

Liberal democracy and the search for political stability

M. Buckley

City University of New York, Lehman College,
250, Bedford Park Blvd West, Bronx, New York, 10468, USA

For citation: Buckley M. Liberal democracy and the search for political stability. *Philosophy of the History of Philosophy*, 2022, vol. 3, pp. 306–326.
<https://doi.org/10.21638/spbu34.2022.120>

Liberal political philosophers are beginning to seriously consider the prospects of democratic instability alongside the question of justice. This chapter explores how a recent development in liberal political theory, *political liberalism*, frames the problem of social stability. Political liberals think reasonable pluralism is the natural outcome of free and open democratic institutions. The permanent existence of diverse yet reasonable moral and religious comprehensive doctrines create theoretical and practical problems for liberalism. A theoretically coherent liberalism must find normative reasons all can endorse even though everyone grounds their reasons on radically different conceptions of the moral good. A practically stable liberalism must show how a society whose members tend naturally toward moral division can nonetheless share the same normative political conception of justice. Solving both problems in ways consistent with liberal political values is difficult because the permanent existence of reasonable pluralism creates two formulations of the problem of stability. This chapter characterizes the two problems in terms of a positive and negative formulations. It traces the progress political liberals make toward resolving the positive formulation. It also explains how the solution to the positive formulation of the problem of liberal stability simultaneously provides a solution to the theoretical problem of liberal coherency. However, the chapter also argues that the negative formulation of the problem of liberal stability remains unresolved. A key task for liberal theorists in the twenty-first century is resolving the negative formulation of the problem of stability, for without a solution, the ‘rule of law’ remains vulnerable to attacks from those willing to use the ‘will of the people’ against it.

Keywords: political liberalism, stability, democratic backsliding, overlapping consensus, John Rawls, Martha Nussbaum.

Introduction

The roots of liberal democracy stretch back to the Greek *demos* and the Roman *res publica*. From Greece, liberal democracy inherits electoral processes through which the people freely voice their popular will. From Rome, it receives Senatorial procedures for establishing the rule of law that constrains popular will in ways consistent with equality. Together, these legacies shape the political institutions of actual liberal democracies. But they also create concep-

tual difficulties on which political theorists have long puzzled, for the rule of law must be justified on reasons citizens can freely endorse as constraints on their freedom. And it is not clear how this can be done.

Kant framed the difficult this way: the “civil state, regarded purely as a lawful state, is based on the following *a priori* principles”: freedom, equality, and citizenship [1, p. 74]. Together, the three principles require free and equal citizens to exercise political power over one another and yet remain free and equal. How are they to do that? Rawls modifies the problem this way. Political power is always backed by coercive force. In a democratic regime, political power is public power — free and equal citizens as a corporate body give themselves the law. However, these same citizens hold different views about what is ultimately valuable in life. From this Rawls asks: In light of what reasons can citizens legitimately exercise the coercive power of government over each other and still remain free, equal and a co-legislator of the law [2, p. xlv, 67–68, 135–36; 3, p. 40–41]?

Critics of liberal democracy leverage the tension between the above principles to exploit democracy’s faults. For example, Carl Schmitt argued that the political stability of any society depends on whether its principle of legitimacy is generally believed to be justified. He further claimed that democracy operates with two principles of legitimacy — a democratic principle associated with popular will and a liberal principle associated with parliamentary procedures for establishing the rule of law [4]. The existence of two principles creates the possibility for conflict between the legitimate authority of the people’s will and the legitimate authority of the rule of law. Schmitt thought this conflict made democracies inherently unstable. Some segment of society could rightfully base their political actions on popular will while another segment could rightfully base their opposing political actions on the rule of law. Without a more fundamental principle of legitimacy for adjudicating conflict, parties would eventually resort to other means, including the use of force.

Schmitt wrote during a politically tumultuous period. Between 1930 and 1933, when the Great Depression was at its worst, the Nazi party’s electoral share increased from 18.3 to 40 % [5, p. 233]. The fall of the Weimar Republic was precipitated by political pessimism. The rise of the Third Reich was buoyed by the fact that people “no longer believed a decent liberal parliamentary regime was possible” [2, p. lxi–lxii]. Similar pessimism among democratic citizens can be found today. Among the anomalies portending democratic instability is a decline in enthusiasm for liberal democracy and the rise in openness for illiberal authoritarian alternatives to democracy [6].

Still, modern democracies are equipped with better resources for handling these challenges than in the 1930s. One especially influential theoretical

development bearing on the problem of instability is political liberalism. Liberalism is *political* when, among other things, it works under a self-imposed feasibility constraint that requires its conception of justice to fall under the art of the possible. For political liberals, it is no longer sufficient for a liberal theory to be conceptually coherent, it must also be practicably feasible in ways that “contrast with a moral conception that is not political: a moral conception may condemn the world and human nature as too corrupt to be moved by its precepts and ideals” [3, p. 185]. The precepts and ideals of a realistic political conception must move citizens. It must show how it is realistically possible for reasonable democratic citizens to agree upon and endorse for moral reasons a reasonable liberal conception of justice [7, p. 365]. Moreover, it must create a stable and just society of free and equal citizens profoundly divided by reasonable religious, philosophical, and moral doctrines [2, p. xxvii].

Political liberalism puts stability at the center of its theoretical concerns. The problem of stability refers to the possibility that a group of citizens will defect from liberal norms by grounding their social claims on moral or religious views that others can reasonably reject. This possibility is heightened under conditions of moral pluralism, where competing conceptions of the ultimate moral good could surface as clashes over basic questions of justice. The possibility of defection grows worrisome when defectors justify their political decisions on grounds of popular will without also referencing a shared basis of political adjudication. Without a shared basis of justification, some citizens might experience political authority as the mere rule of force and withdraw their willing support for the political order. Political liberalism recognizes the possibility and provides new conceptual resources for addressing it. As I explain in section I, political liberals acknowledge the ‘fact’ of reasonable pluralism as a claim about the limits of moral reason. People in free societies naturally come to disagree about the fundamental questions of a good life and the true nature of human flourishing. They come to develop competing and irreconcilable comprehensive moral and religious views, and what is more, these views are perfectly reasonable. Reasonable comprehensive doctrines are rather precise, well worked out systems of thought covering a broad range of ideals and a wide range of subjects [2, p. 13]. This “fact” is a new development in liberal political theory, resulting in part from the lessons of modernity. Political liberals accept it and do not assume that moral reason will naturally lead to moral agreement. On the contrary, they think that “even with the best will in the world people will arrive at different opinions about human flourishing and happiness” [8, p. 140].

The fact of reasonable pluralism places normative conflict at the center of social life. Conflicts among reasonable comprehensive moral and religious doctrines are enduring and cannot be eliminated by a reasonable political

conception. This newly recognized social reality generates three theoretical problems for liberalism. First, it intensifies an already deep problem concerning liberal *coherency*. I examine this problem more closely in section II by explaining how political liberals adopt certain methodological constraints on theory construction. The constraints are designed to show, that a stable democracy is compatible with the fact of pluralism [9, p.611; 10, p.322]. The other two problems are distinct formulations of the problem of *stability* — a positive and a negative formulation. The positive formulation asks: How can those who truly believe in different conceptions of the good life lend the same political conception of justice their willing support. The negative formulation asks: Why should a group of people united by what they view as a true religious or moral doctrine refrain from tilting the coercive power of government in a direction that improves the likelihood of realizing what they take to be a truly just political order?

Political liberals recognize both formulations of the problem of stability. However, as I argue in section III, the influential strategy outlined in section II sufficiently responds to the positive formulation of the problem of stability, but not the negative formulation. Failure to respond to the negative formulation leaves liberal theory vulnerable to the charge of instability. As I argue in section III, democratic backsliding reflects the negative formulation of the problem of stability. I conclude in section IV that liberalism finds itself in a historical moment not unlike the turn of the twentieth century, when enormous developments in the mode of production forced liberals to rethink the way they express liberalism's political values. Political liberalism has taken steps toward a reevaluation of liberal norms, but further steps are needed to address the political shocks working their way through the world and into the domestic politics of liberal democracies.

I. Liberalism's political turn

Contemporary politics in Hungary illustrates Carl Schmitt's critique of democratic stability. In a speech delivered in 2014, Victor Orbán, Hungary's Prime Minister, declared that his *Fidesz* party is constructing a non-liberal Hungary that does not make liberal "ideology the central element of state organization, but instead includes a different, special, national approach" [11, p.2]. Orbán's nationalist approach is democratic in one sense — it guarantees elections and tolerates protests — but it is illiberal in its disregard for the rule of law and in its identification of the state with *Fidesz* (see: [12, p.2]). Still, his platform appeals to a sizable electorate in part because he frames liberalism as a partisan doctrine supporting global elites rather than ordinary Hungarian citizens. This framing enables Orbán to decouple Hungary's democratic princi-

ple of popular will from its liberal principle of the rule of law. He vindicates his illiberal alternative with political victories at the ballot box and in the processes launches attacks against liberalism from the flank of democratic popular will.

Fortunately, Hungary has not experienced violent instability. Still, its transition to a more authoritarian state is characteristic of a more unstable phase of political life. Research shows that anocracies are at greater risk for the onset of violent conflict than liberal democracies [13, p. 153]. Liberal democratic regimes have institutional checks on the concentration of executive power, independent judiciaries, strong opposition parties, a free press, and legal protections for minority communities. These “rule of law” elements constrains the political elites’ ability to attack political rivals and civilian populations. Although Western democracies have not yet witnessed widespread gross human rights violations, cases of identity-based displacement are increasing world-wide, and identity is increasingly being used as a rhetorical weapon among politicians to silence dissidents, shutter critical media, and eliminate civil society groups (see: [14]).

The prospects of democratic instability can be approached from a theoretical direction. Political liberals think the cardinal lesson of modernity is the “recognition that on issues of ultimate value reasonable people tend naturally to disagree” [15, p. 191]. Well intentioned, thoughtful, considerate, and otherwise reasonable people conversing in good faith with one another and applying as best they can their powers of reason to the fundamental questions of life will inevitably disagree about the ultimate source of moral value and the true character of a good life. Moreover, the conditions under which this ‘reasonable pluralism’ surfaces and persists are democratic ones. They include “the political and social conditions secured by the basic rights and liberties of free institutions” [2, p. 36]. One might conclude from these two observations that the bonds of social unity tend to weaken under democratic institutions, thus subjecting democracy to greater risks of instability than other political systems. The greater the moral pluralism, the greater the likelihood of normative confrontation. The more normative confrontation, the greater the risk for political conflict.

Political liberalism represents an important development in liberal theory. Unlike classical liberals, political liberals accept the ‘fact of reasonable pluralism’ as a claim about the limits of moral reason under conditions of political freedom and equality [16, p. 901]. They acknowledge a plurality of reasonable moral and religious comprehensive conceptions of the good, not all of which are liberal, as a permanent feature of democratic institutions [3, p. 40; 9, p. 573]. Accepting the fact of reasonable pluralism intensifies an already deep theoretical puzzle concerning liberal coherence. As noted above with reference to Kant, the question of classical liberalism had been: How can free and equal citizens exercise political power over one another and remain

free and equal? For the political liberal, the question is now: How can free and equal citizens who hold different views about what is valuable in life exercise political power over one another and remain free and equal [2, p. xlv, 67–68, 135–136; 3, p. 40]? A conceptually coherent response must find normative reasons all can endorse even though everyone grounds their reasons on radically different conceptions of the good [17, p. 113], for only then will the outcome of liberal institutions (pluralism) be compatible with the ideals (freedom and equality) that produce the outcome. The challenge is to figure out how a society whose members tend naturally toward moral division can willingly share the same normative political conception of justice.

The conceptual challenge simultaneously generates a practical challenge, for conflicts among competing conceptions of the good life can surface as clashes over basic questions of justice, such as where to draw the line between Church and state or where to place limits on protected speech [9, p. 494]. Such disputes could destabilize political order because they divide political debate along moral fault lines that are in principle irreconcilable. Without a shared basis of justification, some citizens might impose a decision on others, leading others to withdraw their willing support, further fractioning society. One way to protect the political domain from irreconcilable moral dispute and safeguard liberal society from instability is to find a common basis of social unity “amid all this bewildering, and profound, diversity” [18, p. 365, 368]. Should liberal theory find a common political conception of justice all can endorse, it would have solved both the *coherence* and *stability* problems. A coherent and stable liberal society is one where people with diverse moral and religious views willingly support the principles that protect the public culture within which their diverse views flourish. These principles could serve as a common basis of adjudication for reconciling debates.

Expressed this way, political liberalism is continuous with classical liberalism in at least one respect. Both classical and political liberalism are “bound up with the basic liberal idea of government by consent, i. e., the principle that the exercise of power can be made legitimate only when those who are subject to it can accept [it]” [19, p. 98]. The aim is similar to Rousseau’s goal of finding “a form of association that defends and protects the person and goods of each associate with all the common force, and by means of which each one, uniting with all, nevertheless obeys only himself” [20, p. 53]. Both classical and political liberals require political arrangements to be acceptable to those living under them [21].

Political liberals differ from classical liberals not in their understanding of this problem, but rather in their understanding of a plausible solution given the fact of reasonable pluralism. Political liberals reject the idea that the justification of liberalism can be grounded on a comprehensive conception of

the good because such conceptions are a source of reasonable disagreement. If the institutions that govern political life were grounded on views that some citizens could reasonably reject, then those citizens would experience political authority as the mere rule of force hostile to their moral commitments [22, p. 35]. Citizens so positioned would experience political life as neither free nor equal, and for this reason political liberals seek a justification that is both morally robust and acceptable to diverse moral views.

A plausible way of achieving this goal is to avoid irreconcilable disputes about ultimate human value when formulating the content of political principles and when justifying that content [22, p. 17]. Political liberals tend to avoid such disputes by formulating an explicitly non-comprehensive liberalism — a *political* liberalism, whose justification neither presupposes the truth of a particular moral or religious doctrine nor represents a mere strategic response to pluralism [2, p. 11; 15, p. 132; 23, p. 70]. A non-comprehensive liberalism has three distinct features. First, it narrows the scope of the political conception of justice to a specific domain of public life concerning matters of basic justice [2, p. 1]. A political conception of justice consists of several principles of justice, such as Rawls's *justice as fairness* or Nussbaum's basic list of human capabilities. Political liberals limit the scope of the conception's application to ensure a meaningful role for non-political values in associational, familial, and personal domains of life [3, p. 26, 183]. When political principles settle questions of basic justice, they help "remove from the political agenda the most divisive social questions, making it possible to reach peaceful settlements on other complex political matters over which reasonable people will inevitably differ" [2, p. 157; 9, p. 494]. Second, the political conception's content (its principles' content) is presented in ways that avoid controversial metaphysical or epistemological claims [23, p. 70]. The content — whether Nussbaum's ten basic human capabilities or Rawls's two principles of justice — should be shareable among those holding diverse moral and religious views. It must avoid imposing controversial moral commitments that otherwise constrain some citizen's liberties and degrade their moral beliefs. Finally, the content's justification is detached from "the concepts, values, and principles of comprehensive moral, philosophical and religious doctrines held by members of a democratic society" [7, p. 332]. Justification rest "on a thin and abstemious view, one that abstains from controversial metaphysical, epistemological, and comprehensive ethical claims" so that all can accept the reasons supporting the political conception [22, p. 36]. Of course, non-constitutional decisions are assigned less demanding rules, such as majority voting. Still, the political conception must be sharable under conditions of reasonable pluralism, and a plausible way of doing this is to narrow the breadth and dilute the depth of the conception until one arrives at a "core, minimal morality" on which all can agree [15, p. 126, 152].

The above three constraints are designed to avoid moral disputes associated with people's deeper moral beliefs so that consensus on a *political* conception of justice — one limited to the political domain and not dependent on any broader moral theory — can emerge among a plurally diverse citizenry. This is a plausible way of understanding how liberalism can be strictly a *political* doctrine and not a general philosophy of man, not a comprehensive ideal [24, p. 345]. Presumably, a limited public framework for collectively addressing basic questions of social justice can serve as a reliable way of approaching matters about which people are less likely to agree, but over which people can nevertheless arrive at reasonable compromises [2, p. 157; 9, p. 494]. The combined effect should support social unity and promote social stability if one further assumes that the problem of instability primarily concerns the positive formulation of the problem, namely: How can those who truly believe in different conceptions of the good life come to share the same political basis of adjudication? However, the fact of reasonable pluralism could equally prompt a different formulation, namely: Why should a group of people united by what they view as a true religious or moral doctrine — doctrines that inform their conception about the true nature of justice — refrain from tilting the coercive power of government in a direction that realizes what they take to be a 'truly' just political order? Political liberals acknowledge the second formulation. They recognize that in a society characterized by moral pluralism, it is always possible for some to "demand that the state sponsor our view of the good, however controversial, and reply to our opponents that, though they may be reasonable, they are simply mistaken about what makes life worth living" [8, p. 127]. The question then becomes how is it possible for citizens to "affirm a comprehensive doctrine as true or reasonable and yet hold that it would not be reasonable to use the state's power to require others' acceptance of it or compliance with the special laws it might sanction" [3, p. 189]?

In the next section, I look at two different models of political liberalism and explain how each adopts the above three constraints for addressing liberal coherency and stability. I further explain why the two models solve the positive formulation of the problem of stability. However, in section III I explain why that same solution insufficiently addresses the negative formulation of the problem of stability.

II. Two models of political liberalism

A political conception of justice that is narrow in scope, thin in content, and justified on grounds that stand apart from comprehensive doctrines is designed to address the conceptual and practical challenges associated with the fact of reasonable pluralism. A diverse group of people separated by their

comprehensive moral belief systems could nonetheless be able to endorse the same political conception from their diverse sets of reasons if the conception is not incompatible with their deeper moral commitments. But additional reasons are required for believing that such a conception of justice generates its own support over time, since we need reasons for thinking that flesh and blood people with real moral commitments can lend the theoretical conception their support.

John Rawls's two-step argument in *Political Liberalism* provides one influential model for how a political liberal might provide these additional reasons. In the first step, Rawls constructs a political conception meant to cover the constitutional essentials of society and basic questions of justice. Its content is comprised of three general principles to be filled-out by a more substantive set of principles from one of several conceptions of liberalism. And its justification stands apart from the diverse moral and religious doctrines found in a democratic society insofar as it consists of values familiar to a democratic audience. The strategy results in what Rawls calls a *pro tanto* justification, that is, a defense whose reasons lend it initial support and plausibility. However, initial plausibility is not enough. We need to know that real world conditions—especially favorable conditions—will not foster polarization threatening the stability of an otherwise theoretically plausible conception. Rawls's second step is designed to assuage such concerns. It illustrates how the conception constructed in the first step elicits an overlapping consensus among those holding reasonable comprehensive doctrines. Rawls claims that the presentation of the freestanding view in the first step is conducted in a way that allows citizens to individually settle how they think the values of the political domain are related to the other values they hold [2, p. 140]. The freestanding view thus serves as a “module, an essential constituent part, that fits into and can be supported by various reasonable comprehensive doctrines that endure in the society regulated by it” [2, p. 12]. When a person embeds the political “module” into her broader normative conception, it is *fully justified*; each “citizen accepts a political conception and fills out its justification by embedding it in some way into the citizen's comprehensive doctrine as either true or reasonable, depending on what that doctrine allows” [2, p. 386]. When all citizens carry out this embedding process, the shared political conception is *publicly justified* and one can plausibly believe the conception to have elicited an overlapping consensus. At this point, liberalism is *coherent* and *stable*. It is coherent because it provides a common conception of political order that none experience as the rule of force insofar as each justifies it from the lights of one's own moral perspective. It is stable because all citizens lend it support in virtue of being able to see their moral commitments reflected in it.

Although the details of Rawls's argument are unique to him, his strategy is influential. Political liberals tend to solve both the *theoretical* and *practical* problems created by reasonable pluralism with a *political* conception all can endorse despite their divergent moral beliefs. Martha Nussbaum's capabilities approach provides a second model for executing this strategy. Nussbaum defends her preferred set of core capabilities as "explicitly introduced for political purposes only, and without any grounding in metaphysical ideas of the sort that divide people along lines of culture and religion" [25, p.42]. Like Rawls, she constrains her approach by (i) limiting its scope to a (ii) *political* conception of basic human capabilities filtered from controversial metaphysical and epistemological concepts and (iii) justified on narrow grounds compatible with citizens' comprehensive views. She argues that citizens holding different moral conceptions can endorse the items on her list of capabilities as matters essential to a flourishing human life whatever else their moral beliefs entail [26]. Their willing acceptance of these capabilities — which provide the content of her political conception — secures a central role for liberty and equality while removing from citizens' political experiences a source of social alienation. Her model solves the theoretical and practical challenges simultaneously — as soon as all endorse the conception, none experience it as the mere rule of force. If none experience it as the mere rule of force, all can lend it their support.

Nussbaum's political liberalism is a notable rival to Rawls's social contract approach. Still, her general strategy remains the same. Both Nussbaum and Rawls present what they think is a sharable conception of justice, around which an overlapping consensus can emerge. At its simplest, an overlapping consensus means that people will generally abide by reasonably just laws and endorse a liberal conception of justice for different reasons stemming from their conception of the good [7, p.366]. According to this general account, the idea of an overlapping consensus relates two parts of a citizen's normative view [2, p.38]. One part concerns a "sense of justice" characterized as a willingness to do one's share in maintaining fair terms of cooperation as defined by a political conception¹. The other expresses a "moral motivation", that makes it rational for them to affirm their sense of justice from the moral point of view [28, p.160]. A sense of justice (as specified by the political conception) by itself is neither practically sufficient to guarantee stability nor theoretically sufficient to ensure freedom and equality. On the practical side, laws sanctioned by the political conception may conflict with judgments authorized by one's conception of the moral good, at which point, the moral motivation

¹ Rawls defines a sense of justice as "a normally effective desire to apply and to act upon principles of justice". See: [2, p.19; 16, p.881; 27, p.442].

to follow one's moral judgment may outweigh one's sense of justice, causing a person to defect from liberal laws. On the theoretical side, one's lived experience is neither free nor equal if the laws and institutions that pervasively govern one's life are built on a political conception, that in all conscience one cannot endorse [22, p. 35], again raising the risk that one might defect from liberal laws. An overlapping consensus brings one's sense of justice together with one's moral commitments in a way supportive of social unity. Citizens rationally affirm their sense of justice from the perspective of their comprehensive conception of the moral good. The crucial point is that according to this model, one's sense of justice, as determined by a political conception of justice, is rationally affirmed by one's conception of the good, characterized as a moral system of thought covering a wide range of subjects and including a broad range of normative values.

Two assumptions underwrite this account of social unity. First, the site around which an overlapping consensus emerges is a *political* conception that is narrow in scope, thin in content, and justified on grounds that stand apart from comprehensive doctrines. Second, the nature of agreement is characterized by a harmonious relation between the political conception and each reasonable comprehensive moral conception of the good. These assumptions suggest that stability for the right reasons follows whenever citizens synchronize their reasonable moral or religious doctrines with a *political* conception of justice that others can similarly synchronize with their reasonable moral or religious views. There are good liberal reasons for adopting these assumptions. For instance, if citizens were to attain the psychological conditions associated with willing consent, they would live in accordance with a law each gives oneself. Liberalism would then have realized the ideals of freedom and equality, since each would see her moral conception reflected in the political order under which she lives, and none would experience that order as favoring a particular comprehensive doctrine. This suggests that political liberals achieve the values of freedom and equality under conditions of reasonable pluralism².

Similarly, there are good liberal reasons for framing the object of agreement in terms of a *political* conception of justice. It is plausible to assume that a conception of justice covering non-political subjects and justified on

² Political liberals may realize these ideals better than their comprehensive rivals, who respond to pluralism by acknowledging liberalism's partiality to a comprehensive moral doctrine and by affirming it as correct and thus unsuitable for rejection [29; 30]. Under conditions of reasonable pluralism, comprehensive liberalism all but guarantees an asymmetric relation for some between their moral doctrine and the political conception under which one lives. This could in turn compromise the values of liberty and equality for those holding religious doctrines with illiberal tendencies on key social issues, thus increasing the likelihood of social division.

controversial moral grounds would encroach upon non-political values in associational, familial, and personal domains of life. This could weaken social unity and increase the likelihood of conflict at the political level. Narrowing the scope of a conception of justice to the political domain and justifying the conception's content on grounds apart from comprehensive doctrines should mitigate these effects, especially if each reasonable person is receptive to the political values implicit in the *political* conception of justice, as suggested by some political liberals. For instance, Larmore thinks political liberalism would fail if its key norms were alien to our moral thinking [15, p. 145]. Similarly, Rawls expresses the content of his political conception "in terms of certain fundamental ideas seen as implicit in the public political culture of a democratic society" [2, p. 13]. And Nussbaum claims that "the normative concepts of political liberalism... are applicable to people whenever there is something in the thought of that group... that could reasonably ground the development of such concepts" [23, p. 73]. These considerations suggest that a political conception is, or can be, compatible with diverse moral conceptions, and that the political domain can be effectively inoculated from the enduring conflicts among moral conceptions. The details for how citizens come to endorse the same political conception may differ, but the nature of consent remains consistent. It involves a process whereby a *political* conception is synchronized with each person's morality. At the end of the process, reasonable citizens experience little antagonism between the political conception and their comprehensive moral or religious views.

III. Two forms of instability

I noted earlier that in societies characterized by moral pluralism it is always possible for some to "demand that the state sponsor our view of the good, however controversial, and reply to our opponents that, though they may be reasonable, they are simply mistaken about what makes life worth living" [8, p. 127]. From this I suggested that one could generate with equal plausibility a negative formulation of the problem of stability. The negative formulation asks: How is it possible, that a group of people can "affirm a comprehensive doctrine as true or reasonable and yet hold that it would not be reasonable to use the state's power to require others' acceptance of it or compliance with the special laws it might sanction" [3, p. 189]? This formulation differs from the positive formulation. The positive formulation asks, whether members who naturally tend toward moral division could lend the same normative basis of political adjudication their willing support. It suggests that people have the capacity to *affirm* the same political conception despite their different moral or religious conceptions. The negative formulation suggests that people have

the capacity to *refrain* from imposing what they take to be the true view morality — including social justice — onto those who don't share that view.

The model of an overlapping consensus works well for the positive formulation, but insufficiently responds to the negative formulation. To see why, consider two interpretations of the conflict following the collapse of the former Yugoslavia. On one interpretation, the Titoist regime was oppressive in Rawls's sense of the term; it suppressed longstanding divisions rooted in ethnic and religious divisions in order to achieve autocratic stability [31, p. 35]. For Rawls, a society united under one comprehensive framework of moral thought answers basic questions of justice in terms of one comprehensive view. Under these conditions, political decisions lack a sharable justification, and, in the absence of a shareable justification, some citizens are likely to experience political authority as the mere rule of force. These citizens cannot lend the political order their willing support because the political order excludes their moral commitments (though they might not resist the political order given power asymmetries). Rawls calls this the fact of oppression because political order, having been established on the rule of force, oppresses free choice and moral expression. Those repressed will nonetheless seek opportunities to capture the levers of political coercion and shift its power in favor of their views [2, p. 37]. Tito's death removed the source of oppression from society and permitted these divisions to resurface as bloody conflicts in which "a host of subordinate ethnic identities (with strong nationalist overtones) of Serbian, Croatian, Slovenian" reasserted themselves on the political stage with genocidal consequences [13, p. 141].

This interpretation fits the kind of instability anticipated by an overlapping consensus. The purpose of an overlapping consensus is to show how a diverse group of citizens can affirm for moral reasons the same principles of justice. Had the Titoist regime found a *political* conception on which diverse ethnic and religious groups could all agree, Tito's death would not have resulted in the resurfacing of deep religious conflicts. Questions of basic justice would have been adjudicated by a shared political conception, effectively removing violent conflict from the political domain. Still, given the fact of reasonable pluralism, one might inquire into why some citizens united by what they believe to be the true nature of morality refrain from tilting the coercive power of government in a direction that supports their purportedly true moral beliefs. This is a perfectly sensible inquiry. Notice, however, that if one follows the logic of an overlapping consensus, the question loses its sense. When society achieves an overlapping consensus, its citizens experience no divergence between their comprehensive moral and religious doctrines and the political conception. Citizens rationally affirm the political conception from the lights of their broader moral and religious doctrines.

As a result, they experience the power of government as *already* aligned with their moral views. Where there is no divergence, there can be no question of *restraint*. Where there is no restraint, the second formulation of the stability problem loses its sense. An overlapping consensus so successful harmonizes one's conception of the moral good with one's sense of justice (as expressed by the political conception) that it effectively erases the need for restraint.

Interestingly, the logic of an overlapping consensus departs from Rawls's response to the second formulation of the problem of stability. When Rawls asks how it is possible for citizens to affirm the truth of their comprehensive view yet hold that it would not be reasonable to use state power to gain everyone's allegiance, he responds with a two-part answer. First, "the values of the political are very great values and hence not easily overridden" by the moral values captured in our separate comprehensive doctrines [2, p. 139]. Second, "the history of religion and philosophy shows that there are many reasonable ways in which the wider realm of values can be understood so as to be either congruent with, or supportive of, or else not in conflict with, the values appropriate to the special domain of the political as specified by a political conception of justice" [2, p. 140]. Presumably, the two considerations give citizens reason to pause when considering whether to appropriate the coercive power of government in the service of their moral views. They need not go down the path of conflict. This is true, but by developing an overlapping consensus as the path to be followed, political liberals become effectively blind to a different source of political instability.

The other source can be illustrated with a different interpretation of Bosnia-Herzegovina. Rather than locate the source of the war in longstanding divisions among religious views that had been oppressed under the Tito regime, as Rawls might have interpreted it, an alternative view holds that the conflict resulted from social movements that purposefully invented particular versions of history and memory to construct new cultural forms of identity for the purpose of political mobilization and political gain [31, p. 36–45]. On this interpretation, the conflict was not rooted in the ancient past and did not involve static comprehensive doctrines. Rather, it was rooted in recent Yugoslavian history and involved fluid identity affiliations manipulated by political leaders. This interpretation underscores the role of identity and political mobilization in social conflict. It illustrates how politicians can orchestrate instability by preparing an us-against-them environment. Most importantly, it is an interpretation aligned with the type of instability occurring across Western-style democracies today.

In his seminal book, *The Breakdown of Democratic Regimes*, Juan Linz documents how politicians put democracies at risk by making choices that decrease the probability of the persistence and stability of a democratic re-

gime [32, p. 4]. The model of instability captured by Linz is once again materializing in the public square. Civil and political protections have been declining around the world for well over a decade [33, p. 13]. In countries that had up until recently qualified as consolidated democracies, such as India, Hungary, Poland, Turkey, and Brazil, civil and political protections are rapidly eroding under regimes that engineer identity-based conflicts for the purpose of political gain. For example, Poland's ruling *Law and Justice* party (*PiS*) launched rhetorical attacks against Poland's LGBTQ community as a way of mobilizing support for its political platform [34]. India's ruling *Bharatiya Janata Party* (*BJP*) has used religious nationalism to mobilize support and consolidate power. In each case, political leaders polarize the electorate by diminishing the equal standing of some citizens on account of their identity-affiliation. As polarization widens, moderate options decrease. Under these conditions, policies in violation of the rule of law can more easily be justified on the grounds of popular will, lending these policies an air of legitimacy among citizens.

Identity politics, practiced as the politics of exclusion, is illiberal because it makes equal respect contingent on assimilation to the dominant norms [35, p. 72]. Political liberals are not blind to this dynamic. They acknowledge a “looseness in most people's comprehensive doctrines: they are not all of a piece, and new ideas can lodge in part of a doctrine that will ultimately cause the revision, even radical revision, of other parts” [23, p. 72]. Identity is similarly loose and political philosophers with strong liberal credentials have explored its value. For instance, Amartya Sen celebrates the multiplicity of identities contained within a single person and contrasts it with a solitarist interpretation that categorizes persons under a single identity [36]. Similarly, Kwame Appiah investigates the multiplicity of identity by surveying how the various sources of a person's identity — creed, country, color, class, culture — “give us contours, comity, values, a sense of purpose and meaning” [37, p. 32]. The value of multiplicity can be contrasted with the dangers of an exclusive identity affiliation. The identity conflicts associated with democratic backsliding appears to involve a tightening-up of people's identity around a singular, unbending perspective that is total in scope and uncompromising in judgment. The lesson from those working in the field of atrocity prevention is that identity, not in its slack, but in its tendency toward rigidity, harbors the fears that threaten to overboil into violence and oppression. According to one forecasting model, the combination of a “polarized politics of exclusive identities” and partially democratic institutions is the most powerful presage of instability [38, p. 198]. A “key burden for success for a particular ideology in turning a group toward violence is not how many people entirely internalize the ideology and become devotees or even perpetrators, but how many par-

tially internalize the ideology enough to see violence as permissible or even desirable” [39, p. 74].

If we return to the above example of political attacks against the LGBTQ community, a liberal response to these attacks would at least aim to remove gender from the list of things that occasion political repression by creating and protecting the political space within which members of the LGBTQ community can live according to their conception of a good life [22, p. 36]. Notice, however, that creating a protected political space for the LGBTQ community requires the dominant culture to no longer play its traditional political role in shaping policy. The liberal expectation is for citizens to endorse the protections of the LGBTQ community despite some citizen’s more traditional morality. The relevant phenomenon in these cases is that of *restraint* — “under what conditions will someone properly accept the law as legitimate even if he differs with it, even if he thinks it unjust” [10, p. 317]. In liberal societies, citizens are asked to limit the political scope of their identity affiliation by allowing good liberal arguments to revise how identity shapes their political judgments. These arguments do not change people’s moral or religious doctrines, but rather redirect how those doctrines relate to the political domain.

Notice that the hypothetical reply to *PiS* is nearly identical in structure to the negative formulation of the problem of stability. The negative formulation asks: How might a group of people “affirm a comprehensive doctrine as true or reasonable and yet hold that it would not be reasonable to use the state’s power to require others’ acceptance of it or compliance with the special laws it might sanction” [3, p. 189]? On the face of it, this question assumes that some can refrain from tilting the coercive power of government in a direction that supports what they take to be the true moral position. By refraining, these citizens willingly constrain the scope of their comprehensive doctrine (or identity affiliation) by limiting its political role. In an overlapping consensus, citizens *affirm* the political conception from the lights of their comprehensive moral doctrines, effectively eliminating the need to limit their doctrine’s role. To put it the other way around, one can easily support a political conception that issues special laws aligned with one’s conception of a moral good, so the phenomena of willing restraint cannot arise with this case. The trouble begins when a political conception diverges from one’s moral conception, for only then does it make sense to ask how some could refrain from tilting the coercive power of government in their favor. Had each citizen fully endorsed a political conception from the lights of one’s own comprehensive moral doctrine, none would experience the political conception as a constraint, and the above question would be moot.

When peoples’ conception of moral truth begins to diverge from society’s shared political conception of justice, a political crisis begins to emerge. At

least some of those experiencing the divergence will withdraw their support for the political system, while others may actively work against it. Policing the threat is often a legitimate option. However, the just maintenance of society over time requires just means for withering political crises. Policing cannot be the sole mechanism by which a just society addresses political shocks. There must be another way to address the breakdown and reversal of social unity. Still, it becomes exceedingly difficult to find this 'other way' if the conception of stability with which a theory works fails to anticipate the process by which instability materializes. This is the current state with political liberalism. Its idea of social stability, captured by the idea of an overlapping consensus, does not anticipate the process by which real-world democratic backsliding is unfolding. Correcting this mismatch will be imperative for liberalism moving forward, for without the theoretical resources needed for analyzing the process by which consensus breaks down and begins to reverse itself, liberalism will remain blind to the way the *demos* can be decoupled from *res publica*.

IV. Liberal democracy at the turn of the twenty-first century

At the turn of the twentieth century, America's greatest political philosopher, John Dewey, noted that in a world of crises liberal democracy's ideals and methods come under attack, prompting questions of whether liberalism's enduring values can be maintained and developed under real world conditions [40, p. 2]. Back then, the attacks were primarily launched from those on the left who preferred political revolutions to a rules-based response to the dislocations brought about by new modes of economic production.

At the turn of the twenty-first century, the world is increasingly characterized by cascading global challenges calling for accountable international cooperation with fairer impacts on a wider public [41]. Liberal democracy's ideals and methods are once again under attack. However, this time the attack is being launched from the right. Nationalist movements led by conservative voices are treating liberalism as the enemy of the *status quo* and a roadblock for reestablish traditional illiberal values as the dominant political culture. In 2018, *Fidesz* focused its reelection campaign on the need to stop Brussels from allowing Muslim migrants to threaten White, Christian Hungary [42, p. 48]. Several years earlier in 2016, Donald Trump began his U.S. political campaign with disparaging remarks about illegal Mexican migrants before pivoting to xenophobic policies toward legal Muslim migrants. America's right-wing Republican party now look admiringly on Victor Orbán. It held The Republican Conservative Political Action Conference's (CPAC) first Hungarian edition May 19–20th, 2022. Those in attendance were welcomed by Orbán, who instructed them on how to defeat the liberal left [43].

Liberals followed Dewey's advice at the turn of the twentieth century to survive the attacks leveled against it by left-wing illiberals. They adapted liberalism's enduring values to changing social circumstances by launching new social programs. If liberalism is to survive the attacks leveled against it by right-wing illiberals, then it will have to adapt its enduring values to new changing circumstances. This might prove more difficult than it did a century ago. The most difficult challenges associated with democratic backsliding today ebb and flow between the geopolitical seams over which people move, capital flows, juridical battles are fought, and organized violence is commodified. They are not neatly contained within the borders of a liberal state and thus not the kind of problems for which political liberalism was devised [44, p. 87]. Nationalism provides a simple response to these challenges, namely, keep the "threat" out! But it is unlikely that global finance will unwind itself, or that digital technology will abide national borders, or that humans will stop seeking better opportunities through migration. Global challenges need global responses. Political liberals rightly see reasonable pluralism as warranting theoretical scrutiny. It must now adapt its findings to the global circumstances that generate new problems — problems around which politicians can drive identity-based conflicts and degrade the rule of law.

References

1. Kant, I. (1991), *Kant: Political Writings*, Cambridge, New York: Cambridge University Press.
2. Rawls, J. (1993), *Political Liberalism*, New York: Columbia University Press.
3. Rawls, J. (2001), *Justice As Fairness: A Restatement*, Cambridge, Massachusetts: Harvard University Press.
4. Schmitt, C. (1988), *The Crisis of Parliamentary Democracy*, Cambridge, Massachusetts: The MIT Press.
5. Funke, M., Schularick, M., Trebesch, C. (2016), Going to Extremes: Politics after Financial Crises, 1870–2014, *European Economic Review, SI: The Post-Crisis Slump*, 88, pp. 227–260.
6. Foa, R. S., Mounk Y. (2017), The Signs of Deconsolidation, in: *Journal of Democracy*, vol. 28 (1), pp. 5–15.
7. Freeman, S. (2007), *Rawls*, London: Routledge.
8. Larmore, C. (2008), *The Autonomy of Morality*, Cambridge: Cambridge University Press.
9. Rawls, J. (1999), *Collected Papers*, Cambridge, Massachusetts: Harvard University Press.
10. Dreben, B. (2002), On Rawls and Political Liberalism, *The Cambridge Companion to Rawls*, New York: Cambridge University Press, pp. 316–346.
11. Pech, L., Scheppele, K. L. (2017), Illiberalism Within: Rule of Law Backsliding in the EU, *Cambridge Yearbook of European Legal Studies*, vol. 19, pp. 2–47.
12. Csaky, Z., Schenkkan, N. (2018), *Nations in Transit 2018: Confronting Illiberalism*, April 11, 2018. Available at: <https://freedomhouse.org/report/nations-transit/nations-transit-2018> (accessed: 10.06.2022).

13. Waller, J. (2016), *Confronting Evil: Engaging Our Responsibility to Prevent Genocide*, Oxford: Oxford University Press.
14. Freedom in the World 2019: Democracy in Retreat, in: *Freedom House*, 2019. Available at: <https://freedomhouse.org/report/freedom-world/freedom-world-2019/democracy-in-retreat> (accessed: 10.06.2022).
15. Larmore, C. (1996), *The Morals of Modernity*, Cambridge: Cambridge University Press.
16. Barry, B. (1995), John Rawls and the Search for Stability, *Ethics*, vol. 105 (4), pp. 874–915.
17. Korsgaard, C. (2003), Realism and Constructivism in Twentieth-Century Moral Philosophy, *Journal of Philosophical Research*, vol. 28, pp. 99–122.
18. Ackerman, B. (1994), Political Liberalisms, *Journal of Philosophy*, vol. 91 (7), pp. 364–86.
19. Waldron, J. (2004), Liberalism, Political and Comprehensive, *The Handbook of Political Theory*, SAGE Publications Ltd, pp. 89–99.
20. Rousseau, J.-J. (1978), *On the Social Contract, with Geneva Manuscript and Political Economy*, St. Martin's Press.
21. Forst, R. (2004), *Foreword, Political Liberalism: Variations on a Theme*, SUNY Press, pp. ix–xii.
22. Nussbaum, M. (2011), Perfectionist Liberalism and Political Liberalism, *Philosophy and Public Affairs*, vol. 39 (1), pp. 3–45.
23. Nussbaum, M. (2015), Political Liberalism and Global Justice, *Journal of Global Ethics*, vol. 11 (1), pp. 68–79.
24. Larmore, C. (1990), Political Liberalism, *Political Theory*, vol. 18 (3), pp. 339–360.
25. Nussbaum, M. (2003), Capabilities as Fundamental Entitlements: Sen and Social Justice, *Feminist Economics*, vol. 9 (2–3), pp. 33–59.
26. Nussbaum, M. (1998), Political Animals: Luck, Love and Dignity, *Metaphilosophy*, vol. 29 (4), pp. 273–287.
27. Rawls, J. (1999), *A Theory of Justice, Revised Edition*, Cambridge, Massachusetts: Harvard University Press.
28. Scanlon, T.M. (2003), Rawls on Justification, *The Cambridge Companion to Rawls*, Cambridge: Cambridge University Press, pp. 139–167.
29. Raz, J. (1988), Autonomy, Toleration, and the Harm Principle, *Justifying Toleration: Conceptual and Historical Perspectives*, Cambridge: Cambridge University Press, pp. 155–175.
30. Galston, W.A. (1991), *Liberal Purposes: Goods, Virtues, and Diversity in the Liberal State*, Cambridge: Cambridge University Press.
31. Kaldor, M. (2013), *New and Old Wars: Organised Violence in a Global Era*, John Wiley & Sons.
32. Linz, J.J. (ed.) (1978), *The Breakdown of Democratic Regimes: Crisis, Breakdown and Reequilibration. An Introduction*, Baltimore: Johns Hopkins University Press.
33. Alizada, N., Cole, R., Gastaldi, L. et al. (2021), Autocratization Turns Viral: Democracy Report 2021, *V-Dem Institute*. Available at: https://www.v-dem.net/media/filer_public/74/8c/748c68ad-f224-4cd7-87f9-8794add5c60f/dr_2021_updated.pdf (accessed: 10.06.2022).
34. Noack, R. (2019), Polish Towns Advocate “LGBT-Free” Zones While the Ruling Party Cheers Them On, in: *Washington Post*. Available at: https://www.washingtonpost.com/world/europe/polands-right-wing-ruling-party-has-found-a-new-targetlgbt-ideology/2019/07/19/775f25c6-a4ad-11e9-a767-d7ab84aef3e9_story.html (accessed: 10.06.2022).

35. Fraser, N. (2008), *Social Justice in the Age of Identity Politics: Redistribution, Recognition, and Participation*, *Geographic Thought: A Praxis Perspective*, London: Routledge, pp. 72–89.
36. Sen, A. (2007), *Identity and Violence: The Illusion of Destiny (Issues of Our Time)*, W.W. Norton & Company.
37. Appiah, K. A. (2018), *The Lies That Bind: Rethinking Identity*, New York: Liveright Publ.
38. Goldstone, J. A., Bates, R. H., Epstein, D. L. et al. (2010), A Global Model for Forecasting Political Instability, *American Journal of Political Science*, vol. 54 (1), pp. 190–208.
39. Maynard, J.L., Benesch, S. (2016), Dangerous Speech and Dangerous Ideology: An Integrated Model for Monitoring and Prevention, *Genocide Studies and Prevention: An International Journal*, vol. 9 (3). Available at: <https://digitalcommons.usf.edu/gsp/vol9/iss3/8/> (accessed: 10.06.2022).
40. Dewey, J. (1935), *Liberalism and Social Action*, New York: G. P. Putnam's Sons.
41. Colgan, J. D., Keohane, R. O. (2017), The Liberal Order Is Rigged, in: *Foreign Affairs*. Available at: <https://www.foreignaffairs.com/articles/world/2017-04-17/liberal-order-rigged> (accessed: 10.06.2022).
42. Krekó, P., Enyedi Z. (2018), Explaining Eastern Europe: Orbán's Laboratory of Illiberalism, *Journal of Democracy*, vol. 29 (3), pp. 39–51.
43. Scheppele, K. L. (2022), Opinion |What Donald Trump and Ron DeSantis Are Learning About the Politics of Retribution, *The New York Times*. Available at: <https://www.nytimes.com/2022/05/24/opinion/trump-desantis-viktor-orban.html> (accessed: 10.06.2022).
44. Larmore, C. (2015), *Political Liberalism: Its Motivations and Goals*, *Oxford Studies in Political Philosophy*, vol. 1, Oxford: Oxford University Press. Available at: <https://doi.org/10.1093/acprof:oso/9780199669530.003.0004> (accessed: 10.06.2022).

Received: October 3, 2022

Accepted: October 10, 2022

Author's information:

Michael Buckley — PhD in Philosophy, Associate Professor;
michael.buckley@lehman.cuny.edu

Либеральная демократия в поисках политической стабильности

М. Бакли

Городской университет Нью-Йорка, Леман Колледж,
США, 10468, Нью-Йорк, Бронкс, Бедфорд-парк бульвар вест, 250

Для цитирования: Buckley M. Liberal democracy and the search for political stability // *Философия истории философии*. 2022. Т. 3. С. 306–326.
<https://doi.org/10.21638/spbu34.2022.120>

Либеральные политические философы начинают серьезно рассматривать перспективы демократической нестабильности наряду с вопросом о справедливости. В этой статье исследуется, как недавнее развитие либеральной политической теории — *политический либерализм* — определяет проблему

социальной стабильности. Политические либералы считают разумный плюрализм естественным результатом свободных и открытых демократических институтов. Постоянное существование разнообразных, но разумных всеобъемлющих моральных и религиозных учений создает для либерализма теоретические и практические проблемы. Теоретически последовательный либерализм должен найти нормативные основания, которые могут принять все, даже если каждый основывает свои доводы на радикально различных концепциях морального блага. Практически стабильный либерализм должен показать, как общество, члены которого естественным образом склонны к поддержке различных моральных принципов, может, тем не менее, разделять одну и ту же нормативную политическую концепцию справедливости. Решение обеих проблем в соответствии с либеральными политическими ценностями затруднено, потому что постоянное существование разумного плюрализма создает две формулировки проблемы стабильности. В данной статье эти две проблемы характеризуются с точки зрения положительной и отрицательной формулировок. Прослеживается прогресс, который совершают либералы-политики в разрешении позитивной формулировки. Также объясняется, как решение позитивной формулировки проблемы либеральной стабильности одновременно обеспечивает решение теоретической проблемы либеральной согласованности. Однако в работе также утверждается, что негативная постановка проблемы либеральной стабильности остается нерешенной. Ключевой задачей для либеральных теоретиков в XXI в. является разрешение негативной постановки проблемы стабильности, ибо без этого решения «верховенство закона» остается уязвимым для нападков со стороны тех, кто хочет использовать против него «волю народа».

Ключевые слова: политический либерализм, стабильность, демократический откат, частичный консенсус, Джон Ролз, Марта Нуссбаум.

Статья поступила в редакцию 3 октября 2022 г.;
рекомендована к печати 10 октября 2022 г.

Контактная информация:

Бакли Майкл — д-р филос. наук, доц.; michael.buckley@lehman.cuny.edu