

John Rawls: An Introduction

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The References for all articles in this Symposium have been compiled and begin on page 128. Authors' citations include the following abbreviations for works by John Rawls:

- JAF (1985) "Justice as Fairness: Political Not Metaphysical"
- JFR (2001) *Justice as Fairness: A Restatement*
- LP (1999) *The Law of Peoples*
- PL (1996) *Political Liberalism*
- TJ (1999) *A Theory of Justice*

Imagine for a moment, that we—we in this liberal democracy—want to design the basic institutions of our economic and political interactions so that they are just. In order that just institutions be designed fairly, we will not be allowed to reason from our own particular circumstances. We are not to know our own race or religion, our own material resources, or even our own personal abilities and whether these abilities are valued by our society. Imagine that once this "veil of ignorance" about ourselves is lifted, we might discover that we are the person least advantaged by racist social norms or least advantaged by the relative value that our society places on skills (for example, that we have the skills of a seamstress, not of a professional basketball player). In this view of the bases for an agreement about first principles of justice, the things that we think of as "ours"—our innate skills and those we develop through education and commitment—do not entitle us to the benefits of deploying them in our political economy. Instead, our personal endowments *and* the value that society puts on them are morally arbitrary. From the moral view of this "original position", choosing the principles used to guide the distribution of the benefits that accrue from exercising these should be a *political* decision that we make together. Yet, imagining that we might be a seamstress, a basketball player, or unemployable, each of us reasons the same way. Because of the empathy required in the original position, the original position describes a *moral* and political position. Since we reason the same way, we agree on principles that should guide the design of our basic institutions. The institutions that distribute political, social, and economic costs and benefits in our society will thereby be just and promote stability and continued social cooperation.¹ Imagining about what would be fair,

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we create the conditions for a just original social agreement and continued social cooperation, “justice as fairness”.

Through this device of the original position and other methods of philosophical argument, John Rawls stimulated our discussions about the foundations of social cooperation within liberal societies and among states.² Consequently, when he passed away in 2002, he left legacies of inquiry and debate not only in philosophy but also in other disciplines in which the study of social cooperation is foundational, including economics, education, law, and political science.

In this symposium we ask to what extent is Rawlsian liberalism informed by, or potentially informative in thinking about, issues in democratic and international politics. Each of our authors has an answer. Simone Chambers finds Rawls too accommodating of real world economic inequalities. Iris Young finds Rawls’s justice as fairness insufficiently attentive to real world processes that generate social inequalities. Russell Muirhead and Nancy Rosenblum argue that Rawls’s political liberalism is instructive in thinking about political parties. Michael Doyle finds Rawls’s account of international law and relations in one sense appropriate to contemporary challenges regarding global justice and in another sense disconnected from the reality of international politics. Peter Berkowitz argues that Rawls is insufficiently reflective on his own metaphysical foundations for his theoretical argument to have the universal appeal to which he aspires.

Rawls would welcome this line of engagement. With his method of philosophical inquiry, he sought to build coherence among our deeply held convictions and our familiar practices, yielding “reflective equilibrium” between our ideas and our ability to justify them to ourselves and to one another.

Not only do our considered judgments often differ from those of other persons, but our own judgments are sometimes in conflict with one another . . . Those who suppose their judgments are always consistent are unreflective or dogmatic . . . The question arises: how can we make our own considered judgments of political justice more consistent both within themselves and with the considered judgments of others without imposing on ourselves an external political authority? . . . The most reasonable political conception for us is the one that best fits all our considered convictions on reflection and organizes them in a coherent view. At any given time, we cannot do better than that.³

However, in putting forward his account, Rawls challenges us to do better, and the contributors to this symposium each suggest ways in which we might.

In order to set up the reader for the substantive essays to follow, I introduce the key concepts Rawls uses in developing his political thought and the principle political obstacles to social cooperation which were the political context in which he developed his account of liberalism.⁴ Rawls’s assumptions, his central concepts, his method of political theory, and his arguments have generated intense and often

fertile controversy. My principal purpose is to introduce the terrain of Rawlsian inquiry. The contestation over the content and the boundaries of this terrain has been extensive and deep, a limited sampling of which can be found in the footnotes.⁵

In asking to what extent the Rawlsian project is informed by contemporary political problems, we might be inclined to think that where his work is responsive to politics, it is good and where it is seemingly oblivious to political obstacles, it is bad. However, it may be that we need political philosophers to challenge us to think past the limits within current politics. Thus, as we ask the first question, we should also ask: to what extent *should* a political theorist constrain his imagination by what has already been foreshadowed in political life and to what extent should we expect political philosophers to offer us normative reasons for thinking beyond the boundaries of present practices?

In “Justice as Fairness” (1958), Rawls wrestled with the foundational questions of U.S. liberal society, while the civil-rights movement brought these questions to our political attention. In *A Theory of Justice* (1971), Rawls developed a perspective from which to reason about justice—“the original position”—that would base liberal democracy on the capacity of individuals to reason about justice, empathizing with those least well-off in society and choosing principles of justice that would be considered just from the perspectives of the least well-off and everyone else in a society.⁶ Using what he asserts are weak and few assumptions about human nature⁷—that individuals are mutually independent,⁸ that more is preferred to less,⁹ that individuals are risk averse¹⁰—he argues that the principles chosen under such conditions would support liberalism: political liberty, equal opportunity, and an egalitarian economics defined by the “difference principle” according to which differences in distributions would be considered just only if they resulted in an *improved* condition of those least advantaged by the inequality.¹¹

According to the difference principle, some inequalities are not unjust. It is not unjust for basketball players to earn more than seamstresses. If basketball players get paid well to develop fan support for their team such that fans buy T-shirts, thereby increasing demand for seamstresses’ skill, the difference in player and seamstress wages would not be unjust. The difference in wages could also be justified as necessary to encourage someone to go into a career where so few are successful. For these and possibly other reasons, some difference in wages is justified, but the difference principle also constrains how much inequality is just. We could increase the inequality in their wages only to the extent that the increase in inequality would make the seamstress better off.

While this example may be helpful for illustrating the concept of the difference principle, it is not the kind of question to which Rawls expects us to apply the difference principle in the original position. Instead, Rawls is

interested in designing a just “basic structure”—the foundational institutions of government and economics.¹² Questions that focus our attention on the basic structure are: Would a proportional representation or quota system promote political equality? Is an income, property, or sales tax a more appropriate means for funding public expenditures for collective goods?¹³

In the 1980s and 1990s the identity-defined movements for gay rights and for multicultural education and accommodation animated political and theoretical discussions about what was good for citizens and communities and drew political attention away from the distributive questions that animated Rawls’s earlier inquiry.¹⁴ In “Justice as Fairness: Political Not Metaphysical” (1985), Rawls argued that the principles guiding liberal understandings of liberty, opportunity, and just economic distributions should be understood as politically, not morally or metaphysically, justified.¹⁵ Despite our holding differing metaphysical views about what is *good* for human beings and our community, we should agree that liberty, opportunity, and fair economic distributions are *just*. As he further developed it in *Political Liberalism*, Rawlsian liberalism should be understood as a political agreement achievable by those holding a range of incommensurable, but not unreasonable, metaphysically based views.¹⁶ In *Political Liberalism* Rawls assumes that “a continuing shared understanding on one comprehensive religious, philosophical, or moral doctrine [even if the doctrine is liberalism] can be maintained only by the oppressive use of state power”¹⁷. Compared to the agreement on liberal principles possible behind the veil of ignorance in *A Theory of Justice*, the agreement in *Political Liberalism* is less comprehensive, the pluralism more challenging.¹⁸

The “fact” of “reasonable pluralism” is the central political concern challenging political liberalism.¹⁹ For Rawls, the fact that reasonable people may disagree about the metaphysical bases for principles of freedom, opportunity, and equality is not a platitude but rather, a challenge. In the words of Stephen White, pluralism is “a continual source of ferment in our lives, since engagement with this phenomenon will involve a richer, more complex experience . . . we are constrained to an ever deeper and more extensive engagement with pluralism”²⁰

However, Rawls puts boundaries on the political problem of difference with the qualifier “reasonable” and the expectation of “public reason.”²¹ The distinguishing feature of reasonable views is that they can exist alongside other views; they are not “aggressive”²²; they do not require the defeat of incompatible views. Public reason requires more of us. It requires us to give reasons for our views of basic justice without making reference to our comprehensive religious or philosophical doctrines²³. Rawls writes, “Our exercise of political power is proper only when we sincerely believe that the reasons we offer for our political action may reasonably be accepted by other citi-

zens”²⁴ even though they hold different metaphysical views from our own. Following the theme of this symposium we might ask: what political problems—for example, debates about health care or the environment—are the result of people disagreeing over what constitutes a reasonable argument? We might wonder how Rawls might deal with social norms that influence the relative respect accorded to various speakers such that certain arguments become inaudible to some audiences. We might also ask whether in certain political debates—such as those over abortion or stem cell research—there is a political view that does not reflect a metaphysical commitment. Perhaps some political life is outside the bounds of Rawlsian reasonable pluralism.

Within these boundaries on how much difference we must engage politically, Rawls expects a lot of citizens. We must come to an “overlapping consensus” on principles of justice not as a way of getting along (not as a *modus vivendi*), but rather because our reasonable views *themselves* support the political conception of political liberalism.²⁵ The same demands that he makes on citizens in his work on justice within states are made of states themselves in his work on a law of peoples, and many of the same concepts—overlapping consensus, reasonable pluralism, and public reason—are essential to its exposition.

In *The Law of Peoples* (1999), the book-length treatment of his 1993 Oxford Amnesty essay on human rights, Rawls offers principles of international law that he argues can be politically agreed to by societies living under a range of political institutions and sustained by a range of cultural beliefs. Rawls argues that the fact of reasonable pluralism among peoples is addressed by liberal democratic states and human rights-respecting hierarchical states, using the idea of public reason to develop an overlapping consensus on principles of international relations. Written while the U.S. faced challenging human rights-related foreign policy questions regarding famines, conflicts, and genocides in Somalia, Brundi, Rwanda, and the former Yugoslavian states, and while academics and policymakers debated whether the post-communist era would usher in an age of democratization or a the clash of civilizations, Rawls identified principles of international law around which states that respected human rights—liberal or not—would form an overlapping consensus.

In *Justice as Fairness: A Restatement* (2001), Rawls rearticulates as a *political* theory (in the sense developed in *Political Liberalism*) the theory first set out in 1958. The restatement is interesting in part for the tone it takes when he recognizes that contemporary political agreement is not in support of the difference principle:

We should recognize, though, that the difference principle is not often expressly endorsed; indeed, it may prove to have little support in our public culture at the present time. Nevertheless, I believe it worth studying; it has many desirable features and formulates in a simple way an idea of reciprocity for a political

conception of justice. I think that in some form this idea is essential to democratic equality *once we view society as a fair system of social cooperation* between free and equal citizens from one generation to the next.²⁶

The political problem Rawls raises here is that “we” do not conceive of ourselves as engaged in social cooperation. Although his work has focused on the terms of cooperation among both citizens and states, he comes to realize the political obstacles to getting the members of a political collective to conceive of themselves as engaged in social cooperation.²⁷

It may be that aspects of Rawls’s theory are too reflective of contemporary social norms and power dynamics to challenge them.²⁸ It may be that other aspects are too challenging of accepted social norms and power dynamics to be sustainable.²⁹ As we reflect on this issue, we might ask ourselves to what extent we think that justice is about social cooperation. Rawls asks us to consider that it *should* be, and in so doing, rescues the liberal democratic tradition from the metaphysical claims of other liberals. He offers the world a version of liberal democracy seemingly disconnected from its historically and culturally Western roots.³⁰ In conferring on Rawls the National Humanities Medal, then-President Clinton said, “*A Theory of Justice* . . . placed our rights to liberty and justice upon a strong and brilliant new foundation of reason. . . . [Rawls] has helped a whole generation of learned Americans revive their faith in democracy itself.”³¹

Rawls’s theoretical development follows developments in contemporary and international politics. The authors of this symposium offer a snapshot of the contemporary political problems for which reflections on Rawls’s insights (and shortcomings) may be stimulating. In 1975 the *American Political Science Review* published a collection of nine reviews of *A Theory of Justice*. While relating their arguments to politics, its authors focus on key philosophical moves in the Rawlsian project. In this symposium, we focus on the *political* moves of the Rawlsian project. Thirty years later, the contributors demonstrate that the theoretical ideas Rawls developed are useful for reflecting on political problems of contemporary relevance.

Notes

- 1 For discussion of Rawls as continuing a Rousseauian tradition, see Chapman 1975, cf. Moon 2003. On stability in Rawls, see Barry 1995 and those cited in notes on social cooperation (notes 2, 6, 29), the overlapping consensus (notes 19, 21), and Rawlsian constructivism (note 11) below.
- 2 Rawls refers to “Peoples”. As Allan Buchanan (2000a) argues, his Peoples are very similar to contemporary states. On social cooperation within states, see Hardin 2003. On social cooperation between states, see Beitz 1999 [1979] and 2000, Pogge 2001b, and D. Miller 1995.
- 3 JFR, 30–31.
- 4 Other valuable introductions to Rawls include Daniels 1989b, Pogge 1989, Arneson 1989, Kukathas and Pettit 1990, Talisse 2001, Freeman 1999 and 2003, and Laden 2003.
- 5 The resigning of controversy to the footnotes is problematic for many theorists including myself (2000) and Berkowitz in this symposium. See also Bloom 1975. However, such marginalization must also be read in context. In 2002, *Political Theory* did a symposium, “What is Political Theory”, in which no representative of the Rawlsian perspective was included (though in the book version—White and Moon 2004—one was added). Further, as Pogge 1989 notes in *Realizing Rawls* (1, fn1) any attempt to provide reference to all of the secondary scholarship on Rawls will either be incomplete or render the text unreadable. For a rich collection of some of the secondary literature on Rawls, see Richardson and Weithman 1999.
- 6 The device of the original position is an attempt to create a social contract basis for social cooperation. The idea is introduced in “Justice as Fairness” (1958) and developed in *A Theory of Justice*. For an introduction and discussion, see Nagel 1989 [1973], Dworkin 1973, Fisk 1989, Kukathas and Pettit 1990, Habermas 2001, Shapiro 2003, Gauthier 1977, and Freeman 1990. Some argue that the social contract theory is an exclusionary basis for social cooperation; see Pateman 1988, Mills 1997, Foster 2004. Others argue that social conflict not social cooperation should be the starting point of democratic inquiry (R. Miller 1989 [1974], Shiffman 2002). Still others emphasize that liberal contractarianism, by fabricating a distinction between public and private power, belies the ways in which patterns of hierarchies in private lives reinforce and are reinforced by patterns of hierarchy in public life (Okin 1989a, 2004, Pateman 1988, Smiley 2004).
- 7 For discussions of Rawls’s psychological assumptions, see Harsanyi 1975, Benhabib 1988, Okin 1989b.
- 8 Sandel 1982 criticizes Rawls for characterizing the individual as one whose most important characteristic is her ability to choose her ends. In addition to challenging Rawls’s characterization of the individual, the implication of this criticism is that we must reexamine Rawls’s characterization of the project of social justice: “Justice is the first virtue of social institutions, as truth is of systems of thought” ([1971] 1999: 3). Honig 1993 offers a critique of the Rawlsian self that is more attentive to power than either Rawls or Sandel. For their communitarian critiques and own theoretical proposals see also Rorty 1979 and 1983, MacIntyre 1981; Sandel

1984. See also Walzer 1983, which offers an account of liberal democracy that is sympathetic with certain aspects of the communitarian critique (cf. Larmore 1987). Walzer 1984 and 1990, Buchanan 1989, and Wallach 1987 offer important reviews of the liberal-communitarian terrain. Benhabib 1992 offers a different way of mapping and traversing this landscape.
- 9 Rawls characterizes individuals as having different life plans, but each of these can be pursued more successfully with more rights, liberties, opportunities, income, wealth, and social basis of self-respect. According to Rawls, social institutions need to distribute these “social primary goods” fairly. Dworkin 1981a, 1981b argues that justice should be determined based on the distribution of resources whereas Sen 1990 argues that primary goods and resources are *means* to freedom, and that justice should be concerned with not these but with the extent freedoms. See also Phillips 2004. On Barber’s reading, Rawls’s definition of primary goods itself includes both ends and means 1975.
 - 10 On Rawls’s assumption that parties in the original position will be extremely risk averse, see Arrow 1973, in which he reviews some of the work in economics on risk aversion. See also Sterba 1977.
 - 11 Some theorists dispute whether these are the right assumptions and others, whether these are the right conclusions to draw from these assumptions (e.g., Nozick 1974, Sandel 1982, Hardin 2003, Arrow 1973, Waldron 1993 [1986]). Still others challenge the construction of the liberal project itself for its understanding of the political subject (Brown 1995) or for its characterization of the privileged relationship between liberalism and democracy (Bell 2000, Dallmayr 2001, Ackerly 2005). On the structure, constructivism and method of Rawls’s argument, see Nagel 1989 [1973], Dworkin 1973, McCarthy 1994, O’Neill 1996, Klosko 1997. On the priority of liberty and the relationship between the Rawlsian principles, see Scanlon 1989, Hart 1989 [1973], Daniels 1989a. On the priority of the right over the good, see Sandel 1982 and Kymlicka 1988.
 - 12 Rawls does imagine that decision makers in those institutions (specifically in the legislature) will often use the device of the original position to help them think through important distributive issues, but the facts of which a legislator is ignorant in such circumstances are limited.
 - 13 Okin added that the family and the gendered structure of the workplace should also be of interest to the theorist of social justice (1989a, 1989b). The ambiguities of his response are explored in Okin 1994 and 2005. Arrow and others raise the concern that the difference principle, also known as the “maximin” principle because it maximizes the position of the least advantaged person, would create bizarre outcomes such as a preference for expensive medical procedures that would offer minimum additional benefit to a seriously ill person and that would reduce the standard of living of the rest of the population to poverty (Arrow 1973). Likewise we may find it difficult to assess whether the primary goods basis for determining the least advantaged enable us to make interpersonal comparisons—of the relative values that make up well-being (see the discussion of primary goods in footnote 9).
 - 14 Those who have taken other routes to theorizing the implications for social justice of taking identity concerns seriously include Kymlicka 1989, Taylor 1994 [1992], Young 1990, Connolly 1991, and Fraser 1997.
 - 15 In a 1989 article, Hampton looks at Rawls’s turn in “Justice as Fairness: Political not Metaphysical” (1985) and “The Idea of an Overlapping Consensus” (1987). See also Erin Kelly’s “Editor’s Forward” to *Justice as Fairness: A Restatement* (2001). Habermas (2001, 59) traces the turn to “Kantian Constructivism in Moral Theory” (1980).
 - 16 Ackerman 1994 avers that the arguments for the veil of ignorance and the difference principle cannot be sustained using the arguments of Political Liberalism.
 - 17 PL, 37.
 - 18 For an account of comprehensive liberalism and engagement with Rawls on the subject, see Galston 2002. For discussions of the shifts between A Theory of Justice and Political Liberalism, see Ackerman 1994, Barry 1995, and Wolin 1996.
 - 19 For a discussion of pluralism, public reason, and moral conflict in Rawlsian liberalism, Habermasian ethics, and democracy, see Bohman 1995. See also Moon 1993, Gaus 1999.
 - 20 White 2002, 475.
 - 21 On the importance of reasonableness to the political legitimacy of political liberalism, see Cohen 1996; and for a criticism of this importance, see Mouffe 2000. For a critical rereading, see Habermas 2001. One concern about the focus on reasonableness and public reasons is that it limits the role of faith and metaphysically-supported values from being part of public discourse (Wolterstorff 1997, Fish 1999, George 2001, Galston 2002, Weithman 2002, Talisse 2005). On public reason and political legitimacy, see also Nagel 1987, Raz 1990, Cohen 1993, Wenar 1995, Reidy 2000, and Christiano 2001.
- Public reason is important to Political Liberalism but his statement of it in that book proves inadequate and he rearticulates in “The Idea of Public

Reason Revisited”, which is reprinted in *The Laws of Peoples*, as the argument is essential to that work as well. Sections of “The Idea of Public Reason Revisited” appear verbatim in JFR, discussed below.

22 PL, 144.

23 PL, 224–225.

24 PL, xlvi.

25 PL, 147. For a discussion of *modus vivendi* in the context of larger philosophical debates of which Rawls’s work is a part, see Larmore 1987. See also Neal 1993 and Scheffler 1994.

26 JFR, 132–133, emphasis added.

27 This is the concern originally raised by Chapman 1975 with references to TJ.

28 This was Allan Bloom’s accusation (1975).

29 On sustainable social cooperation, see note 2. On pluralism and social cohesion see Galston 1989.

30 Of course, most political philosophers consider those roots; the structure of the argument is an attempt to disassociate from them.

31 Clinton 1999.