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CRITICAL EXCHANGE

Rawls, Weithman, and the Stability of Liberal Democracy

George Klosko[1]

In numerous areas, John Rawls's contributions to political philosophy are clearly recognized. This is true in regard to distributive justice, his revival of social contract theory, and central issues of method in moral philosophy. But as is shown by the, discussion in Paul Weithman's *Why Political Liberalism?* Rawls's contributions to the political theory of liberal democracy are less clear.[1] It is on this subject that I focus, with special attention to issues of 'stability' with which Rawls was deeply concerned. One of Weithman's signal contributions is demonstrating the extent of Rawls's interest in the stability of liberal democracies, including political aspects of this subject that Rawls scholars have generally overlooked. In addition to criticizing Weithman's view on this subject, I will provide an alternative account of these political dimensions, in the light of which, I believe, we should assess Rawls's actual contribution in this area, and some wider concerns that bear on Rawls's justification of his principles of justice.

In his study, Weithman presents a meticulous account of the steps that led Rawls from the version of justice as fairness in *A Theory of Justice* to the revised views of *Political Liberalism*. In the later work, Rawls himself briefly explains the reasons for his new 'political' version of his theory, and many readers have had general ideas about the nature of the relevant changes. But for the first time, Weithman provides a highly detailed and convincing analysis of this transition. In his

[1] Weithman (2010). For Rawls, *A Theory of Justice*, references are given to both the 1971 and 1999 editions (in the form 1971/1999c). *Theory of Justice* is occasionally abbreviated as *TJ* and *Political Liberalism* as *PL*.

✉ George Klosko
gk@virginia.edu

[1] Department of Politics, University of Virginia, Gibson Hall, 1540 Jefferson Park Avenue, Charlottesville, VA 22904, USA

Introduction, Weithman says: 'A number of readers have said that the book introduces them to a very different Rawls than the one they thought they knew (Weithman 2010, p. 4). However, as we will see, Weithman's account of this new Rawls's contribution to the political theory of liberal democracy is beset by surprising weaknesses.

In this paper I generally accept the accuracy of Weithman's interpretation of central aspects of Rawls's theory, especially his moral psychology and exactly how the views in *Theory of Justice* are reworked in *Political Liberalism*. But in addition to explaining Rawls's intentions, Weithman makes strong claims for the importance of the resulting theory. For instance, he says he is 'strongly inclined to think that Rawls succeeded at what he set out to do' (Weithman 2010, p. 15), and that the resulting theory is 'not only compelling, but also elegant and powerful' (Weithman 2010, p. 5). In his claims for the significance of Rawls's contribution to the political theory of liberal democracy—what I call the 'significance issue'—Weithman extrapolates from what Rawls himself says, and it is not unlikely that Rawls would not support all his contentions. But with a few exceptions, I will avoid becoming embroiled in difficult Rawls–Weithman boundary issues. Obviously, if my criticisms are accurate, to the extent Weithman's analysis is faithful to Rawls, then the criticisms apply to Rawls as well.

Central to Weithman's interpretation of the development of Rawls's thought is Rawls's notion of stability, which is also central to his case for Rawls's contribution to the political theory of liberal democracy. The nature of stability, including Weithman's distinction between 'inherent' and 'imposed' stability, is discussed below. For now we should note Weithman's contention that Rawls provides the first persuasive response to the worries of thinkers such as Hobbes and St. Augustine, who thought that stability without significant coercion was impossible. According to Weithman, in responding to these 'dark minds in Western thought' (Weithman 2010, p. 66),[2] Rawls has vindicated the possibility of just and stable liberal democracy (Weithman 2010, pp. 342, 231). In opposing this account, I argue that Weithman is wrong to draw such a sharp distinction between inherent and imposed stability as they bear on existing societies. Only by softening this distinction are we able to understand the workings of societies that are generally regarded as liberal democracies. While these societies are apparently omitted from Weithman's reconstruction of Rawls, they are certainly quite far from societies based on the imposed stability that the dark minds thought was necessary in light of human nature. As we will see, it is political developments in liberal democracies rather than Rawls's works that have established alternatives to imposed stability.[3]

Although I find much that Weithman says about Rawls's view of stability convincing, I believe his focus on the two kinds of stability is beset by a simple

[2] For the phrase, 'dark minds', Weithman cites Rawls (2007, p. 302) (Weithman 2010, p. 66). We should note, however, that Rawls does not use the phrase in a directly political context. When Rawls refers to St. Augustine and Dostoyevsky as 'dark minds in western thought', the immediate subject under discussion is freedom of conscience and Mill's belief that it is necessary for the discovery of truth. In contrast, Augustine and Dostoyevsky 'support [dictatorial regimes] to preserve our comforting and necessary illusions.'

[3] For formulations in this paragraph, I am indebted to Jennifer Rubenstein.

error. Although the well-ordered society (WOS) that is Rawls's political ideal is *a* liberal democracy, Weithman goes wrong in interpreting it as liberal democracy *simpliciter*. To argue that, by establishing the possibility of his favored form of liberal democracy Rawls confirms the possibility of liberal democracy in a categorical sense is simply to ignore the existing societies that have borne this label for scores of years.[4] However, because the appropriateness of this label for existing societies is perhaps in doubt—a subject to which I will return—we may formulate Weithman's error somewhat differently. In these terms, where Weithman goes wrong is in moving from the WOS as *an* alternative to authoritarian political systems to the contention that it is the *only* alternative, which flies in the face of political reality. Once we recognize how Weithman goes astray in this regard, we are able to address the actual nature of Rawls's contributions. Two main issues relevant here are the possibility of a WOS as Rawls describes it, and the extent to which existing liberal democracies approximate this ideal. We should, however, recognize that full discussion of these subjects would be too lengthy and involved for this paper. My purpose is ground-clearing. Having pointed out problems with Weithman's analysis, I will mark out the direction in which appropriate discussion of Rawls's contributions to the political theory of liberal democracy should be conducted.

The argument here has implications beyond criticism of Weithman and questions concerning the stability of liberal democracies. One reason stability is important to Rawls is his belief that it provides a major consideration in favor of justice as fairness as opposed to other conceptions of justice. As we will see, he believes justice as fairness is more compatible with human nature than is utilitarianism, which is one reason the representative individuals in the original position choose Rawls's two principles. In his later works, especially *Justice as Fairness: A Restatement*, stability is one of the main grounds in favor of his principles, notably in comparison to a mixed conception, which combines his first principle of justice with what he refers to as a 'restricted utility' second principle, which assures a social minimum (Rawls 2001, pp. 120–126).[5] This side of Rawls's case for his principles is obviously stronger to the extent that inherent stability is the only alternative to authoritarian rule and only justice as fairness is capable of generating it. In lessening the gap between the two forms of stability and maintaining that existing regimes combat destabilizing factors through combinations of inherent and imposed stability, my argument calls into question central components of Rawls's argument for justice as fairness.

[4] In an earlier article (Weithman 2009), Weithman argues in essence that reflecting on the collapse of actual liberal democracies earlier in the century, esp. Germany, had contributed to Rawls's doubts about the possibility of stable liberal democracies. Cf. below, pp. 16–17.

[5] The three grounds Rawls invokes are publicity, reciprocity, and stability, but much of the content of all three is closely related to stability as discussed by Weithman.

Inherent and Imposed Stability

As I have noted, many readers have had general ideas about the nature of Rawls's transition from *Theory of Justice* to *Political Liberalism*. Weithman agrees that a kind of consensus exists that Rawls eventually came to believe that in the former work he had based his case for justice as fairness on a conception of the person drawn from a particular—Kantian—comprehensive view. With recognition of the pluralism of contemporary societies, he realized that justice as fairness could not be generally justified on this basis and so reworked it as a doctrine that is 'political not metaphysical' (Rawls 1999a, 388–415).

While there may be an element of truth in this account, textual evidence tells against it. Most notable is Rawls's remark in the Introduction to *PL*, where he describes 'all differences' between this work and *TJ* as 'arising from trying to resolve a serious problem internal to justice as fairness, namely from the fact that the account of stability in Part III of *Theory* is not consistent with the view as a whole' (Rawls 2005, pp. xv–xvi). According to Rawls, all differences between the two works result from attempting to remove this inconsistency. It seems to me that, in spite of the explicitness of these remarks, it was not until the publication of Weithman's book that the precise nature of this inconsistency was clearly comprehended. The new Rawls that Weithman introduces is one who understands stability in a particular way. Once this is recognized the logic of Part III of *TJ*, which is largely devoted to questions of stability, can be grasped much more clearly. Rawls himself noted that this part of *Theory of Justice* is frequently not as clear as he had wished (Rawls 1999a, p. 414, n. 33). But if one approaches this material with Weithman's analysis in mind, aspects of Rawls's text that had appeared puzzling are seen in a new light, and connections that had appeared to be missing become clear.

The details of the inconsistency in *Theory of Justice* and how Rawls eventually resolved it need not be examined here. More important for our purposes is how stability functions in Rawls's political thought. As the term is used in its traditional sense, a regime is 'stable' if there is an absence of extra-legal political opposition.[6] For ease of reference, I will refer to stability in this sense as 'political stability.' What Rawls has in mind is quite different: a regime's ability to generate its own support. According to Rawls, the WOS has three main features: (1) the principles of justice are embodied in central institutions; (2) this fact is generally recognized; and (3) the institutions are generally complied with (Rawls 1971/1999c, Sec. 69). Faced with destabilizing forces, the regime is able to draw on resources of its own, especially the support of its citizens who are committed to its institutions and the moral principles on which they rest. This requires that citizens develop 'a sense of justice,' 'an established disposition to judge and act from principles of right conduct' (Weithman 2010, p. 52). For a regime to be stable in this sense, two conditions must be met. Its institutions must instill the necessary dispositions in most citizens, and their sense of justice must be sufficiently strong to outweigh countervailing tendencies. Part III of *TJ* is largely concerned with demonstrating that the WOS will satisfy these conditions. To the extent it succeeds, members of

[6] For stability in the traditional political sense, see Lipset (1981).

the WOS will have a sense of justice that is regulative of the whole of life and strong enough to suppress conflicting urges. Their commitment to justice will be 'wholehearted' (Rawls 2005, p. xl; Weithman 2010, p. 7) In addition, for these individuals, the good and the right will be 'congruent.' They will develop strong desires to act in accordance with the principles of justice that shape society's institutions. They will not only believe that they achieve their own good in acting from these principles, but in doing so, they express their nature as free and reasonable beings. According to Weithman's distinctive interpretation, congruence results in a unification of practical reason. Upholding principles of justice will be central to citizens' plans of life. Reasoning from the perspective of self-interest as defined by one's plan of life and reasoning from the position of representative individuals in the original position will lead to the same conclusions. As noted, these accounts of stability and congruence play important roles in the justification of the two principles of justice in the original position. While other views of justice may contribute to a society's stability, Rawls believes that justice as fairness will do this more effectively. Utilitarianism requires a kind of selfless benevolence that is less compatible with human nature than the sense of justice engendered in the WOS (Rawls 1971/1999, p. 455/399). As noted, this is one reason for the representative individuals' choice of the two principles of justice.

In *Political Liberalism,* much is revised in Rawls's doctrine of stability. Notably, *TJ*'s position, which is in effect based on commitment to a single comprehensive view gives way to recognition of pluralism and the complications this entails, while discussion of inherent stability is replaced by 'stability for the right reasons' (Weithman 2010, p. 67). However, the function stability fulfills in Rawls's theory of justice, including his political theory, is essentially unchanged (Weithman 2010, pp. 67, 282, 311).

Strikingly original in Weithman's analysis of stability in both works is Rawls's interest in stability in the traditional, political sense. He claims that Rawls was deeply concerned with people's tendencies to defect from just courses of behavior in order to pursue their own advantage, as seen in N-persons' prisoners' dilemmas.[7] These propensities qualify Rawls's conception of the sense of justice: 'even with a sense of justice men's compliance with a cooperative venture is predicated on the belief that others will do their part' (Rawls 1971/1999c, p. 336/296; quoted by Weithman 2010, p. 63). Accordingly, because it provides the needed assurance in the WOS, 'public knowledge that citizens generally have an effective sense of justice is a great public asset' (Rawls 1971/1999c, p. 336/295). If people are confident that others will act in accordance with the principles of justice, they can more easily do so as well, believing their cooperation will not be abused, with the result that just institutions will not be destabilized by collective action problems.

When stability functions in this way, Weithman believes it should be characterized as 'inherent':

> Crudely put, a conception of justice is inherently stable if a society that is well-ordered by it generally maintains itself in a just general equilibrium and

[7] Weithman describes the close joining of considerations of stability and game theoretic matters in his view of Rawls as 'rather novel' (Weithman 2010, p. 57).

> is capable of righting itself when the equilibrium is disturbed. Rawls says that in a WOS, 'inevitable deviations from justice are effectively corrected or held within tolerable bounds *by forces within the system*' (Weithman 2010, p. 45; quoting Rawls 1971/1999c, p. 458/401; Weithman's emphasis).

Weithman argues that Rawls believes that inherent stability is not the only way prisoners' dilemmas can be overcome. Stability in its second sense is 'imposed stability.' This form turns on naked coercion as espoused by political thinkers such as St. Augustine and Hobbes. The contrast between the two forms of stability is central to Weithman's case for the significance of Rawls's contribution to the theory of liberal democracy. He believes that demonstrating the possibility of securing such a society through stability in the former sense is a major theoretical accomplishment.

In view of the importance of stability in Rawls's thought, Weithman notes Rawls's apparently curious remark that the problem of stability 'has played very little role in the history of moral philosophy' (Rawls 2005, p. xvii; Weithman 2010, p. 57; also pp. 180–181) But this puzzle is cleared up once we recognize that Rawls is referring to inherent stability. Weithman believes that most philosophers thought the problem of stabilizing liberal democracies through inherent stability could not be solved (Weithman 2010, p. 57). Accordingly, he views Rawls's solution to this problem as a 'tremendous' contribution (Weithman 2010, p. 181). He and Rawls believe that 'Augustine, Hobbes, and other "dark minds in Western thought" were wrong about political life,' as it can be show that 'a just society suits our nature,' with the implications noted above (Weithman 2010, p. 66).

The contrast between inherent and imposed stability is central to Weithman's case for the significance of Rawls's contribution to liberal democracy. He holds that proponents of imposed stability represent a threat. According to thinkers such as Hobbes and St. Augustine, because inherent stability is beyond our competence, the only alternative is the coercive measures they espouse. But Weithman believes that Rawls's faith in human nature means that this is not inevitable: 'The fact that we are not natural egoists opens the possibility of a non-Hobbesian account of stability' (Weithman 2010, p. 180). '[P]olitical relations need not be "governed by power and coercion alone," nor stabilized in the ways that Augustine, Hobbes, and Dostoyevsky thought they must be' (Weithman 2010, p. 365).[8] By establishing 'that human beings can honor just and collectively rational norms over the long run, without an absolute sovereign,' Rawls hopes 'to ground reasonable faith in human beings and in the real possibility of a just, liberal and democratic society' (Weithman 2010, p. 231, 342).

Weithman's case for the significance of this accomplishment actually goes farther than this. He contends that demonstrating our moral nature shows not only 'that political relations need not be "governed by power and coercion alone,"' but also 'goes some way…towards vindicating our practical faith' in the possibility of a

[8] The quoted phrase, 'power and coercion alone,' is from Rawls (2005, p. lxii).

reasonably just society, in the face of the radical evil Rawls encountered in the Holocaust (Weithman 2010, p. 365).[9]

Stability of Actual Societies

As indicated, I believe Weithman's response to the significance question turns on a misleading contrast between Rawls and inherent stability on the one hand and the dark minds and imposed stability on the other. Weithman confronts us with a false dichotomy: a society must be governed either by inherent stability or by power and coercion alone. There is no middle ground. A moment's reflection reveals the hollowness of this choice. Although Rawls believed the WOS is the most reasonable alternative to coercive regimes, it is not the *only* alternative. Strikingly absent from an argument that revolves around the twin poles of coercive dictatorship and the WOS is the reality of contemporary societies that are generally regarded as liberal democracies and the broad mainstream of liberal and democratic political theory that supports them. As it seems to me, one reason scholars have paid relatively little attention to the inherent stability that interests Rawls is that, in their eyes, a more basic alternative to the absolutism of St. Augustine and Hobbes is readily available before their eyes. Once again, even if we grant Rawls's central arguments concerning the possibility of a WOS, what this actually establishes is not the possibility of *an* alternative to authoritarianism in some general sense but of *one* particular alternative.

In order properly to assess Weithman's claim that Rawls has vindicated the possibility of liberal democracy, we must look more closely at societies that Weithman ignores. However, bringing actual societies into the discussion raises complex issues in regard to the role of factual matters in moral/political philosophy. While I wish to avoid becoming embroiled in highly abstract philosophical questions, I believe it is clear that appeal to existing societies and how they work is relevant to many aspects of Rawls's philosophy. This was certainly his own view. In spite of the veil of ignorance, the representative individuals in the original position have access to 'the general facts about human society,' laws of economics, sociology, psychology, etc. (Rawls 1971/1999c, pp. 137–138/119). Given our concern with stability, it is important to note that the example of such a law Rawls presents concerns the moral psychology underlying stability, people's propensity to develop desires to act in accordance with the moral principles of their societies (Rawls 1971/1999c, p. 138/119). For the significance issue, the relevance of facts concerning existing societies is even more apparent. Rawls's argument for a new kind of liberal democracy necessarily focuses our attention on exactly how it departs from existing societies. Assessing the possibility of his new society also requires examining the facts of moral psychology on which his claims rest.

One could perhaps respond that Rawls is interested in stability and congruence on a 'conceptual' level, rather than in regard to how they bear on actual societies.[10]

[9] Weithman argues further, somewhat speculatively, that Rawls's belief that political relations need not be governed by power and coercion alone helps to vindicate Rawls's belief in the goodness of the world, as expressed by God in the Book of Genesis (Weithman 2010, pp. 367–369).

[10] For raising this possibility, I am grateful to an anonymous reader for this journal, who writes: 'What is at stake is the conceptual possibility of liberal democracy as a whole.'

Throughout *A Theory of Justice*, Rawls is concerned mainly with 'ideal theory,' in which he assumes full compliance with his principles (Rawls 1971/1999c, pp. 8–9/7–8), and his discussion of stability generally remains on this level. Aspects of his theory have no direct empirical implications. For instance, given the inconsistency in the account of stability in *Theory of Justice*, how can this be overcome and a doctrine developed that accommodates the pluralism of contemporary societies? But other aspects do have empirical dimensions. Weithman insists that practical relevance was a major aim of Rawls's political philosophy: 'he thought the task of political philosophy is *immediately* practical; that it is of relevance to problems of distributive justice in contemporary liberal democracies' (Weithman 2010, p. 363; his emphasis) This is not an isolated claim. As we have noted, Rawls's concern with prisoner's dilemma and other collective action problems, which carry us from ideal to real theory, is central to Weithman's overall account. In order to assess the significance of Rawls's solution to such problems, let alone the relevance of his arguments to contemporary liberal democracies, we must examine the facts of these societies. As we will see, Weithman's claim for the revolutionary import of Rawls's view of inherent stability loses much of its plausibility when assessed in the light of existing societies and the mechanisms through which they pursue political stability.

I turn now to the two questions I have noted. The first concerns the possibility of the WOS. And so, how well would Rawls's case for this work in actual societies? In his later works, Rawls notes his belief that political philosophy should be 'realistically utopian' (Rawls 2005, pp. 11–23; 2001, p. 4). Accordingly, the society he envisions need not actually exist. But if it is to be 'realistic,' it must not require wholesale changes in social conditions or human nature. Following Rousseau, Rawls appeals to 'men as they are and laws as they might be,' although, again relevant to the concerns in this paper, he believes it is realistic to assume that people who grow up under 'reasonable and just institutions' will affirm them (Rawls 1999b, p. 7). A central question, then, is whether in the WOS realistic or utopian elements predominate.

On the assumption that Rawls's proposals are in fact possible, the second issue concerns how sharp a departure from existing liberal democracies they would signify. Before proceeding, however, I should note that, because there is possible dispute as to whether existing societies actually merit this designation, I will refer to them as 'putative' liberal democracies. More than semantics is involved here. Weithman's claim that Rawls has established the possibility of liberal democracy connotes that Rawls has solved an enormous problem. Once again, as Weithman sees things, this is the possibility of an alternative to societies governed by coercion alone, and it is this accomplishment that undergirds his belief that Rawls's contribution is 'tremendous.' However, that Weithman is clearly wrong about the WOS being the only alternative immediately undermines this view.

Setting aside for the moment exactly what we mean by 'liberal democracies,' we should recognize that a large number of societies are generally regarded as falling under this description. These include the US, the Scandinavian countries, the United Kingdom, Canada, France, Germany, and many other countries that are democracies with strong welfare state and provisions for protecting individual liberties. We should also recognize that these societies have been remarkably stable in the political sense. In almost 70 years since the end of World War II, they have faced

virtually no extra-legal political opposition, and the soundness of their overall political and social institutions has not been in doubt (Lipset 1981; Wright 1981).[11] Exactly how political stability is achieved in these societies is an empirical question. Detailed discussion is not possible here, and so I must confine attention to a few basic points. Briefly, it seems apparent that in these countries collective action problems are solved through a combination of willing cooperation and coercion, as in the American tax system. However, although coercion is definitely a factor, as the dark minds feared, it is far less prevalent than in authoritarian societies. For instance, according to the Internal Revenue Service, in the United States, the rate of voluntary cooperation in 2006 (the most recent year for which data are available) was 83.1 %. (U.S. Treasury Oversight Board n.d.) The extent of voluntary cooperation varies considerably between putative liberal societies. Estimated rates for some other countries are as follows: UK (2003) 77.97 %; Austria (2003) 74.80 %; Italy (2002) 62.49 %; Germany (2002) 67.72 % (Christie and Holzner 2006, pp. 17–26). In other putative liberal democracies, compliance is less willing. In Greece, for example, failure voluntarily to comply—cheating, in other words—is deeply embedded in the public culture (see e.g., Daley 2010). In societies with high rates of voluntary compliance, we may assume that norms of cooperation are instilled by different mechanisms—and so likely by a combination of the moralities of authority, association, and principle, that Rawls discusses in Part III of *Theory of Justice* (Secs. 70–72). Because coercive enforcement is necessary in these societies, they fall short of Rawls's ideal of inherent stability. It is possible that Weithman could contend that they are not true liberal democracies for this reason, although we should recognize that even if we grant this point, it will not salvage his dichotomy.

In view of their need for coercion, should these societies be regarded as actual liberal democracies? In several late works, Rawls notes the three components of what he regards as a "liberal" political doctrine. Briefly, these are: (a) recognition of rights; (b) that these rights are strong enough to override other considerations, especially appeals to the public good; (c) measures providing all purpose means to make enjoyment of rights possible (Rawls 2005, p. 6; Rawls 1999b, p. 14). If we require that the putative liberal democracies meet these requirements, then it is quite possible that some, or even all, will not quality. Clearly, all these societies have greater degrees of economic inequality, less fair equality of opportunity, and more extensive violations of rights than Rawls's WOS In regard to the US, which probably has the highest degree of economic inequality of these societies, there is considerable room for discussion as to whether condition (c) is satisfied (Garfinkel et al. 2010). Once again, this is a subject I will avoid. But even if we grant that, because of this reason, the US should not be viewed as a liberal democracy (or perhaps as a 'full liberal democracy'), this does little or nothing to cast into doubt its existence as a vastly preferable alternative to the dark minds' authoritarian vision. Moreover, questions in regard to economic inequality or the adequacy of the US welfare state have little directly to do with its need for coercive institutions.

In order to put Weithman's significance claim in perspective, we may look briefly at recent history. Within living memory, establishing the possibility of a preferable

[11] The main exception is Northern Ireland.

alternative to authoritarian societies was a pressing issue, as global crises had raised severe doubts. During the 1920's and 1930's, as a wave of dictatorships swept through Europe and other continents, important thinkers and political leaders were led to question the continuing possibility of (putative) liberal democracies. The most familiar cases of democracy giving way to dictatorships were in Italy and Germany. But by 1933, European countries with authoritarian governments included Russia, Portugal, Austria, Poland, Yugoslavia, Romania, Hungary, Latvia, and Estonia (Katznelson 2013, p. 105). Not surprisingly, Mussolini claimed that 'the Gods of liberalism' were dying (Katznelson 2013, p. 112). But similar fears were voiced by more respectable thinkers. For instance, Arnold Toynbee warned that 'men and women all over the world [are] seriously contemplating and frankly discussing the possibility that the Western system of society might break down and cease to work.' According to Harvard philosopher Ernest Hocking, the time for political liberalism 'has already passed'; liberalism 'is incapable of achieving social unity' (Katznelson 2013, pp. 116, 115). Faced with the overwhelming crisis of the Great Depression in the United States, respected authorities expressed doubts whether the political system was capable of dealing with the emergency. In Weimar Germany before it's fall, as parliament had been unable to solve major problems, constitutional rights were suspended more than 250 times, mainly in regard to matters of economic emergency (Katznelson 2013, p. 113). Whether the American system could cope more successfully was widely doubted. For instance, Walter Lippman, a leading political commentator, proposed bypassing constitutionally separated powers in favor of a period of emergency dictatorship (Katznelson 2013, pp. 118–119). In his first inaugural address, Franklin Delano Roosevelt raised a similar possibility:

> It is to be hoped that the normal balance of Executive and legislative authority may be wholly adequate to meet the unprecedented task before us. But…. in the event that the national emergency is still critical, I shall not evade the clear course of duty that will then confront me. I shall ask the Congress for the one remaining instrument to meet the crisis—broad Executive power to wage a war against the emergency, as great as the power that would be given to me if we were in fact invaded by a foreign foe (Roosevelt 1933).

Consideration of these dark times show us how the possibility of liberal democracy was actually confirmed by its ability to overcome the Depression and the threat of fascism. It was further established by victory in the Cold War, so much so that, in the 1990's, the view that, with liberal democracy, history had come to an end was widely discussed (Fukuyama 1992).

If the WOS were in fact the only alternative to authoritarian societies, Rawls's accomplishment in establishing its possibility would be as Weithman describes it. However, a strong case could be made that FDR actually did establish this possibility—at least in the United States—which is one reason for his generally high standing in the opinions of both historians and the American public. For the magnitude of this accomplishment, adjectives such as 'tremendous' are arguably appropriate. But while Roosevelt faced a situation in which alternatives to authoritarianism were genuinely in doubt, the same was not remotely true of Rawls.

The WOS and Actual Societies

Another possible response is open to Weithman. Even if we set aside his flawed claims for the distinction between imposed and inherent stability, a strong case can still be made for the importance of Rawls's contribution to the political theory of liberal democracy. Even if we allow that the putative liberal democracies are 'liberal democracies' in the appropriate sense and that they are politically stable, Rawls wishes to demonstrate the possibility of something more, a society that is qualitatively superior. He is interested in stability for the right reasons and so wishes to show how inhabitants of liberal societies are able to live together on terms of genuine cooperation, without having this imposed from above. Clearly, establishing this possibility would be a major accomplishment. Moreover, as we have noted, to the extent that such societies would be qualitatively superior in terms of stability, this would strengthen Rawls's case for the two principles.

Proper assessment of the qualitative superiority of the WOS brings us back to our first question, which, again, concerns the possibility of the WOS. I have noted Rawls's view that political theory should be realistically utopian. That his position asks a great deal has been noted by commentators. For instance, in an important early examination of *A Theory of Justice*, John Harsanyi says that Rawls's just society 'is not merely an improved version of the best societies now existing; rather it is unlike any society' ever known, because its citizens and legislators are never motivated by their self-interest 'but rather are always motivated by their strong sense of justice' (Harsanyi 1975, p. 603). In keeping with his strategy throughout *Why Political Liberalism*, Weithman defends Rawls's view by contrasting it to pessimistic accounts of human nature presented by Hobbes, St. Augustine, and other like-minded thinkers (Weithman 2010, p. 230).[12] But having dismissed Weithman's dichotomy, we must ask how realistic Rawls's view actually is. In Rawls's defense, we should note that the world has not yet seen a WOS structured by justice as fairness, and so we cannot appeal to experience to dismiss the possibility that such a society would promote the qualities Rawls desires. However, we should also note that, even if we accept Rawls's claims concerning the possibility of congruence, this does not fully make his case.

For the most part, in *Political Liberalism*, Rawls does not discuss moral psychology in detail (see esp. Lecture 2, Sec. 7), drawing instead on the discussion in Part III of *Theory of Justice*. For purposes of discussion here, it is not necessary to review the process of moral development Rawls describes or to attempt to poke holes in it. Rather, the burden is on Rawls to establish that his account is in fact reasonable. Thus we should recognize a host of questions that he does not address. Even if it is possible that some people will undergo the entire process of moral development he describes in *TJ*, how common will this be? What percentage of the population can be expected actually 'to acquire conceptions of justice and fairness and a desire to act as these conceptions require' (Rawls 2005, p. 86)? Central to Weithman's interpretation is the Aristotelian principle that Rawls postulates. This is

[12] In this particular context, the dark minds mentioned are St. Augustine and Dostoyevsky. But because his views are similar in important respects, Hobbes too should be included.

the psychological fact that people generally prefer activities that require the use of their more developed faculties (Rawls 1971/1999c, Sec. 65). But is this true of all inhabitants of the WOS, or all people generally? This is an empirical claim, support for which requires empirical evidence, but this Rawls does not provide. Additional factors that require discussion are countervailing influences, e.g., the culture of a consumer society, and how these will affect moral development. Does the existence of a just basic structure necessarily outweigh all other factors? Does it do so for almost all or all members of society? Obviously, the extent to which Rawls should be viewed as validating the possibility of a society that goes beyond putative liberal democracies depends on credible answers to these questions. Exactly where we should come down on these questions is a subject on which people will disagree, depending on their own views of human nature and other aspects of their philosophies—depending, in other words, on their comprehensive views. The large and vastly contentious issues this subject entails cannot be discussed in detail, let alone settled, in this paper. Moreover, if we accept Rawls's burdens of judgment, we should not even hope for agreement on them. (Rawls 2005, pp. 54–58).

Obviously, to the extent Rawls is able to answer the questions just noted and others like them and demonstrate the real possibility of the WOS, his accomplishment should be accorded greater importance. But its significance still rests in large part on the relationship between the WOS and existing societies. This returns us to our second question. Once again, although a number of existing societies are generally viewed as liberal democracies, they fall short of Rawls's ideal in different ways. As noted, they are less fair, depend significantly on coercive institutions, and are defective in other ways as well. However, to what extent is the WOS different in kind? I believe that, while recognizing the superiority of the WOS, a proper response to this question should note important respects in which the differences are rather of degree. To the extent we believe that, in spite of their shortcomings, at least some existing societies approximate the WOS, then the significance of Rawls's accomplishment in this regard is diminished.

As with questions concerning the possibility of a WOS, those bearing on the relationship between the WOS and existing societies are too complex and contentious to be discussed in detail in this paper. The brief account here is intended mainly to raise some basic issues. To begin with, we should note that Rawls himself appears to put less distance between the WOS and existing societies than Weithman believes. In view of the extreme demands represented by general congruence, Rawls notes the possibility that even in the WOS 'there are some persons for whom the affirmation of their sense of justice is not a good' (Rawls 1971/1999c, p. 575/503). These people must be compelled to conform, as general adherence to the rules of justice is for the good of all. Thus even in the WOS, some measure of coercion is required. A system of 'penalties that stabilize a scheme of cooperation' represents the same sort of constraint on self-interest as the two principles of justice themselves. Rawls notes the tentative nature of his discussion here. Once again, throughout *Theory of Justice*, he assumes strict compliance and so devotes little attention to deviations (Rawls 1971/1999c, pp. 8–9/7–8). But given the possibility that the moral capacities of certain people will fall short, coercion is necessary, and the distinction between inherent and imposed stability is

undermined. Rawls notes an inverse relationship between congruence and coercive measures: 'The greater the lack of congruence, the greater the likelihood, other things equal, of instability with its attendant evils,' and so the need for coercion (Rawls 1971/1999c, p. 576/505). However, Rawls believes that coercive mechanisms 'will seldom be invoked and will comprise but a minor part of the social scheme.' Moreover, the 'main purpose' of these institutions is to give people assurance that their fellow citizens will comply, and so 'to underwrite citizens' trust in one another' (Rawls 1971/1999c, p. 577/505).

Weithman is troubled by this concession. He notes that it 'may seem to pose a serious problem for Rawls' as reducing the distance between Rawls's approach to stability and that of Hobbes (Weithman 2010, p. 231). He implies that the only purpose of the coercive mechanisms is to support general assurance (Weithman 2010, p. 232). But this is incorrect. Even if their *main* purpose is to do this, it is not their *only* purpose. As we have seen, in the run up to this passage, Rawls notes the need to force compliance from those who lack a proper sense of justice. Even if this is a minor aspect of the social system, it is still necessary, while Rawls also notes that, to the extent citizens of the WOS lack the requisite sense of justice, the need for coercion will become more significant.

The discussion of coercion in this context indicates another problem for Weithman's view. As Rawls says, because he mainly works on the level of ideal theory, he pays little attention to questions of punishment. But an assumption of general compliance for theoretical reasons does not entail Rawls's belief that all people will actually comply–or, regardless of Rawls's views on this question, whether they in fact would.

In spite of the great elegance and sophistication of Rawls's arguments for stability, we should recognize the tentative nature of the moral psychology on which they rest.

In Part III of *Theory of Justice*, Rawls is quite clear that he is presenting only a sketch of one particular path moral development may take, and that his account draws on 'rather speculative' psychology (Rawls 1971/1999c, pp. 461/404, 456/399). Rawls is well aware of the variety of different factors that influence possible courses of development and that people develop in different ways (Rawls 1971/1999c, pp. 461–462/404), although he examines only development in a WOS (Rawls 1971/1999c, p. 461/404). Accordingly, even if we grant that what he says about congruence is possible on the level of ideal theory, this tells us little about the actual moral development of the WOS's overall population and even less about development in other societies not structured by justice as fairness. In the absence of clear guidance from Rawls, our discussion must be somewhat speculative. An important question is whether people who fall short of the morality of principle can be made acceptably just in other ways. It seems apparent that, like Rawls, we should recognize a large number of ways relevant factors can interrelate and a corresponding range of moral outcomes. It also seems reasonable that, within a broad range, people whose capacities develop in different ways will be suited to be citizens of liberal democracies. While they may not adhere to social and political norms because of the morality of principle, reasonably successful socialization in the family and through beneficial associations will instill respect for other people and cooperative virtues. Like Rawls, we should recognize that, to the extent these

mechanisms fall short, they can be supported by coercion, the necessary degree of which will likely vary from society to society. If we grant these points, then there are many ways in which people become what we recognize as good citizens, without the exclusive reliance on coercion by a Hobbesian sovereign.[13]

Consider once again voluntary tax compliance. As noted above, in many societies compliance is largely voluntary Although coercion is an important factor, people still feel moral requirements to pay what they owe. Accordingly, to what extent do these attitudes correspond to the 'right reasons' Rawls seeks in his account of stability? In addition, we are interested in the factors that shape their attitudes and the extent to which these factors are found only in the WOS. Obviously, an entire range of questions remains to be worked out.

Although Rawls has little to say about the moral psychology of inhabitants of other societies, it is possible that he does not view at least some of these societies as disqualifyingly different from his own ideal. In *Political Liberalism* and other late works, he recognizes that justice as fairness is one of a family of liberal conceptions of justice, appropriate to shape the basic structure of acceptably liberal societies (Rawls 2005, p. 164; cf. 2001, pp. 133–134).

Along similar lines, he suggests that institutions other than those governed by justice as fairness promote congruence. In regard to this last point, in *Law of Peoples*, Rawls writes: 'citizens who grow up under reasonable and just institutions—institutions that satisfy any of a family of reasonable liberal political conceptions of justice—will affirm those institutions and [act]to make sure their social world endures' (Rawls 1999b, p. 7). According to this passage, some simulacrum of inherent stability is present in different societies, and presumably in some that already exist. The implication is that Rawls's efforts are not necessary to establish the possibility of inherent stability, as that has already been accomplished by actual societies.

Clearly, questions such as the ones I have been raising transcend problems with Weithman's interpretation. Not only are they important for political philosophers, but they are of considerable empirical interest. Dismissing Weithman's flawed case for the significance of Rawls's contribution to the political theory of liberal democracy does not entail that Rawls's has not made significant contributions. But in order to assess them properly, we must turn from a contrast between Rawls and the dark minds and take a hard look at the possibility of the WOS and carefully consider putative liberal democracies and how they work. In addition, in regard to questions of stability, we must examine difficult issues concerning the contributions of the WOS and the extent to which and respects in which they are qualitatively different from those encountered in other liberal democracies.

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[13] In one of the few places where Weithman discusses actual liberal democracies, he notes difficulties citizens of faith might have developing strong ties of civic friendship, and so that stability in these states might approximate a *modus vivendi* (Weithman 2010, p. 321). But he does not recognize how this possibility undermines his dichotomy between inherent and imposed stability.

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