The Instability of Political Liberalism

by

Bruce J. Lyth
Bachelor of Arts, University of British Columbia, 2009

A Thesis Submitted in Partial Fulfilment
of the Requirements for the Degree of

MASTER OF ARTS

In
The Department of Political Science

Supervisory Committee

The Instability of Political Liberalism

by

Bruce J. Lyth
Bachelor of Arts, University of British Columbia, 2009

Supervisory Committee

Dr. Oliver Schmidtke (Political Science)
Supervisor

Dr. James Tully (Political Science)
Departmental Member

Abstract

Supervisory Committee

Dr. Oliver Schmidtke (Political Science)
Supervisor
Dr. James Tully (Political Science)
Departmental Member

John Rawls' Political Liberalism is addressed to the problem of stability in democratic societies in light of the fact of religious diversity. In this thesis I argue that Political Liberalism in fact establishes the conditions for the sorts of instability with which it is concerned. It does so in at least two ways: First, it encapsulates the need for a regulative political conception of justice within the bounds of the territorially-defined state, a move seemingly at odds with the transnational character of religious identity, as expressed by transnational practices of legitimacy and dialogue. Second, it does not consider the ways in which the terms of citizenship in a liberal society are transformative for religious groups, and specifically the implications of this transformative character for Rawls' account of stability, as minority groups tend to be concerned with the integrity of their particular religious traditions.

Table of Contents

Acknowledgments

It is impossible to express with any sense of completion the thanks owed to those who have contributed to the success of the various steps in one's path of life. However, at the very least, in the present iteration I was greatly enriched by the guidance, advice, and encouragement of Drs. Oliver Schmidtke and James Tully, both of whom did much to make my experience at the University of Victoria immensely valuable. My graduate student colleagues in the Department of Political Science, as well as the departmental staff, made it an ideal place to take the tentative steps one must take on a developmental project of this kind. Most of all, a heartfelt thanks to Jasun, who does more than he will ever admit or ever know to push me to be as excellent as possible.

Introduction

At least since the Reformation, Western political theory has attempted to address the question of how societies that are deeply divided amongst persons who subscribe to a diversity of religious traditions could nonetheless be stable and prosper. John Rawls' *Political Liberalism* is no exception to this tradition, and in it he furnishes his readers with a powerful and sinuous set of concepts and arguments that try to set out how such religious persons could come together to formulate principles of justice in accordance with which they may all be governed, and through which they may see their deeply held moral convictions be reflected in the public life of their democratic societies.[1] At the heart of Rawls' account is a deep conviction that citizens can and ought to formulate, revise, and contest the values and norms to which they are subject, and this conviction is manifested in Rawls' description of what he calls the idea of public reason, the basis of which is a political conception of the citizen, and the focus of which is an 'overlapping consensus' of the religious traditions we could reasonably expect to be long-standing features of a given democratic society. Stability is the focus of Rawls' theory of political liberalism, and the intersubjective recognition of free and equal citizens' is its progenitor.

So does Rawls achieve his aim of describing how such a divided society could nevertheless be stable? The argument of this thesis is that in certain respects, political liberalism might actually exacerbate, rather than ameliorate the conditions for the sorts of instability to which it is addressed. It does so in two ways: First, it presents us with a territorial

[1] John Rawls, *Political Liberalism*, (New York: Columbia University Press, 1996).

conception of political society, when the sort of identity with which is concerned, and which Rawls regards as potentially destabilizing - religious identity - is in many respects a transnational form of identity. Providing a territorial conception of political society does not address the ways in which religious citizens find political meaning and belonging beyond the bounds of their democratic polities, and how this might be stabilizing or destabilizing in the manner described by Rawls. The view I advance here is that it is potentially destabilizing because it affects the degree to which citizens may express allegiance to the society in which they live, as well as the capacity of such a society to fully accommodate and recognize its religious citizens.

The second way in which political liberalism may exacerbate the conditions for instability associated with religious diversity is in its treatment of how the terms of citizenship in a liberal society are transformative for that society's major religious communities. By 'transformative' I mean the extent to which a religious identity is modified by virtue of living under liberal terms of citizenship, and I argue that these transformative effects are an especially burdensome feature for religious persons of living in a liberal society, since they suggest a way in which religious persons are not equal when compared to non-religious compatriots, such as persons affirming comprehensive liberal forms of identity. If citizenship is too burdensome for religious persons, then there is less reason for those persons to value that citizenship, and to express allegiance to it. I aim to draw out the potentially destabilizing effects of liberal terms of citizenship, in order to support my view that Rawls does not fully achieve his goal of describing how a liberal society could be stable in conditions of religious diversity.

To set the stage for these arguments and explorations, Chapter One outlines three ways in which religious diversity might be an unstable feature of democratic societies, two of which are suggested by Rawls, and the third of which is not. The first concerns the extent to which individuals seek to have their deep moral convictions reflected in public life. The second concerns instances in which citizens do not express a significant sense of allegiance to their societies, out of an impression that it does not publicly reflect their identities. The third concerns the instability associated with transnational forms of identity being encapsulated within a robustly territorial conception of political order. The discussion of these three forms of instability inform the later discussion of the potentially destabilizing features of political liberalism. The second part of Chapter One introduces three ideas that are central to political liberalism: the political conception of the citizen, the idea of public reason, and the idea of an overlapping consensus. This discussion rounds out the conceptual tools needed to consider and understand how Rawls describes political liberalism, and how his formulations might actually be destabilizing for diverse societies.

Chapter Two addresses the first way in which political liberalism might actually establish conditions for the sorts of instability to which it is addressed, and which are introduced in Chapter One, and it begins with a discussion of the ways in which political liberalism is a territorial conception of political order, especially Rawls' exhortation that we take it to be a 'closed society'. I then outline the ways in which some religious identities may actually be very transnational forms of identities, focusing on the ways in which they constitute a source of legitimacy for religious persons, as well as a source of recognition and accommodation, and provide a transnational space for dialogue amongst their members. Chapter Two concludes

with a discussion of the ways in which this might be destabilizing for a society characterized by political liberalism, focusing on the question of persons' allegiance to their societies, as well as the capacity of such societies to substantively accommodate and recognize their members.

Chapter Three describes the ways in which the terms of citizenship in a liberal society are transformative for the members of the 'comprehensive doctrines' which comprise it. It begins with a description of what is meant by the term 'transformative', as well as a discussion of each of the ways in which Rawls already discusses the transformative character of liberal terms of citizenship. Rawls' characterization of this transformativeness is generally positive, suggesting as he does that this is a stable feature of liberal societies, since it draws citizens' allegiance more clearly to those societies. My argument is that this is actually a destabilizing feature of political liberalism, since Rawls' formulation does not directly problematize citizens' concern for the integrity of their religious communities, a concern which may arise from transformative liberal terms of citizenship, and which may then generate the sorts of instability described in Chapter One. The discussion in Chapter Three rounds out the two principal ways in which political liberalism might be a destabilizing account of religiously diverse liberal societies, and I then proceed in the conclusion to speculate about certain avenues of inquiry which may alleviate the destabilizing elements of the theory, as it is described by Rawls.

Chapter 1: Instability, Dualism, & Political Liberalism

Introduction

Political liberalism is addressed to the problem of stability in societies characterized by deep divisions among irreconcilable comprehensive doctrines. A key and load-bearing constituent feature of the theory and its argument for stability is the cognitive dualism it describes between, roughly speaking, the public political realm (the arena of political justification) and the nonpublic background culture (the arena of all nonpolitical forms of reasoning, justification, and citizen relations).[2] In this chapter I describe some of the main features of the theory of political liberalism, with a view specifically to the aforementioned dualism and its importance to the political liberal account of stability. My focus on cognitive dualism and stability in political liberalism will form an important foundation for my later consideration in chapters two and three of the ways in which political liberalism establishes the conditions for the instability which it is intended to resolve.

In laying this foundation, I begin first by describing three ways in which religious diversity could contribute to instability, as it is important to first note the nature of the problem that has driven the development of political liberalism. I then focus on three of the key ideas in the theory of political liberalism as described by John Rawls: the political conception of the

[2] Dreben calls this a 'central' and 'all important' distinction within the theory. Burton Dreben, "On Rawls and Political Liberalism" in *The Cambridge Companion to Rawls* (Cambridge: Cambridge University Press, 2003) 318, 329. I use here the term 'cognitive dualism' to refer specifically to the ways in which political liberalism's dualism is often manifested in cognitive terms: citizens affirm both a political conception of justice and a comprehensive doctrine, they translate reasons from those belonging to the comprehensive doctrines into properly public reasons, and they distinguish between the background culture and the public political realm. I address these distinctions in more detail below.

person, the idea of public reason, and the idea of an overlapping consensus. In exploring these three ideas, I will highlight the cognitive dualism of political liberalism, and how it is essential to Rawls' account of how stability in diverse societies is possible. I then briefly focus on an aspect of the conception of the citizen in political liberalism, specifically the *standpoint* of the citizen. A consideration of the ways in which political liberalism conceptualizes the standpoint of the citizen is relevant, as it suggests the fashion in which citizens develop and pursue their worldviews in relation to other citizens. Political liberalism suggests a particular dualistic standpoint, a feature of the theory whose relation to citizens' broader comprehensive worldviews merits exploration, as it has bearing on how burdensome religious citizens may regard the terms of citizenship in a liberal society.[3] Finally, I conclude the chapter by suggesting some of the ways in which political liberalism is a powerful account of how stability and social unity are possible in religiously-diverse societies, an account which is nonetheless destabilizing when considered in light of the transnational character of religious identity, as well as the transformative effects of liberal terms of citizenship.

Religious Diversity & Instability

Political liberalism, especially as elaborated by John Rawls, is a response to the instability wrought by the Reformation in Europe, and it is on a particular interpretation of the

[3] Throughout this project the phrase 'the terms of citizenship' appears in various forms, and refers to the basic requirements in virtue of which citizens may come to live together in a liberal society. These requirements are discussed in detail below, for example Rawls' contention that the criterion of reciprocity is the basic standard of a democratic society, a standard that must be respected in some form before citizens can reason together regarding the contents of a regulative political conception of justice. The 'terms of citizenship', then, are understood as distinct from the values and practices expressed by the political conception of justice, because they form the landscape within which the political conception becomes possible. These terms are discussed below, and their transformative effects are outlined at great length in Chapter 3.

Reformation that Rawls has built his account of the theory. As Rawls states, "political liberalism begins with the division of Christendom after the Reformation, though that was hardly the reformers' intent."[4] This division set in motion a series of problems with which much of Western political theory has since been concerned, and which lie at the heart of *Political Liberalism*.[5] The deep division of European societies along sectarian lines raised the problem of how citizens affirming divergent interpretations of Christianity would nonetheless be able to come to live together in a stable political society on the basis of fair terms of social cooperation which are not dependent on a particular comprehensive doctrine. Rawls views the aftermath of the Reformation as a situation in which the warring religious groups of the period came to realize that they would not be able to achieve dominance for their particular religious traditions without significant strife, and so had to formulate terms of social cooperation consistent with the reality of their diversity. Rawls cites this as a key development in liberal theory and in the rise of liberal democratic states, and it is on Rawls' interpretation of the Reformation that his theory of political liberalism rests, as it begins with the need to develop terms of social cooperation that divergent and irreconcilable religious groups could accept.[6]

Political liberalism begins then with the fact of religious pluralism, and since Rawls identifies stability as his central concern when addressing this fact, it is important to consider the potential ways in which religious diversity might undermine the stability of political society, even though the example of the Reformation might already seem to suggest them.[7] Rawls does

---

[4] John Rawls, *Justice as Fairness: A Restatement*, Erin Kelly, ed. (Cambridge: Harvard University Press, 2001) 34 n. 25.
[5] Rawls, *Political Liberalism*. Specifically, the concepts of neutrality, stability, and toleration, among others.
[6] Rawls, *Political Liberalism*, xxiii.
[7] Ibid., xix.

not directly address the relationship between religious diversity and instability; rather, he chooses to set out the appropriate conditions for social unity, and then to describe how social unity might be achieved in light of the presence of diverse religious groups that each affirm irreconcilable conceptions of the good.[8] This rather positive formulation obscures the ways in which religious persons might have misgivings about the terms of citizenship in liberal democratic societies, and thereby might not satisfy the conditions for social unity with which Rawls is so concerned. Below I set out three ways in which a diversity of divergent and irreconcilable religious traditions might undermine the stability of a liberal democratic society, the first two of which are more or less directly addressed by Rawls, and the third of which is not. This list is not intended to be exhaustive, but the hope is that describing the relationship between religious diversity and instability in this more direct way will enable us to begin to more clearly see if Rawls actually achieves his goal of articulating the ways in which a religiously diverse society could be stable.

The first way in which religious pluralism might contribute to the instability of a political society refers to our nature as moral beings. This nature is encapsulated in Rawls' idea of the moral powers of persons, where he suggests that each person has both "a capacity for a sense of justice", and "the capacity . . . to pursue a conception of the good."[9] This notion of the pursuit of a conception of the good captures what is potentially unstable about religious diversity, as each person of each divergent religious tradition in a given society is pursuing potentially irreconcilable and contradictory ends. These conflicting ends make it difficult to reach agreement on the core values and constitutional essentials that would regulate a

[8] Ibid., xlix-l.
[9] Rawls, *Justice as Fairness*, 18-9.

religiously diverse society. Part of Rawls' aim in *Political Liberalism* is to suggest how citizens' political ends might be reconciled through the public use of reason, and to enjoin persons to give up forever the possibility of having their particular comprehensive doctrines determine the political conception of justice for all concerned, an impulse which has been the source of great instability in the past.[10] The moral powers of persons are not wholly negative characteristics that necessarily contribute to social instability, but they do suggest the idea that persons seek to have their conceptions of the good reflected in their lives and in the broader society in which they live, a fact about us that simultaneously drives moral improvement and moral conflict.

While Rawls attempts to show in *Political Liberalism* how citizens might harness their moral powers to formulate a fair political conception of justice that all could accept, he is nonetheless cognizant of the unstable ramifications of the capacity to pursue a particular conception of the good. The unstable version of this moral capacity is the desire to impose a particular conception of the good on a whole society, regardless of the comprehensive doctrines of one's fellow citizens, a desire that is justified by the supposed veracity of a given comprehensive doctrine. Religious traditions are understood to be force maximizers for this more unstable side of the moral powers, especially the monotheistic faiths and their propensity for proselytization. The desire to spread one's faith - one's comprehensive conception of the good - is a quintessential example of the moral powers, most especially as suggested by the example of the Wars of Religion. Rawls notes that the 'religions of salvation' during the instability of the Reformation made possible "the conquest of people, not simply for their land

[10] John Rawls, "The Idea of Public Reason Revisited," in *The Law of Peoples*, (Cambridge: Harvard University Press, 2002), 150.

and wealth, and to exercise power and dominion over them, but to save their souls."[11] In a way, the negative features of the moral powers of persons are easy to understand. After all, if a particular comprehensive doctrine is taken to be true and indeed describes what is morally required of each and every person, why should it not govern all aspects of a society, despite any diversity of beliefs to the contrary? Religious traditions are particularly robust doctrines with claims which are already regulative of the relations between persons; they are characterized by comprehensive *cognitive content* that suggests in many ways already a given form of social life.[12] When different groups pursue divergent doctrines of this sort, then it is difficult to envision how stability can be achieved. It is the instability implicated in this will to impose a *particular* conception of the good on diverse societies which concerns Rawls in *Political Liberalism*.[13]

If the particular conceptions of the good of religious groups cannot then be easily or appropriately reflected in or imposed on a diverse society at large, it then becomes important to consider whether or not religious persons may nonetheless hold a strong allegiance to that society.[14] This is the second way in which religious diversity might contribute to instability, as Rawls identifies as one of the conditions for social unity the importance of each major comprehensive doctrine being able to endorse the political conception of justice that regulates

---

[11] Rawls, *Political Liberalism*, xxviii.
[12] The notion of cognitive content comes from Jurgen Habermas, "Religion in the Public Sphere," *European Journal of Philosophy* 14, no. 1 (2006): 15.
[13] Indeed when asked in a late interview about the important place of religion in his work, Rawls responded first and foremost with the statement that he is "concerned about the *survival*, historically, of constitutional democracy." John Rawls, "*Commonweal* Interview with John Rawls," in *Collected Papers*, Samuel Freeman, ed. (Cambridge: Harvard University Press, 1999) 616. My emphasis.
[14] Notice that this concern obscures the question of political justice *within* a given religious group.

the societies in which they exist.[15] The moral powers of persons to pursue and possibly seek to impose a given conception of the good is limited by the fact of pluralism, and Rawls is then concerned with whether or not religious persons will be able to retain allegiance to a society that does not substantively reflect their conceptions of the good. It is important to note that Rawls makes a distinction between a mere *modus vivendi* and "stability for the right reasons."[16] In a mere *modus vivendi*, religious citizens restrain their impulse to aggressively pursue their conceptions of the good in order to maintain conditions of basic social cooperation, because to attempt to further pursue their particular doctrines would result in social conflicts which do not guarantee them victory.[17] In this form of social cooperation, citizens affirming comprehensive doctrines still desire to see their given doctrine become dominant. Rawls does not regard this form of social cooperation to be "stability for the right reasons," because religious citizens do not hold a particularly robust sense of allegiance to a society that united on the basis of a *modus vivendi*.[18] Under political liberalism, stability for the right reasons is achieved when citizens affirm a liberal political conception of justice, even if their particular comprehensive doctrines may not necessarily prosper and become dominant under it.[19] If citizens cannot affirm a liberal political conception of justice in this way, then social stability and the terms of social cooperation are tenuous at best. Thus the capacity for religious citizens to express a high

[15] Rawls, *Political Liberalism*, xlix. Note that Rawls' suggestion focuses here on the content of a political conception, rather than the terms by which it is formulated.
[16] Ibid., xliii.
[17] Comprehensive liberals solve this problem by mandating institutional restraints on the public actions of the comprehensive religious doctrines, such as the separation of religious institutions from those of the state, while political liberals like Rawls specify the cognitively dualistic conceptual resources discussed in further detail below.
[18] Ibid., xliii-xliv.
[19] Rawls, *Justice as Fairness*, 194-5.

degree of allegiance to a democratic society is an important consideration for whether or not that society can be stable in the way Rawls' thinks is necessary.

The capacity of members of a comprehensive doctrine to express allegiance to a given society is, then, dependent on the possibility of formulating a political conception of justice that could be justified with reference to the comprehensive doctrines which could be reasonably expected to persist over time, and on the possibility that such a political conception of justice will be sufficiently regulative of the society containing those that endorse it. Notice that the concerns for stability related to religious diversity described thus far are territorially-specific; they focus wholly on the domestic state and presume it to be a closed system, within which the exercise of public reason and the generation of a regulative political conception of justice occurs without reference to wider 'international' forms of identity and deliberation. Recall also that in Rawls' account of political liberalism, the political conception of justice is intended to be regulative of the basic structure of a given society, its institutions and constitutional essentials; the society governed by the political conception of justice is thus a self-contained, self-generating discrete unit.

This leads us to the third way in which religious diversity might pose a challenge to social stability, and to the generation of a political conception of justice that is sufficiently regulative of a territorially-defined society, which is to say that the transnationalism of religious identities limits the extent to which a given society can generate complete social unity in the manner described by Rawls. I suggest here two key premises to further specify why religious groups might challenge Rawls' geographically-contained account of stability under political liberalism. First, comprehensive religious doctrines are not wholly contained within the

territory of a given political society, in the sense that the bonds of fellowship suggested by membership in a religious community are transnational, they run across states and are in most instances not necessarily dependent on states for their continuation and prosperity. This is relevant because both political liberalism and the comprehensive doctrines seek to specify relations between citizens, and when a regulative source of legitimacy like a religious identity is at least partially external to a state that is to be characterized by a given overlapping consensus, the possibility of wholly encapsulating a political conception of justice that specifies the political relation between citizens is undermined. In this way, religious identity challenges the stability described by political liberalism, because the bonds of social unity embodied in a state characterized by political liberalism are always partial, always of limited capacity for self-legitimation and reconciliation through the domestic public use of reason in common with other citizens inhabiting the same society, but not the same transnational religious identity.

The second premise that specifies how religious identities might challenge Rawls' geographically contained account of stability under political liberalism is that the transnational bonds of fellowship alluded to above which characterize comprehensive doctrines are generated and maintained by transnational networks of communication, and by shared practices that signify and perpetuate the given identity for believers across state borders.[20] Shared communication and shared practices problematize the account of stability characterized by Rawls because political liberalism is so dependent on political justification - on the domestic

[20] A serviceable example of such a practice would be the Shia Muslim practice of shrine visitation, which draws Shia Muslims across borders, strengthening a sense of Shia identity that transcends a given state. As Vali Nasr notes, "shrine visits create transnational networks of people, charitable giving, and commerce. They provide Shias with a sense of community that goes beyond the merely local . . . they strengthen the transnational bonds of Shiism." Vali Nasr, *The Shia Revival*, (New York: W.W. Norton & Company, 2007) 56.

public use of reason - to generate a political conception of justice and its associated legitimacy. The intersubjective practices which give rise to political liberalism's 'stability for the right reasons' do not admit of overlapping, transnational spaces of public reasoning and justification. A society characterized by multiple transnational comprehensive doctrines is always and at the same time characterized by overlapping spaces for public justification, and by overlapping and variegated sources of legitimacy. The sense of legitimacy and stability which is to be embodied in the territorial state is therefore always partial, and the political conception of justice which regulates a given territorial state is always only partially able to generate the conditions for its own stability.[21] In other words, political liberalism depends on a clean break in the domestic/international distinction in order to generate and expect a sufficient degree of political stability.

Cognitive Dualism & Political Liberalism

In the previous section, I outlined three ways in which religious diversity might challenge the possibility of stability as specified by political liberalism, in order to begin to better understand if Rawls actually sets up the conditions for social unity with which he is occupied. In this section, I describe three of the main ideas of political liberalism, the purpose of which is to illustrate the cognitive dualism inherent in Rawls' theory. This discussion of the political liberal form of dualism will be most relevant in Chapter 3, which includes a discussion of the transformative effects of liberal terms of citizenship, and how this feature of political liberalism establishes the conditions for the instability with which it is concerned. Specifically, in what

[21] This is discussed at length in the subsequent chapter.

follows I consider Rawls' political conception of the person, the idea of public reason, and the idea of an overlapping consensus, and the ways in which each of these ideas suggest citizens' cognitive distinction between elements expected to belong to the background culture, and those belonging to the public political realm. My hope is that by setting out the dualistic ways in which these ideas specify the political relation between persons and thereby affect the publicity of religious identities, we can better see how political liberalism situates comprehensive doctrines, and then later how that position is affected and transformed by the broader terms of citizenship under political liberalism. In other words, the following discussion of political liberalism's cognitive dualism will set the basis for a consideration of the relation between the two sides of this dualism, and how this might be relevant for the sorts of instability outlined above.

The Political Conception of the Person

I have already outlined and described the significance of Rawls' idea of the moral powers of persons, central as they are to the ways in which citizens act politically on the basis of their comprehensive doctrines and general convictions about justice. The moral powers constitute a key element in Rawls' account of the moral psychology of persons, and, when taken together with an additional consideration, they form his political conception of the person.[22] The additional idea is that each person is free and equal, and the idea of persons as free and equal citizens that each possess the moral powers is the core of Rawls' political

[22] Rawls, *Justice of Fairness*, 196.

conception of the person.[23] As Rawls notes, "the fundamental status in political society is to be equal citizenship, a status all have as free and equal persons . . . citizens are equal at the highest level and in the most fundamental respects. Equality is present at the highest level in that citizens recognize and view one another as equals."[24] Citizens' "social bond is their political commitment to preserve the conditions their equal relation requires."[25] Thus the political conception of the person is at once individual and social; it specifies an inviolable political status for persons that is at the same time afforded recognition by citizens' mutual regard. This political conception of the person is the single most important basis for all of the core ideas in political liberalism, including the ideas of public reason and of an overlapping consensus.

An additional, relevant element of the political conception of the person is that each and every citizen affirms "two distinct although closely related views. One of these is the political conception of justice they all affirm. The other is one of the opposing comprehensive (or partially comprehensive) doctrines, religious, philosophical, and moral, found in society."[26] The distinction between these two views is apparent in a well-ordered society characterized by political liberalism: in an oppressive society that favours a particular comprehensive doctrine, there is no such cognitive distinction for citizens that affirm the dominant comprehensive doctrine, and oppressive state power is necessary to enforce the dominant comprehensive doctrine with respect to those who otherwise would not affirm it. There is then, under political liberalism, a cognitive dualism between the broader political conception of justice that is regulative of the society in which it is justified, and the irreconcilable comprehensive doctrines

[23] Ibid., 132.
[24] Ibid.
[25] Ibid.
[26] Ibid., 33.

affirmed by the free and equal citizens that compose that society. Each citizen affirms each of these two elements: a political conception of justice and a comprehensive doctrine. The question then becomes how these free and equal citizens may come, despite their divergent and irreconcilable comprehensive doctrines, to generate and endorse a reasonable political conception of justice that is not based on a particular comprehensive doctrine, and is therefore neutral with respect to such doctrines.

The Idea of Public Reason

Rawls identifies what he calls 'the idea of public reason' as the means by which citizens of diverse comprehensive doctrines may come to endorse a shared political conception of justice that can regulate the basic structure of a political society, and thereby establish stability and social unity.[27] For our purposes there are two key elements of Rawls' account of the idea of public reason which specify the manner in which diverse citizens may reason together to formulate a political conception of justice, each of which reflects the political conception of the person outlined above. When taken together, these two elements constitute the sort of practice of political justification that Rawls thinks is necessary for a diverse society to achieve social unity and stability.

First, "the idea of public reason arises from a conception of democratic citizenship in a constitutional democracy," or what Rawls calls the 'criterion of reciprocity'.[28] The criterion of reciprocity specifies the political relation between citizens in the manner suggested above in

[27] Rawls defines the basic structure as "society's main political, constitutional, social, and economic institutions and how they fit together to form a unified scheme of social cooperation over time. This structure lies entirely within the domain of the political." Rawls, *Political Liberalism*, xliii, n. 7.
[28] Rawls, "The Idea of Public Reason Revisited," 136.

the discussion of the political conception of the person; the idea that each citizen is free and equal is the foundational idea of political liberalism and of the idea of public reason. The criterion of reciprocity specifies that each citizen is not merely free and equal, but that each citizen regards and treats every other as free and equal. In terms of public reason, what this means is that each citizen, when deliberating on the values and features of the political conception of justice and the associated elements of the basic structure, must propose to her fellow citizens terms of fair social cooperation which each could accept, "as free and equal citizens, and not as dominated or manipulated, or under the pressure of an inferior political or social position."[29] When each citizen regards and treats every other citizen as free and equal, then each citizen possesses a reciprocal relationship with one another. This criterion of reciprocity is essential if citizens are to be able, through the public use of their reason, to produce a political conception of justice which all could endorse.[30]

The second and very related key element of Rawls' account of the idea of public reason is what Rawls calls the 'proviso'. While the criterion of reciprocity specifies the way in which citizens under political liberalism are to regard one another, the proviso is an expression of the logical implications of that regard for the public use of reason. Specifically, and as alluded to above, the proviso concerns the sorts of reasons that free and equal citizens are to give one

[29] Ibid., 137.

[30] It is important to note that while the terms of the political conception of justice should be ones that all citizens could endorse, and thus should not rely on a particular comprehensive doctrine, each citizen must be able to justify the political conception of justice from within her or his comprehensive doctrine, such that the political conception of justice follows naturally from the comprehensive doctrine. Note that this indicates something about the relationship between the two elements of the cognitive dualism in political liberalism: the religious worldview and the broader political conception of justice. The political conception of justice must be widely endorsed by the different comprehensive doctrines, otherwise the political society will not be enduring and secure. As Rawls notes, "the fundamental concepts, principles, and virtues of the political conception are theorems, as it were, of [citizens'] comprehensive views." Rawls, *Justice as Fairness*, 33-4.

another; the proviso specifies that citizens may "introduce into political discussion at any time [their] comprehensive doctrine[s], religious or nonreligious, provided that, in due course, [they] give properly public reasons to support the principles and policies [their] comprehensive doctrine[s are] said to support."[31] 'Public' reasons are ones that do not depend on a particular comprehensive doctrine, and so carry with them the possibility that free and equal citizens could accept them, despite affirming widely divergent and irreconcilable comprehensive doctrines. Taken together, the criterion of reciprocity and the proviso constitute the sort of public political justification necessary for free and equal citizens to formulate a political conception of justice that all could reasonably be expected to endorse, and they together are the key elements of the idea of public reason.

The Idea of An Overlapping Consensus

The possibility of diverse citizens coming together to endorse a reasonable political conception of justice which they could each affirm on the basis on their comprehensive doctrines, but is justified publicly such that all *could* endorse it, and such that it is not reliant on any one particular comprehensive doctrine, is a centrally important possibility that Rawls is trying to set out in *Political Liberalism*. It is the basis of social unity and stability.[32] If it is the case that such a political conception exists, then it is supported by what Rawls calls a reasonable overlapping consensus of the major comprehensive doctrines that could be

[31] Rawls, "The Idea of Public Reason Revisited," 144.
[32] Indeed Rawls calls it "the most reasonable basis of political and social unity available to citizens of a democratic society." Rawls, *Justice as Fairness*, 32.

expected to persist over time in a given political society.[33] The citizens in a political society - conceived of *politically*, as described above - make public use of their reason to develop and endorse a political conception of justice which is supported by an overlapping consensus of comprehensive doctrines. The consensus is overlapping because it is derived from each of the comprehensive doctrines. The overlapping consensus is the most reasonable basis for social unity, Rawls argues, because a diversity of comprehensive doctrines is the normal result of the institutions of a free and democratic society, it is a permanent feature of a democratic public culture, and because the only way to secure a single comprehensive doctrine as being regulative of a diverse society is through the oppressive use of state power.[34] The overlapping consensus is thus the most reasonable basis of social unity, because it mitigates conflict based on comprehensive doctrines by having the political conception of justice be embedded in and supported by each of them. In other words, the overlapping consensus is the expression of the public political realm forged by the unification of the comprehensive doctrines into a single form of social cooperation over time.

The Standpoint of the Citizen In Political Liberalism

One clear feature of political liberalism that arises from an exploration of the three key ideas of the theory outlined above is that each and every citizen is expected to hold a particular standpoint with respect to every other citizen, and that social unity is dependent on that standpoint. Citizenship under political liberalism is a reciprocal and constituent feature of political society. Each citizen holds the status of citizen by virtue of having been viewed as such

[33] See Rawls, *Justice as Fairness*, 32-9, 192-5, and Rawls, *Political Liberalism*, 133-73.
[34] Ibid., 34.

by each and every other reasonable citizen. In this way, political liberalism suggests that a liberal society be dependent on a particular cognitive orientation on the part of the citizens which comprise it. Citizens view other persons as citizens, and propose reasons to one another that are reflective of that status. Citizens are reasoning agents that view their position in political society to be one of obligation. We are obliged to offer one another public reasons in a manner sensitive to the fact of our diversity. The standpoint of the citizen is that we view others and ourselves as politically autonomous agents, each with a capacity to propose and consider public reasons for and against a given proposition. This standpoint suggests that there are limitations on each person's moral powers; the moral views and propositions of persons are limited in the degree to which they can be realized by the degree to which they can be publicized. As John Tomasi notes, under political liberalism, "people in such a society must share the moral idea that humans are the kinds of beings who are owed reasons, in terms that they themselves can accept, that justify coercive actions undertaken by the state with respect to them. Political liberalism is only suited for a social environment in which people do affirm that moral ideal."[35] Political liberalism thus prescribes that each citizen affirm the standpoint specified by the theory, a fact to which I refer to in Chapter 3 below, where I set out the ways in which this standpoint - and the broader terms of citizenship in a society characterized by political liberalism - is transformative of citizens' comprehensive doctrines, and how this is relevant for the sorts of instability to which political liberalism is addressed.

[35] John Tomasi, *Liberalism Beyond Justice: Citizens, Society, and the Boundaries of Political Theory*, (Princeton: Princeton University Press, 2001) 9.

The Argumentative Force of Political Liberalism

When taken together, the three key ideas of political liberalism introduced above constitute the argument for the stability that Rawls is trying to show is possible in a society deeply divided by divergent and irreconcilable comprehensive doctrines. An important element that they all share, and which will be the focus of the remaining discussion, is the cognitive dualism inherent in the theory. The political conception of the person is a dualistic political conception of the person that is expressed in cognitive terms, because it takes individuals to be affirming two importantly different, though closely related, ideas: the political conception of justice and the comprehensive doctrine. The idea of public reason is cognitively dualistic in the sense that it acknowledges the importance of practices of reasoning and justification that are associated with the comprehensive doctrines, but then separates out from them public political justification, understood to include the accompanying criterion of reciprocity and the proviso, so as to produce and justify a conception of justice that is not dependent on any one comprehensive doctrine. These ideas in turn suggest the idea of an overlapping consensus, which belies the division between the 'background culture' of the comprehensive doctrines, and the overlapping public political culture.[36] On the one side of this dualism, one finds citizens' ideas of the good, as well as their general and diverse plans of life, and on the other side one finds the realm of the political, in which political liberals hope that the political aspects of citizens' conceptions of the good may be reconciled.

[36] See Rawls, *Political Liberalism*, 14 and Rawls, "The Idea of Public Reason Revisited," 134 for elaboration of the term 'background culture'.

The cognitive dualism of *Political Liberalism* is a powerful feature of Rawls' theory for at least two reasons. First, it in some sense seems to correspond with the historical experience of existing liberal democratic societies. As is outlined above, Rawls aims to make use of a certain interpretation of the impact of the Reformation as a basis on which to formulate the theory of political liberalism. The Reformation and the Wars of Religion are taken to be signifiers of Rawls' conviction that diverse societies are potentially unstable, and that no one comprehensive doctrine can be imposed on a diverse society without the oppressive use of state power. The Wars of Religion demonstrated, under Rawls' interpretation, the need to formulate fair terms of social cooperation between the 'religions of salvation' which had so divided Europe. The idea of an overlapping consensus is a powerful idea because it suggests the possibility of formulating such fair terms of social cooperation that could be endorsed by the comprehensive doctrines that are likely to persist in a given society, while still allowing each free and equal citizen to pursue her or his conception of the good in the context of their comprehensive doctrines. This correspondence with historical experience is part of what Rawls means when he refers to the use of our considered convictions about justice in formulating and proposing to each other fair terms of social cooperation.[37] The cognitive dualism of political liberalism is powerful, then, because it seems to be consistent with our historical experiences and considered convictions about the implications of the fact of pluralism.

The second reason for why political liberalism's dualism is one of its most powerful features is that it finds purchase in much of Western political theory, Rawls' did not invent this dualism; he has only offered his readers a powerful formulation of it. While there are no doubt

[37] Rawls, *Justice as Fairness*, 29-30, 41-2.

significant differences between Rawls and many other Western thinkers, this dualistic divide between a background culture and a public political culture is found in much of Western political theory. Consider for example the essay referenced earlier by Jurgen Habermas on "Religion in the Public Sphere." In it Habermas refers to the idea that "the institutional precondition for guaranteeing equal freedom of religion for all is that the state remains neutral towards competing world views."[38] This suggests a division between the 'neutral' realm of the state and the background realm of citizen world views. Similarly, "religious contributions can only enter into the institutionalized practice of deliberation and decision-making if the necessary translation occurs in the pre-parliamentary domain, i.e., in the political public sphere itself." The necessary translation is "the epistemic ability to consider one's own faith reflexively from the outside and to relate it to secular views."[39] This requirement of translation suggests something like the cognitive dualism outlined in political liberalism: the division between the background culture (to use Rawls' terminology) and the public political realm. While there are significant differences amongst many Western thinkers, this dualism is further suggested in the work of such theorists as Michael Walzer[40], Amy Gutmann[41], Martha Nussbaum[42], and Joseph

---

[38] Habermas, 9.

[39] Ibid., 9-10. Notice the suggestion of a particular standpoint as a necessary feature of stable diverse societies.

[40] Walzer, often identified as a communitarian, discusses the principle of toleration, and the necessity of separating religious organizations from the state, and also of separating "politics itself from the state," so as to prevent the establishment of a civil religion, thereby suggesting a form of the dualism with which I am concerned. Walzer even goes so far as to suggest that this separation is a principal distinction between totalitarian and democratic regimes, akin to Rawls' contention that a particular comprehensive doctrine may only be dominant if supported by the oppressive use of state power. Michael Walzer, *On Toleration*, (New Haven: Yale University Press, 1997) 79-82.

[41] Gutmann discusses also the separation of religious institutions from the state, referring to it as 'two-way protection' the state and religious groups. She goes on to describe freedom of religion as the "freedom to pursue one's ultimate ethical commitments within the limits of legitimate laws," suggesting an ideational division between the public political realm and citizens' individual conceptions of the good. Amy Gutmann, *Identity in Democracy*, (Princeton: Princeton University Press, 2003) 190-1.

Raz[43], each of whom in some form illustrate a distinction between the particular conceptions of the good held by those who affirm a comprehensive doctrine, and the public conception that is regulative of a democratic society. The key difference between Rawls' account of dualism and that of the comprehensive liberals is that the latter tend to focus on the institutional separation between comprehensive religious doctrines and the state, while Rawls develops conceptual resources that suggest a division in citizens' minds between their comprehensive doctrines and the public realm. The point of all of this is to suggest that the cognitive dualism found in and described by the idea of political liberalism is a powerful way of thinking about the relationship between religious diversity and broader social stability, and that it has evolved from a long tradition in liberal theory that highlights a separation of some kind between the comprehensive religious doctrines and the public arena. This adds to the power of Rawls account, although, as is further elaborated below, this account nevertheless actually exacerbates the conditions for the sorts of instability with which it is concerned. In subsequent chapters I outline a criticism of the cognitive dualism of political liberalism; I argue that the terms of social cooperation in a liberal democratic society are transformative for comprehensive doctrines, and that the transformative nature of the relationship between the comprehensive doctrines and the public

[42] Nussbaum specifically makes use of the Rawlsian language of the overlapping consensus. Martha Nussbaum, *Frontiers of Justice: Disability, Nationality, Species Membership*, (Cambridge: Harvard University Press, 2006) 298-306, 388-92. Also Martha Nussbaum, *Liberty of Conscience: In Defense of America's Tradition of Religious Equality*, (New York: Basic Books, 2008) 354-365.

[43] Raz offers his readers a ringing endorsement of the dualistic principle of liberal neutrality, an endorsement made in light of the diversity of moral conceptions of the good: "the only proper course seems to be to endorse constitutional arrangements neutral between conceptions of the good in order to enable all individuals to develop and pursue their own conception of the good. Since no conception of the good which expresses the rational nature of the person upholding it is better than any other, the constitutional arrangements should be neutral between them." Joseph Raz, *The Morality of Freedom*, (Oxford: Oxford University Press, 1986) 132-3.

political realm may exacerbate, rather than ameliorate, the sorts of social conflicts that Rawls identifies as a concern arising from the fact of pluralism.

Conclusion

In this chapter I have laid a foundation for the discussion that follows in subsequent chapters regarding the two principal ways in which political liberalism establishes the conditions for the instability to which it is addressed. It was necessary at first to outline the ways in which religious diversity might lead to instability, as Rawls does not directly address this, choosing as he does instead to focus on the conditions for social unity. Recall that I suggested three possible ways in which religious diversity might be unstable, at least as suggested by Rawls in *Political Liberalism*: First, each person has the capacity to have a conception of the good, and also the capacity to pursue that conception. This is potentially unstable, particularly for those with particularly robust conceptions of the good, such as is the case with religious identities, as some such conceptions may encourage their imposition on others, as in the case of the Wars of Religion. Second, persons whose conceptions of the good are not reflected in the societies in which they live may not regard those societies as fully legitimate or as being deserving of their allegiance. This is destabilizing, at least from the perspective of a political liberal, as such a society would at least be unified on the basis of a *modus vivendi*, rather than on a full conception of justice that all fully endorse. Finally, religious groups are most often not tied to a particular geographical area or to a particular state; they are transnational forms of identity with structures of legitimation and justification that are not encapsulated in any particular society's basic structure. This fact about religious diversity

challenges the assumption in political liberalism that the political justification of a conception of justice is or can be wholly situated in a clearly defined, territorially-based entity like a state. These three forms of instability then set the stage for a consideration of whether or not political liberalism adequately accounts for them, and whether or not it truly describes how stability might be achieved in light of deep religious diversity.

In the following chapter I deal specifically with this third form of instability, as it is the one least addressed by Rawls in *Political Liberalism*. I begin first with a discussion of the ways in which the justification of a political conception of justice is described in *Political Liberalism* in territorially-specific ways, followed by an exploration of the transnational features of religious identity. I argue that political liberalism does not at all address the transnationalism of religious identity, an omission which suggests that by encapsulating the justification of a regulative political conception of justice in the territorially-specific state, political liberalism establishes conditions for political instability. Following this discussion, I go on in the third and final chapter to address the aforementioned transformative character of the terms of citizenship in a society characterized by political liberalism, and how this may exacerbate, rather than ameliorate, the sorts of instability with which the theory is concerned.

Chapter 2: Gods Without Borders

Territoriality, Instability & Transnational Religious Identity

Introduction: The Elder Transnationals

To suggest that religious identity is a transnational form of identity is to suggest that to be religious is to bear in some sense a social bond with others that transcends the boundaries of the sovereign state. In many ways, *Political Liberalism* is a story about how persons come to form a social bond that governs the basic social, economic, and political institutions to which they are subject, but it does so always within the confines of and in reference to the territorially-based state. In Rawls' account, the state is the institutional expression of a people's social bond.[44] In many ways then, Rawls is carrying on the legacy of the interpretation of the Reformation with which his story of social unity began. Prior to the Reformation, religious identity in Europe was very transnational. As Susanne Rudolph notes, "religious communities are among the oldest of the transnationals: Sufi orders, Catholic missionaries, and Buddhist monks carried work and praxis across vast spaces before those places became nation-states or even states."[45] However, by the Treaties of Augsburg and Westphalia, the principle of *cuius regio eius religio* ("in whose region, whose religion") became, in Jose Casanova's words, "the formative principle . . . of the modern confessional territorial absolutist state. [It] lead . . . to the

[44] Here and in what follows I use the term 'state' loosely, as referring to what Rawls means by the basic structure.

[45] Susanne Hoeber Rudolph, "Introduction: Religion, States, and Transnational Civil Society," in *Transnational Religion and Fading States*, Susanne Hoeber Rudolph and J. Piscatori, eds. (Boulder: Westview Press, 1997), 1.

territorialization of religions and peoples."[46] Just as the Reformation territorialized religious identity, so too has Rawls retained this feature in his explication of social unity under conditions of religious diversity.

In contrast to the post-Reformation territorial form of religious belonging, contemporary religious identity is a form of social bond without borders; it unites persons across state frontiers and specifies the relations between them without reference to geography. Casanova calls this new, contemporary reality a situation in which religions are "reconstituted truly as deterritorialized global imagined communities."[47] In what follows I consider the relevance of religious identity's renewed transnationalism for Rawls' argument for social unity and stability in democratic societies that are characterized by the fact of religious pluralism. In light of this transnationalism, I take it as significant for his concern for stability that he attaches the political liberal vision of social unity so markedly to the state, and I hold that in contrast to offering a robust account of stability, the territoriality of *Political Liberalism* establishes the conditions for, rather than resolves, the sorts of instability that I describe above in the previous chapter. Specifically, I argue that in attaching citizens' first-order allegiance to the state, political liberalism misses the ways in which transnational religious identity is a powerful source of legitimacy, forms a space in which religious persons engage in dialogue with one another, and provides a source of accommodation and recognition for bearers of a given religious worldview. These three unifying features of transnational religious identity challenge political liberalism because political liberalism aims to specify already a space for dialogue

[46] Jose Casanova, "Public Religions Revisited," in *Religion: Beyond a Concept*, Hent de Vries, ed. (New York: Fordham University Press, 2008), 110.
[47] Casanova, 116.

between citizens (the public use of reason in the public political realm), it specifies the most legitimate basis for governance (the intersubjective production of a regulative political conception of justice), and it gives an account of citizen allegiance to a democratic society that is based on the recognition and accommodation of citizens' comprehensive doctrines. That transnational religious identity already performs these social functions may set it in opposition to the first-order importance attached to the unity produced by these functions in political liberalism.

In unfolding this argument, I first discuss some of the ways in which Rawls inherits the territoriality of the post-Reformation period, with a view to describing in precise terms the attachment to the state of the argument for stability outlined in *Political Liberalism*. As a contrast, I then illustrate some of the ways in which contemporary religious identity is transnational, for the purpose of setting the stage for a consideration of how religious identity may not be encapsulated within the state in the way that Rawls suggests. Finally, I draw out the implications of religious identity's transnationalism for Rawls' argument for stability, specifically in light of the three unifying features of transnational religious identity outlined above. I conclude then with the assertion that by associating his argument so closely with the territorial state, Rawls establishes in political liberalism the conditions for instability in light of religious diversity, rather than for the stability with which he is concerned.

Territoriality & Political Liberalism

Here I consider the territoriality that is inherent in the account of social unity specified by political liberalism. As was noted above, Rawls carries on a key feature of the immediate

post-Reformation period: what Casanova calls the territorialization of religions and peoples.[48] To illustrate this inheritance, I first clarify some adamant distinctions in terminology that Rawls makes, as doing so will begin to draw out the territoriality of Rawlsian social unity. I then describe the ways in which political liberalism specifies relations between citizens, the regulative political conception of justice, and the basic structure of a given society within territorially-bounded terms.

Rawls uses three important terms to distinguish between different sorts of groups of persons: that of a community, a society, and a people. The difference between these terms refers to the sort of social bond that characterizes each of them. Recall from the previous chapter Rawls' contention that persons generally affirm a comprehensive doctrine, and that on that score they might be said to also be a member of a group whose common association is based on such a doctrine. That there is a diversity of such doctrines is what leads Rawls to articulate the central motivating question behind political liberalism[49]; indeed political liberalism holds that a diversity of doctrines is the normal result of the institutions of a free society.[50] Rawls chooses to refer to a group of persons who share the same comprehensive doctrine, be it moral, philosophical, or religious, as a community.[51] He chooses this term because the shared bond of a common comprehensive doctrine is a deeply powerful factor in uniting persons together in common association. The power of this bond returns again and again in the construction of political liberalism: stability is achieved *for the right reasons* when a regulative political conception of justice is embedded in citizens' comprehensive doctrines *all*

[48] Ibid., 110.
[49] See Rawls, *Political Liberalism*, xxxix, and page 7 of the present study.
[50] Rawls, *Justice as Fairness*, 35.
[51] Ibid., 34. See also Rawls, *Political Liberalism*, 37.

the way down[52], a possibility which gives '*strength and vigour*' to the fact of that stability.[53] Furthermore, comprehensive doctrines are deeply important to and embedded in persons, so much so that if one wished to impose a single doctrine on the whole of a democratic polity, one would only be able to do so, Rawls asserts, through "the oppressive use of state power."[54] Note then the clear importance that political liberalism places on the attachment of persons to their comprehensive doctrines, to the communities of which they are members.[55]

This emphasis on the bonds which unite members of communities is what leads Rawls to the central questions of political liberalism, since it is a key feature of democratic polities that they are characterized by a diversity of such communities. Rawls distinguishes, then, between the terms community and society, the latter of which refers to the free association of persons that each affirm divergent yet reasonable comprehensive doctrines. As Rawls notes, a democratic society "is hospitable to many communities within it, and indeed tries to be a social world within which diversity can flourish in amity and concord; but it is not itself a community, nor can it be in view of the fact of reasonable pluralism."[56] Indeed, to fail to distinguish between a community and a society would be "a serious error."[57] The feature which unites a democratic society is a political conception of justice that is worked up by diverse citizens making public use of their reason, and which is formulated in accordance with the proviso

---

[52] This phrase appears in Rawls, *Justice as Fairness*, 24.
[53] This phrase appears in Rawls, "The Idea of Public Reason Revisited," in *The Law of Peoples*, (Cambridge: Harvard University Press, 2002), 153.
[54] Rawls, *Justice as Fairness*, 34. Indeed, Rawls' observation here is one which Burton Dreben thinks "should shock any well brought-up philosopher." Dreben, 317.
[55] This importance is illustrated below, where I discuss the transnational features of this form of belonging.
[56] Ibid., 21.
[57] Ibid.

necessitated by the terms of public reason.[58] The political conception of justice unites persons into the social world of a society, as it is the fruit of their intersubjective efforts to achieve reasonable terms of social cooperation. Since a political conception of justice may not be based on a *particular* comprehensive doctrine, a political society may not be said to be a community, because its basis for unity is in the first instance restricted to the public political realm.[59] In other words, once citizens have made public use of their reason to achieve an overlapping consensus of their reasonable comprehensive doctrines, they have achieved the sort of unity that characterizes a society.

The final term that Rawls uses to distinguish between different sorts of groups of persons is that of a people. The manner in which Rawls uses the term 'people' is similar to that in which he uses the term society, in the sense that the key unifying feature that defines these two sorts of groups is a political conception of justice supported by an overlapping consensus.[60] The primary difference between a people and a society is that a people bears the effects of having been unified as a society over a significant period of time.[61] In addition, a people has "a reasonably just constitutional democratic government that serves their fundamental

---

[58] See page 17-19 of the present study for an explication of the proviso.

[59] Note however that the political conception of justice is justified by persons from within their comprehensive doctrines, and so the Rawlsian political union may perhaps still be said to be a robust union, although it is unclear whether or not the unity achieved by the production of a political conception of justice may or may not be outweighed by the unity members of comprehensive doctrines share with persons in other societies who affirm the same doctrine, a tension which I explore in greater detail below.

[60] For the purposes of this project I refer primarily to Rawls' conception of a *liberal* people, as it rests on the concepts and features of political liberalism.

[61] Rawls encapsulates these effects in his usage of John Stuart Mill's term 'common sympathies'. John Rawls, *The Law of Peoples*, (Cambridge: Harvard University Press, 2002), 23. Among other things, Mill uses the term 'common sympathies' to refer to the sort of social unity that results from an "identity of political antecedents; the possession of national history, and consequent community of recollections; collective pride and humiliation, pleasure and regret, connected with the same incidents in the past." John Stuart Mill, *Considerations on Representative Government*, J.M. Robson, ed. (Toronto: University of Toronto Press, 1977), in *Collected Works*, vol. XIX, chap. XVI, 546.

interests."[62] Peoples are distinguished, then, by their common institutions, the effects of their common history, and by their characteristic overlapping consensus; in this case, what Rawls calls their common 'moral nature'.[63] Notice also that what in political liberalism unites persons into a people are the three unifying features described above in reference to a transnational religious identity. A 'people' constitutes a shared source of legitimacy, in that the terms of its union have been worked up by the free and equal citizens which comprise it. In so doing, it constitutes also a space for dialogue between its members, and it is a source of recognition and accommodation for its members, as its regulative political conception of justice is formulated in accordance with the proviso of public reason. These three terms - community, society, people - are in some sense exclusivist, in that they suggest possible distinctions between other communities, societies, and peoples. I now consider how these conceptions are presented by Rawls in territorial terms, as a precursor to my discussion of how the special transnational features of religious identity - the transnationalism of certain of the comprehensive religious doctrines which comprise societies and peoples - might challenge the possibility of social unity described by Rawls.

The key premise that suggests the territoriality of political liberalism is Rawls' exhortation that we view a society characterized by political liberalism as 'closed'.[64] As a corollary, such a society's central institutional feature is its basic structure, which is to be distinguished from those of other political groupings of persons, and it is this basic structure which is the subject of the political conception of justice formulated by free and equal

[62] Rawls, *Law of Peoples*, 23.
[63] Ibid.
[64] Rawls, *Political Liberalism*, 12.

citizens.[65] In this way, societies and peoples are distinguished from other such groupings, because they each have a unique political conception that regulates a distinctive basic structure, and the constellation of these features is expected by Rawls to be the object of members' first-order allegiance as citizens.[66]

The first thing to note about the basic structure of a society characterized by political liberalism is that it contains within itself all of the central elements of political liberalism described in the previous chapter. As Rawls asserts, "the basic structure is the background social framework within which the activities of associations and individuals take place."[67] Furthermore, the very political relation between citizens "has two special features: first, it is a relation of citizens *within* the basic structure of society . . . second, it is a relation of free and equal citizens who exercise ultimate political power as a collective body."[68] The liberal society is thus a self-referential, self-contained unit, as it comprises all of its citizens, who then make public use of their reason to formulate a political conception of justice that regulates its main social, political, and economic institutions, which together constitute the institutional expression of the exercise of 'their ultimate political power as a collective body'.[69] This is a significant way of conceiving of a liberal society, as it suggests that there are no elements external to a liberal society that impact in any significant fashion the ways in which such a

---

[65] Rawls defines the basic structure as "society's main political, constitutional, social, and economic institutions and how they fit together to form a unified scheme of social cooperation over time." *Political Liberalism*, xliii, n. 7.

[66] The word 'expected' is perhaps too strong, but Rawls does believe that if a conception of justice has been formulated in the manner described in *Political Liberalism*, it will accrue to it citizens' first-order allegiance, in the sense that it will address the two sorts of instability discussed in Chapter 1. In this way, Rawls thinks, we may expect that a liberal society's basic structure, and the political conception that regulates it, is the primary object of citizens' allegiance, above and beyond other forms of association.

[67] Rawls, *Justice as Fairness*, 10.

[68] Rawls, *Political Liberalism*, xlv. My emphasis.

[69] This last point is iterated in Rawls, *Justice as Fairness*, 194.

society's system of social cooperation operates; it suggests that not only will citizens express a first-order allegiance to the liberal society in which they find themselves, but also that membership in political society in some sense outweighs the sorts of social unity persons experience through their other associations, such as in the case of comprehensive doctrines of the transnational sort described in greater detail below.

In order to illustrate further the closed nature of a society characterized by political liberalism, Rawls suggests that it is impossible for persons to enter or exit such a society, except by birth and death. As he argues, "I assume that the basic structure is that of a closed society: that is, we are to regard it as self-contained and as having no relations with other societies. Its members enter it only by birth and leave it only by death. This allows us to speak of them as born into a society where they will lead a complete life."[70] It is of course the case that different societies will invariably have many and variegated relations with one another, but Rawls sees it as important to set this aside as incidental, in order to illustrate the fundamental importance of the main ideas he sets out in *Political Liberalism*, the ideas which I discuss in the previous chapter: the political conception of the person, the idea of public reason, and the idea of an overlapping consensus, each of which operate within the territorial space occupied by the basic structure.[71] Each of these ideas occur within the realm of Rawls' closed society, and, in the most basic terms, within the specific geographic area in which a democratic people resides.

---

[70] Rawls, *Political Liberalism*, 12. This is a curious statement, as given the oft-stated importance of the fact of pluralism, it would seem more accurate to say that citizens enter their *comprehensive doctrines* only by birth and leave them only by death. Citizens may come together to form political associations, which may theoretically come and go, but their comprehensive doctrines they always carry with them, inherited as they are from generations past. After all, if political society were so rigidly closed, would this not be an undue limitation on the political autonomy of free and equal citizens?

[71] Rawls addresses the question of relations with other societies in *The Law of Peoples*.

The closed nature of these ideas, and of their products, suggests the territoriality of political liberalism; in this account, citizens' primary mode of governance is the intersubjective arena of public reason, in which they formulate the values and practices associated with their given political conception of justice, and by virtue they are then constituted as a society and, over time, as a people. The significance of the transnational comprehensive religious doctrines is secondary to this intersubjective arena with respect to political matters. Citizens may be members of transnational religious groups, but in terms of how a people may govern themselves, such transnational associations are secondary when compared to the sort of membership involved when citizens are part of a society, when they are part of a democratic people. Rawls admits that conceiving of a society as closed is "a considerable abstraction," but concludes that doing so "enables us to focus on certain main questions free from distracting details."[72] The purpose of the rest of this chapter is to suggest some of the ways in which the fact of transnational religious identities has bearing on certain main questions, and especially on the question of stability in diverse societies.

Distracting Details: The Transnationalism of Religious Identity

As suggested in the introduction to this chapter, religious identity is in many ways a transnational form of identity. In this section I aim to explain the ways in which this

[72] Rawls, *Political Liberalism*, 12. Note that the terminology outlined in the beginning of this section is in a very basic way itself suggestive of the closed nature of the theory. The human race is sub-divided into peoples, and perhaps also societies, and then communities. This would be fine enough, except Rawls is insistent on their differentiation as closed entities. This begs the question of how significant is the behaviour of peoples on the formation and behaviour of other peoples. In this account, what differentiates peoples and societies is the sort of social unity expressed in the form of their respective political conceptions of justice. The argument here is that certain transnational forces have a bearing on the ways in which citizens' behaviour is regulated beyond that of Rawls' closed democratic polity, and that to ignore this is fundamentally destabilizing for the theory of political liberalism.

transnationalism is manifested, or at least the ways in which religious identity is not territorial in the sense that the theory of political liberalism is territorial. Accordingly, I address the three unifying features of transnational religious identity introduced above, where the word 'unifying' signifies the simple idea that these features constitute each in themselves a transnational basis for some sort of unity between persons affirming the same comprehensive religious doctrine. In the final section of this chapter I address the question of whether or not these transnational bases for unity might affect the argument for stability presented by Rawls in *Political Liberalism*.

State Monopoly Powers & Citizen Allegiance

The previous section outlines the ways in which the political liberal account of social unity is territorial, and asserts that this is a feature that Rawls inherits from the way political community came to be understood in the post-Reformation period. In order to maintain this territoriality, a society characterized by political liberalism is to be deemed a closed society, to which its members hold their highest allegiance. This is also necessary in order to address the second sort of instability outlined in the previous chapter. In terms of the specific ways in which this formulation carries on the territorial inheritance of the post-Reformation conception of the sovereign state, Rawls draws on what Andrew Linklater calls the 'monopoly powers' accrued to the state following the Wars of Religion. These include, among others, "the prerogative of ordering the political allegiances of citizens . . . the sovereign right to adjudicate in disputes between citizens; and the exclusive right of representation in international society which has

been linked with the authority to bind the whole community in international law."[73] Part of what Rawls is trying to achieve in *Political Liberalism* is a description of how the exercise of these monopoly powers might be legitimate under conditions of religious diversity, and this effort is what leads one to conclude that the sort of social unity described by political liberalism is meant to constitute itself a source of legitimacy in the eyes of citizens.

The monopoly powers are manifested in political liberalism in ways mentioned in this and the previous chapter. The liberal society and its basic structure are legitimate because they are the intersubjective result of citizens' public use of their reason, and as such are entitled to citizens' first-order allegiance. Similarly, the political conception of justice and its attendant institutions are worked up in order to regulate disputes between free and equal citizens, and to represent the liberal people in their relations with other peoples. In this way, Rawls is part of a long tradition in Western political thought. As Linklater notes, "reworking the social bond which unites a people, but simultaneously separates the community from human beings elsewhere, has . . . been a recurrent aspiration in Western moral and political thought."[74] Rawls is very much in *Political Liberalism* trying to rework the liberal vision of the social bond that unites citizens in societies characterized by the fact of religious pluralism, and yet his reworking very much continues on the practice of demarcating liberal citizens from those in other societies with whom they might share some other allegiance. Finally, an effect of the entrenchment of these monopoly powers is, according to Linklater, a shift in "local and transnational authorities and loyalties from centre stage in the Westphalian era."[75] Political liberalism, then, carries on

---

[73] Andrew Linklater, *The Transformation of Political Community: Ethical Foundations of the Post-Westphalian Order*, (Columbia: University of South Carolina Press, 1998), 28.
[74] Ibid., 25.
[75] Ibid., 29.

the post-Reformation vision of political society because it takes as central to politics the legitimacy bound up in the territorial liberal basic structure; it places the authority of the liberal society at 'centre stage'.

This aforementioned effect has been the case, so long as the sovereign state has retained the capacity to uphold its monopoly powers, but the current experience of globalization has frustrated these powers, and as such has undermined a territorially-bounded society's capacity to serve as a sole source of legitimate authority for its citizens. In Linklater's observation: "globalization and fragmentation erode the state's monopoly powers . . . globalization and fragmentation frustrate the totalizing project of the state."[76] The renewed transnationalism of religious identity might be said to be one of the forces of fragmentation which Linklater suggests, in the sense that its status as an additional source of legitimacy for members of a given comprehensive religious doctrine may complicate the liberal polity's hold on citizens' primary political allegiance. The primary factors responsible for the erosion of the state's monopoly power to order citizens' political allegiances are advances in communications and transportation technologies, and the emerging context of these technologies and the attendant "transformation of the state under globalization," as Saskia Sassen notes, is "the emergence of multiple actors, groups, and communities partly strengthened by these transformations in the state and increasingly unwilling automatically to identify with a nation as represented by the state."[77] In the remainder of this section, I describe how transnational

---

[76] Ibid., 34.

[77] Saskia Sassen, "The Repositioning of Citizenship and Alienage: Emergent Subjects and Spaces for Politics," in *Displacement, Asylum, Migration*, Kate E. Tunstall, ed. (Oxford: Oxford University Press, 2006), 176. In this quote I understand the word 'nation' to be used in a civic, rather than an ethnic sense, as suggested by the idea that nations under globalization are characterized by multiple actors, groups, and communities.

religious identity is a transnational source of legitimacy, a space for dialogue between members, and a source of recognition and accommodation for religious persons, with a view to beginning to address how this renewed transnationalism complicates the account of social unity specified by political liberalism, and thereby undermines its argument for stability.

Transnational Religious Identities: A Source of Legitimacy

The renewed transnationalism of religious identity has a significant impact on the problem of political legitimacy, and on its connection to defined territorial spaces. The locus of this impact is that membership in a transnational comprehensive religious doctrine provides an additional source of legitimate authority, beyond that of the intersubjectively constituted political liberal society.[78] As I note above, the primary reason for the loss of the territorial state's totalizing claim on the first-order allegiance of persons is increased sophistication in communications and transportation technologies. As Eickelman notes, "modern forms of travel and communication have accelerated religious transnationalism - the flow of ideologies, access to information on organizational forms and tactics, and the transformation of formerly elite movements to mass movements - rendering obsolete earlier notions of frontier as defined primarily by geographical boundaries."[79] It is these modern forms of travel and communication which lead Casanova to write of the possibility of thinking of religious communities as emerging global imagined communities, as these technologies increase the instances in which members may interact with one another across borders. These increased interactions are significant for

[78] I return to the question of legitimacy in the subsequent chapter, where I argue that Rawls asks religious persons to adopt a fundamentally different principle of legitimacy as a condition of membership and participation in a political liberal society -- a 'burden' of contemporary citizenship.

[79] D.F. Eickelman, "Trans-state Islam and Security," in *Transnational Religion and Fading States*," Susanne Hoeber Rudolph & Joe Piscatori, eds. (Boulder: Westview Press, 1997), 27.

the political liberal account of legitimacy and social unity, as this account is built so significantly on intersubjectively-constructed institutions, values, and conceptions of justice. Indeed, political liberalism is an intersubjective vision of the liberal principle of legitimacy: the consent of the governed, only this consent is produced through citizens' dialogue with one another, and in viewing one another as citizens. However, as Vertovec observes,

> practices and processes across borders have effects on: how people think about and position themselves in society both here-and-there; how they undertake aspects of their everyday activities while taking account of their multiple connections across borders; and how they organize themselves collectively according to multiple criteria and participate within encompassing contexts and scales - within or spanning specific localities - politically and economically.[80]

So expanded opportunities for interaction affect in some sense the standpoint persons take towards others, especially those who do not reside the same society, and shared religious affiliation constitutes an important opportunity for these expanded interactions.[81] As Casanova notes, "what constitutes the truly novel aspects of the present global condition is that all world religions can, for the first time, be reconstituted truly as deterritorialized global imagined communities, detached from the civilizational settings in which they have been traditionally embedded."[82] Transnational religious identities provide a rival source of legitimacy, then, because they provide opportunities for persons to 'take account of their connections across borders', to organize themselves collectively, and to view co-religionists as equal partners in a shared project (that of the comprehensive doctrine), above and beyond the boundaries of the

---

[80] Steven Vertovec, *Transnationalism*, (New York: Routledge Press, 2009), 24.
[81] Recall that in the previous chapter I highlight the importance political liberalism attaches to the standpoint of citizens, which is to say of the importance that citizens view one another first and foremost *as citizens*, but also that they view one another as each sharing in, capable of, and committed to the project of collective political action through public reasoning.
[82] Casanova, 116.

Westphalian state.[83] Through these expanded opportunities for interaction, transnational religious communities ('communities' here used in the Rawlsian sense) generate an alternative source of legitimate authority, because they represent an expansion of the intersubjective space in which persons may pursue ends, political or otherwise.

Transnational Religious Identities: A Space for Dialogue

As a close corollary to the idea that transnational religious communities constitute a source of legitimacy in addition to that of a political liberal society, transnational religious identities also form an additional space for dialogue between members of the given community[84], a space in which they may encounter one another and engage dialogically with one another on questions relevant to their shared association.[85] With this feature of

[83] Rima Berns McGown furnishes us with an example arising from her work with Somali refugees on the capacity of religious belonging to serve as an alternative source of legitimacy: "The Islamists' influence is obvious in the very way that the practice of Islam has evolved for diaspora Somalis. The old religious symbolism - the local Sufi shaykh, the dhikr, the token Qur'anic memorization - has given way to a sense of Islam as a vital force in understanding how to live in this new world, a force that might require more blatant identification (via, for instance, a beard or the hijab) or personal study (a parallel with the Jewish yeshiva might be made here). While diaspora Somalis may accept or reject one or other Islamist group's interpretation of doctrine or prescription for action, they share the sense of the religion's vitality that is the Islamist's driving force." This shared sense of the vitality of Islam is transnationalized by the movement of Somalis into diaspora communities across the world. Note the prevalence of this shared sense over the 'old', local sense of Islam, evoked as a way of understanding and navigating this 'new world'. The vital force of Islam serves, for diaspora Somalis, as an alternative (though not necessarily oppositional) source of legitimate authority, beyond that of their newfound liberal societies with their values of public reasoning and individual political autonomy. Rima Berns McGown, *Muslims in the Diaspora: The Somali Communities of London and Toronto*, (Toronto: University of Toronto Press, 1999), 229.

[84] Analogous formulations of the idea of a transnational space for dialogue are transnational societal spaces and transnational public spaces, each of which highlight the existence of groups which facilitate connections between like-minded persons across borders in ways that are politically relevant. See Ludger Pries, "Transnational Societal Spaces: Which Units of Analysis, Reference, and Measurement?," 2, and Ilse Lenz, "Transnational Social Movement Networks and Transnational Public Spaces: Glocalizing Gender Justice," in *Rethinking Transnationalism: The Meso-Link of Organizations*, Ludger Pries, ed. (New York: Routledge Press, 2008), 121-2.

[85] I have noted in several instances throughout this chapter my view that both political liberalism and transnational religious communities provide to their addressees a space in which they communicate with one another. In the case of political liberalism, this space is the public political realm, in which citizens

transnational religious communities, it is less relevant *what* they engage in dialogue about, and more relevant *that* they engage in dialogue, and that the shared transnational religious identity constitutes a space in which persons may engage in this activity. In other words, the possibility of dialogue itself is transformative in a way.[86] For example, as Rosenau states, "few dissent from the proposition that advances in transportation and electronic technologies, and especially the Internet, have resulted in a transformation, a compression if not collapse, of time and distance, as well as altered conceptions of hierarchy, territory, sovereignty, and the state."[87] Thus the collapse in distance between persons of a similar religious group results in a greater sense of belonging, a greater sense of their shared membership. In this way the space for dialogue that is provided by membership in a transnational religious community and facilitated by contemporary communications and transportation technologies transforms the shared religious association into a greater sense of belonging, beyond that of the territorial liberal society. The effects of the space for dialogue are analogous to the effects of public reasoning in political liberalism, in that citizens who engage in public reasoning with one another in so doing support the criterion of reciprocity, because they treat one another as free and equal, and come to see one another as capable of offering reasons in accordance with the

---

make public use of their reason to deliberate on matters political. With respect to transnational religious communities, I use the word 'dialogue' and the phrase 'space for dialogue' (as opposed to, potentially, 'reasoning' or 'space for public reasoning'), as these do not connote the formality of their cousins in political liberalism. The idea of a space for dialogue admits of more of the informal ways in which persons may interact with one another and consider questions relevant to their shared identities, especially such questions that concern political matters.

[86] Here I do not use the word 'transformative' in the manner described at length in the subsequent chapter, as that formulation refers solely to liberal society's transformative effects on comprehensive religious doctrines. Here I use the word in the sense suggested by the literature on globalization; it suggests the way globalization impacts persons and political societies.

[87] James N. Rosenau, *Distant Proximities: Dynamics Beyond Globalization*, (Princeton: Princeton University Press, 2003), 19.

proviso. In other words, the activity of public reasoning itself is bound up in the social bond which unites citizens under political liberalism.

What is not accounted for in political liberalism, however, is that this sort of activity can occur for religious persons on a transnational dimension as well. Migrants who affirm a given comprehensive religious doctrine utilize the space for dialogue provided by membership in their communities in all sorts of ways, from visits to their countries of origin to continued communication over the internet.[88] As Portes notes, "while from an individual perspective, the act of sending a remittance, buying a house in the migrant's hometown, or traveling there on occasion have purely personal consequences, in the aggregate they can modify the fortunes and the culture of these towns and even of the countries of which they are a part."[89] The ways in which religious persons engage in transnational dialogue with their co-religionists are therefore very relevant for the concern for the sorts of relations between citizens that lies at the heart of political liberalism, because they affect relations between persons in a way that challenges the 'closed' nature of societies characterized by political liberalism, as well as the ways in which stability is connected to this territorial vision of social unity. These transnational spaces for dialogue have real significance for how citizens come to regard their political associations, in that they suggest that the public political realm of liberal society is not the only context in which citizens deliberate about political matters. As Linklater asserts, "if societies

[88] As a serviceable example, Casanova reports that "since the end of the nineteenth century, one can witness the reemergence and reconstruction of all the transnational dimensions of Catholicism on a new, global basis. Catholicism has been reconstituted as a new transnational and deterritorialized global religious regime," the features of which he identifies as "uncontested papal supremacy, ecumenical councils, transnational religious orders, transnational cadres, a transnational Curia, transnational centres of Catholic learning, transnational pilgrimages, and transnational Catholic movements," all of which constitute instances in which Catholics engage in the spaces for dialogue provided by virtue of having been Catholic. Casanova, 114-5.

[89] A. Portes, "Conclusion: Theoretical Convergences and Empirical Evidence in the Study of Immigrant Transnationalism," *International Migration Review* 37, no. 3 (2003), 874.

were largely self-contained and incapable of doing harm to one another, then the boundaries of moral communities could converge with the boundaries of actual political communities, but the reality is quite different as societies are inevitably drawn into complex dialogues about the principles of international coexistence."[90] In many ways, it is the starting point of political liberalism that democratic societies are naturally comprised of a diversity of moral communities, and Rawls wants to demonstrate how those various moral communities may nonetheless come together and form a political society that is justified in moral terms.[91] The lesson of the idea that religious communities provide transnational spaces for dialogue, however, is that these moral communities are not contained with the territory of the liberal polity, and that this is relevant for the account of legitimacy offered by political liberalism, because it suggests a way in which the political legitimacy conferred intersubjectively on the liberal basic structure through engagements between citizens is not complete in the sense suggested by the post-Reformation state's monopoly powers.[92]

Transnational Religious Identities: A Source of Recognition & Accommodation

Part of why the idea that transnational religious communities provide a space for dialogue amongst their members is relevant is that it suggests also a way in which members can view themselves and their identities as being reflected in a broader community. Persons see

---

[90] Linklater, 85.

[91] The contention that the political liberal society is intended by Rawls to be 'justified in moral terms' refers to his suggestion that the regulative political conception of justice be embedded in the comprehensive doctrines present in a society. The extent to which the political conception is deemed by citizens to be related to their comprehensive doctrines (to be a 'module' within them) is the extent to which the political conception is *moral*, because it is then related to citizens' deep moral convictions and visions of the good life. Rawls, *Political Liberalism*, 12-3, 144-5.

[92] Relevant also, namely, for the second sort of instability described in the previous chapter.

their sincerely-held beliefs reflected in the broader transnational community, which is made clear to them through their interactions with other co-religionists in the transnational space for dialogue, an activity that then confers legitimacy on that transnational community, and provides a form of recognition for individual members. Political liberalism is an attempt to achieve the same sort of legitimacy and recognition for diverse democratic societies, and it is this attempt which forms Rawls' response to the second sort of instability outlined in the previous chapter. In the vision of social unity specified by political liberalism, citizens see their deepest convictions reflected in public life because they justify the regulative political conception of justice from within their comprehensive doctrines. The authority of the liberal society is legitimate and stable then, because its political values and institutions are justified in such a way as to recognize and accommodate the diverse identities of their addressees.

Transnational comprehensive religious doctrines serve a similar function, in that the recognition, accommodation, and legitimacy in question is conferred via the transnational interactions between religiously like-minded persons.[93] This raises the question then, of whether or not and how these competing forms of recognition are reconciled in a way that does not undermine the vision for stability suggested by political liberalism. The answer of political liberalism to this need for reconciliation is that the legitimacy and recognition afforded

[93] Peggy Levitt reflects this recognition in her study of Latin Catholic communities in Boston and in the Dominican Republic, whose religious bond maintained a sense of recognition for individuals that their deep moral beliefs were reflected and accommodated in a broader (transnational) community. As she writes, "Ties linking Boston and the Dominican Republic formed a horizontally and vertically integrated religious transnational system. Though there were few actual formal organizational structures, frequent, informal exchanges of parishioners, labor, resources, programs, and training systematically connected religious life in Boston with that on the island . . . These movements aimed to restore a sense of ecclesiastical community to popular Latino religion and to bring spiritual renovation to the church . . . It was one of the few places where [religious migrants] found a community of like-minded individuals. For others, going to church, like participating in political and community groups fulfilled a social function." Peggy Levitt, *The Transnational Villagers*, (Berkeley: University of California Press, 2001), 165, 168-9.

by membership in a liberal society outweighs any form of recognition or legitimacy that might be achieved transnationally; hence the insistence that a political liberal society be deemed 'closed'. As an additional point, this suggests that even if the account of legitimacy described in *Political Liberalism* holds, the legitimacy and stability of a liberal society is always at least tenuous, as long as international migration continues to be a feature of the global system, because new migrants have yet to participate in the intersubjective process of formulating a suitable conception of justice that they can then embed in their respective comprehensive doctrines.

This problem is most acute in Europe, where Muslim migrants are confronted with political values that are fiercely held by their new European compatriots, but in the specific European formulation and historical experience of which they never had a say or hand. As Paul Kennedy and Victor Roudometof describe,

> communities are units of belonging whose members perceive that they share moral, aesthetic/expressive or cognitive meanings, thereby gaining a sense of personal as well as group identity. In turn, this identity demarcates the boundary between members and non-members. Communities therefore are constructed symbolically through an engagement with rituals, signs and meanings; they provide a container with which individual members negotiate meanings and construct and reconstruct different kinds of social relationships over time.[94]

Political liberalism tries to achieve these features of community for political society in political matters. This is why it is so important that the political conception be a 'module' of the comprehensive doctrines, because through the experience of living in a diverse society, and through the public use of reason, citizens come to work up shared political values as negotiated meanings and constructed socio-political relationships in a way that recognizes their diverse

[94] Paul Kennedy and Victor Roudometof, "Transnationalism in a Global Age," in *Communities Across Borders: New Immigrants and Transnational Cultures*, Paul Kennedy and Victor Roudometof, eds. (New York: Routledge Press, 2002), 6.

identities. European Muslims are met with the blunt fact that they have had little to no role in the construction of the socio-political relationships associated with European forms of the values of free expression and individual autonomy, for example, but yet are expected to adopt the European versions of these values as a condition of belonging nonetheless. When European Muslims are left to look for their form of recognition and belonging, they meet only their transnational religious identities.

This is not to say that political liberalism cannot adjust itself to this ongoing tenuousness; indeed, the political liberal would probably note that indigenous Europeans ought not to regard the political values of their societies as non-negotiable, even for those who bear centuries of historical experience of those values. The difficulty remains, however, because the recognition and accommodation afforded by transnational religious identities still already constitutes an instance in which persons negotiate values and construct relationships that are deeply relevant to their conduct and allegiances as citizens.[95] In any case, in addition to providing a source of legitimacy and a space for dialogue amongst like-minded persons, transnational comprehensive religious doctrines constitute also a form of recognition and accommodation for their members. I turn next in greater detail to the unstable tensions the

[95] Peggy Levitt again provides her readers with a serviceable example of this in her work with migrants to the United States, some of whom, through their membership in a transnational comprehensive religious doctrine, engage in political activity in multiple national contexts. As she says of her study, "there were dual nationals . . . who participated actively in home country economics and politics while earning a living and supporting political candidates in the United States." In another context, she discusses persons who regard themselves as "religious global citizens . . . Religious global citizenship has a lot in common with its political equivalent. In exchange for 'obeying the law' and following the denominational rules, 'paying taxes' by contributing dues, and participating in religious and social activities, members gain representation, protection, and access to resources and power." This suggests that membership in transnational religious communities specifies for members also the political relation between persons in a way that would not be encapsulated in the territorial manner suggested by political liberalism. Political liberalism, in its closed formulation, claims exclusive provenance over the political relation. Peggy Levitt, *God Needs No Passport: Immigrants and the Changing American Religious Landscape*, (New York: W.W. Norton & Company, 2007), 68-9.

transnational character of religious identity presents with the territorial character of political liberalism.

Instability, Political Liberalism, & Transnational Religious Identities

In the previous two sections of this chapter I discuss the ways in which political liberalism is a territorial conception of political society, as well as some of the transnational features of religious identity. I argue that political liberalism and transnational comprehensive religious doctrines share certain similar features relevant to the political relation among citizens. In the first instance, they each constitute a source of legitimacy for their members. Political liberalism describes the legitimacy conferred on political society when it is the result of the intersubjective efforts of the citizens which comprise it. Transnational religious groups are legitimate also in that their transnationalism is constituted by the global interactions between religious persons. In each of these cases, legitimacy is conferred intersubjectively; with political liberalism it is political justification through the public use of reason, and with transnational religious identities it is engagements in the religion's transnational space for dialogue. Finally, they each recognize and accommodate their members by reflecting in some way members' sincerely-held beliefs. In this section I discuss the tension between these two forms of social organization, with a view to my contention that in describing political society in such robustly territorial terms, political liberalism establishes the conditions for the sorts of instability to which it is addressed, and fails to adequately contend with the third sort of instability outlined in the previous chapter. I do this by focusing on two major tensions that come to the fore when

one considers the aforementioned political functions performed by political liberalism and transnational religious belonging.

The first such tension to note is that each form of belonging - that of the political liberal society or that of the religious community - constitutes a competing source of legitimacy for their respective members, which, as has been noted, impacts significantly on the way persons behave politically. The response of political liberalism is that the territorial liberal society encapsulates the political conduct and aspirations of its citizens within itself, because the basis of such a society's very existence is its intersubjectively constructed political conception of justice in the context of a discrete group of persons, in other words, a democratic *demos*. If some members of political society engage in practices and associations with persons in other societies that extend beyond those relegated to the background culture, then that political society is not a unified system of social cooperation in the way necessary for stability for the right reasons; it is not the collective political reflection of a distinct people on the order specified by political liberalism.

In many ways, the core of the tension between political liberalism and transnational religious identities rests on the principle of legitimacy.[96] Thus far I have described the legitimacy associated with transnational religious groups in similar terms as described in political liberalism. Legitimacy is conferred on the religious group because the group exists as an expression of the transnational interactions of its members. In this formulation, transnational religious groups are on a similar footing to political liberalism, because these accounts of legitimacy are thus far expressed in liberal terms: the consent of the governed. It is important

[96] I address the tensions in political liberalism - though not the transnational tensions - related to legitimacy in greater detail in the subsequent chapter.

to note, however, that the legitimacy of religious groups is not just granted by their members because their members keep those groups alive through their transnational interactions; these groups are legitimate also because of the scriptural and historical authority they represent. Whereas the legitimacy of a political liberal society rests on the authority of the public reason of its members, the legitimacy of a transnational religious group rests on the authority of its members' consent, but also on the deep historical, metaphysical, epistemological, and moral significance it represents to its members. In other words, all of the reasons why Rawls takes the fact of pluralism to be a basic, incontrovertible starting fact of democratic societies. By contrast, the authority and legitimacy of a political liberal society rests on Kant's maxim that "the voice of reason is not that of a dictatorial and despotic power, it is rather like the vote of the citizen of a free state, every member of which must have the privilege of giving free expression to his doubts, and possess even the right of *veto*."[97] The 'supreme tribunal' of a society characterized by political liberalism is its citizens' public use of their reason, but this is not and cannot be so for all of such a society's religious citizens, all the way down.[98] The legitimacy of a religious identity is not solely the reason of its adherents, but also of its history and vision of the good life. For some religious persons, this historical and doctrinal legitimacy does have dictatorial authority, and this is what leads Rawls to be concerned with the first sort of instability introduced in the previous chapter. This additional form of legitimacy gives us some indication

[97] Kant says also that "reason must be subject, in all its operations, to criticism, which must always be permitted to exercise its functions without restraint; otherwise its interests are imperiled, and its influence obnoxious to suspicion. There is nothing, however useful, however sacred it may be, that can claim exemption from the searching examination of this supreme tribunal, which has no respect of persons. The very existence of reason depends upon this freedom." Immanuel Kant, *The Critique of Pure Reason*, J.M.D. Meiklejohn, trans. (New York: Prometheus Books, 1990), 415. Emphasis in original.

[98] Rawls does say that citizens need to affirm a doctrine of free faith as a condition for membership in a liberal society, thereby suggesting the possibility that the result of citizens' public reasoning might trump a conflict with the values of an opposing religious doctrine, although this strikes one as a large cost of membership for religious persons. I return to this in the subsequent chapter.

of how persons might reconcile a conflict between these two forms of legitimate authority, if there were to be a conflict, and if they were to hold as primary the authority of their religious affiliations, because it supplements the intersubjective authority to which liberal society is restricted.[99] In any case, a problem of divided loyalties is a destabilizing possibility.[100] By mandating that religious persons accept the authority of the public reasoning of their territorial liberal societies, political liberalism is destabilizing, especially in light of the transnational ways in which religious affiliation itself has authority and legitimacy, intersubjectively produced or otherwise, as it fails to take into account the political impacts of alternative forms of belonging, as represented by transnational comprehensive religious doctrines.

The second important tension to note between the political functions of liberal society and those of transnational religious identities is that they are both at the same time sources of recognition and belonging for their members. Political liberalism is intended to serve this function by expressing the importance of citizens embedding a society's regulative political conception of justice within their comprehensive doctrines, thereby resolving the second sort of instability outlined in the previous chapter, in that citizens' moral convictions are reflected in

---

[99] Michael Sandel echoes this form of criticism of Rawls when he charges that Rawls does not explain why "political values should prevail even if [a religious] doctrine were true." Michael Sandel, *Liberalism and the Limits of Justice*, 2nd ed. (Cambridge: Cambridge University Press, 1998), 198, n. 43. Rawls seems to respond to this charge when he asserts that "political liberalism does not say that the values articulated by a political conception of justice, though of basic significance, outweigh the transcendent values (as people may interpret them) - religious, philosophical, or moral - with which the political conception may possibly conflict," but also that "doctrines may override or count for naught the political values of a constitutional democratic society. But then the citizens cannot claim that such doctrines are reasonable . . . political liberalism rejects as unreasonable all such doctrines." So, in the language used in the current project, there is no clear sense given by Rawls of how to reconcile the competing sources of legitimacy represented by liberal society and by transnational comprehensive religious doctrines. Rawls, *Justice as Fairness*, 35. Also "The Idea of Public Reason Revisited," in *The Law of Peoples.*

[100] Note the second sort of instability introduced in the previous chapter: that of the absence of citizens' allegiance to a political society, out of a sense that it does not reflect their comprehensive doctrines in as substantive a manner as might be desirable.

the public life of the society in which they live. This is how political liberalism aims to recognize and accommodate the importance of citizens' deeply held beliefs. Transnational religious identities, by contrast, are constituted on the basis of citizens' deep convictions (they are, in the Rawlsian terminology, communities), and are maintained through the transnational interactions of their members, but also through their historical, theological, and moral authority. In this way they afford recognition and accommodation to their members. Since the argument for stability inherent in political liberalism depends on the form of recognition it describes, it must account for the ways in which citizens are recognized and find themselves reflected in other contexts, and how those other ways might complicate a liberal society's claim to citizens' first-order allegiance, but also how they might complicate a liberal society's *ability* to recognize its diverse citizens. After all, as Rawls asserts, "the test [of stability] is whether the [overlapping] consensus is stable with respect to changes in the distribution of power among [comprehensive] views," only Rawls means to refer to this distribution of power in a solely territorial sense, not taking into account the ways in which such distributions, either transnationally or in other societies, might be significant for religious persons.[101] In any case, the transnationalism of religious identity renders liberal society less capable of being the primary locus of citizens' political recognition and accommodation.

Let us take an instructive example of this. Recall the 2005 Danish Cartoons Controversy, in which a Danish newspaper, the *Jyllands-Posten*, published twelve cartoons depicting the Islamic prophet Mohammed in some form or other, some of which many Muslim persons found to be either idolatrous or demeaning of the prophet. The publication of these cartoons sparked

[101] Rawls, *Justice as Fairness*, 195.

outrage amongst Islamic communities across the world, as well as ignited the ongoing debate in many societies about the recognition and accommodation of religiously diverse citizens. This represents in many ways an example of the potential conflict between the capacity of a liberal society to afford recognition to its religious citizens and the capacity of a transnational religious community to afford recognition to its adherents. Some liberal societies, particularly those in North America, chose on the whole to not reproduce the cartoons on television and in print out of respect for their Islamic compatriots, while others, particularly in Europe, chose to republish the cartoons in solidarity with the Danish paper. The former's action met with criticism from the latter on the basis of long-standing liberal values of free expression and freedom of conscience. But, in the midst of it all, the Muslim citizens of those societies that chose not to widely republish the cartoons nonetheless experienced the sense of misrecognition and alienation felt by their co-religionists in those societies that did publish the cartoons.[102] This is no doubt at least part of the rationale behind the Organization of the Islamic Conference's (OIC) decision to repeatedly pursue resolutions at the United Nations which would prohibit the 'defamation of religions', arising as it does out of a recognition of the inability of national societies to full contend with either the recognition or misrecognition of their members.

The proliferation of advanced communication and transportation technologies and their capacity to transmit instances of misrecognition in other similar democratic societies frustrates a territorially-bounded society's ability to ensure that its citizens find themselves fully reflected

[102] See Philip Cass, "A Dozen Danish Cartoons and the Wrath of the Muslim World," in *Pacific Journalism Review* 12, no. 1 (2006): 148-154 for a representative example.

and recognized in its public life, because the status of co-religionists in other democracies for domestic citizens' 'test of stability'.[103]

The condition of globalization exacerbates this situation because it erodes the territorial state's capacity to order citizens' political allegiances[104]; in other words it erodes the extent to which a liberal society can meet the second form of instability introduced in the previous chapter. As David Held et al. assert in their study of the transformative effects of globalization, "the extensiveness of networks of relations and connections" deeply affect persons, "such that events, decisions and activities in one region of the world can come to have significance for individuals and communities in distant regions of the globe . . . the velocity or speed of interchanges" subject citizens to near-immediate exposure to events relevant to their deeply-valued personal religious identities.[105] Since political liberalism is so dependent on the public reasoning of a discrete group of democratic citizens who exercise distinct sovereign authority on political matters relevant to their territorially-specific basic structure, the absence of a consideration of the transnational ways in which persons engage in (political) dialogue, and in so doing find themselves recognized or misrecognized in the public realm, is a deeply destabilizing feature of the theory.

---

[103] Recall that Rawls' test of stability is changes in the distribution of power among the comprehensive doctrines. The claim here is that real or perceived transnational changes in the distribution of power among comprehensive doctrines is relevant for how democratic citizens weigh this test themselves.
[104] See the previous section entitled 'State Monopoly Powers & Citizen Allegiance' for reference to this.
[105] David Held, A. McGrew, D. Goldblatt, and J. Perraton, *Global Transformations: Politics, Economics, and Culture*, (Cambridge: Polity Press, 1999), 58-62.

Conclusion

The focus of this chapter has been the contention that political liberalism has not at all grasped the importance of the third form of instability discussed in the previous chapter: that the transnationalism of religious identity limits the extent to which a liberal society can achieve complete social unity of the sort described in *Political Liberalism*. Political liberalism articulates a vision of social unity and stability that is built on a vision of a closed society whose legitimacy and stability is the result of the intersubjective efforts of its citizens to formulate a political conception of justice, the content of which is the glue of their social bond, and the function of which is the regulation of the society's territorially-bounded basic structure. I began by outlining the territoriality of political liberalism, and then proceeded to describe some of the transnational features of religious identity, so as to illustrate the ways in which transnational comprehensive religious doctrines perform the same functions which are intended to generate the stability of a liberal society: their provision of sources of legitimacy, their capacity as a space for dialogue, and their recognition and accommodation of their adherents. Political liberalism is formulated to perform these same functions, but avoids the other ways in which religious belonging is salient and powerful, and does not provide an adequate account of how the values of a bounded liberal society ought to outweigh those of a transnational religious community in times in which they conflict in a manner relevant to a liberal society's capacity for collective action and stability.[106] Each of these tensions suggests that in formulating a conception of political society in such bounded terms, or at least in such terms as to avoid the importance of

[106] For example, in a liberal society's ability to mediate the conflict of values highlighted by the Danish Cartoons Controversy.

transnational forces, political liberalism is a destabilizing, rather than a stabilizing account of how a society divided by irreconcilable comprehensive doctrines may nonetheless be a stable and united society.

In the chapter that follows, I set aside these transnational concerns and consider another way in which political liberalism establishes the conditions for the instability to which it is addressed. I consider the ways in which the terms of citizenship in a society characterized by political liberalism are transformative for the comprehensive religious doctrines in such a society, and I argue that this transformative character can serve as a source of instability for a liberal society. As I have alluded to several times in this chapter, a key element of this criticism is the difference in principles of legitimacy between political liberalism in comprehensive doctrines. Another important factor is the cognitive dualism that is a central feature of Rawls' account. When taken together with the concerns regarding transnationalism outlined above, I conclude that political liberalism, rather than offering readers an account of the possibility of stability in light of deep religious diversity, offers a vision of political society that would exacerbate the sorts of instability with which it began, and from which it arose.

Chapter 3: The Transformative Power of Political Liberalism

Introduction: The Children of Both Allah & Ram

Governing India in the sixteenth century, the great Moghul emperor Akbar is notable for, among other things, demonstrating significant toleration and respect for India's many religious groups, thereby bucking a long train of religious repression and intolerance that is the history of too many societies. In so doing, he "instituted far-reaching official policies of religious equality that extended to all the diverse religions of a large empire." While Akbar's toleration is no doubt commendable, it is worth noting that in this context his eminent court poet, the renowned mystic Kabir, is famous for having described himself as a child of both Allah and Ram.[107] This statement is illustrative of the possible *effects* for religious groups of living in a diverse society, for it signifies, in light of many Muslims' great concern for polytheism, a *change* in the integrity of a religious identity, at least insofar as Kabir was concerned. The purpose of this chapter is to ask what significance there is for the stability of a liberal society when the terms of citizenship of such a society are transformative for the comprehensive religious doctrines which comprise that society.

This exploration forms the locus of a criticism I make below of political liberalism, and constitutes a reflection on what it means for citizens affirming a given comprehensive doctrine to live in a liberal democratic society that affirms a conception of justice that is not

[107] This story is relayed by Martha Nussbaum in her *Liberty of Conscience*, 354-5.

substantively reflective of that particular comprehensive religious doctrine.[108] I hold that in such a society, it is the case that a doctrine's integrity and longevity may be affected significantly by the experience of living in a diverse society regulated by a political conception of justice. In other words, the experience for members of a religious community of living in a diverse society may be transformative, and this transformative character might exacerbate, rather than ameliorate, the sorts of instability outlined in chapter one, and to which the theory of political liberalism is addressed. For example, religious groups may seek to have their views reflected in public life to a greater extent than is permitted by political liberalism, or their sense of allegiance to the democratic society may be undermined out of a belief that their sincerely held convictions of the good are not reflected in public political life, and are indeed transformed by it.

In order to explore this criticism, I first outline below what is meant by the titular phrase 'the transformative power of political liberalism,' and describe the two ways in which the terms of citizenship specified by political liberalism are transformative for religious groups. I then review the ways in which Rawls already discusses the transformative power of political liberalism, as part of my discussion of the first form of its transformative character, and how this is relevant for the larger argument concerning stability. I then proceed to the second way in which liberal terms of citizenship are transformative, focusing on the principle of legitimacy. Finally, I conclude with my contention that the transformative character of political liberalism

[108] Note that in some respects this is Rawls' starting point in *Political Liberalism* as well, only here I aim to focus more on the transformative effects for religious persons of living in such a society, and of their implications for the stability, whereas Rawls' emphasis is on showing how citizens' could reach agreement under conditions of diversity.

undermines, rather than supports the broader argument for social stability that is the theory's centrepiece.

What is the Transformative Power of Political Liberalism?

The idea that the terms of citizenship in a liberal society are transformative for the comprehensive religious doctrines which comprise such a society is specified in this project in the context of the terms and concepts utilized by Rawls in *Political Liberalism* and subsequent works. Rawls notes that three principal features define comprehensive religious doctrines, the accumulation of which suggests the ways in which a comprehensive doctrine 'hangs together' and is significant as a way of being-in-the-world for the religious believer:

> One [feature] is that a reasonable doctrine is an exercise of theoretical reason: it covers the major religious, philosophical, and moral aspects of human life in a more or less consistent and coherent manner. It organizes and characterizes recognized values so that they are compatible with one another and express an intelligible view of the world. Each doctrine will do this in ways that distinguish it from other doctrines, for example, by giving certain values a particular primacy and weight. In singling out which values to count as especially significant and how to balance them when they conflict, a reasonable comprehensive doctrine is also an exercise of practical reason. Both theoretical and practical reason (including as appropriate the rational) are used together in its formulation. Finally, a third feature is that while a reasonable comprehensive doctrine is not necessarily fixed and unchanging, it normally belongs to, or draws upon, a tradition of thought and doctrine. Although stable over time, and not subject to sudden and unexplained changes, it tends to evolve slowly in the light of what, from its point of view, it sees as good and sufficient reasons.[109]

In simplest terms, liberal terms of citizenship are transformative for religious identities when they effect a change in the product of these three features. I choose the term 'transformative' rather consciously, as it admits of a greater range of normative judgments than other terms might allow. For example, in discussing similar ideas, John Tomasi frequently uses terms like

[109] Rawls, *Political Liberalism*, 59.

'erosion' and 'cultural taxation'.[110] Here I make no particular value judgment about the transformative power of political liberalism (in truth I take it to be rather desirable that religious persons come to affirm a doctrine of free faith, as Rawls hopes), I merely look to explore the implications this transformative nature has for political liberalism's concern for stability in religiously diverse societies. The term 'transformative' is more elastic for these purposes.

With respect to Rawls' definition of a comprehensive doctrine, and the above description of a how a doctrine might be transformed, note that each of the three features of comprehensive doctrines are characterized as some kind of an exercise, either as one of theoretical reason, practical reason, or the appeal to a tradition of thought and doctrine. Note also that a transformation occurs when a change is effected in the product of these exercises. For example, a transformation may be effected in the way a particular value - say, individual autonomy - is balanced and given a certain primacy and weight over other values in the worldview of the doctrine's adherents that it might not otherwise have had. Another sort of transformation might be in the relative strength of each of the three exercises comprising the above definition. For example, owing to the practice of public reason, a comprehensive doctrine may come to privilege the fruits of the exercise of practical reason over those of the appeal to the doctrine's history and tradition of thought, out of a sense that the former is more compatible with liberal terms of citizenship than the latter, thereby rendering membership in the comprehensive doctrine a less burdensome feature of life in a liberal society. Each of these

[110] Tomasi, *Liberalism Beyond Justice*, 22, 33.

sorts of changes in the composition of a comprehensive doctrine constitute a way in which the comprehensive doctrine can be potentially transformed.

For the purposes of this chapter, there are two primary ways in which liberal terms of citizenship are transformative for comprehensive religious doctrines, and they remain the focus of the ensuing discussion, as they carry significant implications for political liberalism's response to the sorts of instability described in chapter one.[111] Each of these two forms of transformation could also be described as suggesting the ways in which liberal citizenship is especially burdensome for religious persons. First, liberal terms of citizenship establish for religious persons a particularly onerous responsibility to translate their political claims into reasons acceptably consistent with the proviso of public reason[112], the effect of which is either that religious persons' doctrines become partial or secondary in importance to their public political identities[113], or that religious persons' doctrines become 'unreasonable', out of a sense that the burdens of liberal citizenship have violated in their case the criterion of reciprocity.[114] Crucial to this first sort of transformation is political liberalism's feature of cognitive dualism discussed at length in the first chapter of the present study.

The second form of transformation that is relevant for political liberalism's concern for social stability belies the first, in that it is the one central feature of the theory that remains mostly untouched by its cognitive dualism, which is to say, the political liberal principle of

---

[111] Rawls is certainly aware that liberal terms of citizenship are transformative for comprehensive religious doctrines (see the subsection below entitled 'Existing Transformations'), but he does not discuss how this transformative character might be destabilizing. My purpose in this chapter is to explore this avenue of thought.

[112] See pages 17-19 for an explanation of the proviso.

[113] The idea of a partially comprehensive doctrine is further elaborated below in the subsection entitled 'Existing Transformations,' and also in Rawls, *Justice as Fairness*, 32-3.

[114] See pages 15-21 for an explanation of the idea of reciprocity in political liberalism.

legitimacy. "The political liberal principle of legitimacy," John Tomasi notes, "says that a system of social order is justified only if it is conducted on the basis of principles that citizens might be expected to endorse after asking their questions and considering the best answers the defenders of that social order might give."[115] In other words, acceptance of the 'supreme tribunal' of citizens' reasoning capacities is the condition for the possibility of a liberal society. The political liberal principle of legitimacy must be present *all the way down* the comprehensive doctrines, from roots to canopy, if they are to be deemed reasonable enough to participate in the public political activities that constitute a liberal society. The comprehensive doctrines must fully endorse and adjust to liberal terms of citizenship if they are to be counted as reasonable citizens entitled to a share in a liberal society's public reasoning. In this way, the comprehensive doctrines are transformed, in that the products of their exercises of practical reason with respect to political matters are to take precedence over the results of appeals to historical and scriptural authority. Traditional, alternative forms of legitimacy are to be supplanted by the political liberal principle of legitimacy in public political matters. This is a defining condition of liberal citizenship.

When taken together, these two forms of transformation constitute the two central ways in which the terms of citizenship in a liberal society are transformative for comprehensive religious doctrines. In the ensuing sections, I describe the reasons for why they are ultimately destabilizing for liberal society, focusing first on the transformative effects of political liberalism's cognitive dualism.

---

[115] Tomasi, 3.

Transformation & Cognitive Dualism

In this section, I address the first way in which the terms of citizenship in a liberal society are transformative for comprehensive religious doctrines, and of the implications of this fact for political liberalism's broader concern for stability in light of religious diversity. I consider first the ways in which Rawls suggests already the transformative power of political liberalism, in order to illustrate it as an established feature of the theory. I then consider the two ways described above in which this particular form of transformation, which is a result of the theory's cognitive dualism, is a destabilizing, rather than a stabilizing, feature of political liberalism. The purpose of this section is to lend weight to the broader argument that political liberalism establishes the conditions for the forms of instability to which it is addressed, particularly for the first and second sorts of instability described in chapter one, which concern citizens' attempts to assert their comprehensive doctrines in public life in a way that violates liberal terms of citizenship, as well as how the degree to which the comprehensive doctrines are reflected in public life affects citizens' allegiance to a liberal society.

Existing Transformations

To a great extent, Rawls does already discuss the transformative power of political liberalism (especially in response to another set of criticisms), but the problem with his discussion of political liberalism's transformative character is that it is not taken to be at all significant for political liberalism's broader concern for stability in light of religious diversity. Indeed, the discussion of how comprehensive doctrines are transformed in diverse liberal

democratic societies is nearly always presented as manifestly supportive of social unity and stability. In what follows I describe three of the ways in which Rawls outlines how the experience of living under political liberalism might transform citizens and their conceptions of the good.

First, Rawls uses the example of the family, so as to address the concern that political liberalism, and the idea of public reason specifically, might not address themselves to questions of justice within it.[116] Rawls notes that this concern could also apply to questions of justice within churches and another such organizations.[117] His response is that while "the principles of political justice do not apply to the internal li[ves]" of families or churches, the sort of political conception of justice specified by political liberalism and produced by the practice of public reason, and especially the criterion of reciprocity, sets constraints on the extent to which institutions like the family or a church can be unjust towards certain of their members.[118] After all, if a wife is a free and equal citizen with an equal share in broader political rights and basic liberties, then the extent to which she may be oppressed by her husband is limited, at least in public political terms. Thus, Rawls suggests, "the principles of justice enjoining a reasonable constitutional democratic society can plainly be invoked to reform the family."[119] In this way, the terms of political liberalism can be transformative for organizations like families and churches. That Rawls offers this as a response to a potential criticism of political liberalism's wider application is suggestive of his omission of the ways in which this transformative

[116] Rawls, "The Idea of Public Reason Revisited," in *The Law of Peoples*, 156-64.
[117] Ibid., 158-9.
[118] Ibid., 158.
[119] Ibid., 160.

character might be resisted and viewed with animosity by those organizations, and how that might undermine, rather than support social unity and stability in the way he intends.

Second, Rawls directly addresses some of the implications for social unity and stability of the integrity of comprehensive doctrines, holding that stability might be more assured if comprehensive doctrines were more partial or less cohesive.[120] The increasing 'looseness' of comprehensive doctrines under political liberalism is generated by the terms of political liberalism itself: adjustments or revisions in comprehensive doctrines "we may suppose to take place slowly over time as the political conception shapes comprehensive views to cohere with it."[121] Thus Rawls acknowledges that the experience itself of living under political liberalism is transformative: "as citizens come to appreciate what a liberal conception achieves, they acquire an allegiance to it . . . they come to think it both reasonable and wise to affirm its principles of justice as expressing values that, under the reasonable favourable conditions that make democracy possible, *normally outweigh whatever values may oppose them*."[122] As an example of how religious identity might be transformed under political liberalism, Rawls cites the idea of free faith, and argues that it must be a characteristic of a comprehensive religious doctrine that is part of an overlapping consensus.[123] So the comprehensive doctrines present in a diverse society are transformed by living under the conditions specified by political liberalism. As Tomasi notes, "public norms simultaneously underdetermine and structure the personal lives of

---

[120] As Rawls says, "a certain looseness in our comprehensive views, as well as their being not fully, but only partially comprehensive, may be particularly significant." Rawls, *Justice as Fairness*, 193.
[121] Ibid. A slight clarification is in order: in this chapter I focus mainly on how the terms of citizenship specified by political liberalism are transformative, rather than on how the features of the political conception might be transformative. See Chapter 1, note 3 for an explanation of the difference in terminology.
[122] Ibid., 194. My emphasis.
[123] Ibid.

liberal citizens."[124] This is not necessarily a negative characteristic of political liberalism, indeed it may be quite positive as Rawls suggests, but he does not take it to be significant for how religious diversity might lead to instability. More specifically, he does not address the possibility that the transformation of religious identities might be perceived by their adherents as an erosion which will undermine citizens' sense of allegiance to the political liberal society.

The final way in which Rawls discusses the transformative power of political liberalism is in his discussion of how a political conception of justice may generate allegiance to itself (as opposed to through the conscious public use of reason). Rawls notes that a political conception of justice might generate allegiance to itself by being entrenched for a significant period of time, or by shaping the perceived interests of citizens, or by relying on the desire to conform with common social practices: "an allegiance to institutions and to the conception that regulates them may, of course, be based in part on long-term self- and group-interests, custom and traditional attitudes, or simply on the desire to conform to what is expected and normally done."[125] The key way in which the conception generates allegiance to itself, though, as alluded to above, is through citizens appreciating the achievements of a liberal political conception, i.e. the entrenchment of a system of basic rights and liberties that protects all.[126] Under these conditions, for example, "religions that once rejected toleration may come to accept it and to affirm a doctrine of free faith."[127] Thus a political conception that generates allegiance to itself does so in part by transforming the comprehensive doctrines to which it is addressed. Again, this is not taken to be a potential source of social conflict, but it is presented rather positively,

[124] Tomasi, 43.
[125] Ibid.
[126] Ibid.
[127] Ibid., 198.

as a further way in which social unity and stability may be achieved in deeply divided societies, societies which may not be as divided after all over time. The claim that political liberalism is transformative for comprehensive doctrines is dependent on the assumption that individuals and their conceptions of the good are at least to some extent affected and determined by their social conditions.

The Burdens of Translation

As is noted above, the first way in which liberal terms of citizenship are transformative for comprehensive religious doctrines is generated by the theory's cognitive dualism, which is manifested especially in the three main liberal ideas introduced in chapter one. Recall that the political conception of the person comprises the idea that each citizen affirms both a comprehensive doctrine and a political conception of justice. The idea of public reason carries with it the proviso, which requires that persons offer reasons in the public political realm which they could reasonably expect other citizens to accept, regardless of differences of comprehensive doctrine. Finally, the idea of an overlapping consensus suggests the division between the forms of dialogue and justification left to the background culture, and the political form of justification associated with the political conception of justice in the public political realm. Each of these ideas suggest for each religious citizen a cognitive division between one's comprehensive religious identity, and one's public political identity. The necessity, especially for religious citizens, to translate claims arising out of a comprehensive religious doctrine into public reasons constitutes for religious persons the central burden of liberal citizenship.[128]

[128] Rawls discusses the burdens of citizenship in *Political Liberalism*, 54-8.

At least two possible sorts of transformative effects arise from this burden of citizenship, each of which were introduced above, and each of which suggest that the necessity of translating religiously-based reasons into public reasons is overly onerous. The first is that religious persons will regard the proviso of public reason as an especially restrictive prohibition on the extent to which their comprehensive religious doctrines may be expressed in the public political realm.[129] Since the proviso forms a key part of the architecture of the theory of political liberalism, if religious persons were to reject it as overly onerous, then they would be rejecting one of the key terms of citizenship in a liberal society, and would be regarded as unreasonable. This is a transformation for the comprehensive religious doctrine in question because, whereas its adherents began with a commitment to the liberal society's terms of citizenship, they have arrived at the conviction that those terms are not acceptable, and that such terms do not allow religious persons to adequately reflect their comprehensive doctrine in public life; they have, in effect, moved from being reasonable citizens to unreasonable citizens.[130]

How might this come about? Consider for example the difference in burdens between religious citizens and non-religious citizens like, say, comprehensive liberals of the Kantian or Millian sort. The religious citizens have a heavy burden in that they must translate their deeply held convictions into public reasons that their liberal compatriots could understand and accept. By contrast, the liberals, having the benefit of the kinship between their comprehensive doctrines and the broader terms of political liberalism, have a far lesser burden of translation than do their religious counterparts. To use Rawls' terminology, the effect of this situation is

[129] Michael Sandel refers to this criticism when he suggests that this requirement of public reason is an "unduly severe restriction" for religious persons. Sandel, *Liberalism and the Limits of Justice*, 196.
[130] And with such citizens, political liberalism does not engage. Rawls, "The Idea of Public Reason Revisited," in *The Law of Peoples*, 132, 138, 145-6, 173, 178.

that religious persons do not experience the criterion of reciprocity as being reciprocal. In other words, the experience of citizenship is not equal for religious persons when considered in light of the experience of comprehensive liberals.[131] Every citizen in a politically liberal society experiences the burdens of citizenship, but the burdens are not distributed equally.[132] It is at least conceivable that religious persons would regard this differentiation in burdens as an unfair feature of the terms of citizenship in liberal societies, thereby undermining their sense of allegiance to that society, and exacerbating the second sort of instability outlined in the first chapter.

The second sort of transformative effect that could emerge from this burden of translation is that religious persons will simply take their religious identities less seriously, owing to the fact that there are greater cognitive costs associated with maintaining their adherence to their comprehensive religious doctrines. This might even be desirable from the perspective of a political liberal, as it would reduce the likelihood of tension between religious persons and the broader liberal terms of citizenship.[133] The cognitive dualism of liberalism would thus be dissolved as religious citizens come to take the principles and values of the

---

[131] Rawls is insistent that political liberalism, and especially the idea of public reason, does not favour secularism over religion, but given this differentiation in the burdens of citizenship, this claim is difficult to accept. It seems manifestly evident that secular citizens will find citizenship less burdensome than their resolutely religious counterparts. Rawls, "The Idea of Public Reason Revisited," in *The Law of Peoples*, 166. As Veit Bader argues, "from the *perspective of religions*, it is perfectly legitimate to describe their opposite as 'secular' - a secular world based on secular communications." Veit Bader, "Secularism, Public Reason, or Moderately Agonistic Democracy?" in *Secularism, Religion, and Multicultural Citizenship*, (Cambridge: Cambridge University Press, 2009), 110.

[132] For some liberals, this differentiation in the burdens of citizenship is distinctly unproblematic. As Stephen Macedo says, liberalism "involves a certain ordering of the soul," and, "no one has a right to a level playing field." Stephen Macedo, *Liberal Virtues: Citizenship, Virtue, and Community*, (Oxford: Oxford University Press, 1990), 251-2, and *Diversity and Distrust: Public Schooling, Civic Education, and American Liberalism*, (New York: Harvard University Press, 2000), 30, 137.

[133] A thought encapsulated in a passage worth of referring to twice, "a certain looseness in our comprehensive views, as well as their being not fully, but only partially comprehensive, may be particularly significant." Rawls, *Justice as Fairness*, 193.

regulative political justice as primary when considered in relation to their comprehensive doctrines. As Tomasi notes, "the formal requirements of rights-awareness in political matters may tend to encourage autonomous, claim-based ways of thinking (and of interest identification), even in areas of life where that way of evaluating the social possibilities is not politically required."[134] The reason for this encouragement is that it is simpler for persons to offer public reasons when the reasons they take to be primary are always already characterized by a significant degree of publicity.

To further illustrate this form of transformation, consider for example Rawls' delineation between the ideas of political autonomy and moral autonomy, as a way of differentiating between his notion of a political value that may, in another form, be rejected from within a comprehensive doctrine. Rawls intends this example as an illustration of how persons can accept the terms of political liberalism and its attendant idea of public reason (in other words, be 'reasonable'), one term of which is the necessary value of political autonomy, while still rejecting the idea of moral autonomy within the context of a comprehensive doctrine. As he writes, the value of autonomy

> may take two forms: one is political autonomy, the legal independence and assured integrity of citizens and their sharing equally with others in the exercise of political power; the other is purely moral and characterizes a certain way of life and reflection, critically examining our deepest ends and ideals, as in Mill's ideal of individuality. Whatever we may think of autonomy as a purely moral value, it fails to satisfy, given reasonable pluralism, the constraint of reciprocity, as many citizens, for example, those holding certain religious doctrines, may reject it. Thus moral autonomy is not a political value, whereas political autonomy is.[135]

If we grant Rawls such a clear distinction between these two forms of the ideal of autonomy, we must at the same time assume that religious persons will exhibit a high degree of *cognitive*

---

[134] Tomasi, 27.
[135] Rawls, "The Idea of Public Reason Revisited," in *The Law of Peoples*, 146.

separation between those values and areas of life in which they subscribe to an ideal of political autonomy, and those in which they explicitly reject an ideal of moral autonomy. In other words, the distinction is most meaningful if one assumes that there is little 'spillover' in the believer's mind between the political and the comprehensive sides of this cognitive coin.[136] However, as I have outlined above, Rawls thinks that the ideal of political autonomy can 'plainly be invoked' to reform institutions that do not afford their members great autonomy, such as the church and the family, and indeed this is one of the ways in which political liberalism is then transformative for comprehensive religious doctrines. On that order, the distinction, then, is not wholly meaningful, and one can see that the liberal terms of citizenship specified by Rawls have clear impacts on the inner life of a liberal society's constituent comprehensive religious doctrines. Indeed, as Macedo suggests, "even a suitably circumscribed political liberalism is not really all that circumscribed: in various ways it will promote a way of life as a whole."[137]

As I have illustrated above, Rawls does not deny that political liberalism has transformative effects for comprehensive religious doctrines; indeed, he hopes in some instances that it will, and I have outlined above the ways in which he explicitly describes the theory's transformative power. He does not, however, bring this to bear on the theory's broader orientation towards the problem of stability, except to imply that these transformative effects will draw citizens' allegiance to a liberal society, out of an appreciation for its

[136] To his credit, Stephen Macedo sees the force of this strange cognitive separation when he asserts that a liberal politics "should have something to say about how the interface between political and personal values is negotiated . . . managing that interface is, in a sense, *the* crucial public issue." Macedo, *Liberal Virtues*, 62. Emphasis in original.

[137] Stephen Macedo, "Liberal Civic Education and Religious Fundamentalism: The Case of God vs. John Rawls," *Ethics* 105, no. 3 (1995), 477. Certainly it is the case that Rawls intends to craft a theory of a political society that does not promote a way of life as a whole, but, in suggesting how the requirement of political autonomy might encourage a value of moral autonomy, Rawls suggests a way in which political liberalism might be more comprehensive than intended. See the above subsection 'Existing Transformations'.

achievements.[138] This is an important omission, as these transformative effects have important implications for the stability with which Rawls is concerned, specifically in terms of the degree to which religious citizens can express allegiance towards a liberal society, and the degree to which they will seek to have their comprehensive doctrines reflected in public life.[139] As Tomasi argues, "religious people typically regard the preservation of their religious perspective, the long-term transmission of their faith from one generation of believers to the next, as among the highest and most sacred of their personal commitments."[140] Religious believers will thus regard very highly the integrity of their comprehensive doctrines, and may regard transformative terms of citizenship as a challenge to that integrity. Elsewhere Tomasi notes that this "problem of unaddressed spillovers [between political and personal values] may weaken citizens' allegiance to the regime . . . this decreases the depth by which citizens can affirm the regime as their own, as a kind of home for themselves. The result . . . is instability."[141] One of the reasons why the result of this spillover is instability is that members of a given comprehensive religious doctrine recognize the effects of liberal terms of citizenship on the integrity of their doctrines, and then make claims on liberal societies in order to preserve that

---

[138] Rawls, *Justice as Fairness*, 194.

[139] Note that these two areas of importance reflect the first two sorts of instability introduced in chapter one.

[140] Tomasi, 25.

[141] Tomasi, 33. John Tomasi certainly comes the closest in the secondary literature on Rawls to articulating the concerns I express here regarding political liberalism's transformative power and stability, but, like Rawls and others, he ultimately does not bring this transformative character fully to bear on *Political Liberalism*'s concern for stability. He instead tries to describe a notion of liberal nonpublic reason as a way in which citizens might negotiate the interface between political and personal values. While compelling, he still does not fully draw out the ways in which this interface has implications for stability, whether it be negotiated via his liberal nonpublic reason or not. My sense is that this is because he is ambivalent about whether or not political liberalism's ideal of political autonomy necessarily has an individualizing effect on the comprehensive doctrines. As he says elsewhere, "a public conception of principles of justice which specify individual rights may effectively strengthen community attachments." My view is that he got it rather more correct in the statements quoted above from *Liberalism Beyond Justice*. John Tomasi, "Individual Rights and Community Virtues," *Ethics* 101, no. 3 (1991), 526.

integrity. In the next section, I outline an example from the literature on liberal multiculturalism that illustrates the idea that members of comprehensive doctrines do indeed make claims to ensure their doctrine's integrity, and that this has bearing on their allegiance to the societies in which they live.

Instability & Group Claims

The claim that citizens engage in political contestation out of a concern for the integrity of their comprehensive religious doctrines finds purchase in the literature on liberal multiculturalism. For the purposes of this section, I highlight a set of concepts that Will Kymlicka uses in his *Multicultural Citizenship*, which I take to be an indicative illustration of the idea that minority religious groups are concerned with the integrity of their comprehensive doctrines in societies in which a given doctrine does not constitute the majority, or is not regulative of a society's basic structure. The set of concepts I focus on are Kymlicka's typology of the claims for recognition made by minority groups, each of which relate to group protection against a larger majority that does not affirm the same comprehensive doctrine.

The first type of claim that minority groups make in Kymlicka's typology is for what he calls "internal restrictions," which he defines as "the right of a group to limit the liberty of its own individual members in the name of group solidarity."[142] Minority groups are interested in their solidarity, and make claims in order to protect that unity, because they do not live in societies in which they constitute the majority, and which do not have their comprehensive doctrine as the regulative conception of justice. Recall Rawls' argument for how political

[142] Will Kymlicka, *Multicultural Citizenship*, (Oxford: Oxford University Press, 1996), 7.

liberalism may address itself to questions of justice within groups like the family or churches. Rawls' argument is that the principles of political liberalism are sufficient to reform practices within groups which political liberals do not take to be justifiable, because the political freedom which all individuals are given will have effects for the sorts of freedom they may exercise within groups. Similarly, as noted above, individuals under political liberalism are understood to be likely to appreciate the 'achievements' of political liberalism, and so to reform their comprehensive doctrines to be consistent with those principles. This transformation of groups by political liberalism affects the solidarity of groups, because it potentially leads individuals to reject or revise the practices and beliefs which are taken to be constitutive of that group's identity.[143] Hence Kymlicka's internal restrictions. Members of groups that do not wish to see their comprehensive doctrines transformed engage in social contestation to halt the transformative effects for other members of living in diverse liberal democratic societies.

The second sort of claim described by Kymlicka is for what he calls "external protections," which he defines as "the right of a group to limit the economic or political power exercised by the larger society over the minority group, to ensure that the resources and institutions on which the minority depends are not vulnerable to majority decisions."[144] This highlights in more concrete and practical terms the ways in which minority groups try to protect themselves from the actions and otherwise unintended effects of a larger society in which their comprehensive doctrines are not dominant. Such groups will then make claims for external protections, such as state funding for religious and community organizations, which will then

[143] Note that this is similar to the notion of 'internal goods' described by Alasdair MacIntyre. Groups seek to protect the goods internal to their group, such as their beliefs and practices, because they are good in and of themselves. Alasdair MacIntyre, *After Virtue*, (Notre Dame: University of Notre Dame Press, 1984) 188-9.

[144] Kymlicka, 7.

propagate and carry on their religious or cultural traditions, protecting them again from the transformative effects of the broader society. The common thread that unites these two sorts of claims - one for group solidarity and one for protection from the broader society - is the notion that the group making the claims is *in need of protection*, and that this need arises from the transformative effects of living in a society in which the given group's comprehensive doctrine is not substantively reflected in public life, despite being justified in terms consistent with the proviso of public reason and the criterion of reciprocity.

In this way, the terms and institutional conditions of political liberalism may generate the unstable conditions which it seeks to ameliorate; they may cause citizens to attempt to further pursue their conceptions of the good through the claims outlined above, or they may cause citizens to withdraw their allegiance to the broader political society, out of a sense that under liberal terms of citizenship the criterion of reciprocity is not even-handedly applied across religious and secular citizens. In the next section and final section of this chapter I address the second broad way in which the terms of political liberalism are transformative for religious groups: the requirement of acceptance of the liberal principle of legitimacy as a condition of 'reasonableness' and membership in a liberal society.

Legitimacy

As is noted above, the second broad form in which comprehensive religious doctrines are transformed by life in a society characterized by political liberalism is in that they must fully adopt and comply with a liberal form of the principle of legitimacy in order to be counted as 'reasonable' members of liberal society. This is different from the above forms of

transformation associated with the burden of translation, in that the requirement to translate religious reasons into public reasons is a result of political liberalism's feature of cognitive dualism, which mandates a cognitive separation for religious persons between the public political realm, and the background culture to which the comprehensive doctrines are relegated. By contrast, political liberalism expects that the comprehensive religious doctrines present in a liberal society will endorse and comply with the liberal form of legitimacy, as opposed to, say, the sort of legitimacy appealed to by religious persons when they draw on the traditions and history of their comprehensive doctrines.[145] In the first broad form of transformation, members of a comprehensive religious doctrine are transformed by 'spillovers' from the practices and values associated with the public political realm. In the second, comprehensive religious doctrines must be transformed in order to enter the public political realm. This second form is the subject of this section, in which I first address the ways in which the liberal principle of legitimacy is a non-negotiable pre-condition of membership for religious persons, and, secondly, in which I address possible implications of this form of transformation for political liberalism's concern for stability.

The Liberal Principle of Legitimacy

The liberal principle of legitimacy as articulated by political liberals like Rawls rests on the practice of political justification specified by liberal terms of citizenship, and by the idea of public reason more specifically. Members of comprehensive religious doctrines must accept

[145] Note that I discuss this contrast above in the previous chapter, where I delineate between liberal and religious forms of legitimacy, suggesting that transnational comprehensive religious doctrines are legitimate by virtue of their intersubjective constitution *and* by their historical and scriptural authority, whereas political liberalism has largely the results citizens' public use of their reason as a way of conferring legitimacy.

these terms, and by extension the liberal principle of legitimacy from which they are derived, if a society characterized by political liberalism is to be possible. If religious persons do not accept these terms, and instead appeal to a different form of legitimacy like, say, scriptural authority as a basis for political authority, then they are deemed unreasonable, and political liberalism will not engage with them.[146] In this way, comprehensive religious doctrines must be transformed, such that the results of the liberal idea of legitimacy - the practice of the intersubjective use of reason - comes to constitute a constituent feature of the comprehensive doctrines. As Deveaux notes, political liberalism "requires that citizens and legislators adhere to the norm of public reason in debating political principles."[147] In terms specified by the definition of a comprehensive doctrine introduced above, the comprehensive doctrines must be characterized by a use of liberal practical reason that takes precedence over an appeal to a comprehensive doctrine's history and traditions as authoritative when it comes to the consideration of political matters.

It might be suggested in response that under the terms of political liberalism religious persons are perfectly free when making public use of their reason on political matters to appeal to scriptural, historical, and traditional aspects of their religious doctrines, and this would be correct, so long as those appeals are eventually translated in accordance with the proviso. However, this capacity to appeal to tradition refers to the *content* of public reason, and not to its governing *terms*, to its conditions of possibility. In other words, public reason takes a specific conception of the citizen and her capacities as primary, and which religious persons must

---

[146] Rawls, "The Idea of Public Reason Revisited," in *The Law of Peoples*, 132, 138, 145-6, 173, 178.
[147] Monique Deveaux, *Cultural Pluralism and Dilemmas of Justice*, (Ithaca: Cornell University Press, 2000), 90.

accept, before public reasoning of the liberal sort must take place. These terms are outlined above in chapter one, in the discussion of the standpoint that citizens must take towards one another. These terms must be satisfied if public reasoning is to be possible. A liberal citizen must regard each and every other citizen as a person with a capacity to offer reasons, and with a right to an equal share in public deliberations.[148] Additionally, the liberal citizen must regard the results of public reasoning as legitimate *at least* because they have been reached in accordance with its terms. I refer here to the necessity of endorsing in a first-order sense the procedural terms of public reason, and not its results, which may or may not be legitimate for members of the comprehensive doctrines in all manner of ways. If the insistence on adherence to political liberalism's founding conditions were not so important, then Rawls would not regard it as necessary to be adamant that religious persons affirm a 'doctrine of free faith' - in other words, a *liberal* form of being religious.[149] The content of a political conception of justice can and indeed should be regarded as legitimate in all sorts of ways, be they scriptural or liberal reasons, but that it is a *political* conception, in the Rawlsian specification of that term, is a non-negotiable precondition of its legitimacy. In this way, comprehensive religious doctrines must be transformed to conform to a liberal version of the principle of legitimacy, in order to be counted as reasonable members of a liberal society.

[148] Note also the moral powers outlined in the discussion of the first sort of instability introduced in chapter one, pages 8-9.
[149] Rawls, *Justice as Fairness*, 194.

Instability & Legitimacy

The liberal principle of legitimacy carries with it an ideal of personal political autonomy: each citizen is autonomously both capable and entitled to offer and receive public reasons for and against political proposals. Previous sections highlighted how this might 'spillover' into the background culture, and transform comprehensive religious doctrines that had not previously affirmed a value of autonomy to come to a greater extent to value this as an ideal, owing to its importance in the public political realm. The above sub-section highlights the extent to which political liberalism establishes a liberal principle of autonomy as a precondition for membership in liberal society, and how this might conflict with and differ from religious forms of legitimacy.[150] When viewed in this way, it is challenging to see a significant distinction between political liberalism and more comprehensive forms of liberalism, since political liberalism suggests a society that is sensitive to diverse religious groups, but only if they are liberal forms of religious groups. In other words, it still suggests, like the comprehensive liberals, a robustly *liberal* society. Tomasi articulates this criticism well when he writes that

> political liberalism - even if formally distinct as a justificatory type - in practice *amounts to* the same thing as ethical liberalism. In terms of the psychic economies of real citizens' lives, the effects of meeting the 'purely political' requirements of the one turn out over time to be indistinguishable from the comprehensive ethical requirements set out by the other. Liberalism has the same transformative and homogenizing implications as ever before. It just now brings about those changes in an indirect and long-term way.[151]

If it is the case that political liberalism has not succeeded in alleviating the destabilizing aspects of comprehensive liberalism's 'homogenizing' implications, then it follows that political

[150] I discuss differences in liberal and religious forms of legitimacy at length in the previous chapter, especially with respect to their territorial and transnational features, respectively.
[151] Tomasi, 9. Emphasis in original.

liberalism is an at least potentially destabilizing account of a society characterized by diverse and irreconcilable comprehensive doctrines.[152] This is because it still retains to a significant extent a difference-blind vision of citizenship. The distinction between the two forms of liberalism is that the difference-blind aspect of the theory has been confined to the preconditions of public life, whereas comprehensive liberalism admits of values that Rawls would describe as part of the background culture, although this distinction does not stop the values of the public political realm from transforming those of the background culture. The argument here is that this strategy of distinction has not succeeded, for the reasons outlined in the prior sections. Rawls anticipates this distinction when he acknowledges that transformations of comprehensive doctrines may occur, suggesting that this might be destabilizing, but he then asserts that "the only way this objection can be answered is to set out carefully the great difference between political and comprehensive liberalism . . . I would hope the exposition of political liberalism in these lectures provides a sufficient reply to the objection."[153]

---

[152] This is because political liberalism first acknowledges the division of democratic societies along the lines of diverse and irreconcilable comprehensive doctrines, but then applies, as noted, the difference-blind preconditions of political liberalism as a solution. As James Tully notes, "if a difference-blind liberal identity or a uniform nationalist identity is promoted to overcome the fragmentation, the effect is more often than not to incite resistance to the degree of assimilation these policies impose, and so to exacerbate fragmentation rather than create a sense of belonging." James Tully, "Reimagining Belonging in Circumstances of Cultural Diversity: A Citizen Approach," in *The Postnational Self: Belonging and Identity*, Ulf Hedetoft and Mette Hjort, eds. (Minneapolis: University of Minnesota Press, 2002), 152.

[153] Rawls, *Political Liberalism*, 199-200. Another political liberal, Charles Larmore echoes these remarks when he asserts that political liberalism "offers those opposed to full-scale individualism the best means for blocking a chief way that ideology [of individualism] has come to play such a large role in our culture, namely, by riding piggyback on the liberal principle of neutrality." Larmore also believes that comprehensive religious doctrines need not be transformed by liberal rights if those rights are justified in political, rather than a comprehensive liberal terms. Charles Larmore, *The Morals of Modernity*, (Cambridge: Cambridge University Press, 1996), 140, 151.

Conclusion

Thus we have seen how the terms of citizenship described by political liberalism might actually create some of the destabilizing conditions which it seeks to resolve, such as an exacerbation of citizens' desire to have their comprehensive doctrines reflected in public life in a way that violates liberal terms of citizenship, or in citizens' decreased allegiance to liberal society. Political liberalism takes as a basic feature of democratic societies the fact of pluralism, and then asks how citizens of divergent and irreconcilable yet reasonable comprehensive doctrines can come nonetheless come to live together in a stable and unified society. Rawls' answer is to formulate a political conception of the person, after which persons engage in the public use of their reason to formulate fair terms of social cooperation which could be reasonably expected to gain the support of their fellow citizens, and which do not rely on any particular comprehensive doctrine. If these fair terms of cooperation are widely endorsed by a society's diverse citizens, then they are supported by an overlapping consensus of the comprehensive doctrines.

This constitutes Rawls' attempt to show that comprehensive doctrines may persist and yet still live peaceably within a single society. And yet, Rawls has not taken sufficient account of the implications for the integrity of the comprehensive doctrines of living in a society characterized by political liberalism. Rawls understands that to live under the terms of cooperation specified by political liberalism would be at least minimally transformative for the comprehensive doctrines, but he does not take this to be potentially generative of the social conflicts which give rise to the instability with which he is concerned in the first place. My

contention is that the liberal terms of citizenship Rawls articulates are potentially generative of those social conflicts, in that they are transformative of comprehensive religious doctrines, and that this renders the idea of political liberalism unstable as an account of how social unity and stability may arise in deeply divided societies.

Conclusion

Throughout this project I have tried to reflect on some of the ways in which membership in a comprehensive religious doctrine is deeply meaningful and important for religious persons, and especially the ways in which this membership informs the political orientations and actions of religious citizens. In many ways, that is also a serviceable description of Rawls' starting point in *Political Liberalism.* The astute reader will notice that while I criticize Rawls' vision of how a stable religiously diverse society is possible, I nevertheless find much to admire about the way he proceeds in pursuing a theory of stability in diverse societies. The motivation behind my criticisms is thus not a wholesale rejection of his project, but rather these criticisms arise out of a sense that he has not grasped all of the implications of the complex forces which are his subjects, a charge for which surely no one, especially the present author, may be acquitted.

I have therefore aimed to specify my criticisms of political liberalism as much as possible in terms of the concepts and basic convictions which Rawls lays out so forcefully, in order to understand in its specific terms how political liberalism might not be a steadily successful picture of stability under conditions of religious diversity. I set out in two parts my view that political liberalism may exacerbate, rather than ameliorate, the sorts of instability to which it is addressed, which were prefaced in Chapter One by a description of the main features of the theory, and by an elaboration of three ways in which religious diversity might be unstable. These three kinds of instability reflect the idea that persons pursue their moral plans of life, that they may or may not express allegiance to the diverse and democratic society in which

they live, and that they may have forms of identity which transcend the bounds of the territorial state.

Chapter Two addresses the transnational dimensions of religious identity, and describes religious groups in the concepts provided by political liberalism. Just as with the sort of democratic society specified by political liberalism, transnational comprehensive religious doctrines are a source of legitimacy for their adherents, a source of recognition and accommodation, and provide a transnational space for dialogue. The liberal society described by Rawls performs these functions as well; within it citizens generate a regulative political conception of justice through the public use of their reason, which then serves as a source of recognition for religious persons, since its values and norms are worked up out of and in accordance with the reasonable comprehensive doctrines. Despite these similarities, several key differences emerge, namely that religious communities are legitimate both for their intersubjectively produced authority, and, in contrast to a liberal society, for their deep historical and scriptural authority. The basis of legitimacy in political liberalism is the intersubjective recognition of free and equal citizens, and a liberal society differs from a religious doctrine additionally in that it is territorially-based: it is intended by Rawls to constitute a discrete, bounded, and complete system of social cooperation over time.

I suggested in this second chapter that political liberalism's territoriality might be destabilizing, since if transnational religious identities provide much of the same legitimating functions as a liberal society and more, it is not immediately clear why a liberal society should hold citizens' political allegiance beyond that suggested by a mere *modus vivendi*, since such citizens would be likely to find greater reflection of their deeply held convictions in their

transnational communities. I also suggested that liberal societies' ability to effectively recognize and accommodate their members is limited by the transnationalism of religious identity. This was based on Rawls' idea that the test of stability for a liberal society is how it navigates changes in the distribution of power among comprehensive doctrines. With transnational religious identities, it is possible that this test of stability is also itself transnationalized, potentially limiting a liberal society's capacity to manage real or perceived changes in the distribution of power among comprehensive doctrines, as suggested by the Danish Cartoons example.

Political liberalism's feature of territoriality is arguably the most ripe for revision, as it is not obvious that the sorts of shared belonging produced by citizens making public use of their reason must necessarily be encapsulated within the territorial state. My sense is that such a revision would turn on a substantial rethinking of the relationship between public reason, the political conception of justice, and the ways in which these features regulate the basic structure, which ought to be understood in multi-level, non-territorial terms (local, domestic, global). To conduct this sort of revision of the theory would be to move away from its emphasis on a complete system of social cooperation, understood to be distinct from other complete systems of social cooperation ('closed societies'), towards a focus on the different sites at which free and equal citizens reason together about shared political ends. This would be a more stable account because it would be less concerned with allegiance to a *particular* basic structure, and more concerned with how free and equal citizens revise and govern *the* basic structure.

The second part of my view that political liberalism establishes the conditions for the instability to which it is addressed, however, is treated at length in Chapter Three, and focuses on the ways in which the terms of citizenship in a liberal society are transformative for comprehensive religious doctrines, and how this transformative character can be a destabilizing feature of the theory. It is important to recall my emphasis on the terms of citizenship as being transformative, as opposed to the values and norms of the political conception of justice.[154] A liberal society is stable, Rawls thinks, when religious citizens embed the values and norms of the political conception in their comprehensive doctrines, so that they have the experience of seeing their deep identities be reflected in public life. Rawls takes this to be stability for the right reasons. I focus, rather, on the terms in accordance with which citizens arrive at such a conception, rather than on its contents. This is why I stress in particular the burdens of translation for religious persons, as well as the acceptance of the political liberal principle of legitimacy as a condition of citizenship. These terms of citizenship are transformative for the comprehensive doctrines because they ask religious persons to have a particular sort of religious identity, one in which they take a reflexive standpoint towards their faith. This is why Rawls emphasizes that religious persons should affirm an idea of 'free faith'.[155] This is potentially destabilizing, because by setting this is a condition of citizenship, it effects changes in religious identities that are not negotiated by religious persons in common, since they must change in order to rise to the liberal standard of citizenship.

---

[154] This is not to say that those values are not transformative, indeed Rawls thinks they are, and I am in agreement there. I focused more so on the terms of citizenship themselves, such as the proviso and the criterion of reciprocity.

[155] Rawls, *Justice as Fairness*, 194.

This second way in which political liberalism might exacerbate the instabilities associated with religious diversity seems less resolvable than the first, because to do so from the perspective of political liberalism would be to be to suggest a change in the transformative terms of citizenship which are basic, constitutive features of the theory, such as the criterion of reciprocity. An important point of inquiry, then, and one which would move towards addressing the instabilities outlined here, is how 'unreasonable' persons can come to be reasonable. There is no easy answer to this question that does not involve the oppressive use of state power, a manner of coercion that both Rawls and myself deem to be unjustifiable. My view is that it is unavoidable, though, that many religious persons would take political liberalism to be what Rawls means by a partially comprehensive doctrine, rather than a solely political doctrine, since Rawls must insist on certain basic principles and terms if political society is possible. As I have argued above, these terms transform religious doctrines in a liberal fashion, a destabilizing fact about them which may push religious persons to regard political liberalism as another species of liberalism that is insensitive towards their deeply held convictions.

Bibliography

Bader, Veit. "Secularism, Public Reason, or Moderately Agonistic Demcracy?" In *Secularism, Religion, and Multicultural Citizenship*. Cambridge: Cambridge University Press, 2009.

Dreben, Burton. "On Rawls and Political Liberalism." In *The Cambridge Companion to Rawls*. Cambridge: Cambridge University Press, 2003. 316-346.

Casanova, Jose. "Public Religions Revisited." In *Religion: Beyond a Concept*. Edited by Hent de Vries. New York: Fordham University Press, 2008. 101-120.

Cass, Philip. "A Dozen Danish Cartoons and the Wrath of the Muslim World." *Pacific Journalism Review* 12, no. 1 (2006): 148-154.

Deveaux, Monique. *Cultural Pluralism and Dilemmas of Justice*. Ithaca: Cornell University Press, 2000.

Eickelman, D.F. "Trans-State Islam and Security." In *Transnational Religion and Fading States*. Edited by Susanne Hoeber Rudolph & Joe Piscatori. Boulder: Westview Press, 1997. 27-46.

Gutmann, Amy. *Identity in Democracy*. Princeton: Princeton University Press, 2003.

Habermas, Jurgen. "Religion in the Public Sphere." *European Journal of Philosophy* 14, no. 1 (2006): 1-25.

Held, David, A McGrew, D. Goldblatt, & J. Perraton. *Global Transformations: Politics, Economics, and Culture*. Cambridge: Polity Press, 1999.

Kant, Immanuel. *The Critique of Pure Reason*. Translated by J.M.D. Meiklejohn. New York: Prometheus Books, 1990.

Kennedy, Paul, & Victor Roudometof. "Transnationalism in a Global Age." In *Communities Across Borders: New Immigrants and Transnational Cultures*. Edited by Paul Kennedy & Victor Roudometof. New York: Routledge Press, 2002. 1-27.

Kymlicka, Will. *Multicultural Citizenship*. Oxford: Oxford University Press, 1996.

Larmore, Charles. *The Morals of Modernity*. Cambridge: Cambridge University Press, 1996.

Lenz, Ilse. "Transnational Social Movement Networks and Transnational Public Spaces: Glocalizing Gender Justice." In *Rethinking Transnationalism: The Meso-Link of Organizations*. Edited by Ludger Pries. New York: Routledge Press, 2008. 104-126.

Levitt, Peggy. *God Needs No Passport: Immigrants and the Changing American Religion Landscape*. New York: W.W. Norton & Company, 2007.

Levitt, Peggy. *The Transnational Villagers*. Berkeley: University of California Press, 2001.

Linklater, Andrew. *The Transformation of Political Community: Ethical Foundations of the Post-Westphalian Order*. Columbia: University of South Carolina Press, 1998.

Macedo, Stephen. "Liberal Civic Education and Religious Fundamentalism: The Case of God vs. John Rawls." *Ethics* 105, no. 3 (1995): 468-496.

Macedo, Stephen. *Diversity and Distrust: Public Schooling, Civic Education, and American Liberalism*. New York: Harvard University Press, 2000.

Macedo, Stephen. *Liberal Virtues: Citizenship, Virtue, and Community*. Oxford: Oxford University Press, 1990.

MacIntyre, Alasdair. *After Virtue*. Notre Dame: University of Notre Dame Press, 1984.

McGown, Rima Berns. *Muslims in the Diaspora: The Somali Communities of London and Toronto*. Toronto: University of Toronto Press, 1999.

Mill, John Stuart. *Considerations on Representative Government*. in *Collected Works* Vol. XIX. Edited by J.M. Robson. Toronto: University of Toronto Press, 1977.

Nasr, Vali. *The Shia Revival*. New York: W.W. Norton & Company, 2007.

Nussbaum, Martha. *Liberty of Conscience: In Defense of America's Tradition of Religious Equality*. New York: Basic Books, 2008.

Portes, A. "Conclusion: Theoretical Convergences and Empirical Evidence in the Study of Immigrant Transnationalism." *Transnational Migration Review* 37, no. 3 (2003): 874-892.

Pries, Ludger. "Transnational Societal Spaces: Which Units of Analysis, Reference, and Measurement?" In *Rethinking Transnationalism: The Meso-Link of Organizations*. Edited by Ludger Pries. New York: Routledge Press, 2008. 1-21.

Rawls, John. "*Commonweal* Interview with John Rawls." In *Collected Papers*. Edited by Samuel Freeman. Cambridge: Harvard University Press, 1999. 616-623.

Rawls, John. "The Idea of Public Reason Revisited." In *The Law of Peoples*. Cambridge: Harvard University Press, 2002. 129-181.

Rawls, John. *Justice as Fairness: A Restatement*. Edited by Erin Kelly. Cambridge: Harvard University Press, 2001.

Rawls, John. *Political Liberalism*. New York: Columbia University Press, 1996.

Raz, Joseph. *The Morality of Freedom*. Oxford: Oxford University Press, 1986.

Rosenau, James N. *Distant Proximities: Dynamics Beyond Globalization*. Princeton: Princeton University Press, 2003.

Rudolph, Susanne Hoeber. “Introduction: Religion, States, and Transnational Civil Society.” In *Transnational Religion and Fading States*. Edited by Susanne Hober Rudolph & Joe Piscatori. Boulder: Westview Press, 1997. 1-24.

Sandel, Michael. *Liberalism and the Limits of Justice*. Second Edition. Cambridge: Cambridge University Press, 1998.

Sassen, Saskia. “The Repositioning of Citizenship and Alienage: Emergent Subjects and Spaces for Politics.” In *Displacement, Asylum, Migration*. Edited by Kate E. Tunstall. Oxford: Oxford University Press, 2006. 176-204.

Tomasi, John. “Individual Rights and Community Virtues.” *Ethics* 101, no. 3 (1991): 521-536.

Tomasi, John. *Liberalism Beyond Justice: Citizens, Society, and the Boundaries of Political Theory*. Princeton: Princeton University Press, 2001.

Tully, James. “Reimagining Belonging in Circumstances of Cultural Diversity: A Citizen Approach.” In *The Postnational Self: Belonging and Identity*. Edited by Ulf Hedetoft & Mette Hjort. Minneapolis: University of Minnesota Press, 2002. 152-178.

Vertovec, Steve. *Transnationalism*. New York: Routledge Press, 2009.

Walzer, Michael. *On Toleration*. New Haven: Yale University Press, 1997.