

“Common Ground: A Rawlsian Approach,” by Daniel A. Dombrowski (Seattle University) <ddombrow@seattleu.edu>

For session of Philosophers in Jesuit Education, "Finding 'Common Ground': Philosophy's Role and Prospects in Disputes Over Public Policy: A Discussion" (9:00 - 11:00 AM), Marriott Marquis in Times Square, American Philosophical Association Eastern Division Meeting, room TBA)

In light of President Obama’s widely publicized commencement address at University of Notre Dame, I have been invited by John Carlson of Creighton University to discuss what “common ground” might mean, in light of deep disagreement on abortion and other topics, from a Rawlsian point of view. I will try to do this within my two page limit by sketching an argument with six steps.

1. People in contemporary liberal democracies are characterized by a pluralism of comprehensive doctrines, some religious and some not. Even within a religious comprehensive doctrine there are obviously deep divisions. I take these pluralisms as givens.

2. The pluralisms mentioned above can nonetheless be reasonable if the individuals or associations that are divided at the level of comprehensive doctrine are willing to abide by decision making procedures that are fair. Such decision making will require a use of public reason, rather than the types of argumentation that characterize, sometimes idiosyncratically so, parties in their separate comprehensive doctrines.

3. This does not mean that one is absolutely prohibited from bringing one’s comprehensive doctrine to bear on matters of public policy. It is only to suggest that one must fulfill the proviso that the terms of one’s comprehensive doctrine be translated into, or could be translated into, the terms of public reason. Two extremes are to be avoided: pure inclusivism (as in Wolterstorff) and pure exclusivism (as in Rorty). The view I defend can be called partial inclusivism: one can include the terms of one’s comprehensive doctrine into public discourse as long as such terms are part of a common language that can mediate among different comprehensive doctrines that are nonetheless reasonable.

4. Thus, it would be a mistake to assume that the primary locus of common ground is to be found at the level of comprehensive doctrine, where free people differ, very often uncompromisingly so. Rather, common ground is to be found already, to some extent at least, and to be further encouraged, at the meta-level of political principle. The Rawlsian way to put the point is to speak of a common good of common goods (the latter

found at the associational level of various comprehensive doctrines), of a social union of social unions, or, for present purposes, of a common ground of common grounds. No one community should be expected to unify free peoples, but a meta-community of free citizens committed to justice is partially in place already and there is reason to hope that this meta-community could be enhanced even further in the effort to more closely approximate a just society. But this asymptotic approach to justice requires the duty of civility with respect to reasonable citizens who adhere to different comprehensive doctrines from one's own.

5. It would be a mistake to assume that the common ground mentioned above is "purely formal" or "conceptually thin." That is, a stable society is one where there is overlapping consensus among various comprehensive doctrines, but in a just society such stability must be (as it is not, say, in Hobbes) for the right reasons. These reasons are supplied in Rawls' famous decision making procedure involving the veil of ignorance. In this procedure reasonable citizens reach common ground on three basic principles: (a) each person has the same infeasible claim to a fully adequate scheme of equal basic liberties, which scheme is compatible with the same scheme for all (the equality principle); (b) social and economic inequalities are to be attached to offices and positions open to all under fair conditions (the opportunity principle); and (c) social and economic inequalities are to be to the greatest benefit of the least advantaged members of society (the difference principle). In this regard it should be noted that the agents of construction behind the veil of ignorance reach something very close to the preferential option for the poor that would be agreed to by theists primarily motivated by love.

6. Regarding abortion, in particular, the following can be said in brief. All reasonable people agree that persons deserve moral respect. All reasonable people also agree that pregnant women are persons and hence deserve moral respect. Hence there is common ground on these two points. However, there is disagreement among reasonable people regarding whether fetuses in the early stages of pregnancy are persons. The fact that the dominant view in Western Christianity until the 17<sup>th</sup> c. (including the views of Saints Augustine and Thomas Aquinas) was delayed, rather than immediate, hominization should not escape our notice. In any event, the very fact that the burdens of judgment are heavy regarding the personhood status of early fetuses, in contrast to the lightness of the burdens of judgment regarding the personhood status of pregnant women, ought to have political ramifications in a politically liberal society.