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Pluralism and the Roots of Social Conflict: Rethinking Rawls

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Abstract: Attempts to refine or update definitions of pluralism in political theology and philosophy often, implicitly or explicitly, entail an account of the roots of social conflict, which pluralism is meant to address. Using the influential work of John Rawls as a starting point I further investigate the idea that the root of social conflict stems from competing beliefs systems. I conclude that Rawls's account of social conflict is insufficiently complex, intersectional, or historicist, and his theory of pluralism and his treatment of religion suffer because of this.

Keywords: Pluralism; John Rawls; political theology; political philosophy; liberal democracy; social contract

1. Introduction

Though the exact definition is open to debate, pluralism, in the context of a liberal democracy, can be broadly understood as a system in which people of diverse religions and belief systems can coexist peacefully with, more or less, equal opportunity to share in political power. Attempts to further refine our definition of pluralism and those that aim to help us better navigate life in a pluralist democracy have taken diverse forms. My small contribution to this discussion seeks to investigate a question I find implicit in many of these efforts. Namely, what are the roots of social conflict in diverse societies and how should we address them? Pluralism as a political arrangement is in many ways an attempt to diffuse the potential violence that can arise from conflict between diverse groups by ordering society in such a way that disagreements can be addressed through political and judicial processes or through civic cooperation. In order to determine what a well-ordered pluralistic society looks like, it is then necessary to give some account of *why* pluralistic contexts are prone to conflict.

To investigate this question further, I will consider the work of John Rawls, a political philosopher whose account of liberal pluralism has been highly influential. Rawls is frequently credited with reviving social contract theory in political philosophy. However, he does not use the contract metaphor, as the classical theorists did, to explain the legitimacy of government. Instead, he uses the idea of contract as a tool to uncover the principles that should be used to order a just, democratic society. It is thus an exercise in moral theory as much as it is political theory. A just democratic society, as he sees it, is characterized by a reasonable pluralism that can accommodate a diversity of belief systems. It has been a common critique of Rawls that he puts too many restrictions on religious persons in his vision of pluralism. Though I am sympathetic to this critique, I would like to modify it a bit. Rawls does go too far in excluding religion from public life, but this is not because he is a closet secularist or lacks respect for religious people. In fact, some of Rawls's posthumously published writings demonstrate the tremendous respect he held for religion (Rawls 2009). Rather, I argue Rawls's attempt to separate religion and politics to the greatest extent possible results from an inaccurate diagnosis of the roots of conflict in society. He identifies difference of religious and philosophical beliefs as the main source of social conflict, but ignores the material and historical sources of conflict that arise from inequality of

wealth, status, and opportunity, as well as past injustices. Because Rawls ignores this second aspect of social conflict, his account of pluralism is insufficiently complex, historicist, or intersectional and this limits the usefulness of his still influential theory for helping to navigate the challenges of pluralism.

2. Religion and Pluralism in Rawlsian Ideal Theory

To understand what Rawls is trying to accomplish, it is important to note that his political philosophy is an exercise in ideal theory aimed at elucidating what it would look like (given realistic limits) for a democratic society like the U.S. to attain the full realization of its political values. He does not spend much time dwelling on our less-than-ideal reality because he believes ideal theory is our best tool in striving towards democratic perfection. There has been much debate among political philosophers in recent years about the utility of ideal theory as a normative tool, and this is partly in response to the paradigm established by Rawls (for a helpful 'conceptual map' of this debate, see [Valentini \(2012\)](#)). My critique of Rawls is not a critique of ideal theory in general or a defense of non-ideal theory per se. Rather, my problem lies in his stated reasons for choosing ideal theory as his method. The work of ideal theory, he says, is to enable us to continue public discussion even when it seems we lack enough shared understanding to resolve the issue at hand. He writes:

Since the conflicts in the democratic tradition about the nature of toleration and the basis of cooperation for a footing of equality have been persistent, we may suppose they are deep. Therefore to connect these conflicts with the familiar and the basic we look to the fundamental ideas implicit in the public political culture and seek to uncover how citizens themselves might, on due reflection, want to conceive of their society as a fair system of cooperation over time ([Rawls 2001](#), p. 46).

Political philosophy, therefore, aids us in our own self-understanding as a society. It gets us back to basic principles that help us make sense of the conflicts of values and understandings that cause social cooperation to break down. Rawls's justification of ideal theory makes the most sense when we consider that, in his view, the roots of conflict in democratic societies are primarily ideological. He writes, "the most intractable struggles . . . are confessedly for the sake of the highest things: for religion, for philosophical views of the world, and for different moral conceptions of the good" ([Rawls 2005](#), p. 4). Thus, a fundamental challenge for the democratic society is the existence of a plurality of comprehensive doctrines, whether they be religious or philosophical (notice that Rawls does not want to confine ideological pluralism to *religious* pluralism), with competing conceptions of morality and the good life, and Rawls seeks to elaborate the mechanisms by which people with deeply held convictions can agree on common principles of social cooperation without giving up said convictions.

Rawls's defense of ideal theory, then, is predicated on a particular diagnosis of the roots of conflict in society. Since, by his account, ideal theory is a tool to help navigate conflict and facilitate social cooperation in a pluralistic democracy, he cannot formulate an adequate theory without an accurate diagnosis. Given that Rawls finds the greatest risk of conflict in the existence of competing belief systems, the parts of his theory that he devotes to pluralism are mostly aimed at illuminating the possibilities for the peaceful coexistence of competing doctrines and the limits citizens should put on themselves when bringing their beliefs into public life. I find Rawls's account of the roots of conflict too narrow, and thus his account of pluralism is too narrow as well as too restrictive on religious persons. To explain this further, let me first examine the two main concepts that Rawls employs to navigate the challenges of pluralism: the idea of the overlapping consensus and the idea of public reason.

Rawls's theory assumes and seeks to accommodate a *reasonable* pluralism. A reasonable pluralism is, presumably, the only sort of pluralism a society can be expected to accommodate. That is, if certain persons are not reasonably willing to cooperate with others who do not share their particular beliefs then there is little hope for achieving a stable basis of cooperation among a diverse citizenry. We should, however, interrogate what exactly Rawls means when he uses the term 'reasonable.' He

is careful to distinguish ‘reasonable’ from ‘rational.’ A person or group may act in a way that is rational, but their actions may not be reasonable in the context of a society conceived as “a fair system of cooperation over time” (Rawls 2001, p. 6). In a society so understood, a reasonable person will propose, acknowledge, and act according to principles that can be recognized by all as fair terms of cooperation. This means the reasonable person will not act against these principles to pursue their own advantage (though it may be *rational* for him or her to do so) but will honor them even when it goes against his or her own narrow interests and can expect others to do likewise (ibid., pp. 6–7). For Rawls, all citizens hold coercive political power, regardless of whether they hold a government office, because “in a democratic regime political power is regarded as the power of free and equal citizens as a collective body” (ibid., p. 40). This of course raises an essential question (indeed it can be considered *the* central question that Rawls is trying to answer): given the fact of reasonable pluralism *and* the fact that all citizens share equally in political power, “in light of what reasons and values—what kind of conception of justice—can citizens legitimately exercise that coercive political power over one another?” (ibid., p. 41) The answer, according to Rawls, is that it must be a *political* rather than a comprehensive conception of justice. A political conception of justice has three characteristics: (i) it is worked out in reference to a specific subject, the basic structure of a democratic society—thus it is specific rather than comprehensive; (ii) it does not presuppose any particular comprehensive doctrine; and (iii) it “is formulated so far as possible solely in terms of fundamental ideas familiar from, or implicit in, the public political culture of a democratic society” (ibid., pp. 26–27). The goal, then, of a political conception of justice is to establish a basic structure for fair democratic cooperation according to principles that all citizens can endorse according to their common human reason. This provides a common basis of justification and a common set of principles from which citizens can draw when exercising their coercive political power over other citizens.

The next question to ask is how it could be possible for citizens in all their diversity to affirm the same set of political principle of justice. To answer this, Rawls introduces the overlapping consensus, the idea that citizens affirm the principles of justice for different reasons based on the particular comprehensive doctrine they follow:

The thought is that citizens in a well-ordered society affirm two distinct although closely related views. One of these is the political conception of justice they all affirm. The other is one of the opposing comprehensive (or partially comprehensive) doctrines, religious, philosophical, and moral, found in society. For those who hold well-articulated, highly systematic, comprehensive doctrines, it is from within such a doctrine (that is, starting from its basic assumptions) that these citizens affirm the political conception of justice. The fundamental concepts, principles, and virtues of the political conception are theorems, as it were, of their comprehensive views (ibid., p. 33).

The consensus on the principles of justice is overlapping in the sense that citizens all affirm the principles but do so based on a variety of worldviews and commitments. This is also what make the principles of justice “free standing,” to use Rawls’s terminology, in that they are not founded on any single comprehensive doctrine and they do not require that citizens adhere to any one comprehensive doctrine in order to affirm them.

Rawls insists that the overlapping consensus is not a mere *modus vivendi*, in which “social unity is only apparent, as its stability is contingent on circumstance remaining such as not to upset the fortunate convergence of interests” (Rawls 2005, p. 147). In a *modus vivendi*, the principles of justice act as a sort of treaty, begrudgingly adhered by all parties because it is not advantageous for any to violate it, but should conditions change each party would be prepared to pursue their own goals at the expense of the other parties in the treaty (ibid.). An overlapping consensus must go much deeper than this to achieve lasting social stability; parties must genuinely affirm the principle of political justice upon which social cooperation is founded, not out of begrudging tolerance but out of sincere conviction derived from whatever beliefs and commitments each individual or group holds. Of course, it is unlikely that an overlapping consensus would emerge *sui generis* from a diverse society. Surely, it would be

very difficult to achieve such a consensus on principles of justice that all can affirm for overlapping reasons, and Rawls does not assume that it would emerge easily from a society characterized by reasonable pluralism. As he envisions it, the overlapping consensus must emerge over time. It may start out as a *modus vivendi*, but over time it becomes something deeper. It is the ability of religious persons to adjust their own comprehensive views to accord with a public conception of justice that prevents the overlapping consensus from being a purely pragmatic arrangement. The shared political principles that the overlapping consensus reflects become socialized in each new generation so that they become a part of society's shared self-understanding (*ibid.*, pp. 164–65). As Rawls understands religious, philosophical, and moral commitments, they are not so static that they cannot adjust to new circumstances; though his use of the term 'comprehensive' doctrine at times seems to imply this, he actually thinks that most people's doctrines are only *partially* comprehensive and often are not fully articulated or systematic. This leads Rawls to conjecture that citizens can over time come to accept a political conception of justice as fully compatible with their own religious, philosophical, and moral commitments, especially as they come to appreciate what such a conception achieves:

they acquire an allegiance to it, an allegiance that becomes stronger over time. They come to think it both reasonable and wise to affirm its principles of justice as expressing political values that, under the reasonably favorable conditions that make democracy possible, normally outweigh whatever values may oppose them. With this we have an overlapping consensus (Rawls 2001, p. 194).

Rawls believes that a democratic society characterized by reasonable pluralism really *needs* the sort of deep consensus on basic principles that an overlapping consensus represents. This is necessary to navigate social conflict and to achieve norms of fair cooperation by which all (or at least the vast majority) are willing to abide. This is true in part because the liberal democratic principle of legitimacy recognizes *all citizens* as having coercive political power. Therefore, when citizens exercise that coercive power over one another, they ought to do so from a common basis of justification based on the operative political concept of justice rather than their own comprehensive doctrines.

This is the foundation of Rawls's idea of public reason, which he describes as follows:

[because a basic feature of democracy is the fact of reasonable pluralism] Citizens realize that they cannot reach agreement or even approach mutual understanding on the basis of their irreconcilable comprehensive doctrines. In view of this, they need to consider what kinds of reasons they may reasonably give one another when fundamental political questions are at stake. I propose that in public reason comprehensive doctrines of truth or right be replaced by an idea of the politically reasonable addressed to citizens as citizens (Rawls 1997, p. 766).

In other words, when citizens reason with each other about *public* questions that require *public* justification, they should use *public* reasons, that is, reasons that "fall under the political values expressed by a political conception of justice" (Rawls 2001, p. 91). It should be noted that Rawls does not think public reasons must be given in all instances of public debate, it is only when fundamental political questions are at stake—such as those regarding constitutional essentials or issues of basic justice—that the use of public reason becomes necessary. Most legislative matters do not concern fundamental questions of justice in this way. Examples of matters that do concern such fundamental questions include who has the right to vote or who has right to fair equality of opportunity (Rawls 2005, p. 214).

Rawls's initial formulation of public reason in *Political Liberalism* received much criticism for placing too much of a burden on religious persons to translate their convictions into 'public' reasons and asking them to bracket their religious convictions to an unreasonable degree. Rawls took some of these critiques to heart and issued a revised formulation of public reason in a 1997 essay entitled "The Idea of Public Reason Revisited." While in *Political Liberalism* he had suggested that religious reasons (or reasons stemming from other, nonreligious comprehensive doctrines) should not enter

the debate on these questions at any point, he now proposed that such convictions *could* come into the conversation provided that adequate public reasons were offered at some point. The need for public reasons thus remains, but Rawls admits that there is a value in allowing people to also express their reasoning based on their own comprehensive doctrines; this helps citizens to understand each other better.

It is important to note that Rawls's idea of public reason is not meant to serve as a restriction on free speech (Rawls 1997, p. 769). Citizens are always free to speak from their own worldviews and convictions; they should never be legally obligated to adhere to the norms Rawls proposes. Rather, Rawls offers the idea of public reason for two purposes. First, as I have already suggested, it provides a way of assessing the legitimacy of a law or policy that addresses issues of basic justice. Laws that concern such matters should not be grounded in any comprehensive doctrine as this would violate the liberty of conscience that a reasonable democratic pluralism requires. A law that can be justified by adequate public reasons, on the other hand, and is supported by a majority can be seen as legitimate and binding. The duty to provide public reasons for such laws then falls more heavily on those who have the power to pass and enforce the law: government officials, legislators, judges, and candidates for public office. However, the duty of public reason also falls on ordinary citizens because, in a representative government like a democracy, citizens vote for those representatives who make and enforce the law. This is the primary way in which ordinary citizens, who do not hold public office, exercise their coercive political power over other citizens, and this comes with certain moral (not legal) obligations. Rawls explains:

Ideally, citizens are to think of themselves *as if they were legislators* and ask themselves what statutes, supported by what reasons satisfying the criterion of reciprocity, they would think it most reasonable to enact. When firm and widespread, the disposition of citizens to view themselves as ideal legislators, and to repudiate government officials and candidates for public office who violate public reason, is one of the political and social roots of democracy, and is vital to its enduring strength and vigor. Thus citizens fulfill their duty of civility and support the idea of public reason by doing what they can to hold government officials to it (ibid., pp. 444–45).

This brings us to the second purpose of Rawls's idea of public reason: it offers an account of civic virtue. Rawls is not only telling us what makes a law legitimate and binding but also telling us how citizens in a democracy under conditions of reasonable pluralism ought, ideally, to act towards their fellow citizens. They should not vote solely (or even primarily) according to their own interests but should consider their duty towards their fellow citizens when electing representatives and supporting legislation.

There are many religious thinkers who are sympathetic to Rawls's account of religion and pluralism. For example, Catholic philosopher Daniel Dombrowski wrote an entire book defending Rawls's approach to religion (Dombrowski 2001) and Islamic political philosopher Abdullahi An-Na'im notes that his notion of civic reason is incredibly similar to Rawls's idea of public reason (An-Na'im 2008, p. 97). Nevertheless, Rawls has his fair share of critics among theologians and philosophers of religion. Among the two facets of Rawlsian pluralism I have covered so far, the overlapping consensus is rarely a target of critique, but the idea of public reason remains a point of contention.

Nicholas Wolterstorff is one such prominent critic of this idea. He worries that the practice of public reason could actively undermine the creation and sustenance of a just democratic society. Although Rawlsian liberalism takes public reason to be a way of honoring the freedom and equality of both religious and non-religious members of society, Wolterstorff argues that it actually puts a much greater burden on religious persons, especially those that want to live an integrated life in which their religious convictions are in line with their political and moral convictions and their actions in both public and private are consistent with their convictions. These people cannot just divide their life into a religious component and a non-religious component because "it is a matter of *religious* conviction that they ought to strive for a religiously integrated existence" (Wolterstorff 1997). Thus,

the very act of asking them to divide themselves in this way is a violation of their religious freedom. The result of asking people to suppress their religious conviction in public life will not be a more civil and reasonable public conversation, it will be outbursts of resentment from religious people who feel their voices are not being heard. Wolterstorff provides a helpful explanation of one way in which Rawls fails to understand the nature of religious conviction. Though I am sympathetic to him and others who make similar points, I am ultimately interested in critiquing Rawls's pluralism from a different angle: his diagnoses of the roots of conflict in society. This also functions as a critique of the way Rawls engages religion because he shows himself to stand in the tradition of the early contract theorists who were, in many cases, reacting to the devastating impacts of the wars of religion. This leads them to be quite preoccupied with the role of religion in creating conflict and to look for ways to control that tendency. Rawls's diagnosis of the roots of conflict extends beyond religion to include all comprehensive doctrines, but it can still be seen as an extension of this same preoccupation.

Given this history and the way religion is commonly understood primarily as a system of beliefs by those who are not in the field of religious studies, it is certainly understandable that Rawls would reach the conclusion that he does. Furthermore, by arguing that his analysis is inaccurate I do not mean to dismiss the role that competing belief systems can play in generating conflict; it is simply insufficient to explain the challenges of achieving a just and well-functioning pluralist democracy. In religious studies it is widely understood that reducing religions to a system of belief amounts to filtering all religions through a Protestant Christian lens (see for example [Asad 1993, 2015](#); [Orsi 2003](#)). There is, unfortunately, much less agreement on how exactly religion *should* be defined. Still, using the tools of religious studies we are reminded to take into account the vast internal diversity of religious traditions, material manifestations of religious practice, the way it is lived out in particular contexts, and the histories that shape religious people and groups. It is the material and historical elements of analysis that I am most interested in employing to rethink the roots of social conflict.

As I embark on this mode of analysis, I should note that some thinkers, such as Richard [Rorty \(1990\)](#), view Rawls's theory as historicist and I do not completely disagree. It *is* historicist in that Rawls does not appeal to some ahistorical universalized notion of justice on which to build his theory; he looks to the political principles the shared convictions already implicit in a culture (this is his basis for his idea of the overlapping consensus). In contrast, his notion of public reason, as Malcom Morano points out, seems to rely on some universal faculty of reason present in all citizens as its basis ([Morano 2014](#), p. 114). Thus, while Rawls adheres to historicist sensibilities in some parts of his theory, he strays from them in others. My contention, then, is that Rawls is inconsistent and insufficient in his historicism.

Political theologian Jean Bethke Elshtain provides a useful starting point from which to further to uncover the ways in which Rawls is insufficiently historicist in his analysis. Elshtain shifts the focus from the ways in which Rawlsian Liberalism excludes religious commitments from public life to consider "those terms of *inclusion* that have the practical effect of decomposing any and all authoritative religious claims, meaning the claims of particular communities" ([Elshtain 1997](#), p. 253). Elshtain is doubtful that religious communities can offer the resources to remedy the shortcomings of Rawlsian liberalism because of the damage already done to religious authority by contemporary liberal society (which is presumably informed by Rawlsian assumptions in her view). In the process, we have lost sight of the recognition that plural communities are constituted by a *variety* of norms, not a single set of political principles on which we must agree. Rawls worries about the dangers of conflict between competing perspectives, but Elshtain suggests that democratic politics is *defined* by such conflict and competition and that a democratic polity has a stake in keeping it alive:

The upshot within [Rawls's] perspective is depoliticization in the interest of sustaining an order buttressed by a set of principles that are themselves removed from disputation. A rather ascetic rationalism supplants the strenuousness and rambunctiousness of all those past, present, and continuing arguments generated from the deep entanglements of politics and religion in American life (*ibid.*, p. 254).

Part of the problem, for Elshtain, is the way in which Rawls's thought encourages citizens to think of themselves as unbound by the past. Drawing on Hannah Arendt, Elshtain argues that, historically, a legitimate authority was one who was *bound*—bound by law, or tradition, or the precedent of the past. The unbound authority was a tyrant, lawless and capricious. Such a view recognizes that freedom and boundedness are not mutually exclusive. One can offer loyalty to a shared tradition without losing the capacity for independent thought and action. In fact, "This bounded freedom is the only way to guarantee creation of a common space, to simultaneously constrain yet nurture and make possible human action" (ibid., p. 255). For Elshtain, citizens need to see themselves and their leaders as part of a tradition that has been built up over time from the founding of the country's institutions. Yet Rawls and other contractarian liberals encourage citizens to see themselves as co-founders of these institutions, thus unbinding citizens from the past and its tradition and creating a situation in which "nearly everything at every moment is up for grabs" (ibid., p. 257).

In her essay, Elshtain does not spend much time engaging Rawls' theory directly—she merely uses him as a representative of the contractarian liberalism that plays the villain in her account of the erosion of legitimate authority—so it is worth interrogating her criticisms of him further. How, in fact, does Rawls encourage citizens to see themselves as unbound by the past? Rawls's commitment to ideal theory makes his writing read like a rather abstract, ahistorical treatise on political justice, but if we return to his justification of ideal theory, we can see that it stems from a historicist impulse. Ideal theory in his view is meant to aid us in our self-understanding of our society by uncovering the fundamental ideas that are already implicit in the public political culture. These fundamental principles provide "a way of continuing public discussion when shared understandings of lesser generality have broken down" (Rawls 2005, p. 46). Therefore, his theory is both descriptive, in that it claims to detail principles already implicit in our culture, and normative, in that it lays out an ideal of political justice to which we ought to aspire.

Rawls thus see himself as working within a tradition, and he also thinks it important that citizens see themselves standing within a particular tradition of political justice. This is evident in his description of the overlapping consensus as something that must develop and become stronger over time as citizens develop an allegiance to the underlying principles rather than tolerating them as a mere *modus vivendi*. Nevertheless, Rawls does, as Elshtain says, encourage citizens to think of themselves as unbound from the past in his idea of the original position and the veil of ignorance.

The original position functions as a sort of thought experiment, imagining a hypothetical and nonhistorical position in which citizens could enter into an agreement (or social contract) on principles of political justice. In the original position Rawls imagines citizens standing behind a 'veil of ignorance' in which they know nothing about their social position, the comprehensive doctrine to which they adhere, or their natural talents and abilities. Citizens in this state of ignorance are then symmetrically and equitably situated. No one person has greater bargaining power due to historical and social conditions and no one is tempted to agree on a principle that unfairly advantages their interests over others. Since this original position is purely hypothetical, it is to be understood as a device of self-clarification—in that it helps us to understand what we already think, "on due reflection are the reasonable considerations to ground the principles of a political conception of justice" (Rawls 2001, p. 18)—that models both the fair conditions of agreement between free and equal citizens and the acceptable restrictions on reasons that various parties may put forward to justify or reject potential principles of justice (ibid., pp. 14–18).

Rawls encourages citizens to put themselves in the original position by "reasoning in accordance with the modeled constraints, citing only reasons those constraints would allow" (ibid., p. 86). It is from here that he derives his idea of public reason. He also uses the original position to argue for his two principles of justice. These two principles are (i) that each person has equal and adequate liberty and (ii) that any social or economic inequalities be a result of fair equal opportunity and be of the greatest benefit to the least advantaged (ibid., pp. 42–43). Thus, in accordance with Rawls's overall aim, the original position has both a descriptive and a normative function. It asks citizens

to put themselves in the original position in order both to better understand and to better practice the conditions of fair democratic cooperation. Returning to Elstain, we might ask again why this is problematic. Elstain would argue it is because it encourages citizens to see themselves as unbound from the past and thus undermines the authority of a robust civic and democratic tradition. However, Rawls would likely reply that the original position helps citizens to better understand the ground of their democratic tradition and the principles it entails, and in so doing they are better able to put those principles into practice.

To consider in more depth the problem with asking citizens to imagine themselves as historically unbound, we turn to Sheldon Wolin's review of *Political Liberalism*. Wolin calls Rawls's idea of a 'well-ordered democratic society' a "nowhere that is oxymoronic" (Wolin 1996, p. 118) With this phrase he implies that such a society has never existed and never could exist. A democratic society and a well-ordered society are oxymoronic at least to the extent that Rawls imagines it as a society largely free from intractable conflict. For Wolin, conflict (even the intractable variety) is a crucial part of a vibrant democracy. He writes, "In the age of vast concentrations of corporate and governmental power, the desperate problem of democracy is not to develop better ways of cooperation but to develop a fairer system of contestation over time, especially hard times" (ibid., p. 115). Here we see that Wolin does not agree with Rawls's contention that the greatest source of conflict in society is the existence of conflicting comprehensive doctrines; it is instead the severe power imbalances that develop in the non-ideal conditions of history. This difference makes clear why Wolin and Rawls differ on the value of conflict in society. If the root of conflict is purely ideological, a matter of competing beliefs, then fair cooperation between people holding competing beliefs is the necessary condition of a just society. If, on the other hand, the root of conflict is the visceral material realities that have developed through a society's history, then some form of productive friction is needed to contest those conditions and create a more just social arrangement. This difference also clarifies the reason that Wolin finds the original position to be an inadequate thought experiment for theorizing the conditions of justice. Wolin contends, "the most crucial omission from the original position is any recognition that a political society inevitably carries a historical burden as part of its identity, that it has committed past injustices whose reminders still define many of its members" (ibid., p. 116). Thus, beyond the loss of the authority of history and tradition that Elstain critiques, the original position encourages citizens to unbind themselves from the *burdens* of history. Apart from a recognition of the burden that historical injustices impose, citizens cannot determine how to move forward towards a more just state of affairs.

In order to understand why this alternative account of social conflict should lead us to think about pluralism differently, I will take a brief detour to explore the historical 'burdens' of racism and sexism. Political philosophers tend to talk about race and gender much differently than they talk about religion, but they are all aspects of identity shaped by history and context. In my view, race and gender should not be considered separate from discussions of pluralism, in part because they illuminate the material and historical dimensions of social conflict that are often ignored in discussion of religious disagreement. In due course, I will also make clear why religious conflict should be contextualized in the same way.

To begin, it should be noted that Rawls does acknowledge some need to correct for certain historical and social contingencies in order to maintain a just social structure. This is why he includes 'the difference principle' in his second principle of justice, namely, that any social or economic inequalities be to the greatest benefit to the least advantaged members of society. With this principle Rawls sets up the justification for some sort of social safety net that will ensure the continuation of equal freedom and equal opportunity for all, despite accidents of birth and misfortune. In much of Rawls's discussion of the difference principle he seems to only apply it to class inequality. This is certainly the case in *Political Liberalism*, where he discusses the difference principle only briefly (Rawls 2005, pp. 282–85). In *Justice as Fairness*, where it is discussed in greater depth, he also identifies a person's native endowments and good or ill fortune as contingencies worth taking into consideration. Ultimately, however, Rawls suggests that the best way to determine who constitutes the 'least

advantaged' members of society that the difference principle is meant to protect is by assessing their share of 'primary goods.' Primary goods are the tool Rawls uses to further work out what equal liberty and equal opportunity look like. The primary goods are described as things citizens need to live a complete life. The types of primary goods are as follows:

- (i) Basic rights and liberties, such as freedom of conscience and freedom of thought.
- (ii) Freedom of movement and free choice of occupation, given the background condition of an array of diverse opportunities.
- (iii) The powers and prerogatives of offices and positions of authority (open to the public).
- (iv) Reasonable expectation of income and means to achieve a wide range of ends.
- (v) The social bases of self-respect (needed for citizens to have a sense of their worth and the confidence to pursue their desired ends) (Rawls 2001, pp. 58–59).

It strikes me that this list does have some power to uncover social inequalities that go beyond mere difference of class and income. For example, the idea that the social bases of self-respect are a primary good can account for the ways in which differences in gender, race, sexuality, and ability operate in our non-ideal social circumstance to undermine this sense of self-respect and the confidence to pursue desired ends for certain groups. Nevertheless, having created this list of primary goods, Rawls continues to talk about social disadvantage as if it is mostly a matter of income inequality. He does briefly consider how it applies to race and gender in an effort to answer some of his critics, but his response leaves something to be desired. He first notes that race and gender had not previously been mentioned because he is mainly concerned with ideal theory. Ideal theory assesses the fairness of the basic structure of society from the point of view of the representative equal citizen whose liberty and equality of opportunity are secure (given these conditions distinctions of gender and race ought to be irrelevant) and from the point of view of representatives of various levels of wealth. Finally, Rawls acknowledges that there may be some instances in which other positions (beyond income differences) should be taken into account:

... Suppose, for example, that certain fixed natural characteristics are used as grounds for assigning unequal basic rights, or allowing some persons only lesser opportunities; then such inequalities will single out relevant positions. These characteristics cannot be changed, and so the positions they specify are points of view from which the basic structure must be judged.

Distinctions based on gender and race are of this kind. Thus if men, say, have greater basic rights or greater opportunities than women, these inequalities can be justified only if they are to the advantage of women and acceptable for their point of view. Similarly for unequal basic rights and opportunities founded on race. It appears that historically these inequalities have arisen from inequalities in political power and control of economic resources. They are not now, and it would seem never have been, to the advantage of women or less favored races. To be sure, so sweeping a historical judgment may occasionally be uncertain. However, in a well-ordered society in the present age no such uncertainty obtains, so justice as fairness supposes that the standard relevant positions specified by the primary goods should suffice (ibid., pp. 65–66).

The sum of this quote serves to dismiss the idea that gender and race difference could have any relevance in Rawls's ideal theory. As to how the theory might serve to correct the injustices of our current non-ideal circumstances, Rawls would presumably argue that anyone who considers the underlying principles of justice would recognize that any inequality based on gender or race would be unjust. Any thoughtful and reasonable citizen upon due reflection would reject any such distinctions. This does not, however appear to bear out in our current circumstances. To understand why Rawls's account is unsatisfactory it is necessary to listen to the voices of those most affected by distinctions of race and gender, namely women and people of color.

Since Rawls writes within the social contract tradition, we might begin this effort by examining the subversive contract theories of Carol Pateman and Charles Mills. Pateman wrote *The Sexual Contract* in 1988 to address the contract tradition's silence on gender inequity. Inspired by Pateman's work, Mills authored *The Racial Contract* in 1997 to make a similar critique of the contract tradition's silence on issues of race. In 2007, Pateman and Mills collaborated on *Contract and Domination*, in which they put out their perspectives in conversation, considered what they might add to their previous work, and addressed critics.

It is a common misreading of these subversive contract theories (or perhaps of contract theories more generally for those unfamiliar with them) that the authors really believe such a contract happened in history; that males contracted with one another to suppress women or that white people contracted among themselves to keep people of color down. Instead, Pateman variously refers to contract theory as "conjectural history" and "political fiction" (Pateman 1988, pp. 1, 7). It is a useful story we can tell to explain the legitimacy and authority of modern government. Like Rawls, traditional contract theory usually takes the form of ideal theory. It not only helps make sense of modern governing structures, it also tells us something about how government and civil society *ought* to function under ideal conditions. The subversive contract theories of Mills and Pateman depart from this tendency to tell a story about the decidedly non-ideal conditions that have developed in history, specifically the oppression of women and people of color.

As Pateman tells it, the standard social contract narrative is missing half the story. It tells us about the contract that justifies the rule of government (the rule of men over other men) but tells us nothing about the contract that justifies the rule of women by men, that is, the sexual contract. The contract tradition tells a story about the freedom of humans in their natural state and the measure of that freedom they give up for order and safety, but women are not necessarily assumed to have the same natural freedom. In the state of nature, they are still subject to men. All of the classic contract theorists—Rousseau, Locke, Kant—with the exception of Hobbes, posit that women lack the capacity of 'individuals' and do not have full ownership of what Locke terms "property in their person" (ibid., p. 6). Thus, they are not parties in the original contract and are not considered to have an equal part in the civil society that is created by the contract, but neither are they left behind in the state of nature. Pateman explains:

Women are incorporated into a sphere that both is and is not in civil society. The private sphere is part of civil society but is separated from the 'civil' sphere. The antinomy private/public is another expression of natural/civil and women/men. The private, womanly sphere (natural) and the public, masculine sphere (civil) are opposed but gain their meaning from each other, and the meaning of the civil freedom of public life is thrown into relief when counterposed to the to the natural subjection that characterizes the private realm (ibid., p. 11).

Because the "sexual contract" is relegated to the 'private' sphere, it receives little attention from political theorists, who see the public sphere as their primary domain of inquiry. However, as Pateman points out, "sexual difference is political difference" (ibid., p. 6). To be female is to have a different level of access in political life. Women have only recently been accorded full equality under the law in the U.S. and most feminists would agree that *de facto* equality is still out of reach.

To be sure, contemporary theorists like Rawls do not make the same assumptions about women's subordination to men that the classic theorists did. The question, then, is whether contract theory as ideal theory can be retrieved in a way that supports the full equality of women and men and does so in a way that helps us realize that equality in actual life. As we already discussed, Rawls appears to recognize the equality of men and women but does not dwell on this issue because he assumes that gender/sexual difference would not be a problem in the ideal society he imagines. For thinkers like Pateman, this is not particularly helpful because it underestimates the deep roots of the sexual contract and does not give us the tools necessary to deal with its ongoing manifestations. Pateman herself does not think contract theory can be retrieved for emancipatory purposes. Though she finds it

useful for generating a critique of existing structures, this is only because she is turning an existing tradition on its head to show its deficiencies. For Pateman, the normative use of contract theory for theorizing ideal conditions should be abandoned. The metaphor of 'contract' is still too laden with the baggage of its history of justifying subordination. Pateman finds that contemporary contract theorists have not revised the tradition in any way that is helpful for creating a freer and more democratic society. In fact, Rawls's work merely obscures the existence of unfree institutions by presenting them as free institutions justified by the agreement of individuals behind the veil of ignorance. Institutions like employment and marriage that Pateman sees as in dire need of reform are taken for granted by Rawls and not given any type of extensive treatment because, in his view, "our social life is a voluntary cooperative scheme" (ibid., pp. 25–26).

Mills, unlike Pateman, still believes contract theory can be retrieved for liberating purposes. Though he takes inspiration for his own subversive contract theory from Pateman, he is also influenced by two other feminist contract theorists, Jean Hampton and Susan Moller Okin, who are more amenable to the contractarian project. They point out several problems with Rawls' theory from a feminist perspective but do not think these issues invalidate the project as whole.

Mills follows Okin and Hampton in believing that contract theory may still be useful. For him, exploring the racial contract is a starting point to improve the story of the social contract. Although Mills does not argue that there was an actual historical moment in which white people contracted among themselves to create a global racial order in which they were at the top, he does think that the racial contract has a better claim than other contract theories (including the feminist ones he is inspired by) to being an actual historical fact. By this he means that the origins of the global racial order that still exists today are readily accessible. It was formed in recent history, beginning with the European voyages of discovery, and gradually consolidated through the enlightenment, European colonialism, and the aftermath of colonialism. Its origins are not lost to 'the mists of history' to the extent that they can only be recovered by conjecture about some hypothetical state of nature. Even in the case of Pateman's sexual contract, clear historical origins are inaccessible since male domination of women reaches back before recorded history. Racism, by contrast is a modern ailment, and thus we can actually say something about its origins.

For Mills, it is no accident that the golden age of contract theory overlapped with the period of time in which global white supremacy was being consolidated. Leaving aside Hobbes, who used the contract as a defense of authoritarian government, the classic contract theorists used the contract metaphor as a justification for enlightenment liberalism and its tenets of equality and freedom for all men. It is seemingly contradictory that such ideals could be heralded at the same time as the conquest of the Americas, the massacres of Native Americans, and the transatlantic slave trade. Mills explains, "this contradiction is reconciled through the Racial Contract which essentially denies [nonwhite people's] personhood and restricts the terms of the social contract to whites" (Mills 1997, p. 64). This is not merely conjecture on Mills's part; many of the contract theorists themselves provide evidence that when they say 'men' they really just mean 'white men.' Both Hobbes and Rousseau claim their 'state of nature' was purely hypothetical, or at least consigned to the distant past, but further reading reveals that this is only the case for Europeans. Both authors use (non-white) people from other parts of the world as examples of the state of nature existing both in the past and present. The state of nature conjured images of non-white savages, very much in line with European perceptions of colonized peoples. Locke had investments in the slave trade, something that would very much contradict his egalitarian ideals unless he did not view Africans as fully human. Kant perhaps provides the most explicit evidence that he did not accord non-whites full personhood. This is clear not so much in his moral theory as it is in his lectures on anthropology and geography. In his essay "The Different Races of Mankind," he theorized a "color-coded hierarchy of Europeans, Asians, African, and Native Americans, differentiated by their degree of innate talent" (ibid., p. 71). Talent, in this case, entails the capacity for reason and moral self-education. The foundational theorists of the social contract,

then, were all very much bound up in the logic of the racial order that was developing and being consolidated during their lifetime.

The Racial Contract therefore underwrites the social contract in the sense that it is “a visible or hidden operator that restricts and modifies the scope of [the social contract’s] prescriptions” (ibid., p. 72). In the time of the classical theorists discussed above, the logic of racism was explicit and enshrined in law. We now live in a time in which racism is no longer legal in most places around the globe, and yet Mills claims that the Racial Contract is an ongoing reality; it has simply been rewritten over time. We now live in an age of ‘colorblindness’ in which race nevertheless continues to be a significant factor in one’s access to power, resources, and general wellbeing. The extension of formal rights to non-white people apparently blinds white people to the ongoing operations of white supremacy. For Mills, the move in modern contract theory towards ideal theory is further evidence of this operation, as theorists like Rawls posit principles that extend to people of every color without recognizing that formal rights have as of yet proved insufficient to correct the enduring inequities of modern history. Modern political and moral theorists appear to treat racism as marginal or incidental to history rather than as an enduring reality very much ingrained in the modern world order. This leads Mills to uncover a peculiar irony of our time:

Thus in effect, on matters related to race, the Racial Contract prescribes for its signatories an inverted epistemology of ignorance, a particular pattern of localized and global cognitive dysfunctions (which are psychologically and socially functional), producing the ironic outcome that whites will in general will be unable to understand the world which they themselves have made (ibid., p. 18).

In uncovering this epistemology of ignorance, Mills goes some way in explaining why the abstract ideals of Rawlsian contract theory cannot provide the necessary tools to correct our non-ideal reality.

To further demonstrate this point, it is helpful to also explore the sociological research of race theorist Eduardo Bonilla-Silva. Bonilla-Silva’s understanding of the U.S. as a “racialized social system” provides another helpful explanation as to why liberal principles alone are not sufficient in and of themselves to create equality in a society marked by historical inequity. In a racialized social system, the structure of a society is partially based on race. Different races receive different social rewards and develop different interests. A racialized social system is hierarchical—socially constructed racial categories generate new forms of human relations with clear differences in status. Bonilla-Silva suggests that “we can speak of racialized orders only when a racial discourse is accompanied by social relations of subordinate and superordinate among racial groups” (Bonilla-Silva 2001, p. 43). The social structure that emerges is accompanied by a racial ideology that helps normalize racial inequality.

Much like Mills, Bonilla-Silva argues that there has been a transformation in the U.S. racial structure since the 1960’s. We have transitioned from the overt Jim Crow form of racism to a new “color-blind racism” that operates in more covert and subtle ways. Though it might be said that African-Americans have achieved equality under the law, de facto inequality is still evidenced by economic disparities, unequal access to housing and education, underrepresentation in political offices, and overrepresentation in prisons. The new racism is largely invisible to whites because it is institutionally enforced. Further, the ideology of colorblind racism serves to rationalize racial inequality. One of the frames of colorblindness that Bonilla-Silva delineates is “abstract liberalism.” *This means that whites will extend classical liberal principles to racial situations in ways that preserve racial inequality.* This may entail appeals to principles of political liberalism—such as equality of opportunity, meritocracy, or equal rights—or principles of economic liberalism—such as free market competition, individual choice, or limited government intervention (ibid., p. 140). In other words, Bonilla Silva helps us understand how it is possible that white people have a hard time seeing racism despite the persistence of inequality in outcomes between whites and people of color. The very formal rights that were extended to non-white people serve as the basis for explaining away any further instances of inequality.

If abstract principles can be used to justify racial inequality then we might have doubts about the ability of Rawls's ideal theory, based on such abstract principles, to really address the differences in the way these principles are experienced in reality. Rawls's elaboration of the basic liberties approaches some of the problems at stake in situations of inequality. Here he elaborates two principles of justice. The first guarantees "an equal right to a full basic scheme of liberties" and the second requires that social and economic inequalities be attached to fair equality of opportunity and "be of greatest benefit to the least advantaged members of society" (Rawls 2005, p. 291). With these principles Rawls attempts to account for the inevitability of social and economic inequality by articulating the conditions under which it is justified. However, insofar as these remain abstract principles they cannot account for the gap between formal equality and true equality that African-Americans claim to experience. Equality of opportunity is one of the principles of abstract liberalism that, according to Bonilla-Silva, white Americans often employ to make sense of racial inequalities. But although fair equality of opportunity is, in principle, a right extended to all Americans, Bonilla-Silva argues that racial minorities do not experience equality of opportunity in the United States. Rawls himself acknowledges the limits of his theory to deal with the problem of rights that are merely formal, but he maintains that "It is beyond the scope of a philosophical doctrine to consider in any detail how this problem is to be solved, such a doctrine must explain the grounds upon which the necessary institutions and rules of law can be justified" (ibid., p. 357).

It would seem, then, that the problem elucidated by Mills and Bonilla-Silva is irrelevant to Rawls's project, but Mills insists that this is not the case. Consider that Rawls thinks he is uncovering ideals that are already present in U.S. democratic culture and born out of Enlightenment humanism. Mills points out that these 'noble ideals' were never separate from racialized thinking. Racism was not an unfortunate deviation from these ideals, it was bound up in their construction. To the extent that we have not overcome that history, racism is *still* bound up in the liberal ideals implicit in our culture. This may not be immediately obvious, especially to white citizens, but Bonilla-Silva uncovers it by demonstrating the ways in which white people use liberal principles to explain away the persistent inequality of people of color in the United States. Rawls, then, cannot rely on these implicit ideals to explain how institutions and rules of law can be justified, because these implicit ideals were themselves racialized ideals from the beginning. Our institutions and laws are racially discriminatory not *despite* these ideals, but very much in line with them as they were understood during the Enlightenment and during the founding of the United States when Enlightenment humanism was built into the constitution alongside the institution of slavery. To be sure, there is no clear *logical* connection between liberalism and racism. In fact, liberal ideals such as equality and freedom would logically lead away from racism or any other form of unjust discrimination. Nevertheless, the principles in and of themselves have not proven sufficient to overcome racism, and Rawls is mistaken to think they provide adequate tools to navigate these persistent inequalities.

3. Religion and the Roots of Social Conflict

One might at this point ask, why I would spend so much time discussing race and gender when I am supposed to be discussing pluralism, generally defined by a diversity of belief systems or worldviews. I would first respond that, in my view, discussions of race and gender are not peripheral to discussions of pluralism. Though we generally assume a pluralist democracy to be one that allows for religious freedom, we cannot then subsequently assume that we understand people's motivations based purely on their religion. The discussion of how to best put pluralism into practice must account for the way people are influenced by other facets of their identity. One is rarely identified by one thing. One can be a Christian and also black and female and heterosexual and disabled. Each of these facets of one's identity will influence how one experiences the world and acts within it.

Second, it is worth pointing out that religions, as much as race or gender, are marked by history. They do not exist in some essential form in a timeless vacuum, though sometimes they are treated that way in the language we use. Rawls, thankfully, does not fall into this trap; he is clearly aware

that religions evolve and adapt to different contexts, but he does not take the next logical step to then recognize that more than competing belief systems might be at work when conflict arises between religious groups or individuals. It is still competing beliefs that form the biggest obstacle to just social cooperation. I would argue that the way Rawls thinks about religion holds a strong resemblance to the way we talk about religion in American public life. To be sure our discourse about religion is multifaceted and complex; I cannot claim to capture it completely. However, I do observe a strand of public discourse about religion that like Rawls, takes differences of religious belief and the imposition of religious belief in public life to be a significant source of conflict in society. One place (though certainly not the only place) we can observe this is in conversations about Islam.

In the time since September 11, 2001 and the beginnings of the war on terrorism there has been much conversation about whether Islam is compatible with democracy, whether it is inherently oppressive or inherently violent, and whether or not Muslims can be trusted to assimilate into American life (or whether instead they will try to stealthily implement sharia law in the U.S.). Certainly, there are many people who would defend Muslims against these charges, but it is still evident that suspicions about them are deeply rooted in public discourse. The underlying suspicion is that there is something in Islam, as a belief system, that simply cannot be reconciled with American democracy—perhaps it is essentially theocratic and cannot tolerate religious freedom, or it demands violence against non-Muslims, or it requires that women be relegated to a subordinate status. In any case, it is the *beliefs* of Muslims that will not allow them to peacefully assimilate into American life.

This ignores much of the history of relations between Muslims and the West. In fact, much of the history that Mills draws on in *The Racial Contract* is also relevant in this case. Islam was racialized in the course of European colonialism (and many would argue that the War on Terror had racialized it further). It was seen as the religion of a less rational people who were clearly inferior to European Christians and easily enticed into religious rigidity and authoritarian tyranny. Many reformist movements in Islam were born from the imposition of Western thought and culture on Muslim countries. A very small minority of these reform movements evolved into radical extremist groups that came to be the terrorists we know today. To then see this extremist violence as a natural outgrowth of Muslim theology rather than as a re-interpretation of Muslim theology in reaction to Western imperialism ignores the historical realities (Ernst 2003; Beydoun 2018). And yet many in the U.S (not to mention Europe and Australia), continue to write pieces about how Islam itself is the problem.

It is also important to recognize that Muslims are a diverse group with many divergent histories that should prevent us from looking at them as singular group. For example, Muslims have lived in the U.S. since it was founded, having arrived on African slave ships. African-American Muslims have lived in the U.S. much longer than the Muslims that immigrated from the Middle East, India, and Southeast Asia. These groups likely have a very different experience of being Muslim in America based on their different histories. Therefore, we cannot understand Muslim-Americans based on facile appeals to their theology and ethics. They, like members of any group, are complex human beings formed by diverse experiences.

Emphasizing the ways in which history and experience inform religious identity helps us understand the challenge of pluralism in a way that looking at it as merely a problem of competing belief systems cannot. There is so much more than differing belief systems underneath the deep disagreements that exist in our public life. What Wolin, Mills, and Pateman help us see is that we are still very much marked (burdened even) by a history of inequality and injustice that persists into the present, imprinted on our institutions and the way we practice our ideals. This burden of history is just as much (or perhaps more) a catalyst for social conflict as differences of belief. For very recent examples consider the debates sparked by the Black Lives Matter movement and the Me Too movement. Both seek to challenge the historical inequality of African Americans and women that has yet to be corrected. To be sure, these movements also seek to change our beliefs about the world, the things we believe that serve to diminish black lives or doubt women's claims of harassment and violence. However, these

are not the sort of beliefs that Rawls imagines as the source of conflict; they are implicit in our public political culture to an extent that Rawls cannot see.

If we begin to look at the roots of social conflict as not just a matter of competing beliefs but also as result of historical and material realities, then we may have to rethink our prescriptions for navigating political and social disagreement. As Elshtain and Wolin point out, Rawls is so afraid of social conflict that he tries to depoliticize politics as much as possible. However, would he reach the same conclusion if he understood the roots of conflict as I do? Perhaps. Or alternatively, perhaps he would agree with Wolin that conflict is a crucial part of a thriving democracy. Presumably it is not a good thing when conflict results in violence or civil war, but that does not mean people can't actively debate or contend with one another in public life, even beyond the limits that Rawls suggests for virtuous citizens. In fact, this may be the only way to draw attention to the burdened histories and persistent inequalities that characterize our non-ideal reality. How we understand the risks and challenges of pluralism therefore effects how we choose to navigate them. To the extent that the way Rawls talks about religion and religious diversity mirrors the way we talk about these subjects in American society as a whole, we fall prey to an inadequately complex, intersectional, or historicist understanding of American pluralism. Only by refining and revising this understanding, and the analysis of social conflict it entails, can we hope to find a way forward through the many obstacles we still face in building a just and healthy pluralist democracy.

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