Gamwell on "The Comprehensive Question": A Rawlsian Critique

Daniel A. Dombrowski

American Journal of Theology & Philosophy, Volume 38, Number 1, January 2017, pp. 27-48 (Article)

Published by University of Illinois Press

Gamwell on "The Comprehensive Question": A Rawlsian Critique

Daniel A. Dombrowski / Seattle University

I. Introduction

John Rawls is widely acknowledged to be the most influential political philosopher of the twentieth century. But the implications of his views for both religious belief and religious believers are hotly contested. Some think that he is largely on the right track, indeed that he solves many of the traditional (and bloody) problems regarding the relationship between politics and religion.[1] Others are critical of his approach.[2] Perhaps the most insightful of these critics of Rawls, who argues from the perspective of a metaphysical view or a comprehensive religious doctrine, is Franklin Gamwell. It will be the purpose of the present article to both order Gamwell's criticisms of Rawls, which are spread across seven books that span thirty-two years, and to offer a Rawlsian response to Gamwell's criticisms.

Some terminological issues should be treated at the outset. By "comprehensive doctrine" Rawls means an overall view of what is valuable in life and that covers all recognized values and virtues in a rather precisely articulated system. One reason he uses this label rather than "religion" is to make it clear that, in addition to religious comprehensive doctrines, there are also nonreligious, or at least nontheistic, comprehensive doctrines affirmed by many reasonable citizens in contemporary democratic societies.

Rawls's "comprehensive doctrine" has at least a family resemblance to Gamwell's "comprehensive question" or the "comprehensive order of reflection," where human beings question and reflect on what the meaning to human life

1. See, e.g., Daniel Dombrowski, *Rawls and Religion: The Case for Political Liberalism* (Albany: State University of New York Press, 2001); Dombrowski, *Rawlsian Reflections on Religion and Applied Philosophy* (University Park: Pennsylvania State University Press, 2011); Samuel Freeman, *Rawls* (New York: Routledge, 2007); and Thomas Pogge, *John Rawls: His Life and Theory of Justice* (New York: Oxford University Press, 2007).

2. See, e.g., Paul Weithman, *Religion and the Obligations of Citizenship* (New York: Cambridge University Press, 2002); Weithman, *Why Political Liberalism?* (New York: Oxford University Press, 2011); Nicholas Wolterstorff, *Justice: Rights and Wrongs* (Princeton: Princeton University Press, 2008); and Christopher Eberle, *Religious Conviction in Liberal Politics* (New York: Cambridge University Press, 2002).

American Journal of Theology & Philosophy · Vol. 38, No. 1, January 2017

is in the context of the wider cosmos. Rawls's "comprehensive doctrine" is also similar to what Gamwell calls a "metaphysical view," but this latter designation also has a more precise meaning for Gamwell. To be specific, metaphysics is the critical study of what must be the case regarding *everything* that exists. Gamwell's metaphysics is transcendental in the sense that it studies what is the case in *every* experience of the real, rather than concerning itself with what is outside of or beyond experience.

Thus, it makes sense from a Rawlsian point of view to say that Gamwell's metaphysics is but one among many comprehensive doctrines in a contemporary liberal democracy. Gamwell does not accept this characterization of his position, but not because of any religious intolerance or claim to religious exceptionalism on his part. This is why his thought is so very interesting and poses a challenge to Rawlsian theory.

That is, Gamwell defends a view of metaphysics that purports to stand above the conflicting comprehensive doctrines in contemporary democratic societies, hence he implies an exemption from the restrictions Rawls places on comprehensive doctrines. In effect, there are two different senses of "metaphysics" that have to be distinguished. Metaphysics-1 refers to any general worldview that orders values and virtues and is roughly synonymous with Rawls's "comprehensive doctrine," whereas metaphysics-2 refers to the study of the really abstract and ubiquitous features of *all* reality. Or again, metaphysics-2 refers to the discipline that discovers and articulates the general ideas that are indispensable to the analysis of *everything* that happens. Gamwell uses "metaphysics" in both senses, although his primary interest is metaphysics-2, the type of metaphysics that is the subject of the above-mentioned exemption. While metaphysics-1 roughly corresponds to Rawls's "comprehensive doctrine," it is only metaphysics-2 that is *truly* comprehensive, as Gamwell insightfully sees things.

Readers of Gamwell's books have to come to terms with two main areas: first, his view, derived from Charles Hartshorne, that if a metaphysical-2 claim is true, it is true about everything; and second, his view that there is a tight connection between metaphysics-2 and political philosophy. I will pull these two areas apart. Enthusiastic (Hartshornian) support for Gamwell as a metaphysician does not necessarily mean the same for Gamwell's thesis that a response to "the comprehensive question" is integral to any effort to theoretically understand what a just society would be like. My (Rawlsian) critique of Gamwell as a democratic political philosopher is nonetheless compatible with the belief that he is the most insightful thinker to date of those who think that it is fitting that one unqualifiedly bring one's comprehensive doctrine to bear on political questions, even in a condition of pervasive pluralism. That is, the

real comprehensiveness of what Gamwell calls "the comprehensive question" both counts in favor of his metaphysics-2 and creates problems for his political philosophy.

My procedure will be to lay out eight criticisms that I detect in Gamwell's profound reading of Rawls (five of which are explicitly directed at Rawls and three of which point the way toward Gamwell's own view), then to offer a spirited Rawlsian response to these eight criticisms.

II. Gamwell on Separation

Rawls is well known for his distinction between the concept of justice (or the right), on the one hand, and the concept of the good, on the other. These two must be separated, he thinks, because of the plurality of opposed concepts of the good that reasonable people defend, sometimes uncompromisingly so. But such opposition, he thinks, need not be a political problem if we can nonetheless agree on democratic principles and procedures that will enable us to live in peace and prosperity and in a fair manner. That is, Rawls thinks that although we cannot agree (or at least that we do not in fact agree) regarding the comprehensive *good*—some are Catholics, some are Jews, some are Buddhists, some are agnostics, etc.—we can (and largely do, in democratic societies) agree regarding the procedures that should be followed in a *just* society. For at least five nuanced reasons, Gamwell is not convinced.

First, Rawls's separation of justice from the comprehensive good violates those who defend such a comprehensive doctrine, at least if it is truly comprehensive or metaphysical (metaphysics-2).

Relatively early in his career, Gamwell indicated that he saw political liberalism, or at least certain versions of political liberalism, as "seriously flawed." This criticism of political liberalism was due to his desire to return to "the religious character of the comprehensive religious variable." By this variable he meant that in terms of which all possible existents are understood and evaluated. On this view, the public world only becomes a meaningful concept when diverse and fragmentary human communications are part of a divine, comprehensive unity-in-diversity. That is, a maximal public ideal finds its justification in God.[3]

Later Gamwell indicated, and no doubt he always realized, that liberalism in general arose as a specific kind of political theory that was meant to deal with the insistence and persistence of religious diversity, both between religious

3. Franklin Gamwell, *Beyond Preference: Liberal Theories of Independent Associations* (Chicago: University of Chicago Press, 1984), ix, 151.

communities and within them. The religious wars of the early modern period were, as Gamwell notes, ruinous. So, in addition to the need for comprehensiveness, there is also the fact of diversity, the latter of which must in some fashion be tolerated if politics is to avoid both anarchy and coerced uniformity. The distinctive task of liberal theory has been to define the terms on which religious plurality can be civilized.[4] To put the point in interrogative fashion, how can toleration be given reasonable grounds?[5]

The Rawlsian, politically liberal response to this question, Gamwell thinks, violates popular sovereignty by offering a freestanding view that is independent of, or separated from, ideas of the comprehensive good. The violation presumably occurs with respect to those like Gamwell (and myself) who defend comprehensive doctrines that really are comprehensive (i.e., that constitute a metaphysics-2 view), in contrast to those who hold "comprehensive" doctrines that are only nominally so. Although the Rawlsian freestanding view is very abstract, it nonetheless fails to be "self-democratizing" in light of the above alleged violation.[6] Here Gamwell enlists Jurgen Habermas's support in his criticism of Rawls: practical discourse is compromised if the state teaches that *only its* liberal conception of justice can be redeemed.[7]

Granted, "liberalism" can mean many different things to many different thinkers. On one use of the term, any form of democracy where there is government by the people is liberal; on another use, the term refers to the view that politics is instrumental to diverse ends; on still another, it refers to maximal want-satisfaction. When Gamwell criticizes political liberalism, what he has in mind is the idea that there should be a separation of principles of justice from the comprehensive good, a separation that is unfair to those who defend truly comprehensive doctrines because the very idea of the separation of justice from the good militates against comprehensiveness; the concept of a freestanding concept of the just does the same.

Second, Rawls's refusal to consider comprehensive doctrines in politics amounts to a denial that any such doctrine could be true.

4. Franklin Gamwell, *Democracy on Purpose: Justice and the Reality of God* (Washington, DC: Georgetown University Press, 2002), 238.

5. Franklin Gamwell, *The Meaning of Religious Freedom: Modern Politics and the Democratic Revolution* (Albany: State University of New York Press, 1995), 9.

6. Franklin Gamwell, *Politics as a Christian Vocation: Faith and Democracy Today* (New York: Cambridge University Press, 2005), 41.

7. Gamwell, *Democracy*, 248. Also see Jurgen Habermas, *Religion and Rationality* (Cambridge: MIT Press, 2002). Finally, see Gamwell's *Religion among We the People* (Albany: State University of New York Press, 2015), especially 68–71, 94–96, 105–9.

Gamwell's critique is rooted in a concern voiced by the process thinker Alfred North Whitehead in the 1930s: that democracy without metaphysics loses its intellectual justification.[8] We will see that the issue here is whether "without metaphysics" necessarily means "antimetaphysics" and whether "without comprehensive religious backing" means "antireligious." Gamwell thinks that the Rawlsian view *is* antimetaphysical and antireligious; indeed, it is a type of secularism.[9]

In this regard Rawls is, as Gamwell sees things, in the lineage of Kantian thinkers who assert that rights are independent of any inclusive *telos* (end or purpose), thus democratic rights are solely the creatures of historical context. As Gamwell sees things, however, the moral status of human beings cannot even be articulated, much less defended, in a nonteleological way. Thus, the Kantian-Rawlsian project is self-destructive because religious comprehensive doctrines give to their adherents the very terms for political evaluation.

By seeking neither to assert nor to deny any particular comprehensive doctrine, Rawls ends up simply refusing (or more forcefully, denying) the comprehensive order of reflection. For Gamwell, there is no relevant distinction between refusing to consider comprehensive doctrines and denying their legitimacy.

Although I think that there *is* an important distinction here, it should not escape our notice that in the effort to conflate refusal and denial Gamwell sheds light on the complex development of Rawls's thought. Gamwell insightfully wonders about the transition from Rawls's early essay "Two Concepts of Rules" (1955), to *Theory of Justice* (1971), to *Political Liberalism* (1993). In the early essay, Rawls defends the idea that the justification of a practice, in contrast to the justification of a particular action falling under it, appeals to utilitarian principles.[10] Yet, by the time of *Theory of Justice*, nonteleological principles are highlighted. Why? Gamwell floats the hypothesis that Rawls was spellbound by the Kantian conviction that political theory must be independent of a metaphysical *telos*. Although he left the impression that he was a comprehensive liberal in *Theory of Justice* (with comprehensive liberalism,

8. Alfred North Whitehead, *Adventures of Ideas* (New York: Free Press, 1967 [1933]), 36.

9. Franklin Gamwell, *Existence and the Good: Metaphysical Necessity in Morals and Politics* (Albany: State University of New York Press, 2011), essay 2, pt. 1.

10. See John Rawls, "Two Concepts of Rules," in *Collected Papers*, ed. Samuel Freeman (Cambridge: Harvard University Press, 1999); Rawls, *A Theory of Justice*, rev. ed. (Cambridge: Harvard University Press, 1999); Rawls, *Political Liberalism*, paperback ed. (New York: Columbia University Press, 1996).

in contrast to political liberalism, consisting in an overall view that competes with other comprehensive doctrines for our allegiance), the fact that he was uneasy about this impression, along with the fact that he altered his view in *Political Liberalism*, highlights this Kantian conviction, which is the ultimate object of Gamwell's criticisms.[11]

Third, Rawlsian separation of the just from the good means that individuals' conceptions of the good are privatized and hence relativized.

The separation that leads to privatization is a problem, according to Gamwell, because religious conviction involves a self-understanding that should be exemplified without duplicity in *all* human activity, including political activity. (This is why Gamwell opts for metaphysics-2 and for a comprehensive doctrine that is truly so.) Indeed, Gamwell labels Rawls's stance, by contrast, as "the privatist view."

Because Rawls denies the comprehensive order of reflection, he implicitly asserts that political activity is always, even in the condemnation of slavery, relative to given historical and cultural conditions. In anticipation of the fifth criticism below, Gamwell thinks that relativism itself is ironically a comprehensive doctrine to the extent that it asserts a moral comparison of human activities: *all* of these activities are historically and culturally specific. We will see that Gamwell thinks that all such responses to the comprehensive question are self-refuting.

To sum up the criticisms thus far, privatist, putative refusal to consider the comprehensive order of reflection *is* a denial, Gamwell thinks, and such a denial oddly leads to comprehensive, oppressive relativism: "To assert that one's choice of a purpose is never bound by a norm is also to assert a norm . . . namely, that human authenticity as such is always and in all respects particular or relative to the activity in question."[12]

Fourth, as a result of the privatization and relativization of the good, the most that one can hope for on a Rawlsian basis is a modus vivendi (or a Hobbesian truce that is temporary because there is no genuine meeting of minds). That is, overlapping consensus (where those with differing comprehensive doctrines nonetheless agree on the concept of justice) is not possible.

To be precise, Gamwell admits that Rawls's view is compatible with some "comprehensive" doctrines, but only those that are not truly comprehensive. That is, his political liberalism is incompatible with comprehensive doctrines that have a universalist conception of justice. Democracy implies a truly com-

11. Gamwell, *Democracy*, 185–87, 304–5.

12. Gamwell, *Meaning*, 141, also 139–43.

prehensive purpose, on Gamwell's interpretation, hence the title of one of his books alludes to democracy *on purpose*. The strongest terms he uses are the following ones: a "nonteleological theory of justice" is as self-refuting as a "nontheoretical theory of justice."[13] Without a *telos*, justice is purely (Gamwell might say "merely") procedural; hence the best we could hope for under a nonteleological theory of justice would be a *modus vivendi*, contra Rawls's obvious intent to be arguing for something more than a *modus vivendi* in terms of a comprehensive doctrine.[14]

Without metaphysical backing, justice as fairness has to remain a type of *modus vivendi*, Gamwell thinks, and cannot rise to the level of overlapping consensus. If we get along with each other on a Rawlsian basis, it has to be due to a contingent and fortunate convergence of interests rather than to an adherence to commonly held and necessarily true principles.[15]

As a result, Gamwell thinks that no defender of a really comprehensive doctrine could ever accept an explicitly freestanding and implicitly *modus vivendi* conception of justice. On Gamwell's view, it is the comprehensive doctrine that justifies the political principles rather than the other way around. In fact, it is *only* a true comprehensive doctrine that could justify political principles. Gamwell puts the point directly and controversially as follows: "There is simply no such thing as a reasonable religious conviction or reasonable answer to the comprehensive question."[16] Here he is assuming the Rawlsian distinction between the reasonable and the rational. The former refers to a willingness to abide by fair terms of agreement and the latter refers to the ability to follow arguments and to adjust means to ends. Simply put, it takes a reasonable person to willingly enter the Rawlsian original position (the place where the hypothetical decision-making procedure takes place in the effort to find the abstract principles that would obtain in a just society) and a rational person to deliberate there.

But even with this distinction in mind, it is easy to misunderstand Gamwell's point. The quotation in the previous paragraph could easily be taken to mean that Gamwell is opposed to toleration of religious beliefs (or nonbeliefs) different from his own. Nothing could be further from the truth. I think that what Gamwell means is that when doing metaphysics-2, one is dealing with those most abstract features of all reality and of our experiences of it, such that when

13. Gamwell, *Democracy*, 277–79.

14. Gamwell, *Politics*, 42.

15. Gamwell, *Meaning*, 66–67.

16. Ibid., 72, also 70.

doing metaphysics-2, there is simply no need to reasonably adjudicate disputes regarding more concrete and more contentious aspects of comprehensive doctrines found at the level of metaphysics-1.

It is true that there are also differences of opinion regarding metaphysics-2 claims (e.g., regarding whether becoming should take precedence over being), but Gamwell thinks that *these* differences are not the sort that people literally fight over or that destroy the basis for a just society. These differences of opinion concern questions as to whether "something exists" or "God exists" are necessarily true. I agree with Gamwell's affirmative responses to both of these questions, although we will see that I am a bit skittish as to whether the latter question is as politically innocuous as Gamwell thinks.

Fifth, nonetheless, despite what has been said in the above four criticisms, Rawls's view of justice does, in spite of itself, involve a comprehensive doctrine; in fact, it amounts to an established religion.

Because of the counterintuitiveness of this criticism, it will be worthwhile to try to understand Gamwell's point. The major problem, and an unnoticed one, with Rawls's theory, he thinks, is that any proposed separation of justice and the good implies a concept of justice that involves *its own* concept of the good, hence any such proposed separation involves a performative self-contradiction.[17] That is, the separation of justice from concepts of the comprehensive good nonetheless itself involves the creation of another such concept, Gamwell thinks, hence such a separation cannot unify politically a diversity of such concepts.[18]

Gamwell thinks that the very statement that no universal concept is valid is itself a statement of what is universally the case.[19] The attempt to avoid metaphysics is futile, Gamwell thinks, because the denial of all universalist concepts is contradicted by the confident assertion of a supposedly nonuniversalist one. Here Gamwell pushes Richard Rorty and Rawls together in a joint denial of the claim that comprehensive doctrines that are truly comprehensive are reasonable. The problem with this view, on Gamwell's grounds, is that democratic discourse itself requires a substantive principle that is universal; in Rawlsian language, it requires a comprehensive doctrine.[20]

17. Gamwell, *Politics*, 119. Also see David Ray Griffin, *Reenchantment without Supernaturalism: A Process Philosophy of Religion* (Ithaca: Cornell University Press, 2001).

18. Gamwell, *Existence*, essay 5.

19. Gamwell, *Democracy*, 272–74.

20. Ibid., 275–76; Gamwell, *Meaning*, 136. Also see Richard Rorty, *An Ethics for Today* (New York: Columbia University Press, 2008).

All of Rawls's talk of separation is merely on the surface in that Gamwell thinks that by refusing or denying the comprehensive question, Rawls ironically ends up with a metaphysical position: that no metaphysics is ever required for the purposes of politics.[21] "Irony" may be too weak a word here because Gamwell thinks that the Rawlsian project is plagued with "internal incoherence."[22]

Gamwell detects in Rawls an awareness of the criticism being leveled against him.[23] The Rawlsian distinction between the reasonable and the rationally discoverable true must itself be true for Rawlsian political philosophy to make sense. That is, Rawls cannot consistently deny metaphysical commitments. And, as before, metaphysics-2 is conceived by Gamwell not as the articulation of just any general view but, in Hartshornian fashion, as the articulation of the a priori or necessary conditions of human (and other) activity. On this basis he is willing to grant to Rawls that no *particular* metaphysical view has to be affirmed if some of the traditional metaphysical views are kept in mind (e.g., Cartesian vs. Leibnizian), but regarding the most comprehensive aspects of comprehensive views Rawls cannot remain neutral.[24]

Of course some religious adherents are reasonable and some are not, despite the language above regarding the claim that there is no such thing as a reasonable answer to the comprehensive question. The former, on Gamwell's account, are those who believe that comprehensive convictions can be publicly assessed, and the latter are those who are not prepared to defend their comprehensive doctrines in a public forum. On this account it is Rawls himself who is unreasonable in that he is not willing to admit that justice as fairness *is* (at least implicitly) a comprehensive doctrine, hence *a fortiori* he is not willing to defend it in public as such. "The turn in Rawls's thought from *A Theory of Justice* to *Political Liberalism* has failed to achieve its principal purpose, namely, to propose a political theory that is not itself part of a comprehensive doctrine."[25] Part of this failure lies in the tendency of the privatist view to assert that *none* of the religious convictions in the community are important in politics.[26]

21. Gamwell, *Meaning*, 47–58.

22. Ibid., 68, 136–37.

23. Rawls, *Political*, 29.

24. Gamwell, *Meaning*, 58–59.

25. Ibid., 74.

26. Ibid., 119.

These five criticisms are aimed directly at Rawls's view. They prepare the way for three more that illuminate Gamwell's own positive alternative to Rawlsian separation, or better, "separation."

Sixth, every moral claim at least implicitly includes its meta-ethical grounding.

This claim is crucial for Gamwell's view and applies to all moral claims, including not only those in one's personal morality but also those in political philosophy. He calls this stance the "compound character of justice" in that the democratic principles enshrined in the constitution, say, must rest on something more basic. In Gamwell's terms, justice is both formative and substantive, and these two aspects of justice cannot be separated.[27] To put Gamwell's point in Rawsian language, a concept of justice cannot be freestanding because it must involve a concept of the comprehensive good.

Seventh, Gamwell goes even further. Only a true comprehensive doctrine can redeem political prescriptions, although this does not necessarily mean an established religion.

Not only does Gamwell claim that the separation of justice and the good in effect slips in through the back door an implicit concept of the good, it also slips in what amounts to an established religion: the religion of separation. Gamwell does not discuss in detail, although he does notice, that the Rawlsian view is *pro tanto* (to be discussed later) and that, because Rawls's political liberalism is not meant to be universalist, it is a poor candidate for status as a comprehensive doctrine. Only a view that is universalist, in the sense that adherents to the view think that it *alone* can redeem political prescriptions, can be really comprehensive. That is, on Gamwell's view an authentic comprehensive doctrine is incompatible with the Rawlsian *translation proviso*, wherein one's own comprehensive doctrine can be brought into the public sphere only if its terms can be translated in such a way that any reasonable-rational citizen could understand and possibly accept such terms.[28]

Gamwell insists that opposition to Rawlsian separation does not itself imply religious establishment, but rather only implies that *some* universal principle or principles could be redeemed in political discourse. Such redemption would, if it were successful, reduce the need for the Rawlsian method of *reflective equilibrium* among various factors that would have to be balanced within public reason. This method works on the assumption that there are no convenient algorithms available for determining what a just society would be like. Rather, one must work hard, on the basis of this method, to think through how all of the relevant

27. Gamwell, *Democracy*, 232.

28. Ibid., 266–71.

factors are to be brought into harmony with each other. That is, if one factor is overemphasized, we are put into an uncomfortable disequilibrium. Or again, on Gamwell's view, in contrast to Rawlsian reflective equilibrium, a zero sum game is involved in political philosophy: if political liberalism is defensible, then every universalist theory or truly comprehensive doctrine is invalid.

And eighth, religious convictions can be rationally defended and hence are amenable to public debate.

One of the most distinctive of Gamwell's challenging theses is the claim that religious convictions are rationally defensible. In this regard he is commendably militating against the commonly held view that religious convictions are based on personal preferences and are thus not legitimate parts of our common moral (including political) enterprise. But religious convictions, he argues, have no wider comprehensive scope than Rawls's principles of justice. That is, Rawls's refusal to consider (or denial of) comprehensive claims is universal, and if there is a true concept of human authenticity, as Gamwell thinks there is, it would likewise be true under all conditions.[29]

Gamwell grants that the critique of traditional metaphysics that began with Kant led many thinkers to discredit normative ethics as well. He thinks that Rawls is one of the heroes in the effort to reclaim a central place for normative ethics and politics in philosophy. But Gamwell thinks that Rawls's achievement is attenuated because of his refusal to consider, or denial of, rationally intelligible metaphysical claims regarding the comprehensive good.[30]

The truncated Rawlsian approach has nonetheless had a profound effect on Gamwell's theory of distributive justice, which is formulated in Hartshornian process terms: maximize the general conditions of creativity to which all have equal access. All three principles in Rawls—the principle of equal basic liberties, the principle of fair equality of opportunity with respect to any inequalities in the distribution of goods, and the difference principle wherein any inequalities or differences in the distribution of goods will work to everyone's advantage (especially the least advantaged)—inform Gamwell's view, especially the idea at the core of the difference principle that undeserved talents won in the natural and social lotteries are justified only if they advantage the least advantaged. Although there are also obvious dissimilarities between Rawls's view and Gamwell's theory regarding the general conditions of emancipation, the significant overlap regarding their theories of distributive justice deserves mention. That

29. Gamwell, *Meaning*, 135–45.

30. Gamwell, *Existence*, preface.

is, on Gamwell's view there is much that is accomplished on the attenuated basis of Rawlsian political philosophy.[31]

Nor is Gamwell necessarily opposed to the overall method at work in Rawls that was briefly discussed above: reflective equilibrium. Particular convictions that we have no reason to question (commitment to democracy, opposition to racism, etc.) are easier to bring into equilibrium than those convictions that are readily criticized. But this method, once again, is attenuated because, although it works well as moral philosophy, it does not work as moral Philosophy (Gamwell's capitalization) in terms of "a foundation or grounding for the moral theory reached in reflective equilibrium."[32] Because there is no transcendental grounding offered for reflective equilibrium, its results are always tinged with arbitrariness, hence the charge of relativism articulated above.[33] This eighth criticism therefore deals not so much with the lack of rationality in Rawls as the lack of Rationality.

III. In Defense of Separation

Regarding the first criticism, that political liberalism violates those who defend truly comprehensive doctrines, the following can be said in reply. Gamwell is well aware of the problem created by the pluralism of comprehensive doctrines that citizens affirm, very often uncompromisingly. To put the question in his terms: how can religious plurality be civilized? But his response to this question is quite different from the response that is given by political liberals like myself.

Gamwell thinks that religious toleration can be given reasonable grounds by requiring religious believers (at least some of them, if I understand correctly) to give a public defense of the comprehensive doctrine that they affirm. If such a defense is truly public, it will require civil discourse, which in turn requires toleration. The politically liberal response to the question at issue, by way of contrast, is to take the truth or falsity of comprehensive doctrines off the table in politics for at least two reasons. Either defenders of comprehensive doctrines themselves might not be willing to give a rational articulation of their view (after all, fideism, or the idea that religious belief is based on faith rather than reason, has had the upper hand in both philosophy of religion and religious circles at least since the time of Kant), or, if they are willing to offer a rational,

31. Franklin Gamwell, *The Divine Good: Modern Moral Theory and the Necessity of God* (New York: Harper Collins, 1990), 201–2; Gamwell, *Politics*, 91–92; Gamwell, *Democracy*, 294, 310.

32. Gamwell, *Divine*, 116.

33. Ibid., 123–24.

publicly articulated version of their view, it might be hopelessly at odds with conflicting articulations.

It should be noted that Gamwell is not only encouraging religious believers to develop rationally (i.e., publicly) defensible versions of their beliefs, but he is also basing the continued existence of civil society on the ability of religious believers to develop such publicly defensible versions of their beliefs. One wonders what would happen if most religious believers remained steadfast in their fideism and did not see the need for, or even the appropriateness of, rationalized religion. I would like to make it clear that I personally see a strong role for reason in religion,[34] but I am also painfully aware of the fact that there is no swarming multitude in addition to Gamwell that agrees with me in this regard.

There is a certain irony in the fact that, despite the fortunate circumstance that Gamwell and I share roughly the same (Hartshornian) metaphysical-2 view, he thinks any defenders of a truly comprehensive view are treated unfairly in political liberalism. However, I would not think that I would be treated unfairly if my comprehensive doctrine did not provide *the* meta-ethical support for liberal toleration. As Hartshorne himself put the point, a liberal is a thinker who knows that he or she is not God.[35] It should also be remembered that Whitehead, like Hartshorne, was a liberal in politics,[36] such that his view could be interpreted as saying, as Rawls's view could be interpreted as saying, that liberal political beliefs require the backing provided by *some* comprehensive doctrine, but which one?

It makes sense to distinguish between toleration of reasonable comprehensive doctrines and toleration of different conceptions of justice. Gamwell's aforementioned citation of Habermas seems to indicate that he thinks that Rawls is intolerant in the latter case. Another way to look at the matter, however, is to suggest that Rawls is very tolerant of different concepts of justice within the

34. See Daniel Dombrowski, *Divine Beauty: The Aesthetics of Charles Hartshorne* (Nashville: Vanderbilt University Press, 2004); Dombrowski, *A Platonic Philosophy of Religion: A Process Approach* (Albany: State University of New York Press, 2005); Dombrowski, *Rethinking the Ontological Argument: A Neoclassical Theistic Approach* (New York: Cambridge University Press, 2006); Dombrowski, *A History of the Concept of God: A Process Approach* (Albany: State University of New York Press, 2016); and Dombrowski, *Whitehead's Religious Thought: From Mechanism to Organism, From Force to Persuasion* (Albany: State University of New York Press, 2017).

35. Charles Hartshorne, *Creativity in American Philosophy* (Albany: State University of New York Press, 1984), 9.

36. See Randall Morris, *Process Philosophy and Political Ideology* (Albany: State University of New York Press, 1991).

politically liberal family, which includes a large number of well known political philosophers. Nonliberal concepts of justice (e.g., as defended by Straussians, Marxists, etc.) are not so much the victims of intoleration as they are rejected in a fair decision-making procedure, such as that found in the original position behind a veil of ignorance (Rawls discusses Marx's own views in detail [37]).

I think that we should commend Rawls in this regard. The argument for such rejection, which should not be seen as flippant, relates to reflective equilibrium. That is, if we adopted the Straussian or Marxist stances, which in their different ways actually denigrate justice as either a convenient foil for the unwise or as a bourgeois fetish, respectively, we would put into disequilibrium most of the important beliefs held by reflective citizens in contemporary democracies. Among these beliefs are that in politics citizens should be viewed as ends-in-themselves who are free and equal, reasonable and rational. If these beliefs were false, then admittedly nonliberal concepts of justice would look more attractive. But as it stands, with these beliefs assumed as relatively stable, one would pay far too great a price by adopting a nonliberal concept of justice. We should be concerned if debates in democratic politics appear to citizens to be trivial in that there *is* much at stake in these debates.

Regarding the second criticism, that Rawls's refusal to consider comprehensive doctrines in politics amounts to a denial of them, several different responses are in order. Gamwell moves too quickly, I think, from politically liberal principles that do not rely on metaphysical support to the concept that such principles are antimetaphysical. Likewise, he moves too quickly from the idea that politically liberal principles can be articulated without comprehensive religious backing to the idea that such principles are antireligious. These "offsides" infractions by Gamwell (if the American football metaphor be permitted) are prompted by his assumption that Rawlsian political philosophy is a variety of secularism.

This assumption deserves scrutiny. Granted, modern liberal thinkers like Immanuel Kant, John Stuart Mill, and John Dewey seemed to think that as citizens became more enlightened, and hence less attracted to traditional religious understandings of politics, a secular utopia could be approximated. But the later Rawls clearly tries to distance himself from these varieties of *comprehensive* liberalism, which were meant as replacements for what was thought to be the outmoded wisdom of the Judeo-Christian ages. Rawls thinks of comprehensive liberalism as just one more comprehensive doctrine that must be brought within the sweep of *politically* liberal institutions. Indeed, Rawls

37. See John Rawls, *Lectures on the History of Political Philosophy* (Cambridge: Harvard University Press, 2007), 319–72.

thinks that comprehensive liberalism can, and historically has, led to messianic and imperialistic forays that were actually at odds with liberal political principles. That is, it might be more accurate to view Rawlsian political philosophy as postsecular rather than as secular. The very fact that Rawls uses the label "comprehensive doctrine" rather than "religion" indicates, as we have seen, that he thinks that *both* religious believers and nonbelievers have to submit to reasonable criteria developed in fair decision-making procedures, such as those found in the Rawlsian original positions at both the domestic and international levels.

Or again, Gamwell thinks that political liberalism, in addition to being antimetaphysical and antireligious, is also antiteleological. There is a grain of truth in his position here, but I think that a more accurate way to put the point would be to say that no single *telos* can be isolated that captures the various (and at times conflicting) ends that reasonable citizens affirm in contemporary democracies: the greater glory of God, pleasure, sexual liberation, artistic excellence, wealth, etc. In fact, it is not too much of a stretch to say that, rather than being antiteleological, political liberalism is hyperteleological in that it permits as many ends as are compatible with justice.

Although it is correct, as Gamwell notices, that Rawls rejects what Gamwell calls the "comprehensive order of reflection" *in politics*, the point of such rejection is to make the conceptual world safe for the comprehensive order of reflection in other areas: the academy, churches, the arts, responsible journalism, etc. If the comprehensive order of reflection yielded only one concept of *the* good (as Plato, Aristotle, St. Augustine, St. Thomas Aquinas, Luther, and Calvin thought), then political matters would be much simpler than they are in the polyglot conceptual world that we inhabit at present and for the foreseeable future.

The third criticism, that Rawlsian separation of the just from the good both privatizes and relativizes the good, is problematic for several reasons. The contrasting term to "public" in Rawls is "nonpublic" rather than "private." This last term is etymologically related to the negativity associated with privation or lack or deficiency. There is nothing in political liberalism, however, that associates religious belief with privation. People just happen to believe, and there is nothing lacking in them in this regard. Further, religious believers tend to worship together in community and to identify themselves with their religious communities, hence "nonpublic," although not the ideal term, is nonetheless better than "private" when describing religious believers' conceptions of the good.

Further, it is not the case that religious believers are required to sequester their conceptions of the good. In political liberalism they are permitted to do

intellectual work with them, even in the public square, *as long as* the terms of the translation proviso are met,[38] as we have seen. As I see things, these terms are not onerous or unfair to defenders of either religious or nonreligious comprehensive doctrines. Once one acknowledges that reasonable citizens affirm many different conceptions of the good, one comes to realize that it would be a sign of disrespect to enact laws (especially those that use the coercive apparatus of the state to restrict the freedom of citizens) that are based on the terms of a single comprehensive doctrine that many citizens could not accept.

For example, Martin Luther King (or those he influenced) easily could have met the terms of the translation proviso by providing for his agnostic listeners, in addition to his appeal to religious grounds, a nonreligious explanation of why he advocated a discrimination-free society on the basis of race. Or again, Rawls himself, who was a defender of abortion rights for women, nonetheless commended Joseph Bernardin, the Catholic cardinal of Chicago, for trying to defend opposition to abortion in terms that were compatible with public reason. On Rawlsian grounds Bernardin may have been wrong, but by fulfilling the terms of the translation proviso, he was at least being respectful of fellow citizens.[39] If opponents to abortion are not as successful as King was in changing the laws of the land, this in itself is not reason to abandon the translation proviso so as to allow the use of one comprehensive doctrine to trump the concepts of the good found in others.

It is true that *some* religious beliefs (e.g., belief in the trinity or in the dual nature of Christ) might not be amenable to the rational articulation that is the hallmark of public reason, but it is precisely these beliefs that are least political in that we can easily imagine a just *polis* where there is reasonable disagreement on these matters. Whereas some religious beliefs are overdetermined in the sense that they could be justified either in line with public reason or on religious grounds (e.g, that murder is wrong), and hence are easily amenable to the terms of the translation proviso, other religious beliefs seem to be justifiable only on nonpublic grounds. These latter beliefs are not appropriate bases for public policy in a democracy, as I see things.

The stable beliefs that are the subjects of widespread agreement in contemporary democracies (e.g., that slavery is wrong, that women deserve political equality with men, etc.) are shared by all reasonable parties, whatever their comprehensive doctrine. This is fortunate because abandonment of these beliefs would most egregiously put our moral lives into disequilibrium. In other words, it is rational to think that we pay too great a price for abandoning these

38. Rawls, *Political*, li.

39. Ibid., lvi.

beliefs, hence it is no more accurate to say that political liberalism *relativizes* religious belief than it is to say that it *privatizes* such belief.

The fixed points within political liberalism (e.g., that citizens should be seen as politically free and equal, reasonable and rational), the abandonment of which produces a dangerous disequilibrium with respect to morality, in general, and political philosophy, in particular, are, of course, open for discussion. But this is a far cry from suggesting that the results of such a discussion among reasonable and rational parties would lead to the abandonment of human authenticity, as Gamwell suggests. These beliefs are stable precisely because reasonable citizens who lead authentic lives affirm them (albeit in many different ways).

My response to the fourth criticism, that the most one can hope for in political liberalism is a *modus vivendi* rather than an overlapping consensus, follows from what has been said above. In logic it is clear that one can reach the same conclusion (X) starting from several different sets of premises (a, b, c), either directly:

a	b	c
	X	

or indirectly:

a	b	c
d	e	f
	X	

If something analogous can be said in political philosophy, then overlapping consensus (perhaps even Gamwell's "comprehensive purpose") is possible in that X can be agreed to by all reasonable parties.

I understand what Gamwell has in mind when he says that political liberalism can only achieve a convenient *modus vivendi* because it is nonteleological. We cannot decide *in politics* among a, b, or c's ends. Likewise, it is nontheoretical *in the sense that* we cannot decide in political philosophy about whether a, b, or c is true. If these are mutually exclusive options, however, we *can* know that they cannot all be true and that some of them (but which ones?) are false.

What Gamwell wants in politics are both commonly held principles (which is what overlapping consensus is all about) and necessarily true principles. Regarding the latter, political liberalism admittedly falls short. Although necessarily true principles are not denied in political liberalism, as Gamwell alleges, they *are* left to metaphysicians like Gamwell and myself to deal with. Decisions regarding necessarily true principles (and I think that Gamwell and I would largely decide in similar ways) should occur at scholarly conferences and in

academic journals, in religious councils and in theological discourse, rather than in the halls of congress or in courthouses.

Gamwell is correct to be suspicious regarding a *modus vivendi*, however. The question is whether political liberalism can achieve something greater in terms of overlapping consensus. The problem with a *modus vivendi* is that it lacks stability and can fall apart at any time. The reason for this is that there is no meeting of minds or like-mindedness in a *modus vivendi*, only a truce that could easily be violated when the forces arrayed on the other side are diminished. It should be noted, contra Gamwell, that over time a *modus vivendi* can develop into an overlapping consensus as mutual trust develops. It should also be noted as a concession to Gamwell that an overlapping consensus can over time degenerate into a *modus vivendi* as trust wanes and as political opponents in a friendly *agon* gradually come to be viewed as hated enemies.[40]

The fifth criticism is that Rawls develops a comprehensive doctrine and an established religion in spite of himself. The first point that should be made in this regard is that if Rawls's view is in fact a comprehensive doctrine, as Gamwell alleges, it is not very comprehensive. There is no statement for or against the existence of God in Rawls, no stance regarding the afterlife, no theodicy. There is not even a theory of human nature other than an articulation of the parameters within which a *political* person as free and equal, reasonable and rational, can maneuver. There is no stated view regarding the mind-body problem (the greatest philosophical problem since the seventeenth century) and no resolution to the problem of human identity over time other than how this problem relates to *political* agency. Rawls has no stated metaphysical view regarding the status of universals, the problem of the one and the many, or the relationship between being and becoming. There is not even a general theory of axiology that deals with moral as well as aesthetic value. And, perhaps most significantly, there is no developed theory regarding *why* human beings are ends-in-themselves, dignified subjects worthy of respect, as would be the case if he had a truly comprehensive doctrine.

To say that Rawls also implies an established religion (of separation) is to elicit a response to the effect that it would be a very odd established religion in that Jews, Christians, Moslems, atheists and agnostics, etc. are not only tolerated but are also afforded political equality with all other citizens. As we have seen, the separation of the just from the good is not absolute or "religious" in Rawls due to the translation proviso. Between pure exclusivists, like Rorty, who would utterly prohibit religion in politics, and pure inclusivists, like

40. See Daniel Dombrowski, *Contemporary Athletics and Ancient Greek Ideals* (Chicago: University of Chicago Press, 2009).

Nicholas Wolterstorff and Gamwell, lies Rawls and his partial inclusivism. It is true, however, that Rawls is closer to Rorty on this continuum than he is to Wolterstorff or Gamwell in that if the terms of the translation proviso are not met, Rawls thinks that the exclusion of one's particular concept of the good from politics is a good thing. However, some religious convictions *are* very important in politics, that is, those that are reasonable and translatable. An example would be the religious conviction that human beings are made in the image of God, which can be translated (not without remainder, to be sure, but translated well enough to do significant intellectual work, in Wittgensteinian fashion) into the language of rights and respect.

Gamwell is often at his best when he points out performative self-contradictions, but it is hard for me to see how Rawls falls victim. Rawls admits that a thin theory of the good is required in a theory of justice, which is a theory of the good that involves basic things that would be required in *any* thicker and wider theory of the good that is reasonable. When Rawls separates justice from the good, it is this thicker and wider concept of the good that is separated, not the thin theory. Perhaps it would have been less confusing if Rawls had called the thin theory of the good a theory of (Martha Nussbaum-like) capabilities or (Aristotelian) requirements so as to avoid the appearance of contradiction.

It is futile, Gamwell thinks, to try to avoid metaphysics. In a peculiar way a Rawlsian could agree with this claim in that, because political philosophy is only a part of an overall moral philosophy, *some* conception of the good is required in order to deal with all of the questions that are not spelled out in theory of justice. As the cliché has it, politics is not the whole of life, even if it affects everything else. Another way to put the point is to say that it is misleading to suggest that no concept of the comprehensive good is required in political liberalism; rather, several different metaphysical views and their concomitant comprehensive goods are compatible with justice. Hence there is no incoherence in eschewing any particular metaphysical view *in politics* while permitting one, encouraging one, perhaps even requiring one elsewhere.

Very early in *A Theory of Justice* Rawls makes it clear that justice is the first virtue of social institutions, just as truth is the first virtue of systems of thought.[41] There is no principled opposition in political liberalism to truth. So Gamwell in a way is insightfully correct to say that the Rawlsian distinction between the reasonable and the rationally discoverable true itself must be true. But this very abstract truth is clearly not the whole truth or the less abstract truth found in a comprehensive doctrine or in metaphysics-1. That is, political liberalism is not

41. Rawls, *Theory*, 3.

challenged in any significant way when it is claimed that it cannot remain neutral regarding all of the abstract aspects of truly comprehensive doctrines.

It should now be clear how I would respond to the sixth criticism, that Rawls does not submit to the idea that any moral claim at least implicitly includes its meta-ethical grounding. This is another way of objecting to Rawls's idea that theory of justice should be freestanding. My response relies on a distinction between two different senses of "freestanding." The first connotes the idea that a theory of justice should be freestanding in the sense that it does not rely on any *particular* meta-ethical view, whereas the second stands for the idea that a theory of justice should not rely on *any* meta-ethical stance. The second sense is, as Gamwell rightly thinks, problematic for several reasons. But it is the first sense that a political liberal should defend, and it is not clear what is wrong with freestandingness in this sense.

The seventh criticism (that political liberalism lacks a true comprehensive doctrine, that only such a comprehensive doctrine can redeem political prescriptions, and that such a true comprehensive doctrine does not necessarily amount to an established religion) should be addressed in terms of Rawls's admission that his view of political philosophy is *pro tanto*. Literally, these Latin words mean to pay in part, as when in a legal context someone in debt escapes penalty by paying part of the debt on the pledge to pay the remainder at a later time. *Pro tanto* pledges are quite different from bankruptcies, where one is under no obligation to repay the remaining debt. Given this distinction, one can interpret Rawls to be saying that one pays one's "debt" in moral philosophy in two stages (or better, in two different ways, in that I am speaking of logical stages here and not temporal ones). "First" one needs to get clear on the abstract principles of justice that would guide a democratic society in a condition of reasonable pluralism, "then" one needs to deal with all of the other questions in moral philosophy that are not primarily questions regarding justice.

Because the second payment involves one of the two moral powers that are individually necessary and jointly sufficient in the moral life—a sense of the right or the just *and* a sense of the good—no bankruptcy proceedings are appropriate here. Whereas Gamwell speaks as if Rawlsian political philosophy is a type of bankruptcy proceeding (in that the sense of the good is not exercised in the effort to understand the comprehensive order, indeed it is *denied*), it would perhaps be more accurate to say that the sense of the good is *postponed*. Or better, because one's concept of the good may antedate one's concept of justice, it might be even more accurate to say that it is not so much postponed as it is *relegated* to a different part of moral theory and the moral life.

Not to engage in this sort of *pro tanto* postponement or relegation is to run the risk that one *would* end up with an explicit or implicit established religion

(or antireligion, depending on the comprehensive doctrine in question). To say of one's favored universalist concept of good that it alone can redeem political prescriptions is to flirt with the possibility that overlapping consensus would disintegrate into a *modus vivendi* or worse.

Of course there is something messy about *pro tanto* reasoning, in particular, and about reflective equilibrium, in general. But this is because reflective equilibrium is a type of dialectic; and this generic philosophical method (*the* method of philosophy, according to Scanlon[42]) always involves some unfinished business and some questions only partially answered. The hope for a philosophic method that moves beyond dialectic has a long history, dating back to the attempt at the topmost rung in Plato's divided line to achieve a level of reality beyond being (*hyperousia*). But there is an equally long history, also dating back to Plato, of returning to dialectic once the effort to move beyond it has failed.

Gamwell's own effort to develop a universalistic concept of good, such that only in its terms could political prescriptions be redeemed, itself is open to dialectical criticism and to further clarification (as Gamwell himself would no doubt admit). The Hartshornian way to make the point is to say that if we are lucky enough to reach necessary truth, this fact itself will be contingent. We have no viable alternative to the back-and-forth movement involved in the process of reflective equilibrium: intuition, rational argument, counterargument, response to counterargument, new intuition, etc. The regional resolution of the problem of justice that this processual method has produced is the sediment associated with political liberalism. No doubt improved versions of liberalism may be in the offing, but the disequilibrium that would be brought about by radical shifts to the right or left (as in adopting the Straussian or Marxist views mentioned above) continues to be unpersuasive. There is nothing arbitrary in accepting the provisional results of dialectical argument in political philosophy. The disastrous results of disequilibrium make this readily apparent.

However, in a way I am in agreement with Gamwell's eighth criticism, that religious conviction at the most abstract level (e.g., regarding the existence of God or regarding the features properly connected to the concept of that than which no greater can be conceived) are rationally defensible. My agreement here with Gamwell, however, is as a metaphysician, not as a political philosopher. It should be clear that we are in a minority regarding the defensibility of the ontological argument; and our common belief that creation *ex nihilo* is unintelligible is also controversial even in (especially in!) religious circles, as is the belief that opposition to truth inevitably leads one into performative self-

42. Thomas Scanlon, "Rawls on Justification," in *The Cambridge Companion to Rawls*, ed. Samuel Freeman (New York: Cambridge University Press, 2003), 149.

contradiction. That is, in political theory, in contrast to metaphysics, we will have to rest content with philosophy rather than Philosophy, with rationality rather than Rationality.

IV. Concluding Reflections

I would like to make it clear that I share Gamwell's concern that religious conviction ought to be exemplified without duplicity.[43] But I do not see duplicity at work in trying to understand philosophically and to implement practically the biblical advice to "Let both grow together until the harvest" (Matthew 13: 24–30). Taken literally, "both" refers to wheat and weeds, but here I am taking it to refer to true and false comprehensive doctrines. I have previously admitted that some comprehensive doctrines must be false. This is a logical point in that when comprehensive doctrines contradict each other, one realizes that they cannot both be true.

My point here is not merely logical, however. I agree wholeheartedly with Gamwell's belief that there are convincing reasons for thinking that neoclassical or process theism *is* true. I do not so much hide this belief in public, and hence behave duplicitously, as I refrain from calling attention to it unless it seems both effective to do so in politics (largely it is not) *and* respectful to do so (sometimes it is, per the translation proviso, sometimes it is not).

I also share Gamwell's fear of postmodern refusal or denial of metaphysics and metanarratives (which often conceal an implicit metaphysics and metanarrative). But I have tried to show how the freestanding character of political liberalism enables one to be nonmetaphysical in one sense and as committed to metaphysics as one would like to be in another *as long as* one is reasonable. I have previously argued that the problem here is, in Whiteheadian fashion, misplaced concreteness.[44] The locus for integration of political principles and metaphysical ones is not at the societal level as long as many reasonable citizens either eschew metaphysics or defend different metaphysical views from one's own. Rather, the locus for such integration is at the individual or associational level.

As I see things, until all rational beings agree at the level of comprehensive doctrine (the "harvest"), we have a duty to be reasonable. As the biblical image makes clear, one danger is that by prematurely pulling the weeds, the wheat itself might be ruined. Finally, it seems to me that it would be a mistake to view this stance as religion-lite (I have no reason to believe that Gamwell thinks this); instead it should be viewed as religion come of age, given the long history of religious intoleration that both Gamwell and I deplore.

43. Gamwell, *Meaning*, 49.

44. Dombrowski, *Rawls*, 159.