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June 18, 2015: The End of Rawls

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Title: The End of Rawls

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6/18/2015—The Duquesne Law Library kindly forwarded to me a recently published book edited by Martha Nussbaum and Thom Brooks, which presents a series of essays on John Rawls' book, *Political Liberalism*. (It's called *Rawls's Political Liberalism*). I tried to read Nussbaum's introduction, and I really must, but I couldn't. Rawls has been around since the 1970's and since that time, liberals like Nussbaum have tried to convince themselves that a stable, reasonable, secular world can be built around him. But it is just not the case. Rawls is not the future. The basic problem is one of truth. Rawls does not want the liberal state to take a position on the nature of a good life because people disagree. But there is no getting around some actual value commitments in political life. The pressure of normative life gives to Rawls a feeling of result oriented jerry rigging, as when he famously viewed the pro-life position as outside legitimate liberal political life. Rawls gets to decide which comprehensive doctrines are "reasonable" and it always seems that they are the ones he does not disagree with too much. But I stopped reading the Introduction when Nussbaum suggested that Judaism is more rational and regards autonomy more than does Christianity. And then she cites the Oven of Aknai story as proof—it is not in heaven. Does she not realize that the Oven of Aknai story is about the overwhelming power of the rabbis to squelch dissent? It is the opposite of the rational account Nussbaum and other liberal Jews like to tell themselves. The lone dissenter is excommunicated. And while it is true that the story states that God cannot intervene in disputes between scholars, nothing in the story suggests that the winning side was actually more rational than the dissenter. They just had the votes. Judaism is rabbinic, not rational and is not dedicated to autonomy. That is why there are chief rabbis and why the rabbinate in Israel decides matters of family law. You can call rabbis making rulings rational if you want, but the legal reasoning is just the same as in Christianity or Islam. And just as hierarchical. The problem we liberals have is that we lack a foundation. We distrust religion—Jews attempt to distinguish Judaism, as Nussbaum did—because we reject the authority of truth. Hence Rawls' proceduralism. But how do you sustain human life this way?