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Timothy P. Jackson

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# TO BEDLAM AND PART WAY BACK: JOHN RAWLS AND CHRISTIAN JUSTICE

Timothy P. Jackson

The diversity of human wants, needs, actions, passions, and opinions within a pluralistic society is undeniable. Given such diversity, the classical definition of justice as “to each his or her due” does not readily translate into material principles for the distribution of social benefits and burdens. Indeed, a theory of justice suited to liberal democracies may seem an impossible ideal. In this paper, I examine John Rawls’s attempt to formulate such a theory despite the odds. I highlight the evolution of his views over the last twenty years—a course I characterize as “to Bedlam and part way back”—but conclude that these views are not a fit candidate for Christian affirmation. It’s better, I think, to embrace what I call “the priority of *agape* to political philosophy.”

“Justice (fairness) originates among those who are approximately *equally powerful*, as Thucydides...comprehended correctly.... ...justice is repayment and exchange on the assumption of an approximately equal power position.... Justice naturally derives from prudent concern with self-preservation; that means, from the egoism of the consideration: ‘Why should I harm myself uselessly and perhaps not attain my goal anyway?’” [Nietzsche, *Human, All-Too-Human*, 92, appearing in *Basic Writings of Nietzsche*, tr. by Walter Kaufmann (New York: The Modern Library, 1968), p. 148.]

“The Gospel makes no distinction between the love of our neighbor and justice. ...The supernatural virtue of justice consists of behaving exactly as though there were equality when one is the stronger in an unequal relationship” [Simone Weil, *Waiting for God*, tr. by Emma Craufurd (New York: Harper and Row, 1973), pp. 139, 143.]

“Owe no one anything, except to love one another; for he who loves his neighbor has fulfilled the law” [Saint Paul, *Romans* 13:8.]

## Introduction

The contemporary secular philosopher most often thought to be congenial to a Christian conception of justice is John Rawls. In this examination of Rawls’s work, however, I shall contend that a Christian affirmation of his



“justice as fairness” is impossible. My overall thesis will be fairly simple: to appropriate Rawlsian motifs for the elaboration of Christian justice is to be, in Anne Sexton’s phrase, “torn down from glory daily.” I choose Rawls, need I say, not because he is ready fodder for Christian social ethics but because he is a most articulate champion of liberal political thought. Indeed, to trace the trajectory of his writing is to plot the instructive course of the greatest living American political philosopher—a course “to Bedlam and part way back,” to quote another title from Sexton.<sup>1</sup>

Sexton’s title is, for my purposes, more than just a euphonic conceit. “Bedlam” was a Medieval name for the town of Bethlehem in Judea, according to the *Oxford English Dictionary*, as well as a name applied to the Hospital of St. Mary of Bethlehem in London. The latter was “founded as a priory in 1247, with the special duty of receiving and entertaining the bishop of St. Mary of Bethlehem [*et al.*]...as often as they might come to England.” As early as 1330, however, the original priory was described as “an hospital”; upon the Dissolution of the Monasteries, it was granted to the mayor and citizens of London; by 1402 it was characterized as a hospital for lunatics; and by 1547 it was incorporated as “a royal foundation for the reception of lunatics.”<sup>2</sup> The evolution of a Christian priory, designed to receive a bishop into a secular foundation, designed to receive lunatics, is emblematic of the complex relation between Christianity and contemporary political praxis. Similarly, the translation of a name referring to the birthplace of Jesus into a name synonymous with insane confusion is suggestive for current political theory, including Rawls’s.

Rawls, like other liberal theorists, attempts to take a commitment to justice, freedom, and equality originally at home in a religious community (the Judeo-Christian) and either incorporate it into or read it out of a secular framework free of any substantive conception of the self and its virtues. Yet, seeing that this is impossible—for are not the people in his “original position” close to lunatics?—Rawls then retreats to endorse a vision of the person that is thought to command wide agreement (an “overlapping consensus”). It is in this sense that his intellectual course is “to Bedlam and part way back.” I say “*part* way,” because what Rawls calls “the fact of pluralism” still keeps him from straightforwardly defending a particular teleological anthropology as true, whether commonly held or not. Having eschewed a dominant end, however, his defense of liberal social arrangements is on the basis of personal and political goods that are anything but neutral. In the end, consensus alone does not give him the requisite critical purchase for a moral theory.

### I. *To Bedlam: Justice as Fairness, 1971-1985*

Although already minimalist, John Rawls’s *A Theory of Justice* (1971) still supports its conception of justice as fairness with a morally significant on-

tology. Its Kantian commitment to the freedom and equality of persons in the original position is at least partially founded on a perception of attributes intrinsic to human nature. Rawls explicitly endorses seeing the people behind the veil of ignorance as akin to Kantian noumenal selves, capable of choice and possessing a sense of justice as well as a "thin" conception of the good for human beings as such.<sup>3</sup> They are ignorant of their particular beliefs and specific places in society, but their social contract is premised on general truth claims and thus not morally empty. The "basis of equality" is the "natural attributes" of "moral persons" (the capacity for a rational life-plan and for a desire to act upon principles of right); and, as Rawls emphasizes: "Equality is supported by the general facts of nature and not merely by a procedural rule without substantive force."<sup>4</sup> The rules of the justice game are decided voluntaristically (on the basis of rationally self-interested choices), if you will, but membership among the players is decided ontologically (on the basis of who people are prior to choosing).

It is debatable whether Rawls succeeds, in the 1971 volume, in justifying a unique set of principles of justice via such a minimalist scenario.<sup>5</sup> In later work, however, he takes an increasingly pragmatic turn that renders earlier controversies along this line beside the point. In his Dewey Lectures (1980), for example, Rawls accents the senses in which his principles of justice are "constructed" and thus do not follow from antecedent moral rules nor correspond to external moral facts. One begins to wonder, at Rawls's own invitation, whether his project has anything at all to do with moral or epistemic justification. Still, even in the 1980 essays, he conceives of model persons as "free and equal," and it is because of this "part of the truth" that they are "worthy" to participate in the social contract.<sup>6</sup> So at least in places Rawls remains "open" here to truth claims at the level of human nature and has not denied the relevance of objective (moral) truths to a theory of justice.<sup>7</sup> He has not yet merely collapsed theory into practice.

Rawls's 1981 Tanner Lectures begin on a promising note for anyone troubled by the constructivist (occasionally Hobbesian) diction of the Dewey Lectures. In the first paragraph, Rawls contends that "the basic liberties and their priority rest on a conception of the person that would be recognized as liberal and not...on considerations of rational interests alone."<sup>8</sup> He goes on to construe the "two moral powers" of a sense of right and justice and the capacity for a conception of the good as "the necessary and sufficient condition for being counted a full and equal member of society in questions of political justice."<sup>9</sup> So far so good. Yet towards the end of the lectures we are told that "[t]he essential point here is that the conception of citizens as free and equal persons is not required in a well-ordered society as a personal or associational or moral idea.... Rather it is a political conception affirmed for the sake of establishing an effective public conception of justice."<sup>10</sup> The

ultimate reason for endorsing the freedom and equality of persons seems troublingly expedient: to facilitate public cooperation.

The assumption of freedom and equality cannot be called a noble lie, since at this juncture Rawls appears unwilling to commit to either its truth or its falsity, but it is something like an instrumental hypothesis the justification for which is not its plausibility but its practicality. Willing cooperation is not sensible because people are *in fact* free and equal, rather people are *considered* free and equal in order to secure such cooperation.

Whatever the ambiguities of his Dewey and Tanner offerings, by the time of "Justice as Fairness: Political Not Metaphysical" (1985), the theoretical jig is up for Rawls. He assures us early on in this work that "a political conception of justice is, of course, a moral conception;"<sup>11</sup> but he goes on to claim that his work "presents itself not as a conception of justice that is true, but one that can serve as a basis of informed and willing political agreement between citizens viewed as free and equal persons."<sup>12</sup> The problem is that, for theoretical purposes, Rawls rules out citizens' agreeing to just political arrangements *because* they actually believe one another to be free and equal; thus, in fact, he evacuates justice as fairness of any recognizably *moral* motivation. Reliance on social contract theory supported by a "thin" conception of the good, already vague and arguably unworkable in 1971, now gives way (despite protests) to something very like "Hobbesian" conventionalism. Hence Rawls completes in this piece the shift to postmodernism, the migration from what I would call liberalism-as-morally-basic to liberalism-as-morally-empty. It is a transition from looking for fundamental moral truths about which rational people might agree (a version of what used to be called "natural justice") to giving up on moral truth claims altogether in favor of a radical pragmatism, at least in the political sphere. To be sure, Rawls nowhere argues that religious or moral truth claims are false or unimportant as such—quite the contrary—but in this article he does systematically exclude them as (at best) unnecessary to his theory of justice.

Evidently, there is considerable distance not only between Athens and Jerusalem but also between Athens and Cambridge. May we even speak of a "conflict" between premodern theological accounts of justice and postmodern philosophical ones, or has our era merely changed the subject, as Richard Rorty maintains?<sup>13</sup> Response to these questions depends largely upon which of two strands of the Enlightenment one takes as more persuasive and (perhaps) which of two strands of Christianity one takes as more faithful. The first Enlightenment strand ("liberalism-as-morally-basic") founds the case for democratic equality and cultural pluralism on fundamental truths about human nature and moral obligation, i.e., on a substantive conception of the good. Liberal conceptions of justice must here be validated by a standard higher than majority opinion or corporate self-interest, even if lower than the

fully articulated worldview of any one moral-cultural tradition. The second Enlightenment strand ("liberalism-as-morally-empty"), fearing the theoretical and/or practical implications of the first option, goes radically minimalist and seeks at most to be neutral on the question of the good, relying instead on such *nonmoral* notions as self-interest and social contract. The argument runs thus: If we start talking about "eternal truths," "the will of God," "the good of man," or even "prudence" (in Saint Thomas's vs. Thomas Hobbes's sense), we will end up bashing each other's heads in; so we must embrace historicism and speak of "justice" in terms only of consensus and convention.<sup>14</sup>

To the extent that liberalism-as-morally-basic offers a substantive conception of the good entailing the equal worth of persons, it is the secularization of a theme recognizable in both major strands of Western Christian theology (the Thomistic and the Reformed). To the extent that liberalism-as-morally-empty seeks to be neutral concerning conceptions of the good, it becomes, I believe, an impossible theory. It seeks to ground social ethics on the amoral, which is dubious enough; but, more concretely, its minimalism makes it incapable of the neutral specification of the structures of justice it aspires to. In the case of Rawls, as I hope to show, any number of conflicting and even tyrannical positions are compatible with justice as fairness; and in the end his political minimalism becomes morally unsupportable.<sup>15</sup>

The unsuitability, for Christian purposes, of a purely political justice as fairness can be adumbrated by contrasting the Bible's account of the creation and fall of Adam and Eve with John Rawls's depiction of the original position and veil of ignorance. Whether or not the Biblical passages may be taken as historically informative, Rawls's scenario is clearly a thought experiment only. But even so, both the ancient and the postmodern accounts can be evaluated as akin to myths of origin. They are meant, like all etiologies, to clarify our self-understanding by telling a (quasi-causal) story of how we might have gotten to where we are. For its part, the Book of Genesis begins with an act of divine kenosis in which humanity's being created in God's image makes covenant relations between people both possible and mandatory. Out of the hand of God, human beings are disposed to mutual trust and understanding: cooperation comes before reflection. The subsequent refusal or disordering of personal relations is incompatible with humanity as created and is characterized morally as a fall that leads to the loss of original community. The 1985 Rawls's picture is by design, of course, almost exactly the reverse. Rather than beginning with ontological commitments to the finite dignity of men and women, as well as to their interrelatedness—the tie that binds at least some Thomist and Reformed Christians—the individuals in Rawls's original position are stripped of any potentially true (much less thick) conception of their own worth or of the good life together. And rather than moral revelation encouraging personal solidarity, the veil of ignorance must

be used to induce them to agree to abstract social principles. Political cooperation is artificial in this sense, the result of *human kenosis*.

We are not to think of the original position as containing literal people trying to decide whether to concern themselves with the interests of others. Again, Rawls is engaged in a thought experiment, and, in any case, the motivation operative in the original position is not meant to model in any rigorous way the real motivation of individuals in liberal democracies. Still, the key question remains: why should either we or the Rawlsian original posits/parents agree to take the veil, even *in mente*? The veil of ignorance is a vehicle to get (hypothetical) people to agree on specific principles of justice, when in fact only an *antecedent* and *highly developed* appreciation of virtue would move them to go behind the veil in the first place. In the Tanner Lectures, Rawls specifies that a sense of justice undergirds individuals' ability to honor fair terms of social cooperation and that this sense (what he calls "the Reasonable") is expressed in the restrictions on agreement in the original position. What he calls "the Rational," on the other hand, refers to each person's rational advantage, to whatever concrete good they are trying to advance in society. Crucially, Rawls thinks that the sense of justice is shared, at least among liberals, but that conceptions of rational advantage generally differ and may even be incommensurable.<sup>16</sup>

My point, however, is that *one cannot make sense of the Reasonable as embodied in a common sense of justice independently of the Rational as a determinate conception of the source and nature of human goodness*. Acceptance of the fair terms of social cooperation, if it is to be moral, itself depends on a conception of the good life for humanity. Our rules of fair conduct are not separable from who we think we are and *vice versa*, as is suggested by our treatment of plants, animals, and even fetuses.<sup>17</sup>

Rawls's optimism about universal acceptance of fair terms for public interaction, and thus of the constraints on the original position, is tied to his conviction that "[s]ocial cooperation is always for mutual benefit."<sup>18</sup> But it makes all the difference how this idea is interpreted. If mutual benefit motivates any given individual to accept the constraints on self-interest of the original position, then the question becomes: Why should he or she agree to let *all* others in as well? Why not contract only with those whose cooperation will further key desires? Even though mutual benefit implies for Rawls something more than crude self-interest, what are we to make of those (such as Saint Paul) whose determinate conception of the good rules out (or at least greatly subordinates) mutual benefit as a basis for community or motive for action?

The fact that, in the absence of prior community, inclusiveness cannot survive even one generation is a Biblical lesson lost to the political Rawls. Without a thick appreciation of his good, Cain cannot suffer even his brother Abel (much less an enemy) to live. The question "Am I my brother's keeper?"

is, for Rawls, an invitation to liberal political philosophy; but for Christian theology, the question itself is a mark of sin. Any Christian perspective on justice that would be credible, not to mention prophetic, must begin and end with this realization. Thus any philosophical perspective which renders the realization impossible cannot be affirmed.

## II. *Which Bedlam? Two Sympathetic Readings Rebutted*

In a recent two-part essay, Harlan Beckley argues that "the distinctively Christian moral ideal of love obligates those who adhere to it to embrace the beliefs which undergird John Rawls's idea of justice as fairness. They are thereby obligated to accept something like Rawls's original position as a perspective for justifying principles of justice."<sup>19</sup> He hastens to add that this strong affirmation holds only for the issue of distributive justice and not necessarily for the whole of social ethics; but within these confines Beckley believes that Rawls's contract theory "founds the justification for a conception of justice upon general moral beliefs which can be shared by those who hold partially conflicting particular beliefs and moralities."<sup>20</sup>

Beckley is convinced that Rawls can answer the criticism that justice as fairness is unable to provide the contractors with credible reasons for entering the original position. On Beckley's view, Rawls does not simply charge with irrationalism those who reject the veil of ignorance, nor does he propose to impose the original position on those who have divergent personal beliefs. Instead, Rawls's case for the restrictions of the original position depends upon its plausibility to diverse thinkers in reflective equilibrium, "upon continuity between the restrictions and the beliefs persons actually hold after due reflection."<sup>21</sup> In short, Rawls recognizes that for his theory to be credible it must move individuals (including Christians) to bracket their distinctive moral and religious beliefs (including their fully articulated accounts of justice) in a way consonant with at least most of those beliefs themselves. And, according to Beckley, this is exactly what Rawls succeeds in doing.

I want to argue, to the contrary, that a commitment to Christian love positively rules out acceptance of Rawls's theory, at least as elaborated through 1985. Beckley's essay was written prior to the publication of "Justice as Fairness: Political Not Metaphysical," so criticism of his failure to appreciate the radicality of Rawls's "middle" period must be somewhat muted; but, as I have indicated, the pragmatic themes that make a Christian affirmation impossible were already evident in his 1980 article, "Kantian Constructivism in Moral Theory." And if one allows the 1985 piece to govern retroactively the reading of Rawls's prior corpus, as he seems to wish, then even *A Theory of Justice* is beyond Christian ecumenics. In any event, my chief point is that a sympathetic reading of Rawls requires that Christians discount a substantial portion of his authorship. It is only by misconstruing the political Rawls's



claims to impartiality that justice as fairness can seem a candidate for Christian endorsement.

Let me proceed by summarizing once more, and as positively as possible, the general contours of justice as fairness as traced in Rawls's late middle period (1980-85). For this Rawls, reasonableness underdetermines morality. He explicitly grants that there is much more to the good life than prudence narrowly defined as self-interest, and nothing about the original position is intended to endorse egoism or to deny altruism. Conversely, however, in Rawls's estimation the concrete moral traditions that attempt to define the good life in detail overdetermine principles of distributive justice. To dictate social arrangements on the basis of a single metaphysical school would be to impose on others more than reason can justify. Because reasonable people can disagree on the nature of morality (i.e., on what more than self-interest is required for living well), it would be tyrannical to compel everyone to accept a particular moral theory. Hence Rawls attempts to generate acceptable principles of justice by putting external constraints on the contractors in his original position, such as the veil of ignorance. He attempts to rule out egoism and tyranny without having to appeal to controversial moral doctrines, and this necessitates relying on (1) a common but largely premoral interest in public peace and (2) a reasonable but largely undefended picture of persons as free and equal.<sup>22</sup>

There is an odd circularity in this scheme, however. On the one hand, entrance into the original position and acceptance of the restrictions it entails must be agreed to by individuals fully aware of their moral beliefs and particular interests, or else they have no persuasive reason to take the veil and are merely compelled to endorse justice as fairness. On the other hand, if individuals can agree on the relevant restrictions from their fully moral perspectives, it makes little sense to think that an external constraint like ignorance is subsequently required for choices to be fair. Of course, such shifting back and forth between thick and thin conceptions of morality in order to arrive at a stable view of justice is part of what Rawls means by reflective equilibrium.<sup>23</sup> But the issue is whether this idea can be profitably (or even intelligibly) fleshed out.

The problem is that if one's thick conception of the good can move one on reflection to take the veil, then there is in fact little reason to take it. Or, to grasp the other horn of the dilemma, if our actual values and ends must move us to bracket these same aspects of ourselves in the name of fairness, then our set of moral beliefs is in fact contradictory. We must surrender in the name of fairness the very sensibilities that allow us to judge fairness in the first place. If, in the face of this dilemma, one interprets Rawls as relying solely on a thin conception of the good (e.g., mutual benefit) to warrant acceptance of the restrictions of the original position, then our actual beliefs

and values come off looking like mere prejudices or superstitions. They play no positive part in the decision to take the veil and in all likelihood stand as stumbling blocks to fairness. In this latter case, *de facto* moral traditions do not simply overdetermine principles of justice, they undermine them; thus the challenge of a liberal theory of justice is to disabuse people of any thick moral belief system that outstrips self-interest and/or cooperation for mutual benefit. This is a far cry from the moral neutrality that Rawls sometimes claims for his theory, but his work in the early to mid-1980's reflects this pragmatic spirit.

In this period, justice as fairness is dubbed "political not metaphysical," as I have noted; but in light of such terminology it becomes all but impossible (*pace* protests) to construe Rawlsian justice as anything other than amoral self-interest (prudence in the narrow sense), however restricted by the exigencies of preserving civic harmony. The decisive move comes in denying, for purposes of political theory, any truth value to normative anthropology. Rather than simply acknowledging multiple rational construals of the implications of such anthropology, Rawls goes conventionalist. He premises his theory of justice on the assumption that persons are free and equal, not because this assumption is believed (much less shown) to be correct but because it is culturally dominant and practically desirable. The seemingly innocuous thesis that "the fair terms of social cooperation are conceived as agreed to by those engaged in it"<sup>24</sup> is anything but. For agreement premised on regnant models of the person—models that can be justified on no other basis than that they are regnant—has by 1985 become *constitutive*, rather than symptomatic, of fairness. With this, Rawls can no longer claim to be articulating a common moral vision, if only the lowest common denominator across a range of equally rational positions. Even the lowest common denominator view (what I earlier called liberalism-as-morally-basic) requires an epistemic justification from within various traditions to be plausible as a *moral* theory. To be sure, Rawls nowhere *repudiates* the belief that persons are free and equal, but he can neither defend nor even endorse it and remain faithful to his putatively neutral method.<sup>25</sup> What the purely political Rawls calls "overlapping consensus"<sup>26</sup> is not enough.

That at this point in his career Rawls has moved from fallibilism about the good life, and the pluralism it inspires, to political conventionalism is indicated by more than the *absence* of an epistemic justification for his theory of justice. In 1985, Rawls sees justice as fairness to *rule out* any such justification even in principle. (If internal justification were possible it would not be necessary to bracket thick moral beliefs.) In other words, he does not merely refrain from asserting moral truths: his "theory" categorically rules this out with respect to distributive justice. This is more than an acknowledgement of political fallibility; it is not merely an application of the principle

of tolerance to philosophy itself, as Rawls suggests in his "Political Not Metaphysical" piece;<sup>27</sup> it is rather the death of *theoria*, construed as one distinctive means of arriving at truth. It is not that reality is too rich and variegated to be captured by discursive reasoning (alone), requiring instead (or in addition) something like religious faith. Such a position would represent the kind of transcendence of theory arguably ascribable to Biblical Christianity. Rawls here intentionally falls *below* the demands of classical theory.

Harlan Beckley reminds us that the original position portrays only a partial conception of the moral life (including selfhood), but even this incomplete picture depicts the truth of substantive moralities as irrelevant to justice and thus is not metaphysically neutral. Beckley contends that "the only reason we would 'give up' our particular conception of the good for the purpose of formulating principles of justice is because the restrictions of the original position seem reasonable and assist us, after reflection, in correcting or affirming the judgments we already hold."<sup>28</sup> But then why not rather say that we are working out the *implications* of our particular beliefs and values rather than bracketing or annulling them with hypothetical ignorance? If our particular conceptions of the good lead us to agree to the restrictions of the original position, and the original position leads us in turn to agree to Rawls's two principles of justice, then in fact the principles *are* based on a particular conception of the good, if only at one remove.<sup>29</sup> There may be some adjustment, to be sure, but if agreeing to the original position actually requires us to see the truth or falsity of our thick moral beliefs as irrelevant to the issue of social justice, then moral realists at any rate face something more like logical inconsistency than reflective equilibrium.

Rawls's political minimalism is motivated by respect for diversity of opinion and by the unwillingness to endorse a dogmatic or monolithic conception of the good life, but such respect is given no coherent basis. It is, in fact, undermined by the refusal to base justice as fairness on moral truth claims, however admittedly fallible. Rawls writes:

One of the deepest distinctions between political conceptions of justice is between those that allow for a plurality of opposing and even incommensurable conceptions of the good and those that hold that there is but one conception of the good which is to be recognized by all persons so far as they are fully rational.<sup>30</sup>

He goes on to claim that Plato and Aristotle, as well as Augustine and Aquinas, "fall on the side of the one rational good,"<sup>31</sup> but this is potentially misleading.

It is quite consistent *both* to think that there is a primary moral *telos* to human nature *and* to endorse a tolerant social arrangement. The tolerance may stem from one or more of three sources: (1) an ontological nuance which sees, with Elizabeth Anscombe, that moral reality is a range, with various

traditions grasping various parts better than others, (2) an epistemic humility which acknowledges, with John Stuart Mill, that we cannot be certain we are correct even in our limited account of the good life, and (3) a substantive truth claim about the good life itself and the importance of everyone's arriving at practical conclusions via uncoerced conscience. (For most liberals, in fact, the third source is dominant: it is enough to warrant tolerance that a thick conception of the good life be *felt* or *believed* to be wrong.) In short, the Rational cannot be subordinated to (much less divorced from) the Reasonable, since fair terms of cooperation become morally compelling only in light of a more or less fully worked out moral worldview. Christian agapists, for example, believe that God is just and loving—indeed, that God is justice—and *for this very reason* respect the consciences of all His creatures.

Rawls's thought experiment through 1985 can be seen as suspect, even as a heuristic device, when we realize the following. No one in the original position would be moved by its restrictions to see (much less treat) others as free, rational, and equal; self-interest and/or the desire to cooperate does not require such universalism, as the sovereign in Hobbes's social contract illustrates. And even if (*per impossibile*) seeing people in this way did always serve our pragmatic aims, to be motivated by this fact would clearly be antithetical to Christian ethics rather than morally neutral. If, what is truer to the texts, the liberal assumptions about others (what Rawls calls a "sense of justice") are imported into the original position and seen even to motivate its acceptance, then the original position itself loses much of its point. Beyond this, however, the whole scheme collapses for Christian purposes when (especially in the middle essays) it requires us to embrace the assumption of freedom, rationality, and equality not because it is believed true but because it is the prevalent "model" in our society and because embracing such a model serves our practical purposes.<sup>32</sup> Such "liberal" relativism is Christianity's last temptation. And, to quote T. S. Eliot, "The last temptation is the greatest treason: to do the right deed for the wrong reason."<sup>33</sup>

To be sure, there are formal affinities between Rawls's maximin principle of structuring inequalities so as to be of the greatest benefit to the least well off, on the one hand, and what some (usually Catholic) moral theologians call "a preferential option for the poor," on the other. But the Biblical theme of God's solidarity with the disenfranchised and the correlative injunction to minister to them cannot be separated from motive. Despite his telling critique of utilitarian social theory, Rawls's contractarianism systematically subverts ethical *motivation*. Deontology, one must say, is not enough even politically; aretology, or the understanding of personal virtue, is a *sine qua non*.

If one would support the thesis that Christian love dictates a commitment to freedom and equality, as surely it does in some form, then moral argument involving metaphysical and anthropological truth claims is indispensable.

One will naturally want to couch these claims in terms commanding the widest possible agreement, but the fact that Christians would agree not to force (or even to obligate) others to act on Christian principles does not mean that Christians themselves must act from *un*Christian principles. The critical distinction is between what is morally basic and shared by many traditions and what is so morally thin as actually to rule out appeal to any moral traditions at all. No credible theory of justice can call for us to saw off the branch on which we are sitting.

Finally, in spite of Beckley's protests, Christians could not accept Rawls's 1985 views even if they were presented as truth claims, because Christians believe they are bound to promote their neighbors' interests further than any consent to principles of justice flowing from social contract or mutual benefit. It is not the hypothesis of contract but the reality of the kingdom that grounds the treatment of believer and nonbeliever alike. Reasonable self-interest does not merely underdetermine Christian ethics, if given motivational priority it is antithetical to Christianity's radical universal demand for self-sacrificial love.

In contrast to the objection just lodged, Beckley argues that

Rawls requires bracketing our conception of the good only for purposes of agreeing to a conception of justice. In all other moral matters, Christians are 'free' to be 'bound' by their distinctive commitments. ...Refusing to make these revisions for purposes of arriving at a common conception of justice is to claim that Christians are not free to accept principles of justice that respect the freedom to hold other than Christian beliefs.<sup>34</sup>

But this misses the key point about intention: a commitment to justice that is not motivated by love (or at least something considerably thicker than self-interest or public cooperation) is arguably not a moral commitment at all for Christians. It simply is not the case, as Beckley claims, that Rawls's contract theory resolves "the dilemma of Christians attempting to arrive at a conception of justice which respects the liberty of nonbelievers without being unfaithful to Christian beliefs."<sup>35</sup> Christians would surely want to extol principles of justice that respect others' freedom of conscience; but if this is not motivated by a love of neighbor (and of God), then it is almost certainly idolatrous. Christians will want to respect nonagapists, for example, but precisely because they love them agapically. If Rawls requires that "respect" spring from something other than love, that "tolerance" grow out of the "reasonable" quest for mutual benefit or a mere "model" of persons as free and equal, then these can be but glittering vices to Christians.

I grant that the exegesis of Rawls is difficult on this point, but this is because he (and Beckley) want it both ways, as will become still more apparent in my section III. They indicate at times that Christians may "reason within" their tradition in accepting the views on freedom, reason, and equality

evident in the original position, but they also enjoin Christians to “abstract from” their concrete moral notions (including *agape*) in order to be suitably thin and publicly persuasive. Is this a prescription for equilibrium or for schizophrenia? Beckley simultaneously claims, e.g., that (1) “[t]he strongest ground for a Christian affirmation of justice as fairness is the direct support love as equal regard provides for Rawls’s belief in the equality of persons” and (2) “for purposes of formulating principles of justice, agapists will accept restrictions which prohibit them from basing principles upon their distinctive beliefs, including love.”<sup>36</sup> His considered opinion seems to be that “[I]ove affirms but does not replace Rawls’s idea of justice as fairness”;<sup>37</sup> but, again, if Christians allow contract theory to be their justifying and motivating factor, then they have been unfaithful to their religious beliefs. Caesar has been rendered more than is rightfully his, *and on his own terms*—the terms of secular Bedlam.

A second “sympathetic reading” of Rawls is provided by Richard Rorty, particularly in an essay entitled “The Priority of Democracy to Philosophy.” Rorty’s reading is distinctive for its extrapolating and extolling the very elements in Rawls that make Beckley’s affirmation of him problematic. For Rorty, Rawls’s “Political Not Metaphysical” article does not represent the theory of justice gone to smash but its coming to increasing pragmatic self-consciousness. If previously it seemed that Rawls was vacillating between several polar opposites—metaphysics/politics, natural justice/practical convention, self-interested individualism/cooperative communitarianism, theoretical neutrality/historicist anti-universalism, in short, Kant/Hegel—by 1985 the ambiguity was resolved in favor of Hegel, or at least along “quasi-Hegelian” Deweyan lines.<sup>38</sup> These lines represent a break not just with Christian theology but also with Enlightenment philosophy. Rorty argues that “Rawls, following up on Dewey, shows us how liberal democracy can get along without philosophical presuppositions.”<sup>39</sup> Rawls should be thought of as saying that

[f]or purposes of social theory, we can put aside such topics as an ahistorical human nature, the nature of selfhood, the motive of moral behavior, and the meaning of human life. We treat these as as irrelevant to politics as Jefferson thought questions about the Trinity and about Transubstantiation.<sup>40</sup>

Rawls helps us see that we need only rely on “the tradition of a particular community, the consensus of a particular culture,”<sup>41</sup> rather than on truth claims about an independent metaphysical and moral order, let alone God. As Rorty puts it, “[t]ruth about the existence or nature of that order drops out [for Rawls].”<sup>42</sup>

The first thing to be noted about the pragmatic program Rorty ascribes to Rawls, as well as to Dewey—“putting politics first and tailoring a philosophy to suit”<sup>43</sup>—is that, if this is what the “priority” of the right to the good

amounts to, it is neither deontological nor teleological in any recognizable sense. Traditional talk of “rights” and “duties” no longer makes sense when severed from claims about human nature and rational motivation. But neither can Rorty’s Rawls be construed as reversing the usual priority and putting the good first, if this is thought to provide epistemic warrant for moral truth claims. Since Rorty thinks that any extra-political justification of *de facto* social practices is self-deceptive, one cannot speak of “the good” as though this refers to something intrinsically valuable that we are obliged to maximize, including social cooperation. We may wish to put politics (in our case, democratic freedoms) first, but there is nothing to be right or wrong about here; there are only our more or less entrenched customs and those persons with whom we do or do not choose to identify.<sup>44</sup>

It is instructive to compare Rorty’s account of the political Rawls with his account of the “pragmatic side” of Thomas Jefferson. “This side,” Rorty writes with typical aplomb, “says that when the individual finds in her conscience beliefs which are relevant to public policy but incapable of defense on the basis of beliefs common to her fellow-citizens she must sacrifice her conscience on the altar of public expediency.”<sup>45</sup> Rorty leaves no doubt that he thinks that Rawls’s mature opinions would lead him to endorse a similar conclusion. The only difference is that whereas Jefferson could mitigate the shock of such a conclusion by appealing to the Enlightenment idea of “reason” and its guarantee that truth will ultimately be justifiable to humanity at large, Rawls does not and could not make such an appeal. The understanding of reason as discloser of universal moral truths is no longer tenable, according to Rorty, so there can be no assurance that private truth will coincide with public justifiability. In other words, Rawls can find no solace in the Enlightenment’s foundationalist epistemology.

Observe, however, that the “sacrifice” Rorty refers to is also mitigated in Rawls’s case. Jefferson could accept the hypothetical proposition, “*If* privately held truths cannot be justified publicly, *then* personal conscience must be submerged for the public good,” because he was confident that the protasis would never in fact be satisfied. Rorty’s Rawls, on the other hand, can embrace the same proposition because he does not see the apodosis as entailing any real loss. Since conscience is not thought of as the revealer of metaphysical truths—much less as the core of the self and the locus of its rights and dignity—to “sacrifice” it is no big deal. There is no violation of personal integrity because there is no such integrity to be violated. “Where there is no honour there is no grief.”<sup>46</sup>

Rawls takes Jefferson’s “avoidance” of theology a step further, in Rorty’s estimation, by sidestepping to boot standard philosophical concerns (e.g., with the dictates of conscience). But if we attribute to Rawls the full measure of Rortian pragmatism, he is even more radically minimalist than the word

"avoidance" might suggest. Rorty writes that "presumably, [Rawls] wants questions about the point of human existence, or the meaning of human life, to be reserved for private life."<sup>47</sup> In fact, however, a Rortian does not merely bracket anthropological and ethical theses for purposes of political discourse but rather dismisses them as unintelligible (or at least irrelevant) *as such*. What is not publicly intelligible is not privately intelligible either. Any and all metaphysical truth claims are dispensable, across the board, because truth, goodness, humanity, etc. are opaque ideas we are better off without. The unexamined life *is* worth living. Or, better, the examined life is *not* worth examining, neither for individuals nor for groups, at least not in philosophical terms. This means that, for Rorty and for Rawls (if made in Rorty's image), *any* entrenched political arrangement—Nazism, communism, plutocracy, in addition to democracy—is "prior" to philosophy. Just as *any* habitual private behavior—sadism, masochism, fetishism, in addition to kindness—is un-touchable by ethics. Psychotherapeutic categories may be applicable, but the question of justifiability simply drops out, on both levels.

The obvious response to a Rortian is to resist the reductionism with regard to truth, justification, and anthropology and to accept only a very limited version of the public/private distinction. One need not conflate treating particular metaphysical questions as marginal to politics, given the latter's limited means and ends, and treating all such questions as unanswerable or unintelligible. (The former is compatible with liberalism-as-morally-basic, while the latter implies liberalism-as-morally-empty.) More to the point, although many theological and philosophical debates are not *directly* related to the everyday business of governing society—if only because we must take some things for granted—the acceptance *as true* of certain basic propositions about human nature and community appear to be essential to a healthy democracy. Without them, it seems impossible not to divinize (our) society and thereby lose whatever critical purchase we may now have on ourselves and our social practices. Attention to others' real wants, needs, hopes, and fears is surely at the heart of moral motivation, even in the public domain.

The danger of divinizing society even while claiming to disenchant the world is latent in Rorty's claim that, "if we *want* to flesh out our self-image," then "communitarians like [Charles] Taylor are right in saying that a conception of the self which makes the community constitutive of the self *does* comport well with liberal democracy."<sup>48</sup> It makes all the difference how one unpacks the word "constitutive," but Rorty's extreme minimalism leaves him with precious few resources to qualify the priority of community so as to allow criticism of its constitution. Any normative account of shared human nature is out, it seems; but, more importantly, Rorty is unwilling or unable to draw a sharp distinction between the *causal* and *epistemological* priority of community, on the one hand, and its *axiological* and *alethiological* pri-



macy, on the other. There is no denying that each of us is deeply conditioned by being born into a web of interpersonal relations and cultural institutions not of our own making. The community precedes the individual not just chronologically, and individual dependency is part of what it means to be finite. Yet what is the larger import of these facts?

Christian anthropology seems wedded to two basic theses: (1) that the social etiology of personal identity should not be confused with the ethical priority of groups over individuals, and (2) that the dependence of our epistemic skills on culturally mediated artifacts (especially language) does not dictate letting go of truth, much less equating it with our conventions. With respect to (1), Rorty's radicalization of Hegel makes it nearly impossible for him to preserve what is common to both Christianity and Kantianism, namely, respect for the individual. Rorty's central political thesis is that democracy cannot have, but in any event does not need, metaphysical underpinnings. Neither principled love of all neighbors as made in the Image of God nor respect for all persons as ends-in-themselves grounds social solidarity. But is solidarity without any reason *moral* solidarity; and even if it is, is it likely to remain solidarity with all individuals, as opposed to with our particular tribe? We can thank Hegel for helping bring to consciousness the contingencies of human existence, but how do we repudiate his idolatrous attitude toward the state as the closest thing to (divine) necessity in our lives? Can Rorty (or Rawls) sustain such a repudiation, intellectually? Do they even want to? With respect to thesis (2), Rorty's notorious identification of truth with "what our peers will, *ceteris paribus*, let us get away with saying" has lately been displaced by a desire more or less to drop the idea of truth altogether.<sup>49</sup> But isn't either move deadly for self-criticism and thus for an acceptable theory of justice?

At their best, liberals like Rawls and Rorty speak in a pastoral voice: undogmatic, taking us where we are, believing in us, and helping us to grope as a society toward self-understanding. This is an impressive achievement. My worry remains, however, that their technique is entirely too minimalist, too nondirective. The analogy of original-position-as-asylum helps us see that Rorty's Rawls, at any rate, offers the political philosopher's equivalent of Rogerian psychotherapy. His appeal to reflective equilibrium and overlapping consensus is a strategy of echo and adjustment in which normative questions cannot even be asked. Free association in the political sense looks very like free association in the Freudian sense. It is tempting to think of Rorty and Rawls as playing, respectively, the "rich aesthete" and "therapist" roles which Alasdair MacIntyre finds (along with "the manager") so dominant in liberal society; but that would be unfair to their better aspirations. I have already noted that Rawls considers his political conception of justice a moral conception, and I shall return to this point below. For his part, Rorty contends

that “we should not assume that the aesthetic is always the enemy of the moral” and that the “light-mindedness” he recommends serves “moral purposes” by helping make people more tolerant and playful.<sup>50</sup> *I have rejected Rawls’s and Rorty’s judgments not because I hold the therapeutic or the aesthetic always to be at odds with ethics, but because I do not believe that they can substitute for ethics.* Instead of a reduction or elimination of ethics for political purposes, what is wanted is an expansion and refinement: a broad moral and metaphysical context in which to locate liberalism as a limited theory of statecraft, a context that Rortian pragmatism cannot provide.<sup>51</sup>

Although Rorty, unlike Beckley, sees the radical historicism entailed by many of Rawls’s articles published after *A Theory of Justice*, what Rorty celebrates in this political Rawls, I lament as incompatible with Christian faith as well as civic virtue. If Rawlsian justice were to make impossible the relativization of *de facto* political and economic conventions, as Rorty’s most extensive interpretation seems to imply, then MacIntyre’s “Dark Ages” would be upon us, whether they took the form of state socialism or democratic capitalism or something remote from either. The last thing to be said about Rorty’s “Priority” comments on Rawls, however, is that they cannot be the final word. Rawls has not returned to the priory, but neither has he remained camped in postmodern Bedlam. He has continued to write, and his coordinates have continued to shift.

### III. *Part Way Back: Justice As Both Political and Metaphysical?*

In two still more recent essays, Rawls attempts to respond to the charge of moral vacuity and related criticisms. “The Idea of an Overlapping Consensus” (1987) and “The Priority of Right and Ideas of the Good” (1988) defend the same thesis: justice as fairness is a moral conception affirmed on moral grounds, not a mere convergence of self- or group-interests.<sup>52</sup> An overlapping consensus about the basic structures of society is not a *modus vivendi*, Rawls contends in both places; and he goes on in the 1987 work to offer the following reassuring (and *unRortian*) comments on truth:

[j]ustification in matters of political justice is addressed to others who disagree with us, and therefore it proceeds from some consensus: from premises that we and others recognize as true or as reasonable for the purpose of reaching a working agreement on the fundamentals of political justice.<sup>53</sup>

it would be fatal to the point of a political conception [of justice] to see it as sceptical about, or indifferent to, truth, much less as in conflict with it. Such scepticism or indifference would put political philosophy in conflict with numerous comprehensive doctrines [of the good], and thus defeat from the outset its aim of achieving an overlapping consensus. In following the method of avoidance, as we may call it, we try, so far as we can, neither to assert nor deny any religious, philosophical or moral views, or their associated philosophical accounts of truth and the status of values.<sup>54</sup>

It is hard not to read these remarks as a recantation of the constructivism of "Justice as Fairness: Political Not Metaphysical." Rawls is not yet the strong pragmatist (a.k.a. "strong poet") Rorty makes him out to be. He sounds especially metaphysical in the 1988 essay, referring to the "essential nature" of citizens, to political society as an "intrinsic good," and to seeking "common ground" between various religious, philosophical, and moral doctrines.<sup>55</sup> In emphasizing that it is *comprehensive* doctrines that he is ruling out in the original position, he acknowledges that what might be called *elemental* views do in fact play a part. What we are given in the two recent pieces is still somewhat ambivalent as between the "l-a-m-b" and the "l-a-m-e" versions of liberalism, however. Rawls grants that "the right and the good are complementary"<sup>56</sup> but nowhere draws the obvious inference that his conception of justice is *both* political *and* metaphysical, and with good reason. Such an inference would reintroduce the most problematic questions of truth previously sidestepped and radically deflate the implications of what Rawls calls "the fact of pluralism."

Rawls continues to insist that our inability to arrive at agreement on a thick conception of the good life requires treating the right (i.e., his political conception of justice) as having "priority." But there can be no priority if principles of justice are grounded on claims, however basic, about human nature and political virtue. Indeed, if elemental anthropological and axiological truths are included as ingredients in reflective equilibrium, then the very idea of a (purely) *political* conception of justice becomes highly suspect. Rawls claims that political liberalism "consists in a conception of politics, *not* of the whole of life,"<sup>57</sup> but this is either a truism or false. Of course, a pluralistic Catholic will not want to interject all the vagaries of soteriology, Christology, Mariology, etc. into public discourse about who gets to vote. But such obvious cases aside, politics and the good life will be so inextricably linked for such an individual that suggesting an either/or between them is absurd. Rawls himself writes that "a political conception *must* draw upon various ideas of the good," adding that "[t]he question is: subject to what restriction."<sup>58</sup> But the point is that if the restriction must itself be motivated by (or at least be compatible with) comprehensive moral commitments, then talk of "priority" is misplaced and talk of "neutrality" is highly misleading.

If, in contrast, the restriction stems from a narrowly political concern (social cooperation divorced from all metaphysical truth claims), then my earlier objections remain undiminished. If, for instance, people are "regarded"<sup>59</sup> (i.e., *merely* regarded) as free, equal, and possessed of moral powers because this facilitates our overriding interest in getting along, then we are back with Hobbes. In this case, practice trumps rather than completes theory, and justice is indeed political only. Rather than "each comprehensive doctrine, *from within its own view*, [being] led to accept the public reasons of justice spec-

ified by justice as fairness," as claimed by Rawls in 1985,<sup>60</sup> a comprehensive doctrine such as Christianity would have to reject Rawls.

From the "constructivist" notion that justice as fairness is not embraced on the basis of any substantive truth claim about the way the world is, two things would follow. Both are at odds with Rawls's cherished ideals, but unavoidable given his 1985 premises. First, there is no way, in principle, to guard against the exigency that social cooperation may someday be advanced by treating certain people as *unfree* and *unequal*—it may even be that the latter welcome their inferior status and would rebel against equal regard (as, perhaps, would the lower castes in India). Second, *no* morally realistic religion or philosophy can embrace Rawlsian justice and remain internally consistent. For moral realists, "truth" and "falsity" are as inseparable from public moral discourse as "right" and "wrong," "good" and "evil." This holds even if truth, rightness, and goodness are deemed too complex to be captured within the bounds of traditional *theoria*.

Hence the question of this section reduces to how to interpret Rawls's more recent essays (post-1985) and whether they are normative. In the opening paragraph of "The Idea of an Overlapping Consensus," he observes that "[w]hat is needed is a regulative political conception of justice that can articulate and order in a principled way the political ideals and values of a democratic regime...."<sup>61</sup> I can sum up my misgivings by saying that I do not think that Rawls's characterization of justice as a "regulative" ideal succeeds any better than Kant's similar characterization of God, and for parallel reasons.

Kant wanted to "deny [dogmatic] knowledge in order to make room for faith," while Rawls wants to deny comprehensive faith in order to make room for fairness. Both men offer breathtakingly subtle architectonics but end up bifurcating theoretical and practical reason. Rawlsian political "truths" (the freedom and equality of persons) are as ambiguous as Kantian practical "postulates" (God, freedom, and immortality). To put it yet another way, Rawls stands in roughly the same (unintentionally deconstructive) relation to classical liberalism as Kant did to classical theism: justice within the limits of Rawlsian politics alone is no more recognizable to a traditional democrat than religion within the limits of Kantian reason alone was recognizable to a traditional believer. And even as Nineteenth Century critics of theism found ample ammunition in Kant for pronouncing God dead, so Twenty-first Century foes of liberalism will find resources in Rawls for declaring democracy decadent. Neither God nor a finite person can survive as a mere *focus imaginarius*.

### Conclusion

When Christians attempt to speak about justice to a pluralistic, increasingly

secular culture—such as the Twentieth Century United States—they may experience alienation at not being understood, much less heeded. In the face of this, it is tempting to search for a *lingua franca* with which to address the age. It is tempting to try to translate Christian accounts of justice (e.g., Jesus's parables or Saint Paul's discussion of *dikaiosunē*) into "neutral" terms, to transform the *Vorstellungen* of faith into a *Begriff* of secular philosophy. Rawls's "theory" of justice is often thought to be congenial to such purposes. In light of the problems discussed above, however, I do not believe that Christian ethicists ought to baptize his account of "justice as fairness."

Rawls's reliance on overlapping consensus concerning the freedom and equality of persons is problematic for three reasons. First, if personal freedom and equality are construed as "models" without truth value and for which no justification can or need be given in our society, then they are no longer conclusions of dialectical argument but rather premises of descriptive sociology. This is the side of Rawls that Richard Rorty applauds, but it cuts against viewing *A Theory of Justice* and other works as exercises in moral reasoning and renders a Christian "affirmation" (like that of Beckley) out of the question. Second, if "freedom and equality" are defined substantively, then Rawls's view of persons is not in fact widely shared in contemporary American society. This is the point made by Michael Sandel, Michael Perry, and others. Yet, thirdly, if freedom and equality are defined broadly enough to be uncontroversial, they can do little work in political theory and are not even candidates for affirmation or denial.<sup>62</sup>

This does not mean that Christians should give up on liberal society in favor of theocracy, any more than they should give up on justified (or otherwise entitled) true belief in favor of mere prejudice. As Yoder and Hauerwas have reminded us, Christianity is not a handmaiden to any political philosophy; and as Plantinga and Wolterstorff have shown, the rejection of foundationalist epistemology need not leave us without rational beliefs and truthful traditions.<sup>63</sup> If we would have democratic, egalitarian institutions succeed (as I would), we must first have committed our characters to something higher than self-interest, or even social cooperation. And before we can speak about justice to the world, we must embody it as the truth of our life in God. The later Rawls at times finds any anthropological claim deemed true too controversial to be included in the justifying reasons for liberalism. In contrast, moral realists like myself believe the basic liberal truths, undergirded by the best of religious and secular thought, to be universally available precisely because they are true.

Without appeal to moral truth and recognition of the codependence of the good and the right, Rawlsian maximization of freedom and equality has a highly ambiguous status—paradoxically seeming, in Harvey Mansfield's words, "the criterion of democrats who want no criterion."<sup>64</sup> Moreover, with-

out commitment to moral truth (as opposed to social cooperation) as primary motive, it is unlikely even that just action will be possible. And lastly, without commitment to moral truth—however fallibly worked out and narratively, rather than deductively, formulated—it is impossible to do justice to Christian emphases on the person of Christ as the Truth Incarnate. If Rawls's script requires Christians to surrender love as the touchstone of political decision-making, then he is not extending to them the kind of respect that he seeks to exact from them. In a word, he is being tyrannical.

Christians need not demand that others accept a particular political arrangement out of love, but they themselves must do so or they have violated their own integrity. The issue is one of ethics, not merely psychology: while it may sometimes be permissible to submit to a cognitive impoverishment and act on the basis of less information than one could in fact command, it is never right to submit to a moral impoverishment and act with less virtue. It is never proper to surrender love, even if it were possible to do this out of love itself—an axiom that might be called “the priority of *agape* to political philosophy.” It is impossible, therefore, for Christians to found distributive justice on personal prudence, social cooperation, and/or the thin sense of the good allowed by the political Rawls in the original position. These are blueprints for the secular Bedlam, even if motivated by the noble desire to secure public peace.

In referring to Rawls's course as “to Bedlam and part way back,” I do not mean to suggest that he is insane. He does sometimes speak, nevertheless, as though he is *in charge of* a ward of madmen who have forgotten they are in a hospital, much less in an erstwhile priory. He uses veils rather than straight-jackets to constrain their more self-absorbed tendencies, but he does not question the bedlam that makes the veils necessary or of which the veils themselves are indicators. On the contrary, he suggests that those *disinclined* to take the secular veil are the mad ones. Commenting on Loyola's belief “that the dominant end is serving God, and by this means saving our soul” and Aquinas's belief “that the vision of God is the last end of all human knowledge and endeavor,” Rawls writes: “Although to subordinate all our aims to one end does not strictly speaking violate the principle of rational choice...it still strikes us as irrational, *or more likely as mad.*”<sup>65</sup> For Christians, coming *all* the way back from Bedlam (as madhouse) would mean returning to Bedlam (as Bethlehem): acknowledging the situatedness of ourselves and our communities before the God who became incarnate in Christ. This would by no means require imposing religious convictions or theocratic institutions on others, but it would mean admitting the inseparability of metaphysical claims about who we think we are and political claims about how we ought to live together.

The best we can hope for in a Western society is a doctrinal convergence

supported by distinctive pictures of the good. Granting this apparently harsh reality is preferable to pursuing the impossibly neutral ideal of the political Rawls's "theory" of justice. Yet, again, the best alternative to a morally empty liberalism is not religious totalitarianism, any more than the best alternative to nondirective counseling is shock therapy or brainwashing. A tolerant, pluralistic society is itself a substantive good—not something to be accepted as the result of moral *breakdown* but worthy of promotion *for its own sake*. The plenitude of the world is bound to call up diverse forms of life, some equally virtuous; and assisting individuals and groups to pursue virtue freely is part of what it means to treat them as neighbors.<sup>66</sup> The trick is to be rabbinic enough to be transformative without being cruel, ironic enough to admit fallibility without becoming nihilistic or sectarian. But for Christians to suspend scriptural truth claims for the sake of a universalizable "theory" of justice would be (in Paul Ramsey's words) to exchange their birthright for a "pot of message."<sup>67</sup> It would be to migrate from Judea's Bethlehem to London's Bedlam: not a pilgrimage but a defection.

Stanford University

#### NOTES

1. "Torn Down from Glory Daily" is a poem in Sexton's *To Bedlam and Part Way Back* (Boston: Houghton Mifflin, 1960), p. 6.
2. *OED*, Vol. 1 (Oxford: Oxford University Press, 1971), p. 189.
3. *A Theory of Justice* (Cambridge: Harvard University Press, 1971), pp. 255-56.
4. *Ibid.*, pp. 505-7, 510.
5. See, *inter alia*, Robert Nozick, *Anarchy, State, and Utopia* (New York: Basic Books, 1974) and Michael Sandel, *Liberalism and the Limits of Justice* (Cambridge: Cambridge University Press, 1982).
6. "Kantian Constructivism in Moral Theory," *The Journal of Philosophy*, Vol. 77, No. 9 (September 1980), pp. 542-46.
7. *Ibid.*, pp. 565-66.
8. "The Basic Liberties and Their Priority," in *Liberty, Equality, and Law: Selected Tanner Lectures on Moral Philosophy*, ed. by S. M. McMurrin (Salt Lake City: University of Utah Press, 1987), p. 4.
9. *Ibid.*, p. 16.
10. *Ibid.*, p. 83.
11. "Justice as Fairness: Political Not Metaphysical," *Ethics and Public Policy*, Vol. 14, No. 3 (Summer 1985), p. 224.
12. *Ibid.*, p. 230.
13. "Postmodernist Bourgeois Liberalism," *The Journal of Philosophy*, Vol. 80, No. 10 (October 1983), pp. 583-89.

14. The first Enlightenment alternative is generally represented by Rousseau, Kant, and recently by Ronald Dworkin. The second is approximated by Hobbes, Pufendorf, and at times the later Rawls.

15. See James Fishkin, *Tyranny and Legitimacy* (Baltimore: Johns Hopkins, 1979); "Can There Be a Neutral Theory of Justice?," *Ethics* 93 (Jan. 1983), pp. 348-56; and "The Complexity of Simple Justice," *Ethics* 98 (April 1988), pp. 464-71. See also Michael Perry, *Morality, Politics, and Law* (Oxford: Oxford University Press, 1988), Chs. 3, 4.

16. "The Basic Liberties and Their Priority," pp. 14, 17, 19-20.

17. Will Kymlicka has pointed out that "when we affirm equality, it is not because we care more about the right than about the good, but because we think each person's good matters equally." [See "Rawls on Teleology and Deontology," in *Philosophy and Public Affairs*, Vol. 17, No. 3 (Summer 1988), p. 190.] I would only add that the thesis that each person's good matters equally cannot be elaborated independently of an understanding of all persons' nature and interests. Again, Kymlicka: "Rawls does not favor the distribution of primary goods out of a concern for the right rather than the good. He simply has a different account [from utilitarians and perfectionists] of what our good is..." (p. 187).

18. "The Basic Liberties and Their Priority," p. 14.

19. "A Christian Affirmation of Rawls's Idea of Justice as Fairness: Part I," *The Journal of Religious Ethics*, Vol. 13, No. 2 (Fall 1985), p. 212. Part II appears in *ibid.*, Vol. 14, No. 2 (Fall 1986), pp. 229-46. See also L. Gregory Jones's "Should Christians Affirm Rawls' Justice as Fairness? A Response to Professor Beckley," in *ibid.*, Vol. 16, No. 2 (Fall 1988), pp. 251-71.

20. "A Christian Affirmation: Part I," p. 212.

21. *Ibid.*, p. 220.

22. Compare *A Theory of Justice*, p. 13, where "parties in the initial situation" are thought of as "rational and mutually disinterested," as "not taking an interest in one another's interests."

23. *Ibid.*, p. 48.

24. "Political Not Metaphysical," p. 235.

25. See Michael Perry, *Morality, Politics, and Law*, pp. 60, 62.

26. "Political Not Metaphysical," p. 247. Rawls attempts here, unsuccessfully I think, to distance this phrase from Hobbesianism.

27. *Ibid.*, p. 231.

28. "A Christian Affirmation: Part I," p. 232.

29. L. Gregory Jones has also noted, citing Rorty, that the emphasis on overlapping consensus seems to render the original position unnecessary. See "Should Christians Affirm?," p. 257.

30. "Political Not Metaphysical," p. 248.

31. *Ibid.*, p. 248.

32. Compare Rawls's 1985 a-alethiology with his comment in *A Theory of Justice*, p. 547, that "our problem is how society should be arranged if it is to conform to principles that rational persons *with true general beliefs* would acknowledge in the original position" (emphasis added).



33. "Murder in the Cathedral," *The Complete Poems and Plays: 1909-1950* (New York: Harcourt, Brace, and World, 1971), p. 196. On right action wrongly motivated, see the discussion of egoism in *A Theory of Justice*, p. 568. Rawls claims there: "I am not trying to show that in a well-ordered society an egoist would act from a sense of justice, nor even that he would act justly because so acting would best advance his ends. ... Rather, we are concerned with the goodness of the settled desire to take up the standpoint of justice. I assume that the members of a well-ordered society already have this desire." My point is that the desire to take up the standpoint of justice can only be plausibly "settled" by truth claims about what constitutes moral personality, which claims are cut off in the subsequent essays. As Rawls says in *Theory*, "acting justly is something we want to do as free and equal rational beings" (p. 572).

34. "A Christian Affirmation: Part II," p. 237.

35. *Ibid.*, p. 240.

36. *Ibid.*, pp. 237 and 239.

37. *Ibid.*, p. 240.

38. "The Priority of Democracy to Philosophy," in M. Peterson and R. Vaughn, eds., *The Virginia Statute for Religious Freedom* (Cambridge: Cambridge University Press, 1988), pp. 259 and 264-65.

39. *Ibid.*, p. 261.

40. *Ibid.*, pp. 261-62.

41. *Ibid.*, p. 259.

42. *Ibid.*, p. 264.

43. *Ibid.*, p. 260.

44. Both Michael Perry and Greg Jones wonder whether the later, more pragmatic Rawls isn't offering a "good-prior-to-the-right" theory of justice. [See *Morality, Politics, and Law*, pp. 61-62, 71-72, and 84-90, and "Should Christians Affirm?," pp. 253-56. See also the "Erratum" in *Journal of Religion and Ethics* (Spring 1989), pp. 190-95.] But if Rorty is right about Rawls, the priority issue is nugatory: Rawls offers no *theory* of justice whatsoever.

45. "The Priority of Democracy to Philosophy," p. 258.

46. This is one of the *Jacula Prudentum* (1651) collected in *The Works of George Herbert* (New York: Crowell & Company, n.d.), p. 444.

47. "The Priority of Democracy to Philosophy," p. 263.

48. *Ibid.*, p. 261.

49. See *Philosophy and the Mirror of Nature* (Princeton: Princeton University Press, 1979), p. 176, and *Consequences of Pragmatism* (Minneapolis: University of Minnesota Press, 1982), pp. xxviii-xxx.

50. "The Priority of Democracy to Philosophy," p. 272.

51. In *Contingency, Irony, and Solidarity* (Cambridge: Cambridge University Press, 1989), Rorty blinks before the vision of postmodern Bedlam. Having praised detachment and traced the (apparent) ubiquity of convention, he then suggests that we do not invent others' pain and should not be ironic about cruelty (pp. 94, 85).

52. Rawls, "The Idea of an Overlapping Consensus," in *The Oxford Journal of Legal Studies*, Vol. 7, No. 1 (Spring 1987), pp. 1-25; and "The Priority of Right and Ideas of the Good," in *Philosophy and Public Affairs*, Vol. 17, No. 4 (Fall 1988), pp. 251-76.

53. "The Idea of an Overlapping Consensus," p. 6.

54. *Ibid.*, pp. 12-13.

55. "The Priority of Right and Ideas of the Good," pp. 270, 273, and 262.

56. *Ibid.*, pp. 252, 253, and 273.

57. *Ibid.*, p. 253, emphasis added.

58. *Ibid.*, emphasis in original.

59. Cf. "The Idea of an Overlapping Consensus," p. 7, and "The Priority of Right and Ideas of the Good," p. 270.

60. "Political Not Metaphysical," p. 247; emphasis added.

61. *Op. cit.*, p. 1.

62. One thinks of Kierkegaard's parable of the escaped lunatic who, in order not to be found out and returned to the asylum, repeats at intervals that the earth is round. The extreme generality and insensitivity to context of this statement (a too obvious appeal to "overlapping consensus") betrays the very disintegration it is meant to disguise: the escapee goes back to his Bedlam.

63. See, e.g., Stanley Hauerwas, "Should Christians Talk So Much About Justice?," in *Books & Religion Reviews* (May/June 1986), pp. 14-16; and Nicholas Wolterstorff, "Evidence, Entitled Belief, and the Gospels," in *Faith and Philosophy*, Vol. 6, No. 4 (October 1989), pp. 429-59.

64. "Democracy and the Great Books," in *The New Republic* (April 4, 1988), p. 35.

65. *A Theory of Justice*, pp. 553-54; emphasis added.

66. Cf. Perry, *Morality, Politics, and Law*, pp. 90-92; see also Jeffrey Stout, *Ethics After Babel* (Boston: Beacon, 1988), Chs. 9, 10, 12.

67. *Speak Up for Just War or Pacifism* (University Park: Pennsylvania State University Press, 1988), p. 36.