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The Moral Basis of Political Liberalism
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THE MORAL BASIS OF POLITICAL LIBERALISM*

The exchange of essays that Jürgen Habermas and John Rawls published several years ago in this JOURNAL was a long-awaited event.[1] At last, the two greatest political philosophers of our time turned to comment directly on each other's conceptions of political legitimacy and social justice, the nature of citizenship, and the goals of political argument. We now know what Habermas and Rawls each believe, rightly or wrongly, are the strengths and weaknesses of the other's philosophy. On the whole, Habermas sought to accentuate their differences, while Rawls, though noting significant disagreements, tried to underscore the common elements in their views. I believe that in reality the two thinkers are far closer to one another than Habermas realizes, but that their proximity is not of the form that Rawls imagines. To me it seems that their fundamental point of convergence involves a common failing. Each of them, aiming at a similarly "freestanding" or "autonomous" conception of political life, misses its underlying moral foundations.

In *Political Liberalism*, Rawls[2] declares that a political conception is *freestanding*, if it looks only to the principles that should govern the political life of society. It does not present itself as applying to the political realm a comprehensive doctrine about the ends of life (PL 12). Nothing, of course, prevents such a political conception from being inte-

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grated into an encompassing moral, religious, or metaphysical view of the world. Indeed, Rawls believes that his *political liberalism*, aiming as it does to formulate liberal principles in this freestanding way, is not fully justified unless it forms a common part or "overlapping consensus" of the different visions of the good life which are prominent in modern society. But at the same time, the basic principles on which political association relies must be ones that can be framed and legitimated without appeal to those broader considerations.

I share Rawls's conviction that a liberal conception of political association should be freestanding in this sense. For liberal thought is best understood, I believe, as responding to an essential ingredient of our modern self-understanding. On fundamental issues about the meaning of life, we have come to expect that reasonable people tend naturally to disagree with one another. In early modern times, in the course of a century of religious wars, many people came to the painful realization that even with the best will in the world they would continue to differ about the nature and obligations of the true faith. Since then, this conviction has widened in scope. In a free and open discussion about the fulfilled life, the human good, or the nature of self-realization, it seems that the more we talk, the more we disagree (sometimes even with ourselves). On these matters, being reasonable—that is, thinking and conversing in good faith and applying, as best as we can, the general capacities of reason that pertain to every domain of inquiry—tends not to produce agreement but to spark controversy. Taking this experience to heart, liberal thinkers have concluded that political association should no longer undertake to express and foster a conception of the ultimate ends of human existence. Instead, it must seek its principles in a minimal morality, which reasonable people can share despite their expectably divergent religious and ethical convictions. Only so can the political world, governed as it must be by coercive rules, sanctioned by state power, come to more than just the rule of force. Only so can it enjoy the sort of transparency in which citizens recognize their political principles as the expression of their own will.

Central though it is to modern experience, the phenomenon of reasonable disagreement is not easy to explain, for it runs contrary to one of the deepest preconceptions of our philosophical tradition. Why should reason, on questions of supreme importance, work not to bring us together but to drive us apart? Historical contingencies surely play an important role. There is the great variety of life experiences created by modern Western society, with all its complex divisions of labor and rich heritage of many cultural traditions. No doubt, too, the liberal

practices of toleration and public discussion have fostered this social and cultural heterogeneity, multiplying the very circumstances to which they respond. But we might also wonder whether reason does not naturally breed discord on difficult questions. To the extent that earlier societies achieved agreement about the good, or seem to have done so, does this not reflect the limits they placed on open discussion? And though the modern sciences do display widespread convergence of opinion about complex matters, might this not be because they subject the observation of nature to forms of reasoning, based on controlled experiment and measurement, which are geared precisely toward making agreement achievable?

Explaining the disharmony of reason is bound to be a speculative endeavor. Drawing out its consequences, particularly in the political realm, is more straightforward. In general, we may say, the aim of political order has always involved restraining the struggle for advantage and the violence of emotion for the sake of achieving a common good. In the past, however, this common good was typically understood as involving a comprehensive vision of human purposes, a vision which belonged to a society's most treasured knowledge, interpreted and propagated by a clerisy (often a priestly class) and sanctioned by state authority. As the modern appreciation of reasonable disagreement has grown, the fundamental tasks of political association have come to appear more complex. No longer are interest and passion alone the chief objects of concern, for the proliferation of reasonable views of the good life represents a political problem in its own right. Although people may be looking to their own interest or may be carried away by the passions of conviction when they wish to impose on others their conception of the good, they may also be acting in the disinterested belief that political life would be better if organized along its lines. It has become a distinctively modern question to ask on what basis reasonable people, thus divided, can live together nonetheless in political community.

I should point out that in referring as I have to *reasonableness*, I do not mean quite what Rawls himself does by this term. He means by it the moral commitment to seek and to abide by fair principles of cooperation, particularly in view of the extent to which people tend naturally to disagree in their comprehensive conceptions of human flourishing; thus he distinguishes the *reasonable* from the *rational*, the latter designating the intelligent pursuit of one's own ends, apart from considerations of fairness (PL 48-58). Here, as in previous writings,[3] I

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[3] As in my book, *The Morals of Modernity* (New York: Cambridge, 1996).

use the term more abstractly to mean the free and open exercise of the basic capacities of reason. *Reasonable* people according to my usage are therefore *rational*, but they may be *reasonable* in Rawls's sense as well, if they are concerned to reason about how best to be fair (though their commitment to fairness will not follow from being reasonable alone). It follows that *reasonableness* for Rawls denotes a moral response to the predicament, the profusion of disagreement about the human good, that arises from the more inclusive disposition I call being *reasonable*. In itself, the difference is only terminological. I do not deny that only in virtue of certain moral principles can liberalism give the weight it does to what I have defined as reasonable disagreement. So far am I from denying it that this moral basis forms the principal subject of my essay.

Liberalism, I have said, entails focusing on what reasonable people can still share, despite their differences about the good life. But we would badly misunderstand its nature, if we supposed its guiding principles to consist simply in whatever might turn out to be common ground among reasonable people otherwise divided by their convictions. More fundamental than the political principles on which they will agree is the very commitment to organize political life along these lines, to seek principles that can be the object of reasonable agreement. This commitment forms the moral core of liberal thought, and it embodies a principle of respect for persons.[4] Such is the main point I want to establish, as I look at the recent exchange between Habermas and Rawls and at the central question of their debate: What can it mean for political association to be founded on freestanding principles designed to abstract from the ongoing disagreements about the nature of the human good?

I. CLASSICAL AND POLITICAL LIBERALISM

First, some historical background is necessary. We need to understand why this question should assume the greatest importance for liberal thought today.

From John Locke's time to our own, liberal thinkers have generally presented their political philosophy in terms of a full-scale individualism, urging a critical detachment toward inherited forms of belief and

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[4] Despite its philosophical salience, this moral commitment does not, I believe, provide a sufficient basis for a liberal political order. It cannot explain why people who hold this commitment should think of themselves as *a people*, bound together in a common political destiny which distinguishes them from others. This element in their self-understanding arises from a shared historical experience, particularly the memory of past conflicts which were fueled by the effort to impose faiths or other comprehensive ideals on one another. For some more on this point, see my *Morals of Modernity*, pp. 141-44.

cultural traditions. This is not surprising. Individualism has formed a pervasive current in our culture. It grows out of basic features of modern society, particularly the market institutions of a capitalist economy. It has also drawn encouragement from the modern experience of reasonable disagreement, as people have concluded that they must therefore determine on their own their vision of the human good; and that conclusion has seemed to define the basis on which they must understand the terms of their collective life. Thus, the classical liberalism of Locke, Immanuel Kant, and J. S. Mill argued that the principles of political life should forego appeal to ideals of the good because thereby they express the individualist spirit which ought to shape the whole of our life. Classical liberals differed, of course, in important ways concerning the precise nature of the individualism they embraced. But they agreed on the fundamental idea that our allegiance to any substantial view of the good life—to any concrete way of life involving a specific structure of purposes, significances, and activities (such as a life shaped by certain cultural traditions, or devoted to a particular religion)—should always be a contingent one, revisable on reflection. Such forms of life can be truly valuable, they believed, only if we understand them as ones we choose, or would choose, from a position of critical reflection. Most importantly, they were at one in defending their political principles within the framework of this general philosophy of individualism. Our status as political subjects or citizens should be independent of whatever view of the human good we affirm, because in that way political principles respect—as Locke, Kant, and Mill would have said—the fallibilist, autonomous, or experimental attitude which we as persons should maintain at the deepest level of our self-understanding.

Things, however, have not stayed so simple. The individualist view of life has itself become an object of reasonable disagreement. Especially in the wake of the Romantic movement, there has arisen a new sense of the significance of belonging, an appreciation of tradition to which the premium that individualism places upon critical reflection appears to embody a kind of moral blindness.[5] In reality, a reflective attitude toward received forms of life is one value among others. To give it supreme authority may therefore block recognition of much else that is also of value. Thus it has been held that we can share in the good that some ways of life offer, only if we do not think of our allegiance to them as elective, as a matter of decision,

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[5] For a more detailed account of this Romantic theme, see my book, *The Romantic Legacy* (New York: Columbia, 1996), chapter 2, as well as *The Morals of Modernity*, pp. 127-34.

but regard it instead as constitutive of what we hold to be valuable, as rooted in a feeling of belonging. The importance of common customs, ties of place and language, and religious faith can lie in their shaping the very understanding of value on the basis of which we make the choices we do. At the very least, is it not difficult to imagine our deepest moral commitments as ones that, from a critical distance, we choose or would choose to affirm? To stand back in reflection from them would seem to require stripping ourselves of the resources necessary to guide any sort of moral evaluation. Ought they not to be understood, therefore, as the inherited basis of deliberation, rather than as objects of choice themselves?

The praise of belonging, though often presenting its critique of individualism as an opposition to the Enlightenment, does not involve a reversion to premodern forms of thought. The forms of life with which it encourages identification were seldom tradition-minded themselves, seeking instead legitimation in some transcendent source, such as the voice of Reason or the will of God. Paradoxical as it may sound, traditionalism is a modern innovation, and for that reason we can expect it to prove an abiding feature of our culture. Today, despite the enormous influence they continue to wield, individualist modes of thought have turned eminently controversial. No doubt they have always been contested, but now their philosophical difficulties are open to view. However we settle to our own satisfaction the merits of individualism and the sense of tradition as conceptions of the good and the right, we cannot deny that on this question, reasonable people continue to disagree.

In this regard, then, liberalism faces a new challenge. Should it keep its classical commitment to an individualist view of life? Or, taking instead its bearings from that modern experience of reasonable disagreement that was in the beginning its guide, should it seek a reformulation broad enough to appeal to those who are otherwise divided by this controversy? The second path is the one pursued by political liberalism, as Rawls and I understand it. The aim is to fix the principles of political association in terms independent, not just of religious convictions and substantive notions of the good life, but of comprehensive moral conceptions, too, to the extent that espousing individualist ideals or their rejection, they have become an object of reasonable disagreement in their own right. So understood, political liberalism does not represent a radical departure from the motivations of its classical forebears. The underlying continuity is the focus on the phenomenon of reasonable disagreement, and the differences stem from experience, as we have learned how pervasive

this phenomenon actually is. There may not therefore be much of a puzzle as to why political liberalism did not emerge earlier. It took the Romantic critique of individualism and its absorption into our culture to make plain how controversial reasonable people can find the overall moral vision to which classical liberalism has appealed.[6]

II. POLITICAL LEGITIMACY AND MORAL RESPECT

Historical experience provides the impetus for liberalism to shed its individualist philosophy. Nonetheless, in assuming the form of what Rawls calls a freestanding political conception, liberal doctrine is heeding more than just the widening scope of reasonable disagreement. It is also drawing upon certain moral convictions, which imply that this is the proper route to take. After all, we may intelligibly ask why liberalism's response to this controversy should be a reformulation of its principles. Why should liberalism become *political*, in the sense that Rawls and I intend? Why should liberal thinkers not instead dig in their heels and, observing correctly that no political conception can accommodate every point of view, maintain that liberalism stands or falls with a general commitment to individualism? The answer must be that the essential convictions of liberal thought lie at a more fundamental moral level. So we need to bring out what these convictions are.

Rawls remarks that liberalism seeks the form of a freestanding political ideal, because it "applies the principle of toleration to philosophy itself." By this he means that, because its goal is a conception of justice to which reasonable people can agree, this conception must "be, as far as possible, independent of the opposing and conflicting philosophical and religious doctrines that citizens affirm" (PL 9-10). In other words, the reason why liberalism must abandon its classical appeal to an overall individualism and become a strictly political doctrine lies in the idea that basic political principles should be acceptable to those whom they are to bind. This idea Rawls has come to call the *liberal principle of legitimacy*: "Our exercise of political power is fully proper," he explains, "only when it is exercised in accordance with a constitution the essentials of which all citizens as free and equal may reasonably be expected to endorse in the light of principles and ideals acceptable to their common human reason" (PL

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[6] In giving such weight to this historical perspective, I may differ from Rawls, who finds puzzling the late development of political liberalism. See his "Reply to Habermas," JP 133, footnote 1.

137).[7] This principle, I agree, reflects the abiding moral heart of liberal thought.[8] But I do not think that Rawls has brought out as distinctly as he might the nature of this moral foundation and the precise position it occupies in political liberalism.

To see better what the liberal principle of legitimacy involves, let us ask why we believe, if we do, that the fundamental terms of political life should be the object of reasonable agreement. Answering this question will prove essential, in fact, to determining what reasonable agreement should mean in this context. Do we accept the liberal principle of legitimacy, because we think that in general people are bound only by moral rules they could not reasonably reject? Whether correct or not, this view of morality is far too controversial for the present purpose. As an explanation of the grounds of moral obligation,[9] it risks circularity: Do not the reasons we have to accept the fundamental rules of morality involve the fact that it is simply wrong not to observe them? Moreover, in this form the view seems difficult to detach from the broader moral ideal of individual autonomy or self-determination toward which political liberalism must strive to be neutral. And if the validity of moral rules is instead supposed, not to be explained by reasonable agreement, but only to imply it,[10] the view still remains too controversial. For there is more than a little sense in holding that a person stands under the basic obligations of morality even if (perhaps through bad living) he has come to see the world in a way that can only be indifferent to them. In any case, general conceptions of moral obligation are not, at least directly, the source of our conviction that political principles must be able to meet with the reasonable agreement of the citizens they are to govern.

That conviction reflects instead the distinctive feature of political principles which sets them off from the other moral rules to which we may believe people are subject. Moral principles fall into two groups. With some we believe people can be rightly forced to comply, but others we do not regard as valid objects of enforcement, whatever dis-

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[7] For other references to this principle, see PL 139-40, 143, 217, 225-26.

[8] Following Rawls, I also agree that this principle is meant to govern chiefly the choice of basic, constitutional principles. These principles will themselves allow for many decisions to be made according to less demanding rules, such as majority voting, in which indeed appeals to controversial ideals of the good may sometimes be appropriate.

[9] Such a conception of morality is presented by T. M. Scanlon in *What We Owe to Each Other* (Cambridge: Harvard, 1998).

[10] This appears to be the basis on which Gerald Gaus argues that political principles require public justification—*Justificatory Liberalism* (New York: Oxford, 1996), pp. 121ff.

approval or even outrage we may feel when they are violated. The first group alone has the status of political principles. For an association is political insofar as it relies upon the supposedly legitimate use of force to secure compliance with its rules. It is this coercive character of political principles which we have in mind, when we hold with the assurance that we do, and whatever our allegiance to the general ideal of judging people only by rules they could find acceptable, that such principles must be the object of reasonable agreement. Our belief is that only so can the use of force to implement these principles be justified. This, incidentally, is why political liberalism, though claiming to be a strictly political conception, does not imagine that the political domain forms a prepackaged sector of society, inherently distinct from the other areas of social life.[11] It is we who decide what will count as *political*, depending on what elements of social behavior we think should be subject to coercion.

With all these remarks Rawls himself would concur, for at one point he notes that the liberal idea of legitimacy rests on the fact that political power is coercive power (PL 139). But our analysis of this core liberal commitment must go deeper still. We need to make clear why it is that the validity of coercive principles should depend upon reasonable agreement.

I believe that the source of this conviction is a principle of *respect for persons*. Let me explain.[12] Observe first that the use or threat of force cannot be deemed wrong in itself, for then political association would be impossible. What we must regard as improper is rather to seek compliance by force alone, without requiring reasonable agreement about the rules to be enforced. For consider the basic fact that persons are beings capable of thinking and acting on the basis of reasons. If we try to bring about conformity to a rule of conduct solely by the threat of force, we shall be treating persons merely as means, as objects of coercion, and not also as ends, engaging directly their distinctive capacity as persons. True, they cannot be moved by threats except by seeing that they have good reason to fear what we may do. But we shall be appealing to their ability to act on reasons simply in order to achieve the goals of compliance—the establish-

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ment of public order, perhaps also the reformation of people's char-
acter. We shall not be engaging their distinctive capacity as persons
in the same way we engage our own, making the acceptability of the
principle depend on their reason just as we believe it draws upon
our own. Thus, to respect another person as an end is to require
that coercive or political principles be as justifiable to that person as
they presumably are to us. This is certainly not the only sense we can
give to the rich moral notion of respect.[13] But it is the one which lib-
erals must regard as relevant from a political point of view. (In this
regard, the extent to which it avoids the peculiarities of the Kantian
conception of respect is an advantage.)

III. THE MORAL FOOTING OF A FREESTANDING POLITICS

Liberalism, formulated as a strictly political doctrine, rests therefore
on this moral foundation. It forms a freestanding conception in re-
gard to comprehensive moral visions of the good life, but it cannot
coherently claim to be freestanding with respect to morality alto-
gether. In particular, we would be wrong to suppose that the moral
principle of respect for persons has the political significance it does
because reasonable people share a commitment to it. On the con-
trary, the idea of respect is what directs us to seek the principles of
our political life in the area of reasonable agreement. Respect for
persons lies at the heart of political liberalism, not because looking
for common ground we find it there, but because it is what impels us
to look for common ground at all.

These reflections lead, I believe, to a very important result. As citi-
zens of a political association organized in accord with the liberal
principle of legitimacy, we cannot regard the norm of respect as hav-
ing the same sort of validity as the constitutional principles by which
we live. Those principles are legitimate in virtue of being the object
of reasonable agreement, and thus their authority is strictly political,
deriving from our collective will as citizens. Or at least so they are un-

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[13] Thus, as William Galston points out—*Liberal Purposes* (New York: Cambridge,
1991), p. 109—we respect a person in a different sense when explaining to him
fully our reasons for the principle by which we judge his conduct, whether or not
he can appreciate those reasons. My point is not to settle what respect "really"
means, for it really means a great many different things. My concern is with what it
ought to mean when figuring at the foundations of liberal thought. Also, I agree
with Rawls—*A Theory of Justice* (Cambridge: Harvard, 1971), pp. 585-86—that the
relevant notion of respect is best circumscribed by referring to characteristic lib-
eral principles (such as the liberal idea of legitimacy). But our aim ought then to
be understood as determining the sense of respect for persons on which those
principles rest.

derstood for political purposes (for when we refer to our global vi-
sions of the good, we may also attribute to them an independent sta-
tus). But even in our capacity simply as citizens—relying solely on
the commitments we share as members of a political community—we
cannot take this view of the principle of respect. It must instead be
understood as having more than just political authority. We must
consider respect for persons as a norm binding on us independent of
our will as citizens, enjoying a moral authority that we have not fash-
ioned ourselves. For only so can we make sense of why we are moved
to give our political life the consensual shape it has.

It is not clear to me that Rawls understands his own thought in this
way. To be sure, he thinks of his political liberalism as a "moral con-
ception" (PL 11n). In holding that liberal principles should be for-
mulated as a strictly political conception, he does not mean to
suggest any contrast between the political and the moral, as though
liberal doctrine did not form a normative conception, as it manifestly
does, consisting in certain ideals, standards, and values. But would he
be willing to admit that, as citizens reasoning from the standpoint of
this political conception, we must acknowledge a moral authority
higher than the political principles we give ourselves?

No unambiguous answer is available. About the liberal principle
of legitimacy, Rawls says that it has the same basis as his two princi-
ples of justice: it would be chosen in what he calls the "original posi-
tion," being indeed bound up in those very two principles (PL 137n,
225-26). In other words, Rawls seems to regard that principle of le-
gitimacy as one whose validity, at least from the political point of
view, depends on our collective will as citizens, whereas I of course
have been arguing for just the opposite conclusion. Yet Rawls also
notes that the original position, which is but a device for represent-
ing the basis on which we understand ourselves as choosing or im-
posing on ourselves political principles, incorporates certain values
in the conditions under which such a choice is to be imagined taking
place, values which thus are not themselves the object of choice (for
example, PL 103). Although we do not, Rawls stipulates, imagine
the parties choosing in the original position as endowed with any
moral sensibility (they are merely *rational*, engaged in the efficient
pursuit of their ends), the fact that we place certain conditions on
their choice—they are to be supposed ignorant of their own talents
or conception of the good life, for example—reflects a moral com-
mitment of our own, namely, a commitment to what he calls reason-
ableness, the readiness to seek fair principles of cooperation (PL
305). Political principles apparently have then a moral basis that we

cannot conceive as rooted like them in our political will. Moreover, Rawls describes this moral commitment of reasonableness as embodying the resolve to propose political norms justifiable to all (PL 49, 50); and this brings us right back to the liberal principle of legitimacy. That principle cannot therefore have the same status as the two principles of justice; and, as it expresses in effect the idea of respect for persons, Rawls would apparently agree after all that this idea must have a moral authority for citizens that is independent of their political will.

Yet Rawls never makes this point explicitly. On the contrary, his stated view is that because of its freestanding character, political liberalism is "doctrinally autonomous" (PL 98-99). At least in our role as citizens (if not in our comprehensive views of the world), we are to regard our political principles as deriving their validity from our political will. These principles cannot accordingly be understood, he holds, as "moral requirements externally imposed" (PL 98). This phrase can have various meanings, however. If it means that basic political principles are not to be imposed upon a citizenry by some external agency—by an enlightened monarch, for example—then I agree.[14] But if instead it means that citizens should not regard their political principles as drawing upon moral requirements whose validity is external to their collective will, then I believe Rawls goes wrong. Political liberalism makes sense only in the light of an acknowledgement of such a higher moral authority.

In fact, the idea of respect plays this foundational role in several ways. As we have seen, it forms the basis for believing that political principles should be the object of reasonable agreement. But, in addition, it serves to define the very nature of the agreement to be sought. To explain this point, I begin by observing that consensus in this case is clearly a normative notion if only because it refers to *reasonable* instead of simply *actual* agreement. Political life is to be based on principles that citizens, despite their various moral, religious, and metaphysical beliefs, can see reason to accept, exercising (as I have said) the basic capacities of reason applicable to any domain of inquiry.[15] But reasonableness (so understood) is not the

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[14] In this connection, see Rawls, "Reply to Habermas," JP 162-63.

[15] The reasonable so understood does not entail uncritical deference to common sense and to the formal fallacies of reasoning which it may harbor or to the refusal to admit the existence of reasonable disagreement about the good which it may show. Contrary to Gaus—*Justificatory Liberalism*, pp. 3-5, 131-36—political liberalism as I conceive it (or, I believe, Rawls as well) is not *populist* in this sense.

sole normative criterion defining the sort of consensus in question. Because the idea of respect directs us to look for common ground in the first place, it should be understood as a further condition which acceptable principles must satisfy. The terms of political association are to be judged by reference to what citizens would accept, were they reasonable and committed to the principle of equal respect for persons. The notion of agreement to which political liberalism appeals is therefore an idealization. It comes into play only within the bounds set by these two norms, the one epistemic, the other moral.

This conclusion is, again, one which Rawls should be willing to admit. His liberal principle of legitimacy ties consensus to precisely these two assumptions when referring to what citizens in the light of "their common human reason" may be "reasonably expected to endorse." (Recall that his notion of the reasonable embodies the principle of respect.) Yet he is not as clear as he should be about the moral foundations of this idea of consensus.

IV. WHAT HABERMAS AND RAWLS SHARE

Habermas, too, aims to develop an *autonomous* conception of the guiding principles of modern democracy. This ambition inspires the defense of radical democracy in his book, *Faktizität und Geltung*: *Beiträge zur Diskurstheorie des Rechts und des demokratischen Rechtsstaates*.[16] The democratic ideal as Habermas understands it has nothing to do with the communitarian dream that our political life might once again draw its bearings from a common vision of the human good. In this respect, it shares the outlook of political liberalism. But Habermas also opposes it to what he calls the liberal idea that individual rights set limits to the exercise of democratic self-rule. Liberal thinkers err, he believes, in thus holding political association accountable to moral norms supposedly given in advance. For they thereby fail to heed the intellectual conditions of modern times. In an age where religious and metaphysical worldviews have lost their authority, we can have reason to consider ourselves subject to political principles only if we are able at the same time to see ourselves as the authors of these principles:

[16] Suhrkamp: Frankfurt, 1992, p. 13; English translation by William Rehg: *Between Facts and Norms: Contributions to a Discourse Theory of Law and Democracy* (Cambridge: MIT, 1996), p. xlii. Subsequent references to this work will be given in the text, with 'FG' preceding the page in the German original and 'BFN' the corresponding page in the translation. In quotations, I have changed the English translation as I saw fit.

> Without religious or metaphysical support, the coercive law designed
> for legal behavior can preserve its socially integrative force only insofar
> as the *addressees* (*Adressaten*) of legal norms may at the same time under-
> stand themselves, in their collectivity, as the rational *authors* (*Urheber*) of
> those norms (BFN 33; FG 51-52).

In Habermas's view, this kind of collective autonomy (to be distin-
guished, obviously, from the ideal of individual autonomy, though
the two are structurally similar) constitutes the source of the basic
norms shaping political association. We miss the true character of
the principles of modern democracy, he claims, if we adhere to the
"classical" (that is, premodern) notion of a normative hierarchy
whose pinnacle is occupied by independent moral principles to
which political association must defer (FG 137; BFN 106, 449). Be-
cause liberal thought, subordinating democratic self-rule to individ-
ual rights, continues to rely on this hierarchical model, Habermas
believes that we must move beyond a liberal conception of political
life. We must be resolutely modern, recognizing that political princi-
ples have their basis only in the autonomous will of citizens who are
the full authors of the rules that bind them.

Habermas often describes his position as one in which fundamen-
tal individual rights, no longer serving to check democratic self-rule,
turn out to be *co-original* (*gleichursprünglich*) with it. In other words,
the modern and ancient ideals of liberty, as those two principles
have come to be called, are not so open to conflict as commonly sup-
posed.[17] Sometimes Habermas's idea seems to be that the two mutu-
ally support one another. Just as self-government can serve to
protect individual rights, so these rights themselves provide the nec-
essary means for the exercise of popular sovereignty—the right to
free expression, for example, making available the wide range of in-
formation and points of view that permit wise political decisions (FG
155, 161; BFN 122, 127-28).

But, in reaching for the idea of co-originality, Habermas has
clearly a deeper point in mind as well. It is that the two principles
have a common origin, and that source is, he believes, the autonomy
by which a community gives shape to its political life. The result is
that, despite his talk of mutual implication, Habermas unmistakably
makes democratic self-rule a principle prior in status to that of indi-
vidual rights. The claim that rights and self-rule are co-original is

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[17] See Habermas, *Die Einbeziehung des Anderen* (Frankfurt: Suhrkamp, 1996), p. 298;
English translation by Ciaran Cronin and Pablo De Greif: *The Inclusion of the Other:
Studies in Political Theory* (Cambridge: MIT, 1991).

misleading, in light of what he takes to be the only plausible origin of political norms in the modern age. In reality, popular sovereignty functions for Habermas as the ultimate basis on which our political life should be organized, and so as the true source of individual rights, their ultimate justification lying in the way they embody the principle of self-rule (cf. FG 134-35; BFN 104). The reason is plain: only so can we escape letting the principles of political association draw upon moral values having an independent validity. (I come back to the details of Habermas's argument in section VII.)

A striking similarity thus emerges between Habermas's conception of autonomy and Rawls's demand that political principles be free-standing. Indeed, as I have remarked, Rawls himself calls a free-standing political conception "doctrinally autonomous" and explains this term in much the same way. A political conception is au-tonomous, he writes, if "the political values of justice and public rea-son (expressed by their principles) are not simply represented as moral requirements externally imposed" (PL 98). In their compan-ion essays in this JOURNAL, both philosophers emphasize this point of convergence (JP 127, 150).

But it is also obvious that Habermas's idea of political autonomy is the very notion that I have criticized in my discussion of Rawls. Polit-ical association, so we have seen him claim, must not be understood as drawing its principles from a moral source superior to its collec-tive will. In his hands, this conception fares no better than it does in Rawls's. Habermas, too, misses the moral basis that supports the de-mocratic ideal of self-rule. To make clear where precisely his mis-take lies, I shall first look at some disagreements between the two philosophers. In their debate in this JOURNAL, they both noted im-portant differences in their handling of this common idea. Rawls re-jected the manner in which Habermas arrives at his conception of political autonomy. Habermas, in turn, charged that Rawls strays from a consistent development of such a conception. Understand-ing these points of divergence will put us in a better position to see why, contrary to them both, modern democracy rests upon indepen-dent moral foundations.

V. METAPHYSICS AND POLITICS

As Rawls observes (JP 135-38), political autonomy in Habermas's eyes stems from a broader philosophical position described as *post-metaphysical.* In our time, Habermas declares, metaphysical theories asserting the existence of entities that are neither physical nor psy-chological in nature ("ideal entities" he calls them) as well as reli-gious conceptions that see the world as the work of God and the

vehicle of providence have lost their plausibility. His point is not simply that they no longer enjoy the society-wide authority they once possessed, having become the object of apparently irresoluble dis-agreement. For Habermas, the age of metaphysical and religious worldviews is over in the deeper sense that, properly speaking, ra-tional belief in their truth is no longer possible. Reason itself, he be-lieves, now presents itself as essentially finite, fallible, procedural, and oriented toward intersubjective agreement. It consists in think-ing or acting on the basis of reasons we take to be valid, not because we imagine them guaranteed by an objective order of the world, but because we suppose that they would command the assent of others under appropriately ideal conditions. We are to locate the norms of reason, no longer in an ideal realm independent of us, but instead in the idealizations we necessarily make in speaking with one an-other.[18] A battery of philosophical arguments, assembled under the title of *discourse theory*, aims to bring out the necessity of this post-metaphysical shift in our conception of reason and to explain the idealized form of discussion (*Diskurs*) to which reason thus refers.

Habermas claims that it is in virtue of this general standpoint that the idea of political autonomy recommends itself. We are to estab-lish the terms of political association by applying this general ac-count of reason to the fundamental task of politics, which is to determine the scope of the rule of law. Thus, once reason can in-voke no higher authority than agreement under ideal conditions, the principles of conduct that are to bind us must be such that we can see ourselves to be their source. This is the meaning of the pas-sage I began by quoting in section IV.

Rawls takes his distance from this approach, and rightly so. Habermas's argument has the significant disadvantage that it relies on a comprehensive vision of our place in the world and the nature of reason's authority. His postmetaphysical point of view shares, as Rawls insightfully notes, the ambition of G. W. F. Hegel's logic, providing "a philosophical analysis of the presuppositions of ra-tional discourse...which includes within itself all the allegedly sub-stantial elements of religious and metaphysical doctrines" (JP 137). Such doctrines will scarcely recognize, much less accept, the form into which they are thus translated, for it is one in which, as Haber-mas himself remarks, "worldviews are measured more by the au-thenticity of the life styles they shape than by the truth of the

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[18] There is a succinct and lucid account of this line of thought in FG 24-37; BFN 9-21.

statements they admit" (JP 126). This idea of postmetaphysical reason can be expected therefore to provoke controversies of precisely the sort that we must look beyond, so Rawls believes (and I agree), if we are to discover acceptable terms of political association. After all, the notion of ideal discussion to which Habermas appeals is not self-explanatory, and the transcendent interpretation he favors, defining ideal conditions as he does by reference, not to the ("local") standards of belief we currently espouse, but to the best standards we ever could have (FG 30-31, 36, 202, 566; BFN 15, 20, 163-64), is neither the only possibility nor one likely to strike many people as anything short of metaphysical.

In truth, the vitality or obsolescence of metaphysical and religious worldviews is an issue on which reasonable people tend naturally to disagree. It is fair to observe that today none of these conceptions can prove authoritative for society as a whole. Yet to go further and say, as Habermas does, that they can no longer figure as objects of rational belief, but only as life styles, means adopting a point of view that itself is party to these disputes. Habermas has misidentified the feature of modern experience that is crucially relevant to the basis of political association. The decisive element is not the waning of metaphysical and religious worldviews (though that has occurred). It is instead the recognition that such worldviews, as well as the recurrent postmetaphysical efforts to do without them, are an enduring object of reasonable disagreement.

As a matter of fact, Habermas's idea of postmetaphysical reason seems to me to go wrong in two important respects.[19] First, I believe that our conception of the world must have room for ideal entities, for only if reasons exist (a reason being itself neither physical nor psychological in character) can there be such a thing as normative knowledge—knowledge of how we ought to act, but also more fundamentally knowledge of how we ought to think. Second, I do not think that the notion of ideal discussion forms a substantial part of the theory of justified belief. We may say, if we wish, that justified beliefs are ones to which we assume that all would agree in an "ideal" discussion. But we can have a grasp of such ideal conditions only if we suppose them to embody our best standards of warranted belief, and so we might as well say, more directly, that the beliefs are justi-

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[19] For more on these two points, see my *Morals of Modernity*, chapter 5 and pp. 206-10.

fied if they satisfy these standards.[20] In Habermas's account of justi-
fied belief, it is true, ideal discussion plays a role that resists elimina-
tion of this sort, since it is assumed to transcend our current
standards. But in consequence it loses any discernible content.

Yet I should emphasize that the main point in the present context
is not whether Habermas's conception of reason is correct, but
whether it can serve as an appropriate basis for establishing the terms
of our political life. These two questions must be distinguished, once
we are convinced that political association turns crucially on finding
principles reasonable people can accept despite their disagreements
about fundamental matters of life and value. In seeking a solution to
this political problem, we cannot call upon all that we ourselves may
reasonably believe to be true about such matters. Habermas gives lit-
tle attention to the difference between these two perspectives. That
no doubt is why he runs them together. The result is an account of
the foundations of political life which, whatever its interest, and what-
ever the ultimate validity of the conception of reason on which it re-
lies, is destined to be an object of reasonable disagreement. In this
regard, Habermas's political theory falls short of what we need.

VI. HABERMAS'S IDEAL OF POLITICAL AUTONOMY

Habermas himself locates the crucial difference in their accounts of
political autonomy elsewhere. In his view, Rawls fails to adhere con-
sistently to this principle in working out his theory of justice, revert-
ing to the liberal assumption that there exist individual rights prior
to democratic self-rule and defining its scope. This backsliding, he
charges in the exchange in this JOURNAL, arises from the "two-stage
character of his theory" (JP 128). While Rawls's idea of the original
position, in which rational parties choose principles of justice, cap-
tures something like collective autonomy, it yields a conception of
the just society in which "liberal rights...constrain democratic self-
legislation" (JP 128-29). Citizens cannot then "reignite the radical
democratic embers of the original position in the civic life of their
society" (JP 128).

Behind this objection there may well lie, as Rawls suspects (JP
160), some sympathy with the quixotic idea (once famously voiced by
Thomas Jefferson) that every generation should give itself its own

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[20] There is a similar criticism in Albrecht Wellmer, *Ethik und Dialog* (Frankfurt:
Suhrkamp, 1986), pp. 70-80; English translation by David Midgley included in *The
Persistence of Modernity: Essays on Aesthetics, Ethics, and Postmodernism* (Cambridge:
MIT, 1991).

constitution, unfettered by the past decisions of those now dead. But I believe that the gist of Habermas's complaint has little to do with a call for permanent revolution. It concerns instead the understanding we should have of the basis of our political association. His view is that citizens must be able to see all their political principles, even those establishing individual rights, as rooted in their autonomous political will. Such a self-understanding is blocked by a conception that gives rights, as he believes Rawls's theory does, a status prior to the democratic process. This is the point at which liberalism and Habermas's own theory of radical democracy supposedly part ways.

What is the force of Habermas's criticism? I am inclined to think that he terms *inconsistency* what I have called *ambiguity*. Habermas objects that Rawls fails to carry through consistently an autonomous or free-standing conception of political life. But perhaps another way to put the point is to say, as I have argued, that Rawls's idea of a freestanding political conception is ambiguous. Sometimes he implies and some-times denies that his strictly political doctrine rests on the basis of a moral principle of equal respect. To the extent that he admits this truth, his understanding of a freestanding political conception does not really correspond to what Habermas calls autonomy, which excludes this sort of normative hierarchy. In any case, it is clear that Habermas and I take opposite views of these tensions in Rawls's thought.

But there is a further complication. Habermas's own political the-ory does not hold consistently to the conditions he assigns to the no-tion of autonomy. In fact, his conception of political autonomy makes sense only on the assumption that self-rule rests on an under-lying, moral norm of respect. Nor is that astonishing. For only on such a moral basis can popular sovereignty take the form that we prize as modern democracy. Moreover, this moral foundation in-volves, contrary to Habermas's stated intention, an idea of individual rights that precedes and defines the exercise of self-rule. In the end, therefore, the sharp opposition he constructs between liberalism and his own conception of radical democracy, and thus the criticism he makes of Rawls, lose their raison d'être. Habermas, I believe, mis-understands himself. It is to developing these points that I now turn.

To begin, let us examine more closely the way Habermas under-stands political autonomy. In explaining how the autonomy charac-teristic of modern democracy must proceed without relying upon any antecedent moral norms, Habermas appeals to what he calls *dis-course principle D*:

> Just those action norms are valid to which all possibly affected persons
> could agree as participants in rational discourses (*Diskursen*) (BFN 107;
> FG 138).

Modern democracy has its basis in the collective autonomy of its citi-
zens, Habermas declares, because in determining the principles by
which they will govern themselves, they defer to no pregiven norms
other than just this principle *D*. "Nothing is given prior to
(*vorgegeben*) the citizens' practice of self-determination (*Selbstbestim-
mungspraxis*) other than the discourse principle" (BFN 127-28; FG
161). In contrast to liberal theories, which appeal to antecedent
moral norms (in the form of individual rights) to limit the scope of
self-rule, radical democracy, as Habermas conceives it, looks to no
higher authority than its own self-legislative activity as governed by
principle *D*. Rights guaranteeing individual freedoms (such as
speech and assembly) have their basis, he claims, in the application
of the principle to the very form of a legal system, whereas the rights
of political participation serve to make possible the institutionaliza-
tion of this sort of self-rule (FG 154-62; BFN 121-28).[21]

My concern lies, not with the details of this "logical genesis of
rights," but with the status of *D* itself. It is crucial for Habermas's
conception of radical democracy, as he makes clear (FG 138; BFN
107), that principle *D* possess no moral content of its own.[22] Morality
and democracy, he holds, involve distinct and equally basic applica-
tions of principle *D*, the difference consisting in whether the princi-
ple is to shape the interactions between human beings as such or is
to take a legal form binding for a specific political community. Cer-
tainly, there is a significant overlap between the norms thus gener-
ated in these two domains. But in Habermas's view, this does not
change the fact that the terms of political life have their justification
solely in the autonomous will of the citizens, as expressed according
to principle *D*, and not in any moral principles that citizens must rec-
ognize as setting limits to their will.

This is the point, however, where Habermas displays an incom-
plete understanding of his very devotion to democratic self-rule.
Observe that popular sovereignty itself may take different forms, de-
pending on how the popular will is supposedly determined and
given authoritative expression. Even modern dictatorships, since un-

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[21] See also Habermas, *Die Einbeziehung des Anderen*, pp. 299-301.
[22] As Habermas observes (FG 140; BFN 108), this thesis of *Faktizität und Geltung*
represents a departure from his earlier writings. I think it is a wrong move.

like premodern monarchies they disclaim dynastic or divine legiti-
macy, are a phenomenon of the modern democratic age: they too
draw their authority from the will of the people, as they choose to
understand it.[23] When conceived as heeding a principle such as D,
popular sovereignty takes on a form distinctive precisely by virtue of
its moral character, for all that Habermas may protest to the con-
trary. D, he admits, possesses "normative" content, even if it is not a
moral principle (FG 138; BFN 107). That is surely a feeble distinc-
tion. D has moral content, and we can bring it to light by asking the
simple question: Why should we believe, as this principle requires,
that norms of action must be rationally acceptable to all whom they
are to bind? Whence arises the authority of principle D itself?

VII. DEMOCRACY AND LIBERALISM

Habermas himself never provides an adequate answer to this ques-
tion. He suggests that such a principle is inevitable, once we realize
that in our age metaphysical and religious conceptions, characteristi-
cally inclined to invoke principles of conduct of which we are not
the source, have lost their rational warrant. But this response will
not work on a variety of counts. As I have already indicated, it is rash
to imagine that reason today stands uncontroversially opposed to be-
lief in the truth of metaphysical or religious worldviews. A more ac-
curate diagnosis of our situation is that such visions can no longer
enjoy reasonable agreement within society as a whole. We might
well take this fact to entail that metaphysical and religious concep-
tions should not figure among the principles that bind us together
politically. But note that such a conclusion is valid, only if we already
accept some principle such as D; it cannot serve to justify that princi-
ple. Observe further that, if we refuse a political role to metaphysi-
cal and religious worldviews on some other grounds—because, for
example, we believe, as Habermas does, that they can no longer be
rationally held to be true, we shall not thereby have reason to adopt
principle D. Why should we not suppose that without appeal to such
ultimate truths the problem of political association is insoluble? Or
why should we not organize our political life around some principle
other than D, such as the maximization of the general welfare?

Sometimes Habermas claims that the principle enjoys a privileged
status because it inheres in the very idea of discussing with others the

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[23] This point was rightly made, however disingenuously for his own purposes, by
Carl Schmitt, *The Crisis of Parliamentary Democracy* (Cambridge: MIT, 1985), p. 28
(German original: *Die geistesgeschichtliche Lage des heutigen Parlamentarismus* (Berlin:
Duncker and Humblot, 1923 and 1926)).

norms to which our actions should conform, that idea being the only common resource we can count on in an age of controversy.[24] This suggestion continues Habermas's longstanding interest in basing morality on "universal pragmatics." I doubt, however, that so much can be gotten for so little. D is too substantial a principle, and precisely because of its significant moral content, to be implicit in the mere idea of practical discussion.

A good way to see this is to reflect that, taken as a general principle applicable to all domains of life, D is not even obviously correct. Of course, the very meaning of D is obscure so long as the notion of "rational discourse" is left undefined, and Habermas's own wish to understand that notion in abstraction from any specific standards of belief does not help. But however we explicate the idea of rational agreement, principle D in its general form faces the sort of objections I mentioned in section II. Thus, many people believe indeed that we should not judge others by rules that on due consideration they would not themselves accept. But many, too, believe the opposite. They are convinced that certain fundamental norms of conduct, possessing an objective validity, can serve as a basis for judging others, whether or not they meet with agreement. I myself subscribe to such a view. But what should be clear is that the general validity of a principle such as D is a matter on which reasonable people disagree. Equally plain is the fact that this disagreement turns on different moral convictions about the conditions under which we may judge others morally and no doubt, too, on different appreciations of the moral ideal of individual autonomy. This suffices to show that contrary to Habermas, D, taken as a general principle, has a moral content and a controversial one at that.

But let us go further and look at D in the political role it is supposed to play. Recall a point made earlier: norms of conduct are of two kinds. There are, on the one hand, norms that we invoke solely to judge the conduct of others, and, on the other, norms that we believe should be backed up by the threat and use of force to ensure compliance. So let us consider principle D as applied simply to norms of the second kind, that is, to *political* principles. Now its complexion is rather different. It need not be rejected by someone who believes that we may rightly judge others in the light of norms that they themselves would not accept. For it requires only that the prin-

[24] See, for example, most recently Habermas, *Die Einbeziehung des Anderen*, pp. 58-59.

ciples of our political life, being coercive, be rationally transparent to those whom they are to bind. In this limited, political form, D thus amounts to the conviction that Rawls calls the *liberal principle of legitimacy*. As a result, however, it cannot be right for Habermas to regard D as independent of any antecedent moral commitments. For, as I have argued, the liberal principle of legitimacy embodies a moral principle of respect for persons. This moral foundation is what gives D the political authority it enjoys. Thus, Habermas's conception of democracy fails to be autonomous in the absolute way he desires. If we believe our political life should be organized by some principle such as D, that is only because we embrace the moral principle of equal respect for persons.

The sort of normative hierarchy that Habermas dismisses as premodern shapes in fact his own thinking. Self-government, so far as it admits only those political principles which can be the object of reasonable agreement, rests on an independent moral basis. We cannot regard respect for one another as just one more political principle among others whose validity derives from our political will. On the contrary, this principle justifies the ideal of self-government and defines for us what it means. Reasonable agreement must in this context be understood (as I argued in section III) as circumscribed by the moral principle of respect. Comprehensive moral views of the ends of life being eminently controversial, our political life cannot seek its basis in them. About this point Habermas is right. But we cannot suppose, as he does, that our political life should be similarly freestanding or autonomous with respect to morality altogether. Citizens can understand themselves as the collective author of their political principles, only if they see themselves as already bound by the claims of respect for persons.

This moral principle refers, moreover, to an individual right, even if one more fundamental than the political rights that usually figure among explicit constitutional guarantees. Every person has the right, it claims, to be bound only by political principles whose justification he can rationally accept. As a result, Habermas's position comes down to one in which, contrary to his own account, an individual right sets limits to democratic self-rule, determining as it does the sort of expression of the popular will that shall count as *democratic*. The familiar constitutional rights of free-expression, property, and political participation, though no doubt serving to promote the goal of democratic self-rule, also have an independent rationale. They draw upon that most fundamental of individual rights, which is the right to equal respect.

In the Postscript to the English translation of *Faktizität und Geltung*, Habermas has replied to an earlier version of this criticism.[25] To understand the normative basis of modern democracy, he argues, we must distinguish the *horizontal sociation of citizens*, in which they constitute their collective will and in so doing mutually accord rights to one another, from the subsequent step in which they set up rights to protect individuals from the political power so constituted. Therefore, individual rights against the state "are not *originary* but rather emerge from a transformation of individual liberties that were at first *reciprocally* granted" (BFN 457)—that is, established in the very formation of their collective will.

I am not sure how neatly these two steps can be distinguished from one another, but I shall let that go. My concern lies with the first step. Observe that Habermas himself describes the horizontal sociation, which he holds to be foundational, as a process where citizens "recognizing one another as equals, mutually accord rights to one another" (BFN 457). Whence, I ask, comes their recognition of one another as equals? As Habermas's very words imply, this is not a commitment they acquire in virtue of such association, but rather one which defines the sort of association they understand themselves to be forming. This commitment amounts in fact to precisely what I have been calling the principle of respect. And that principle embodies an individual right—a right requiring that the terms of political association to be developed be as transparent to one's own reason as to that of others. Such a right does not arise through being mutually granted by citizens as they form their collective will. It has an independent authority which individuals must acknowledge if they are to form a democratic will in the way Habermas envisions.

I see no reason, therefore, to change my conclusion that Habermas's notion of radical democracy is not really so radical that it differs materially from the idea of liberal democracy to which he imagines himself opposed. Failing to note the moral basis of his own commitment to democratic self-rule, he slips past the fact that he too assumes, if only implicitly, the antecedent authority of individual rights.

VIII. FREEDOM AND MORALITY

Modern democracy is government by self-rule, animated by the ideal that the basic rules of political life should draw their legitimacy from being the object of reasonable agreement among those whom they

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[25] I first presented this criticism in a review of *Faktizität und Geltung*, "Die Wurzeln radikaler Demokratie," *Deutsche Zeitschrift für Philosophie*, XLI (1993): 321-27. I developed it further in *Morals of Modernity*, chapter 10.

are to bind. But we misunderstand the nature of the democratic ideal, I have insisted, if we suppose that for it, the collective will of the citizens constitutes the ultimate source of authority. Looking more closely at the notion of the collective will employed, we see that it is conceived in moral terms. Popular sovereignty can be understood as manifesting itself through reasonable agreement, only if it is defined as heeding the obligation of respect for persons. Democracy is thus a moral conception, and not just in the trivial sense that the principles and values by which a democratic people organize their political life are recognizably moral in character. More profoundly, democracy involves commitment to a moral principle that citizens must see as binding on them independent of their democratic will. Respect for persons is what gives their democratic will the normative shape it has.

I have claimed that Habermas misses this moral basis of modern democracy and that Rawls, too, though recognizing it in part, fails to bring it out as distinctly as he should. My point, as I hope is plain, is not to reject the project of working out a conception of liberal democracy that is politically freestanding. That project I share. But I believe its moral presuppositions should be made explicit. Why, we may ask, should there be such reluctance to admit these assumptions? One reason is not far to seek. Liberal thinkers who continue to sympathize with earlier individualist versions of liberal democracy do not hesitate to expound the moral foundations of this ideal as they see them.[26] But both Habermas and Rawls, in their different ways, aim to work out a political conception that does not depend upon comprehensive moral views, especially individualist ones, about the ends of life. In the effort to devise a political conception that is thus freestanding, it is only too easy to slide over the moral commitments propelling this very enterprise.

I do think it important that the principle of respect does not express or entail a comprehensive moral philosophy. It has its place in a great many otherwise disparate ideas of the human good. Particularly significant is the fact that it can figure in those conceptions of life which refuse to accord supreme value to critical reflection and call instead upon forms of moral allegiance that are rooted in a sentiment of belonging. We may feel that our deepest commitments are constitutive rather than elective, fashioning our very sense of the

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[26] See, for example, Jeremy Waldron, *Liberal Rights* (New York: Cambridge, 1993), pp. 56-57, 163-68.

persons we are and the choices we can understand ourselves as making, and at the same time believe that political principles, relying as they do upon coercion, must be reasonably acceptable to all whom they are to bind, even to those who differ with us on the relative importance of critical reflection. There exist, of course, conceptions of the human good which reject a principle of respect for persons. No doubt, many of them also desire to limit critical reflection and preach instead obedience to traditional, often religious authorities. But these two views do not go necessarily together. In fact, individualist views of life, too, when they exalt the will to power of creative individuals and heap contempt upon the bulk of mankind, can prove illiberal. A reverence for tradition is not inherently hostile to liberal ideals and more than the cultivation of individuality is intrinsically friendly to them.

But it also bears noting that reasonable people, exercising the basic capacities of reason and conversing with others in good faith, are not obliged on this basis alone to believe that the use of force should remain within the bounds of consensus. Being reasonable (in my sense of the term) does not entail the principle of respect for persons. If the moral basis of liberal democracy stands free of any comprehensive conception of the good, it does not on that account become inherently universal. Its appeal can extend only so far as people happen to be committed to the principle of respect.[27] We ourselves may find this commitment so obvious that, like Habermas and Rawls, we fail to recognize or mention it. We may simply look through it, as we reflect upon the constitutional rules a democratic people should give themselves to govern their political life. But in reality, this commitment forms the specific moral "we" we are, even as we remain divided by important differences about other fundamental matters. Self-understanding, here as elsewhere, requires that we turn our mind to what lies so close to us as to go unseen. Then we can comprehend why this moral outlook, transparent though it may be to us, is not universal and has met indeed with sincere rejection from others.

Yet I wonder whether there is not another reason why Habermas and Rawls do not make explicit the moral basis of their conceptions of liberal democracy. Perhaps in their case, as certainly in the case of others, another contemporary ideal has come to stand

[27] I agree therefore with Stanley Fish—"Mission Impossible: Settling the Just Bounds Between Church and State," *Columbia Law Review*, XCVII, 8 (December 1997): 2255-333—that liberalism, like any political doctrine, must involve exclusion. All the same, a distinctive virtue of political liberalism is the breadth of its inclusiveness.

in the way of seeing our deepest commitments for what they are. In our time, freedom of self-determination, as both an individual and a collective value, enjoys a tremendous prestige. It commands so ready an allegiance that all other values can seem of subordinate importance. Individuals can be bound, it is said, only by the rules they give themselves. So, too, we continually hear that, in their collective capacity as members of a political community, citizens are to determine themselves the principles by which they will live.[28] I doubt that the moral life in general can make much sense if its roots are sought in freedom as a supreme value.[29] I am certain, as I have argued in this essay, that our commitment to democracy or political self-determination cannot be understood except by appeal to a higher moral authority, which is the obligation to respect one another as persons.

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[28] Cf. Habermas, *Die Einbeziehung des Anderen,* p. 301: "Menschenrechte mögen moralisch noch so gut begründet werden können, sie dürfen aber einem Souverän [here, the democratic will, C.L.] nicht paternalistisch übergestülpt werden.... Dieser Idee widerspräche es, wenn der demokratische Verfassungsgesetzgeber die Menschenrechte als so etwas wie moralische Tatsachen schon vorfinden würde, um sie nur noch zu positivieren."

[29] For reflections along these lines, see *The Morals of Modernity,* pp. 87-88, and "L'autonomie de la morale," *Philosophiques* (Québec), XXIV, 2 (automne 1997): 313-28.