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# RAWLS'S "POLITICAL" PHILOSOPHY AND AMERICAN DEMOCRACY

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**J**ohn Rawls has recently argued that political philosophy can significantly contribute to making democratic societies stable. He seeks moral principles that can ground what he calls an overlapping consensus and argues that his well-known principles of justice can serve in this capacity. I criticize both Rawls's general claims about the role of political philosophy and his particular defense of the principles of justice. Both arguments commit Rawls to specific empirical claims about existing liberal societies that are highly questionable. In particular, the Kantian moral views that Rawls believes to be central to liberal culture are controverted by extensive empirical research on the actual beliefs of liberal citizens. Despite the problems with Rawls's arguments, I suggest that a rather different overlapping consensus appears to contribute to stable democracies. This centers on support of the political system rather than more substantive moral principles.

**I**n his recent articles, John Rawls argues that political philosophy can play an important political role in contributing to stable democratic societies (Rawls 1985, 1987, 1988, 1989; see also Rawls 1958, 1971, 1980). He seeks to develop principles that can be accepted by a large majority of liberal citizens in spite of their diverse religious, moral, and political views, thereby establishing what he calls an "overlapping consensus." Rawls assigns this task to the two principles of justice familiar from *A Theory of Justice* (1971, 60, 302-3). In his recent writings, he gives political philosophy's practical task precedence over a more traditional attempt to identify true moral principles. Rawls writes: "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" (1985, 230; see also Rawls 1980, 519).

I shall examine what Rawls calls his *political* conception of the role of political philosophy. I am particularly concerned with how well it supports the two principles of justice that Rawls has been defending in different ways since the 1950s.<sup>1</sup> As we shall see, his political defense of the principles commits him to specific factual claims about the political culture of liberal societies that are at odds with the findings of extensive empirical studies conducted over the past fifty years. Though I believe that something like Rawls's account of political philosophy can be defended, in terms of substantive moral content this falls far short of the Kantian moral-political view expressed in the two principles of justice. I begin with an examination of Rawls's view of the role of political philosophy in liberal society. I attempt to distinguish his general sociological theses, based on what he calls "the common sense political sociology of democratic societies" (1987, 4, n. 7), from particular contentions about how justice as fairness plugs into this. I shall not take issue with Rawls's major sociological claims and shall even present some empirical evidence to

support them. However, substantial evidence has been amassed by social scientists that bears on his specific claims. Not only does Rawls appear to be unaware of these findings, but they are damaging to his view. Although a particular *overlapping consensus* does appear to contribute to the stability of democratic society,<sup>2</sup> in content, this is far removed from justice as fairness and, in fact, verges on the kind of utilitarian principles that Rawls has opposed throughout his philosophical career.<sup>3</sup>

## RAWLS'S "POLITICAL" ARGUMENT

Rawls bases his account of political philosophy's practical role on a series of sociological claims. These are described most fully in his 1989 article, "The Domain of the Political and Overlapping Consensus," on which I draw in this brief summary. Rawls presents four general facts, then adds a fifth. These are as follows.<sup>4</sup>

1. The public culture of modern democratic societies contains numerous, diverse religious, moral, and philosophical doctrines as one of its permanent features. Rawls refers to this as "the fact of pluralism" (1989, 234-5).
2. A continuing, general affirmation of one religious, philosophical, or moral view could be brought about only through the oppressive use of state power.
3. Political stability requires some measure of societal agreement. In Rawls's words, "An enduring and secure democratic regime, one not divided into contending doctrinal confessions and hostile social classes, must be willingly and freely supported by at least a substantial majority of its politically active citizens."<sup>5</sup> Without consensus, a regime "will not be enduring and secure" (1989, 235).
4. The political culture of a reasonably stable democratic culture normally contains a number of intuitive ideas from which it should be possible to

work up "a political conception of justice suitable for a constitutional regime."

5. For various reasons, it is unlikely that rational arguments alone could bring about agreement throughout society on important moral, religious, and philosophical questions. Rawls refers to this as "the burdens of reason" (1989, 235–38). It is because of this that such agreement could be secured only through the oppressive use of state power (see fact 2).

This summary omits many details of Rawls's account but should be adequate for our purposes. Rawls's view of consensus centers on his notion of an *overlapping consensus*. Roughly and briefly, Rawls argues that the practical task of political philosophy is to provide a basis for consensus on essential questions. An overlapping consensus is an agreement on central political issues by individuals who subscribe to conflicting comprehensive moral and religious philosophies. In contrast to general and comprehensive moral views, a *political* view is both narrow and superficial. While a general conception applies to a wide range of moral subjects, a political conception applies narrowly to political, social, and economic institutions, to what Rawls calls "the basic structure of society" (1987, 3). As Rawls uses the term, a comprehensive moral view, like many religious and philosophical views, contains explicit answers to difficult and controversial questions, such as, What is of value in human life? and What is the nature of personal goodness? (1989, 240). A fully comprehensive view "covers all recognized values and virtues within one rather precisely articulated scheme of thought" (1988, 253). A political view, in contrast, stays on the philosophical surface. Rawls believes that proponents of different comprehensive religious and moral views can accept a common set of political precepts, though they would perhaps subscribe to them in different ways. Rather than appealing to controversial religious or moral premises, a political view is grounded on the common stock of intuitive ideas found in a liberal society, though, once again, proponents of different comprehensive doctrines hold these ideas for somewhat different reasons. In order to secure an overlapping consensus, Rawls believes that it is necessary to "apply the principle of toleration to philosophy itself" (1987, 13). By practicing "the method of avoidance," he hopes to secure agreement on basic political principles while avoiding intractable moral and philosophical disputes: "The question is: what is the least that must be asserted; and if it must be asserted, what is its least controversial form?" (1985, 230–31; 1987, 18).<sup>6</sup>

Rawls defends different aspects of this overall view. For instance, he is concerned to rebut charges of moral skepticism (1987, 12–15); to distinguish his political conception of justice from different comprehensive doctrines; and to distinguish an overlapping consensus from a less satisfactory *modus vivendi*, an agreement between people with different comprehensive views merely to live and let live (esp. pp.

9–12, 18–23). Other aspects of Rawls's view, however, are not clearly elaborated. He places great weight on the claim that "an enduring and secure democratic regime" requires some measure of consensus among a large majority of its citizens (1989, 235). But exactly what constitutes a stable and secure regime? What role does intellectual consensus play in promoting stability, and how does this contribution compare to those of other factors, such as rough equality in distribution of wealth? One can also ask about the nature of the necessary consensus and whether the political culture of modern democratic societies actually contains the fundamental intuitive ideas from which the requisite consensus must be derived? Rawls's discussion of these matters is often abstract and general. Though he devotes considerable effort to distinguishing his position from others with which it can be confused, his account of what his view is not is frequently unaccompanied by an equally clear account of exactly what it is. I must venture answers to some of these questions here and shall also attempt to identify specific factual claims to which Rawls's view commits him.

If political philosophy is intended to secure stable regimes, a great deal depends on what Rawls means by "stable regimes." As this conception varies, the specific conception of political philosophy one upholds will vary with it. It is clear that Rawls sees the desired end as "a stable constitutional regime," "an enduring and secure democratic regime" (1989, 235 and *abst.*). But beyond these and similar descriptions, exactly what he has in mind must be surmised.

What Rawls means by a stable society is to some extent clear in what it excludes. Obviously, such a regime must not be beset by revolutions, frequent constitutional changes, or civil strife. At one point, Rawls says that it is "not divided into contending doctrinal confessions and hostile social classes" (1989, 235). The desired society is obviously free of the ruinous level of conflict experienced by certain countries in the sixteenth- and seventeenth-century religious wars (to cite an example Rawls frequently uses, e.g., 1985, 225; 1987, 4). Perhaps a useful conception of stability is one employed by modern social scientists. In *Political Man* (originally published in 1960), Seymour Martin Lipset describes as stable democracies countries that maintain "the uninterrupted continuation of political democracy since World War I and the absence over the past twenty-five years of a major political movement opposed to the democratic 'rules of the game'" (1981, 30; *emphasis original*).<sup>7</sup>

It is clear, however, that Rawls has in mind more than mere stability. In addition to this (which we can refer to as the "sociological" component of the political end) is a normative component. Political stability cannot, for example, rest on the oppressive use of force seen in various dictatorships. Rawls's desired regime must be freely accepted by a majority of its citizens (1989, 235). He also strongly supports central liberal values, especially democracy and the protection of rights and liberties (p. 241). In keeping with

these values, Rawls wants a regime in which state power is exercised only in ways that all citizens can be expected to regard as reasonable (p. 244).

His attention to these and other similar values raises a possible problem. As we shall see, the method of justification that Rawls supports in his recent work proceeds from the actual views of political actors. Since an overlapping consensus must be acceptable to the broad majority of citizens, the normative side of his political ideal must be rather thin. Beyond a certain point, emphasis on such values as rights and liberties or personal autonomy leaves the domain of the political to verge upon a specific comprehensive moral view that would not be broadly accepted. If members of society cannot agree on a single comprehensive moral view, we cannot expect them to accept a political ideal with extensive normative content. To some extent, Rawls can assume that the citizens of liberal societies support liberal values in spite of their moral, religious, and philosophical differences. Thus, the optimal political end would appear to combine an enduring, stable regime with democratic values, to the extent that these can be freely supported by the bulk of the population.<sup>8</sup>

Concerns of stability underlie Rawls's distinction between an overlapping consensus and a *modus vivendi* (discussed most fully in 1987, 18–23). A *modus vivendi* is conceived on the model of a truce. Its terms reflect the balance of power between contending factions at the time it is made and are subject to change as conditions evolve. An overlapping consensus is more secure, because it comes to be viewed as more than a mere means to stability. Very briefly, Rawls appeals to the psychological fact that a suitably working political agreement will develop widespread allegiance. As people cooperate with one another on terms that they regard as fair, they will come to view the rules of cooperation as good in themselves, thus lending them an additional measure of support (1987, 21–22; 1989, 245–48). Rawls makes strong claims for the sociopolitical effects of an overlapping consensus. In various contexts, he seems to regard it as necessary and sufficient for political stability (e.g., 1989, 246), though this perhaps overstates his fully considered position.

In order for an overlapping consensus to develop in a given society, the views it contains must be supported by a majority of inhabitants. Accordingly, it must be based on what Rawls calls *intuitive ideas*, ideas that are implicit in the political culture of democratic societies. In different contexts, Rawls describes these as "embedded in the political institutions of a constitutional democratic regime and the public traditions of their interpretation," "take[n] to be implicit in the public culture of a democratic society," providing the wherewithal "to work up a political conception of justice suitable for a constitutional regime," "recognize[d] as true," and "viewed as latent in the public political culture of a democratic society" (1985, 225, 231; 1987, 4 [n. 7] and 1989, 235; 1987, 6; 1988, 252).

These and other formulations of Rawls are so vague and abstract that it is difficult to know exactly what he means by them. But he is undoubtedly committed to the claim that most liberal citizens would accept a set of beliefs closely related to those he expounds in *A Theory of Justice* and subsequent writings. Rawls undoubtedly believes that intuitive ideas correspond, in some sense, to what people believe and would accept if put to them in a certain way. This is confirmed by his view of how political principles are justified: "Justification 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" (1985, 229; see also 1987, 6). Political principles are not justified by being shown to be true in a "metaphysical" sense, for example, in being deduced from self-evident first principles. Rather, they are justified to other people by being shown to stem from premises they accept. In order to fulfill their political role, the requisite principles must be accepted by "at least a substantial majority" of politically active citizens, each of whom endorses them from his own point of view (1989, 239). In order for acceptance to be free and willing (1987, 4, n. 7), there must be a strong correspondence between the content of the principles and subjects' political ideas. Rawls's appeal to intuitive ideas, I take it, distinguishes them from the political views that people consciously hold at a given time. Obviously, if there were a strong correspondence between what people consciously believed and the contents of the two principles of justice, they would easily accept them.<sup>9</sup> An intuitive idea, instead, appears to be one that people are not necessarily aware of holding but to which they are committed because of their other beliefs. In "Kantian Constructivism in Moral Theory," Rawls speaks of "underlying notions and implicitly held principles": "[The] aim of political philosophy, when it presents itself in the public culture of a democratic society, is to articulate and make explicit those shared notions and principles thought to be already latent in common sense" (1980, 518). Confronted with proper political principles, then, people will recognize them as expressing ideas they implicitly hold and accept them for that reason.

This construal is supported by the "reflective equilibrium" method discussed in *A Theory of Justice* (1971, 19–21, 46–53, 577–86; see also 1987, 5, n. 8). Rawls believes that moral theory is "Socratic" (1971, 49). In *A Theory of Justice*, he argues that moral principles are justified by being shown to fit into integrated structures of moral beliefs and principles. Through reflective equilibrium, subjects attempt to attain consistency between their moral principles and opinions about particular cases to which the principles apply. To achieve consistency, they must revise their principles to accommodate the cases of which they are most certain and their views of particular cases to accommodate firmly held principles. One way that consistency is attained is by showing that a number of apparently diverse moral beliefs can be derived from a set of

underlying basic principles. In "The Basic Liberties and Their Priority," Rawls argues that "the two principles of justice provide a better understanding of the claims of freedom and equality in a democratic society" than other familiar principles (1982, 6). He attempts to show that the history of constitutional doctrine in the United States in regard to free speech can be organized around principles akin to his principles of justice. Rawls notes the possibility that more than one set of principles "can be worked up from the fund of shared political ideas" in a given culture (1987, 7). Elsewhere, he indicates his desire to locate the single set of principles *most* congenial to his subjects (1980, 517, 534). But however we come down on this particular issue, it is clear that a suitable set of moral principles must be derivable from fundamental intuitive ideas of the subjects in question. It follows, then, that in regard to the actual citizens of liberal societies, Rawls is committed to an important factual claim. Although most citizens may not be aware that they subscribe to the two principles of justice and could well be dubious about them if confronted with them directly, the principles nevertheless represent the implications of moral principles to which they do subscribe.

As I have noted, the content of the two principles of justice is Kantian, especially as epitomized in Kant's injunction always to treat people as ends, never as means (see Rawls 1971, 179–83). As Rawls writes in the opening of *A Theory of Justice*:

Each person possesses an inviolability founded on justice that even the welfare of society as a whole cannot override. For this reason justice denies that the loss of freedom for some is made right by a greater good shared by others. It does not allow that the sacrifices imposed on a few are outweighed by the larger sum of advantages enjoyed by many. Therefore in a just society the liberties of equal citizenship are taken as settled; the rights secured by justice are not subject to political bargaining or to the calculus of social interests. (pp. 3–4)

In more concrete terms, Rawls's conception of personal inviolability finds expression in the "priority of right." In *Theory of Justice* the first principle of justice (the *equal liberty* principle) is assigned "lexical priority" over the second (the difference principle), which means that claims of liberty must be satisfied completely before other values are invoked: "Liberty can be restricted only for the sake of liberty itself," rather than for other values (p. 244; see also pp. 541–48). The priority of right means that basic liberties "have an absolute weight" in regard to other values (1982, 8). Rawls's understanding of this view has evolved between the publication of *A Theory of Justice* and "The Basic Liberties and Their Priority," in which it is discussed at length. The details of his different positions need not be reviewed here. It should suffice to note his consistent adherence to the inviolability of liberty (or rights, terms I shall generally use interchangeably). Rawls believes that utilitarians can be faulted for allowing trade-offs between liberty and other values, and defines justice as fairness in opposition to utilitarianism (see 1971, secs. 5–6). Rawls

believes it preferable to utilitarianism especially on account of its refusal to countenance violations of liberty even when these advance other significant values. Specific liberties that fall under the priority of liberty include political liberties, including the rights to vote, to assemble, and to be eligible for public office, and other, related freedoms, such as freedom of speech and the press and freedom from arbitrary arrest (1971, 61; see also 1982, 23–24). I shall refer to rights and liberties that cannot be traded off for other values as *strong* rights and liberties and to Rawls's view as a *strong* conception of rights and liberties.

It follows from my discussion of intuitive ideas that if the two principles of justice can be derived from fundamental intuitive ideas of liberal political culture, then the inviolability of liberty must be so derivable, as well. Rawls is committed to specific factual claims about rights, especially that his view of strong rights is more "congenial to" liberal political culture than a utilitarian conception that allows trade-offs. Because the views in question are intuitive ideas, Rawls does not have to show that people consciously adhere to a strong conception as things presently stand. But he is committed to the view that strong rights are better able than other views to order, or make sense of, the major tendencies in liberal political culture.

In the light of this unavoidable empirical aspect of Rawls's political defense of the two principles, one would expect him to examine liberal political culture in detail to test his view. With one exception, however, his few recent attempts to do this must be described as perfunctory. For example, in "Justice as Fairness: Political, Not Metaphysical," Rawls speaks of "the important conception of democratic individuality expressed in the works of Emerson, Thoreau, and Whitman" (1985, 246, n. 29). He also notes our "settled convictions" in regard to religious toleration and opposition to slavery, which can be regarded as "provisional fixed points" around which a suitable conception of justice can be constructed (p. 228). But these brief remarks do little to address the variety of conflicting elements present in liberal culture.

The most sustained examination of liberal political culture I have found in Rawls's works is in "The Basic Liberties and Their Priority." He carefully surveys the tradition of constitutional interpretation in regard to allowable restrictions on freedom of speech. He views American political culture as extremely tolerant: "Within our tradition there has been a consensus that the discussion of general, political, religious, and philosophical doctrines can never be censored" (1982, 58). His examination of Supreme Court decisions confirms this impression. He demonstrates the centrality of a strong conception of the right to free speech, which can be restricted only under emergency conditions, when this is necessary to preserve the system of institutions that makes the basic liberties possible: restrictions are justified only if there exists a constitutional crisis "requiring the more or less temporary suspension of democratic political institutions, solely for the sake of preserving these institutions and other basic liberties" (p. 70).

Rawls's examination of the cases is persuasive; and he demonstrates the overall congruence of constitutional doctrine and the priority of liberty in certain respects, though with a few significant exceptions (1982, 74-79). It seems to me that one reason he does not pursue his examination of liberal political culture further is his general faith in its respect for rights, an impression he believes is confirmed by his analysis of constitutional cases.

But once again, Rawls's area of inquiry is selective. Even within the purview of constitutional doctrine, certain of the Court's decisions suggest underlying principles opposed to his (1982, 74-79). It is also doubtful that Rawls would argue that liberal political culture is necessarily epitomized in Supreme Court decisions. It is likely that the Rehnquist Court has a view of rights decidedly less strong than his own, which will show up increasingly in decisions that will disappoint him in coming years. Rawls certainly does not argue that an overlapping consensus should be based on Supreme Court cases alone, while his brief forays into liberal culture overlook an enormous body of evidence against the anticensorship consensus he believes to exist in American culture.<sup>10</sup>

## RIGHTS IN LIBERAL POLITICAL CULTURE

As I have suggested, Rawls's claims about the shared tradition of liberal political culture are immediately suspect. The American political tradition (any political tradition) is diverse, containing conflicting elements. People with different values will identify its most salient elements according to their values and beliefs. Facts along these lines are basic to "the burdens of reason" (1989, 235-38). The claim that the large majority of Americans will view similar elements as central is not easily reconciled with the burdens of reason. Thus, it is especially important for Rawls to examine the liberal political tradition in detail in order to defend the values he believes to lie at its core.

Though Rawls makes little effort to sort out the basic values of the liberal tradition, numerous social scientists have studied these matters extensively. The results of their research are troubling for Rawls, because the pervasive intolerance of liberal citizens is one of the best attested facts of modern social science. A series of empirical studies conducted over the past half-century has established that Americans are surprisingly willing to abridge the rights of different groups. Among the rights they are willing to cast aside are many that fall under Rawls's basic liberties.<sup>11</sup>

Empirical studies of Americans' attitudes about respecting the rights of different groups constitute a rich and diverse literature. I cannot do justice to, or summarize, the breadth of its findings in this brief space. Nor can I discuss theoretical issues concerning the nature of tolerance, how levels of tolerance

should be assessed, or the implications of different construals for democratic theory.<sup>12</sup> To a large extent, however, these issues can be bypassed here. On the main point, the findings of researchers have been consistent. Perhaps the best-known study was the survey of American attitudes toward communism and civil liberties conducted by Samuel Stouffer in 1954. Stouffer reports being surprised by some of his findings (1955, 14). However, though these were undoubtedly affected by the troubled period he examined, it should be emphasized that his overall results have been strongly confirmed by subsequent studies. To take one example, Stouffer examined attitudes toward rights to free speech of socialists, communists, and atheists. Survey 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?" Of the sample, 31% responded *no*, 11%, *no answer*, and 58%, *yes*. Accordingly, 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 responded *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.

Stouffer's results can be compared with those of more recent studies. In surveys described by David Barnum and John L. Sullivan conducted in Britain (in 1986) and the United States (in 1978 and 1987), nationwide samples were asked whether they would allow members of groups they especially disliked 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 (Barnum and Sullivan 1990, 722).<sup>13</sup> The results they report are striking. For instance, 27%, 16%, and 27% would have allowed members of the least-liked group to run for public office in Britain in 1986 and the United States in 1978 and 1987, respectively; 34%, 34%, and 33% would have permitted members of the least-liked group to hold a public rally; 31%, 29%, and 32% opposed banning (outlawing) the least-liked group. Slightly better, 51%, 50%, and 50% would permit members of the least-liked group to make a public speech.

Granting basic rights to all citizens, even those with whom one disagrees, is a fundamental principle of democratic politics and fundamental to Rawls's basic liberties. As Sullivan and Barnum note, four of the activities they address (making speeches, holding rallies, running for office, and organizing groups) are

commonly viewed as key attributes of a democratic political system (1990, 723). These also fall under Rawls's basic liberties (1982, 49–50). The unavoidable conclusion of decades of empirical studies, then, is that significant majorities of Americans, like citizens of other liberal societies, do not uphold basic liberties in the strong sense Rawls requires.

These empirical findings are complicated by the fact that respondents voice strong support for democratic rights presented in the form of abstract principles. This conflicts with their responses to specific circumstances and has also been repeatedly confirmed. In a well-known study of voter attitudes in Tallahassee, Florida, and Ann Arbor, Michigan, James Prothro and Charles Grigg (1960) asked their respondents whether they agreed or disagreed with broad principles expressing democracy, majority rule, and minority rights, and then specific applications. The degree of agreement on the broad principles was 94.7%–98%. According to Prothro and Grigg, this "appears to represent consensus in a truly meaningful sense" and supports the idea that "consensus on fundamental principles is essential to democracy" (pp. 284–86, 276). However, "when these broad principles are translated into more specific propositions, consensus breaks down completely" (p. 286). While more than 80% of their respondents opposed barring a legally elected black from office, only 21% supported allowing nontaxpayers to vote. Roughly half the sample supported limiting the right to vote to "well-informed" citizens, barring a communist from elective office, and allowing bloc voting for professional associations, such as the American Medical Association. While 63% would allow an antireligious speech, and 79.4%, a socialist speech, only 44% would allow a communist to speak. Although 75.5% would refuse to bar a black from candidacy for public office, only 41.7% would refuse to bar a communist (p. 285).

In their analysis of two national studies conducted in the late 1970s, Herbert McClosky and Alida Brill present similar findings. On a general level, support for freedom of expression was high. Ninety percent of respondents expressed agreement with the statement "I believe in free speech for all no matter what their views might be." Similar percentages supported other, similar principles (McClosky and Brill 1983, 50). But on the particular level, support dropped off sharply. For instance, only 18% would permit the American Nazi party to use the town hall for a public meeting. Only 23% would allow a group use of a public building to denounce the government (p. 53).

The apparently conflicting results of these studies provides Rawls with a way to explain them. His view does not require that people consciously subscribe to his principles of justice, so it is not surprising that they do not present a strong view of rights in their responses to survey questions. As we have seen, Rawls views moral theory as "Socratic." Confronted with inconsistencies in their moral beliefs, individuals should revise their opinions (1971, 49). Thus, if subjects are shown that their belief that atheists or

communists should not be allowed to speak conflicts with their strong adherence to an abstract principle of free speech, they should alter the former opinion. This suggestion is supported by Prothro and Grigg's findings concerning the correlation between levels of toleration and of education. They believe that education leads to toleration by providing individuals "greater acquaintance with the logical implications of . . . broad democratic principles" (1960, 291). According to this line of argument, if Americans were better educated, they would revise their opinions about the permissibility of violating minority groups' rights.<sup>14</sup>

There is a more economical and convincing way to deal with apparent inconsistencies than to say that respondents regularly make mistakes. The Socratic nature of Rawls's method can cut both ways. In addition to revising one's views of specific cases for consistency with abstract principles, one could revise the principles. The principle presented in the First Amendment is of course sweeping: "Congress shall make no law . . . abridging the freedom of speech." But the need for exceptions has long been recognized. In *On Liberty*, perhaps the most eloquent defense of free speech in our tradition, John Stuart Mill recognizes the need for exceptions to the general principle:

Even opinions lose their immunity when the circumstances in which they are expressed are such as to constitute their expression a positive instigation to some mischievous act. An opinion that corn-dealers are starvers of the poor, or that private property is robbery, ought to be unmolested when simply circulated through the press, but may justly incur punishment when delivered orally to an excited mob assembled before the house of a corn-dealer, or when handed about among the same mob in the form of a placard." (1972, 114).

A similar principle is familiar in American jurisprudence. In the words of Justice Holmes, the right to free speech should be abridged only when a given speech would constitute a "clear and present danger" to society (*Schenck v. United States* 1919, 52). As I have noted, in "The Basic Liberties and Their Priority," Rawls surveys the history of constitutional doctrine in regard to free speech in order to demonstrate that despite apparent exceptions, it rests on a strong conception of rights.

Though I can only sketch my view here, I believe that the claim that Americans support a blanket principle of free speech (or any other strong democratic right) is overly simple. Rather, the evidence suggests that the principles Americans actually uphold contain numerous tacit exceptions. In certain cases, free speech can be viewed as destructive of public order, or the community's religious sensibilities. Confronted with such cases, many Americans will place regard for these other values before free speech. As McClosky and Brill argue, respect for rights is a single value that often exists in a context of other, competing values (1983, 431–34). Though individuals can easily express commitment to the value of freedom in the abstract (such support being cost-



free), when they consider specific cases, they become aware of conflicting values and are willing to trade off between them.<sup>15</sup> Prothro and Grigg are inclined to see formal logical inconsistencies between adherence to abstract principles and departures from them in specific cases (1960, 292). However, because the moral principles to which Americans subscribe contain numerous tacit qualifications, they do not actually conflict with their views on specific cases. In forcing Americans carefully to consider what moral principles are most consistent with their considered judgments in difficult cases, Rawls's reflective equilibrium method would force them to realize that they intuitively qualify their moral principles. Though the sweeping claims presented in the Bill of Rights are in keeping with Rawls's strong conception of rights, these are more categorical than the political beliefs of most Americans, or citizens of other liberal democracies.

Striking confirmation of this line of argument is found in a recent study conducted by James Kuklinski and his colleagues, (1991) who examined the relative influences of cognition and affect on attitudes toward political tolerance. Briefly, the commonsense view, as they report it, is that intolerance is a visceral, emotional response to a group one dislikes and is capable of being controlled to some extent by moral principles (pp. 1-3). Their findings are at odds with this view. They asked their subjects to respond in different ways to standard questions measuring attitudes toward minority group rights. One group (the "affect group") was asked to respond according to its immediate, emotional reactions. A second group (the "consequence group") was asked to think carefully about the consequences of the relevant principles before responding. There was also a control ("no instruction") group that was not directed how to respond. Large majorities of all three groups supported civil liberties presented in the form of general principles. Interestingly, however, while the responses of the affect and no-instructions groups were similar and similar to those noted by other researchers, the consequence group's responses were notably *less* tolerant (pp. 8-13). The case is more complex in regard to specific applications of the general principles. Like previous researchers, Kuklinski and his colleagues note significant slippage when questions involve generally disliked groups, such as according rights to the Ku Klux Klan. Once again, the responses of the no-instructions and affect groups were similar, while the tolerant responses of the consequence group dropped dramatically (pp. 14-17).

In order to explain their findings, Kuklinski and his colleagues hypothesize that when people think about the consequences of general principles, their thoughts turn to adverse consequences and they express their fears (1991, 21-27). In other words, consideration of consequences calls attention to other values with which respect for rights can conflict. Kuklinski and his colleagues note that maintenance of democracy requires adherence to a complex set of

values, only one of which is respect for other people's rights. An advantage of contemplation is that it causes people to consider a range of democratic values (p. 23). But the point remains that in practice—and, apparently, upon reflection—citizens strongly qualify general democratic principles to which they adhere.

## CRITIQUE OF RAWLS

If the political beliefs of Americans (and other liberal citizens) are as I have indicated, this has implications for both Rawls's specific claims about a strong conception of rights and his general view of overlapping consensus. I shall assume without argument that ideological factors contribute significantly to political stability and instability, though I will not attempt to assess the weight of such factors in comparison to others, especially underlying economic conditions. This is not an uncontroversial assumption, since, in the Marxian tradition especially, scholars view ideas as epiphenomenal, reflecting other societal factors and without independent influence. But conceding that ideas play an important independent role is not helpful to Rawls. It is not clear how stable democratic regimes are supported by the ideas I have discussed. If the political ideas of liberal citizens play an important role, we must explain how democracies can endure *in spite of* them, rather than because of them.

Underlying Rawls's "political" defense of his principles of justice appears to be what is referred to as the commonsense, or textbook, model of democratic stability. A staple of democratic theory for hundreds of years, this view is represented by Tocqueville, among others: "For society to exist and, even more, for society to prosper, it is essential that all the minds of the citizens should always be rallied and held together by some leading ideas" (1969, 434). A more recent proponent of the view is Roberta Sigel: "Political socialization refers to the learning process by which the political norms and behaviors acceptable to an ongoing political system are transmitted from generation to generation. . . . A well-functioning citizen is one who accepts (internalizes) society's political norms. . . . Without a body politic so in harmony with the ongoing political values, a political system would have trouble functioning smoothly" (quoted by Mann 1970, 423). But such a view has difficulty explaining away troubling empirical findings concerning what Americans believe.

The great emphasis Rawls places on overlapping consensus and how this differs from a *modus vivendi* leaves him on doubly shaky ground. His view combines the claim that democratic principles are central to political stability with the additional claim that the requisite principles must be not only maintained but held in a certain way, willingly adhered to in the belief that other people support them as well. Rawls also appears to believe that how principles are held plays a critical role in regime stability, apparently outweighing all other factors. There is little reason to



believe that Rawls is right about these claims. His view obviously requires detailed defense, beyond the commonsense sociology on which he relies.<sup>16</sup> It is especially important for him to demonstrate that how principles are held is so significant, outweighing other sources of stability and instability that have been discussed by scholars since the time of Aristotle.<sup>17</sup> This is a serious weakness in Rawls's position, damaging to both his general political sociology and his specific defense of the principles of justice.

The evidence I have presented has serious implications for Rawls's political defense of the principles. His belief that citizens must uphold strong rights for the sake of stable democracies flies in the face of the fact that democracies have endured largely without the requisite values. It remains open for Rawls to say that the regimes we have discussed are not true "democracies," that the values he has in mind are necessary for truly *liberal* societies. A claim of this sort can be defended. Enduring and secure American democracy has proved compatible with frequent outbreaks of political repression of unpopular minorities. Notable targets have been citizens of Japanese ancestry during World War II and alleged communists or sympathizers during the McCarthy period, to say nothing of longstanding suppression of blacks in the South and elsewhere (Goldstein 1978). Recent surveys show high levels of intolerance against what are regarded as dangerous fringe groups at the present time (Gibson 1989b). But dismissal of American and other democracies as not sufficiently democratic does not square well with Rawls's political strategy. He could argue that strongly democratic societies are necessary to realize the values of existing citizens, but it is unlikely that this could be shown to be true of most actual citizens.

Rawls appears to be caught in a dilemma. He can defend democracy instrumentally, as necessary to the satisfaction of citizens' existing demands and, so, to an overlapping consensus. But the values of existing citizens would leave him with liberal principles that fall far short of his principles of justice. An attempt to defend more substantive principles would founder on the beliefs of actual citizens. To the extent that Rawls demands democratic regimes with substantially more normative content, his view would cease to rest on the shared views of liberal citizens and express, instead, the comprehensive view of one particular group. If the distinctive views of Mill or Kant are regarded as comprehensive and so not adequate foundations for an overlapping consensus (Rawls 1987, 5, 9; 1988, 267–68; 1989, 235), then a strong conception of democracy can be criticized along similar lines.<sup>18</sup> Rawls cannot have it both ways. The liberal principles that constitute an overlapping consensus must either be normatively thin or fall under an unacceptable comprehensive view. His contention that liberal political culture is based on "the fundamental intuitive idea of political society as a fair system of social cooperation between citizens regarded as free and equal persons" (1987, 7) appears to bridge the dilemma, but I believe it contains a tacit

equivocation. If we take "free and equal persons" in a strong sense, it is part of a comprehensive view and so out of keeping with liberal political culture. If we construe it in broad, general terms, it will not support a liberal political theory with sufficient normative substance.

I conclude that Rawls's common sense sociology must be viewed as, at best, unproven and highly improbable. There is little reason to believe that consensus on specific beliefs, held in a specific way, is as important to political stability as he asserts. Though it is not impossible that these factors play a significant role, it is incumbent on Rawls to make this case. In addition, as we have seen, Rawls's consensus model of democratic stability is plagued by strong evidence indicating that the requisite consensus does not exist. I conclude that Rawls's political defense of the two principles fails on empirical grounds. A strong conception of rights does not appear to lie at the heart of liberal culture. Though aspects of our tradition reflect the requisite view of rights, others do not. If Rawls believes that the survey evidence we have reviewed is somehow incorrect, once again, it is incumbent on him to make this case. As things presently stand, the evidence weighs heavily against his position.

## AN ALTERNATIVE OVERLAPPING CONSENSUS

I shall now return to the question of how democracy can endure when citizens have the kinds of beliefs we have seen. I suggest that a rather different overlapping consensus can be identified, which does contribute to democratic stability, though it has less moral content than that propounded by Rawls. Although the empirical support for this claim is not developed, it bears mention here.

Scholars have advanced different hypotheses to explain how democratic values can endure in a society in which they are not held by large percentages of the population. One explanation centers on the fact that politically active members of the community—elites—appear to be markedly more tolerant than average citizens and that intolerant citizens generally take a less active part in politics (McClosky 1964; McClosky and Brill 1983).<sup>19</sup> Another argument emphasizes that intolerant citizens do not agree on targets and so do not easily combine in order to suppress particular groups (Sullivan, Piereson, and Marcus 1982). This line of argument is closely related to another that emphasizes American federalism (separation of powers and checks-and-balances), which deliberately makes it difficult to translate political sentiments, even those of majorities, into governmental policies.<sup>20</sup>

These contentions (and others, as well) are still debated by scholars; and I shall not venture to choose between them.<sup>21</sup> There is, however, little reason to view them as mutually exclusive, for several factors

can combine in any one case. An additional factor appears to be important: if, along with Rawls, we attribute some significance to the role of value consensus, it seems that we should look for it in attitudes about the political system, rather than in more substantive moral principles.

There is empirical evidence that certain attitudes centering on trust in one's overall political system are bound up with the kind of behavior that a stable democracy requires. The specific attitude I have in mind is *diffuse political support*. Closely related to the notion of legitimacy, this is the feeling that the system can be counted on to produce outcomes that conform to one's moral principles. In his well-known study of political support, David Easton distinguishes diffuse support from "specific support." The latter centers on approval of specific policies, whereas the focus of the former is the political system as a whole. Easton describes it as "a reservoir of favorable attitudes or good will that helps members to accept or tolerate outputs to which they are opposed or the effect of which they see as damaging to their wants" (Easton 1965, 273; see also Easton 1975). The work of Edward N. Muller and his colleagues suggests two conclusions. First, high levels of diffuse support are correlated with low levels of "antisystem political behavior." Second, though evidence is not abundant, it appears that diffuse support in the United States and other liberal societies that have been examined is high.

Muller and his colleagues argue that there is a clear link between diffuse support and antisystem political behavior. This is defined as "political behavior that is illegal, disruptive of the normal functioning of government, and may entail the use of violence" (Muller and Jukam 1977; Muller, Jukam, and Seligson 1982).<sup>22</sup> Other things being equal, individuals who do not view the political system as legitimate are more likely to engage in illegal protests against it than people who support it as a whole, in spite of their low regard for specific policy outcomes: "By the most pedestrian logic," a low level of regime support "provides a source of normative justification for participation in extralegal protest and violence" (Muller, Jukam, and Seligson 1982, 245). Beyond a certain point, activity of this sort will bring down a given government. Such activity would prevent a political system from being an enduring and stable democracy of the kind Rawls wishes to foster.

Muller, Jukam, and Seligson (1982) measured diffuse support by constructing what they call a *political support-alienation* (PSA) scale, which measures various positive attitudes toward different aspects of the political system.<sup>23</sup> They surveyed respondents in West Germany, Guadalajara, Mexico, San Jose, Costa Rica, and New York City, all in the 1970s (see also Finkel, Muller, and Seligson 1989; Muller 1977). Their results show strong correlations between PSA scores and the propensity to engage in antisystem political behavior: "Individuals who register very low on the

scale also report much higher levels of antisystem political behavior" (Miller, Jukam, and Seligson 1982, 253-63, esp. 263).<sup>24</sup>

The second point is that levels of diffuse support, as measured on Muller's scale, are quite high. Large majorities feel that the American political system is "the best possible," are proud to live under it, and feel that they should support it. In New York City, 63.6% of nonwhites and 72.2% of whites surveyed showed high support scores. A remarkable 88.4% of nonwhites demonstrate positive levels of support. The figures for whites was 91.9%. It is also notable that these scores emerged in spite of the low levels of trust in specific policies and incumbents that have showed up repeatedly in other surveys over the past 30 years.<sup>25</sup> In Costa Rica, the figures were even higher: 92.4% of respondents showed positive levels of support. In subsequent research, Finkel, Muller, and Seligson (1989) showed that this level of support in Costa Rica was only slightly affected by severe economic conditions.

Though one must be hesitant about drawing strong conclusions from this limited body of evidence—and generalizing about the United States as a whole from a single New York City sample—this is, unfortunately, the best evidence we have concerning political support-alienation and, so, diffuse political support. This evidence suggests that if ideas are, indeed, a significant factor in political stability, the political stability of American democracy can be attributed, in part, to the large majority's belief in the legitimacy of the political system.<sup>26</sup>

In closing, then, the best evidence we have suggests the existence of what Curt Baier has called a "constitutional consensus" in liberal democracy (1989, 775). Americans, by and large, are willing to accept the outcomes of their political process despite a lack of agreement on substantive moral principles of the kind that Rawls has in mind. The survey research we have examined suggests that scholars who seek an actual overlapping consensus should focus on this.<sup>27</sup>

Not surprisingly, this is a prominent theme in classic works of our political tradition. As Locke argues, when a society is widely believed to have political procedures that are arbitrary and unjust, the population is not unlikely to rise (*Second Treatise of Government* 225). We can amend this: when a significant percentage of the population loses faith in the acceptability of political procedures, they are more likely to engage in antisystem behavior and so threaten political stability.

Although the American political system violates a strong view of rights in repressing unpopular groups, in doing so it does not appear to violate public opinion. Given the attitudes of the American population, the occasional repression of unpopular minorities seems difficult to avoid. However, as long as the system as a whole continues to be viewed in a favorable light by a large majority of the population, American and other liberal democracies can continue to be stable and endure.

## Notes

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1. We can distinguish three separate stages in his defense of the principles: (1) "Justice as Fairness" (1958), given an excellent critique in Wolff (1977, chap. 5); (2) *A Theory of Justice* (1971); (3) the articles discussed herein. I will not discuss the possibility that "Kantian Constructivism in Moral Theory" (1980) and "The Basic Liberties and Their Priority" (1982) represent a distinct (fourth) stage in Rawls's development, though this claim could be defended. Clearly, seeds of the political argument are present in them, and I will draw on them in that connection.

2. This is in opposition to the recent argument of Paris (1991), which questions the possibility of an overlapping consensus based on broad moral principles. See n. 27.

3. His consistent opposition to utilitarianism is apparent throughout Rawls 1958, as well as Rawls 1971 (esp. pp. 3-6, 22-33, 150-92). See also Rawls 1985, 226; 1987, 19-20.

4. We find similar presentations of facts in Rawls 1985, 1987, and 1989. This material is not discussed directly in Rawls 1988, but it is presupposed. A similar list of facts is presented in Rawls 1987, 4, n. 7. I assume that the factual statements are consistent from article to article; slight discrepancies should not affect my argument.

5. Rawls does not consistently supply percentages, that is, whether he means majority, large majority, or near unanimity. The case is similar in regard to who is included: citizens, politically active citizens, or all inhabitants. My usage throughout this paper is accordingly rough, to reflect these uncertainties.

6. Valuable discussions and critiques of Rawls's recent position include Baier 1989; Galston 1991, chap. 7; Hampton 1989; and Kukathas and Pettit 1990, chap. 7.

7. Lipset defines "democracy" in regard to institutions that provide means peacefully to change governing officials (1981, 27-28). A major movement is defined as one receiving at least 20% of the vote in an election during the period noted (p. 30, n. 7). Lipset uses somewhat less demanding criteria for less stable Latin American democracies (pp. 30-31).

8. For Rawls's distinction between "stable" and "secure" regimes, see n. 17.

9. I will not reproduce the two principles here. For a recent formulation, see Rawls 1989, 251, n. 43; cf. 1971 60, 302.

10. Although Rawls says that justice as fairness "tries to draw solely upon basic intuitive ideas that are embedded in" liberal political culture (1985, 225; emphasis mine), he also presents an argument for his principles that relies on a two-stage sequence (1989, esp. 234, 250-51). Briefly, Rawls argues that in the first stage, justice as fairness should be viewed as a "free-standing conception" derived from the original position as presented in *A Theory of Justice*, or the like (1989, 250-51). In the second stage, the political argument kicks in, and Rawls inquires whether the principles derived in the first stage can ground an overlapping consensus that is able to generate its own support. It is clear that to the extent that Rawls takes the political argument seriously, the two-stage view cannot circumvent the empirical problems I have discussed. If "a political understanding of constitutional essentials is of utmost urgency" in securing social cooperation (p. 241), then the contents of the political view must be congenial to liberal culture, regardless where the principles originally came from.

Two additional points bear noting. First, it appears that Rawls is confident that there is no conflict between the

two-stage model and his political argument. Not only is the political argument the core of the second stage, but Rawls apparently believes that the principles generated in the first stage will fit with liberal culture (1987, 7, n. 13). Second, I do not discuss the position that he advances throughout Rawls 1980 (and, to a lesser extent, in later works), namely, that suitable principles of justice must be derived from specific intuitive ideas, to wit, the liberal conception of the person and of society as based on free cooperation. This procedure also fails to support the political argument, unless there is the requisite fit between resultant conceptions and liberal culture.

11. Although I shall generally concentrate on the United States here, similar evidence is available for other liberal societies (see Sullivan et al. 1985). For the views of Britons, see Barnum and Sullivan 1989, 1990 and Budge 1970.

12. For major theoretical issues, see, esp., Sullivan, Piereson, and Marcus 1979, 1982. Two recent criticisms of their view are Sniderman et al. 1989; and Gibson 1989b. Other important studies include McClosky 1964 and McClosky and Brill 1983. Additional references are found below.

13. For the theory behind asking respondents about their "least-liked" groups, see Sullivan, Piereson, and Marcus 1979, 1982; see also the criticisms cited in n. 12.

14. Prothro and Grigg note more tolerant attitudes than does Stouffer in regard to certain questions and believe that the differences can be attributed largely to the superior level of education in the academic communities where they conducted their survey. Response levels for the members of Prothro and Grigg's sample with low education were closer to those of Stouffer. For discussion of the connection between education and tolerance, see McClosky and Brill 1983, chap. 6; Prothro and Grigg 1960, 288; Sullivan, Piereson, and Marcus 1982, 114-26. See also McClosky and Zaller 1984, chap. 1.

15. Cf. McClosky and Brill 1983, 422-32. Note their discussion of connections between views on tolerance and political ideology, especially the views of political conservatives (chap. 7 and pp. 422-23). A somewhat different view that should be noted is that of Mann (1970), who argues that adherence to the general principles along with the conflicting applications is the result of childhood socialization and, so, is "false consciousness."

16. According to Baier, Rawls's analysis could be called "armchair sociology or political science" (1989, 783).

17. Rawls's belief in the importance of moral principles' generating their own support shows up in the distinction between "stable" and "secure" societies (1989, 234-35, 239), as well as that between overlapping consensus and *modus vivendi*. See also Rawls 1971, secs. 29, 69.

18. It should be noted that as things stand, certain scholars criticize Rawls's view for, in effect, being comprehensive (e.g., Galston 1989; Macedo 1990).

19. Two important recent discussions are Gibson 1988 and 1989a. It should be noted that an elite theory of democracy is potentially of interest to students of Rawls. According to this view, the democratic creed is borne by elites (variously defined), rather than society as a whole. Repeated studies have shown that elites are more tolerant than average citizens. If this is true, then, conceivably, the overlapping consensus that is actually required for a stable democracy could be found among this stratum of society.

20. The classic exposition is *Federalist 10*; see also Lipset 1981, chap. 2; Sullivan, Piereson, and Marcus note the similarities between their view and this (1982, 256).

21. For problems in measuring and assessing the influence of different dimensions of political support, see Weatherford 1992 and Wright 1981.

22. The quoted words are Muller and Jukam's definition of "aggressive political behavior" (1977, 1573). Although there are slight improvements in the survey instruments used between 1977 and 1982, the concepts can be regarded as synonymous (see Muller, Jukam, and Seligson 1982, 246-47).

23. The survey questions used by Muller, Jukam, and Seligson are as follows: (A) To what extent do you have respect for the political institutions in [COUNTRY]? (B) To what extent do you think that the courts in [COUNTRY] guarantee a

fair trial? (C) To what extent do you feel that the basic rights of citizens are well protected by our political system? (D) To what extent are you proud to live under our political system? (E) To what extent do you feel our system of government is the best possible system? (F) To what extent do you feel you should support our system of government? (G) To what extent do you feel you and your friends are well represented in our political system? (H) To what extent do you feel that your own political values differ from those of our political system? (1982, 249).

24. An important conclusion of their article is that this correlation is far stronger than that between antisystem political behavior and low levels of "trust" in government. Figures for trust in government, from 1958 to 1988, are conveniently available in Erikson, Luttbeg, and Tedin 1991, 121. For controversy over the interpretation of these figures, see Citrin 1974; Miller 1974a, 1974b.

25. See n. 24.

26. This conclusion is supported by extensive research on attitudes toward procedural justice. Repeated studies have shown that respondents are more willing to accept specific unfavorable decisions if they view the procedures through which they are made as "fair." See Lind and Tyler 1988 and Tyler 1990. For criteria used in assessing the fairness of procedures and evidence of agreement on criteria across demographic categories, see Tyler 1988.

27. This suggestion ties in with familiar accounts of liberal political theory, as (for instance) that of Benn and Peters (1959). It could perhaps be objected that Rawls might not regard diffuse political support as a suitable basis for an overlapping consensus, which is an agreement on *principles* to which one can appeal in deliberations concerning public policy. This is a difficult question on which I can only touch here, avoiding the complex issue of what constitutes a moral principle. It seems clear, however, that a general requirement to be "concluded by the majority" (Locke, *Second Treatise of Government* 96) is a moral commitment to which one can appeal in dialogues on public policy in order to counter opposed demands and so help to stabilize a society. Nor are decisions of policy processes viewed as binding without condition. For the limits within which political processes should be viewed as acceptable and so binding, see Klosko 1992, chap. 3. For a more detailed discussion (with numerous references) of the "reflective equilibrium" method according to which such determinations should be made, see chap. 1, sec. 4. For evidence of widespread agreement about criteria that are used to assess the fairness of decision mechanisms, see pp. 67-72, as well as Tyler 1988. Once again, there is nothing in my discussion to rule out the contributions to stability of other factors discussed in the literature, for example, those discussed by Lipset (1981) or Paris (1991). It also bears mention that diffuse political support is not deeply abstract and philosophical and, so, is less subject to the kinds of disagreement over interpretation that Paris notes in regard to Rawlsian principles (1991, esp. 893-94).

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