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How “Political” is Quong’s Political Liberalism?

Abstract *In this short paper I ask to what extent the sharp contrast between the political and the comprehensive, on which political liberals such as Rawls and Quong place primary emphasis, caters to a truly “political” conception of liberalism. I argue that Quong’s own take on this point is more distinctively “political” than Rawls’s, in that it assigns far less weight to citizens’ comprehensive doctrines. Indeed, I suggest that Quong’s exclusion of comprehensive doctrines (exemplified by his worries about an “overlapping consensus”) has more radical implications than Quong himself seems to think. In doing so, I offer a streamlined version of Quong’s critique, which encompasses two more or less direct criticisms of Rawls’s doctrine of the overlapping consensus. I will call them the “sincerity objection” and the “liberal objection”.*

Keywords: *Comprehensive Doctrines; Overlapping Consensus; Political Liberalism; Public Reason; Rawls*

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1. Introduction

Political Liberalism, as Rawls and Rawlsians in general understand it, hinges upon the crucial distinction between the political and the comprehensive. Very roughly, and despite the diversity of their specific views, political liberals suggest focusing primarily on the shared “political” ideas that are latent in liberal democracies, and to construct principles of political association out of those ideas. Leaving aside the issue of whether it is possible to draw a clear line between “political” and “comprehensive” ideas,¹ an important question is how far political liberalism should go in expunging comprehensive doctrines from the construction of political principles. This question is spurred by Rawls’s own worries about a purely “political” conception of liberalism, which, as such, would eschew all appeals to citizens’ comprehensive doctrines. For Rawls, the problem is that a liberal conception worked out exclusively from shared political values might be not only unstable, but also not “fully justified” (Rawls 2005: 386).² To achieve stability and full justification, so Rawls’s thesis, such a conception should also be the focus of an “overlapping consensus of reasonable comprehensive doctrines”

1 This line of criticism has been pursued by Gaus 2003: 177–204 and Habermas 1995.

2 Stability and full justification are actually two very different desiderata, as I stress elsewhere. Cf. Zoffoli 2012.

(Rawls 2005: 134). In short, Rawls's own conception is only *partially* political, so to speak, as it makes the acceptability of a political conception dependent upon the assent of reasonable comprehensive doctrines.

In his masterful overview of liberal conceptions, Jonathan Quong rejects Rawls's suggestion, arguing from different angles that political liberals should be wary of letting comprehensive doctrines shape the structure of the political conception. In short, Quong suggests taking a stance toward the justification of liberalism that is more distinctively political than Rawls's. In this paper I do not mean to challenge Quong's elegant arguments, but only to invite those who are impressed by them to think more carefully about their implications, which I think are more radical than Quong himself seems to think. In doing so, I will also offer a streamlined version of Quong's critique, which encompasses two more or less direct criticisms of Rawls's doctrine of the overlapping consensus. I will call them the "sincerity objection" (§2) and the "liberal objection" (§3), respectively.

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2. Quong's sincerity objection

Instead of attacking the idea of an overlapping consensus directly, Quong's sincerity objection raises serious worries about the impact that an overlapping consensus would have on public reason.

Rawls is explicit that overlapping consensus and public reason have two different subjects: while the former is meant to support a political conception in its entirety, the latter kicks in when it comes to assessing the permissibility of certain laws and policies within a liberal constitutional framework. Still, as Quong himself notes, the overlapping consensus does risk affecting the pool of reasons that citizens can legitimately draw upon when reasoning publicly with one another. Suppose, for instance, that Andy accepts liberalism mainly because it is consistent with his utilitarian doctrine. In this case, an overlapping consensus (encompassing Andy's utilitarian doctrine) would be crucial to gaining Andy's reasoned assent. Most probably, though, Andy's utilitarian reasons for accepting liberalism will resurface whenever Andy is asked to assess the legitimacy of specific laws and policies. Because he accepts liberalism on utilitarian grounds, Andy will probably withdraw his assent from laws and policies that turn out to be inconsistent with his utilitarian convictions. Conversely, and for pretty much the same reason, he will probably demand a utilitarian justification for the laws he should be subjected to.

The issue, however, is that by advocating his sheer comprehensive views in public political advocacy, Andy would end up defying the ideal of public reason as Rawls understands it, since according to Rawls public reason requires reliance on shared “political” values, or at the very least the sincere willingness to offer proper political reasons “in due course” (Rawls 1999: 590-91). Some advocates of the overlapping consensus accept this implication, indeed wholeheartedly so, arguing that public reason should in fact allow citizens to advocate their comprehensive reasons when discussing the legitimacy of collectively binding political proposals. Call this a “convergence” view of public reason.³ Quong, however, rejects this view, on the grounds that it would be at odds with public reason’s *sincerity* requirement.

Quong thinks that a requirement of this kind is necessary to ensure that attempts at public justification do not lapse into rhetorical manipulation. Only when we are sincere with others, Quong argues, do we respect them as free and equal fellow citizens, as “... we acknowledge that every citizen is to be treated as someone ... who is the source of moral claims ... someone over whom power cannot be exercised without appropriate justification” (Quong 2011: 266). More specifically, Quong endorses what he calls the “principle of justificatory sincerity” (hereafter: PJS):

Principle of Justificatory Sincerity (PJS): Andy can support proposal X only if he reasonably believes that (a) he himself is justified in endorsing X, that (b) Bea is/could reasonably be justified in endorsing X and that (c) Bea is/could reasonably be justified in accepting the arguments he has offered in support of X (and vice versa for Bea’s proposals).⁴

Quong thinks that PJS undermines the convergence view of public reason, thereby providing an indirect case against Rawls’s doctrine of the overlapping consensus. Quong has in mind the following scenario. Suppose Andy accepts a given proposal X for some comprehensive reason R_A , while he argues that Bea has her own comprehensive reason R_B to endorse X. In this case, Andy would put forward what Gaus calls a “convergence argument”, which seeks “to show that we have different reasons for endorsing X, though we all have some reasons for endorsing it” (Gaus 2003: 190-91). Rawls himself admits of this kind of reasoning, which he

³ For a defense of the convergence view of public reason see Gaus 2011, Gaus and Vallier 2009, Stout 2004 and Zoffoli 2013.

⁴ I have slightly simplified Quong’s original formulation of PJS. Other principles of sincerity, which are more or less in tune with Quong’s intuition, can be found in Nagel 2003: 66, Gaus 1996: 139, Schwartzman 2011, Postema 1995 and Rawls 1999: 578.

terms "reasoning from conjecture". If we reason "from conjecture", we "argue from what we believe, or conjecture, are other people's basic doctrines, religious or secular, and try to show them that, despite what they might think, they can still endorse a reasonable political conception" (Rawls 1999: 594). However, Quong is convinced that arguments of this kind are a clear example of insincere justification. Consider again our case. By stipulation, Andy "does not believe that R_B justifies X", so how could he sincerely say to Bea " R_B is a reason for you to accept X"? Robert Audi (1991: 47) makes a similar point when he asks: "Why should others be moved if I am not? . . . [I]f the reason is adequate, why does it not move me?" It thus seems that Andy's convergence argument falls foul of requirement (c) of PJS, since Andy does not think R_B is a good reason for Bea. Moreover, should Andy be unable to offer any further reasons to Bea other than R_B , he would most probably violate requirement (b) as well, since he could hardly think that X is justified to Bea after all. Quong concludes that PJS bars the use of convergence arguments in public reason; this, in turn, would provide an indirect case against the idea that the political conception should be able to gain the assent of reasonable comprehensive doctrines, for the reasons I hinted at above.

Elsewhere I examined in greater detail Quong's sincerity objection (cf. Zoffoli 2013: 162–193), but here I would just like to point out that, even if it were sound, such an objection would not fully undermine the role of comprehensive views within political liberalism. To see why, we must note a peculiar feature of PJS, namely, that this principle of sincerity is addressed exclusively to those who propose or support coercive laws. Like most public reason liberals, Quong is concerned primarily with the (sincere) justification of coercion – i.e., with the justification of laws that limit citizens' freedom by means of legal sanctions. This is probably the reason why Quong's formulation makes it explicit that PJS applies only to those proposing pieces of coercive legislation, and not to those opposing coercion.

The upshot is straightforward. Although PJS would, if Quong is right, bar citizens from *justifying* or *accepting* coercion on sheer comprehensive grounds, it would not prevent them from *rejecting* coercive proposals by appeal to their comprehensive doctrines.⁵ The worry here is

5 Although Quong repeatedly insists that PJS should lead us to reject convergence views altogether, sometimes he seems to admit that an independent argument is needed to explain why, contrary to the convergence view, comprehensive reasons should not be allowed to defeat coercion. See Quong 2011: 265n.

not only that citizens could reject coercive laws within public reason, thus defeating a number of political proposals that might be supported by political values. More problematically, the issue that comprehensive doctrines might enjoy a “veto right” at the deeper level of the very justification of the liberal conception which should be the subject of the overlapping consensus. The obvious worry is that some reasonable comprehensive doctrine could, at least in principle, refuse to endorse liberal principles altogether, in which case the whole Rawlsian project of political liberalism would either collapse, or, at the very least, be constantly held captive by comprehensive doctrines.

3. Quong’s liberal objection

An obvious way of addressing this worry would be to argue that *reasonable* comprehensive doctrines and citizens, being reasonable, would not reject liberalism. In other words, one could claim that being committed to liberal principles is a necessary condition for being a reasonable citizen. Now while Quong explicitly subscribes to this claim, he insightfully notes that to assume a priori that reasonable citizens will accept liberalism is to make the idea of an overlapping consensus ultimately superfluous. What is the point of the overlapping consensus if we already assume that such a consensus should be reached on pain of unreasonableness? Why seek to show that all reasonable comprehensive doctrines could converge on the liberal conception if we already know that accepting that conception is a precondition for qualifying as a reasonable doctrine? In Quong’s words, advocates of the overlapping consensus face an inescapable “dilemma”: “... (a) either the overlapping consensus is superfluous within political liberalism ... (b) or people could reject the political conception without being unreasonable” (Quong 2011: 167). This dilemma constitutes what I call Quong’s liberal objection to Rawls’s doctrine of the overlapping consensus.

Now apparently Quong’s liberal objection aims to discard the idea of an overlapping consensus altogether. Because Quong insists that political liberals should not embrace the second horn of the dilemma, it seems that they should willy-nilly endorse (a). In effect, I think this is the inevitable upshot of Quong’s own argument: if we agree with Quong that political liberalism faces the dilemma he describes, and if we further agree that (b) is not a viable option, we are committed to embracing (a), thus recognizing that the overlapping consensus serves no relevant function within political liberalism. In this case, political liberalism would be

genuinely, perhaps even radically "political", in that its whole architecture would be entirely independent of citizens' comprehensive doctrines.

Interestingly, however, Quong does not think that political liberals should accept (a), and hence do away completely with the idea of an overlapping consensus of reasonable comprehensive doctrines. In fact, he argues that the dilemma *can* be overcome, provided we deny the implicit and almost universally accepted assumption that the subject of the overlapping consensus should be the *political conception*. Contrary to this widespread view, Quong maintains that the overlapping consensus is necessary to justify the fundamental political values of freedom, equality and fairness, on which the construction of the freestanding justificatory procedure is based, rather than the substantive liberal principles it yields. For Quong (2011: 182), then, it is only the conception of the person as free and equal and the "fundamental idea of society as a fair system of social cooperation between free and equal citizens ... which should be the subject of the overlapping consensus". By shifting the focus of the overlapping consensus from the conception of justice to the basic political ideals of political liberalism, Quong tries to catch two birds with one stone: on the one hand, he wants to safeguard liberal principles by depriving comprehensive doctrines of the right to "veto" the political conception; on the other hand, he seeks not to jettison the idea of an overlapping consensus altogether, which, in turn, allows him to let reasonable comprehensive doctrines play some role in political liberalism.

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I am not sure, though, whether Quong's move accomplishes much. The obvious problem, I think, is that it is not clear why Quong's novel view about the subject of the overlapping consensus should not be vulnerable to the same objection he levels against the common view. It seems to me, in other words, that Quong's view would be trapped in a strikingly similar dilemma: (a) either reasonable citizens accept by definition the fundamental ideals of freedom, equality and fairness, in which case the overlapping consensus will be superfluous, or (b) reasonable citizens can reject those ideals. Unsurprisingly, Quong discards (b), asserting that reasonable comprehensive doctrines are committed to those ideals "by definition" (Quong 2011: 182). But then we are left with (a): the overlapping consensus turns out to be superfluous. As Quong suggests, the theorist must assume that all reasonable comprehensive doctrines will endorse the fundamental liberal ideals by definition, and proceed from that basis with the construction of liberal principles (cf. Quong 2011: 190-91). Again, though, if reasonable citizens are by definition

committed to the subject of the overlapping consensus, then it is not clear why such a consensus is relevant in the first place.

I do not mean to deny that Quong's view about the subject of the overlapping consensus has some merits. For instance, it can offer a fresh solution to the problem we mentioned in §2, namely, that the comprehensive reasons that are meant to support the political conception could end up playing a major role within public reason. Because Quong does not allow comprehensive reasons to support directly the liberal conception, he manages to rule out the possibility that citizens use those reasons within public reason, to wit, when it comes to assessing the legitimacy of specific laws and policies that should be consistent with the principles supported by an overlapping consensus. In this way, Quong's peculiar doctrine of the overlapping consensus would not be open to the charge of letting comprehensive reasons skew the ideal of public reason (as Rawls understands it) – though of course Quong could still raise his sincerity objection against convergence views of public reason. Still, Quong could drive this point home only at the price of making the overlapping consensus ultimately redundant, for the reasons I indicated above.

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The same line of reasoning applies to another possible advantage of Quong's view, namely, that it suggests a viable solution to the well-known problem of the moral foundations of liberalism. Political liberalism rests on the assumption that a just system of social cooperation should be justified to all its addressees understood as free and equal moral persons, who are committed to cooperating on fair terms. But what is the justification of this commitment? Why should we view others as free and equal moral persons who deserve equal respect? The literature offers several answers: some talk of a fundamental "right to justification" (Forst 2012); others argue, in slightly different ways, that the commitment to justification among equals is already implicit in our everyday (communicative) practice (Habermas 1990; Gaus 2011); yet others draw on the idea of "humanity" (Korsgaard 1996). However, political liberals are wary, and reasonably so, of endorsing philosophical views of this kind, which would in fact consort ill with political liberalism's commitment to remain neutral on controversial issues on which reasonable citizens are most likely to disagree. Now one of the virtues of Quong's view is precisely that it does not purport to embark on a justification of the fundamental values of liberalism: rather, it permits citizens to choose the (comprehensive) justification (if any) that they find most compelling. All these convergent justifications would thus constitute an

overlapping consensus on the fundamental values of liberalism, which Quong thinks should be the only subject of such a consensus.

Appealing though it may be, however, this view runs up against the same sort of problem I have been stressing so far: in order to be part of the "constituency of the overlapping consensus", as Quong often calls it, a citizen is committed by definition to endorsing the subject of the overlapping consensus. So whether or not Andy accepts the fundamental liberal values on comprehensive grounds, he is committed to endorsing them by definition on pain of unreasonableness. He *can*, to be sure, find those comprehensive reasons, but the political liberal starts from the assumption that, for whatever reasons, the subject of the overlapping consensus *must* be accepted by all reasonable citizens. Once again, an overlapping consensus on the ideals of freedom, equality and fairness would be irrelevant, for the same reason why it would be irrelevant if it were meant to support the liberal conception of justice.

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4. Conclusion

Although it is primarily concerned with the importance of political values and ideals, Rawls's political liberalism also assigns some weight to reasonable comprehensive doctrines. Specifically, Rawls's doctrine of the overlapping consensus weakens the "political" character of his liberalism in a twofold sense. First, it can lead, albeit indirectly, to permit the use of sheer comprehensive reasons within public reason. Second, it confers a potential "veto" right to "illiberal" comprehensive doctrines. In his great book, Quong seeks to avoid these implications by weakening the role of the overlapping consensus, which in his view should cover only the fundamental elements of political liberalism, and not the substantive liberal conception based on those values. In this way, Quong defends a "more political" liberal conception, as it were, without however doing away with the idea of an overlapping consensus altogether. Despite its virtues, though, Quong's solution looks hardly tenable because, ironically enough, it is vulnerable to the very same problem that leads Quong to abandon the traditional view concerning the subject of the overlapping consensus. More precisely, I argued that Quong is committed by his own arguments to rejecting the very idea of a (non-superfluous) overlapping consensus. This, in turn, commits him to endorsing a more radically political conception of liberalism.

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Koliko je „politički“ Kvongov politički liberalizam?

Apstrakt

U ovom kratkom eseju postavljam pitanje do koje mere oštro suprotstavljane između političkog i sveobuhvatnog, na kojemu politički liberali poput Rolsa i Kvonga polažu primarni naglasak, snabdeva istinski „političko“ shvatanje liberalizma. Dokazujem da je Kvongov pravac po tom pitanju više distinktivno „politički“ nego Rolsov, s obzirom da pridaje dosta manju težinu obuhvatnim doktrinama građana. Štaviše, sugerišem da Kvongovo isključenje obuhvatnih doktrina (što je oprimereno njegovom brigom o „preklapajućem konsenzusu“) ima puno radikalnije implikacije nego što izgleda da sam Kvong smatra. Pri tome, nudim smer Kvongove kritike koja obuhvata dve više ili manje neposredne kritike Rolsovog učenja o preklapajućem konsenzusu. Nazvaću ih „prigovor iskrenosti“ i „liberalni prigovor“.

Ključne reči: Obuhvatne doktrine, preklapajući konsenzus, politički liberalizam, javni um, Rawls.