sup>xv</sup>For discussion and references, see Klosko 2000, Chap. 3

<sup>xvi</sup>Appeal to "least liked" groups draws on the conception of tolerance developed in Sullivan, Piereson, and Marcus 1982.

<sup>xvii</sup>See McClosky 1964; Kuklinski et. al. 1991; Chong 1993; Marcus et. al. 1995.

For discussion, see Klosko 2000, Chap. 3.

<sup>xviii</sup>For discussion, see Klosko 2000, Chap. 4.

<sup>xix</sup>For discussion and criticisms of Easton's account of "diffuse" support, see Klosko 2000, Chap. 5.

<sup>xx</sup>For additional evidence concerning political supports, see Klosko 2000, Chap. 5.

<sup>xxi</sup>For additional evidence concerning political supports, see Klosko 2000, Chap. 5.

<sup>xxii</sup>See Klosko 2000, Chap. 4.

### <sup>xxiii</sup> **References**

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