CONSTRUING THE REASONABLE. RAWLS'S POLITICAL LIBERALISM BETWEEN RORTY AND HABERMAS

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1. *Reasonable and Rational in The Project of Political Liberalism*

Rawls's *Political Liberalism*, while presented as a revision of his ground-breaking *A Theory of Justice*, implies in fact a deep going deconstruction and questioning of the latter[1]. Mainly because of this legacy, and despite the apparent simplicity of its basic idea, the project of *Political Liberalism* presents several tensions and even ambiguities, which are only partially addressed by Rawls. It is no coincidence that, as we will see, two authors as different as Richard Rorty and Jürgen Habermas both claim a proximity between *Political Liberalism* and their own projects, though proposing amendments to the former in order to enhance such proximity. To anticipate, the central ambiguity of *Political Liberalism* seems to be an unresolved oscillation between the persistence of a core Kantian universalism (Habermas's interpretation) and the prevalence of a Hegelian pragmatist and antifoundationalist contextualism (Rorty's interpretation). In the following I will address a specific point, on which Rorty and Habermas agree, and which is even confirmed by Rawls himself, namely the under-determinacy of the notion of "reasonable", which I take to be the central pillar in Rawls's construction. "Reasonable" is no less than the term replacing the "true" in Rawls's political, non-metaphysical conception. By way of this conceptual and terminological shift, Rawls distin-

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[1] J. RAWLS, *Political Liberalism*, expanded edition, New York, Columbia University Press, 2005 (first edition: 1993), and J. RAWLS, *A Theory of Justice*, Cambridge (Mass.)-London, The Belknap Press of Harvard University Press, 2005 (first edition: 1971).

guishes "reasonable pluralism" from mere pluralism, speaks of "reasonable" against non-reasonable comprehensive doctrines, and illustrates one of the two moral powers of citizens of a just society: the capacity for a sense of justice (the second one being the "rational", connected to the capacity for a conception of the good). "Reasonable" is also a key notion to evaluate the different metaphilosophical stances regarding the function and the normative power of political philosophy.

The centrality of the notion of the reasonable in the later Rawlsian development has been already highlighted and variously evaluated in the literature. In this article I aim at offering both a new reconstruction and a new interpretive proposal. Through an analytic reconstruction (Section 1) I show (against readings of the reasonable as non-problematic[2]) that the notion of reasonable hosts as a matter of fact a radical ambiguity which, because of the centrality of the term, affects the whole later Rawlsian philosophy. Rather than criticising the latter, however, I maintain (against the critics of the notion of reasonable and of the later Rawls in general[3]) that the named ambiguity can be interpreted in a productive way, as the attempt to avoid two equally problematic alternatives, exemplarily captured in Rorty's and Habermas's opposed interpretations of the later Rawls (Section 2). I argue that the latter is irreducible to either interpretation and that the difficulties of the later Rawlsian development do not reflect simply an uncertainty in political theory, but a deeper going philosophical aporia, namely a radical questioning of the nature and power of reason itself, becoming particularly evident at the international level[4]. In my opinion Rawls himself is not fully conscious of the radicality of this development and of its implications. In order to provide a solid reassessment of, and further develop the project of *Political Liberalism*, it is hence necessary to address this aporia in its radicality (Section 3).

[2] *E.g.* J. Boettcher, *What is reasonableness?*, in "Philosophy & Social Criticism", n. 30/5-6, 2004, and D.M. Rasmussen, *Defending reasonability. The centrality of reasonability in the later Rawls*, in "Philosophy & Social Criticism", n. 30/5-6, 2004. Although I fully endorse their defense of the reasonable, I believe that this defense should be accompanied by the acknowledgement of the strong tensions connected with the term in order to fully appraise its radical potential.

[3] For a partial review of them see J. Boettcher, *What is reasonableness?*, cit., pp. 599-600.

[4] See footnote 13 below.

Political Liberalism starts with "the idea of society as a fair system of cooperation over time, […] which we take to be implicit in the public culture of a democratic society"[5]. The fact of reasonable pluralism raises the question of how such a society is possible, given that *A Theory of Justice*'s expectation of a shared understanding on a single comprehensive doctrine has shown itself to be unrealistic. Among the fundamental moves to address this question we find the distinction between reasonable and rational. In fact, I take this distinction to be the key tenet of the whole *Political Liberalism*, as reasonable and rational express the two different dimensions of both the moral psychology and the political structure of a democratic liberal society under the condition of reasonable pluralism. On the one hand, we have the rational, connected with the capacity for a conception of the good (the private level). On the other hand, we have the reasonable, connected with the capacity for a sense of justice (the public level). To clarify: on the one hand we have private agents pursuing what they hold for good following a principle of rational choice. On the other hand, we have agents "with the idea of fair social cooperation"[6], that is with a sense of justice. As Rawls points out, "the reasonable is public in a way the rational is not" and "insofar as we are reasonable, we are ready to work out the framework for the public social world"[7].

Thus it is the reasonable that opens up the possibility of fair cooperation among equals[8]: this is the notion we need to focus on as really distinctive of the issue addressed by political liberalism. However, Rawls expressly refuses to "define the reasonable directly"[9]. Within the framework of *Political Liberalism*, this is an expedient or even necessary move. If Rawls offered a systematic, philosophically articulated definition of "reasonable", he would have to face the objection of operating from within a comprehensive doctrine[10]. We are thus left with

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5 J. Rawls, *Political Liberalism*, cit., p. 15.

6 J. Rawls, *Political Liberalism*, cit., p. 51.

7 J. Rawls, *Political Liberalism*, cit., p. 53.

8 "What rational agents lack is the particular form of moral sensibility that underlies the desire to engage in fair cooperation as such, and to do so on terms that others as equals might reasonably be expected to endorse" (J. Rawls, *Political Liberalism*, cit., p. 51).

9 J. Rawls, *Political Liberalism*, cit., p. 48.

10 "The distinction between rational and reasonable is absolutely crucial. It governs everything […] Rawls is now saying. […] But you can not define these notions. Rawls is

three indirect characterizations of the reasonable by Rawls. The first one is rather common-sensensical: we are reasonable when we are ready to propose, discuss, accept and abide by fair terms of cooperation, and to recognize and bear the consequences of the burdens of judgement, that is when we take the idea of reciprocity seriously[11]. This gives us an orientation, but does not take us very far. The second one is Kant-inspired: reasonable and rational are the heirs, respectively, of Kant's categorical and hypothetical imperative[12]. I take this characterization to be misleading, and at any rate of little use, as it obviously does not avoid the problem of a definition via comprehensive doctrine. The third one is the characterization via contrast with the notion of rational and the clarification of their respective role within societies (we might call this characterization functionalistic). I take this to be the best available approach to the notion of reasonable, and a highly relevant one to make sense of the whole project of *Political Liberalism*.

Rawls states that "in justice as fairness the reasonable and the rational are taken as two distinct and independent basic ideas. They are distinct in that there is no thought of deriving one from the other; in particular, there is no thought of deriving the reasonable from the rational"[13]. This is consistent with Rawls's anti-utilitarian argument: the sense for justice is not (necessarily) a corollary to the pursuit of the greatest good. It is independent from it, and *vice versa*[14]. The conse-

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quite clear about that; he is a good enough philosopher to know that" (B. DREBEN, *On Rawls and Political Liberalism*, in S. FREEMAN (ed.), "The Cambridge Companion to Rawls", Cambridge, Cambridge University Press, 2003, p. 322).

[11] These are the two aspects discussed in J. RAWLS, *Political Liberalism*, cit., pp. 48-58.

[12] Cfr. J. RAWLS, *Political Liberalism*, cit., pp. 48-49, footnote 1.

[13] J. RAWLS, *Political Liberalism*, cit., p. 51.

[14] Here Rawls corrects his own remark from *A Theory of Justice*, "where it is said that the theory of justice is a part of the theory of rational decision" (J. RAWLS, *Political Liberalism*, cit., p. 53, footnote 7). The passage referred to is in J. RAWLS, *A Theory of Justice*, cit., p. 7: "The theory of justice is a part, maybe the most significant part, of the theory of rational choice". This, according to the *Political Liberalism* footnote just quoted, "is simply incorrect", as the theory of rational choice "is itself part of a political conception of justice, one that tries to give an account of reasonable principles of justice. There is no thought of deriving those principles from the concept of rationality as the sole normative concept". However, although Rawls here only seems to correct a specific remark and insists that *A Theory of Justice* "as a whole supports this interpretation" (that is, the correct one according to which justice as fairness is *not* a part of the theory of rational decision), I believe that the problem reaches way further. It is clear that in *A Theory of Justice* the

quence seems to be that a person, or a society, can formulate a conception of the good without having a sense for justice, though a purely egoistic rational agency would be "psychopathic"[15]. Hence the reasonable is a necessary feature only "within the idea of fair cooperation". More precisely: "within the idea of fair cooperation the reasonable and the rational are complementary ideas", and "as complementary ideas, neither the reasonable nor the rational can stand without the other"[16]. However, "given special loyalties or attachments, [merely rational agents] would recognize others' claims, but not as having validity independent of those bonds"[17]. This point is decisive despite Rawls handling it very briefly in a footnote. There can be societies built on "special loyalties or attachments", in which merely rational agents recognize others' claims only insofar as these claims are based on special loyalties or attachments, but not independently of them, that is not on the idea that it is necessary to build and abide by fair terms of cooperation.

Thus, even though the reasonable is not directly defined, Rawls's functionalistic explanation of it is needed to specify the requirements of a society that claims to be "a fair system of cooperation between free and equal citizens"[18]. Citizens of such a society have a capacity for a sense of justice independent of their own conception of the good (including special loyalties or attachments). The rational and the reasonable, despite being independent terms, are necessarily complementary terms within this society. In this context, the under-determinacy of the reasonable is not necessarily problematic. However, it raises im-

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relationship between rational and reasonable is to say the least quite unbalanced in favour of the rational, while *Political Liberalism* subordinates the rational to the reasonable (see also D.M. RASMUSSEN, *Defending reasonability. The centrality of reasonability in the later Rawls*, cit). My idea is that in *Political Liberalism* Rawls underestimates the structural impact of this repositioning and deals with it as with a peripheral terminological adjustment, rather than a central philosophical development. Dreben rightly stresses the radicality of this shift, which for him "is really an attack on the traditional view of reason" (B. DREBEN, *On Rawls and Political Liberalism*, cit., p. 319). The thesis underlying my article is that the root of the many ambiguities, but also the deep philosophical interest of *Political Liberalism* lies exactly in this repositioning of rational and reasonable, together with its consequences on the relationship of good and just, and of private and public.

[15] J. RAWLS, *Political Liberalism*, cit., p. 51.
[16] J. RAWLS, *Political Liberalism*, cit., p. 52.
[17] J. RAWLS, *Political Liberalism*, cit., p. 52, footnote 6.
[18] J. RAWLS, *Political Liberalism*, cit., p. 22.

portant philosophical issues becoming evident at the international level (though not limited to it), where the reasonable and the lack of it become features of entire peoples and societies.

2. *Between Rorty and Habermas*

As we just saw, a society may be built only on the rational, provided there are special loyalties or attachments. How would a society without reasonable look like? To anticipate the next section, in the terms of Rawls's *The Law of Peoples*[19] this could be a hierarchical society, for instance one in which social and political roles are attached to a specific religious or ethnic belonging. Its citizens would not be reasonable, but would still have a "public" space based on special loyalties (typically, sharing a single comprehensive doctrine). The implication is that, while at the domestic level the reasonable is used to specify how a society can be based on fair terms of cooperation, at the international level the presence of the reasonable marks the difference between societies that are liberal and democratic and societies that are not. Thus the reasonable becomes a collective feature of peoples, with significant weight on international relationships, and more in general with remarkable philosophical consequences. As a matter of fact, labelling as reasonable or unreasonable entire societies rather than functionalistically using the notion to specify the possibility of having fair terms of cooperation at the domestic level is a delicate move, and Rawls's under-determinacy of the reasonable might no longer be seen as an admissible strategy.

To begin with, this under-determinacy confronts us with a radical alternative. I will state it in very general terms: can the reasonable be seen as a potentially universal capacity or is it a context-dependent cultural trait? In the first case, the reasonable needs to gain a thicker epistemological dimension, which is however denied to it by Rawls in *Political Liberalism*[20]. In the second case there is no epistemological

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[19] J. Rawls, *The Law of Peoples*, Cambridge (Mass.)-London, Harvard University Press, 1999.

[20] "Observe that here being reasonable is not an epistemological idea (though it has epistemological elements). Rather, it is part of a political ideal of democratic citizenship that includes the idea of public reason" (J. Rawls, *Political Liberalism*, cit., p. 62).

claim, but we face the danger of a relativistic outcome. That we have here a true ambiguity is paradigmatically demonstrated by the two opposite interpretations offered by Rorty and Habermas. In his article *The priority of democracy to philosophy*[21], Rorty defends Rawls against his communitarian critics. This defence is not an end in itself, but rather serves the broader aim of supporting the Rortyan-pragmatist thesis giving the name to the article. To this aim Rorty argues that "Rawls, following up on Dewey, shows us how liberal democracy can get along without philosophical presuppositions"[22]. Even though the article predates the publication of *Political Liberalism*, it takes into account the Rawlsian development after *A Theory of Justice*. According to Rorty, *A Theory of Justice* could still mislead the reader into believing in the foundational function of "the rationality of the choosers in the original position"[23] and into interpreting *A Theory of Justice*'s project as "a continuation of the Enlightenment attempt to ground our moral intuitions on a conception of human nature (and, more specifically, as a neo-Kantian attempt to ground them on the notion of "rationality")"[24]. However, Rorty adds, Rawls's later development clearly shows that this is a misinterpretation and that, on the contrary, "Rawls can wholeheartedly agree with Hegel and Dewey against Kant and can say that the Enlightenment attempt to free oneself from tradition and history, to appeal to "Nature" or "Reason", was self-deceptive"[25]. Interestingly for the subject of my article, Rorty argues that the named misunderstanding took place "in part because of an ambiguity between 'reasonable' as defined by ahistorical criteria and as meaning something like 'in accord with the moral sentiments characteristic of the heirs of the Enlighten-

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[21] R. RORTY, The *priority of democracy to philosophy*, in R. RORTY, "Objectivity, Relativism and Truth: Philosophical Papers I", Cambridge, Cambridge University Press, 1991 (first edition: 1988).

[22] R. RORTY, The *priority of democracy to philosophy*, cit., p. 179.

[23] R. RORTY, The *priority of democracy to philosophy*, cit., p. 183, footnote 21.

[24] R. RORTY, The *priority of democracy to philosophy*, cit., pp. 184-185.

[25] R. RORTY, The *priority of democracy to philosophy*, cit., pp. 180-181. While I maintain that Rawls's political turn should also be understood as a progressive distancing from a Kantian pattern toward a Hegelian one (see among others the first chapter of J. SCHAUB, *Gerechtigkeit als Versöhnung. John Rawls' politischer Liberalismus*, Frankfurt a.M.-New York: Campus, 2009), this does not mean that I endorse Rorty's interpretation of Hegel and his version of a Rawlsian Hegelianism. For a critical assessment see N. ROTENSTREICH, *Rorty's Interpretation of Hegel*, in "Review of Metaphysics", n. 39, 1985.

ment'"[26]. Thus Rawls's oscillation between a Kantian-illuministic universalism and a Hegelian-historicist contextualism can be brought back, for Rorty, to an ambiguity in the notion of reasonable. Following his general aim and his interpretation of the Rawlsian development after *A Theory of Justice*, Rorty opts for the contextualist reading.

The debate between Rawls and Habermas is far more articulate and rich of consequences for the views of both philosophers. It can with good reasons be considered in itself an important piece of the recent political thought[27]. Here I will only focus on the issue of the ambiguity of the reasonable with its consequences. Habermas, similarly to Rorty, interprets Rawls's development from *A Theory of Justice* to *Political Liberalism* as "a shift to an entirely new framework within which reason loses its central position"[28]. But, contrary to Rorty, Habermas evaluates this shift negatively: "Practical reason is robbed of its moral core and is deflated to a reasonableness that becomes dependent on moral thrust justified otherwise. The moral validity of conceptions of justice is now no longer grounded in a universally binding practical reason but in the lucky convergence of reasonable worldviews whose moral components overlap to a sufficient degree"[29]. Thus, the rebalancing of the roles and the conceptions of rational and reasonable is at the core of the "political turn" and of its ambiguities: "Two conflicting justification programs clash in *Political Liberalism*. The idea of the overlapping consensus involves a decisive weakening of the rational claim of the Kantian conception of justice"[30].

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[26] R. RORTY, The *priority of democracy to philosophy*, cit., p. 183, footnote 21.

[27] The core of the debate is constituted by two articles (Habermas's *Reconciliation through the Public Use of Reason: Remarks on John Rawls's Political Liberalism* and Rawls's *Political Liberalism: Reply to Habermas*) published in the "Journal of Philosophy" in 1995. Rawls later included his reply as Lecture IX of *Political Liberalism*, while Habermas published in 1996 a rejoinder with the title *'Reasonable' versus 'True', or the Morality of Worldviews*. The dispute gave rise to an extensive debate in moral, political, and social philosophy. The debate is well documented in J.G. FINLAYSON, F. FREYENHAGEN (eds.), *Habermas and Rawls. Disputing the Political*, New York, Routledge, 2011, which includes a useful introduction to the dispute, the two 1995 articles with Habermas's 1996 rejoinder, several interpretive essays by different authors, and a final reply by Habermas.

[28] J. HABERMAS, *'Reasonable' versus 'True', or the Morality of Worldviews*, in J.G. FINLAYSON, F. FREYENHAGEN (eds.), "Habermas and Rawls. Disputing the Political", New York, Routledge, 2011, p. 98.

[29] J. HABERMAS, *'Reasonable' versus 'True', or the Morality of Worldviews*, cit., p. 98.

[30] J. HABERMAS, *'Reasonable' versus 'True', or the Morality of Worldviews*, cit., p. 98.

Besides, Habermas adds: "I have the impression that [Rawls] is torn between the original strategy pursued in *A Theory of Justice*, which relied more heavily on Kant, and the more recently developed alternative which is intended to take seriously the fact of pluralism"[31]. On the one hand, Habermas agrees with Rorty in seeing an ambiguity in Rawls's "political turn" and in identifying in the shifting function of rational and reasonable the source of that ambiguity. On the other hand, Habermas disagrees with Rorty as he expresses doubts about "Rawls's strategy of avoidance" and about the distancing from Kant: "The concept of practical reason cannot be drained of moral substance and morality cannot be relegated to the black box of comprehensive doctrines. I cannot see any plausible alternative to the straightforward Kantian strategy. There seems to be no way around the explanation of the moral point of view in terms of a procedure that claims to be context-independent"[32].

To sum up, while Rorty and Habermas recognize the Rawlsian ambiguity in very similar terms, they take opposite stances on it. Rorty interprets Rawls as a pragmatist liberal who avoids foundational and metaphysical issues by focusing only on political ones. Accordingly, the claim is that Rawls's attitude is "thoroughly historicist and antiuniversalist"[33]. Habermas, on the contrary, explicitly addressing the Rortyan claim of a proximity with Rawls, writes: "Rawls does not wish to limit himself solely to the fundamental normative convictions of a *particular* political culture: even the present-day Rawls, *pace* Richard Rorty, has not become a contextualist"[34], and then, criticising Rorty, adds that "philosophy should not merely accept established convictions but must also be able to *judge* them by the standards of a rational conception of justice"[35]. In my view, both authors have good textual and contextual arguments to claim a proximity between Rawls's conception and their own. I maintain, however, that although Rorty and Habermas are right in identifying the ambiguity, they are wrong in claiming that it can be solved by fully em-

[31] J. HABERMAS, *'Reasonable' versus 'True', or the Morality of Worldviews*, cit., p. 103.
[32] J. HABERMAS, *'Reasonable' versus 'True', or the Morality of Worldviews*, cit., p. 112.
[33] R. RORTY, The *priority of democracy to philosophy*, cit., p. 180.
[34] J. HABERMAS, *Reconciliation through the Public Use of Reason: Remarks on John Rawls's Political Liberalism*, in J.G. FINLAYSON, F. FREYENHAGEN (eds.), "Habermas and Rawls. Disputing the Political", New York, Routledge, 2011, p. 35.
[35] J. HABERMAS, *'Reasonable' versus 'True', or the Morality of Worldviews*, cit., p. 110.

bracing either of the two opposite readings. The deep philosophical motives and the peculiarity of political liberalism lie in fact in Rawls's attempt to avoid both the Rortyan and the Habermasian option. In the next, concluding section I show some consequences of this ambiguity at the international level, at the same time highlighting that it cannot be solved by reducing the project of political liberalism to either Rorty's or Habermas's standpoint.

3. *A Reasonable Law for Unreasonable Peoples?*

In *The Law of Peoples* Rawls develops, on the basis of his political conception of justice for the domestic level, "a particular conception of right and justice that applies to the principles and norms of international law and practice"[36]. Here the ambiguity of the reasonable confronts us with the following scenario. Assuming that the law of peoples he develops is a reasonable law, will it be acceptable only for reasonable peoples, that is liberal democratic societies? In this case, the reasonable would be nothing else but the expression of a particular culture, that is the Western liberal one. If it were so, Rawls would definitely incline toward the Rortyan paradigm, and the law of peoples would be more a prudential strategy aiming at global stability as a *modus vivendi* than "a political conception of right and justice" at the international level. If, on the other hand, we see the law of peoples as universally acceptable rather than as a Western projection, then we might endorse the Habermasian reformulation of Rawls's conception, and we would face a different obstacle. The array of concepts employed by political liberalism is specified with reference to a limited historical-geographical context. While its extension to a broader context can be pursued, it would however require assigning a thicker epistemological significance to the notion of reasonable, and developing a conception of practical reason that could hardly avoid being comprehensive.

Vis-à-vis this alternative, Rawls opts for a middle ground. The law of peoples is more inclusive than the Rortyan pattern, but more exclusive than the Habermasian one. Rawls distinguishes "five types of do-

36 J. RAWLS, *The Law of Peoples*, cit., p. 3.

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mestic societies": reasonable liberal peoples, decent peoples, outlaw states, societies burdened by unfavourable conditions and benevolent absolutisms[37]. He then claims that his law of peoples would be accepted both by reasonable liberal and by decent peoples, but not by the other three types. The law of peoples, being "reasonable and well-founded", "cannot be easily dismissed as simply a liberal or Western idea"[38]. At the same time, however, he warns that "at no point are we deducing the principles of right and justice, or decency, or the principles of rationality, from a conception of practical reason in the background"[39]. In this passage, Rawls partially but explicitly distances himself from Kant *and* warns against possible misinterpretations based on misleading passages of *Political Liberalism* itself[40]. His general claim is that, even though the reasonable does not require a comprehensive deduction or foundation, it is not a thoroughly relative and context-dependent notion either, as decent peoples, though not being liberal and democratic, can accept a reasonable law of peoples.

The notion of decency is, at the international level, the parallel notion of the reasonable at the domestic level. Decency is not defined, rather the "account of decency, like that of reasonableness, is developed by setting out various criteria and explaining their meaning"[41]. Decent peoples do not accept "the liberal idea that persons are citizens first and have equal basic rights as citizens"[42], but they honour human rights, do not go for expansionist wars, and allow for a sig-

[37] J. RAWLS, *The Law of Peoples*, cit., p. 4. This seems to confirm the argument made in the second section: here the line is drawn between societies that are reasonable (and rational) and societies that are only rational, but bound together by "special loyalties or attachments". However, as we will see in short, things are more complicated than this.

[38] J. RAWLS, *The Law of Peoples*, cit., p. 93.

[39] J. RAWLS, *The Law of Peoples*, cit., p. 86.

[40] "Lecture III of *Political Liberalism* is misleading in this respect. There are many places in that book where I give the impression that the content of the reasonable and the rational is derived from the principles of practical reason". This also further confirms that the Kantian account of the two terms was misleading, or at the very least unusable. The different accounts of the reasonable given by Kant and Rawls (and, at least in part, by Rawls himself between *A Theory of Justice* and *Political Liberalism*) lead to entirely different results despite their sharing of a constructivist approach in ethics: on this point see O. O'NEILL, *Constructivism in Rawls and Kant*, in S. FREEMAN (ed.), "The Cambridge Companion to Rawls", Cambridge, Cambridge University Press, 2003.

[41] J. RAWLS, *The Law of Peoples*, cit., p. 67.

[42] J. RAWLS, *The Law of Peoples*, cit., p. 66.

nificant degree of freedom of conscience[43]. Decent peoples are associationist and hierarchical societies, where individuals are seen first of all as members of groups. Nevertheless, decent peoples would still accept a reasonable law of peoples. Rawls here famously imagines a fictional decent hierarchical Islamic society called Kazanistan, which fulfils the mentioned conditions. The claim is that such a society, despite not being reasonable (at least in the same sense as democratic liberal peoples are), will accept the law of peoples, and insofar democratic and liberal peoples should tolerate decent societies and treat them, at least in the political regard, as equal partners on the international scene. Thus, at the international level, establishing fair terms of cooperation does not necessarily seem to require the coexistence of rational and reasonable. Societies can be merely rational, as long as they are decent.

This outcome has been the object of heavy criticism by interpreters concerned, among others, with Rawls's statement of tolerance for non-liberal societies neglecting liberal individual rights[44]. This debate lies outside the scope of my article. I will rather focus on the fundamental question: is it really possible to be decent without being reasonable? If the answer is negative, then clearly *The Law of Peoples*'s framework does not hold. If the answer is positive, then Rawls would need to explain why we need the reasonable at the domestic level. Rawls is well aware of the problem, and addresses this objection himself: "Why religious or philosophical doctrines that deny full and equal liberty of conscience are not unreasonable"[45]? In answering this objection Rawls opts again for a middle ground: "I do not say that they are reasonable, but rather that they are not fully unreasonable; one should allow, I think, a space between the fully unreasonable and the fully reasonable. The latter requires full and equal liberty of conscience, and the former denies it entirely. Traditional doctrines that allow a measure of liberty of conscience but do not allow it fully

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[43] Incidentally, Rawls's controversial political conception of human rights also belongs here.

[44] As a matter of fact, *The Law of Peoples* possibly attracted even more criticism than *Political Liberalism*. For an overview and for a convincing defense of *The Law of Peoples* see H.L. WILLIAMS, *The Law of Peoples*, in J. MANDLE, D.A. REIDY (eds.), "A Companion to Rawls", Chichester, Wiley-Blackwell, 2014.

[45] J. RAWLS, *The Law of Peoples*, cit., p. 74.

are views that I believe lie in that space and are not fully unreasonable"[46].

Summing up: The extension of the notion of reasonable to the international level faces a radical ambiguity, well represented by the two opposite readings of Rorty and Habermas[47]. Rawls addresses it by introducing a parallel category (decency) in order to show that a reasonable law of peoples can be accepted also by peoples who are not liberal and democratic. In this way, Rawls seems to avoid an ethnocentric or fully contextualist position, without being forced to tie the notion of reasonable to thick epistemological features and hence to comprehensive assumptions. The undesired consequence, however, seems to be that a reasonable law of peoples can be accepted by non reasonable peoples. To avoid this outcome, Rawls introduces degrees in the notion of reasonable. The conclusion is that a reasonable law of peoples can be accepted by partially reasonable peoples.

While this result might be in itself acceptable and even appealing, I think that the introduction (apparently ad hoc) of degrees of reasonableness at this stage is unwarranted, and at any rate it raises significant questions. Does it imply, for example, the drop out of the notion of decency? If decent peoples are "simply" non-fully reasonable peoples, why does Rawls need the category of decency? Moreover, the introduction of degrees of reasonable seems to be at odds not only with the Kantian characterization of the reasonable offered in *Political Liberalism*, but with the very idea that the reasonable is connected with the capacity to frame a liberal-political conception of justice, a capacity that, on Rawls's terms, can hardly be attributed to a hierarchical society, however decent.

Nevertheless, for all its problems, I do not maintain that the Rawlsian idea of a law of peoples should be easily dismissed. In my opinion a good deal of the difficulties is due to Rawls's evident struggle to find a way to escape both Rorty's pragmatist-antifoundationalist contextualism and Habermas's Kantian-universalistic proceduralism (or, to employ a different dichotomy, both a pragmatic realism and a utopian

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[46] J. RAWLS, *The Law of Peoples*, cit., pp. 74-75.
[47] Even though both Rorty's and Habermas's interpretations predate *The Law of Peoples*, I hope to have shown that the ambiguity they pinpoint at the domestic level reappears, with even stronger implications, at the international level.

cosmopolitanism[48]). While this struggle may not have been successful, I think that, given the problematic character of both horns of this dichotomy, it is worthwhile to attempt to take the project of political liberalism further and to see if it can be set to rest on more solid and consistent arguments, without losing its peculiarity. As I hope to have shown in this article, the reformulation of the notion of reasonable is an essential step in this direction.

Riassunto - L'articolo investiga il concetto di "ragionevole", che può essere definito la chiave di volta del liberalismo politico di John Rawls, esplicitandone le opposte interpretazioni possibili al fine di ottenere un chiarimento più generale sul progetto filosofico del tardo Rawls. La prima sezione, dopo una schematica presentazione del liberalismo politico di Rawls, offre una discussione analitica delle nozioni di "ragionevole" e "razionale" a livello domestico. La seconda sezione rende esplicita la fondamentale ambiguità contenuta nel concetto di "ragionevole", utilizzando a tal fine in maniera paradigmatica le letture opposte proposte da Richard Rorty e Jürgen Habermas (rispettivamente, una lettura contestualista-pragmatista e una Kantiano-universalista). Infine, la terza sezione esamina lo sviluppo del concetto di "ragionevole" a livello internazionale, mostrando come proprio a questo livello la ambiguità insita in questo concetto conduca a delle tensioni non adeguatamente risolte da Rawls. Al tempo stesso, pur evidenziando le tensioni paradigmaticamente rappresentate dalle opposte letture di Rorty e Habermas, l'articolo conclude che il progetto del tardo Rawls non può essere ridotto a nessuna di queste opposte letture, e meriti di essere sviluppato nella sua peculiarità, a partire da una riformulazione del concetto di "ragionevole".

[48] See H.L. WILLIAMS, *The Law of Peoples*, cit., pp. 327-328.