The Need for Comprehensive Liberalism

Author: Eduardo Goncalves

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The Need for Comprehensive Liberalism

Eduardo Goncalves, 2nd Lt, USAF

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Abstract: The Need for Comprehensive Liberalism

Eduardo Goncalves, 2nd Lt, USAF

Advisor: Dr. Stephen Hudson, Ph.D

There has been a growing consensus within political philosophy that liberalism is the most rational form of political organization. The arguments in favor of liberalism are theoretical and also based on historical observations. The view of liberalism as a moral conception of the good life, however, seems to betray its original historical purpose, namely, to provide a peaceful political forum despite competing comprehensive doctrines. How can liberalism be a thick moral conviction of its own if it was meant to temper such zero-sum convictions? To pose this question more concretely: If historic wars between strong religious convictions were tempered by provisional liberal ceasefires, could we accept the evolution of liberalism into a strong conviction of its own? This paradoxical development of liberalism in history runs parallel with contemporary philosophical debates. Whether the most proper conception of liberalism is comprehensive, and whether it is legitimized upon such comprehensiveness are both hotly debated. Exploring these historical and philosophical avenues uncover what I think is a need for a conception of comprehensive liberalism. It is beyond my scope here to formulate a new conception of liberalism that decisively settles the debate. I do, however, point to reasons why comprehensive liberalism should be the focus of contemporary efforts. First, I find that history shows a trend of liberalism growing into a positive doctrine of its own. Second, I invoke two famous traditional conceptions, one successful and one failed, which fuel our baseline intuitions of liberalism with comprehensive, not

political justifications. Finally, I show that while contemporary philosophy surrounding

liberalism developed a political conception, it cannot avoid slipping towards

comprehensiveness. Taken together, my argument is that any enforceable and useful

theory of liberalism must be grounded on thick and comprehensive philosophical

premises.

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Introduction

The nature of political liberalism is consistent, but not everyone, let alone its proponents, agree on its character. It is consistent in that it supports freedom with a baseline of respect, but who is free or what is respected, and in what way, is not always clear. An impetus for liberal thought, even in the contemporary, are clashing doctrines and the Wars of Religion that ravished Europe in the 16th and 17th centuries. John Rawls argues that the biggest obstacle towards peaceful liberalism is when differing comprehensive doctrines do not incorporate the demands of reasonability and thus fail to compromise with each other. He clarifies the idea of 'comprehensive doctrines':

> A conception is fully comprehensive if it covers all recognized values and virtues within one rather precisely articulated system […] Many religious and philosophical doctrines aspire to be both general and comprehensive.[1]

Comprehensive doctrines are any sort of thick system of belief. Examples include John Stuart Mill's utilitarianism or Catholic Christianity. An individual's personal conviction or faith in liberalism itself can be a comprehensive doctrine. Comprehensive doctrines can be 'unreasonable' or 'uncompromising' when they deny others the belief in other doctrines. History is rife with clashing doctrines. Rawls cites the calamity of the Reformation as a prime example of the 'fact of history,' that no peaceful political conception is possible when based on irreconcilable metaphysical precepts.[2] Rawls's 'political liberalism' wishes to overcome historical woes by differing from this or that doctrine. Political liberalism seeks to generate its own support through a political culture

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1   John Rawls, "Introduction," in *Political Liberalism*, expanded edition (New York, NY: Columbia University Press, 2005), 13. Hereafter *PL*.

2   *PL*, xxii-xxiv, 36. I take 'the fact of history' to be synonymous with 'the fact of reasonable pluralism'.

of overlapping consensus and public reasonability, while rejecting unyielding doctrines. It can accept the platform of a reasonable comprehensive doctrine in only a neutral or disinterested way, and only as long as that doctrine arises from the overlapping consensus of reasonable people. It even eschews 'comprehensive liberalism' in which some strong doctrine itself supports liberal conceptions. The aim of political liberalism is to achieve justice that is permitted to draw support from an overlapping consensus of reasonable comprehensive doctrines, but is not exclusively committed or founded on any one of them on a metaphysical level. The fact of history is the source political liberalism's aversion to thick justifications.

The genius of Rawls's *Theory of Justice* (*TJ*) cannot be overstated in its contractual and Kantian framework as a response to intuitive problems with utilitarian liberalism. While self-supporting and logically founded, Rawls later revised the ideas behind his just society to emphasize its political nature. Rawls himself recognized that the just liberal society in *TJ* was a comprehensive, or thick, conception because it touched all aspects of human life.[3] Rawls's efforts to orient from the broadly metaphysical to the political culminated in *Political Liberalism* (*PL*). *PL* specifically avoided invoking or establishing comprehensive doctrines, but it did not seek to eliminate them completely as they are important in affirming the just liberal society through the overlapping consensus of citizens' personal beliefs. In fact, Rawls's famous "proviso" permits the use of comprehensive doctrines in public discourse for the end of giving political reasons.[4] Supporters of *PL* would say that it is not an outright revision of *TJ*, but a clearer

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[3] *PL*, xxx and 490.
[4] *PL*, 462.

articulation of Rawls's ideas. *PL* takes care to introduce new ideas and shift Rawls's focus towards the political, and not metaphysical, conception of liberalism.

Rawls's shift sparked a spirited philosophical debate between proponents of his old and new formulations. On one side are proponents of Rawls's earlier works, who maintain that liberalism is best grounded in comprehensive philosophical suppositions. This group sees the two principles of justice as thick moral principles that permeate into our intuitions of human flourishing. This group might also argue that Rawls's 'new' emphasis on reasonability is simply another strong epistemological demand on people. Others in this category such as Joseph Raz might even suggest a re-grounding of liberalism on another principle such as autonomy. On the other side are proponents of Rawls's later works, remaining loyal to his shift. They are broadly categorized as those who think that political liberalism was Rawls's intention even since *TJ*, which has been corrupted by comprehensive readings. Its champions such as Jonathan Quong turn the liberal focus away from comprehensiveness, as Rawls intended, with new ideas such as 'public morality' and 'internal conception'. This is, of course, an oversimplification, but I think it is valuable in terms of offering a preliminary grasp of the debate as a whole. My overarching objective in this paper is to argue somewhat in favor of the comprehensive side.

Very simply, I think that a look at history, traditional liberal philosophy, Rawls's language, and the contemporary debate will reveal evidence that orients political philosophy towards comprehensive liberalism, and not political liberalism. In Chapter 1, I invoke Isaiah Berlin's positive and negative liberty as a tool to identify how liberalism is shifting from the ceasefire of Westphalia to the comprehensiveness of international

responsibilities. In Chapter 2, I outline Augustinian justice as an example of a failed liberalism, reinforcing the warning of the fact of history against comprehensiveness. In Chapter 3, I bring forward Locke's liberalism to show that it is possible (in contrast with Augustine) to have a reasonably successful liberalism that is grounded on comprehensive precepts. Chapter 4 reviews striking comprehensive elements of Rawls's later work, despite his insisted shift towards political liberalism. Finally, Chapter 5 follows two giants, Raz and Quong, in the contemporary debate and affirms my intuition in favor of the comprehensive path for liberalism.

Chapter 1 - The Historical Trend of Liberalism: From *Modus Vivendi* to Comprehensive

A careful look at history since the middle ages shows liberalism as something like a confusing two-faced creature. It justifies one political status quo one year, only to reverse it in another. It can apply to an individual's relationship with government, or the world's relationship with itself. International liberalism today looks different than it did over 300 years ago if one takes its birth to be the Treaty of Westphalia. My aim in this chapter is to gain some footing as to political liberalism's historical development through the contemporary philosophical lens. A historical analysis will demonstrate a trend towards positive liberalism, which will pave the way towards a more comprehensive outlook on liberalism. My perspective is narrowed by not only an international lens, but also by Isaiah Berlin's categorization of negative and positive liberty. First, I will provide a classical Westphalian overview of negative liberalism and why it came about. Next, I will specify exactly what I mean by parsing liberalism into negative and positive parts. After, I will show how the character of political liberalism has shifted away from Westphalian norms to a more interventionist, positive conception. Then, I will show how the historical shift of liberalism is analogous to its theoretical shift in Rawls's *The Law of Peoples*. Finally, I will sketch out an approach to answering whether or not this shift is justified with respect to liberalism itself or to moral philosophy. Liberalism has made a historical shift starting from a negative, Westphalian system to a morally thick, positive conception; this historical shift runs parallel with a philosophical shift exemplified by Rawls's *The Law of Peoples*.

1.1 The Westphalian System

The Protestant Reformation and ensuing Wars of Religion plunged Europe into catastrophe in the 16th and 17th centuries. Religion and empire made politics a zero sum free-for-all in which the good of one religion did not allow room for any other. According to Rawls,

> [. . .] the great evils of human history – unjust war and oppression, religious persecution and the denial of liberty of conscience, starvation and poverty, not to mention genocide and mass murder – follow from political injustice, with its own cruelties and callousness."[5]

Justice was anything done in the name of religious salvation. Worldly atrocities were secondary to the salvation of souls. An example of these atrocities includes the St. Bartholomew's Day massacre of Huguenots, which Pope Pius V held a mass of thanksgiving for in 1572.[6] While this specifically illustrates the overall historic attitude of Catholicism at the time, it does not mean the new Protestant competitor was innocent. Rawls affirms how each side repressed the slightest dissent: "The Reformation had enormous consequences. [. . .] Luther and Calvin were as dogmatic and intolerant as the Roman Church had been."[7] Inflexible religious beliefs fueled the fire to include the political circumstances. The political makeup of states at this time were supported by singular ideologies, and therefore they were not conducive to peace. Rawls continues:

> England, France, Spain, Hapsburg Austria, Sweden, and others fought dynastic wars for territory, true religion, for power and glory, and a place in the sun. These

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5   John Rawls, *The Law of Peoples* (Cambridge, MA: Harvard University Press, 2002), 7. Hereafter *LP*.
6   *LP*, 21.
7   *PL*, xxiii.

were wars of Monarchs and Royal Houses; the internal institutional structure of these societies made them inherently aggressive and hostile to other states.[8] The internal composition of states reflected views that were not merely comprehensive, but were actively vindictive and exclusionary towards dissent. Such a hostility of states and ideas made peace and society impossible.

While just war theory had already been developed by medieval thinkers, it had not satisfied conditions of religious or political tolerance. This reinforces the notion that justice at the time was heavily dependent on whether a person was a believer or a heretic. Early Christian thinkers such as Tertullian took a heavily pacifist stance, but this was not the dominant view. St. Augustine of Hippo was the first to move away from pacifism. He recognizes that warfare specifically conducted under the authority of God, either transitively or directly, is justified.[9] He makes it clear that such war is permissible if in the name of peace. That, however, is only truly fulfilled by like-minded believers. The wrong peace could be disturbed to be replaced with the right one. Augustine decries peace with non-believers:

> It comes to this, then; a man who has learnt to prefer right to wrong and the rightly ordered to the perverted, sees that the peace of the unjust, compared with the peace of the just, is not worthy even of the name of peace.[10]

Augustine's Christian development from pacifism to just war might negate some atrocities in the Wars of Religion, but it does not negate the overall conflict as a whole.

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8 *LP*, 8.
9 Larry May et al, *The Morality of War: Classical and Contemporary Readings* (New Jersey: Pearson Education, Inc., 2006), 1-4.
10 Augustine of Hippo, *The City of God* in *The Morality of War: Classical and Contemporary Readings*, ed. by Larry May et al, (New Jersey: Pearson Education, Inc., 2006), Book XIX, Ch. 12.

St. Thomas Aquinas is also widely considered to be the father of just war theory, but his theory is similarly grounded on religious belief. His principles of authority, just cause, right intention, defense and proportionality surely accord with justice broadly conceived, but religion is still a priority. Wars must be conducted peacefully, but they can be initiated against "the evil peace" or sinners against the common good.[11] It is clear that Christian just war thought up to the Wars of Religion granted exceptions when it came to non-believers. Larry May et al agree that in the medieval Christian view, war is "justified if it is waged to convert infidels, since the infidels harm self and others."[12] The overall calamity of the Wars of Religion was not considered wrong at the time. Rather, both Protestants and Catholics considered it in accord with justice espoused by medieval thought. Comprehensive religion was justice during this period, resulting in a political landscape were conflict was incessant. The carnage did not make such a political framework sustainable.

The answer to this turbulent period was liberalism. Perhaps more accurately speaking, the political evolutionary result was interstate religious pluralism, which was the seed of a thin conception of liberalism. These conflicts closed with the Westphalian system, based on the Peace of Westphalia in 1684. It decisively affirmed the principle from the Peace of Augsburg (1555) of *cujus regio ejus religio*, meaning the state is given the right to determine the religion of its subjects, with some guarantees given to certain religious groups.[13] This set a precedent for international norms ever since. While

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11 Thomas Aquinas, *Summa Theologica* in *The Morality of War: Classical and Contemporary Readings*, ed. by Larry May et al, (New Jersey: Pearson Education, Inc., 2006), Q.40, A.1, Q.44, A.6.
12 *Morality of War*, 3.
13 Allen Buchanan, "Rawls's Law of Peoples: Rules for a Vanished Westphalian World" in *Ethics* 110, no. 4 (July 2000), 703.

significant in the history of politics, the Westphalian system is probably the most significant historical development to affect political philosophy, planting the seed for pluralism in general.[14] Rawls thinks the result of the Wars of Religion is so monumental that it points to four basic political facts "confirmed by reflecting on history and political experience."[15] One of these facts is that of Reasonable Pluralism. He explains: "Religious division was seen as a disaster for civil polity. It took the experience of actual history to show this view to be false."[16] Another one is the Fact of Public Reason:

> This is the fact that citizens in a pluralist liberal democratic society realize that they cannot reach agreement, or even approach mutual understanding, on the basis of their irreconcilable comprehensive doctrines.

The Westphalian system showed that competing doctrines can not only coexist but also function if pluralism is accepted on at least a practically political level. This newfound political liberalism was difficult to accept even at its minimal interstate infancy. Rawls notes: "Even the earlier proponents of toleration saw the division of Christendom as a disaster, though a disaster that had to be accepted in view of the alternative of unending religious civil war."[17] Even the most tolerant Christians of the time could not stand to see their comprehensive views so compromised, but the Westphalian system was begrudgingly accepted by both sides as the only alternative. As unbearable as it was, international liberalism was the only surefire political idea to survive both sides. Indeed, it has survived to the present day.

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14 *PL*, 12.
15 *LP*, 124.
16 Ibid.
17 *PL*, xxiv.

1.2 From Negative to Positive Liberty

Many divisions, some more appropriate than others, were made to help parse the conflicting meanings of liberty: Ancient vs Modern, Positive vs Negative, Realist vs Liberal, Political vs Comprehensive, Totalizing vs Communicative, to include a few. There are other helpful terms such as minimal (Nozick), political (late Rawls), comprehensive (early Rawls), and perfectionist (Raz) which can serve as guides within the contemporary debate. For the sake of the historical analysis in this chapter, I stick with Isaiah Berlin's positive and negative liberty. To be clear, I do not see positive and negative liberty as wholly separate political conceptions, but rather two perspectives from which we can understand liberalism. The liberalism that grew from the Treaty of Westphalia invokes a negative conception of liberty. Berlin defines negative freedom as "the area within which the subject – a person or group of persons – is or should be left to do or be what he is able to do or be, without interference by other persons."[18] The ideas of classical libertarians such as Locke, Mill, Adam Smith, Constant, and Tocqueville help paint a picture of negative liberty. Government interference is justified only insofar as protecting the freedom of individuals, but even so it is minimal as human nature is viewed with optimism. This concept of freedom is modern and hardly exists in the ancient world. Berlin highlights this:

> The sense of privacy itself, of the area of personal relationships as something
>
> sacred in its own right, derives from a conception of freedom which, for all its

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18 Isaiah Berlin, "Two Concepts of Liberty" in *Readings in Social and Political Philosophy*, ed. by Robert M. Stewart (New York: Oxford University Press, 1996), 90.

religious roots, is scarcely older, in its developed state, than the Renaissance or

the Reformation.[19]

While the Treaty of Westphalia was not respectful to all individuals, it was the first step

in the liberal direction. It was a founding impulse of negative liberty in which subjective

goals (albeit those of bishops, kings, and specific peoples) were given political respect

and noninterference. The actual enumerated rights of the individual are not consistent

among theorists of negative liberty, but it does emphasize plurality in that the individual

can pursue what they think is best.

Berlin defines positive freedom, on the other hand, to be "the source of control or

interference, that can determine someone to do, or be, one thing rather than another."[20]

Humans are granted expanded possibilities or higher potentials under this notion.

Comparatively speaking, Berlin asserts that positive freedom is "not freedom from, but

freedom to [. . .] the wish on the part of the individual to be his own master."[21]

Individuals are granted a mastery over their destiny. They are an empty shell with a lost

purpose without this freedom. Berlin points to some examples of positive freedom:

The Marxist conception of social laws is, of course, the best known version of this

theory, but it forms a large element in some Christian and utilitarian, and all

socialist, doctrines.[22]

It is easy to see how Communist or some Christian views of liberty would be considered

positive, since they are both assertive doctrines. Under such a positive conception, people

would agree on what they want: "What, at most, this entails is that they would not resist

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19 Ibid., 93.
20 Ibid., 90.
21 Ibid., 93-4.
22 Ibid., 95.

me if they were rational, and as wise as I, and understood their interests as I do."[23] Positive liberty encompasses what a rational person should want to be. I should stress that while a system of morality such as utilitarianism is tied to negative liberty through Mill, even the most negatively liberal political conceptions could slip into the realm of positive liberty. This notion of liberty carries the implication that the 'real' wishes of people can be given to them, but this does not seem to be in line with the Westphalian system. Like Berlin, I consider the Westphalian system to be an example of assuring liberalism in the specifically negative sense.

1.3 The Growing Trend of Positive Liberalism from the Responsibility to Protect

The character of liberalism has been shifting away from what was born of Westphalia. Contemporary international institutions such as the United Nations affirm the rights of different states, but that precedent is changing. The impetus now is respect for states as long as they meet certain conditions. The traditional Westphalian system has undergone some shakeups, but it has stood firm. Historical elements such as Napoleon, the anti-revolutionary stance of the Congress of Vienna, and also the League of Nations after WWI failed at dislodging the Westphalian system. The lessons learned from WWII and the ensuing Cold War came close, but they too did not remove it. The end of the Cold War was also considered a triumph of the liberal world order, but it was not decisive in replacing the Westphalian principles that fathered it. The norms of sovereignty and respect are just as much ideas of Westphalia as are liberalism and pluralism. The international Westphalian system stands its ground, but new political circumstances

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23 Ibid., 94-5.

suggest an organic feature of liberalism. The global political norm maintains Westphalian liberalism, but recent events suggest its evolution towards something more positive.

I wish to clarify that I do not make any serious philosophical judgment as to historical interventions for liberal ends. There is no question that innumerable interventions since 1684 were conducted 'in the defense of freedom'. The actual philosophical justification of interventions with regard to political liberalism is beyond the scope here. To what extent they were warranted, successful, or faithful to liberalism is not my concern. I only raise this topic to demonstrate how contemporary conceptions of liberalism in historical political practice seem to be shifting away from that of a negative Westphalian type to a more positive type. Whether interventions are true to liberalism or not I leave an open question. Again, my focus is to analogize the historical trend of liberalism with its philosophical issues, not necessarily to advocate for those developments.

The growing norm of responsibility to protect (R2P) is a prime example of how liberal ideals are invoked and positively enforced rather than merely defended or protected. There are certainly some other examples of liberalism that have been positively promulgated beyond the borders of liberal states. Some of these include Rwanda, Libya, or Afghanistan and the Gulf Wars. Even during the Cold War, actions taken in 'defense' against Communism were considered to be an intervention of domestic affairs in the name of liberalism.[24] John F. Kennedy's Inaugural Address in 1961 reflected a liberalism's positive attitude towards Communism: "Let every nation know, whether it wishes us well or ill, that we shall pay any price, bear any burden, meet any hardship,

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[24] This is a contentious statement. I would anticipate objections along the lines of Noam Chomsky's work.

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support any friend, oppose any foe to assure the survival and the success of liberty."[25] It seems that Kennedy's promise carries a sense of vindictive liberalism, if not at the very least defensive against other doctrines. Placing the Cold War aside, global intervention in Bosnia in the early 1990s is probably the best example of unilateral action in the name of philosophical liberal principles, even if human rights are also fundamental to other theories.[26] The Serbian genocide was unilaterally condemned by the UN, prompting unified efforts of aid and protection to the Muslim enclaves. Although in agreement, the UN's efforts were lackluster, prompting direct and expedited military action from NATO. Bill Clinton's address to troops in Macedonia in 1999 echoes Kennedy:

> But never forget, if we can do this here, and if we can then say to the people of the world, whether you live in Africa, or Central Europe, or any other place, if somebody comes after innocent civilians and tries to kill them en masse because of their race, their ethnic background or their religion, and it's within our power to stop it, we will stop it.[27]

Clinton reflects the growing liberal political disposition against humanitarian violations, and the willingness to stop them across Westphalian boundaries. Intervention of this sort could be triggered by any country, not just Bosnia. If this is the case, liberalism is being enforced across boundaries, giving it the authoritative weight of positive liberty rather than the passivity or mere protection of negative liberty. This example of R2P is also an instance of liberalism being used as a *casus belli* to violate sovereignty.

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25 "Inaugural Address of John F. Kennedy, January 20, 1961" in the John F. Kennedy Presidential Library and Museum. Accessed 8 May 2017.

26 Kendall W. Stiles, "Intervention: Bosnia" in *Case Histories in International Politics* (New Jersey: Pearson Education, Inc., 2013), 92-113.

27 White House, Office of the Press Secretary, "Remarks by the President to the KFOR Troops" (June 22, 1999, Skopje, Macedonia) in *Case Histories in International Politics* (New Jersey: Pearson Education, Inc., 2013), 93.

1.4 Positive Liberalism in Political Philosophy

Interventions with liberal ends are becoming an increasingly common norm of the liberal world order, a trend which is reflected in liberal theory. Rawls's *LP* opened his theory of justice and political liberalism to the international scope. While his system reinforces some elements of Westphalian liberalism, such as respect for comparable states, it stunningly does away with sovereignty altogether. Under non-ideal theory, Rawls responds to the sheer reality of the international stage through his principles. One of the non-utopic concessions that he makes is towards "decent societies" which are not strictly liberal in their absolute fulfillment of the two principles of justice, but they do fulfill critical liberal criterion such as pluralism, respect, peacefulness, rationality, or provisional justice.[28] Rawls's treatment of decent peoples falls in line with negative Westphalian liberal intentions. His overall vision, however, completely redraws what sovereignty and rights mean for states.[29] Rawls specifically differentiates his international liberalism "from that about political states as traditionally conceived, with their powers of sovereignty included in the (positive) international law for the three centuries after the Thirty Years' War (1618-1648)."[30] Rawls's shift away from the Treaty of Westphalia could not be more blunt: "From my perspective this autonomy is wrong."[31] Citing WWII as a turning point in international law, state autonomy is restricted in his system, with the prime moral agent being shifted onto people, or a peoples.

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28 *LP*, §8.2, §9.3.
29 *LP*, §2.2.
30 Ibid.
31 Ibid.

Rawls's response to "outlaw states" and "burdened societies" invoke rational or moral duties which depart a Westphalian system and embody positive liberalism.[32] Outlaw states threaten the stability of institutions and system of well-ordered peoples, and in extreme or particularly evil circumstances, their very existence. Outlaw states that violate human rights are "to be condemned and in grave cases may be subjected to forceful sanctions and even to intervention."[33] Extreme humanitarian crises justify military intervention even if no formal expansion has occurred on the part of the outlaw state. Economic aid or consistent political pressure are also permissible forms of intervention on burdened societies. Rawls makes a positive conviction of liberalism's imperatives: "The long-term goal of (relatively) well-ordered societies should be to bring burdened societies, like outlaw states, into the Society of well-ordered Peoples. Well-ordered peoples have a *duty* to assist burdened societies."[34] This is evidence that the world order's goal is as positive as can be, to help elevate non-well-ordered peoples into the liberal fold. Rawls's move away from traditional, Westphalian conceptions of liberty is an excellent analogy of a historical political trend.

1.5 Negative to Positive Liberalism Marks the Paradox of Liberalism

While political liberalism sprouted from the Peace of Westphalia, there seems to be a paradox just as Berlin described. The greater puzzle is that positive liberalism is being used in violation of negative Westphalian liberalism. If positive and negative liberty were considered two perspectives of viewing the same political philosophical

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32 *LP*, §10.3, §§14.1-14.3, §15.
33 *LP*, §10.3.
34 *LP*, §15.1.

system of liberalism, it could be said that liberalism was cannibalizing itself. This is not a novel observation. There is a challenging debate surrounding this paradox best exemplified by Jonathan Quong's rejection of Joseph Raz's perfectionist liberalism. Unpackaging this paradox and even asserting what 'intensity' of liberalism is justified requires grounding these terms in the theoretical debate. Challenges here include those of scope (domestic or international), the cogency of using Berlin's division of liberty, and consistency of terms across similar but not identical theories. I table these concerns for another time. The main point in this chapter is that Rawls's fact of history might support liberalism in general, but a second look at historical trends show an increasing comprehensiveness behind liberalism in practice. Later, we will see that this trend parallels a currently unresolved debate. Moving forward for now, a look at two origins of theoretical liberalism suggest that it originally operated on singular comprehensive doctrines. A philosophical look at significant conceptions of liberalism show that it traditionally had a comprehensive character to it.

Chapter 2 - Augustinian Justice and the Problem of Comprehensive Liberalism

No understanding of justice, from practical to metaphysical, would be complete if it lacked St. Augustine of Hippo's treatment of it. If Augustine's thoughts are a major pillar of medieval philosophical thought, his treatment of justice demands our attention, especially with regards to the investigation of comprehensive liberalism. Book XIX of *The City of God* gives insight to the relevance of earthly, political justice in the human search for the ultimate good. My primary aim in this chapter is to review Augustine's conception of justice with focus on Book XIX. I am also interested in the political implications behind Augustinian justice, and whether he thinks political justice could be called 'justice' at all. Simply put, Augustine's conception of justice is that of a divine virtue or quality which makes possible the proper and natural order, and consequently, peace. Corporeal and temporal examples of natural ordering or political peace are all reflections of an eternal perfect justice. The source or condition of justice is God's essential, simple, good, existing, and unified being. Other sources or types of justice cannot properly be so. Different faiths do not provide a correct conception in their confusion, and neither can the errors or vanity of human understanding alone. I agree with some that a surface reading of Augustinian justice would imply an incompatibility with political philosophical concerns of respecting reasonable plurality. I do argue, however, that such a reading results in various misconceptions that do not genuinely reflect Augustine's thought. These misconceptions have unfortunately been used to implement political action throughout history that Augustinian justice, properly considered, would not permit. Augustine's justice is the philosophical foundation for any liberalism on earth that he would accept. It supports a comprehensive form of liberalism,

but it also outlines the challenge that a contemporary conception must overcome. Taken broadly, Augustinian thought as an example of comprehensive liberalism offers a warning to contemporary thinkers.

There is a difficulty in reviewing what Augustine means by justice because he mostly discusses it in a negative way. The objective of *The City of God* as a whole is to demonstrate that the supreme good for any human is not found in any earthly aspect alone, but instead from, through, and in God. His approach in Book XIX specifically in finding justice is by knocking down every potential candidate before arriving at the only positive source, i.e. God. My approach to reviewing Augustine's understanding of justice is two pronged. First, I will lay down what his positive definition of justice is up front. Afterwards I will describe Augustine's negative definitions, which comprise the bulk of this Book. Before reviewing the negative definition, Augustine's positive answer to the question 'What is justice?' is 'Exactly what any good is: God.'

2.1 Augustine's Conception of Justice: God's Supreme Order and Peace

Augustinian justice stems from God and the good, making peace possible, and orienting everything to its proper place. Augustine discusses justice positively in many instances within the context of God, order, and peace. There are two helpful instances, in Chapters 21 and 23, where he speaks of justice broadly. The first is when he refutes justice as virtue without God in Scipio's commonwealth:

> Justice is the virtue which accords to each and every man what is his due. What, then, shall we say of a man's 'justice' when he takes himself away from the true God and hands himself over to dirty demons? Is this a giving to each what is his

due? If a man who takes away a farm from its purchaser and delivers it to another man who has no claim upon it is unjust, how can a man who removes himself from the overlordship of the God who made him and goes into the service of wicked spirits be just?[35]

True justice involves giving what is due to God plainly enough. Here he uses a common-sense example of land ownership as an analogy. Stripping anyone of what is rightfully theirs cannot be justice. When it comes to God, everything is rightfully his and is due to him as the Creator. Augustine searches for justice beyond Cicero, into every corner he could be expected to know, but cannot find it save as the proper order granted by God. Having exhausted other options, he most clearly enumerates what justice must be when rejecting Porphyry:

> To sum up. Where justice is wanting, in the sense that the civil community does not take its orders from the one supreme God, and follow them out with the help of His grace; where sacrifice is offered to any save Him alone; where, consequently, the civil community is not such that everyone obeys God in this respect; where the soul does not control the body, and reason our evil urges, as proper order and faith require; where neither the individuals nor the whole community, 'the people,' live by that faith of the just which works through the charity which loves God as He should be loved and one's neighbor as oneself [...][36]

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[35] Augustine, "Book XIX" in *The City of God*, ed. by Vernon J. Bourke (New York, NY: Crown Publishing, 1958), Ch. 21, 469. Further references to Book XIX will be simply noted with chapter and page number.
[36] Ch. 23, 478.

Augustine's reply to Porphyry gives a negative definition for justice so simply that the positive connotation is obvious. Faith in God confides in Him his order and what is due to him. All things are necessarily only possible through God, with justice being another quality helping orient everything back to Him. The unity of small orders is the proper order of everything which falls under God. There is a difficulty in discussing justice positively as there is in discussing anything holy. Augustine was strategic in focusing Book XIX on negative definitions. There is, however, a positive pattern between justice, God, order, and peace that Ernest Fortin clarifies:

> Justice in the highest sense prescribes the right ordering of all things according to reason. […] It exists when the body is ruled by the soul, when the lower appetites are ruled by reason, and when reason itself is ruled by God. The same hierarchy is or should be observed in society as a whole and is encountered when virtuous subjects obey wise rulers, whose minds are in turn subject to the divine law.[37]

Fortin affirms that there are three critical relations that Augustine makes when discussing justice. The first is that justice exists in the universe from, through, and towards God as the supreme good. The second is that it pulls everything towards an order decreed by eternal law, which could be best seen through the natural and revealed order of things. The third and final relation justice has is that it serves as a precondition for peace when it is fulfilled in the proper order. Exploring the relations between justice and God, order, and peace will clarify Augustine's overarching view.

Augustine makes it clear that the initial source of justice is God. Justice is related to the good when it comes to setting the good order, and the ultimate good must be God

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[37] Ernest Fortin, "St. Augustine" in *History of Political Philosophy*, ed. by Leo Strauss and Joseph Cropsey (Chicago, IL: University of Chicago Press, 1987), 182.

from Whom everything is. Augustine explains that in the search for the good, the

Christian would say that it is eternal life granted from God:

> If I am asked what stand the City of God would take on the issues raised […], the
> answer would be: She holds that eternal life is the supreme good and eternal death
> the supreme evil, and that we should live rightly in order to obtain the one and
> avoid the other.[38]

It is certain that if God is the source of all good, surely He would be the source of justice.

Knowledge of attaining any good is received from God via all our faculties of judgement,

and indeed only through Him is it possible. Justice is not 'distributive justice', 'karmic

justice', or 'court justice', but 'His justice'. Augustine says that God justly resists those

who might seek it through the lens of their vanity:

> Who, then, save a proud man, will presume that he can live without needing to
> ask God: 'Forgive us our debts'? […] – one whom God in His justice resists while
> He grants His grace to the humble. Hence it is written: 'God resists the proud, but
> gives grace to the humble.'[39]

Justice can only be given by God to those that are humble and confide in him. Augustine

poses the question plainly: "what fragment of justice can there be in a man who is not

subject to God […]? And if there is no justice in a man of this kind, then there is certainly

no justice, either, in an assembly made up of such men."[40] This drives his point home.

When searching for justice, one need not look farther than the source of all good, God.

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[38] Ch. 4, 437.
[39] Ch. 27, 481.
[40] Ch. 21, 470.

Augustine also relates justice closely with the proper order of reality. This ubiquitous connection is that where there is order, there is justice, and vice versa. Justice is ordering that to which is due. The order of God is to say the order of reality, which includes all possible subdivided orders. That being the case, true justice is when that overall order is satisfied, but there can be reflections of divine Justice in the justice of particular orders. Those who are miserable without order (and thus peace) are experiencing a lack of justice returning them towards equilibrium:

> Order is an arrangement of like and unlike things whereby each of them is disposed in its proper place. This being so, those who are unhappy, in so far as they are unhappy, are not in peace, since they lack the calm of that Order which is beyond every storm; nevertheless, even in their misery they cannot escape from order, since their very misery is related to responsibility and to justice.[41]

The objective of justice is in the correct ordering of things. Even in chaos justice will naturally operate in bringing things towards order. Augustine explains the relationship between justice and order in refutation of the classical virtue conception. Someone looking for the ultimate good may turn to Aristotelian ethics as a guide, but Augustine thinks this path is fruitless without the right end in mind.

> Its task is to see that to each is given what belongs to each. And this holds for the right order within man himself, so that it is just for the soul to be subordinate to God, and the body to the soul, and thus for body and soul taken together to be subject to God.[42]

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[41] Ch. 13, 456.
[42] Ch. 4, 439.

The correct order of the individual may have justice in part, but justice must involve the order of man under God in order to reach completeness. Paths of mere virtue or mere faith do not satisfy the multiple orders of order. Augustine continues by explaining how the justice of the right order is natural. The justice of God's order is not artificial and contrarian; rather justice is the order (and consequent peace) of what it is for things to be what they are:

> [...] to be organic means to be ordered and, therefore, to be, in some sense, at peace. [...] there can be no nature completely devoid of good. Even the nature of the Devil, in so far as it is a nature, is not evil; it was perversity [...][43]

What this means is that everything, including the Devil as existing, naturally move towards the proper order via the gravity of God's justice. Justice is tied with the correct orders of things as they were naturally meant to be with respect to the overarching Order.

The result of correct, natural order as justice is peace. Imitations of peace can be found in different orders, but true peace can only come about from the supreme order laid out by God's eternal law. Augustine elaborates more on the eternal order in Book XX, but he touches on it in Book XIX while discussing peace:

> Peace between a mortal man and his Maker consists in ordered obedience guided by faith, under God's eternal law; [...] The peace of the heavenly City lies in a perfectly ordered and harmonious communion of those who find their joy in God and in one another in God. Peace, in its final sense, is the calm that comes of order.[44]

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[43] Ch. 13, 457.
[44] Ch. 13, 456.

The best or final kind of peace, from order, inevitably rises from justice. There are semblances or shadows of the eternal order when looking at lesser orders, but these lesser orders could barely be called such in comparison with the true Order. Augustine agrees that peace, while not by itself the highest good, is an aspect of the highest good that all people yearn for. Peace is the result of order, and so transitively justice is the precondition for it. Augustine explains:

> Instead of nullifying or tearing down, she [the heavenly City] preserves and appropriates whatever in the diversities of divers races is aimed at one and the same objective of human peace, provided only that they do not stand in the way of the faith and worship of the one supreme and true God. […] Of course, though, the City of God subordinates this earthly peace to that of heaven.[45]

Human diversity is not an obstacle when seeking peace. The main concern is whether humanity can live in accordance with the just order. Peace of the particulars is insufficient and not truly just. God's justice is not its flawed mimic in the peace of the city. Peace comes from justice, but only the most wholesome justice can secure the most wholesome peace. True peace is not achieved by the shadow of justice, but by God's Justice. Having reviewed the positive definition of Augustinian justice, I turn to Augustine's preferred method in Book XIX of negative definition.

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[45] Ch. 17, 465.

2.2 External, Internal, and Interpersonal 'Gods': Pitfalls and Confusions on the Path to Augustinian Justice

According to Augustine, all earthly matters alone cannot help anyone achieve the supreme good. God must be at the forefront of any such endeavor for it to be possible. If justice is to be considered an aspect of goodness, the same argument applies. There are various instances where Augustine applies the standard logic of finding the supreme good with finding justice. God cannot be found in individual things that are not God. Justice cannot be found save as divine either. As with finding the supreme good, Augustine is clear in his negative arguments in the search for justice. Augustine's negative arguments for justice can be divided into three types. Justice cannot be found in other Gods or religions, lone personal logic or feeling, nor in social or intersubjective spheres. Experience, logic, and faith may point towards God and true Justice, but by themselves they are not the measures of justice.

For one, justice cannot from competing faiths. Augustine is clear that when reason and revelation grant us the one true God, other 'gods' cannot be in the picture. Justice does not come from gods which are contingent, fallible, corporeal, or otherwise limited in any way. Augustine's rejection of Roman gods was the entire point of Part I of *The City of God*, but he reiterates the Book XIX:

> The city of this world […] has had certain 'wise men' of its own mold, whom true
> religion must reject, because either out of their own day-dreaming or out of
> demonic deception these wise men came to believe that a multiplicity of divinities
> was allied with human life […][46]

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[46] Ch. 17, 464.

From here Augustine lists the sad absurdity of the various types of gods that are modeled after every which part of practical human life on earth. A god for a part of the body and another for wine cannot be gods, nor can any number of them be God. The worship of other gods is antithetical to God's order in terms of faith and reason. It follows that without the correct order, there cannot be justice:

> The fact is that any civil community made up of pagans who are disobedient to God's command that He alone receive sacrifices and who, therefore, are devoid of the rational and religious control of soul over body and of reason over sinful appetite must be lacking in true justice.[47]

True justice cannot exist when there is discord in the parts of the order, and much less when there is discord on the order of the whole. Augustin is clear that God's justice cannot be without him. Any sort of paganism is antithetical to justice, and so too is pantheism. Worshipping mere nature, cosmos, fate, chance, or any other phenomenon is just as clever a deception as worshipping other gods.[48] Worshipping something false causes the search for the good to fall apart. Nothing is possible from accidents and untruths; from God on the contrary everything is possible, especially justice.

Purely philosophical answers to the question of justice on the personal level are insufficient. Aquinas questions the immense number of philosophical candidates for the supreme good. He systematically reviews permutations of thought and opinions "in this world of shadows", from the classical Greek to the popular new skepticism of his time.[49] By the end of his survey, Augustine highlights the absurdity of Marcus Varro's 288

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[47] Ch. 24, 479.
[48] Ch. 9, 449.
[49] Ch. 1-5, 427-444.

possibilities[50] that philosophy alone could answer with. The answer to justice must be

more than naked systems of virtues, social theory, hedonism, or contemplation. Justice is

not concerned with what is true and natural, not accidents:

> […] when philosophers become Christians, the Church does not force them to
> give up their distinctive attire or mode of life which are no obstacle to religion,
> but only their erroneous teachings.[51]

Leading an incomplete personal life that does not accord with the fact of things is an

injustice. The life of pure philosophy might offer clues, but with no belief in the true God

it is not an avenue for justice.

The practical limits of humanity on any interpersonal level serve as a barrier

towards justice. Augustine deliberates how any type of mere interpersonal or political

relationships a person can have is imperfect and doomed to fail. He mirror's Aristotle's

political thought to show how justice cannot be found in any human interaction without

God: "All human relationships are fraught with such misunderstandings. Not even the

pure-hearted affection of friends is free from them. […] who can rely utterly even on

family affection?"[52] A catalog of various human interactions will not find the source of

all being in them. Relying on a human for justice is a fool's errand. The simple death of a

loved one is all it takes to show that eternal life is not in another human. Neither could

the erroneous city be the true source of justice. Augustine argues that the state cannot

possibly have the knowledge and power to preserve the right order of things. Human

ignorance in a trial confronts us with our limits: "Thus it often happens that the ignorance

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[50] Ch. 1, 430.
[51] Ch. 19, 466.
[52] Ch. 5, 443.

of the judge turns into tragedy for the innocent party."[53] After the city, Augustine turns to the calamity of the global sphere. Differing cultures and languages present obstacles to mutual understanding. He laments the wars that are only as various as they are ceaseless. No doubt he had in mind the apocalyptic clashes of his time amongst Romans, Goths, Huns, and Sassanids. Injustice is found even in so-called 'just' wars:

> I know the objection that a good ruler will wage wars only if they are just. But, surely, if he will only remember that he is a man, he will begin by bewailing the necessity he is under of waging even just wars.[54]

Humans wage war for peace, but no peace is possible without God and His justice.

2.3 Augustinian Justice, Respecting Reasonable Competing Doctrines, and Misconceptions

A contemporary political reading of Augustine might raise serious objections to his conception of justice. Is plurality possible with divine justice? What should be done with competing false doctrines that espouse injustice? A modern would have good reasons for criticizing Augustine's framework as a comprehensive doctrine (or a piece of totalizing knowledge) that will not compromise with other doctrines. When discussing war and peace, Augustine makes a sinister comment:

> Anyone, then, who is rational enough to prefer right to wrong and order to disorder can see that the kind of peace that is based on injustice, as compared with that which is based on justice, does not deserve the name of peace.[55]

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[53] Ch. 6, 445.
[54] Ch. 7, 447.
[55] Ch.12, 454.

A modern may see this as Augustine giving license for intolerance towards anyone who does not recognize God's justice. The contemporary liberal theorist might take such examples as evidence that Augustine's justice runs in the face of the fact of history: that such uncompromising doctrines inevitably lead to abhorrent conflicts like the Wars of Religion during the Reformation.[56] The modern would agree to the interpretation that Augustine appealed to the state to repress competing doctrines, and he accepted drastic measures and force on a political level in the name of Christianity. Fortin elaborates on this contention with commentary on Augustine's reaction to the Donatist heresy and its historical impact:

> Unfortunately his action established a precedent whose consequences far exceeded anything that he himself appears to have foreseen. What was for him, a mere concession to necessity or at most an emergency measure designed to cope with a specific situation was later invoked as a general principle to justify the church's reprisals against heretics and apostates. If such is the case, Augustine may be partly to blame for the religious persecution of the Middle Ages, which came to be looked upon as a prime example of the inhumanity fostered by the undue exaltation of moral standards and became one of the principal criticisms leveled at the church throughout the modern period.[57]

Here Fortin sheds light on how many moderns would blame Augustinian thought for much historical violence and strife. If religious pluralism does not compromise justice, how is earthly peace possible? I strongly agree with the modern's critique, but a fair and

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[56] Rawls specifically discusses the Wars of Religion in most of his work. See *PL*, xxii-xxiv.
[57] Fortin, 198.

charitable look at Augustine's thoughts and reactions would show that any modern

separation completely splitting Christian justice and earthly peace is false.

Proper consideration towards Augustine's views reveals that a modern critique of

Augustinian justice to be something of a misconception. Divine justice does not translate

very well with the contemporary understanding, but Augustine's letters on the Donatists

show a liberal compassion and tolerance that was rare in the ancient world. Augustine

insists that "true faith and right understanding" is much more powerful than a world of

"temporal whips and scourges".[58] Augustine urges for a path to quelling the heresy that is

rational, non-destructive, and helpful. The path to converting heresy must be peaceful and

not spiral into an 'eye for an eye,' tit for tat mentality. Ancient conventions of torture,

extortion, and false confessions are similarly inconsistent with divine justice.[59] Instead,

conversion must come from voluntary dialogue and the power of reason, lest "counterfeit

Catholics" become another obstacle for humanity.[60] Augustine's practical concern for

non-believers echoes his thought in Book XIX:

> For, as long as the two cities are mingled together, we can make use of the peace
>
> of Babylon. Faith can assure our exodus from Babylon, but our pilgrim status, for
>
> the time being, makes us neighbors.[61]

Imperfect peace on earth, which is far separate from divine justice, has an instrumentality

for strengthening the faith of believers and demands that they respect others. Divine

justice calls for respecting other humans as creatures of God, even if they are non-

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[58] Henri Marrou, *Saint Augustine and His Influence Through the Ages*, trans. by Patrick Hepburne-Scott
    (New York, NY: Harper & Brothers, 1960), 137.
[59] Ibid., 140.
[60] Ibid., 137.
[61] Ch. 26, 480.

believers. Augustine warns those that ignore the peaceful approach: "[…] whoever

misuses his gifts on earth will both lose what he has and never receive the better gifts of

heaven."[62] Augustine would respond to the modern critic that inhumane persecution is

fundamentally un-Christian. If cornered with the question of compromise with other thick

doctrines, Augustine might admit that Christianity is uncompromising; it will not admit

truth where there is untruth. He would clarify, however, that the confrontation of choice

is not the bloody battlefield of the misguided, but in hearts and minds of the humane and

reasonable. The first line of defense for Augustinian justice against non-believers

involves dialogue, mercy, patience, toleration, and reason.

While peace from the just, proper order is most important when living with non-

Christians, Augustine is not an outright pacifist. Force may become necessary when

civility decays. Augustine grew to endorse protection and economic sanctions against the

Donatists when their violence, and in some instances their brutality, became prolific.[63] A

counterinsurgency against the Donatists was permitted as long as it was conducted in

accordance with Augustinian justice, which is to say in accordance with divinely

ordained reason, proportionality, and humanism. In response to the targeted killing and

mutilation of innocent priests, Augustine demanded mercy on the state's part to make

room for voluntary conversion. Civil and humane arrest, trial, confinement, and forced

labor were the appropriate response to terrorism in the eyes of justice.[64] Not only was

this sort of force just, but it had a practical utility compared to brutality in avoiding the

worst-case scenario: a society ferociously pacified, but with the result of false believers

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[62] Ch. 13, 458.
[63] Marrou, 140.
[64] Ibid.

and underground faiths that ruin the chance of any authentic faith. If Augustine learned of the 30 Years War, he would not be surprised given what he saw in his time, and would be just as horrified as any modern political philosopher. The *legates* and *vigiles* of Augustine's time were necessary; the difference with the Roman pagan is that a Christian would not look at their work as a glory but as a necessary yet regrettable last resort.

A strict view of Augustine's philosophy would not blame itself for the 'fact of history'. It would blame, instead, the sorry state of human psychology. While I recognize the philosophical arguments that Augustinian justice would make, I remain highly sympathetic to the modern outlook. The comprehensiveness of divine justice carries with it a certainty that is so strong that the non-ideal circumstances of human psychology drive it towards its most horrible practical conclusion. The political liberal would accept this justice within the scope of the overlapping consensus, but the fact of history gives ample cause for a high degree of suspicion towards it. I see that Augustine has serious and agreeable replies to religious warfare from the ideal perspective, but the non-ideal perspective offers an alarm. Whatever divine justice says, that warning is that comprehensive outlooks are politically dangerous. The challenge behind any conception of comprehensive liberalism is the fact of history. A small non-ideal mix-up in the formula of liberalism would cause havoc if it were comprehensive. I am not enthusiastic of how Augustine responds to this difficulty; I think the lesson here drives an intuition that any conception of comprehensive liberalism cannot make excuses if it wishes to maintain beyond the ideal and into the non-ideal.

Augustine's understanding of justice, in a word, is God's Justice. It only exists as a divine virtue, orienting towards the perfect order of things, and making all harmony

possible. Irrationality, arbitrary power, paganism, or pantheism certainly cannot secure justice. Other potential sources for justice such as philosophy, pleasure, consensus, or nature cannot secure justice by themselves. Rather, it would be more accurate to say that reason and nature could point towards a justice compatible with faith, but 'this justice' or 'that peace' or 'those orders' are contingent reflections of actual Justice. A modern political thinker might repulse at such a conception of justice with the argument that it is squarely to blame for innumerable atrocities in the name of an unreasonable comprehensive doctrine. This argument is a confusion, as a review of Augustine's thought and historical attitude demonstrate Augustinian justice as extremely agreeable to the modern liberal. Augustine had a sight for justice that unified the demands of morality with the concern for tolerance. I do think there are strong and convincing objections to it, but I also think this is helpful in outlining the political liberal's charge against comprehensiveness. The contention of Augustinian justice is highly applicable to the contemporary debate in that it backs a failed form of comprehensive liberalism, demonstrating how fatal the fact of history is to any comprehensive liberal conception. If Augustine presented a type of liberalism that failed, perhaps John Locke's theory could be presented as a successful liberalism that is comprehensive.

Chapter 3 - Lockean Liberalism from Comprehensive Natural Law

There is no question that John Locke's *The Second Treatise of Government* presents a modern liberalism that had raging success in practical application. The political principles that justify liberalism therein, however, are not found in the practical need for a reasonable *modus vivendi*, but rather on the comprehensive supposition of Natural Law. The Lockean political structure includes consent of the governed, democratic consensus, inviolability of person, procedural justice, and most other rights written in modern liberal constitutions. He derives these political rights from Natural Law imperatives. The contemporary political liberal might have no problem accepting Locke's Natural Law in that it is a reasonable doctrine reinforcing the two principles of justice via the overlapping consensus. They could not, however, accept it if it were a thick moral conception, which served as the measure of liberalism, before any other competing doctrines are even considered. The question then becomes what function Natural Law serves within Lockean liberalism. Does it serve as a doctrine that reinforces the public standards of justice and reason, accidental to the liberal project? Or does it serve as the comprehensive golden apple from which the silver frame of liberalism exists?[65] I argue that Locke's political theory is fundamentally grounded on Natural Law as a thick, moral, comprehensive doctrine. If that is the case, I take Locke's politics as an example of comprehensive liberalism, not political liberalism. It does not depend on any consensus with other doctrines and it positively establishes moral principles before political ones are set. I realize that the political liberal would take exception to my accusation that it is a thin *modus vivendi*, but in any case, I think Locke's liberalism is not thin. I maintain that

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65   To use Abraham Lincoln's famous analogy.

Lockean Natural Law is a comprehensive (not political) doctrine because it appeals to reason, God, and nature in order to secure moral precepts which ground any possible political society. If Locke's theory is indeed comprehensive, it would be valuable to the contemporary theorist as an example of comprehensive liberalism that avoided the pitfalls of Augustine and the fact of history.

3.1 Lockean Liberalism from the Lens of the Contemporary Liberalism Debate

Locke would probably agree with the Rawlsian 'fact of history' since he lived in a world fresh from these wars. The subsequent English Civil War in the later 17th century was a further alarming, personal political concern which only reinforced his search for peace. The contemporary liberal has the comfort of knowing the end of WWII and the fall of the Soviet Union as historical milestones of liberalism; Locke did not. It is safe to say that the 'fact of history' catalyzes Locke's Enlightenment liberalism just as much as, if not more than contemporary liberalism. A cursory look at his other works such as *A Letter Concerning Toleration* further supports this idea.[66] There is no doubt that one of Locke's objectives as an early modern theorist was social tolerance. It could also probably be said that Locke held tolerance as a matter of importance for liberalism greater than Augustine did.

Locke's ideas manifested in successful real-world circumstances in that they saw the need for toleration in politics, but I do not think his solution was the subordination of metaphysics to practical politics. On the contrary, the key to Locke's conception of liberalism is Natural Law, a thick moral concept with rock-solid epistemological and

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[66] With the exception of atheists and with suspicion towards papists. Locke saw religion as a moral prerequisite.

religious aspects. I consider Natural Law to be a reasonable comprehensive doctrine that is compatible with other reasonable doctrines. I take the difference, however, between Lockean liberalism and contemporary political liberalism to be that the former is specifically grounded on the comprehensive doctrine of Natural Law. I see that Locke justified Natural Law heavily on Christian revelation, further making it a platform that the contemporary political liberal could not accept apart from the background culture. Rawls himself saw natural law theories in general to be comprehensive doctrines that political liberalism moves away from.[67] I agree, but I wish to be clear: I do not think that the political liberal would object to the use of Natural Law as a doctrine which helps justify liberalism within the scope of an overlapping consensus. Rather, I argue that Natural Law is a deep metaphysical and moral doctrine and the sole platform upon which Locke constructs the political outcomes of liberalism. Locke's *Two Treatises* specifically replies to the divine right of kings as an individual doctrine, not against whether any particular comprehensive doctrine can serve as political justification. In sum, I argue in this chapter that Lockean liberalism from 'justice as thick Natural Law' is an instance of successful comprehensive liberalism.

3.2 Natural Law is a Universal Law of Reason

Reason plays a critical role in Lockean Natural Law. From an Enlightenment perspective it takes the most important role, if not what some might consider to be the most cogent role with regards to secular ideas of liberalism. Locke invokes reason when first giving a full definition of Natural Law: "And Reason, which is that Law, teaches all

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[67] *PL*, 22, 69.

Mankind, who will but consult it, that being all equal and independent, no one ought to harm another in his Life, Health, Liberty, or Possessions."[68] Reason helps support Natural Law in that it draws a sense of universality to it. Natural Law is given to all humans through reason; whoever can exercise reason will positively know it. In this way, reason acts as a judge for humanity. Reason will answer when God or a political judge will not. Locke elaborates: "Men living together according to reason, without a common Superior on Earth, with Authority to judge between them, is properly the *State of Nature*."[69] Natural Law is legitimate in that it is an impartial judge which helps arbitrate humanity's issues. War begins when this impartial judge is absent, making it a practical necessity. Locke does recognize, however, that not everyone exercises reason. He identifies particular self-interest or ignorance as obstacles to recognizing the reason behind Natural Law.[70] Ignorance and lack of interest are ways that obscure Natural Law to some. Lack of interest might be a pernicious obstacle to learning the Natural Law, but ignorance, save negligence, is a common obstacle even from a young age. When someone has no excuse to not use reason, they forfeit Natural Law: **"**Any one may destroy a Man who makes War upon him […] because such Men are not under the ties of the Common Law of Reason […]"[71] War between mankind occurs when there is a breakdown in reason in one mode or the other. Anyone who dispenses it maliciously can be treated like a beast. Reason teaches humanity the Natural Law, and whoever voluntarily tosses away the burden of reason also forfeits its benefit.

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68 II, §5.
69 II, §19.
70 II, §124.
71 II, §16.

Locke's use of reason in Natural Law very is further illuminated when discussing how reason plays a role in children and paternal power. Natural Law demands respect for children although they have not fully achieved reasonability. A criminal may be treated as a beast because they have maliciously rejected reason; children, though they also do not fully exercise reason, must be educated and respected. Children attain adulthood when they can fully exercise reason. Until then, they must obey their parents:

> […] he that is not come to the Use of his *Reason*, cannot be said to be *under this Law*; […] For *Law*, in its true Notion, is not so much the Limitation as *the direction of a free and intelligent Agent* to his proper Interest[72]

What this means is that children have a degree of freedom from the Natural Law specifically because they cannot use reason. Locke paints a baby's ignorant condition almost as a curse in that they lack direction and full agency. Children are expected to listen to their parents, not the Natural Law, because they are incapable of knowing it without reason. Locke highlights the importance of reason and Natural Law in achieving adulthood. When does the Natural Law apply to a child?

> I answer; State of Maturity wherein he might be suppos'd capable to know that Law, that so he might keep his Actions within the Bounds of it. When he has acquired that state, he is presumed to know how far that Law is to be his Guide, and how far he may make use of his *Freedom*, and so comes to have it [...][73]

Maturity is when a child acquires reason and becomes an adult. When reason is attained, so is an understanding of Natural Law. The age of reason is not exact, but coincidentally judged by other reasonable people. Lockean Natural Law establishes that reason is a

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72 II, §57.
73 II, §59.

critical requirement if man wishes to be treated as such, with the key exceptions of children or the mentally handicapped. If reason is taken in this Lockean way, it is an example of an epistemological or moral[74] demand on humans that Rawls tries to avoid. Reason partly shows how Lockean Natural Law is a thick doctrine.

3.3 Natural Law is Empirically Affirmed

The weight and certainty of Natural Law for Locke is only increased by science. An empirical look at humanity as a whole shows an essential homogeneity. To contradict Natural Law would be to contradict the truth of nature. Locke famously espouses the equality of man:

> […] Creatures of the same species and rank promiscuously born to all the same advantages of Nature, and the use of the same faculties, should also be equal one amongst another without Subordination or Subjection, unless the Lord […] should by any manifest Declaration of his Will set one above another […][75]

The biological traits that make men equal are the ones that are common to all mankind. There are faculties that distinguish men from other creatures such as the use of reason or upright walking. When considering humanity in terms of nature, humans are not much different to each other. Locke seemingly mocks the proponents of monarchy by noting that when there is a man that is above others, God will surely let the rest of humanity know per Biblical examples. Mankind is born equal, but what Locke more accurately means that man is equal in any way that matters. Accidental differences between humans,

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74 Kant would not call Locke's Natural Law a moral theory because it is not solely based on pure practical reason. I resist any more comparison between Locke and Kant's use of reason as a metaphysical gateway.
75 II, §4.

such as particular size or talent, are not essential differences. Locke explains that human equality is not literal:

> Though I have said […] *That all Men by Nature are equal*, I cannot be supposed to understand all sorts of *Equality*: […] *Excellency of Parts and Merit* may place others above the Common Level […] and yet all this consists with the *Equality*, which all Men are in, in respect of Jurisdiction or Dominion one over another, which was the *Equality* I there spoke of, as proper to the Business in hand, being that *equal Right* that every Man hath, *to his Natural Freedom*, without being subjected to the Will or Authority of any other Man.[76]

When Locke presents the equality of man, he does not mean the equality of their parts. His more pertinent intention is that any given human can walk, think, or live freely. Locke's purpose is to abstract away the fleeting constructs of government and look at humans as a whole. Locke's observation shows that humanity is most critically equal in their freedom from each other.

Natural Law is not merely a philosophical exercise because it can be demonstrated in nature. Locke brings forward the Americas as an example of a land in which Natural Law reigns most clearly.[77] His point is that Natural Law exists, and it exists before, during, and long after any government. Man is an equal being when it comes to their individual sovereignty. Locke saw this as a natural fact that no political conception could erase. This is to say, Natural Law stands as a matter of empirical fact

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76 II, §54.
77 II, §49, §102.

regardless of any sort of government or consent.[78] It is an imperative prior to government

and cannot be overruled. Locke explains how Natural Law sets the standard for society:

> The Obligations of the Law of Nature, cease not in Society, but only in many
>
> Cases are drawn closer, and have by Humane Laws known Penalties annexed to
>
> them, to inforce their observation. Thus the Law of Nature stands as an Eternal
>
> Rule to all Men, *Legislators* as well as others, The *Rules* that they make for other
>
> Mens Actions, must, as well as their own and other Mens Actions, be
>
> conformable to the Law of Nature […] no Human Sanction can be good, or valid
>
> against it.[79]

Locke sees Natural Law as an "Eternal Rule" that can only be amplified by humans, not

curtailed. Consent of the governed, functions of government, or judicial proceedings are

political manifestations that ultimately serve Natural Law. Locke's conception of

liberalism is grounded on Natural Law as a fact seen in nature.

3.4 Natural Law is Divinely Revealed

To review Locke's Natural Law thus far, it is a thick law that carries its

universality and truth from nature and reason. The overwhelming evidence of Natural

Law grants it a moral status above and prior to government. Locke reviews his support of

Natural Law most broadly when he introduces his conception of property. The idea of

property is not political or arbitrary. Property is made possible regardless of government

through the Natural Law:

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78 II, §7, §14-15.
79 II, §135. See also §149.

Whether we consider natural *Reason*, which tells us, that Men, being once born,

have a right to their Preservation, and consequently to Meat and Drink, and such

other things, as Nature affords for their Subsistence: Or *Revelation*, which gives

us an account of those Grants God made of the World to *Adam*, and to *Noah*, and

his Sons, 'tis very clear, that God, as King *David* says, *Psal.*CXV. xvj. *Has given*

the Earth to the Children of Men, given it to Mankind in common.[80]

I take this to be Locke's most succinct and encompassing explanation of Natural Law.

Reason and nature grants man the liberty of their person, not any which government or

consensus that they made no promise with. Besides reason and nature comes a third

comprehensive aspect of Natural Law: religion.

Locke does not hide the religiosity of Natural Law. Reason and nature offer

excellent paths for anyone to understand rules for humanity, but there is yet a third path

which offers more illumination on those rules. Locke sees man not only as naturally free

and equal, but also as creatures of God:

For Men being all the Workmanship of one Omnipotent, and infinitely wise

Maker; All the Servants of one Sovereign Master, sent into the World by his order

and about his business, they are his Property, whose Workmanship they are, made

to last during his, not one anothers Pleasure.[81]

Being a creature of God carries with it some benefits and burdens. Locke focuses on the

burden that humans have in obeying the will of God insofar as we are His creation.

Revealed laws on killing or stealing must be obeyed because not only humans expect it

but also God demands it, and enforces it with divine punishments and rewards. There is a

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80 II, §25.
81 II, §6.

difficulty here in that Locke's own categories of property are applied to God (the way that God 'owns' humanity), but he might say this is justified in that we have the Bible to know property in the first place. Natural Law applies to humans insofar as they are part of an eternal order under God, which carries certain obligations.

Locke thinks revelation plays a critical role in promulgating Natural Law. When discussing criminals, Locke suggests that reason is reinforced by Natural Law. Those "who having renounced Reason, the common Rule and Measure, God hath given to Mankind [...]"[82] are criminals. Reason, in Locke's view, is a path to Natural Law but exists in mankind from the Christian narrative. Locke continues with a biblical justification for Natural Law in that reason and nature were divinely granted to humans. If humanity was made in God's image, humans have a capacity to comprehend revealed truths: "And upon this is grounded the great Law of Nature, *Who so sheddeth Mans Blood, by Man shall his Blood be shed*. And *Cain* was so fully convinced, […] so plain was it writ in the Hearts of all Mankind."[83] Locke considers revelation as a designed psychological aptness for Natural Law that even criminals since Cain have. Not only are miracles and the Bible sources for the human understanding of Natural Law, but so is human understanding in being a creature designed by God. Locke adamantly rejected innate ideas in *An Essay Concerning Human Understanding*, so how is it possible that he can support Natural Law as an inward truth from grace? Reason as a support for Natural Law acquires its universality not just from God's eternal order but via the capacity for any proper human to think. The Law of Reason is not an innate idea planted by God, but rather a uniquely human faculty made possible from and through God.

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82 II, §11.
83 Ibid. See also II, §136.

The Natural Law is not simply a political solution for Locke, but a 'great' imperative that precedes any government. Locke establishes reason, nature, and revelation as three thick sources from which Natural Law is derived. While Natural Law can be achieved from these sources, Locke sees them as having a mutually reinforcing congruence. The congruence of reason, nature, and revelation further shows how Natural Law is a comprehensive system. Various concerns of humanity are addressed in this general unified doctrine. The congruent aspects of Natural Law could not be clearer:

> God, who hath given the World to Men in common, hath also given them reason to make use of it to the best advantage of Life, and convenience. The Earth, and all that is therein, is given to Men for the Support and Comfort of their being.[84]

Locke's view is that reason and nature were given to man by God, and in this way reason and nature have a justification to them that approaches the sacred. Throughout different levels of human association, from parenting to legislating, Natural Law draws a positive authority from divine revelation. God's Commandments and Word serve as revealed truths that, along with other truths, form the normative precepts that support liberalism. Revelation, reason, and nature are congruent with each other, strengthening my view that Natural Law is a thick doctrine.

3.5 Objections to a 'Comprehensive Liberalism' Reading of Locke and Replies

Here I address three objections to my understanding of Lockean Natural Law. First, some might argue that while Locke discusses revelation as a potential justification to Natural Law, his use of religion in his arguments serves other practical ends. Locke

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84 II, §25.

had to avoid censorship and persecution if he wanted any of his ideas to be shared at all. It may be that Locke extensively uses and responds to religion as merely a rhetorical pivot point. A critic might view the Bible and Christianity as a rhetorical necessity to convince others given the ethos of his time. When the practical concern for political change was at stake, Locke may have seen religion as a critical tool of persuasion in the public and academic spheres. It may also be very well argued that even if Locke invoked sincere religion as a major pillar of his ideas, Locke was biased towards a non-canonical deism which favored empiricism. Locke takes the Bible as factual revealed evidence, but his emphasis might have been in an Enlightenment 'Nature's God' type God.

Further arguments against the comprehensiveness of Lockean Natural Law include the view that his use of 'reason' and 'nature' are purposefully public and neutral. They might be interpreted in Locke's framework as thin presuppositions that do not put any strict demand on a private individual's doctrines, especially religious ones. An alternate view of Natural Law might be this: Locke's vision for Natural Law specifically sought after thin presuppositions that could be compatible with anyone's religion (unless it was an atheistic belief in nothing). Locke's tumultuous time period demanded that he innovate political philosophy with tolerant and political justifications, not incompatibly thick doctrines. Locke's invocation of reason and nature might be seen as a cornerstone in the Enlightenment trend of moving away from hard religious dogmas and towards humane and scientific approaches.

A third understanding of Natural Law within the scope of the Enlightenment might result in a thinner Law than suspected. A critic might motion towards how Locke believed in the rights of non-believers in wild lands:

The Fruit, or Venison, which nourishes the wild *Indian*, who knows no Inclosure, and is still a Tenant in common, must be his, and so his, *i.e.* a part of him, that another can no longer have any right to it, before it can do him any good for the support of his Life.[85]

Locke understood Natural Law to apply to any human, regardless of accidental differences. Natural Law applies just as much to the Indian who "knows no Inclosure" as to Christendom. Taken together, a more critical and contextual inspection of Locke's Natural Law might suggest a Law of openness, humanity, and toleration, which unfortunately had to conform with religious dogma to gain any sort of practical traction in 17th century Europe.

These objections can be divided between the philosophical and historical. I wish to respond first to the philosophical objection of 'political' or 'reasonable' Natural Law. I do not doubt that Lockean liberalism carries sense of toleration in its doctrine, much more so than other doctrines of the time. I do reiterate the view, however, that it presents toleration as a strong positive prescription. It marks the boundaries of political possibility not from neutral plurality, but from strong moral convictions. I think Natural Law carries an aura of neutrality not from mere or practical reasonable plurality, but from reasonable plurality insofar as the combination of nature, reason, and God unilaterally expect it. Natural Law is not achieved as a result of a consenting body of reasonable people, but actually as the grounding for the question 'Do you consent?' in the first place.

As for the historical objection of interpreting Locke's use of religion, I think this view is sound but non-decisive. Locke's other works, the anonymity of the *Two*

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85 II, §26.

Treatises, and his vehement use of revelation make me skeptical of this objection. It cannot be denied from a historical perspective that Locke was somehow Christian. Locke's other works suggested that he took his religion seriously. We might grant that the religious aspects of his life were a practical ruse, or that he was not a Christian in any orthodox sense. Even if we grant an opaque religiosity in Locke, I fail to see how the fear of persecution would affect the religiosity of *Two Treatises* since they were published anonymously. Finally, I might accept that Locke invoked religious arguments for the sake of persuasion, but I only do so begrudgingly considering how vehemently and passionately Locke invokes Christianity in the text. Perhaps this is a testament to Locke's strong rhetorical skills. I concede that an alternate historical view of Locke's work puts religion in a secondary rhetorical role, but only with great hesitation. Whatever the historical case may be, I do not think the cynical stance would seriously detract from my argument that Natural Law, as Locke specifically outlined in *Two Treatises*, is comprehensive.

If we grant that Locke's conception was *de facto* explicated most properly in an Enlightenment context, I maintain that Lockean Natural Law is still a heavy comprehensive doctrine that will not easily compromise outside its framework. I do not think that tabling the religiosity of Natural Law would turn it significantly political or neutral. My take is that Locke did not see Natural Law as a possible avenue to liberalism among other reasonable doctrines, but as *the* avenue. I doubt that Lockean Natural Law would compromise with other reasonable doctrines such as an atheistic utilitarianism or idealistic deontology, even if based on practical reason without revelation. Natural Law, even if non-religious, paints a broad picture of the human good in a general capacity. It

prescribes rules for humans on a moral an epistemological level, explicitly well before any sort of political association or consent is made. Even with putting religion aside, I think an Enlightenment look at Natural Law maintains its comprehensiveness. This would have contemporary political philosophical implications beyond the debate surrounding Rawls's ideas. I anticipate a comprehensive view of Lockean Natural Law would show that Nozick's libertarianism is far less libertarian than expected. Lockean liberal conceptions such as consent of the governed or bureaucratic accountability are made possible in the first place by the imperatives of Natural Law. Indeed, the entire matter of Lockean liberal society is extended, limited, or otherwise formed upon the hard and fast rules of Natural Law, even if religion was taken out of the picture. A contemporary lens would draw from this thesis that Natural Law lead to a successfully manifested comprehensive liberalism in Locke's time. The contemporary theorist cannot deny that comprehensive liberalism, if not at least possible, is sustainable and can have positive historical effects. To fast forward a couple hundred years, Rawls sought to move away from his contemporary type of comprehensive liberalism rather than embrace it like Locke. Rawls focused on a conception of political liberalism, but I think whether his philosophical efforts were successful remains doubtful.

Chapter 4 - Comprehensiveness in Rawls's Political Liberalism

My main argument in this chapter is that while Rawls sought to move away from a thick moral conception of the just society, his resulting political liberalism still contains three significant elements which are comprehensive. First, I will introduce the discussion of the thick aspects of Rawls's liberalism with a thematic overview of Ruth Abbey and Jeff Spinner-Halev's "Rawls, Mill, and the Puzzle of Political Liberalism." Next, I will list ideas within *TJ* which demonstrate Rawls's attempt to remain political despite an overall comprehensive system. Then, I will review Rawls's own discussion of moving away from a comprehensive system in *TJ* to a more strictly political system in *PL*. After that, I will highlight thick moral aspects of *PL* which demonstrate comprehensive undertones in Rawls's liberal society. Finally, I will respond to the objection that though Rawls may use morally charged language in describing features of the liberal society, his system remains technically political. The overall objective here is to show how a contemporary formulation of political liberalism, even for a great such as Rawls, simply cannot help but fall into liberalism's inherent philosophical assumptions.

4.1 Rawls's Liberalism is Thick Compared to John Stuart Mill's

Abbey and Spinner-Halev's "Rawls, Mill, and the Puzzle of Political Liberalism" aims at comparing how Rawls's liberalism is comprehensive in contrast to Mill's liberalism, despite the opposite argument from Rawls.[86] This comparison includes analysis of Mill's liberalism, but for the focus of this essay, Abbey and Spinner-Halev

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86 Ruth Abbey and Jeff Spinner-Halev, "Rawls, Mill, and the Puzzle of Political Liberalism," *The Journal of Politics* 75, no. 1 (December 2012): 124-136, accessed December 8, 2016, http://www.jstor.org.proxy.bc.edu/stable/pdf/10.1017/s0022381612000916.pdf. Charles Jones also provides an excellent overview of the debate in "Global Liberalism: Political or Comprehensive?".

also describe comprehensive features of Rawls's liberalism. One feature is that Rawls

accuses Mill's liberalism of a comprehensive notion of autonomy, although Rawls's own

notion of autonomy from private conceptions of the good is very comparable to Mill's.

Put succinctly, "Rawls starts out trying to show the distance between political and

comprehensive liberalisms but ends up confessing their proximity."[87] Beyond autonomy

lies the matter of justice. Abbey and Spinner-Halev contrast how, in the thick Rawlsian

conception, justice is "imposed" by the institutions of the state, while in the Millian

conception, justice operates in the more limited avenue of virtuous social cooperation.[88]

Finally, after justice lies the matter of stability. Rawls argues for the two principles of

justice through reason as requisites for stability, but in contrast with Mill, such insistence

undermines a stable pluralism. In the words of Abbey and Spinner-Halev, "Rawls is

caught between his conception of stability, which contains a stringent demand for

agreement, and the fact of pluralism."[89] Rawls argues that Mill promotes a

comprehensive liberalism which political liberalism seeks to avoid, but when their

systems are compared in terms of autonomy, justice, and stability, Rawl's system is the

one which seems more comprehensive.

The comprehensiveness of Rawls's liberalism is not a new point of discussion.

The comparison that Abbey and Spinner-Haley make falls in line with a group of scholars

who maintain Rawls's comprehensive leanings:

Since its inception, many commentators have examined and often criticized the

ideas associated with political liberalism, and some have argued that Rawls's

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87 Ibid., 127.
88 Ibid., 132.
89 Ibid., 133.

version of political liberalism is not as distant from comprehensive liberalism as

he would have us believe.[90]

Some scholars go beyond merely arguing over the degree of comprehensiveness of

Rawls's liberalism and support it as more sustainable than his political conception.[91]

Others, following Rawls's lead, defend a shift towards the political.[92] This chapter

follows discussions of Rawls's comprehensiveness in a limited way. I do not wish to

decisively answer how successful Rawls's transition from the metaphysical to the

political was. Rather, I intend to emphasize aspects of political liberalism which

ironically point towards the very comprehensive conceptions that Rawls sought to avoid.

Against some discussion over Rawls's comprehensiveness in his later work, I concede to

the fact that his arguments remain political, technically speaking, despite the thick moral

vocabulary he sometimes invokes. Plainly speaking, I do think that the three

comprehensive aspects 'poison the well' of the political focus of Rawls's liberalism.

Whether or not Rawls's late political liberalism is actually comprehensive I leave an open

question. I think, however, that Rawls's unavoidable use of comprehensive elements in

PL (along with the previous historical and philosophical analysis) point us to the

underlying comprehensiveness of the liberal ideal. "Rawls, Mill, and the Puzzle of

Political Liberalism" follows a line of debate that Rawls's political liberalism is more

comprehensive than he would admit, and this essay follows that debate not so much as to

conclusively assert the comprehensiveness of his later work, but only to note and catalog

its comprehensive aspects.

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90 Ibid., 124.
91 Such as John Taylor in his *Reconstructing Rawls: The Kantian Foundations of Justice as Fairness*.
92 Such as Paul Weithman in *Why Political Liberalism? On John Rawls's Political Turn*.

4.2 Rawls's Attempts to Thin Out the Comprehensiveness of TJ[93]

I reiterate a fact from earlier in this thesis: there can be no doubt that, whether Rawls's later political liberalism is morally thick or thin, his early liberalism in *TJ* is a comprehensive moral doctrine. *TJ* contains many aspects which seek to prop up a thin sort of liberalism. The well-ordered society, however, arises from too many thick moral concepts, and it encompasses too much of human life to ignore. To begin, it is clear that Rawls does invoke a variety of thin concepts within *TJ*. Among these thin concepts include: the priority of the right, thin theory of the good over a full theory; toleration and priority of liberty despite competing views (including intolerant views); and the importance of the political sphere in terms of cooperation, specific legislation, and conflict resolution. These are key thin concepts which Rawls greatly emphasized in later works, but within *TJ*, they are relegated towards pluralizing and stabilizing an otherwise thick liberalism. Comprehensive aspects of Rawls's well-ordered society include: the emphasis of substantive over merely formal justice; the specific premise of Kantian deliberative rationality as goodness overruling other philosophical arguments; the assumption that not only will all people be capable of reason, they will also be imbued with a sense of justice in their lifetimes; proper day-to-day interactions in society, to include interactions within the family, would reinforce the sense of justice; and some exceptions to the two principles of justice in order to alleviate the problem of envy. The moral emphasis within *TJ* is clear, and it is so thick and far-reaching that there can be no debate that Rawls's early conception of the liberal society is comprehensive.

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93 John Rawls, *A Theory of Justice*, revised ed. (Cambridge, MA: Harvard University Press, 1999).

4.3 Rawls's Shift from Comprehensive Liberalism to Political Liberalism

14 years after *TJ* Rawls sought to revise the comprehensive nature of his just liberal society by stressing its thin political aspects. His reconception began with "Justice as Fairness: Political not Metaphysical" ("PM") in 1985.[94] Among other articles, Rawls also discusses his revisions with earlier work in the first introduction to *PL*.[95] Rawls's revisionary attitude is slightly different between "PM" and *PL*; in "PM" he takes a clarifying stance, while in *PL* it is more acquiescing and forthright. Whatever tone Rawls uses in his revisions, there is a clear shift between his earlier liberalism of *TJ* and that of *PL*.

Rawls discusses his move away from the comprehensiveness of *TJ* in "PM". His entire goal in "PM" is to demonstrate how "the public conception of justice is to be political, not metaphysical" by avoiding "claims to universal truth, or claims about the essential nature and identity of persons."[96] These sort of sweeping metaphysical or epistemological claims are exactly the sort which the politically liberal society ought to avoid in order to secure plurality, stability, publicity, and legitimacy. In other words, "justice as fairness is not intended as the application of a general moral conception to the basic structure of society."[97] Rawls insists within "PM" that his conception of the liberal society in *TJ*, with relation to the person, is not as morally thick as it seems:

> Although this conception is a moral conception, it is not, as I have said, intended
> as a comprehensive moral doctrine. The conception of the citizen as a free and

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94 John Rawls, "Justice as Fairness: Political not Metaphysical," in *John Rawls: Collected Papers*, edited by Samuel Freeman (Cambridge, MA: Harvard University Press).
95 *PL*, xiii-xxxiv, 490.
96 "PM", 388.
97 Ibid., 390.

equal person is not a moral ideal to govern all of life, but is rather an ideal

belonging to a conception of political justice which is to apply to the basic

structure.[98]

The grounding of the just liberal society is not to be found in comprehensive doctrines,

but in "basic intuitive ideas" that citizens could agree upon.[99] The political undercurrent

of justice seems to contradict Rawls's earlier use of Kantian rationality and the original

position. Rawls replies that his "Kantian constructivism" was a practical mechanism to

avoid epistemic and metaphysical issues surrounding moral and political values.[100] He

also replies that the original position was simply "a device of representation" to illustrate

the fairness of free and reasonable decisions agreed on by different parties.[101] Rawls

explains in this paper what he "failed to stress sufficiently"[102] in *TJ*, which is that the

conception of justice as fairness is limited to the political realm.

Rawls takes advantage of his introduction in *PL* in order to explain his shift away

from the comprehensive liberalism of *TJ*. *PL* was written 8 years after "PM" and, in

contrast, Rawls takes a much more forthright attitude about his transition towards a

political conception. He notes that in *TJ*, "Nothing is made of the contrast between

comprehensive philosophical and moral doctrines and conceptions limited to the domain

of the political."[103] Comprehensive doctrines could be just as much philosophical and

religious as they could be moral, and Rawls admits that the distinction between

comprehensive and political conceptions was never explained well enough. His

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98 Ibid., 408.
99 Ibid., 390.
100   Ibid., 395.
101   Ibid., 401.
102   Ibid., 389.
103   *PL*, xv.

discussion of past works and comprehensive doctrines culminates in his admitting the

comprehensive nature of justice as fairness. If *TJ* and the idea of comprehensive doctrines

are taken together, "it is clear, I think, that the text regards justice as fairness and

utilitarianism as comprehensive, or partially comprehensive doctrines."[104] Rawls

continues to say, as in "PM", that "the idea of a well-ordered society of justice as fairness

is unrealistic. This is because it is inconsistent with realizing its own principles under the

best foreseeable conditions."[105] Rawls fully admits the comprehensive nature of his

earlier liberalism. He also observes that it was comprehensive enough as to betray the

liberalism which his system sought to support in the first place. In trying to establish a

consistent and deep[106] support for liberalism, he constructed a comprehensive doctrine.

Rawls apologizes for the comprehensive liberalism of *TJ*: "I don't think I really know

why I took the course I did. Any story I would tell is likely to be fiction, merely what I

want to believe."[107] Although with different degrees of humility, Rawls's "PM" and *PL*

both acknowledge the transition of his liberalism from a comprehensive conception to

one that is firmly within the domain of the political.

4.4 The Three Comprehensive Aspects of Rawls's Political Liberalism

       Three distinct comprehensive features of Rawls's later political liberalism can be

found both in "PM" and *PL*.[108] Rawls aims to rectify the comprehensive nature of his

earlier work and makes many technical distinctions which assert the political nature of

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104   Ibid., xvi.
105   Ibid., xvii.
106   Ibid., xxx.
107   Ibid.
108   Rawls also references these ideas in other works but here I focus on "PM" and *PL*.

his liberalism. It is not difficult, however, to find thick concepts stubbornly embedded in his framework. I would like to clarify that Rawls does not deny that a political conception of justice is a moral conception, albeit a thin one, in that it works out values of practical institutions.[109] Rawls accepts that his work makes thin moral and epistemological claims, but there are three particular concepts critical to political liberalism that carry thick and comprehensive implications. These concepts are: the historical fact of reasonable pluralism; the restraint of reason; and the focal conception of 'very great' values.

Rawls introduces the fact of pluralism part II and in his concluding remarks in "PM".[110] The fact of pluralism builds upon the intuition and observation that despite hundreds of years of competing ideologies there has been no sure answer to a single conception of the good. This claim might seem like a purely epistemological one, but Rawls also refers to specific examples of historic conflict and strife to support his assertion. The Wars of Religion and the resulting doctrines of religious toleration marked the turning point in which competing conceptions of the good were more broadly accepted in the name of social cooperation. Another way of explaining the fact of pluralism is by saying that pluralism is a settled conviction or a provisional fixed point upon which the baseline of liberal discussion could be established. Rawls also discusses the fact of pluralism within *PL*. "The most intractable struggles" such as the American Civil War, in the long run of history, lead to an undeniably favorable tradition of pluralistic toleration. Rawls describes this public tradition as a "shared fund of implicitly recognized basic ideas and principles."[111] As objective and thin as he maintains this idea

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109   "PM", 390 and *PJ*, 11.
110   "PM", 393, 412.
111   *PL*, 4, 8, 129. Rawls distinguishes between the "fact of pluralism as such" and the "fact of reasonable pluralism" in *PL* 63-5, but I table that distinction here in order to more clearly discuss

to be, it raises questions of comprehensiveness because it is treated as an assumed fact. The fact of pluralism carries an epistemological certainty as to make it difficult to differentiate from a philosophical doctrine.

Another comprehensive aspect of Rawls's political liberalism is the idea of reason. Within "PM", the idea of reason arises from discussion of Kantian constructivism and the original position. Reason provides an avenue for agreement and toleration based on a thin practicality that avoids a clash of comprehensive doctrines. It affirms the most basic interests of all and it restrains discussion to things which any party could at least possibly agree with. Reason even becomes public in the free and transparent agreement of all parties with regards to different issues or doctrines.[112] Rawls's discussion in *PL* describes the reasonable person as those who "desire for its own sake a social world in which they, as free and equal, can cooperate with others on terms all can accept."[113] While reasonable persons are not merely rational egoists, Rawls explains that "neither the reasonable nor the rational can stand without the other."[114] The rational and reasonable agent does not immediately become the perfectly moral Kantian agent in Rawls's political liberalism, but the agent's life, including her comprehensive doctrines, are limited by reason.[115] Rawls affirms that "being reasonable is not an epistemological idea,"[116] but even so, it is a comprehensive assumption to make of the citizen. A citizen's reasonable thought must constitute a comprehensive doctrine if it is to affect every aspect of their lives, whether it be guiding their social interactions or limiting their personally held

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    pluralism and reason separately.
112   "PM", 394-5, 401.
113   *PL*, 50.
114   Ibid., 51.
115   Ibid., 54-61.
116   Ibid., 62.

beliefs. Objective or subjective, political or comprehensive, the just society which cannot accept the unreasonable person could not be seen as fully liberal, and thus the premise of reasonable citizens could only be seen as a comprehensive aspect of it.

The third main comprehensive aspect of Rawls's liberalism is the focal political conception which results from a just liberal society. This is a concept similar to the fact of pluralism except it manifests as a result of a successfully well-ordered society, even feeding its stability, rather than prior to even an initial political consensus. The focal political conception is the idea that the just liberal society is positively affirmed in the private beliefs of citizens rather than merely tolerated by them. It is a result in which citizens would "affirm justice as fairness as a natural moral conception that can stand on its own feet."[117] In other words, it is a demarcating line where the overlapping consensus, in confirming political justice and "virtues of cooperation in everyday life," might graduate to becoming a privately held belief itself.[118] Rawls's idea of focal political ideas is also present in *PL*. After a political society has passed its two stages and achieved the status of being 'well-ordered', the resulting (or perhaps even surviving) political values could be judged to have a special status. If raw power is counterproductive in terms of stability, the beliefs of citizens is required for it. Rawls describes the special status of resulting political belief:

[. . .] values of the political are very great values and hence not easily overridden: these values govern the basic framework of social life – the very groundwork of

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117   "PM", 411.
118   Ibid.

our existence – and specify the fundamental terms of political and social

cooperation.[119]

These "very great values" constitute the focal class of the well-ordered society and no

other doctrine could change it. Such 'great values' overrule all other comprehensive

doctrines in all but the rare circumstance, meaning it could only be best described as

comprehensive itself. The political focal point of Rawls's liberalism affirms values which

implies its heavy moral weight.

4.5 The Comprehensive Aspects in Rawls's Liberalism Clash with Its Political Focus

One possible critique of my observations is that they do not accurately reference

the moral scope of Rawls's liberalism.[120] Justice as fairness does not deny its moral and

perhaps even partially comprehensive nature, but it does specifically and clearly limit

itself to the domain of political (including social and economic) human interaction. The

fact of pluralism is a practical, historical observation within a political scope. Reason is a

political grounding for the sake of practical cooperation. Very great values are still only

political values which do not impose on other comprehensive beliefs. The scope of the

political falls well within the broader sphere of comprehensive doctrines. While I note

comprehensive aspects of Rawls's doctrine, I only note them by losing a sense of the

political scope by which his political liberalism is constrained.

I do not necessarily disagree with this criticism. I think that Rawls diligently

asserts the political sphere of his liberalism despite some sweeping terms. I respond,

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119   *PL*, 140.
120   Rawls argues for the limited scope of the political in discussion of conceptions of the good. *PL*,
   174-6.

however, by saying that the use of ideas which conjure comprehensive doctrines fundamentally clashes with the political focus of Rawls's liberalism. One possible recommendation is that these concepts be revised to reflect the political leanings of Rawls's liberalism. The three comprehensive aspects could be reworded[121] from metaphysically or epistemologically charged wording such as 'very great values' or 'fact of pluralism' to more political and neutral vocabulary such as 'public beliefs' or 'practical agreement'. If the scope of Rawls's political liberalism cannot be expanded to a wider moral status, then the three major comprehensive aspects supporting it which I have noted should be revised in order to emphasize its limited domain. Until then, this convinces me that any conception of liberalism, even political, by its nature cannot avoid comprehensiveness.

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121   One might also say 'scrubbed' or 'sanitized' of comprehensive wording.

Chapter 5 - Raz vs Quong: Comprehensive vs Political Liberalism

A look at the comprehensiveness of liberalism philosophically and in history identifies its challenges yet unavoidability. The question then becomes: Is a contemporary theory of comprehensive liberalism possible? We seek comprehensive justifications in order to anchor liberalism, but can we stabilize them? At the center stage of the contemporary liberal debate is the question of how comprehensive liberalism is, or ought to be. This debate is best represented by the contrasting views of Joseph Raz in *The Morality of Freedom*[122] and Jonathan Quong in *Liberalism Without Perfection*[123]. Raz takes a perfectionist approach to liberalism, arguing for not just passive protection, but active promotion of liberal principles through the moral foundation of autonomy. Quong's stance opposes Raz through the argument that liberalism is a thin conception, and it cannot act upon or even establish any thick moral conceptions lest it betrays itself. Raz's position is a decent contender for an acceptable, contemporary instance of positive freedom. Quong, on the other hand, moves contrary to Raz in the hopes of grounding liberalism in negative freedom. I agree with Raz: a consistent and honest liberal theory must admit its own comprehensiveness. Liberalism cannot achieve principles, enforce duties, or expect reasonability without commitment to moral assumptions or convictions on the good life. Liberalism turns into a libertarian *modus vivendi* without these moral foundations; a 'wet napkin' end state which liberals would seek to avoid. My view moves against Quong, but I do find some of Raz's perfectionism to be troubling as well. First I will outline Raz and Quong's views on liberalism. Then I will present a preliminary argument in favor of comprehensive liberalism which includes some intuitive objections

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122   Joseph Raz, *The Morality of Freedom* (New York: Oxford University Press, 1986).
123   Jonathan Quong, *Liberalism Without Perfection* (New York: Oxford University Press, 2011).

to both Quong and Raz. In this chapter I affirm that the most proper conception of liberalism, given the contemporary debate, must be comprehensively liberal, though I cannot fully take Raz's side.

5.1 An Outline of Raz's Positive Freedom Oriented Liberalism

Joseph Raz argues for a perfectionist form of liberalism. Raz's system of liberalism is one in which: authority is justified through subject reasons; the assumption of individual autonomy grounds freedom and other liberal values into a doctrine of liberty; encourages positive action rather than just negative action in support of collective goods; and arrives at a state that must promote and extend the autonomous life. What makes Raz's liberalism perfectionist is that it identifies a moral foundation (autonomy, in this case) and actively predicates society's benefits and burdens upon it. This form of liberalism is the most positive one on the spectrum because it justifies a state which will seek out ways to maximize the collective autonomy of its citizens. Raz sees this accomplished not by simply protecting individuals from the state, but providing the environment and resources that expand an individual's opportunities. Raz sees liberalism as stemming from a fact of autonomy, and authority exists to promote it.

Raz begins with the question of legitimacy. Autonomous people are not compelled by the government through public consent or duty to liberal principles. Rather, the government serves as an aid for people to act within reasons that apply to them. Raz calls this the normal justification thesis (NJT):

The normal way to establish that a person has authority over another person

involves showing that the alleged subject is likely better to comply with reasons

which apply to him (other than the alleged authoritative directives) if he accepts

the directives of the alleged authority as authoritatively binding and tries to follow

them, rather than by trying to follow the reasons which apply to him directly.[124]

According to the NJT, the government is a cooperative agent that helps the autonomous

individual navigate all reasons that are pertinent to them. The NJT is Raz's criteria for

legitimacy, but consent of the governed is still valuable. Raz thinks that consent, while

not decisive, is helpful to authority:

> Perfectionist political action may be taken in support of social institutions which
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> enjoy unanimous support in the community, in order to give them formal
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> recognition, bring legal and administrative arrangements into line with them,
>
> facilitate their use by members of the community who wish to do so, and
>
> encourage the transmission of belief in their value to future generations.[125]

In so many words, Raz sees that consent promotes a well-ordered society. It brings about

conditions in which individuals generate their own support for authority. Even without

consent, Raz sees legitimacy stemming from an authority that can bring individuals

closer to things that are pertinent to them.

Raz's liberalism is grounded on autonomy as a moral presupposition. This is a

change from the "instrumental rationality" or "consequentialist morality"[126] which

famously underlie the theories of Rawls or Mill. Raz takes "a perfectionist view of

freedom, for it regards personal political freedom as an aspect of the good life. It is a

view of freedom deriving from the value of personal autonomy and from value-

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124   Raz, 53.
125   Ibid., 161.
126   Ibid., 265.

pluralism."[127]   Raz sees autonomy as indispensable, proving value-pluralism because it means people can commit to "a variety of morally acceptable options."[128] Strong value-pluralism asserts intense incommensurability or subjectivity among values, but Raz's view of autonomy does not support this. Raz rejects a unilateral value-pluralism in favor of pluralism that selects among heavy, defensible, and evaluable moral judgments. The autonomous person has flexibility in their moral beliefs as long as those beliefs are sound. Autonomy supports pluralism of defensible judgments and ought to be upheld. Furthermore, Raz's vision of moral autonomy is not a libertarian one. Autonomy is established as the foundation if it is accepted within the pursuit of other goods:

> Autonomy is valuable only if exercised in pursuit of the good. The ideal of autonomy requires only the availability of morally acceptable options. [. . .] A moral theory which recognizes the value of autonomy inevitably upholds a pluralistic view. It admits the value of a large number of greatly differing pursuits among which individuals are free to choose.[129]

Through autonomy, within the journey to other goods, Raz aims to sweep away some false intuitions other liberals have against perfectionism: "The most deeply rooted confusion [. . .] is in the thought that anti-perfectionism is necessary to prevent people from imposing their favoured style of life on others. The confusion is both practical and moral.[130] Raz seeks to show how moral perfectionism and freedom are not mutually exclusive, and he argues this with autonomy at its foundation.

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127   Ibid.
128   Ibid., 389.
129   Ibid., 381.
130   Ibid., 161.

Having asserted autonomy, Raz moves to show how the justified authority can best secure it. It is done through both positive and negative action towards collective goods rather than just the negative action of other theories. Collective goods are things that are important or conducive to the range of autonomous life. They may include a standardized system of currency or clean air. According to Raz, collective goods are "intrinsically valuable" and permit autonomy:

> The provision of many collective goods is constitutive of the very possibility of autonomy and it cannot be relegated to a subordinate role, compared with some alleged right against coercion, in the name of autonomy.[131]

These goods are similar to Rawls's primary goods. They grant an environment or society which opens up acceptable life options. In contrast to these goods, anything which decreases autonomy should be rooted out. Raz does not support freedoms which are not conducive to the autonomy of citizens:

> Providing, preserving or protecting bad options does not enable one to enjoy valuable autonomy. This may sound very rigoristic and paternalistic. It conjures images of the state playing big brother forcing or manipulating people to do what it considers good for them against their will. Nothing could be further from the truth.[132]

The solution is a perfectionist one, but Raz is quick to assuage worries of paternalism. Simply put, the state positively acts towards a single delineated good through which other goods are implied or achieved. Raz does not ignore negative freedom: "In judging the value of negative freedom one should never forget that it derives from its contribution to

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131   Ibid., 206-207.
132   Ibid., 412.

autonomy."[133] Negative freedom is not important for its own sake, but rather for the positive sake of supporting autonomy. Raz reiterates that negative freedom "is valuable inasmuch as it serves positive freedom and autonomy."[134] Negative freedom exists in Raz's system, but serves in a subsidiary role. Positive freedom, instead, is the primary scheme through which authority expands autonomy.

With all the pieces in place, Raz presents the doctrine of liberty. It has 3 features: 1) it positively demarcates a free and autonomous life; 2) it includes a state that must not merely protect freedom, but actively promote it and extend it as the morality of autonomy demands; and 3) it does not permit goals which infringe on autonomy unless they are justified to "protect or promote" the autonomy of others.[135] The doctrine of freedom is a liberal system which promotes political freedom through the enforcement of moral autonomy. Raz is not frivolous with his choice of the word 'doctrine' to emphasize its positive character. *Prima facie* liberal rights and duties stem from the doctrine of liberty. The duty of toleration is an example of this: "The duty of toleration and the wider doctrine of freedom of which it is a part, are an aspect of the duty of respect for autonomy."[136] The doctrine of liberty responds to the intolerance that might come from pluralism by positively asserting a political duty to tolerate derived from the moral duty for autonomy.

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133   Ibid., 410.
134   Ibid., 410.
135   Ibid., 407.
136   Ibid.

5.2 An Outline of Quong's Negative Freedom Oriented Liberalism

Quong makes several arguments against Raz and in support of a modified version of Rawls's political liberalism. Quong advocates for a liberal system with broadly negative policies, in some respects more negative than Rawls's system. To be clear, Quong's liberalism is not libertarian, but rather a more precisely negative version of Rawls's. Quong is skilled in clearly laying out the most important questions of the positive-negative liberalism debate. Through this he is able to bring the reader to definitive crossroads, to then guide them on the correct path towards liberalism; a path which avoids the pitfalls and dead ends of perfectionism. The structure of his argument involves laying out the most essential questions of the debate, refuting positive conceptions of liberalism, and then clarifying or modifying Rawls's stance[137] in favor of political liberalism. Quong sees Raz's perfectionism as inconsistent with liberalism because it makes paternalistic value judgments, judgments which are fundamentally disrespectful to citizens. He advocates for a negative type of liberalism that is internal to a people that are superficially reasonable and respectful, and thus broadly committed to liberal principles that need not move past the political level.

Before getting into the thick of the debate, Quong stabilizes it with two questions that divide different forms of liberalism. These two questions illuminate what someone considers to be liberalism's relationship with morality, or in other words what the relationship is between the right and the good. The two questions are as follows:

1. Must liberal political philosophy be based in some particular ideal of what constitutes a valuable or worthwhile human life, or other metaphysical beliefs?

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137   Quong discusses liberalism within the context of a state, not international politics in mind. Any comparison with Rawls's *LP* should be done with caution. See Quong, 7.

2. Is it permissible for a liberal state to promote or discourage some activities, ideals, or ways of life on grounds relating to their inherent or intrinsic value, or on the basis of other metaphysical claims?[138]

Question (1) asks if a comprehensive doctrine should be the foundation of liberalism, and (2) asks if the state can act on it. A 'yes' to (1) indicates a commitment to comprehensiveness, and a 'yes' to (2) indicates a commitment to perfectionism. Liberalism, as Quong sees it, can thus be divided into 4 camps:

	Comprehensive	Political
Perfectionism	*Comprehensive Perfectionism* (Raz, Wall)	*Political Perfectionism* (Chan? Sher?)
Antiperfectionism	*Comprehensive Antiperfectionism* (Dworkin, Kymlicka)	*Political Antiperfectionism* or *Political Liberalism* (Larmore, Rawls)

Table 1, "Varieties of liberalism"[139]

Raz would, of course, answer 'yes' to both (1) and (2). Quong's answer, and what he takes to be Rawls's answer, is 'no' to both, making his stance to be political liberalism. According to the varieties of liberalism, it is the opposite of comprehensive perfectionism. The first task then becomes to show that comprehensive perfectionism cannot be the case.

Quong objects to Raz's position for autonomy in a couple of ways. The first are a series of arguments that reject perfectionism on the grounds that it is illiberal in its disrespect towards citizens. The second moves against Raz's normal justification thesis in favor of a modified version. In the first, Quong rejects autonomy as a surefire comprehensive value or as a means to promote perfectionism. Autonomy could be a political value that is reinforced by the comprehensive views of individuals, but it could

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138   Quong, 12.
139   Ibid., 21.

go no further. He thinks that even if autonomy could permit perfectionist control, it would not result in an illiberal society. Quong's bottom line is this: "The value of autonomy can thus deliver a principled commitment to liberal toleration, or it can deliver perfectionism, but I doubt there is a coherent conception of autonomy that can deliver both."[140] Quong is adamant that Raz cannot have it both ways when it comes to autonomy. Even if autonomy could support perfectionism, the result is paternalism, not liberalism. Paternalism is different than liberalism because it violates liberalism's commitment to respect the individual. As Quong puts it, paternalism is "a very unappealing bullet for a liberal to bite."[141] He uses a simple example of finding a job. It is intuitively unacceptable for the liberal state to impose a job of threshing if a person does not want it themselves. This threshing job for this individual might lead to wonderful fulfillment, a high salary, a benefit for others, a home in a great community, etc., but none if these reasons matter if his desire is not there. Paternalism is objectionable if it operates on "a negative judgement about the paternalizee's capacity to effectively advance his or her own interests."[142] This objection is not limited to overt coercion, it also extends to subtle influence. Quong elaborates:

> Perfectionist state policies, on the other hand, even when they avoid direct coercion and merely attempt to influence behavior through taxation and subsidies, treat citizens as if they lack the ability to make effective choices about their own lives. Such policies treat adults as children, not as free and equal citizens, and furthermore, they do so without treating each individual case on its own merits.[143]

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140   Ibid., 71-72.
141   Ibid., 113.
142   Ibid., 83.
143   Ibid., 106.

Paternalistic policies are disrespectful and even if with good intentions cannot be implemented in a way that considers the individual. The contradictions that arise when mixing moral autonomy, perfectionism, and liberalism is a deal-breaker for Quong: "The liberal state cannot consistently accord citizens the moral status of responsible agents, and yet also claim the moral right to direct the lives of citizens in ways that cannot be justified to them."[144] Autonomy can lead to liberalism, but not perfectionism, but even if it could justify paternal policies, the schema ceases to be liberal.

The second way Quong rejects Raz is by modifying his normal justification thesis (NJT) into a justice based one. Quong suggests the *duty-based conception of legitimate authority* instead:

> One way to establish that a person has legitimate authority over another person involves showing that the alleged subject is likely better to fulfil the duties of justice he is under if he accepts the directives of the alleged authority as authoritatively binding and tries to follow them, rather than by trying to directly fulfil the duties he is under himself.[145]

What Quong's conception of authority does is replace Raz's 'reasons from autonomy' with 'duties to justice'. It retains the advantage of avoiding popular consent or utility while enforcing justice instead of autonomy. Authority comes in support of justice in a Rawlsian way, that is political justice that any reasonable citizen would agree to. Quong concludes that "[. . .] political legitimacy is grounded in the natural duty of justice, and not general claims about what we should do or how we should live."[146] The emphasis on

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144   Ibid., 316.
145   Ibid., 128.
146   Ibid., 136.

justice means that authority would not get caught up in securing reasons which might run

contrary to liberal principles. Since Raz's authority might lead to paternalist violations to

liberalism, Quong modifies it into a justice enforcing authority.

After rejecting Raz, Quong turns to a set of arguments which promote his

understanding of political liberalism. One of the most basic ones is that the liberal debate

must be internal to those already committed to liberalism. An external conception of

liberalism is one in which liberalism is a response to comprehensive disagreements being

a fact of the world. The external conception views liberalism as a sweeping moral

response to clashing comprehensive views of the good life. The internal conception

assumes a preexisting liberal society that fosters pluralism which then seeks to identify its

own exact justification, stability, and reasonability.[147]; Quong sees that liberalism must be

viewed internally because it is most relevant to citizens in terms of their goals and

relationship with the government.[148] We are reasonable people, here and now, already

committed to liberalism, and from here the theory begins. Quong identifies an issue a

perfectionist might ask called 'the priority question': why should citizens look to mere

public reason with regards to matters of justice rather than their comprehensive doctrine

which transcends it?[149] Quong responds that through the internal conception, there is a

"moral motivation" or "concern with this public world" among citizens[150] to respect other

comprehensive doctrines on the political level. Congruence of comprehensive and

political is not as necessary as it may seem. Public reason has not replaced individual

doctrines, but rather runs as a result of the overlapping consensus of multiple doctrines,

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147   Ibid., 138.
148   Ibid., 158-160.
149   Ibid., 222.
150   Ibid., 288-289.

compelling us to answer the priority question already from within. Quong's argument here is to better ground the debate surrounding political liberalism with an internal lens rather than an external one.

Finally, Quong's own stance is that of Rawls's political liberalism with two slight modifications: moving the overlapping consensus to entirely precede the realm of public reason, and widening the scope (and perhaps power) of public reason. Quong's first change is to the overlapping consensus. It is, in Rawls's view, a public reinforcement of liberalism through individual doctrines which occurs after the public sphere is cemented from the original position. Quong does thinks that the public sphere hardly needs such affirmation if it is already put in place, especially in sight of his justice-based authority. He writes:

> The overlapping consensus is not a test of actual acceptance that a free standing conception of justice must pass before it can be declared justified or legitimate. The overlapping consensus instead identifies what normative ideas citizens in ideal, well-ordered liberal society would share.[151]

What this means is that the overlapping consensus is the staging point from which all parties can even begin to talk in the first place. In a way, the overlapping consensus is a practical original position. The political debate can begin after the general principles are in rough view.

Quong's second departure from Rawls is in a wider scope of public reason.[152]; Quong's view is more flexible than Rawls's in that it allows action from a legitimate

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151   Ibid., 191.
152   Ibid., 44.

authority that is committed to justice even despite reasonable disagreements among citizens:

> [. . .] even when reasonable people disagree about the substance of justice, political decisions can still be legitimate if they appeal to political values that all reasonable persons can be expected to endorse. [. . .] a commitment to liberal neutrality need not also commit us to a narrow or libertarian view of legitimate state action. Many state actions can be legitimate, despite reasonable disagreement, as long as their rationales pass through the justificatory filter of reasonableness.[153]

A wider scope of public reason resonates with Quong's thoughts on legitimacy. Expected reasonableness is acceptable as far as the legitimate authority is concerned. Quong sees that public reason should be encouraged beyond political deliberation. It can be encouraged to grow in seemingly mundane or unrelated instances either for the sake of conflict resolution and communication, or because those instances might turn out to have political significance later.[154] Widening the scope of reason does not stamp out comprehensive doctrines. Quong reminds us that comprehensive doctrines can still be introduced in debates when they are applicable and communicable. Whatever the case, Quong's system of liberalism expands public reason.

5.3 Against Quong in Defense of Comprehensive Liberalism

The purpose of this section is to present my thoughts on the comprehensiveness of liberalism with some objections to both Quong and Raz. I reiterate: liberalism is

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153   Ibid., 219.
154   Ibid., 284-285.

invariably comprehensive. It is impossible to disconnect liberalism with moral philosophy. I agree with Rawls's view[155] that moral theory is somewhat insulated from other branches of philosophy. Moral theory does, however, tie in strongly with moral philosophy; and so, if liberalism is to invoke moral theory, it will invoke moral philosophy. Whether theoretical or philosophical, a view of 'the good life' or 'what is good for humans' cannot be said to be purely political. All forms of liberalism invariably invoke a moral presupposition, whether it be justice, autonomy, rationality, reasonability, or Lockean natural law. Though I do not think Raz's autonomy based liberalism hits the perfect mark, I agree with his efforts. If a liberal theory is to advance beyond a libertarian *modus vivendi*, it will become morally thick.

Even if a complete liberal theory could be successfully grounded on an ethically neutral foundation, it is intuitively contradictory as to how others would not consider it a moral theory. Liberalism properly conceived carries consequences to the human life on a macro scale. It might make neutral judgments towards many things, such as what color pants you will wear tomorrow, but that does not make these judgments any less moral. A judgment which states "you and everyone else are free to wear whatever color pants you choose tomorrow" is still philosophically charged. Perhaps there is an ethically neutral or empirical presupposition to liberal theory, but it will 'graduate' to morality as it asserts sweeping judgments on different benefits and burdens. The common form of liberalism must have something to it if it transforms a provisional agreement to a 'very great value'.

Quong makes a critical distinction between 'comprehensiveness' and 'perfectionism' that I have thus far set aside in my own overviews. To review,

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155   John Rawls, "The Independence of Moral Theory" in *Collected Papers*, edited by Samual
     Freeman (Cambridge, MA: Harvard University Press, 1999), 286-302.

perfectionism is the degree to which liberalism is compelled or permitted to positively act upon its comprehensiveness. It is beyond the scope of this paper to discuss in any depth what this means for comprehensive liberalism. Quong makes a sketch that comprehensiveness in an authority would entail perfectionist action, but he also does not explore this thoroughly. Quong leaves the connection between comprehensiveness and perfectionism an open road other than that. For now I will provisionally accept the label that comprehensive liberalism is perfectionist, but I will not dive into the negative implications of it. Aside from this, I will follow Quong's lead and put this topic aside for now in favor of just focusing on comprehensiveness. I will treat any further mention of perfectionism as synonymous with comprehensiveness for my current purposes.

Raz's arguments are excellent in that they confirm that liberalism must be tied with morality, but I do not think that autonomy is the correct grounding moral principle. Quong's arguments against perfectionist policies in liberalism are extremely compelling, but he does not focus on discussing the comprehensiveness of liberalism. Returning to Raz, I object to his presumption of autonomy. Many well-ordered liberal societies hold deep incommensurate value towards security, virtue, or collective harmony just as much if not more than autonomy.[156] Some others respect autonomy not as a moral presumption but as a resulting liberal value stemming from the fact of pluralism. It is not so clear to my why Raz chose the single plank of autonomy to support liberalism when there are an array of equally basic primary goods to choose from. I think Raz is on the right track. I do not wish to discuss his perfectionism so much here, but why 'autonomy' was chosen as the comprehensive assumption other than something like 'security' is confusing. Raz

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156   I am thinking here of Joseph Chan.

agrees that comprehensive liberalism must rest on a moral foundation. What that foundation consists of exactly is beyond my scope here. For now, I can only imagine that a comprehensive underpinning would be a robust set of *prima facie* moral principles, not just a single principle such as Raz's 'autonomy'.

Quong's arguments against perfectionism in liberalism are very strong, but one carries an implication on comprehensiveness to which I must object. Quong argues that comprehensiveness is not acceptable because changes in other branches of philosophy will morph or shake up liberalism.[157] Political liberalism has the advantage of independence from drastic developments in other branches of philosophy. I do not understand why liberalism's philosophical independence is so valuable. Why must liberalism fear philosophical developments? If developments in moral philosophy or even biological science convinces us of something like "confining a person to a sense deprivation chamber is torture", how could liberalism, or the values of reason, justice, or autonomy upon which it is founded on, ignore it? The resulting 'first look' convictions shared by liberals of whatever type, even the thinnest ones, paint a picture of human flourishing which must be considered comprehensive moral principles if they are: derived from other moral assumptions, built through the natural attitudes and interpersonal dynamics of humanity, in agreement of an authority which can enforce them (even mere political duties, even on an international scale), reflected in overlapping consensus of other doctrines, or used as a staging point to ground debates internal to liberalism. Why should we fear the stability of liberalism when it must be tied to morality? Liberalism is

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157   Quong, 316.

so entwined with moral philosophy, and so philosophically rigorous in its development

and conclusions, that it is not sensible to fear for its independence.

Here I present my main thrust against Quong, and transitively to any political

liberalism: Political liberalism cannot have liberalism both ways like Rawls tried. It

cannot assume its commitment to even minimally liberal principles and yet deny its

comprehensiveness. Quong might insist that he is not committed to truth, metaphysics,

comprehensive doctrines, perfectionism, or the good. His support for assumptions such as

the fact of pluralism, reasonable political principles, or duty to justice says otherwise. If

political liberalism were truly independent of any moral foundation it would turn into a

Nozickian libertarianism which Quong agrees is "not even in the family of reasonable

liberal conceptions."[158] Quong wants to remain internal and political, but how can

liberalism be enforced upon unreasonable or illiberal people anymore if it does not

address a fact of the world? He responds that a duty to justice is the way in which an

authority can compel any citizen who at least has a "capacity" of reasonability.[159] In that

case, how are justice and reasonability not pushed to the brink of comprehensiveness if

they are the source of authority without the violator's consent? I maintain against Quong

once more that liberal theory cannot be a superficial one.

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158   *PL*, lviii. See also Samuel Freeman's "Illiberal Libertarians".
159   Ibid., 313.

Conclusion

A committed liberal theory such as Quong's would invariably morph back into a comprehensive doctrine, and thus the paradox of positive liberalism rears its ugly head once more. Raz is privy to this reoccurring puzzle: "The perception of freedom as constituted by the ideals of personal autonomy and value-pluralism is familiar and used to be very popular."[160] The question of positive freedom based on comprehensive doctrines is tired. I am reminded of the debate between British idealists such as T. H. Green and other liberals like J. S. Mill. This paradox is complicated, and the exploration is far from over. The golden apple remains elusive, but there is a strong intuition to say that liberalism, even minimally conceived, must *somehow* be considered a comprehensive view of the good life. Responding 'no' to Quong's (1) and (2) simply does not make room for morality. I do not think anything makes this clearer than Quong's treatment of Nazis. Quong agrees to suppress a Nazi planned march or a communism suppression rally. He argues that this is acceptable as both a defense of liberalism and as a bureaucratic, procedural output of the liberal state.[161] If he agrees to coercing Nazis on such grounds, he must agree to deep philosophical convictions. These deep convictions may arise from the overlapping consensus or a conviction of liberalism. Wherever they do come from, they exist and they plainly manifest themselves in political action. Quong agrees with Burton Dreben: "Sometimes I am asked, when I go around speaking for Rawls, What do you say to an Adolf Hitler? The answer is [nothing]. You shoot him."[162] It is confusing

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160   Ibid., 265.
161   Ibid., 309.
162   Burton Dreben, "On Rawls and Political Liberalism" in *The Cambridge Companion to Rawls*, ed. by Samual Freeman (Cambridge, UK: Cambridge University Press, 2003), 329.

that he agrees to such an intense and morally strong act based on the justification of a moral vacuum.

Augustine, Raz, and the fact of history demonstrate dangers and pitfalls in seeking comprehensive liberalism. I think a greater danger, on the other hand, would be a self-defeating political liberalism that is so thin that it dissolves any moral, epistemological, or otherwise philosophical truths. My vision of a successful, thick, contemporary liberalism is one more humble and political than perfectionist liberals might hope, while also morally thicker than political liberals might like. I am optimistic that comprehensive liberalism can manifest and draw strength from both sides of the debate. A comprehensive conception of liberalism might seem paradoxical, but I think this confusion can be explained: liberalism first manifests itself under non-ideal circumstances, then it gains philosophical and legitimizing traction as a comprehensive idea. In the end, I simply wish to orient contemporary efforts away from political liberalism and towards comprehensive liberalism. The fact of history is a historic warning, but history also shows that liberalism is embracing comprehensiveness in practice. Philosophically speaking, Augustine shows that comprehensive liberalism can fail humanity, but Locke gives hope that it is possible for it to succeed. Rawls sought to move away from comprehensive liberalism to political liberalism, but his shift cannot help but slip back to thick philosophical justifications. This clash is present in the contemporary debate between Quong and Raz where neither is winning decisively, but both steer intuitions toward a properly grounded liberalism.

I understand why proponents of political liberalism might see that their conception is not only the most cogent, but also the most capable of upholding

liberalism's mantle in the world. Political liberalism can deftly sidestep or absorb major controversies and orient all decent parties towards peace as a practical objective. Comprehensive liberalism might be a growing historical trend, but is it worth sustaining? Can we support it if democracies across the world are more and more likely come into conflict with non-democracies? Even if not, any political liberal that digs deep into their own conception will uncover baseline assumptions and expectations. When political liberalism is stressed and bent, its surface façade falls away to reveal a philosophical core. Rawls himself is not sure why he shifted his conception of liberalism to emphasize its political and freestanding aspects: "I don't think I really know why I took the course I did. Any story I would tell is likely to be fiction, merely what I want to believe."[163] I surmise Rawls took the course he did for the practical sake of saving liberalism from itself. If liberalism is thinning itself philosophically out for its practical survival, anyone concerned with its truth is confronted with a serious dilemma. My grave speculation here can only increase the demands on comprehensive liberalism. If political philosophy is given the charge of presenting comprehensive liberalism in a sound and convincing way, wherein lies its best hope? I have shown that Locke and Raz offer helpful conceptions of comprehensive liberalism, but they do not entirely convince me. For now, I can only suppose that we should start again with Rawls's earlier works.

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[163] *PL*, xxx.

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