

Lecture 8

Goodness, the sense of justice,
stability and congruence.

1 Goodness

The goodness of justice

- In part III Rawls brings his underlying moral philosophy to the surface. The conclusion of the book is that ‘humankind has a moral nature’ (p. 508), and much of chapter 8 is devoted to arguing that our psychology is not value-free, that some of the basic laws of psychology explicitly invoke ethical values (p. 430).
- The basic project here is reminiscent of Plato’s *Republic*: Rawls wants to show that justice (morality) is in one’s interest, that being a just (good) person is good for a person (this is the ‘congruence’ question - p. 349). ‘Justice’ is here to be understood broadly along the lines of the position he has been developing; so what is needed a theory of the good, of what is ‘good for’ a person.
- This turns out to require also a theory of psychology in the light of which Rawls argues that it is possible to vindicate the thesis that justice is good for people.

2 The 'thin' and the 'full' theory of the good

- In chapter 7 Rawls presents a complex theory of goods. We have already had a 'thin' theory of the good, the theory of primary goods whose status is central to the original position argument. These are resources (income and wealth) and possibilities (liberties and opportunities) which, Rawls supposes, are essential prerequisites if one is to be able to lead a worthwhile life of any kind. They are the 'social bases of self-respect', and Rawls now takes self-respect, together with self-esteem ('a sure confidence in the sense of one's own worth' – p. 348), to be the fundamental primary goods (as long as one's 'basic needs' for food, shelter etc. have already been met, as Rawls assumes).
- Rawls says that he proposes to inflate this thin theory into a 'full' theory of the good, mainly by lifting the veil of ignorance and thus introducing, for each person, details of their own specific commitments and aspirations, their own 'life-plans' in terms of which their own 'full' individual good can be specified.

3. Goodness, rationality and human ends

- Chapter 7 is called ‘goodness as rationality’, and this indicates one aspect of his account. The first part of Rawls’ theory of the good is that things (e.g. artefacts, such as chairs) are good where their properties enable us to do the kinds of things which it is rational for us, given our circumstances, to want them for (pp. 350-1) – e.g. they fulfil their purpose or function.
- So far our desires are not themselves being evaluated, and there is no moral condition on them; so we can talk of a good assassin etc. (p. 354). Hence the next move (p. 358) comes where Rawls adds that we need also to evaluate ourselves, and especially our wants, so that we can say which desires are themselves good desires, desires which it is good for a person to have. For Rawls the key to this is reference to a person’s deeper goals which define the person’s identity, so that what’s good for a person is the ‘successful execution of a rational plan for life’ (p. 380). This needs a good deal of unpacking.

4 Plans for life

- In TJ Rawls takes from Josiah Royce, the 19th century American idealist philosopher, the thought that ‘a person may be regarded as a human life lived according to a plan. .. an individual says who he is by describing his purposes and causes, what he intends to do in his life’ (TJ p. 358).
- I think this is a questionable thesis: I doubt if most people have a single ‘plan’ for their life, though they typically have aspirations, commitments and loyalties. Typically people have several plans for life which they hope can be jointly fulfilled.
- But I don’t think a great deal hangs on this point – Rawls’s position can be reformulated in other ways.

5 Ideal rationality

For Rawls, plans for life are 'rational' where (1) they satisfy requirements of rational choice, and (2) they would be selected under conditions of 'full deliberative rationality' (TJ 358-9). Condition (2) comes from Sidgwick and imports the idea of an ideal reflection about the life one is to lead:

- <the rational plan> is the plan that would be decided upon as the outcome of careful reflection in which the agent reviewed, in the light of all the relevant facts, what it would be like to carry out these plans and thereby ascertained the course of action that would best realise his more fundamental desires' (TJ 366).

Summarising this, Rawls says that someone whose plan for life is rational is 'always to act so that he need never blame himself no matter how his plans finally work out' (TJ p. 371).

6 Human goods

- Your rational plan(s) for life define(s) what is fundamentally good for you, - circumstances, activities, abilities etc. are good for you insofar as they contribute to the realisation of your rational plan for life.
- ‘Human goods’ are things which are good generally for human beings - ‘those activities and ends that have the features whatever they are that suit them for an important if not a central place in our life’ i.e. in the plans for life of any normal rational person – e.g. personal affection, friendship, meaningful work, social cooperation, the pursuit of knowledge and the creation of beauty (TJ p. 372).

7 The Aristotelian Principle

Rawls enhances his account of our psychology by introducing what he acknowledges to be just a contingent truth about us –

- other things equal, human beings enjoy the exercise of their realised capacities (their innate or trained abilities), and this enjoyment increases the more the capacity is realised, or the greater its complexity. (TJ p. 374)

Rawls associates this principle with Aristotle (hence his name). I believe one can find it also in Plato (Mill, to whom Rawls also alludes, certainly took it from Plato).

There is something right about this principle - think of the boredom of repetitive tasks.

8 The simple life?

Quite why this Aristotelian principle is right is not obvious: is it an implication of a primitive desire for novelty combined with an appreciation of the value of past achievements, so that while mere repetition is liable to become dull, we find new sources of value in extending previous achievements rather than always starting again at something altogether new?

But lovers of the ‘simple life’ and its pleasures (e.g. Rousseau) may protest here and object that there is no great value in complexity for its own sake; e.g. do we prefer simple foods or complex gourmet-style meals? or what about the simple pleasure of lying in the sun?

My guess is this: where an activity is central to our plan for life, the Aristotelian Principle applies; but where we are relaxing, it does not.

Whatever the situation, Rawls observes that the principle helps to account for our ‘considered judgments of value’ (TJ p. 379), i.e. if human goods are defined as above, then the Aristotelian principle tells us that the more complex the activity to which they contribute, the greater these goods will appear to be.

Hence the standard view that cultural practices such as art and science are among the greatest of goods.

9 Good persons

So far we have the thesis that a person's good (= what's good for a person) is 'the successful execution of a rational plan for life' (TJ 380).

Rawls now turns to discuss the question of what kind of person is a 'good person' or 'a person of moral worth' (383). His answer is:

'someone who has to a higher degree than average the broadly based features of moral character that it is rational for the persons in the original position to want in one another' (TJ pp. 383-4).

The presumption here is that man is a 'social animal'; and that we evaluate each other in this light. To be a good person is (roughly) to exemplify the social virtues; to be a good person one must fulfil the requirements of justice, and also possess other virtues which take one beyond justice – such as kindness, loyalty, and a capacity for gratitude.

10 Why moral psychology?

Rawls begins the next chapter by recurring to the issue introduced earlier, of the need to convince oneself that ‘being good (just) is good for one’ (p. 349). That is the requirement of ‘congruence’, the congruence between goodness and justice.

Now that we have been told what goodness is, he suggests, we need to consider our psychology in order to address this question, why it’s good for us – hence the emphasis now on ‘moral psychology’.

As will become apparent later, it’s not clear that Rawls has really thought through his line of argument here. But he here reiterates the importance of the issue of ‘stability’; in a well-ordered society we want the basic structure to be ‘stable’, and this will arise where, by and large, citizens both recognize the justice of the basic structure of their society and are thereby motivated to respect the institutions which constitute it.

Clearly, if justice and goodness are congruent, a just society is likely to be stable.

11 Two approaches to moral psychology

This then leads Rawls into an extended discussion of the way in which our psychology is centrally shaped by the demands of morality so that we develop ‘a sense of justice’ (430).

Rawls contrasts two approaches to moral development:

- (i) an empiricist one which conceives of morality as a check on our natural desires (401-2):
- (ii) a rationalist one which treats moral development as ‘the free development of our innate intellectual and emotional capacities according to their natural bent’ (402).

The first position is that of Freud; the second that of Rousseau. Although Rawls says that his account has elements of both positions (433-4), it’s no great surprise that he is broadly more sympathetic to the second.

12 Families, associations and principles

Rawls expounds his position by discussing the development of moral sensibility through three stages:

- (i) the morality of authority – which applies to the young child's relationship with its parents
- (ii) the morality of associations – which applies where social relationships beyond the family bring with them expectations and responsibilities
- (iii) the morality of principles – which applies where the individual is able to appreciate the demands of morality as such, and not simply the expectations etc. arising from the 'associations' s/he happens to belong to.

13 Rawls's psychological 'laws'

Rawls takes it that there are three 'laws' which are characteristic of these three stages of moral development (pp. 429-30 – slightly odd, pompous phrasing here!):

- (i) Given that families express their love for a child by caring for his good, the child, recognizing their evident love of him, comes to love them.
- (ii) Given that a person's capacity for fellow feeling has been realised by acquiring attachments in accordance with the first law, and given that a social arrangement is just and publicly known by all to be just, then this person develops ties of friendly feeling and trust towards others in the association as they with evident intention comply with their duties and obligations, and live up to the ideals of their station.
- (iii) Given that a person's capacity for fellow feeling has been realised by his forming attachments in accordance with the first two laws, and given that a society's institutions are just and are publicly known by all to be just, then this person acquires the corresponding sense of justice as he recognizes that he and those for whom he cares are the beneficiaries of these arrangements.

14 Comments on these ‘laws’

The first of these ‘laws’ isn’t quite right – children don’t love their parents in the way that their parents love them. But what is true is that growing up in a loving family is normally a prerequisite of the self-confidence that makes it possible for people to develop friendships.

The second ‘law’ builds on this capacity for friendship and trust; and the third ‘law’ postulates the capacity to abstract from personal loyalties to commitments to values.

Rawls makes two significant claims about these laws.

- (i) First, as the rationalist tradition (Rousseau) implies, they indicate that moral feelings are ‘a normal feature of human life. We could not do away with them without at the same time eliminating certain natural attitudes’ (427).
- (ii) Second, although they are psychological laws, the 2nd and 3rd laws make irreducible use of moral concepts. So human psychology is not value-free; it is infected with morality: ‘humankind has a moral nature’ and our psychology is irreducibly ‘moral’ in some respects.

15 One basis for stability

Having set out these laws, Rawls indicates that they imply that stability should be achievable where the basic structure of society is informed by a conception of justice that accords with the third law – i.e. ‘one that is perspicuous to our reason, congruent with our good, and rooted not in abnegation but in affirmation of the self’ (p. 436). And indeed that does seem to be the implication of his discussion.

But he does not treat this comparison as the end of the matter, since only a few pages later, at the start of chapter 9, he says that only now is he in a position to deal properly with the task of showing that justice as fairness and goodness as rationality are congruent (*TJ* p. 450).

As he later acknowledged it is not clear what is going on here:

‘Throughout Part III too many connections are left for the reader to make, so that one may be left in doubt as to the point of much of chs. 8 and 9’ (‘Justice as Fairness: Political not Metaphysical’, 1985, *CP* p. 414)

16 Reasons – not just causes?

My hypothesis is that Rawls felt that he could not simply rely on his moral psychology to vindicate the congruence thesis for the reason that his account of the development of a sense of justice was primarily causal and not normative. It showed how one would expect a sense of justice to be inculcated among those growing up in a just society; but it does not thereby show that it was good for them to have this motivation. And without a demonstration of this, he thought, the ‘problem of stability’ was not fully resolved, since if it remained an open question whether acting justly was good for one, one could not reliably expect people to obey the laws of a just state despite their sense of justice.

I am not myself persuaded of this point: it seems to me that if one is persuaded of the truth of Rawls’s moral psychology, then it does follow that, generally, it is good for one to be just. But let’s see what more Rawls thinks he can add to bolster this conclusion.

17 The Good of Justice (ch. 9)

In this final chapter Rawls seeks to vindicate the congruence thesis, i.e. 'the good of justice', understood as the thesis that justice is good for rational citizens of a well-ordered society.

The chapter is not well organised, and the middle sections (§§80-4) on envy, equality, liberty, happiness and hedonism are not obviously relevant to the main argument. I shall concentrate on the opening sections §§78-9, and the concluding ones, §§85-7.

18 §78: The ‘Kantian interpretation’

Rawls begins by going back to his Kantian interpretation of justice as fairness in terms of the OP argument, and this leads him to reaffirm that justice as fairness expresses our nature as ‘free and equal rational beings’ (452).

Is this supposed by itself to explain why justice is good for us? Rawls doesn’t explicitly say so here; but, later (501), he does make this claim.

I think we should not be convinced by this: the substantive question as to whether justice is good for us can’t be answered simply by invoking our nature as ‘free and equal rational beings’. The substantive question is what our attitude is to the equal freedom of others, and the answer to that question has to meet up somehow with the requirements of fulfilling our own rational plan for life.

19 §79 The idea of a ‘Social Union’

The next section on the ‘idea of social union’ is the most interesting part of chapter 9. Rawls’s aim here is to elucidate the natural ‘sociability’ of mankind.

He begins by acknowledging social cooperation is necessary for human life, but, he argues, if this necessity is thought of in merely practical, instrumental, terms, it does not vindicate the intrinsic value to each of us of our membership of a community. To see why this is so we need to reflect on the fact that

‘We need one another as partners in ways of life that are engaged in for their own sake, and the successes and enjoyments of others are necessary for and complementary to our own good.’ (458)

20 The orchestra model

Rawls's account of this draws on the Aristotelian Principle, and then on the fact that the excellences to which we aspire characteristically require the participation of others. His nice example of this is the involvement of musicians in an orchestra (p. 450 fn. 4 – a very important passage). Where there is this kind of mutual interdependence of possibilities for fulfilment and excellence we have what Rawls calls a 'social union', of which the happy family is another good example. Rawls' claim is then that 'only in a social union is the individual complete' (460 fn.).

So far, then, we have the claim that membership of social unions is good for us. How might this get us to the conclusion that citizenship of a just society is good for us? Clearly via the thesis that a just society is a social union – and this is what Rawls affirms, that it is a 'social union of social unions' (p. 462).

21 Society as a social union ?

Is this plausible? Rawls recognises that the orchestra comparison doesn't apply directly: citizenship doesn't bring with it some dominant end in the way that membership of an orchestra or a football club do.

Rawls, while noting that one of the merits of a just society is that it provides a framework for an unlimited variety of social unions, recognises that this shows only the instrumental value of justice. To get to its intrinsic value this way he has to persuade us that participation in the institutions of a just society is in its own way a kind of personal excellence, such that the state is itself a 'social union'.

Hence if the social union model is to be applicable there has to be some collective good (like the performance of a symphony) which is not available without the collective participation of the citizens who are members of this social union, the just state, and which is a way of fulfilling the goals of each individual citizen. Rawls suggests that the collective good is just 'the public realisation of justice' which meets the requirement of providing a distinctive form of self-fulfilment because 'the collective activity of justice is the pre-eminent form of human flourishing' (*TJ* p. 463).

22 But can the liberal state be a social union?

But the social union model for the state will not work for Rawls: the Rawlsian liberal state is not comparable to an orchestra or a sports team, an institution whose members rely on each other's complementary activities to achieve a valuable end which cannot be achieved in any other way.

Perhaps if Rawls were to agree with the communitarians that the state is a collective association with some dominant political goal that supposedly meets the requirement of providing self-fulfilment for all citizens, such as the establishment of a classless society, he could use the social union model for the purposes of his congruence thesis.

But, of course, that is exactly not the way in which Rawls conceives of his liberal state.

23 §85: ‘The unity of the self’

Another line of thought involves ‘the unity of the self’ -

For Rawls, the self is constituted for each of us by our plan for life, and he holds that the institutions of a just society which affirms the priority of liberty are such as to permit an unlimited variety of such plans. But the ‘unity’ of the self requires, he thinks, that our plan be a rational one and he seems to think that this rationality can only be realised within the context of the institutions of a just society – so that ‘the essential unity of the self is already provided by the conception of right’ (493).

I find this largely unpersuasive; but Rawls does then introduce a claim which will perhaps deliver the conclusion ‘the self is realised in the activities of many selves’ (495). For if this is assumed, then the unity of one self requires a social union, as previously described. Hence if justice is a requirement for social unions, then justice is equally a requirement for the unity of the self. In effect, this line of thought reiterates the previous one.

But the key thesis that ‘the self is realised in the activities of many selves’ is assumed, not argued for.

24 §86 The ‘congruence thesis’

Finally we get to the delivery room – in which Rawls sets himself to deliver his case for the congruence thesis – i.e. the thesis that in a well-ordered society justice is good for one (498).

He offers four lines of thought for this thesis:

- (i) Injustice requires deceit, which has high psychological costs (499)
- (ii) Our psychology is such that friendship and other social goods bring with them a general sense of justice, i.e. dispositions to act in accordance with principles of justice (500)
- (iii) Justice brings with it the sense that one’s society is a social union, and, given the Aristotelian Principle, participation in the life of a just and well-ordered society is a great good (500).
- (iv) The Kantian thesis that the desire to act justly and to express our nature are the same. (501).

25 Are we persuaded?

re (i) Objections to this are familiar from Plato onwards (Gyges ring – i.e. the material benefits of successful deceit can be very great).

re (ii) This is the thesis from ch.8 – but if this is the main argument, what has been the point of chapter 9?

re (iii) For me, this is the most interesting consideration. But will it do? I think more needed to be said about justice as a condition for the existence of social unions and about a well-ordered society as itself a social union.

re (iv) This strikes me as completely question-begging – why should we think that it is the most important aspect of our nature, requiring respect for justice when justice conflicts with other aspects of our plan for life?

So the main argument of part III of TJ ends in failure.

26 Loving one's country

Prof Mendus thinks that the discussion of love on p. 502 provides a better line of thought

Rawls here affirms that love, whether of a person or one's country, brings risks: and he then argues that if things turn out badly, one is liable to be hurt, but the value of the relationship is such that these risks are worth taking. It is better to have loved and lost than never loved at all. So one should not expect the practice of justice to be risk-free, and the congruence thesis should not be understood to require this.

All this is fine: but it does not explain why it is good for one to be just or to love one's country (believing it to be just) in the first place. It assumes this, and then observes that one should not expect the practice of justice to be risk-free.

But the main task is to vindicate this assumption.

27 Reciprocity and self-respect

I want to propose a different line of thought, which starts from the good which is for Rawls of primary importance: self-respect.

Suppose we apply to self-respect an extension of the developmental approach involving reciprocity from Rawls's moral psychology, so that self-respect is held to be dependent upon respect by others whom one respects oneself. It now becomes almost embarrassingly easy to argue for the congruence of justice and individual good. The argument, which comes mainly from Hegel, runs as follows:

28 The Hegelian argument

Start from Rawls' thesis about the primary value of self-respect – i.e.

- (a) Any reasonable conception of the good will acknowledge that self-respect is a primary good.

Assume that self-respect is dependent on respect for others:

- (b) The achievement of self-respect is dependent upon reciprocal relationships of mutual respect;

Now add a Rawlsian thesis about justice as reciprocity -

- (c) The conception of justice as reciprocity is the conception of principles whose institutional realisation affirms the mutual respect of citizens for each other;

It does now follow that

- (d) Any rational conception of the good will bring with it a 'conception-based desire' to live in accordance with justice, at least in a well-ordered society.

29 Respect and recognition

- This argument hinges on the proposal (b) that self-respect is dependent upon reciprocal relationships of mutual respect.
- Rawls himself endorses a thought of this kind when he writes that our sense of our own worth is supported by ‘finding our person and deeds appreciated and confirmed by others who are likewise esteemed’ (*TJ* 440; 386); and he goes on to infer something comparable to thesis (c) from this, to the effect that the realisation of his principles of justice provides ‘background conditions’ which ensure that ‘in public life citizens respect one another’s ends’ (*TJ* 442; 388). But he does not make anything of this line of thought.
- Nonetheless (b) is arguably vulnerable to counter-examples: a good case to think about is that of Olaudah Equiano, the remarkable slave whose autobiography *The Interesting Narrative of the Life of Olaudah Equiano* clearly shows how he maintained his self-respect in the face of a failure of recognition by others who bought and sold him as a slave.

30 Solution?

Two forms of self-respect:

- (i) 'private' (OE)
- (ii) socially confirmed

As the case of OE shows there can be a form of self-respect which is not dependent on actual recognition by others. But since this form of self-respect still makes a claim to recognition and respect by them, there is every reason to think that it is better to enjoy the socially confirmed form of self-respect than the private consciousness of freedom which was Equiano's lot for most of his life.

Hence the priority given to the socially confirmed form of self-respect is inherent in the conception of self-respect itself. In which case the Hegelian argument which connects self-respect and membership of a just society goes through.