

PLURALISM AND
THE POSSIBILITY OF A LIBERAL POLITICAL CONSENSUS

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(to appear in Ingrid Salvatore and Volker Kaul (eds), *Pluralism*, London, Routledge,
2019)

ABSTRACT

Both Max Weber and Isaiah Berlin saw pluralism as the defining feature of a disenchanted liberal world. But this was not simply for them a historical fact. They argued that the liberal age revealed the ‘true’ nature of human beliefs, that, in the end, these are mere subjective preferences and that the main argument for liberal toleration was then value-pluralism and some form of relativism and scepticism.

However, there is another way of understanding liberal pluralism. Instead of seeing pluralism as “an unfortunate condition of human life”, John Rawls suggests that we take into account two facts. First, that not all disagreements and conflicts are the upshot of self- and class interests or of irrational preferences, but that conflicting views, in particular religious views can be seen as *reasonable* in the sense that they can offer reasons for disagreements. Second, that the reasons offered in the *public sphere* are distinct from the beliefs and values shared in the non-public domain. The possibility of a limited political consensus based on public reasons is thus real.

I will argue that such a view rests on a central *epistemic* distinction between the diversity of goods or values and the diversity of moral and religious doctrines. Value-pluralism is a first-order pluralism that exists among goods or values. Liberal pluralism, because of its reflective nature, is a second-order pluralism that concerns the various conceptions of the good and their reasons. Political liberalism aims at an overlapping consensus among second-order beliefs systems.

INTRODUCTION

For those who, following Max Weber (Weber: 1917-1919), diagnose our disenchanted liberal world as characterized by the “irreconcilable death struggle between values” or, with Isaiah Berlin (Berlin: 1969), by “the existence of incommensurable values”, a political

consensus on liberal democratic values seems to have become quasi-impossible. Only *modus vivendi* arrangements or “accommodations” (Kymlicka 2007: 3) can be hoped for in multicultural, multi-faith societies. This threatens the stability of the liberal consensus, which has dominated the free world since 1945. However, in *Political Liberalism* (1993) and in “The Idea of Public Reason Revisited” (1999), John Rawls develops an argument showing that a liberal consensus based on the use of public reasons is possible. Whereas he agrees, with Berlin, on the fact of ‘deep’ pluralism, and that “no society can include within itself all forms of life” (Rawls 1993: 197), he refuses to see it as “an unfortunate condition of human life” (Rawls 1993: 37). Instead, he understands it as “the inevitable long-run result of the powers of human reason at work within the background of enduring free institutions” (Rawls 1993: 4) and as such, as the main feature of democratic societies. « The [democratic] society in question is a society in which there is a diversity of comprehensive doctrines, all perfectly reasonable» (Rawls 1999: 31). He then endeavours to show “the possibility of a reasonable harmonious and stable pluralist society” (Rawls 1993: xxvii).

How is that feasible? Rawls suggests that we take into account two facts. First, that not all disagreements and conflicts are the upshot of self- and class interests or of irrational preferences, but that conflicting views, in particular religious views can be seen as ‘reasonable’ in the sense that they may offer sound reasons for disagreements. Second, that we should recognize the difference between the reasons offered in the public sphere and the beliefs and values shared in the non-public domain, the former being much more conducive to agreement. This should lead to a useful distinction between ‘pluralism as such’ and ‘reasonable’ pluralism (Rawls 1993: 36), a distinction that would explain how it is possible to reach a limited but *stable* political consensus on liberal political values and principles.¹ This is a fairly optimistic view that has raised numerous criticisms and misunderstandings.

In this paper, I will try to clarify Rawls’s controversial conception of a ‘reasonable’ pluralism and I will show, first, that while ‘deep’, it is still distinct from value pluralism, the moral doctrine advocated by Max Weber and Isaiah Berlin. I will argue, however, that Rawls’s argument would benefit from a distinction between two levels of pluralism: ‘first-order pluralism’ among values or beliefs, and ‘second-order pluralism’ among conceptions of the good and their public ‘reasons’ or arguments.² I will also insist that the emphasis in Rawls’s argument should be on the transformative and integrative power of the public sphere. I will, then, specify the limits and focus of such a political consensus once we abandon the illusion of unanimity or of overwhelming allegiance to ‘common’ values. Against Rawls’s ‘realist’ critics³, I will conclude that the possibility of a limited, but inclusive, political consensus, what Rawls called an ‘overlapping’ consensus, is a real hope, a view that should

be contrasted with the results of ‘secularism’ and its subsequent alienation of religious minorities. A good example of such a political ‘overlapping’ consensus would be the way British Muslims organizations, between 1989 and 2006, used public reasons in the Rawlsian sense that led to the inclusion of their grievances and claims within the British legal system and to widespread consensus on anti-discrimination legislation.

I. PLURALISM AS AN OBSTACLE TO LIBERAL POLITICAL CONSENSUS

Let us start our inquiry with some facts that shed a light on the new meaning of pluralism and the renewed tensions between political and cultural pluralism. As the sociologist Tariq Modood (Modood 2013: 13) mentions, “a high degree of racial, ethnic and religious mix in its principal cities will be the norm in twenty-first century Europe, and will characterize its national economic, cultural and political life... the majority of non-whites in the countries of Europe are Muslims; the UK, where Muslims form about a third of nonwhites or ethnic minorities, is one of the exceptions. With estimates of 12 to over 17 million Muslims in Western Europe today, the Muslim population in the former EU-15 is only about 3-5 % and is relatively evenly distributed across the larger states. However, in the larger cities, the proportion, which is Muslim, is several times larger and growing at a faster rate than most of the population”.

Islam in the liberal polity

Coupled with this rapid expansion, we have witnessed the growth of a new assertiveness of Muslim religious, not solely racial or ethnic, identities in the West. Muslims are expressing their demands for inclusion and equality in terms of respect for their *religion*, no longer in simply socio-economic, racial or ethnic terms. This is a major change. The recent rise of multiculturalism in the West, starting in Canada with the 1988 Multiculturalism Act, has been disrupted by the rapidity of these changes. The problem is no longer the peaceful coexistence of different ‘races and ethnicities’ (the American model of race-relations and colour-blind policies) or of ‘cultures’ (the Canadian model for immigrant integration), but how far the secular liberal state can tolerate religious groups who do not share liberal values such as equality of women, freedom of religion or of speech, etc. As Tariq Modood notes: “The emergence of a Muslim political agenda has thrown liberalism into theoretical and political disarray” (Modood 2010: 49).

It is this new Muslim assertiveness that seems incompatible with liberal political values, even stretched with the help of multicultural policies⁴. Whereas previous conflicts in Europe involved various strands of Christianity, the emergence on such a large scale of Islam

in the West as well as the geopolitical issue of its radicalisation, have created major problems in contemporary contexts. The commonly shared view is that of the *otherness* of Islam⁵, that it seems to be a source of divisions and conflicts because, on the whole, it advocates values that are inherently incompatible with liberal democracy⁶, with its conception of persons as free and equal citizens. On women's rights and equality, on the right to exit one's religious community, on free speech and toleration for other religions, on the dominant role of religion in the public space and in law and legislation as well as policies, the conflict is inherent, as Islam does not recognize the separation between State and religion.⁷ Religious allegiance to Islam and the customs and ideologies that accompany it are increasingly seen as a threat to democratic institutions, to the separation of State and religions, making it impossible to integrate. Is Islam really the Other of democracies? Can we agree that "today, it is the "figure of the Muslim [that] stands like a sentinel, marking the limits of the West: the state system, human rights, civil freedoms, democracy, sovereignty, even the simple requirements of the bare life" (A. Norton 2013: 5)?

Given that democracies are inherently politically pluralist and can only survive through consensus and agreement, be it constitutional or majoritarian, and that the liberal principle of legitimacy states that "principles and ideals must be acceptable to citizens' common human reason" (Rawls 1993: 137), what could be the basis for a political consensus in that situation? As Rawls says, the new problem of our time is:

"How is it possible for those affirming a religious doctrine that is based on religious authority, for example the Church or the Bible [one could add the Koran], also to hold a reasonable political conception that supports a just democratic regime?"(1993: xxxix). Or again: "How is it possible for citizens of faith to be wholehearted members of a democratic society who endorse society's intrinsic political ideals and values, and do not simply acquiesce in the balance of political and social forces? ... How is it possible – or is it – for those of faith, as well as the nonreligious (secular), to endorse a constitutional regime even when their comprehensive doctrines may not prosper under it, and indeed may decline?" (Rawls 1999: 149).

The paradox of liberalism

One easy answer would be to claim that some religious doctrines are so clearly incompatible with liberal values that they have no place in liberal societies unless they transform themselves and become more "like us", liberal individualists. This means that liberal values should be the dominant standard and should be recognized as such even if that leads to using the oppressive power of the State. However, even if State power is 'soft' or indirect, appealing to moderation to nudge citizens of faith towards accommodating or even abandoning their faith altogether, it is still oppression. The cases of Enlightenment rationalism or of French secularism or *laïcité* are exemplary. Restraining freedom of conscience is, for

them, justified in the name of reason and progress towards the ‘essential’ unity of mankind behind the ‘apparent’ diversity of creeds and doctrines. Such a view is very much alive in the French version of secularism (Audard, 1996,1999 and 2001; Bhargava 1998) where the use of State power to curb the religious freedoms of minorities is justified as a means towards political integration through the unanimous endorsement of ‘democratic values’. But this is paradoxical, as Rawls notes:

“If we think of political society as a community united in affirming one and the same comprehensive doctrine, then the oppressive use of state power is necessary for political community. In the society of the Middle Ages, more or less united in affirming the Catholic faith, the Inquisition was not an accident; its suppression of heresy was needed to preserve that shared religious belief. The same holds, I believe, for any reasonable comprehensive philosophical and moral doctrine, whether religious or nonreligious. A society united on a reasonable form of utilitarianism, or on the reasonable liberalism of Kant and Mill, would likewise require the sanctions of state power to remain so. Call this ‘the fact of oppression’” (Rawls 1993: 37).

The connection of liberalism with cultural or religious pluralism is thus deeply troubling. Liberals, on the one hand, claim to respect the diversity of moral and religious doctrines while, on the other, defending what Habermas calls the “ethical standard of individualism” (Habermas 1992: 271) or secularism, which is one particular value or *ethos* among others.

Rawls echoes this criticism in *Political Liberalism*:

“Historically, one common theme of liberal thought is that the state must not favour any comprehensive doctrines and their associated conception of the good. But it is equally a common theme of critics of liberalism that it fails to do this and is, in fact, arbitrarily biased in favour of one or another form of individualism” (1993: 190).

How is it possible for liberal values to claim allegiance without resorting to oppression, without asserting themselves as superior to any other acceptable values in society? This is the liberal predicament.

Is value pluralism the answer?

The doctrine of *value pluralism* is one way of overcoming this paradox. Following Max Weber and Isaiah Berlin, it redefines liberalism as a doctrine that takes diversity seriously and even embraces it as an intrinsic value. Accepting ‘deep’ pluralism, as a fact of the human condition should be, then, the defining feature of liberalism and lead to public institutions that let such differences flourish within limits, of course, instead of coercing them into homogeneity and unity. William Galston (Galston 2002: ch.2) has developed a useful contrast between post-Enlightenment and post-Reformation liberalisms. Whereas the former is monistic and confuses universality with homogeneity, post-Reformation liberalism includes pluralism as its major tenet. For this form of liberal pluralism, accepting and managing diversity and conflicts through mutual toleration is the preferred strategy, justified not on the

basis of moral principles or epistemic ideals of rationality and scientific progress, but by political realism. This was the result of the Wars of Religion of the 17th century that led to the vision of toleration expressed by Locke's *Second Treatise of Government* (1690) and his *Letter Concerning Toleration* (1689). Since beliefs in religious matters are private, attempts to use the blunt instrument of the state to control them are likely to be futile and Locke recommended that the civil government should not force minorities to convert, but aim at a peaceful *modus vivendi* among people sharing incommensurable values.

Similarly, for Isaiah Berlin's value-pluralism (1969, 1990 and 2000a), our moral universe is characterized by plural and conflicting values that cannot be harmonized in a single comprehensive way of life. This then justifies institutional pluralism, "the desirability of public institutions that conduce to the expression, rather than the coercive suppression or overt homogenization, of such differences" (Galston 2002: 27). Its outcome is a *modus vivendi* model of consensus: the existing balance of powers leads to a momentary equilibrium between the various conflicting demands and permits the management of diversity as peacefully as possible even if this outcome is not lasting. Politics being the art of the possible, *peace*, not unanimity should be the ambition of this form of liberal consensus. For Berlin, then, defining the limits within which diverse worldviews can coexist peacefully is more important than reaching unanimity on fundamental values. Instead of looking for full agreement and unity, we should limit our ambitions to peaceful coexistence and to the recognition that what divides us is definitive and constitutive of our humanity. To be rational, then, means to accept that the other may differ from me and still be 'reasonable' and the existence of 'reasonable disagreements' is a lasting feature of free and tolerant societies as « reasonable people tend naturally to disagree about the comprehensive nature of the good life » (Larmore 1994: 62). Such a view means renouncing a central assumption in the Western tradition, (with the exception of Hume, of course), that conflicts about values are in principle soluble, as are conflicting views of facts, and soluble with finality. It also means renouncing the confusion between *universality* and *homogeneity*. Equality, for instance, is a universal value not because it has the same meaning for all, but because it is recognizable by all in many different ways.

Value pluralism, then, can be said to have three main elements. The first element is the most distinctive: the human condition is characterised by a plurality of values that are sometimes *exclusive* of one another, but may still be worthy. For example, asceticism and engagement in political life are equally worthy ambitions, but they are not compatible in one single life. This is a weak version of value pluralism, as the incompatibility is not ontological, just pragmatic: no human life can include all the values we would like to support, and here

Rawls agrees with Berlin, “no social world is without loss” (Rawls 1993: 196). A stronger version would claim that incompatibility is built into the nature of values as subjective preferences. This is Max Weber’s strong conception of pluralism when deep personal and existential commitments are concerned. In his 1917-1919 *Vocation Lectures*, he says that “the ultimate possible attitudes towards life are irreconcilable and hence their struggle can never be brought to a final conclusion.” In that case, the intensity of spiritual commitments precludes any political accommodation.

The second element is that values are *incommensurable*. This means literally that there is no common measure to decide among them and among individual choices because values are not facts and cannot be decided upon in an authoritative way whereas facts can, as stressed in Kant’s famous distinction between ‘pure theoretical reason’ and ‘pure practical reason’: “Practical reason is concerned with the production of objects according to a conception of those objects – for example, the conception of a just constitutional regime taken as the aim of political endeavour – while theoretical reason is concerned with the knowledge of given objects” (Kant 1788: 65, 89; Rawls 1993: 93).⁸ In contrast, the appeal to dominant standards as ‘facts’ be they religious, cultural or political, and the confusion between facts and values only exist in authoritarian societies and the rejection of this confusion in the name of freedom of conscience is the cornerstone of ethical liberalism. Value pluralism is thus firmly grounded in the experience of contemporary liberal democratic societies.

However, for non-relativist value pluralists (Kekes 1994: 44), there is a third element to consider. If individual choices and preferences cannot be authoritatively arbitrated, their *consequences* can. ‘Reasonable’ accommodation or a *modus vivendi* among these incommensurable and incompatible values can still be found in order to reach some political settlement that leaves the value of these choices aside and only consider their consequences. An excellent example of political consequentialism can be found in the conclusion of Jean Bodin’s *Colloquium*, where all seven participants end the discussion peacefully, accepting their irreversible differences.⁹ This version of value pluralism, however, seems to lead to a very weak conception of consensus where all agree to disagree and it leaves political values in a very unstable situation when opposed by illiberal doctrines.

Now, what conclusions can we draw for the possibility of a liberal political consensus among conflicting doctrines and groups?

The weakening of liberalism: a dangerous outcome

The main problem is certainly how far and how deep should we assume contemporary pluralism to be. Extreme forms of value pluralism go as far as affirming the *intrinsic* value,

not only reality, of diversity. This is highly problematic and contradictory. If values are incommensurable with one another, then why rank diversity above other values such as national cohesion, community or social conformity? This is not satisfactory for at least three reasons. First, value pluralism does not provide any guidance with respect to urgent issues such as the *limits* within which diverse religious views might be tolerated, especially views that openly reject liberal values such as equal protection of individual rights, even if superficially they conform to the legal framework. Arbitration courts such as Islamic Sharia courts or Jewish Beit Dins should be subjected to state controls; but these are very difficult to set up in a tolerant but firm way without any guidance for the judges based on value rankings, between, for instance, political and religious values.

Second, extreme value pluralism leads to *laissez faire* and toleration as indifference as it does not engage with the root and extent of divergences and with the groups it opposes as 'illiberal'. The intensity of beliefs around the ends of life, for instance, or the constitutive role values play in creating individual as well as collective identities, are treated as intractable questions and left aside. However, this contradicts the virtuous dynamics whereas minorities can change voluntarily and enjoy the benefits of openness, inclusion and recognition. Value pluralism is an *individualistic* take on moral questions that ignores the capacity and willingness of minorities to compromise and the pragmatism shown by individuals and communities that want to survive and flourish in an often fairly hostile environment. By adopting this stance, liberal democracies fail to commit themselves to discuss and advocate their own values and leave the very liberal principles of individual freedom and equality defenseless and without authority, making the establishing of a stable political consensus impossible. That form of liberal pluralism is fairly ethnocentric and not conducive to dialogue and recognition, which were exactly the demands formulated by the British Muslims in their reaction to the publication of the *Satanic Verses* in 1989. This is why it will be worth looking at the Rushdie Affair in more detail, as I will in the next section.

Third, and even more problematic, value pluralism is a controversial view on ethics and the human condition that can lead to *relativism* even if Berlin states that some goods are universal and if non-relativist value pluralists claim that accommodation among values is possible. There is a serious danger of relativism in this 'realist' attitude: the demands of the other remain 'other' in the name of toleration and are not taken into account. As Anne Phillips notes, "the tendency to represent individuals from minority or non-Western groups as driven by their culture and compelled by cultural dictates to behave in particular ways... denies human agency... and implies a contrast with rational, autonomous (Western) individuals, whose actions are presumed to reflect moral judgments, and who can be held responsible for

those actions and beliefs” (Phillips 2007: 8-9). In the end, recognizing diversity as an *intrinsic* value is a divisive, not an inclusive conception of pluralism, and may be seen as a one-sided view, not shared by minority communities.

The problem is, then, how to take seriously the plurality of values while arguing for a *liberal* political consensus, that is, one that is reached freely. My claim, as I will show now, is that the argument for liberal pluralism should proceed on two planes. First, we should clarify what pluralism means at the political level and make a distinction between two levels of pluralism instead of treating diversity as an intrinsic value. Second, we should stop equating consensus with unanimity and look at the various ways in which agreements between competing doctrines can be reached. Let us start with a revisionist view of value pluralism.

II. FIRST-ORDER AND SECOND-ORDER PLURALISMS: A CRITIQUE OF VALUE PLURALISM

It may be useful at this stage to introduce a distinction between two levels of pluralism: the plurality of values or beliefs, and the plurality of reasons and doctrines. This will lead to ask whether and in what measure the plurality of values, of individual and collective beliefs and choices concerning the most important issues in our lives, is directly *political*, directly relevant for political life, decisions and legislation. Is it not rather their *public* expressions that are political? It is important to emphasize the distinction. Public disagreements stem from clashes among apparently incommensurable values and beliefs, on abortion, gay marriage, equality of women, religious education, etc., but are distinct from them. They are necessary tools in the political struggles for power and for mobilizing public opinion. However, they are not simple expressions of incompatible choices, as they must rally both their constituencies and the wider public.

A critique of value pluralism

This complexity and the demands of political struggles are obscured by the way value-pluralists package values as mere a-political preferences. The sheer fact that values appear as incommensurable could be the result not of any ontological divide, but of the way they are presented. In that sense, value-pluralism as a doctrine on the *nature* of values is possibly not as relevant as it seems in the political sphere. For instance, values can be and are often packaged as mere consumer goods. In some streets of San Francisco, you can see stalls after stalls of such spiritual goods or ‘values’ offered for consumption: a Catholic church, a yoga workshop, many different schools of psychoanalysis and psychotherapy, a Buddhist temple, a Presbyterian chapel, a space for meditation or mindfulness, etc., all catering for the well-being

of various sections of the population. In that case, it is clear that any reasonable comparison between them is impossible. They are clearly incommensurable and only individual choices can decide: there is no accepted common standard to choose among them. It is up to the individual to create her own value-system after experimenting with what is on offer in a free society.

But this is a highly distorted view of the sense in which values are diverse. In reality, values are social and historical constructs, prized not only by individuals, but also by groups and communities in the course of *history*. This is what the history of human societies and of ethics teaches us. What we call values are not mere preferences, they are final ends or objectives that have been validated by our various traditions, that we find deposited in our culture and that we rely upon in order to properly develop and realize our own potential both as individuals and as members of a group. Some have been more successful than others and two centuries of the liberal experiment may teach us the superiority of freedom for a fulfilling life, but that does not exclude other successful experiments in living such as choosing to conform to traditions or to sacrifice one's success for the happiness of others. Whereas some have been total disasters and have been rejected as monstrous by humanity because they are based on destruction and exclusion, for instance, the belief that the value of some lives requires the destruction of others or their exclusion, others have flourished and are universally recognized as in the Universal Declaration of Human Rights of 1948. We need to reconnect individual and collective values with their historical environment to make sense of the nature of pluralism in the public sphere.

Let me take a powerful example of the distinction between first-order beliefs and second-order reasons. The streets of 17th century Venice were very different from 21st century San Francisco. The Jewish population was hidden from public view and locked on its islet, the Ghetto, where the drawbridge was carefully lifted every night. In Shakespeare's *Merchant of Venice*, we have an extraordinary prescient indication of the problems of pluralism. When Shylock and Antonio first meet, the incompatibility and incommensurability of values explode in front of the audience:

“I will buy with you, sell with you, talk with you, walk with you and so following:
but I will not eat with you nor pray with you” (I, 3).

“I hate him for he is a Christian: he lends out money gratis and brings down the
rate of usance here with us in Venice” (I, 3).

When Shylock gives reasons to justify usury: “ This was a way to thrive and he was blest: and thrift is blessed if men steal it not” (I, 3), Antonio refuses to listen and, then, concludes: “ The Hebrew will turn Christian - he grows kind” (I, 3), making any recognition of the diversity of values impossible.

However, there comes a point in this most ambiguous and paradoxical of tragedies, when Shylock transcends the incommensurability of values, the chiasm between Judaism and Christianity, in his famous monologue:

“He hath disgraced me and hindred me half a million, laughed at my losses, mocked at my gains, scorned my nation, thwarted my gains – and what’s his *reason*? I am a Jew. Hath not a Jew eyes? Hath not a Jew hands, organs, dimensions, senses, affections, passions? Fed with the same food, hurt with the same weapons, subject to the same diseases, healed by the same means, warmed and cooled by the same winter and summer, as a Christian is? If you prick me, do we not bleed? If you tickle us, do we not laugh? If you poison us, do we not die? If we are like you in the rest, we resemble you in that” (III, 1, my emphasis).

One reading traditionally praises Shylock’s appeal to universal values as a way of resolving value conflicts. But I don’t think that this is the true meaning of Shakespeare’s change of tone. The tragic point is that Shylock is now trying to talk to Antonio and to express his conception of the Good through reasons nourished by his Judaism, and fails. Beyond the antagonism of personal or private values, there should be room for a public confrontation of reasons. What *reason* do you have, asks Shylock, to scorn me other than the fact that I am a Jew, which is no reason? Shylock is appealing to public reasons and justice in a very modern way, showing that value conflicts should not prevent their translation into intelligible, even reasonable demands for justice. Even if their personal values are incommensurable, the protagonists, following Shylock’s example, may express them in intelligible and reasonable terms, which is exactly what his Christian adversary refuses. Shylock uses public reasons to make his case, but is denied a hearing.

“Fair Sir, you spit on me on Wednesday last, you called me dog and for these courtesies, I’ll lend you thus much moneys?” (I, 3)

It is extremely revealing that the play should end with a trial as it is in the legal context of the final trial and of its public nature that the demands of each party ought to be phrased as public reasons, which is denied to Shylock who never gets justice as in Act 4, Portia appeals to ruse and to legal justice, not to public reasons:

“The Jew shall have all justice – soft, not haste – He shall have nothing but the penalty... Shed thou no blood... Thou diest and all thy goods are confiscate” (IV, 1).

The tensions between the private and the public expressions of values are apparent in another example, that of the “proud FGC cutter”¹⁰, a very successful practitioner, a woman from Zambia interviewed by the BBC who is paid by families to mutilate young girls and make them acceptable as future brides. Talking to an interviewer, she claims to be proud of her trade, that she perpetuates important traditions that bring the community together. However, asked what are the *reasons* for the practice, she tellingly refuses to answer and declares: “We are a secret society”. There are no public reasons to support these beliefs and they cannot be translated into shared reasons, they have to remain secret.

This illustrates an important distinction at work in the public sphere and missed by value-pluralists between *first-order beliefs* that directly concern important goods or values, and *second-order reasons* or arguments that support these beliefs and that are intelligible even for those who do not value them. However, intelligible does not mean universal or identical, but solely translatable into a common language.¹¹ In contrast, the incommensurability of value refers, primarily, not to political life, but to personal experiences and beliefs, individual or collective. Writers too easily slip into talk of the incommensurability of cultures when they mean the incommensurability of first-order beliefs.¹²

‘Conceptions of the Good’, - the term used by Rawls to designate religious, moral and philosophical comprehensive doctrines -, are ‘conceptual schemes’ that organize and structure value judgments in ways that can be translated and made public for other individuals, groups and communities while remaining intelligible for their followers.¹³ The possibility of this distinction stems from the transformative power of the public sphere in a free society. Following Wittgenstein’s anti-private language argument, we should recognize that the requirements of publicity lead to the transformation of beliefs into reasons, as there cannot be ‘private reasons’ (Rawls 1993: 220 note 7). Reasons are either non-public or public and translatable, but they are not private. This is the main reason why public and reasonable disagreements between various moral or religious doctrines should not be confused with the incommensurability of values. What happens in the political sphere is a clash between conceptual schemes, not between incompatible values. Religious and moral doctrines have already transformed and processed first-order conflicting beliefs and interests into second-order conceptualized arguments that are at play in the epistemic ideal of public justification.

The transformative power of the democratic public space: the struggles of contemporary British Muslims (1989-2006)

To conclude this section, I would like to show how the experiences and struggles of contemporary British Muslims illustrate the transformation of religious beliefs into public reasons and the integrative role a pluralist democratic public space can play. Without this transformation and the public space needed for it, no political consensus among conflicting values and choices can take place.

In his study of Sharia Councils in Britain, John Bowen shows the creativity of British Muslims, how the “fractured” character of Islam in Britain helps to make it “institutionally creative” (Bowen 2016: 6)– especially in comparison to the markedly less divided and less creative character of Islam in France. He sums up his main contention as follows: “British Muslims, most of them anyway, are in the long and messy process of creating institutions that

make sense in Islamic terms and also in British ones” (Bowen 2016: 6). Bowen’s master stroke is the counter-intuitive claim in the final chapter that “The real debate about Islam in Britain is taking place elsewhere, among Muslims” especially over the boundary between conservatives and liberals in matters such as gender relations, patterns of dress, forms of education, and marriage and divorce, where “a flourishing of liberal cultural activists square off against their conservative opponents” (Bowen 2016: 209). And it is precisely among Muslims in Britain that Bowen detects evidence of *public reasoning* that he calls “practical convergence” or a form of “adaptation to a British context” (Bowen 2016: 227), which nevertheless draws on normative resources within different interpretations of Sharia law. Bowen sees practical convergence as a creative attempt to devise institutional mechanisms such as Sharia councils, which try to be responsive both to their British context and to Muslims’ demands.

But the most striking case of this transformative power of the public space is, possibly, the way British Asian Muslims mobilized after the publication of the *Satanic Verses* (1989) by Salman Rushdie (Modood 2010: ch.1). This was not a top-down movement, but a challenge to mainstream public opinion and existing majority-minority relations from below. “The Rushdie Affair was the hour of the simple devotionalist” (Modood 2010: 27) that led to the creation of the *UK Action Committee on Islamic Affairs*. This was the first instance of Muslim political agency and entry into public life, Muslim communities addressing directly British institutions. “They looked to the British establishment (publishers, the political class, the politicians, the law courts) to intervene on their behalf” (Modood 2010: 10). What is remarkable is that the first argument used by the Committee was that of ‘apostasy’. The offense that had angered Muslims was that Salman Rushdie being a Muslim was an apostate, an argument, which being exclusively religious, the British public could not be expected to make sense of. This is the reason why, realizing that they had achieved little sympathy, the *Muslim Council of Britain* created in 1998 used the more British term of ‘blasphemy’, which is still familiar in British law. But it is only with the demand for the criminalization of ‘incitement to religious hatred’, echoing legislation for Northern Ireland and that over incitement to racial hatred in Britain that British Muslims managed to change the legislation in 2006. Starting from non-public beliefs and values, they succeeded in entering mainstream politics with an equality agenda based on public reasons on four issues: mobilizing and establishing a Muslim religious community voice, securing legislation on religious discrimination and incitement to religious hatred, socio-economic policies to fight against severe disadvantages and creation and support for Islamic schools.

“Allowing Muslims to politically organize as Muslims without any sense of illegitimacy and for them to raise distinctive concerns, to have group representation in political parties,

trade unions, various public bodies and so on, means allowing Muslims to organize in ways they think appropriate at different times, in different contexts and for different ends. The result will be a democratic constellation of organizations, networks, alliances and discourses in which they will be agreements and disagreement, in which group identity will be manifested more by way of family resemblances than the idea that one group means one voice” (Modood 2010: 5).

Unfortunately, the MCB’s pre-eminence began to suffer from the mid-2000s and since 2006 this process has stalled and hopes for meaningful dialogue and progress have faded.

III. UNPACKING RAWLS’S CONCEPTION OF PLURALISM

I would now like to ‘unpack’ the meaning of Rawls’s ‘reasonable’ pluralism in view of my comments on ‘second-level’ pluralism and of the transformative power of the public space. Rawls’s ‘reasonable’ pluralism¹⁴ should be understood, not as a first-order pluralism among competing values, but as a second-level pluralism among ‘reasonable’ conceptual schemes and doctrines that political mobilization and access to the public realm make necessary and possible. This is the meaning of a ‘reasonable’ pluralism, a notion that has been widely misunderstood. From there, a political consensus based not on unanimity and shared values, but on differences and discussions on collective norms and principles, becomes more realistic while still being able to recognize that “conflicts at the level of reasonable moral, religious, and philosophical comprehensive doctrines have “absolute depth” (Rawls 1993: xxviii). This would be Rawls’s nuanced answer to the pessimism of value-pluralists.

Two main criticisms

Rawls starts, as I mentioned, with a distinction between ‘pluralism as such’ and ‘reasonable’ pluralism (Rawls 1993: 36). At first glance, a ‘reasonable’ pluralism is not a serious and deep enough description of the contemporary situation. A ‘reasonable’ pluralism begs the question of political conflicts and the urgency of consensus. It makes it too easy. Rawls seems to ignore the modern challenges to this view of reason and he seemingly remains wedded to Enlightenment liberalism. Secondly, his claim that religious doctrines can be reasonable and part of a ‘reasonable’ pluralism is a very contentious view. If they are reasonable in the sense of moderate, they will easily agree on terms of cooperation and the conflicts they will try to overcome will not be, in the end, that deep and divisive, which is not the case in the contemporary situation. If, for instance, pro-life militants end up accepting legislation guaranteeing procreative justice for women, it can only be in the name of political expediency, not as a result of a consensus on liberal values. ‘Reasonable’ pluralism is then toothless.

But these critics ignore some very important distinctions.

First, these two criticisms are victims of what Kant called a transcendental illusion: confusing things as they are for us and as they are in themselves. They share the illusion that incommensurability and the impossibility of consensus on a common standard are the last words on the *ontological* nature of values, whereas, as I noted before, this has perhaps as much to do with the way values are packaged as consumer goods in modern societies as with the nature of values. Rawls quite rightly rejects this confusion and insists that ‘reasonable’ pluralism is a feature of contemporary democratic societies, not a statement on the nature of values. Second, because we are dealing with political conflicts and mobilization within a democratic set-up, we only need to refer to reason as the capacity of political agents to advance reasons for action, not as a theoretical faculty or the capacity to reach unanimous judgments on truth. « In the realm of values as opposed to the world of fact, not all truths can fit in one social world » (Rawls 1993: 197 note 32). Again, we should refer here, as Rawls does, to the Kantian distinction between practical and theoretical pure reason. Thirdly, just as they ignore the democratic context Rawls refers to, these critics ignore the transformative power of a free public space, of the kind made possible by the struggle for basic rights and freedoms in democratic societies for the last two centuries, a space where beliefs can be freely transformed into arguments and religious beliefs can evolve into fully fledged conceptions of the good and of justice. I will argue that these distinctions are operative in Rawls’s argument but need to be unpacked. I will start with the conceptions of reason and of ‘reasonableness’.

The ‘reasonableness’ of religious doctrines

In what sense may religious doctrines be ‘reasonable’ according to Rawls?

This means, first, understanding the religious phenomenon, particularly Islam, as contributing to political conceptions of justice rather than simply contrasting its articles of faith with the secularization of society. This is an essential step that liberalism must take and from which it must draw new intellectual resources. Rawls sets an example in this respect with his analysis of the compatibility between Islam and liberalism.¹⁵

“Citizens’ mutual knowledge of one another’s religious and non-religious doctrines expressed in the wide view of public political culture recognizes that the roots of democratic citizens’ allegiance to their political conceptions lie in their respective comprehensive doctrines, both religious and nonreligious. In this way, citizens’ allegiance to the democratic ideal of public reason is strengthened for the right reasons” (Rawls 1999: 153).

Religions are, then, ‘reasonable’, in the sense that they are not simply constituted of dogmas or articles of faith, but have also acquired the capacity to use ‘*public reasons*’, that is, arguments phrased in a language accessible to all, not exclusively directed to the community of believers. The recognition of such a capacity is not new in the history of religions and in

Christianity, since Aquinas and Locke, reason and religion have been in constant interaction. ‘Reasonable’ is then contrasted by Rawls with ‘true’, meaning that reasonable religious doctrines recognize that doctrinal truths, such as the sanctity of life, are not directly relevant politically unless they are rephrased and expressed in a public political language as I have shown in the case of British Muslims’ 1990s mobilization. Rawls quotes the example of Martin Luther King Jr. who, first, expressed his condemnation of the institution of slavery as contrary to God’s law, basing his argument on religious grounds and ‘truths’ (Rawls 1993: 249 and n.39: 250). But, then, “King was able to appeal to the *political* values expressed in the Constitution”, to the 1954 Supreme Court decision that hold segregation unconstitutional. It is this capacity to move to common ground that expresses the ‘reasonableness’ of religions.

As a consequence, secondly, religious doctrines are ‘reasonable’ when they get to recognize the political domain as a domain where their own views do not necessarily and directly prevail. They start to acknowledge the plurality of competing views as well as the principle of democratic legitimacy, the authority of political principles beyond their own community of justification in order to regulate these conflicts. Borders, of course, are porous, but in terms of justification, the reasons invoked are utterly different: churches appeal to their various religious doctrines to impose ‘local’ rules and principles whereas, when they enter the public sphere, they change their language and accept that political practices and decisions have to be justified on the basis of a common ‘political’ conception of justice that is independent from any religious or other comprehensive doctrines and thus acceptable to all. Religious doctrines that accept this authority and the principle of legitimacy are ‘reasonable’ in this limited political sense of recognizing the reality and the coercive nature of the political domain, not in any substantive sense. They can, then, recognize equal freedom for other religions and, for example, the ‘right to exit’ for reasons that are political, not religious or secular. This is, of course, a long and tortuous process, as two authorities, spiritual and political, are competing and it takes great efforts to understand that basic human rights are not representative of a secular doctrine, but “are recognized as necessary conditions of any system of social cooperation” (Rawls 1999: 68).

Thirdly, ‘reasonable’ religious doctrines are responsible in the sense that they develop a sense of civic responsibility towards the *polis* as a whole.

“Ideally citizens are to think of themselves as if they were legislators and ask themselves what statutes, supported by what reasons satisfying the principle of reciprocity, they would think it most reasonable to enact” (Rawls 1993: 219).

Because political power constrains all members of the body politic taken collectively, it can have devastating results (Rawls 1999: 137). The democratic principle of reciprocity as well as

political consequentialism require that each person as a citizen think about how the others will accept or reject the legislation in question and that she gives priority to fair terms of cooperation over her own beliefs without abandoning them. They also require a dynamic conception of the political domain where such understandings and transformations can take place without coercion. Instead of seeking hegemony for their own beliefs and principles in the public sphere, 'reasonable' religious persons learn progressively to view themselves as citizens, as parts of a larger whole than their own religious community and to consider the consequences of their choices for those who do not share their convictions. The same is true, of course, of non-religious persons who are not necessarily disposed to be reasonable and politically responsible. This is a long process and such a result can only be achieved through education, mobilization, conflicts and lengthy decision-making procedures. If, for instance, we vote on abortion rights solely according to our substantive beliefs, we do not act 'politically' as citizens, whereas when we realize that our vote has public consequences, we act 'politically'. We should remember that voting, says Rawls, is a public, not a private act as our decisions have political, legal and economic consequences for others far beyond one's own community of justification (Rawls 1993: 219). As citizens, we see ourselves as both legislators and addressees of the law, and we should care for the consequences of our political decisions for all those others, who do not think like us. We are not asked to fully accept, for instance, the right to abortion, the right to gay marriages or the teaching of Darwinism as a shared ethos, only to make sure that legislations in these domains respect the limited principle of reciprocity which guarantees accommodations and compromises on these burning issues. Even if, at first sight, some religious persons cannot bring themselves to modify their choices in view of their political consequences for others such as the right to abortion, they can progressively be made aware of the benefits of citizenship and of "accepting that politics in a democratic society can never be guided by what we see as the whole truth" (Rawls 1993: 243).

However, such a view of the reasonableness of religions raises many questions. Feminists oppose it on the ground that it leaves too much to be decided by comprehensive religious doctrines, in particular the role of women in the family and in society. "Rawls, writes Okin (Okin 1994: 31), does not apply the same strict criteria of reasonableness to comprehensive doctrines that involve considerable gender inequality that he does to those that treat people differently on racial or ethnic grounds."¹⁶ Many have also doubted that our deepest disagreements could be moved off the political agenda so easily without being publicly dealt with. For instance, Joseph Raz's perfectionist defence of liberalism is highly critical of Rawls's epistemic abstinence (Raz 1994: 60-70) and insists on the value of deep

disagreements so that when we reach a consensus, it will have a stronger basis in a shared overcoming of our opposing beliefs. Akeel Bilgrami (Bilgrami 2004: 173-196) equally insists on the benefits of having to deal publicly with our deep disagreements in order to develop new reasons and arguments through a historical process. The use of public reason, being constrained on two counts – by the principles of justice and by the exclusion of truth – may be left powerless, especially when faced with deep religious claims, be they by Christians or Muslims or other. My defence of Rawls is that these criticisms are based on a different understanding of what ‘deep’ disagreements are. To claim that disagreements can be overcome does not mean that they are treated as shallow or that they are not taken seriously. It means that the transformative power of the public sphere acts on second-order conceptual schemes, not on stark contrasts between non-public beliefs and communities and once we make the distinction between the two pluralisms, it is clear that ‘reasonable’ accommodations are not impossible. Political consequentialism and epistemic abstinence do not block out first-order ends and interests, but demand that they be transformed into second-order public reasons.

Reconciliation through the use of public reasons: an overlapping consensus

The main advantage of the appeal to public reasons is to preserve the diversity of the main competing views as no agreement is asked on any particular doctrine or conception of the good. The only requirement is that, from within each religion or religious morality, a narrow or wide backing for a public conception of justice (basically, constitutional principles, procedures and norms) should be found through public reasons and deliberation. This should lead to an ‘overlapping consensus’, that is, a partial and open-ended consensus where some religious and moral doctrines may provide a full backing for democratic principles whereas others are only in limited agreement on very general values such as ‘the good of democracy’, peace, freedom and prosperity, rejecting more specific requirements of democratic justice, such as exposure to other religions and cultures for their children, or the right to abortion or divorce, or the rights of gay couples, etc. The minimal agreement would be on the two principles of justice (justice as fairness) and on a ‘general conception of justice’ that “states that all social values – liberty and opportunity, income and wealth, and the social bases of self-respect – are to be distributed equally unless an unequal distribution of any, or all, of these values is to everyone’s advantage”. (Rawls 1971: 54). As a consequence,

“Conflicts between democracy and reasonable religious doctrines are greatly mitigated and contained... This mitigation is due to an idea of toleration... There are limits, however, to reconciliation by public reason” (Rawls 1999: 176-177).

What kind of political consensus does such a view of liberal pluralism make possible? What conditions would make it stable enough to resist the assaults of illiberal critics and enemies?

The first point is that such a consensus would be *limited*. An ‘overlapping consensus’ can be understood as occupying the middle ground between two other forms of agreements. A comprehensive consensus or a philosophical consensus would mean that all parties to the agreement endorse it for the same reasons. As I have already mentioned, Rawls goes so far as to claim that a philosophical consensus upon a political conception can be sustained only by oppression (Rawls 1993: 37). Alternatively, where a principle is endorsed as a *modus vivendi*, each party to the agreement accepts it reluctantly, as a less-than optimal compromise. Rawls argues that a *modus vivendi* agreement on a liberal conception is “political in the wrong way” and inherently unstable (Rawls 1993: 142). Here, as I have shown, he parts company with both political ‘realists’ and ‘value pluralists’ for whom political expediency is, in the end, the only way liberal institutions and principles can survive in a hostile environment, if their consequences are better than those of other political principles. By contrast, where a principle is the focus of an overlapping consensus, it means that each party endorses it for different but serious reasons, grounded in some deep beliefs, as something more than a compromise. Utilitarian citizens tell a decidedly utilitarian justificatory story about the same political conception that Kantians endorse for Kantian reasons, and so on for every reasonable citizen. Accordingly, even though citizens do not share a common justificatory story for the liberal conception, each endorses it “for its own sake” and “on its own merits” (Rawls 1993: 148).

The second point is that such a consensus should be *moral* in the precise sense that it is reached through a justification process that involves not only “the powers of reason (judgment, thought and inference)” but also what Rawls calls the citizens’ two moral powers, the capacity to develop a conception of the good and a sense of justice (Rawls 1993: 19). It is not moral in the sense that it is based on a specific doctrine or on shared values, but that it is the work of citizens who view themselves as moral persons – something, which, I would like to stress, is extremely important for gaining the allegiance of deeply religious people. As I will show in the next section, one of the most shocking aspects of secularism for believers is the equivalence between secularism and axiological neutrality and the exclusion of moral concerns from the public sphere in the name of the ‘privatization’ of moral and religious doctrines. Instead Rawls stresses that public justification treats citizens as moral persons whatever their religious affiliation and thus recognizes in practice their equal dignity as interlocutors instead of imposing a common doctrine without dialogue and recognition. “Being designed to reconcile by reason, justification proceeds from what all parties to the

discussion have in common” (Rawls 1971: 508). Consequently, such an overlapping consensus can be reached not by excluding the most intractable conflicts, but through difficult and often painful discussions, constitutive of a pluralist and ‘deliberative’ democracy (Rawls 1999: 138).

Why secularism is not the basis for reconciliation

But, how far should such reconciliation go? Is it not essential to win people’s “hearts and minds” and not to be satisfied with the passive acceptance by religious minorities of a mere *modus vivendi*? Here Rawls enters dangerous territory and appears to distance himself from liberalism and the necessary ‘privatization’ of religions by the liberal secular State. He seems to suggest that only a ‘thick’ moral consensus around political values such as equality, freedom and the rule of law can produce a lasting agreement. The insoluble problem that Rawls comes up against is that a substantive consensus of this kind, even on liberal values, is excluded by liberalism, for it can only result from the intervention of the coercive power of an illiberal state.

Rawls’s answer is twofold. First, neutrality is a contested concept and liberal democracies only ask for neutrality of aim, namely that the State should be prohibited from promoting any one dominant aim, not that religious doctrines should be excluded from the public sphere that should remain a level playing field. “The state is to ensure for all citizens equal opportunities to advance any [permissible] conception of the good they freely affirm” (Rawls 1993: 192, see also 190ff.). But it also means, secondly, that this neutrality should not be confused with *secularism* or the ‘privatisation’ of religions. If the State is not to be dominated by one single comprehensive doctrine, be it philosophical, moral or religious, secularism being such a doctrine cannot be the answer to pluralism and dissent. This would signal the end of both individual liberty to choose one’s own values and way of life, and of equality among citizens, as minority religions or beliefs-systems would be crushed or excluded. This, even more importantly, would destroy the main feature of democratic regimes and societies, that direct confrontations between religious doctrines and State power are mediated through dialogues and debates and the appeal to public reasons. “When there is a plurality of reasonable doctrines, it is unreasonable or worse to want to use the sanctions of state power to correct or to punish those who disagree with us” (Rawls 1993: 138).¹⁷ Rawls asks us consequently to overcome the confusion between ‘secular’ and ‘secularism’. To be ‘secular’ simply means not to affirm any particular doctrine in the political sphere. As Rawls states, “It is a grave error to think that the separation of church and state is primarily for the protection of secular culture; of course, it does protect that culture, but no more so than it

protects all religions” (Rawls 1999:166). If liberalism is to take seriously the fact of pluralism characteristic of democracies, it cannot exclude religious doctrines from the public sphere. However it has to ask them to enter into a dialogue which is admittedly limited to politics, but which presupposes reciprocal understanding and recognition. “Privatisation”, by contrast, could lead to extremism and radicalization. Only a public and institutionalized process of mutual justification can lead to successful reconciliation. Without this dialogue, we are left with a weak procedural form of democracy, deprived of any moral content and always vulnerable to the existing balance of power.

CONCLUSION

I have tried to show that neither value pluralism and its scepticism nor secularism and its exclusion of religious doctrines from the public sphere are the answers to the fact of pluralism even when we take it seriously as ‘deep’ pluralism. The answer lies in the opening up of the public sphere to the second-order pluralism of public reasons, as my examples have shown. However, just as liberalism needs to evolve and justify its principles convincingly, so too do religions need to change in contact with democratic societies and become more ‘political’ in the limited sense that they mobilize and start to fully participate in the political consensus and alter, not the content of their doctrine, but the type of arguments that they agree to use to defend their viewpoints. Although the convictions underlying the demands of minority religions are not universally valid, they must at least be communicable or capable of being framed in such terms that they can be justified and recognized as valid even if they are not shared. “Justification is a matter of the mutual support of many considerations, of everything fitting together into one coherent view” (Rawls 1971: 19). Both liberal institutions and principles and religious doctrines should be part of this process of mutual public justification and deliberation that is the key to success. As I have shown, a limited consensus on liberal political principles is conditioned on a transformative process where first-order beliefs give rise to second-order reasons when entering the public space.

ENDNOTES

¹ The question of a stable political consensus occupies the best part of Part III of *A Theory of Justice*, but, in *Political Liberalism*, Rawls recognizes that, because TJ does not

take into account the fact of reasonable pluralism, « the account of the stability of a well-ordered society in part III is unrealistic and must be recast » (Rawls 1993: xix).

² For a similar distinction, see Susan Wolf (1992: 790), Charles Larmore (1994: 62) and George Crowder (2007: 134).

³ Critics of Rawls remain unconvinced that plurality could be so easily accommodated. See John Gray (2000) and William Galston (2002). On the ‘realist’ critique of Rawls’s utopianism, see the special issue of *Social Philosophy and Policy*, 33/1-2, Winter 2016, Cambridge University Press.

⁴ Here is a list of current multicultural policies: (1) constitutional, legislative or parliamentary affirmation of multiculturalism at the central and/or regional and municipal levels (Ex. Canada Multiculturalism Act of 1988), (2) the adoption of multiculturalism in school curricula, (3) the inclusion of ethnic representation/sensitivity in the mandate of public media or media licensing, (3) exemptions from dress-codes, Sunday-closing legislation, (4) allowing dual citizenship, (5) the funding of ethnic group organizations to support cultural activities, (6) the funding of bilingual education or mother-tongue instruction, and (7) affirmative action for disadvantaged immigrant groups.

⁵ See Anne Norton (2013: 5): just as “the Jewish question was fundamental for politics and philosophy in the Enlightenment [i]n our time, as the Enlightenment fades, the Muslim question has taken its place” .

⁶ ‘Liberal democracy’ is a shortcut for the combination of popular sovereignty, constitutional checks and balances, and the rule of law that has dominated Western democracies since 1945. See Fareed Zakaria (Zakaria 2003: 17).

⁷ This is not true to the same degree for the quietist tradition of Shia Muslims and the Grand Ayatollah Sistani of Iraq has stressed the separation between politics and religion quite firmly.

⁸ Such a distinction can be questioned in the name of *epistemic pluralism*, a critique I do not mention in this paper. If following John Stuart Mill’s defense of liberalism in *On Liberty*, one stresses the crucial importance of a free public and pluralist space for scientific discovery and progress, the Kantian distinction is less convincing. “For Mill, a society governed by liberal institutions is the most efficient in producing true beliefs and correcting false beliefs at least in the long run” (R. Talisse, 2008: 4). However, this might be a case of confusing the quest for truth and its conditions with truth itself as a norm. In that case, the Kantian distinction is still valid.

⁹ Jean Bodin, *Colloquium of the Seven* (1588). Bodin was a precursor of Locke and one of the first to argue that a state might contain several religions. See Rawls's homage to Bodin (Rawls 2009: 266-269).

¹⁰ "My quarrel with a proud FGM cutter" by Tulip Mazumdar, BBC News 20 November 2016, from the section Magazine.

¹¹ The view most commonly associated with Wittgenstein and Davidson asserts that there are no insuperable problems of translation between languages or « conceptual schemes ». Conceptual schemes cannot turn out to be wholly or radically incommensurable. Conceptions of the Good are conceptual schemes and as such are, at least partly, translatable.

¹² Berlin is also sometimes at fault in this respect (Berlin 2000b: 233, 235). See G. Crowder (2004).

¹³ An excellent example would be that of the Catholic Church's teachings on sex education and its arguments. "For Pope John-Paul II (1981 *Familiaris Consortio*), "Imparting sex information dissociated from moral principles" leads to "the loss of serenity" and the opening of the "way to vice." Hence the Pope's moral opposition to familiar forms of sex education appears to be based on empirical data. Consequently, the Pope's argument in part rests upon what he takes to be reliable data and to the kind of social epistemic system that is best realized in a liberal society" (Talisso 2008: 118). The arguments then appeal both to his constituents as expressing their first-order beliefs and to the wider liberal society's conception of truth as based on empirical verifiable data.

¹⁴ C. Larmore quite rightly notes that Rawls confuses pluralism with reasonable disagreement, which are two distinct ideas and that "doctrine and reasonable disagreement about doctrine can hardly be the same thing" (Larmore 1994: 63).

¹⁵ See also Rawls 1999: 151, note 46, and his analyses of the work of Abdullahi Ahmed An-Na'im (1990). For Rawls's view of Islam, see Rawls 1999: 75-78.

¹⁶ See also Martha Nussbaum 2003: 508-511.

¹⁷ It might be useful to note here that, in 'On my Religion', Rawls mentions his interest as a young man for the history of the Inquisition and for "its use of state power to establish its hegemony and to oppress other religions" (Rawls 2009: 264). Such interest transpires also in Rawls 1993: 37.

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