

Alberto De Luigi

**LIBERALISM AND THE PRINCIPLE
OF DIFFERENCE:
RAWLS TESTED BY LARMORE'S
THEORY • PART I**

workingpaper

 **Centro Einaudi**

N2 2014 ISSN 2036-1246



**Laboratorio di Politica Comparata
e Filosofia Pubblica**

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PART I

Centro Einaudi • Laboratorio di Politica Comparata e Filosofia Pubblica
with the support of Compagnia di San Paolo

Working Paper-LPF n. 2 • 2014

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The **Comparative Politics and Public Philosophy Lab (LPF)** at Centro Einaudi is directed by Maurizio Ferrera and funded by Compagnia di San Paolo. It includes the **Welfare Laboratory (We.L)** and the **Bioethics Lab (La.B)**. LPF analyses the transformation of the political sphere in contemporary democracies with a focus on the relationships between policy choices and the value frameworks within which such choices are, or ought to be, carried out. The reference here is to the “reasonable pluralism” singled out by John Rawls as an essential feature of political liberalism.

The underlying idea is that implementing forms of “civilized” politics is desirable as well as feasible. And, as far as the Italian political system is concerned, it is also urgently needed, since the system appears to be poorly prepared to deal with the challenges emerging in many policy areas: from welfare state reform to the governance of immigration, from the selection criteria in education and in public administration to the regulation of ethically sensitive issues.

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ACKNOWLEDGEMENTS

I would like to thank Beatrice Magni for having followed me and my studies over almost three years, revising my writings, suggesting new readings and ideas. The credit for the idea of writing this essay belongs to her and without her contribution to my education it would have never come to light.

I must also thank Clara De Luigi, who helped me in the first steps of my work: I am not sure that I would have started to work on this without counting on her help.

Finally, the debt I owe to Camilla Reggiani goes far beyond this essay, but without her I would never have finished it. She revised completely the first draft of the paper, spending so much time in teaching me how to write in English language, or at least, how to make it seem as written in English!

All the mistakes that are still present within the essay are due to my own shortcomings.

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KEYWORDS

John Rawls, Charles Larmore, political liberalism, principle of difference, neutrality, theory of justice

ABSTRACT

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RAWLS TESTED BY LARMORE'S THEORY • PART I**

John Rawls' *Political Liberalism* (1993) is considered a turning point in the theory of the famous author, but certain elements of his theory, as they were presented in his previous work *A Theory of Justice* (1971), might appear unclear under a liberal perspective, in particular with regard to the interpretation of the highly debated principle of difference. In the first part of this paper, it would be exposed the theory of political liberalism, with particular attention to the concept of neutrality as formulated by Charles Larmore; this precedes the analysis of the principles of justice in Rawls' philosophy: an important aim of this work is to offer a key to understand the revision of *Theory*, which can be found reading Charles Larmore's *Patterns of Moral Complexity* (1987), a book also studied and commented by Rawls. Starting from the common elements which bind the two said authors, it would be explained why Rawls borrows a lot from the theory of the younger philosopher, even underlining the references they make to each other's works. The whole second part—published in this WP-LPF Series—would focus on this thesis: how the principle of difference, as proposed by Rawls in *A Theory of Justice*, could conform itself to the features of political liberalism theory.

**LIBERALISM AND THE PRINCIPLE OF DIFFERENCE:
RAWLS TESTED BY LARMORE'S THEORY
PART I**

INTRODUCTION

John Rawls' *Political Liberalism* (1993) is considered a turning point in the theory of the famous author, but certain elements of his theory, as they were presented in his previous work *A Theory of Justice* (1971), might appear unclear under a liberal perspective, in particular with regard to the interpretation of the highly debated principle of difference. In the first part of this paper, it would be exposed the theory of political liberalism, with particular attention to the concept of neutrality as formulated by Charles Larmore; this precedes the analysis of the principles of justice in Rawls' philosophy: an important aim of this work is to offer a key to understand the revision of *Theory*, which can be found reading Charles Larmore's *Patterns of Moral Complexity* (1987), a book also studied and commented by Rawls. Starting from the common elements which bind the two said authors, it would be explained why Rawls borrows a lot from the theory of the younger philosopher, even underlining the references they make to each other's works. The whole second part—published in this WP-LPF Series—would focus on this thesis: how the principle of difference, as proposed by Rawls in *A Theory of Justice*, could conform itself to the features of political liberalism theory.

Interpreters may often find difficulties in understanding John Rawls' *Theory*; this is because of a substantial ambiguity that characterizes the book: the Rawls' personal "comprehensive doctrine",¹ which intensely forms his theory, collides with his liberal momentum. As stated by Carlo Lottieri (2001, 168), "the emergence of left and right Rawlsians [...] is perfectly explicable from the fact that some interpreters of *A Theory of Justice* sought to emphasize most liberal general aspects, while others noted most the welfare concerns of the American thinker". Even "Buchanan and Lomasky have shown how, starting from the principle of greatest equal liberty

¹ "A conception is said to be general when it applies to a wide range of subjects (in the limit to all subjects); it is comprehensive when it includes conceptions of what is of value in human life, as well as ideals of personal virtue and character, that are to inform much of our non-political conduct (in the limit our life as a whole). There is a tendency for religious and philosophical conceptions to be general and fully comprehensive; indeed. Their being so is sometimes regarded as an ideal to be realized." (Rawls 1993, V, §175).

proposed by Rawls himself, we are forced to come to a quasi-libertarian solution and—in any case—certainly anti-egalitarian.” Charles Larmore’s political liberalism, and in particular his conception of neutrality, represents a very good instrument to explain the “ambiguity” of *A Theory of Justice* that Larmore himself summarized in this terms. Probably, the general ambiguity could also derive from the individual inclination of the interpreter; in any case, even though the formal drafting of *Theory* suites many interpretations, the form adopted by the author well harmonize with liberal dispositions. Rawls has sustained that the principles of justice, as treated in *Theory*, remained almost unchanged also in his following works: this statement might appear unclear considering how he argued other main issues of his philosophy and, in particular, the principle of difference. This principle seems to be the most radical one, since it only permits inequalities on condition that they work to the advantage of the worst-off in the society. Apparently it looks too controversial to be legitimate under a liberal perspective: the idea that society has to distribute primary goods in order to maximize the condition of the poorest hardly seems neutral between the interests of the rich and the poor, while a principle of justice has necessarily to deal with the concept of neutrality in order to reach a liberal justification. Nevertheless, according to Rawls, even the principle of difference formally doesn’t change with the following revising² and it would mean that the principles of *Theory* suit perfectly his liberal perspective. The main thesis proposed in the essay is based on the idea that a correct interpretation of Rawls’ principles of justice can reveal why the underlying moral conception presented in *Theory* can inherently lead to the political liberalism the author developed afterward. In order to present an unbiased interpretation, the dissertation would start analysing just Rawls’ publications preceding *Political Liberalism* (1993). The thesis is in part also supported by some publications written in the seventies and the eighties by Andrea Villani or Salvatore Veca, who already construed *Theory* in a “liberal way”. If the principle of difference couldn’t be considered neutral, the whole theory of justice as fairness would reveal a fundamental inconsistency. Considered the importance of a neutral justification of the principles of justice, the present work would start from a brief introduction of the idea of neutrality in the theory of political liberalism.

1. THE CONCEPT OF NEUTRALITY

In political philosophy the concept of neutrality rises as a means to solve the problem of deliberation in a context of public choice: the public authority needs to decide which space reserve to beliefs (in terms of good life) of individuals and groups. Liberal neutrality is “non-perfectionist”: this means that it commits the moral perfection to free decisions of individuals in a society, who are free to

² See *Justice as Fairness* §13.1 and §13.2 (“revisions to the second principle are merely stylistic”) or the introduction of *Political Liberalism* (Rawls 1993, xiv) (“these lectures take the structure and content of *Theory* to remain substantially the same”).

choose which ideals to follow. An early form of neutrality of political authority with regard to values can be found in Jeremy Bentham's moral utilitarianism.³ In *The Rationale of Reward* (1825) he states that "the game of push-pin is of equal value with the arts and sciences of music and poetry", meaning that if the utility produced by playing at push-pin is not less than what produced by poetry, then it's useless to care about the moral value of different sources of utility. Therefore, the political authority has not the purpose nor the right to promote a value or another. This is a first example of minimal state: it should not pursue any controversial conception of good. Authority doesn't have to support any conflicting party, following a neutral procedure, not choosing any of the different conceptions of good (see Dworkin 1978, 127). This concept is directly connected with the idea of the "priority of right on good" presented in John Rawls' *A Theory of Justice*: there is a correct or fair (neutral) procedure "such that the outcome is likewise correct or fair, whatever it is, provided that the procedure has been properly followed" (Rawls 1971, §14, 86). Notwithstanding, Rawls states such procedure cannot abstract from moral values: to demonstrate that something is justified implies necessarily an appeal to certain values, that can be "neutral" values like the principles of "free rational discussion" (Rawls 1993, V, §5, 191).

Charles Larmore closely examines those procedural principles and, drawing on (while modifying) Habermas' ideas, outlines the "universal norm of rational dialogue" (Larmore 1987, 53 and following) (exposed in paragraph 4). Nevertheless, as both authors underline, not even these procedural principles are sufficient in order to represent a justification to the idea of a neutral authority (or neutral institutions). In fact, neutrality itself cannot explain why a neutral decision is actually better than a partisan one, nor why authority shouldn't support one party as well as its claims prevail on the other ones without any moral justification, but only thanks to its power, for instance. Neutrality needs to be justified somehow: parties in a conflict must share a common moral ground that is, in other words, what Rawls calls "overlapping consensus". It is constituted by "fundamental intuitive ideas implicit in the public political culture and abstracting from comprehensive religious, philosophical, and moral doctrines. It seeks common ground—or if one prefers, neutral ground" (1993, V, §5, 192). A religious or philosophical conception is overall and "comprehensive" when it represents some ideals to be achieved that deal with all the values and virtues acknowledged (or almost all, when it is partially comprehensive). On the other side, a "political" conception concerns only the political values (an idea of justice) that can be shared by all citizens considered free and equal and prevails on the conceptions of good belonging to those citizens. The political connotation doesn't exclude a moral one: a common ground built on moral values can also be considered "political" as well as it constitutes a shared idea of "basic structure" of the society (fundamental institutions of a democratic society) without affecting other conflicting conceptions of good. Rawls treats the notion of neutrality in *Political Liberalism*, where he discusses the neutral-

³ See on this regard Anthony de Jasay (1991).

ity “in terms of the aims”, distinguished from a procedural neutrality (Rawls 1993, V, §5, 192 and following). A neutral procedure could entail mere principles of free and rational discussion, but, according to Rawls, this is not enough: such procedure shall be neutral with regard to different comprehensive doctrines and their aims (“their associated conceptions of the good”), but shall not be neutral to the political doctrine: on the contrary, liberalism tends to form and implement political doctrines and to push to comply social behaviours. In this sense, neutrality is not merely procedural but implies certain moral values which constitute the common ground, basis of the political doctrine. Conflicting parties, during a public decision, choose to set aside their own individual conception (when it collides with others), recognizing that such public morality, shared by the whole society, shall prevail. As Larmore says, liberalism implies a separation between “man and citizen” and the political doctrine prevails on the other moral claims (“the right on the good”—or better, on the contentious ideals of good). As would be exposed in paragraph 4, according to Larmore the only decisions with public and political justification are those neutral with regard to the contends of different comprehensive conceptions and borne by the principle of equal respect. In fact, the moral principle beneath the common ground is precisely the “equal respect”, and is very close to Rawls’ argument of the overlapping consensus among reasonable comprehensive doctrines. None in our society, arguing from his own perspective, can show public⁴ reasons to reject this principle.

2. THEORY OF POLITICAL LIBERALISM

Political liberalism is the art of separation between our political and comprehensive concerns, when what is political prevails on other personal interests. The instrument to separate these two spheres is neutrality: it is a reaction to pluralism, meant as a variety of conceptions of good life. It implies that every citizen would be equally free to pursue his own conception (aims, ends): this is the most important liberty of liberalism. Neutrality works only if the state involves a legal system which gives citizens the right to pursue a particular conception of good, even when this one collides with opposite ones: the state shall consider none of the

⁴ It might look tautological in the sense that if someone cannot show “public” reasons to reject the principle of equal respect, it depends only on the fact that, since the reasons must be “public”, they should conform to a sort of “standard” proper to public issues, and this standard may mean that they must be shared and non-controversial. This would mean that the characteristic that makes equal respect universally non-controversial (namely, none can reject it) is not an intrinsic reason to the perspective of each individual, but consists just in the fact that the arguments in its defence must be held in public. But the fact of the matter is that morality cannot, by definition (this is my assumption), disregard the social (public) dimension. Consequently, each moral argument must be sustained in public (or at least, must be thought in order to be sustainable in public), otherwise it is meaningless. So therefore, none can show “public reasons” to reject equal respect just because he cannot show “moral reasons” to reject it. Equal respect, in fact, is an intuitive idea: it’s hard (maybe impossible) to find an underlying moral principle justifying it. As Charles Larmore says, “if we cannot see how to justify it, that is because it defines the framework of what we understand moral argument to be” (Larmore 1996, 150). It represents itself the gist of everyone’s morality.

conflicting ideas “better” nor “righter” nor “more correct” than another one. This recalls the XVII century idea of “tolerance” towards conflicting religions (see for example *A Letter Concerning Toleration* by John Locke, published in 1689).

The starting point of Charles Larmore's political liberalism isn't a comprehensive conception of good: he rejects what he calls “*political expressivism*”, which “demands that our highest political ideal be mirrored in our highest personal ideal” (Larmore 1987, 76). On the contrary, he introduces the concept of *modus vivendi*, which implies a divergence “between *citoyen* and *homme*, between ‘public’ (political) and ‘private’ (nonpolitical)” (p. 75). In other words, a liberal doesn't demand that his own comprehensive conception of good shall determine the structure of the state, which, instead, shall be shared by all citizens—every one of them bringing his own comprehensive moral conception and establishing a unique political conception, that is common (or neutral).⁵ Liberalism is seen like “an ‘art of separation’, opposed to the idea of society as an organic whole” (p. 76). Rawls, in *Political Liberalism*, gives a clear explanation of the Latin expression *modus vivendi*: it is used to describe treaties negotiated by states, which are likely to collide. Their reciprocal bargain assures that the signed agreement represents an equilibrium point, so that neither party would have convenience in violating it. According to Rawls, if conditions change, each party would be ready to pursue its own interest at the expense of the other ones. This means that the social balance is virtually instable. Rawls gives an alternative—and stable—solution: the overlapping consensus among different comprehensive doctrines. The author lists, then, doctrines that can sustain a liberal perspective and the above mentioned overlapping consensus (1993, IV, §3, 145). They correspond almost to all of those present in our society: all the “reasonable doctrines”, but fanatics or violent forms of racism (as Larmore exemplifies, 1987, 60). According to Rawls, these doctrines have the peculiarity to be pluralist or otherwise to admit a principle of tolerance. People supporting these doctrines accept that “political values normally outweigh whatever nonpolitical values conflict with them” (1993, IV, §3, 146); therefore, they suit Larmore's perspective of liberalism as “art of separation”. But what Rawls emphasizes most is that putting aside conflicting values is an “internal” disposition of the doctrine itself, not just the resolution of a coexistence problem with other doctrines. For instance, a Christian has not a pluralist perspective and would strongly deny an author who writes atheism apologetics, but his comprehensive doctrine may lead to a principle of tolerance and non-coercion, so that he would demonstrate respect for free choices of people who do not think the same. Thus, the Christian and the

⁵ If the ground is “common”, we can suppose that there are no conflicts on it, and without the existence of a conflict it is impossible to be neutral (see for example Montefiore's semantic analysis in *Neutrality and Impartiality*, 1975). For this reason Rawls states that the idea of neutrality is likely to be misunderstood, while the concept of common seems more appropriate. Then he doesn't approach directly neutrality as a justification for his political liberalism, which is represented instead by the common ground shared by comprehensive doctrines. But even if a common ground is necessary in order to set up a shared agreement, it's not necessarily given ex-ante. Neutrality has a reason to be for cases in which we must “seek” a neutral ground: the idea of neutrality intuitively explains the fact that we abstract from our own comprehensive conceptions (putting aside our less binding beliefs) in order to achieve an agreement and a shared (ex-post) political conception.

Atheist would share a stable rule: they can freely express their point of view even if Christian population could easily overwhelm hypothetical few atheists. For this reason, Rawls refuses the notion of *modus vivendi*, since liberalism is a moral perspective and doesn't consist just in a prudential equilibrium among forces in conflict. On the other hand, Larmore states later that what he meant in *Patterns of Moral Complexity* doesn't correspond with Rawls' conception of *modus vivendi*, instead it is a moral conception exactly like the overlapping consensus: the difference with Rawls is "merely terminological" (Larmore 1996, 133, n16). This introduces the main issue about neutrality: why should citizens support a neutral way to solve conflicts, instead of imposing their ideas by force, without a "prudential" reason similar to Rawls' idea of *modus vivendi* (which can be considered as the outcome of a game among rational players who pursue their own interest). The answer Charles Larmore provides is that this reason is characterized by morality⁶ and consists in the acceptance of the existence of pluralism and in the theory of equal respect.

3. PLURALISM AND REASONABLENESS

According to Larmore, pluralism "is a truth we should accept" (Larmore 1996, 153), but it still seems controversial when is meant like a "doctrine", as Isaiah Berlin outlined: life affords a plurality of values "equally objective" and "there are many objective ends, ultimate values, some incompatible with other" (Berlin 1991, 79-80). Political liberalism isn't based on the acceptance of pluralism as an ideal, nor demands that its virtues must be promoted, nor requires that everyone should pursue his own aims and values. The mere existence of pluralism justifies liberal ideals itself and the acceptance of it (as a doctrine) becomes irrelevant. According to Larmore, in western modern society the existence of pluralism is simply a matter of fact.

This expectation of reasonable disagreement, to which liberalism does appeal, lies at a different, one might almost say more "impartial", level than pluralism. It responds to the idea of a religiously and metaphysically disenchanted world not by affirming it, as pluralism seems to do, but rather by recognizing that like other deep conceptions of value this disenchantment is an idea about which reasonable people are likely to disagree (Larmore 1996, 167-168)

Disenchantment about a final truth in religious and metaphysical sphere leads to the expectation of reasonable disagreement in the sense that, in our modern western society, reasonable people wouldn't expect to agree upon a unique truth, even

⁶ Here it wouldn't be treated the problem on what kind of difference stands between morality and rationality: the first might even be considered as historically derived from the last, as it might be theorized with reference to studies on evolution and behaviour of human beings or higher animals. For the understanding of what are the concerns of the two categories of moral and rational, it's enough to consider the assumption that morality has intuitively to deal directly with a moral obligation, like the Kantian categorical imperative, instead of a simple rational calculus driven by our self-interest.

if they believe in the existence of a unique truth. It is a factual condition, and a prerequisite in order to legitimate (legitimacy implies normative judgement) the existence of different conceptions in people's moral, and therefore the norm of equal respect. According to Larmore, none who is reasonable, from his own moral perspective, can find a valid reason to reject equal respect, and "we are not required, I believe, to justify to ourselves an existing belief except where we have discovered a reason for thinking that by our own lights it may be false" (Larmore 1996, 150). An ought-statement hides behind Larmore's viewpoint: "you must be reasonable", which means recognizing equal respect and accepting reasonable pluralism. This doesn't imply that any person, who is considered reasonable, would declare to believe in equal respect, if asked. Rather it implies that any reasonable person reading or somehow facing Larmore's theory of equal respect—and understanding it—wouldn't find any reason (from her own perspective) to reject it. But this could be even considered as a definition of reasonableness suitable to Larmore's perspective. As Brian Barry writes it: "It is perfectly consistent with everything that Larmore says about equal respect that we should believe that the explanation required is an explanation of the superiority of our conception of the good. If we are convinced that nobody could reasonably reject our explanation, we would seem to have done all that 'equal respect' can demand of us" (Barry 1995, 176). Nevertheless, it seems that Larmore claims to provide just factual (or descriptive) statements as justification for his neutrality, not normative ones. This is actually because his concept of neutrality holds on an is-statement: "we are almost all reasonable", which is a sort of "almost" universal standard. He firmly believes that in practice, in an empirical application, no sufficient objections (no large number of supporters, nor strong ideas) would counter his principles (neutrality and equal respect) so much that they could be jeopardized. Thinking of Larmore's justification to liberal theory as "situated" in an empirical context is both a feature of his neutrality and equal respect. Jonathan Seglow underlines that Larmore's neutrality is somehow an "empirical neutrality": "his aims is to introduce just as much substantive material into rational dialogue as is needed as a base for making decisions on political principles" (Seglow 2003, 91). Larmore confirms this, saying that in order to face "practical limits" to neutrality "one should institute only the least abridgment of neutrality necessary for making a decision possible". The "least restriction" consist in two dimensions:

1. One could admit beliefs that are the least central to anyone's idea of the good life, or
2. One could admit beliefs that the least number of people do not hold. (Larmore 1987, 68)

On the other hand, even equal respect carves out its own empirical context, since it represents Larmore's answer to the long-debated question among liberals and communitarians: the Romantic critique of modern individualism. In this precise context this principle is worth. The goal of political liberalism is to refute the claim "that liberalism makes sense only as affirmation of individualistic views about the good life", instead, it "seeks to detach the principle of political neutrality from the fate of this view" explaining why liberalism is not a force "that work against

the Romantic values of belonging and tradition” (Larmore 1996, 151). The fact that both liberals and communitarians cannot find a valid reason to reject equal respect is due to particular features of our western modern society, influenced by history and historical development of philosophical and political thinking. The first and most important of these features is the heterogeneity of moral thinking: it happens when different structures of moral order collide and society cannot find a solution.

4. THE HETEROGENEITY OF MORALITY

An example of heterogeneous moral orders is well represented by the conflict between deontology and consequentialism. According to Larmore, a deontological outlook involves “a set of absolute duties we must heed whatever others may do as a result of what we do” (Larmore 1987, xi), while a consequentialist outlook demands “that we bring about the greatest good overall, so that what we ought to do depends on how we expect others to react to what we do” (the foreseeable consequences). It may happen that in western modern societies these different “structures” coexist, thanks to our particular history. In fact, according to Larmore (1987, 33-36), the dissent rises no more from the lack of knowledge, as happened in an Aristotelian view (monistic) of the moral conflict, but grows from the heterogeneity of the moral order itself, as it occurs in the modern age. Larmore states that, according to ancient Greek philosophers like Aristotle, all moral conflicts are supposed to have a solution. In fact, in the Classical Age the monism, which is precisely the opposite of pluralism, was the dominant pattern of moral thought (there were already some exceptions, as in the irresolvable moral conflicts of Sophocles’ tragedies⁷). It means that exists a unique source of values, which represents a common basis to determine the weight of moral conflicting duties. Aristotle said that the virtue doesn’t consist solely in the knowledge of general principles, rather it depends on the application of principles to particular circumstances. This is the doctrine of the *Mean* (see Larmore 1987, 16), that stands beyond two corresponding faults or vices, which consist respectively of the excess and the deficiency of something of which the virtue represents the right amount. Then the moral judgement must always suit the peculiarity of the situation. On the contrary in the modern age, the best way to understand concepts is as rules and the moral judgment corresponds to what happens under a rule (as in the Kantian perspective). Examples, according to Kant, are rhetorical means that have the only purpose of persuading, they don’t have any logical purpose, instead, as in the doctrine of the *Mean*. Larmore says that this kind of Kantian deontology is dominant in the modern age. Because of deontological ethics, it may happen that we appeal to rules prescribing opposing actions, so that we cannot find a unique solu-

⁷ Think of the dispute between Antigone and Creon, which Hegel represented as the conflict among Family and State, the divine (and private) law against the law of mankind.

tion. The rules involved are both valid even if different. So it's impossible to state the best, the rightest or the most correct. It leads to a plural outlook, because when we appeal to different and both valid rules it's not possible to decide among rival claims anymore. This may happen even for inner conflicting thoughts, moreover when we have different persons in conflict. An example of deontology is well represented by Kant's categorical imperative or the Ten Commandments in Christianity, while an example of consequentialism is utilitarianism. None of these moral patterns should be rejected so it's necessary to let them coexist and face related arising conflicts. Max Weber agreed with this idea and treated it in the conference of 1919 (Weber 1994, 359-360), distinguishing between "ethic of conviction" (deontology, even called "ethic of the rights") and "ethic of responsibility" (consequentialism, or "ethic of the good"); these ethics are both valid and often they may lead to an hardly (or impossibly) resolvable conflict:

A syndicalist who is committed to the ethics of conviction might be fully aware that the likely consequences of his actions will be, say, increased chances for the forces of reaction, increased oppression of his own class, a brake on the rise of his class. [...] If evil consequences flow from an action done out of pure conviction, this type of person holds the world, not the doer, responsible, or the stupidity of others, or the will of God who made them thus. A man who subscribes to the ethic of responsibility, by contrast [...] has no right, as Fichte correctly observed, to presuppose goodness and perfection in human beings. He does not feel that he can shuffle off the consequences of his own actions, as far as he could foresee them, and place the burden on the shoulders of others. [...] The person who subscribes to the ethic of conviction feels "responsible" only for ensuring that the flame of pure conviction (for example, the flame of protest against the injustice of the social order) is never extinguished. To kindle that flame again and again is the purpose of his actions, actions which, judged from the point of view of their possible success, are utterly irrational, and which can and are only intended to have exemplary value. (Weber 1994, 360)

Free from ancient Greece perspective, mere rules become predominant in the development of Christian theology: this process clearly anticipates what Kant would have stated centuries later. At first, Duns Scotto (XIII century) argued that "the Christian rule of loving others for their own sake and thus a real sense of justice (*affection justitiae*) cannot draw on the natural desire of self-perfection which, as he observed, underlies Aristotelian and Thomistic ethics [...]. Christian theology [...] played an indispensable role in the rise of an ethics of the right" (Larmore 1996, 22). Another important reason for the growth of deontology in moral thought is political: the demands of the modern democracy that were going to develop since the XVI century. As Larmore explains, in *Patterns of Moral Complexity*, in the modern age "the technical construal of morality ensured that the moral life would be equally accessible to all, and not tied to some inscrutable know-how of the aristocracy" (Larmore 1987, 16). The clearly defined rules, typical of a deontological perspective, are a suitable instrument for this purpose: "This was a worthy political end (for judgment is not the peculiar property of any class)" (Larmore 1987, 17). In fact, modern democracy demands that all citizens must be placed

in the conditions of participating in public deliberations. Therefore, they must be aware of the motivations that lead to the moral choices of political institutions, because only in this way they can express their own opinion through the vote.⁸

Larmore closely examines the establishing reasons of heterogeneity in the western moral thought, lying at the basis of our political and philosophical theories along the history of western modern civilization: for example, in *Morals of Modernity* (1996), he mentions religion conflicts, the Enlightenment and its crisis, the Romantic Age, the Nietzsche's legacy and so on, but these themes wouldn't be discussed further.

5. RATIONAL DIALOGUE AND EQUAL RESPECT

The heterogeneity of morality explains why the pluralism is a matter of fact for modern society, but doesn't justify itself neutrality as solution to pluralism. Minorities could be simply oppressed or random choices can be made (the same as in a lottery) among different conceptions of good life. Liberalism over the history found different justification for neutrality, summarized by Ackerman (1980) (recalled by Larmore in *Patterns of Moral Complexity*, 1987, 51) as follows:

- The scepticism (Voltaire, in the *Treatise on Toleration* of 1763): since we cannot find a motivation to justify a certain ideal, no government should try to establish one particular ideal.
- The experimentation (Mill in *Utilitarianism. On Liberty. Representative Government* of 1859): each one must be able to try different kind of life and then exclude the ones those bring less satisfaction. Such experimentation would be hindered if the government would propose to favour only some ideals.
- The individual autonomy (Mill, Kant): everyone must be able to think out by himself his own ideals. According to Larmore, this ideal of the person is perfectly summarized by Fichte (1973) in youth, when he still felt Kantian influence: "No one becomes cultivated, rather everyone has to cultivate *himself*. All merely passive behaviour is the exact opposite of culture; education occurs through selfactivity".⁹

Nevertheless, these justifications of neutrality are forms of "political expressivism", in the sense that they require our highest political ideal to be reflected in our highest personal ideal, in contrast with the *modus vivendi*. The one who rejects the universality of these ideals, or doesn't recognize the arguments those sustain them,

⁸ Larmore stresses even negative effects of this aspect of modernity, recognizing some positive features of the Aristotelian ethic. In fact the mere rules of the modern deontological ethic may disregard the complexity of the studied phenomena. But in some circumstances paying attention to this complexity may be inopportune as well: a modern State must pursue the ideal of "predictability" so that citizens can feel themselves free. Everyone, foreseeing what the government would do, can plan his life and take the right precautions. An investor prefers to know how the central bank disposes the money supply instead of knowing if, whatever choice will be, it will be morally correct

⁹ See, in *Patterns of Moral Complexity*, the paragraph *Kantian Liberalism* (Larmore 1987, 82).

cannot support neutrality, therefore political expressivism cannot be a neutral justification of the neutrality towards different comprehensive doctrines. Larmore tries another kind of approach: the rational dialogue sustained by equal respect. A universal norm of the rational dialogue says that in order to carry on the conversation is necessary to put aside our own beliefs that the other rejects (“*abstract* from what is in dispute”, Larmore 1987, 50), in order to:

1. construct an argument on the basis of his other beliefs that will convince the other of the truth of the disputed belief, or
2. to shift to another aspect of the problem, where the possibilities of agreement seem greater (Larmore 1987, 53).

This norm is universal (and therefore neutral) because of the definition of rationality and dialogue: without this norm, in case of disagreement, it would be impossible to talk about a topic aiming to reach a solution, or an agreement, either in a rational way and jointly maintaining the *dialogical* dimension of the discussion (that is, not only asserting what we believe, but also seeking—doesn't matter if it wouldn't be found—mutual understanding). Notwithstanding, the norm only shows *how* to carry on a rational conversation, while it cannot explain why to start the dialogue nor why to keep on debating. The tacit motivation is constituted by equal respect: a moral argument not neutral towards all doctrines in modern society, but almost all (all the reasonable doctrines, but fanatics or violent form of racism and few others). It's not necessarily meant as *respect* towards some beliefs: some beliefs deserve it, others not. On the contrary, it has to be considered as *respect* towards persons: it consists in recognizing that, from the point of view of someone else, his own beliefs are justifiable. In other words, equal respect is an attitude involving recognition of the capacity, that everyone possesses, for working out a coherent view of the world. When a person demands that we justify our own action to her, she is recognizing that we have a perspective on the world in which that action makes sense. If that person indicates her willingness to discuss it in a rational way with us, then we have the (moral) *obligation* to treating her as she is treating us: the fact that she has an own moral perspective on the world is the reason for discussing the merits of our action rationally with her (see Larmore 1987, 64). A principle of reciprocity stands: we respect the others (conceiving they have their own moral) if, given our willingness to discuss rationally with them, they show their disposition to discuss rationally with us. This works even if they still argue starting from their own point of view, provided that they permit the others to express their own opinions.

The main issues, in order to legitimate liberal neutrality, are the assumption of pluralism and equal respect considered as norms already accepted by everyone (with negligible exceptions, like extremists), but those norms are still not enough. We need a last assumption: the rational dialogue (which consists in a neutral procedure itself) applies only to people who are indeed interested in devising principles of political association. We have to be placed under peculiar conditions such that we think ourselves like engaged in a common enterprise, for example if we share historical experience (even civil war), common language or geographic

position. Resembling an expression of John Locke, Larmore calls this sort of common feeling as an *original Compact*, that must precede the contract (Larmore 1996, 142-143). If people living together are not interest in reaching a coexistence agreement, they wouldn't even start a debate on this problem.

The paragraphs above offered a short summary of the philosophical premise founding political liberalism, profiting by the keen analysis of Charles Larmore. Different motivations lead to the acceptance of the principle of neutrality instead of imposing by force our own perspective: they can be merely prudential (entailing just self-interested rational calculus), or involving different moral arguments: the scepticism, the experimentation, the liberal value of autonomy, the desire of civil peace, or again, the fact of being sympathetic¹⁰ for the situation of other persons (and therefore to be pushed to abstract from our own interests, or beliefs, in order to reach an agreement with them). But none of these is sufficient: political neutrality needs a neutral justification, and this can be found in rational dialogue (merely procedural) supported by the principle of equal respect (moral). Equal respect, in turn, is only possible thanks to the acceptance of pluralism, that is a matter of fact in our modern western society, recognized by all reasonable people. At last, the rational dialogue would be necessarily undertaken when an *original Compact* exists.

6. THE AMBIGUITY OF RAWLS' *THEORY*

Charles Larmore says that *A Theory of Justice* of John Rawls consists in a liberal theory, but in *Patterns of Moral Complexity* he also observes that it presents an element of ambiguity: the presence of an expressivistic conception of liberalism and, at the same time, the idea of *modus vivendi*.

A Theory of Justice (as well as some of Rawls's later writings) is not all of one piece. Its liberalism contains both *modus vivendi* and expressivist strands. It is not surprising, therefore, that contemporary antiliberals have homed in on the more vulnerable expressivist components of this book. (Larmore 1987, 121)

This is also the reason why *A Theory of Justice* missed a very clear formulation of some concepts, such as the question of how the primary goods are determined in a neutral way with respect to the conceptions of the good. The element of neutrality was partly hidden under the veil of the Rawls's personal comprehensive doctrine. So even a central element like the difference principle risked to be interpreted erroneously, in a more or less egalitarian way. But Rawls himself recognizes full knowledge of flaws of his theory, and in *Political Liberalism* replies to the criticisms of Larmore:

¹⁰ Sympathy is different from respect (Larmore 1987, 62-63): "Sympathizing with another's belief consists in believing that in his situation it would have been our own, so we can broaden our sympathy to the extent we can imagine sharing another's perspective".

The distinction between a comprehensive doctrine and a political conception is unfortunately absent from *Theory* and while I believe nearly all the structure and substantive content of justice as fairness (including goodness as rationality) goes over unchanged into that conception as a political one, the understanding of the view as a whole is significantly shifted. Charles Larmore in his *Patterns of Moral Complexity* [...] is quite correct in vigorously criticizing the ambiguity of *Theory* on this fundamental matter. (Rawls 1993, V, §2, 177, n3)

Once clarified the ambiguity of *Theory*, in *Political Liberalism* the liberal perspective of Rawls seems virtually identical to what the younger philosopher theorized. Larmore's criticism of *Theory* hit the mark and was accepted, and more: the many similarities found in the publications of the two authors suggest that Larmore's work even predisposed Rawls's new point of view in *Political Liberalism*, or anyway influenced the older philosopher, who directly underlines the similarity between his theory of political liberalism and the one of Larmore:

I do not know of any liberal writers of an earlier generation who have clearly put forward the doctrine of political liberalism. Yet it is not a novel doctrine. Two contemporaries who share with me this general view, if not all its part, and who developed it entirely independently, are Charles Larmore—see for example his “Political Liberalism”, *Political Theory*, XVIII, 3 (August 1990); and the late Judith Shklar—see her “The Liberalism of Fear” [...]. It is a great puzzle to me why political liberalism was not worked out much earlier: it seems such a natural way to present the idea of liberalism, given the fact of reasonable pluralism in political life. Does it have deep faults which preceding writers may have found in which I have not and these led them to dismiss it? (Rawls 1995, 133, n1)

Here Rawls underlines also the fact that *Political Liberalism* is a “natural” development starting from *A Theory of Justice*. In fact there is continuity between the two publications, and the key to understand proposed by the Larmore's liberalism leads to a correct interpretation of *Theory*. In *The Autonomy of Morality*, Larmore (2008, 150-152) further clarifies what constitutes Rawls' ambiguities: it's not clear if he is willing to admit that we must acknowledge a moral authority higher than the political principles we give ourselves, that are merely legitimated by our collective will as citizens (through the original position). In other words, it's not clear if he recognizes the role of equal respect (a moral requirement external to the collective will of citizens) as pillar of his theory of justice, antecedent to the original position. In *Theory* he says that the notion of respect (that generically understood can mean so many different things) is not “a suitable basis for arriving at” liberal principles of justice (Rawls 1971, §87, 586); its relevant meaning must instead be fixed by those principles themselves. Nevertheless, parties in the original position are not merely rational, engaged in the efficient pursuit of their ends, since the conditions on their choice reflect a moral commitment on our own: in *A Theory of Justice* the idea of a well-ordered society, in *Political Liberalism* the “reasonableness”, namely the readiness to seek fair principle of cooperation. While the idea of a well-ordered society is determined by his comprehensive doctrine, the overlapping consensus appeals to a notion of agreement that is not simply actual assent,

since the “reasonable” assent is an idealization with normative implications. Rawls’ notion of the reasonable—Larmore concludes—“has a moral content that effectively implies the principle of respect”, and “nothing in this conclusion departs from Rawls’ own deepest commitments” (Larmore 2008, 152).

CONCLUSIONS

The argument exposed in the first part of this essay is intended to show how Charles Larmore’s political liberalism is compatible with Rawls’ deepest moral commitment and why it can be considered a key to understand his development of a liberal theory of justice. The fundamental moral basis of Rawls’ conception of justice as fairness seems to fit well the moral requirement of equal respect, that resembles (and better qualifies) the idea of reasonableness presented in *Political Liberalism*. Reasonable citizens share a moral ground upon which it is possible to find a political agreement, because they are willing to choose a procedural (and therefore neutral) way to settle the principles of justice. This procedure is represented by the original position, while the fairness of the resulting principles is given by their neutrality. The idea of deliberating in the original position reflects therefore the commitment of citizens to the moral norm of equal respect, not the moral requirements of a comprehensive doctrine or any merely prudential reason. Then the principles of justice established in this way are expected to be neutral—as much as possible—with regard to all the reasonable comprehensive doctrines present in the society. Nevertheless, there might be some doubts about the compliance of Rawls’ principles of justice, especially the principle of difference, with the demand for neutrality of political liberalism. As mentioned, the fact that society has to distribute primary goods in order to maximize the condition of the poorest hardly seems neutral between the interests of the rich and the poor. Solving these doubts is a necessary step in order to prove the consistency of Rawls’ liberal theory. The analysis of the difference principle that would be exposed in the second part of the essay—published in this WP-LPF Series—aims to show precisely why it can be considered neutral. The dissertation would even help to clarify what is the actual meaning of the concept of liberal neutrality when dealing with substantive claims of different conceptions of the good.

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