



The Art of the Impossible: Obama, Rawls and American Healthcare

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ABSTRACT

Barack Obama has a reputation for excellence as a communicator, and for rhetoric that can inspire and unify. Despite this, the president is perceived to be lacking in engagement in major issues—such as in the national conversation about healthcare reform. This article examines the president’s rhetorical and philosophical assumptions, perhaps providing some explanation for the reasons this apparent lack of engagement exists. Using the paradigm of social justice set forth by John Rawls—a philosophy Obama evidently picked up during his time at Harvard—this article will examine contextually the rhetoric used by the president to push for healthcare reform. This analysis may provide explanations as to how healthcare reform has become so divisive; and why the president’s words, while making a nod toward unity, result in distrust and uncertainty.

KEYWORDS:

Presidential rhetoric, Obama, healthcare, political rhetoric, social justice, Rawls

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I. Introduction

There is no doubt the national healthcare plan passed by Congress in 2010 has riveted peoples' attention on the possibilities and drawbacks of the law. Some hail the new healthcare paradigm as a much-needed step toward making the United States' system of care more fair and just. Others see the law as an overreach that usurps long-held principles upon which this nation is built.

There has been a great deal said about the right of the government to impose aspects of the law. Most of this talk falls into the classification of punditry—praising Obama as a courageous visionary who has achieved a great victory over great odds (Montanaro, 2010) or condemning him as a thinly veiled socialist (Pisaturo, 2009). However, there has not been much meaningful consideration of the philosophy that informs Obama's worldview beyond the facile claims of a socialist takeover of America.

If it is true that the best way to understand a person is to examine the company he or she keeps, then it may also be helpful to look into the big ideas that have shaped our president and inform his understanding of the nation and the actions that should be taken to improve it. These ideas are more than the company the president keeps, these ideas are his ever-present companions.

Using Obama's opening address at the start of the seven-hour Healthcare Summit in 2009, we will compare the ideas manifest in the rhetoric of Obama's push for a new healthcare regime with the ideas of philosopher John Rawls. In doing this, we will not only gain a clearer understanding of what motivates the chief executive but also develop a deeper sense of why the healthcare law is so controversial.

II. John Rawls and the Literature Surrounding His Ideas

The whirlwind of controversy can begin to be seen in the literature—both academic and non-academic—surrounding the ideas of Rawls. In 1971, Rawls published *A Theory of Justice*, a 587-page tome that set forth his ideas about how justice can be achieved in a society that relies on the consent of the governed and that attempts to provide a modicum of freedom (Rawls, 1971). Rawls (1971) believed the philosophy of Rousseau, Kant and, in part, Locke fell short of justice because these men, in some shape or form, accepted the concept of the social contract. This contract failed because it was in all situations grounded in a specific cultural context; the result being that individuals, cultures and nations felt justified in breaking in on the rights of others in order to preserve their specific social contract. This, Rawls believed, leads to injustice.

In order to avoid this shortcoming, Rawls posited what he called “the original position” (Rawls, 1971, pp. 17-20). This concept holds that for justice—a term that Rawls makes synonymous with fairness—to take root all people must conceive of themselves as if they were behind a “veil of ignorance” (Rawls, 1971, p. 136). This veil removes the obstacle of cultural and societal grounding because all individuals are unable to know what their social standing is (and, thus, do not know what they stand to lose or

gain in a cultural transaction). This allows people to make impartial, fair judgments to be made that will benefit all (Miller, 1984).

The next step involves the idea of *how* fair decisions are to be made. First, Rawls nods toward the idea of freedom and liberty. His Principle of Equal Basic Liberty for All (Rawls, 1971) holds that all people have an equal right to the most basic form of liberty that fits with a similar liberty for others (Miller, 1984). Second, Rawls saw one of the primary springs of injustice being the inequitable distribution of goods. His Difference Principle (Rawls, 1971) tries to join the hope of equal distribution with the reality that distribution is rarely equal. Rawls said inequality is acceptable, provided the lack of equality is to everyone's advantage—especially those in the lower classes of society. However, if roles or responsibilities are open to all and off limits to none, then the inequality may count as being just.

The response to Rawls has been very divided. Critics of Rawls point out the impracticality and internal contradictions inherent in his ideas. Supporters tend to see a useful big idea in Rawls that can perhaps be leveraged in specific ways to create a more just society or a more just political climate.

Rawls is not widely known outside of the field of philosophy and, to some extent, public policy. Because of this the supporters and critics cited in this section to tease out the meaning of social justice in the ideas of Rawls come from philosophy and public policy. They have been chosen for inclusion because their work is the most current available about this controversial theorist.

Among those who fall into the belief that the ideas of Rawls are good because there is a useful big idea in them, Fred D'Agostino (2004) points out that Rawls' main contribution was his attempt to draw attention to the fact that a diverse society needs a method of equalization that can allow people to identify a common basis for our dealings. The key to this equalization is the personal acceptance—as opposed to the widespread application—of the original position/veil of ignorance. If individuals willingly acquiesce, we will exclude those contingencies that divide people and become more reflective, creating “an equilibrium” that will generate support for commonalities. This, then, will lead to the basic, just structure for society (2004). Picking up on this theme, Greg Nielsen (2005) points out that the idea of a veil or original position is not impractical because we tend to apply “ignorance” to our interactions with others when we are unaware of their biases. This makes it easier for us to accept first principles and reform things, and this, he says, is the very essence of Rawls' idea.

Though Nielsen finds practicality in a foundational idea of Rawls, he believes the concept of justice as a general societal ideal—which D'Agostino (2004) maintains—is stretching Rawls too far. Nielsen believes Rawls' ideas are not meant for society in all contexts, instead it is meant to be applied only in the political arena (Nielsen, 2005). By narrowing the theory in this way, Nielsen appears to stay true to Rawls' intentions since the philosopher worked mostly in the political realm.

However, another supporter sees fit to try to narrow Rawls a little bit more. John Burt (1994) also grounds Rawls fully in a political context but says his ideas cannot transform a political structure that is not already liberal in the classical sense of the term. He says Rawls' ideas depend on a culture with respect for freedom, and that the culture has to affirmatively respect the concept of freedom. If a culture places tradition ahead of freedom that culture will have a hard time holding together when tradition begins to give way (1994). "Rawls cannot ultimately work outside of an already liberal culture," Burt writes. "His work is about how liberals—as liberals—are to define and respond to the moral demands liberalism imposes" (p. 45).

Critics of Rawls, such as Carl Bankston III (2010) and Robert Paul Wolff (1977), will allow they like the ideas that underpin Rawls' philosophy but object to certain specifics of it. Bankston points out that until the 20th century it was impossible to think of people apart from what they did or what they merited. His problem with Rawls is that the theory essentially degrades people to units of consumption—what is fair, right or true is not about what people do, it is about how the structure of distribution is organized (Bankston, 2010).

This hollowing out of humanity in Rawls is a common complaint. Peter Berkowitz (2009), argues Rawls' ideas are based on a "superficial anthropology" because the first thing a philosopher like Rawls has to do is delve into the nature of man (p. 87), since no conception of justice can be made apart from a clear understanding of the purpose and meaning of existence. Since Rawls does not do this, Berkowitz maintains Rawls' theory has no grounding. This is where the ideas of Chantal Mouffe connect.

Mouffe (2009) writes that the idea that fairness equals justice—one of the foundational ideas repeated regularly in Rawls' original work—is too shallow. The reason this is so "...is because (humanity) is reduced to a mere allocation between competing interests" (p. 7). She also takes aim at a lack of clear definition in Rawls, one that appears to be a fatal flaw, even among those who are inclined to embrace his ideas (Knippenberg, 2008). Rawls requires reasonableness in order to operate, but he maintains that anti-liberals are unreasonable, which is a way of saying their views cannot be accepted within a liberal democratic framework (Mouffe, 2009). This brings Mouffe into the same sphere as Burt, a supporter of Rawls. Like Mouffe, Burt points out a certain circularity of thought in Rawls (Burt, 1994). She writes Rawls ideas add up to this idea: "Political liberalism provides consensus among those reasonable people who... accept political liberalism" (Mouffe, 2009, p. 4).

If, as critics and supporters acknowledge, justice as fairness works in a relatively proscribed arena that requires the good will of so-called reasonable people, it stands to reason that a certain strain of elitism can be imputed to Rawls. The reason: some ideas and some input have to be suppressed. This creates a problem of logic for Christopher Tollefsen (2007) and Vicente Medina (2010). They wonder how it can be that if Rawls requires people to be treated fairly, and if we are supposed to adopt a "natural position" toward others, how any restraints can be placed on opinions and principles offered in public debate. After all, in the natural position we would have no sense of the relative

tolerance, reasonableness or goodness of any point of view. To be fair, Rawls anticipated this question and addressed it in *A Theory of Justice* (Rawls, 1971). As we will see later, however, Rawls picked up this question again in one of his later attempts to fine tune his philosophy.

Joshua Cohen, a student of Rawls, wades into these controversies—and earns the final word in this section—with his comments in a very engaging piece titled *The Importance of Philosophy: The Importance of John Rawls*. He fairly handles the issues, pro and con, surrounding Rawls and closes with the very thing Medina (2010), a moderate supporter of Rawls, says is needed in order to be a Rawlsian—hopeful thinking. It is true, Cohen writes, that Rawls’ idea is abstract and not obviously practical, but it is, in fact, deeply practical because of what the theory *means*. Critics deny that something that is abstract can truly be important because it is not practical. Upholding Rawls’ ideas is important because it is a victory of hope over cynicism that masquerades as political realism (Cohen, 2004).

III. The Artifact

In the artifact under consideration we will examine how Obama’s comments echo the thoughts of Cohen. In opening the [2009 Healthcare Summit](#), the president gave a short speech that was mostly typical political boilerplate until the final few minutes. In this address, Obama begins with a call to action because the United States is facing a crisis. This crisis is a threat to the economy and to the future wellbeing of the nation (President, 2009).

It is a perfect set up to bring Rawlsian ideas into the public sphere, which is why this first, short address is worth our time and attention. Before the hydraulic pressure of politics and influence began to reshape the philosophical landscape and narrow some people’s sense of what was possible, this speech offers a clear window into the president’s embrace of Rawls.

In this address Obama (President, 2009) cites statistics—in the eight years before this summit healthcare costs have grown four times faster than wages; in that time nine million people have become uninsured; healthcare costs result in a bankruptcy in the U.S. every 30 seconds; by the end of the year this could cause 1.5 million people to lose their homes; these people could join the ranks of the 46 million people who have no health insurance. After this grim litany, he says the problems are a result of too much talking and tinkering by the political class. The problems, he says, are not an accident; they are the result of a failure of courage and action.

Obama then moves on to the business climate. It is not just individuals who are in a bind due to the lack of healthcare; the cost of healthcare is making it harder to do business and harder for state governments to manage budgets due to soaring Medicare costs. Healthcare, because it hits individuals, corporations and everyone in between, is a significant crisis that has to be addressed (2009).

It is after these remarks that the president begins to hit on themes and ideas that are a part of Rawls' view of justice as fairness. About three-and-a-half minutes into the nearly six-minute video, Obama says all voices should be heard (the "but" in this statement comes later), and all options should be up for discussion—no sacred cows (2009). All the people involved must accept the fact that no one will get everything they want. No proposal for reform of the healthcare system will be perfect, and perfection cannot be the measure. If it is, then nothing will ever get done. This is why, Obama says, those in the room cannot let the perfect be the enemy of the essential.

Just before setting people to work as a part of the summit, Obama sets forth the "but" regarding the idea of all people having a right to be heard and to set forth options—but no one person or group can be allowed to dominate the discussion. Those who would seek to block reform "...at any cost will not prevail this time around" (2009). The reason this must be so, the president says, is because he did not come to Washington "...to work for those interests; (he) came to work for the American people" (2009).

Yes, the president says, there will be mistakes, difficulties and setbacks along the way, but "...if we will come together and work together we will achieve what generations of Americans have fought for and fulfill the promise of healthcare in our time. And what a remarkable achievement that would be; something that Democrats, Republicans, business, labor, consumer groups, providers...all of us can share pride in solving a vexing problem that has plagued us too long" (2009).

In this artifact there are several statements that can be described as Rawlsian. These statements reveal the nature of the president's ever-present mental companions, and revealing these companions is the task to which we now turn.

IV. Fair or Unfair? Reasonable or Unreasonable?

A question that one may justly ask is: What evidence is there other than a few stray statements that hint at Rawlsian thought, that Obama is at all familiar with Rawls? In a recent book titled *Reading Obama: Dreams, Hopes and the American Tradition*, James Kloppenberg (2010) traces part of the president's intellectual lineage to Harvard and Rawls. To go a bit further, a story from the *New York Times* online on the day Obama was inaugurated (Recollections of Obama's Roommate, 2009), features a former roommate of the president from the president's time in New York in the early 1980s. The roommate said he and Obama "...talked philosophy, theories of justice and John Rawls" (par. 14).

The complication in a study that desires to unpack someone's intellectual assumptions is obvious—most of us are not always fully aware of the ideas and influences that we have fused together to create our philosophy. Even Kloppenberg, when asked if he ran his findings in *Reading Obama* past the president before releasing the book, admitted he had not since "Obama would have to deny every word of (the book)" (Cohen, 2010, par. 2) The reason, according to Kloppenberg, is that Obama is a true intellectual, and most people distrust the Ivy League brand of intellectualism (2010).

Reading through the academic literature it is easy to get a sense of the tensions inherent in Rawls' theory of justice. When we consider the statements of the president about healthcare and the national debate about it we can see some similar tensions develop.

Though Obama began his speech at the Healthcare Summit by laying out the dangers of inaction, as he moved toward the end of the talk his tone shifted to reflect more of the well-known "fairness as justice" idea espoused in Rawls (Rawls, 1971, pp. 111-114). The president said he came to Washington—and those at the summit were there—to work for the people over and against "those (big) interests" (President, 2009). The implication is clear: for justice to be served, a fair outcome to the people against large, special interests must be promoted. This strain of Obama's thought is not new. During the presidential campaign, the president was asked why he favored raising the capital gains tax, given the fact that each time that tax had been lowered the collection of revenue into the national treasury increased. Obama's response:

I would look at raising the capital gains tax *for purposes of fairness*. We saw an article today that showed the top 50 hedge fund managers made \$29 billion last year—\$29 billion for 50 individuals. A part of what has happened is that those who are able to work the stock market and amass huge fortunes on capital gains are paying a lower tax rate than their secretaries. *That's not fair...I want to make sure our tax system is fair* and that we are able to finance health care for Americans who currently don't have it...(Watson, 2008, par. 3, emphasis added)

Obama's comment fits tightly with the thought of Rawls in that Rawls was not generally interested in the specific outcome of policies provided those policies had fairness as their foundation. It is easy to argue that increasing national revenue is good policy, however that policy would be considered unfair by Rawls because the wealthy—not the less fortunate—would receive the bulk of benefit. To Rawls and Obama it is the front-end idea of fairness that is critical. The top 50 hedge fund managers should pay a greater percentage of their income as taxes than their secretaries simply because it is the fair thing to do—plus raising taxes on these well-off people will not necessarily harm the economy overall (2008).

This idea is present in the healthcare speech we are considering as well. The idea that we are not "...to allow the perfect to be the enemy of the essential..." (President, 2009) has the practical effect of taking people's eyes off the ultimate outcome of certain policy prescriptions and placing them on the necessity of doing the fair and right thing for those nine million people who have lost health coverage during the previous eight years and those who are facing bankruptcy because of healthcare expenses. A perfect answer, if one were looking to the outcome of the policy, would benefit all parties involved. This is not the focus. The focus, as Rawls sets forth, is that an inequality is just and acceptable if it primarily benefits those at the lower end of the societal ladder (Rawls, 1971). Helping these citizens is the essential element, the primary factor if we are to achieve fairness.

It may seem odd that Rawls or Obama would not be generally concerned with the specific outcome of a policy. In fact, one of the criticisms of the president in the health care debate is that he was not visible or vocal enough in setting forth solutions other than the big idea of insuring all Americans (Hook, 2010). Part of the reason for this is that Rawlsian thought does not appear to be systematic thought. Instead it is a leveling form of thought. Toward the end of *A Theory of Justice* Rawls (1971) writes that it is possible to have a well-ordered society where all can justify their conduct to everyone else without self-defeating or disturbing consequences. To take this idea further, Rawls says “...society should not be partitioned with respect to its first principles...the binding action is the conception of justice” (p. 583). The practical application of this idea is that those principles we hold as first-order beliefs are to be set aside in favor of justice (i.e., fairness).

So, under Rawls, our focus is not to be the hard-headed application of reasoning from first principles outward in a logical chain of causes, actions and responses. We are to be pragmatic and focused on humanity, leaving the structures of society to re-form based on the actions taken to create community fairness. Obama believes that [entities like the economy will reshape themselves](#) based on the decisions that are made, but will not be ruined as some claim (Obama’s Radio Address, 2009). The reason is that the economy is a creation of society, society is not a creation of the economy (Watson, 2008); and what matters is *who* benefits from a policy not its specific outcome, provided that economic inequalities are organized so that they reasonably are expected to be to everyone’s advantage (Rawls, 1971). If the perfect policy had to be fashioned before things were done, that would place us at the mercy of an economy that rules us—and that would, in the mind of the Rawlsian, be a recipe for injustice.

Another key facet of Rawls that the president clearly manifested in his remarks at the opening of the Healthcare Summit is the idea that all are to have “...an equal right to the most extensive basic liberty compatible with a similar liberty for others” (1971, pp. 60-63). Obama expressly rejected the status quo as being unduly restrictive and encouraged those taking part of the summit to embrace the idea of “...the promise of healthcare in our time” (President, 2009). The goal of reform was not to lower costs, though that idea was floated at the summit, the goal was to open healthcare to those without it. This is why the president regularly used the word “comprehensive” before the term healthcare reform several times in his talk. Reform was for all because it was to include all.

An ABC-TV article published following the summit detailing where the political parties were on reform indicates one of the problems with making Rawls’ ideas practical (Khan, 2010). How should one interpret the idea of “...an equal right to the most extensive basic liberty compatible with a similar liberty for others”? Obama, in the remarks contained in the artifact under consideration, made it clear the reform had to be comprehensive, and that he “...did not come to Washington to work for (healthcare organizations)” (President, 2009). The charge to those at the summit was relatively undefined. Republicans, according to ABC, were in favor of more limited reforms, against tax increases on the wealthy and against people having to obtain insurance (Kahn,

2010). It can be plausibly argued that at least one of these ideas would fit Rawls' definition of justice. People can obtain insurance but may choose not to. They have the right and accessibility but choose not to exercise it—an idea that is acceptable under Rawls and that would perhaps fit under the idea of the veil of ignorance (Rawls, 1971).

Yet the president, due to its possible lack of inclusiveness, rejected the idea of limited reform. So which of Rawls' ideas controls in a case like this—can we set aside our privilege of exercising a right or is it just to be compelled by policy or pressure to exercise it? This is where Rawls and those who like his ideas run into a conundrum.

Rawls' goal was to set forth a comprehensive theory of human justice that would allow for free expression of thought, speech and action (Medina, 2010). The problem is that thought, speech and action at times must allow for intolerant or so-called unreasonable positions that one wishes to express. Under the canons of Rawls, there is no clear way to deal with these, short of suppression of the unreasonable idea or ideas. This, in turn, creates a problem with the concept of the original position (Rawls, 1971).

If we are to assume that we all are to examine ideas, speech and action from a vantage point that admits no self-interest or personal turf since no one can say for sure where they may be in the society's structure, then on what basis can we reject views as intolerant? We would necessarily be violating a foundational tenet of Rawlsian justice (Medina, 2010).

Obama falls into this inconsistency. He tells those who are going to take part in the Healthcare Summit that every voice will be heard, that every option will be considered (no more sacred cows), and that every idea is welcome (President, 2009). However, he subsequently adds that one idea is not welcome (the status quo) and that not every voice will be heard (those wishing to stop reform). The practical effect adds up to only certain options being considered.

In a later work titled *Political Liberalism*, first published in 1993, Rawls tried to address this issue by setting certain beliefs outside the veil of ignorance (Rawls, 2005). He wrote that culture has come to accept that so-called comprehensive theories of good that are embodied in things like religion and personal belief systems can never be conclusively resolved one way or the other (Hedrick, 2010). The result is that no comprehensive theory can ever triumph, and so we should all accept that any comprehensive theory we may hold has no, and can have no, special claim on anyone else (Sullivan, 2008).

If we attempt to harmonize this idea with Rawls' initial ideas in *A Theory of Justice*, it would seem to result in a very wide range of tolerance for individual beliefs and speech. From this milieu of beliefs we are to cobble together disinterested policies and ideas, and this is possible because we accept that our foundational beliefs are not received truth, and can be molded or shaped into a new thing. This sounds possible, even hopeful, because maybe we all *can* get along since Rawls' philosophy is aimed at creating the best possible outcome for the individual (Pogge, 2007).

The president also fits with Rawls in this particular—that truth is a relative thing. In the following comment from Obama we can hear some echoes of the thought of Burt (a supporter of Rawls) and of Mouffe (who finds fault with Rawls) who pointed out the tendency of Rawls’ thought to result in circular arguments:

Democracy demands that the religiously motivated translate their concerns into universal, rather than religion-specific, values. It requires that their proposals be subject to argument and amenable to reason. I may be opposed to abortion for religious reasons, but if I seek to pass a law banning the practice I cannot simply point to the teachings of my church or evoke God’s will. I have to explain why abortion violates some principle that is accessible to people of all faith, including those with no faith at all. (Knippenberg, 2008, par. 33)

Rawls does not honestly allow for the possibility of anything more than a relative truth. Gavin Colvert (2010) points out that Rawls attempts to enshrine a “decision-making procedure,” (p. 370) not truth, to embody the consensus of moral judgment. The problem with this line of thinking is that it results in truth always being negotiated and always seeking consensus, which can result in a bumptious, disordered society; and a disordered society is the opposite of what Rawls meant to create with his theories (Rawls, 1971; Reidy, 2007).

One of the practical issues the president confronts when trying to bring his Rawlsian ideas to bear on policy is the fact that for many people—and also for himself—truth matters; everything cannot be judged by consensus or negotiated. This is why every voice, every option and every idea was *not* welcome at the Healthcare Summit. It is also why consensus soon evaporated about the way forward for healthcare reform (Basinet & Mcauliff, 2010). For the president it was a matter of truth that our healthcare system was unjust because it was fundamentally unfair. This truth was not open for examination, negotiation or consensus building about what the specific problems with the old system might have been and how resolve them piece-by-piece. Justice demanded action (Healthcare Reform, 2010).

V. A Successful Idea, An Impractical Policy

Among academics there is an intramural debate about how widely people ought to apply Rawls’ ideas. Are they to be widely applied across culture (D’Agostino, 2004), are they best restricted to the political arena (Nielsen, 2005), or is Rawls best left in the area of academic philosophy (Koukouzelis, 2009)? This lack of agreement about how best to use the theories of Rawls highlights the practical problems with his ideas.

Rawls’ goal was to develop a theory that “...generalizes and carries to a higher level of abstraction the familiar theory of the social contract as found, say, in Locke, Rousseau, and Kant” (Rawls, 1971, p. 11). There is no question Rawls achieved this, but in so doing, he created a construct that is very difficult for people to understand. Writer

after writer mentions the difficulty of getting a firm grasp on the whole of his thought (Wolff, 1977; Mouffe, 2009; Berkowitz, 2009), with the result being that supporters and critics are able to plausibly lay hold of ideas to buttress their arguments.

If we return to the artifact under consideration, we can see the Rawlsian paradigm works when the issue requires broad, nonspecific agreement. As the president said correctly, there are few people who would argue the footings of the healthcare program in the United States are sustainable (President, 2009). He also set forth general principles that no one would reasonably disagree with—all voices, ideas and options were accepted; that we must accept the need for compromise; that no one must dominate discussion; and that those who are out to block reform at any cost should be understood as acting in bad faith (2009).

Under Rawls' philosophy, then, these wide points of agreement should have resulted in a disinterested search for the most widely accepted policy or policies that provide equal access to cultural goods. This did not happen. Rawls' paradigm fell apart. The reason is the incredible difficulty of fully putting on the veil of ignorance. In defending Rawls, Burt (1994), says political citizens should strive for a "reasonable pluralism" (p. 40) assume goodwill among doctrines and give way if the aim of the doctrine does not directly oppose our aim (1994). This is our duty as citizens. Burt is more of a realist than Rawls, but Burt's defense of Rawls is an alteration of Rawls' thought.

When the issues get more precise, as in how or when to make changes, our human tendency is to fight for doctrines that we consider true. In the case of healthcare, as specific details about the new healthcare regime became known, questions arose—ideas and options that demanded a hearing (Basinet & Mcauliff, 2010). These were not seriously considered, and the early consensus gave way to partisanship. To those who hold the views that were not considered, this may seem arbitrary and anti-Rawlsian. It is not.

In *Political Liberalism*, Rawls writes about what he calls overlapping consensus—which are ideas and policies that all people within the liberal political tradition hold, no matter their specific governing context (Rawls, 2005). Those who maintain the overlapping consensus are considered reasonable, Rawls wrote, while those who do not fall into the default category of "unreasonable." Those who remain as a part of the overlapping consensus, merely because they remain, demonstrate good will and a desire for justice. In the case of healthcare, the Republicans stepped outside the overlapping consensus in the view of Obama by embracing the "start over" position—one that would allow the status quo to be maintained longer. Thus the Republicans forfeited the right to a hearing because they became unreasonable (Knippenberg, 2008). Incidentally, the warnings Obama set forth at the summit about dominating the discussion, opposing change or clinging to the status quo fit with this explanation. The president was simply delineating the ground between the reasonable and the unreasonable.

A second problem with Rawls' ideas is in its conception of the human being. Berkowitz is correct in pointing out that Rawls' adult writings essentially paint people as products, commodities that are to be serviced via the proper distribution of goods (Berkowitz, 2009). As an undergraduate, Rawls wrote the following:

The first problem of ethical theory is to inquire into the nature of man himself. Moral philosophers would do much better if they undertook an anthropological analysis before doing anything else. Unless we understand ourselves, all discussions of the good and the right are left in the air, and hover idly detached from reality. (Berkowitz, 2009, p. 87)

It is true that Rawls let go of his faith in God as an adult, which may explain the lack of exploration into the nature of humankind in his major works. In conceiving of humanity's deepest needs as material, we get a very narrow and incomplete view of existence, as Pope John Paul II set forth powerfully in the encyclical *Centesimus Annus*. Work and material goods are a part of life, but they alone or in part can never rise to the level of true justice (John Paul II, 1991), and any philosophy that is taken seriously (as Rawls' is) must come to grips with the idea that the substance of justice comes from more than material goods—human dignity is also a key factor.

The reason our healthcare debate has been so controversial has less to do with the merits of the arguments for or against specific change than it does the philosophical foundations of the process that led to the resultant change. It is true that the general thrust of Rawls is “elegant” and “...one of the loveliest ideas in the history of social and political theory” (Wolff, 1977, p. 16). It is true, as Joshua Cohen wrote at the end of the second section of this paper, that Rawls' ideas can inspire hope that the fractiousness that is a part of our lives and the American political system might someday be solved (Cohen, 2004). Having said this, we should also point out—as does Wolff—that Rawls is impractical and wrong in much of what he assumes.

If all people are to set aside foundational truth claims and negotiate a consensus-based truth, as Rawls requires, how are we to appeal to anything larger than personal appeal and power? In Rawls there seems to be a danger that if we were able and willing to hold our truth claims lightly that we could easily fall under spell of a person or group who might trap us in their stronger, unbending truth claims (MacIntyre, 2007). This is the key flaw in our healthcare debate and in Rawls' idea of fairness as justice—someone has to hold the power to define what is fair. Who is this person or group, and what motives drive the assumption of fairness?

Politics have been defined as the art of the possible. In the case of the healthcare debate, the president's popularity—and the popularity of his agenda—has fallen in part because Obama attempted to put an impossible-to-apply philosophy to practical use. As a result, some became unsure of the president's motives and the trustworthiness of his promises due to the internal conflicts in Rawls' conception of justice as fairness.

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