

Questions of Justice

Lecture 1: Rawls' project

Aim:

- to achieve a general understanding of contemporary liberal political philosophy mainly through critical study of the works of the most important political philosopher of the 20th century – John Rawls.

So: with respect to Rawls: to assess

- (i) R's account of relationships between political philosophy, moral philosophy and other areas of philosophy (largely presented in some of his papers);
- (ii) R's 'theory' of justice as presented in his major work: *A Theory of Justice* (1971; revised ed. 1999)
- (iii) Rawls's modification of this theory in *Political Liberalism* (1993) in which he addresses the issue of 'reasonable pluralism'
- (iv) Rawls's attempt to generalise his theory apply to international affairs, in his late work: *The Law of Peoples* (1999)

More generally, therefore, to discuss

- (i) the relationship between moral and political philosophy
- (ii) what is distinctive about liberal political philosophy
- (iii) how questions about distributive justice are best addressed
- (iv) how political philosophy can deal with ethical pluralism
- (v) how political philosophy can deal with international justice.

1. John Rawls (1921 - 2002) – who was he?

- Rawls grew up in Baltimore. He entered Princeton University in 1939; after graduating in 1943 he served in the US Army in New Guinea and the Philippines.
-
- He was in the Pacific in August 1945 when a nuclear bomb was dropped on Hiroshima, an act he later condemned as a great wrong ('Fifty Years after Hiroshima' *Dissent* 1995, 323-7; reprinted in *CP* 565-72).

- After the war he returned to Princeton where he completed a Ph.D. in ethics in 1951. In 1952 he was awarded a Fulbright scholarship which enabled him to spend the year 1952-3 in Oxford. While there he attended lectures by H. L. A. Hart and became acquainted with the ordinary language philosophy then dominant in Oxford (see the theory of goodness in ch. 7 of TJ).
- He then returned to the USA to an academic position at Cornell, where he taught from 1953-59. Thanks to the presence there of Max Black and Norman Malcolm, the Cornell Philosophy Department was then strongly influenced by Wittgenstein's work, and Rawls's early writings from this period bear witness to this influence. Thus in his fundamental 1958 paper 'Justice as Fairness' Rawls claims that it is 'part of the criterion for recognizing another as a person' that one acknowledge that one owes the duty of fair play to her' (p. 147) and then he adds in a note: 'I am using the concept of criterion here in what I take to be Wittgenstein's sense'.
-

- In 1959 Rawls moved to Harvard, first just for one year, and then, after a two year spell at MIT, for the rest of his career. The dominant philosopher at Harvard at this time was W. V. Quine, and it is apparent that Rawls quickly recognised the significance of Quine's philosophy for moral and political philosophy (see 1971 preface p. xx - more on this later).
- The publication of *A Theory of Justice (TJ)* in 1971 brought him both fame and controversy; and his work thereafter was largely taken up with defending, refining, revising and extending the position he had there advanced. He was appointed James Bryant Conant University Professor at Harvard in 1979. He retired in 1991, but continued to teach until incapacitated by a stroke in 1995.

- Rawls was an exceptionally modest individual. He shunned both public honours and public debates, despite having opinions strongly critical of some aspects of US policy (which nonetheless sometimes surface in his writings - as in the following passage: 'Germany between 1870 and 1945 is an example of a country where reasonably favourable conditions existed ... but where the political will for a democratic regime was altogether lacking. One might say the same of the United States today, if one decides our constitutional regime is largely democratic in form only' – *Justice as Fairness* (2001) p. 101 n. 23).
- His wish to avoid special treatment is exemplified by the following story:
 - '.. it somehow came up in conversation with an administrator at Harvard that he was a vegetarian. "But you've gone to all those dinners without ever telling anyone," she exclaimed. Rawls's response was that he was not that interested in food and preferred not to make a fuss – he simply left the meat on the plate'.

- His general attitude to life is, I think, captured in the following passage in which he criticises the pursuit of wealth:
- It is a mistake to believe that a just and good society must wait upon a high material standard of life. What men want is meaningful work in free association with others To achieve this state of things great wealth is not necessary. In fact, beyond some point it is more likely to be a positive hindrance, a meaningless distraction at best if not a temptation to indulgence and emptiness. (*TJ* 257-8)

2. Rawls's main writings:

- 1958 'Justice as Fairness' (JF). The fundamental early paper.
followed by a series of papers in which R develops his position further - see Rawls's *Collected Papers* (CP)
- 1971 'Justice as Reciprocity' (JR). An important refinement of JF, unfortunately not incorporated into *TJ*,
- 1971 *A Theory of Justice* (TJ). The revised edition (1999) has many interesting and significant modifications.

- 1980 'Kantian Constructivism in Moral Theory' – Rawls's Dewey lectures in which he expounds the core Kantian themes of his moral (and political) theory.
- 1985 'Justice as Fairness: Political not Metaphysical'. Rawls here makes the move towards a distinctively 'political' conception of political philosophy.
- 1993 *Political Liberalism (PL)*. A re-working of central themes from *TJ* which takes account of his new approach.
- 1999 *The Law of Peoples (LP)*. Rawls's attempt to apply his approach to fundamental questions of international justice.
- 2001 *Justice as Fairness (JF)*. Rawls's late summary exposition of his theory of justice, based on his lecture notes. A very useful critical exposition of his theory.

3. Philosophical context of Rawls's theory of justice

(i) Other philosophers:

- (a) Ordinary language philosophy – as in his account of goodness in *TJ* ch. 7

- (b) Wittgenstein

We have already seen Rawls's early reference to Wittgenstein in connection with the claim that acknowledging one's duties to someone is a 'criterion' recognising them as a person.

There is another Wittgenstein-inspired aspect of Rawls's early thought: that moral norms (duties, responsibilities etc.) arise within rule-governed social practices. I will come back to this.

(c) Quine

- Rawls takes from Quine a sceptical attitude concerning the value of 'conceptual analysis' – i.e. the kind of a priori philosophical analysis which is conceived of as prior to, and independent of, substantive theory. Rawls generalises Quine's sceptical thesis re conceptual analysis in logic and maths to moral and political philosophy:
The problem of meaning and truth in logic and mathematics is profoundly altered by the discovery of logical systems illustrating these concepts. Once the substantive content of moral conceptions is better understood a similar transformation may occur. It is possible that convincing answers to questions of the meaning and justification of moral judgments can be found no other way. (TJ 45)
- This does not entail that there can't/shouldn't be analyses of moral and political concepts; but only that these analyses will always be part of general moral and political theories. Rawls's account of goodness is a case in point: it includes an analysis – but very much within a more general theory of the good.

(ii) Broader themes in Rawls's own work: (a) Rawls's 'independence' thesis:

- So far we have the Quinean thesis that conceptual analysis is not independent of substantive theory – a denial of independence. But in later writings Rawls propounds the positive independence of moral and political philosophy is (largely) from other areas of philosophy.
- I think this is a modification of Rawls's initial 'Wittgensteinian' position (cf. above), and R's position in TJ is certainly not independent of social and psychological theory (see chs. VIII, IX).
- But is it independent of metaphysics, epistemology, philosophy of mind etc.? R. certainly draws on a philosophical conception of us as 'moral persons' and he offers a 'constructive' account of the objectivity of moral principles (see below). However, for Rawls, these are to be thought of as positions which are grounded within his moral philosophy – and not as general philosophical theses imported into moral philosophy from outside.

(b) Moral and Political Philosophy.

- TJ locates the theory of justice firmly within 'moral theory' (cf. TJ ch. 1 §9, and the diagram on p. 94). Thus the theory of justice is part of the theory of 'right', i.e. the theory of rights, duties and obligations.
- This might be taken to imply that political philosophy is just applied moral philosophy. But actually the situation is more complex. For Rawls: norms (duties, rights, obligations etc.) are fundamentally social and only derivatively individual. (TJ p. 95). So social and political philosophy is a fundamental part of moral philosophy, not an application of more general moral principles which are not themselves social and political. As we shall see, Rawls revises his position on these issues in his later writings.

(c) The good and the right

- But there is a different distinction to be drawn here – between the good and the right. Rawls's theory of goodness is in some respects (cf. TJ ch. 7) fundamentally 'naturalist'. He takes it that at a fundamental level, goodness is defined by reference to the actual 'plans for life' (projects) that make us each the person that we are: a circumstance is good for me where it advances my 'rational plan for life', - my actual plan modified to take account of better information and self-control.
- By contrast, his theory of justice (and rightness generally) is more strongly rationalist: duties, responsibilities and rights are features of social practices whose rules are predominantly rational and reasonable (more on this later in connection with 'Kantian constructivism').