153.

PATERNALISM

Though it is said that paternalism is inconsistent with liberalism, Rawls is one liberal who holds that some paternalistic actions are permissible. Although he does not define this term, he uses it in discussing coercive actions that are justified as benefitting those who are coerced against their present wishes (TJ 249). According to Rawls, parties in the original position will agree to permit some actions of this kind because they are motivated to choose principles that guarantee each person the primary social goods necessary to develop and exercise their moral powers fully, and because, due to immaturity, mental disability, or “irrational inclinations” (TJ 249), a person might act so as to lose these goods or to undermine in some other way the conditions necessary for the full development and exercise of their moral powers. Parties in the original position will therefore agree to principles that authorize others in some cases “to act in their behalf and to override their present wishes if necessary” (TJ 249). Paternalistic decisions, however, must be guided by a person’s own settled preferences or, when this is unknown, by the theory of primary goods. Furthermore, “we must be able to argue that with the development or recovery of his rational powers the individual in question will accept our decision on his behalf and agree with us that we did the best thing for him” (TJ 249). So although some paternalistic actions are permissible – those that prevent a person from acting on a temporary lapse in judgment in a way that will result in the permanent loss of some important good – paternalistic actions are not permissible that prevent a mature, mentally sound person from acting on his settled convictions.

To illustrate, parties in the original position will presumably authorize the police to interfere with suicide attempts, because people are typically not thinking clearly when they try to kill themselves, and because with death one loses life, a
necessary condition for the full development and exercise of one’s moral powers, and with it all the primary social goods as well. However, parties in the original position will not authorize the government to issue a blanket legal prohibition of suicide. They do not acknowledge duties to self, and so do not acknowledge the kind of unconditional duty not to kill oneself that Kant defended. Moreover, the decision to kill oneself is sometimes based on sound reasoning from one’s fundamental convictions, one’s views about the value of life and what makes life worth living. So we could not plausibly argue in defense of a blanket prohibition that with the “recovery of his rational powers” everyone who wishes to kill himself will “accept our decision on his behalf and agree with us that we did the best thing for him.”

Peter de Marneffe

SEE ALSO:

Conception of the good
Liberal conception of justice
Moral person
Neutrality
The original position
Any theory of international justice must include an account of the agents between whom duties of justice apply. In Rawls’s *LP* these agents are “peoples.” The term is somewhat obscure. While Rawls gives no general definition, certain key features are evident: a people is an independent, territorially based, political community united by “common sympathies” (*LP* 23) and a shared sense of justice. Though the emphasis on common sympathies, formed partly by cultural, historical, and linguistic ties, might suggest that peoples are akin to nations or ethnic groups, Rawls clearly construes peoples as essentially politically organized in a way that these other collectivities are not. However, at the same time, he carefully distinguishes peoples from states, to avoid implying two features traditionally associated with the latter in international law: the right to wage war for national gain and the right to unlimited discretion regarding internal affairs (*LP* 25). Rawls also emphasizes that, unlike states as traditionally conceived, peoples are capable of having a moral character: ideally, they are concerned to cooperate on fair, mutually respectful terms with other peoples (*LP* 35).

Rawlsian peoples come in two types: liberal peoples and decent peoples (Rawls refers to them collectively as “well-ordered peoples”). Liberal peoples are ruled by a constitutional democratic government and their internal affairs are reasonably just. Decent peoples are not internally just, since they lack a constitutional democracy. However, they recognize and protect human rights, allow their members a significant role in political decision-making and are concerned to promote the common good as a matter of justice. Like liberal peoples, decent peoples are also committed to peaceful foreign relations. To this extent they are beyond reproach, where the foreign policy of liberal peoples is concerned.
Representatives of liberal and decent peoples are the parties to the pair of social contracts that generate the Law of Peoples. Rawls presents all well-ordered peoples as sharing a set of fundamental interests, which their representatives are concerned to further. These interests include the protection of their territory, the safety of their members, the preservation of their culture and the maintenance of their legitimate autonomy and self-respect as peoples. Peoples are assumed to have no interest in an indefinite increase in wealth nor in their economic position relative to that of other peoples.

Rawls also distinguishes three other types of domestic societies that are not parties to the contracts generating the Law of Peoples. Societies ruled by “benevolent absolutisms” are distinguished from decent peoples by their members’ lack of any influence over government policy. “Burdened societies” lack the material, technological, cultural, and other conditions required to achieve a liberal or decent regime. These types of societies are not well-ordered, since they are neither just nor decent internally. By contrast, societies ruled by “outlaw states” fail to be well-ordered for both external and internal reasons: their regimes act aggressively toward other peoples; they may also violate the human rights of their own members. An ultimate aim of the Law of Peoples is to bring all of these societies into the set of well-ordered peoples.

Rawls’s choice of peoples as the bearers and objects of global duties has significant moral implications and has generated extensive criticism. Some argue that Rawls’s apparent claim that peoples are moral units in their own right, deserving of (conditional) equal respect, violates the core liberal idea that only individual persons can fill this role. Rawls’s defenders counter that his position is in fact consistent with normative individualism: respect for individuals may require respect for the political groups that those individuals form. His account is also consistent with additional global duties that apply directly to individuals, rather than being filtered through peoples. Whether or not this reply is adequate, a theory of international justice that privileges the perspective of peoples does raise a second, related concern. This is the worry that respecting illiberal peoples will require liberals to stand by while the rights of those peoples’ individual members are violated. Here, Rawls argues that the objection begs the question against his account, by assuming that only liberal peoples deserve toleration. If Rawls is right, decent peoples too deserve respect, even if they deny their members the full panoply of liberal rights (LP 82–83). Finally, some argue that a world composed of Rawlsian peoples is so unlike our contemporary world that a theory of justice centered on peoples fails to provide sufficient moral guidance. Contemporary states are populated by diverse, often warring, groups lacking solidarity and
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affinity; many individuals migrate from one state to another across their lifetimes; and cross-border interactions between individuals, multi-national corporations, non-governmental organizations and other non-state actors are far-reaching and morally consequential. Is Rawls’s LP a theory for a “vanished Westphalian world” (Buchanan 2000)? Rawls acknowledges that his people-centered account involves simplification (LP 24–25) and does not provide answers to every question about international justice (LP 8–9). He intends it to strike the balance between realism and idealization that he claims is necessary as a starting point for moral reflection. Whether or not his theory succeeds on this front, it remains a key reference point in philosophical debates on global justice.

Helena de Bres

SEE ALSO:

Decent societies
Law of Peoples
Liberal people
Mill, John Stuart
Society of Peoples
PERFECTIONISM

Rawls characterizes perfectionism as both a general teleological ethical theory and as a controversial conception of justice. As a general teleological ethical theory, it directs “society to arrange institutions and to define the duties and obligations of individuals so as to maximize the achievement of excellence in art, science and culture” (TJ 285–286). A theory of this kind is sometimes attributed to Nietzsche. As a controversial conception of justice, perfectionism is a comprehensive doctrine that directs the state to favor some conceptions of the good over others and holds that “some persons have special claims because their greater gifts enable them to engage in the higher activities that realize perfectionist values” (JF 152). Rawls rejects perfectionism under both descriptions. He advances a number of arguments for doing so. To appreciate these arguments, an initial difficulty must be confronted. Rawls’s characterizations of perfectionism are too narrow. They do not capture the full range of views that plausibly qualify as perfectionist. For example, construed as a general teleological ethical theory, perfectionism need not be identified with the promotion of specific goods, such as those realized in art and science. Many perfectionist writers have appealed to the value of self-development, or the development of human capacities and powers in general. This development can take place in many different spheres of human activity. Moreover, perfectionism, despite its name, need not take a maximizing form. Rather than aiming to maximize human achievements, a perfectionist theory could aim to secure an adequate level of achievement or self-development. Likewise, construed as a conception of justice, perfectionism need not hold that some are entitled to more because of their special gifts or talents. Instead, it might value the perfectionist
achievements of each person equally. Egalitarian conceptions of perfectionist justice are available.

Rawls’s flagship argument against perfectionism appeals to the design of the original position. The parties in the original position would not adopt perfectionist principles for much the same reason that they would not adopt other teleological principles. The parties do not share a conception of the good that would enable them to identify the kind of self-development or the types of human achievement that ought to be promoted in a well-ordered society. For this reason, political efforts to promote perfectionist values threaten to compromise the liberty of those who are not committed to these values. Much as utilitarian principles countenance reducing the liberty of some for the realization of greater overall utility, perfectionist principles countenance reducing the liberty of some for the sake of greater overall achievement.

However, as Rawls recognizes, this line of argument only applies to perfectionism in its pure form in which it is understood as the sole principle of political morality. Mixed or intuitionistic forms of perfectionism balance the principle of perfectionism against other ideals and principles. Thus, as Rawls allows, a perfectionist theory could be committed to the principle of equal liberty. On this theory, perfectionist values would be promoted subject to the constraint that they not unequally infringe the basic liberties of any citizen. It is also possible, although Rawls does not mention it, that a pure perfectionist theory could be committed to autonomy, understood itself as an element of perfection; and that the perfectionist value of autonomy could support a commitment to the principle of equal liberty.

Liberty-respecting perfectionist views, Rawls nonetheless insists, would be rejected as well by the parties in the original position. Since the parties are presumed to represent people who do not agree on perfectionist values, they cannot appeal to them in selecting principles of justice. It follows that, on Rawls’s view, it would be unjust for citizens to use the coercive power of the state to favor some pursuits over others on the grounds that they are more excellent or have greater intrinsic value. In reply, it can be argued that the parties in the original position could agree on the general proposition that a well-ordered society should promote human achievement and excellence. In other words, they could agree to a principle of perfection abstractly stated. The content of perfectionist policies could then be determined at a later stage. Rawlsian justice, on this view, would permit, but not require, state promotion of perfectionist values. Against this, Rawls contends that political judgments about perfectionist values would
likely be made on an arbitrary or ad hoc manner. When it comes to judgments about human perfection “we are likely to be influenced by subtle aesthetic preferences and personal feelings of propriety” (*TJ* 291). Thus Rawls appears to believe that since judgments of perfectionist value are often unreliable, they should not be relied on to justify coercive state action.

Does this mean that perfectionism has no place at all in Rawlsian politics? Not quite. In *TJ* Rawls allows that in a just society perfectionist values can be supported through an exchange branch of government. This branch would require government activities and the costs for funding them to be unanimously approved, or nearly so. In effect, the requirement of unanimity ensures that no citizen can use the power of the state to compel others to pay for unwanted benefits. More interestingly, in his later work, Rawls softens his resistance to perfectionist politics further. Perfectionist theories are ruled out as conceptions of justice, since they are comprehensive doctrines and therefore cannot be the object of an overlapping consensus in a modern democratic society. But Rawls allows that so long as the basic constitutional framework of a society is justified without reference to perfectionist values, then laws and policies enacted within that framework may permissibly advance these values. “Fundamental justice must be achieved first. After that a democratic electorate may devote large resources to grand projects in art and science if it so chooses” (*JF* 152).

It should also be noted that Rawls affirmed what he called the “Aristotelian principle.” This principle states that “other things equal, human beings enjoy the exercise of their realized capacities (their innate or trained abilities), and the enjoyment increases the more the capacity is realized, or the greater its complexity” (*TJ* 374). As its content indicates, this principle provides support for the perfectionist idea that the development and exercise of our capacities and talents is a leading human good. The principle is not a perfectionist principle, since it merely purports to describe human motivation. But if it is accepted as true, then it implies that rational plans of life for human beings must make room for the perfectionist value of self-development. Rawls further claims that the self-development associated with the Aristotelian principle “ties in with the primary good of self-respect,” which is, in turn, an essential element of the good for persons.

In *TJ* Rawls observes that the rejection of “the principle of perfection” might leave too little scope for ideal-regarding considerations within justice as fairness, and he acknowledges that we should remain open to the possibility that the consequences of rejecting perfectionism might prove on reflection to be unacceptable.
Thus, despite his general anti-perfectionist stance, Rawls's rejection of perfectionist politics was neither dogmatic nor uncompromising.

Steven Wall

SEE ALSO:

Aristotelian principle
Constitution and constitutional essentials
Liberal conception of justice
Neutrality
Self-respect

PERSON see MORAL PERSON
A plan of life is a person’s long-term scheme of conduct and activities designed to permit, given reasonably favorable circumstances, the harmonious satisfaction of his interests, desires, and final ends. A rational plan of life encourages and secures the fulfillment of a person’s more permanent and general aims, influences the formation of subsequent interests and desires, allows the exercise of his abilities, and “allows him to flourish, so far as circumstances permit” (TJ 376). Happiness consists in the successful execution of a rational plan of life.

Rawls’s account of the rationality of plans of life articulates an ideal model that is central to both the justification of primary goods and the conception of stability in TJ. The account belongs to his conception of goodness as rationality. This ideal model is absent in later writings because it is neither compatible with, nor necessary for, a political conception of justice. Beginning in “Priority of Right and Ideas of the Good” he claims that goodness as rationality supposes that citizens have a rational plan of life “at least in an intuitive way,” but there is no characterization of plans and their rationality (CP 451).

According to the account in TJ, a person’s good is determined by the most rational plan of life, which is the plan that he would choose from “the maximal class of plans” on the basis of the principles of rational choice, the Aristotelian principle, and with full deliberative rationality (which requires full information). Since persons can only choose on the basis of the information available, their plans of life are only subjectively rational. Even assuming full deliberative rationality, however, there is indeterminacy in the rational choice among plans because of the multiplicity of aims. How to go about narrowing such indeterminacy will depend on the relation of priority between the right and the good. On a
teleological theory, such as utilitarianism, in which the good is prior to the right, the alternative is to assess the multiple aims by their relation to a dominant aim that serves as the standard of comparison and of choice. Because of the priority of right in justice as fairness, by contrast, the principles of right and justice constrain the choice of a conception of the good. The problem with the dominant-end conception of deliberation is that it either “disfigures” the self by putting it to the service of one single end or drifts to hedonism as a method of choice, the weaknesses of which are well known. The advantage of the second alternative is that it allows for a unity of the self in which moral personality is its fundamental aspect (TJ 493). A moral person has a “fundamental preference” for “conditions that enable him to frame a mode of life that expresses his nature as a free and equal rational being as fully as circumstances permit” (TJ 491). By constraining the choice of a conception of the good within the limits set by the principles of right and justice, a moral person expresses such a nature. Rawls takes this to count in favor of the priority of right, which in justice as fairness accounts for the fact that the basic structure encourages and supports certain plans of life more than others.

Faviola Rivera-Castro

SEE ALSO:

Aristotelian principle
Conception of the good
Deliberative rationality
Dominant end theories
Goodness as rationality
Primary goods, social
THOMAS POGGE (b. 1953) is the Leitner Professor of Philosophy and International Affairs at Yale University. He wrote his dissertation at Harvard under the direction of Rawls, and became a close friend, as well as interpreter and critic of Rawls’s work. Pogge is very prolific, and his work spans many areas of political philosophy, with an emphasis on issues of global justice.

Pogge’s first book was *Realizing Rawls* (1989), in which he argues that Rawls’s “focus on the basic structure, combined with the priority concern for the least advantaged, makes Rawls a radical thinker” (Pogge 1989, 9). In the first part, he offers an interpretation of justice as fairness that responds to critics Nozick and Sandel. In the second part, he provides a reconstruction and defense of the two principles of justice, while offering criticisms of his own. For example, he doubts that Rawls adequately justified his claim that the lexical priority of the first principle over the second necessarily provides guidance for the relative urgency of reforms in nonideal conditions, and he rejects Rawls’s argument that the difference principle should not be formally incorporated into a just society’s constitution. The third part of the book represents the first step of an ambitious project to extend justice as fairness to apply to the global order. Pogge rejects “the dogma of absolute sovereignty, the belief that a juridical state (as distinct from a lawless state of nature) presupposes an authority of last resort” (Pogge 1989, 216). Instead, he suggests a model analogous to federalism, in which authority is dispersed among different levels. (He explores this further in Pogge 1992.) And extending Rawls’s institutional focus, he argues:
By ignoring the misery of the world’s poorest populations, we are disregarding not merely our positive duty of mutual aid but our negative duty not to make others the victims of unjust institutions. As citizens of the developed nations, we have created and are perpetuating by use of our economic and military power a global institutional order under which tens of millions avoidably cannot meet their most fundamental needs for food and physical security. (Pogge 1989, 238)

As a concrete way partially to address this injustice, he suggests, but does not explore in detail, a proposal for “an international tax on the extraction of national mineral resources through which at least the distributional effects of the morally arbitrary geographical distribution of natural assets could be mitigated” (Pogge 1989, 205).

In 1993, Rawls published “The Law of Peoples” which, for the first time, articulated in detail his own view of how justice as fairness should be extended to govern the relations among societies. The next year, Pogge replied with “An Egalitarian Law of Peoples.” He argues that the vastly different life prospects of individuals born in different countries is difficult to reconcile with justice because such differences “on the face of it, [are] no less morally arbitrary than differences in sex, in skin color, or in the affluence of one’s parents” (Pogge 1994, 198). Against Rawls, he argues that “A plausible conception of global justice must be sensitive to international social and economic inequalities” (Pogge 1994, 196). Expanding on the arguments of the final part of Realizing Rawls, Pogge explores in more detail the idea of a “global resources tax, or GRT” (Pogge 1994, 200ff.), and argues that a proper understanding of the structure of the second (global) original position, would result in the parties endorsing the GRT (Pogge 1994, 208). (He would later call this a “global resource dividend” or GRD (Pogge 1998a).) The details of Pogge’s concrete proposal aside, the question of whether global justice has an egalitarian distributive component would be a central point of debate in political philosophy ever since. In The Law of Peoples (Rawls’s 1999 book, which revised and expanded the 1993 article of the same name), Rawls includes a duty of assistance that wealthy societies owe toward “burdened societies” to help them become well-ordered. Responding to Pogge directly, he holds that once a society becomes well-ordered, and human rights are secured, there is no requirement of egalitarian distributive justice at a global level. However, he suggests that if Pogge’s proposal is interpreted primarily as focused
on securing human rights, their principles “could be much the same, with largely practical matters of taxation and administration to distinguish between them” (LP 119).

World Poverty and Human Rights (incorporating previous work, first published in 2002, second edition in 2008) is perhaps Pogge’s best-known book. There, he argues for an understanding of human rights in which they are conceived “primarily as claims on coercive social institutions and secondarily as claims against those who uphold such institutions” (Pogge 2008, 50–51). This allows him to bypass controversies concerning whether there are positive duties associated with social and economic rights. Instead, he focuses on “negative duties across the board. Human agents are not to collaborate in upholding a coercive institutional order that avoidably restricts the freedom of some so as to render their access to basic necessities insecure without compensating for their collaboration by protecting its victims or by working for its reform” (Pogge 2008, 76). He does not deny that there are such positive duties, nor that there are egalitarian requirements of distributive justice globally. He simply limits his discussion to the negative duty not to impose institutions that predictably and avoidably result in severe deprivation. And he argues that in a number of ways, such as the “international resource privilege,” the “international borrowing privilege,” and the structure of tariffs and subsidies countenanced by the World Trade Organization, the global institutional order does, in fact, contribute, predictably and avoidably, to the persistence of severe poverty in the world (Pogge 2008, 118–123, 145–150).

Pogge’s scholarly work on global justice has been especially notable for integrating his theoretical concerns with proposals for concrete reforms. For example, in a number of papers (such as Pogge 2005, and Pogge 2012), he proposes a “health impact fund” as a way to provide incentives to pharmaceutical companies to develop and deploy medicines that will have the greatest effect on relieving the disease burden on the poor. He is currently president of the organizations Incentives for Global Health (IGH) and Academics Stand Against Poverty (ASAP).

Pogge’s work has not been limited to issues of global justice. He has offered important interpretations of Kant (e.g. Pogge 1998b, 2002a), and well as discussions of luck egalitarianism (Pogge 2000) and the capabilities approach (Pogge 2002b). Finally, in 1994, he published John Rawls (in German), translated by Michelle Kosch in 2007 as John Rawls: His Life and Theory of Justice. This volume is notable not only because of its overall interpretation of Rawls’s theory,
but also because it contains, in its first chapter, what is currently the most extensive published biography of Rawls.

Jon Mandle

SEE ALSO:

_Cosmopolitanism_
_Kant, Immanuel_
_Law of Peoples_
_Nozick, Robert_
_Sandel, Michael_
_Two principles of justice (in justice as fairness)
For Rawls, a political conception of justice is what is required to avoid serious conflict with democratic citizens’ many reasonable comprehensive doctrines (religious, philosophical, and/or moral worldviews) so as to garner a stable overlapping consensus of their support through the conception’s provision of politically moral principles and justifications (PL xl–xli, 143, 147–148). Jettisoning his earlier, unrealistic assumption from TJ that citizens share a set of comprehensively liberal values, Rawls acknowledges that a reasonable diversity of citizens’ conflicting comprehensive views unregrettably characterizes free democratic societies’ normal, enduring circumstances. Rawls revises the idea of a well-ordered society to show how, even under conditions of reasonable pluralism, a political conception of justice can still meet with proper and stable societal acceptance: namely, through a reasonable overlapping consensus (PL xxxv–xlii).

Political conceptions of justice have three major features (PL 11–15, 174–175, 223, 376, 452–453; CP 480): (1) they are freestanding from comprehensive doctrines in society; (2) they articulate a conception of distinctly political, moral values, pertaining specifically to the political domain; and (3) they are laid out with reference to certain basic, intuitive ideas implicit in a democratic society’s public, political culture.

First, as freestanding, political conceptions are worked out independently of existing comprehensive doctrines in society and do not themselves offer one. They steer clear of disputed philosophical, religious, metaphysical, and epistemological claims making it possible to win the endorsement of all persons affirming one of the many reasonable comprehensive doctrines. Aside from what is implied or implicitly contained in its limited sphere, a freestanding, political conception does not recommend any determinate doctrine or philosophical program. Rather,
a freestanding, political conception, on its own terms, “is neither presented as, nor ... derived from” any comprehensive doctrine and can be “expounded apart from, or without reference to, any such wider [comprehensive] background” (PL 10, 12). A political conception of justice is neither tailored to fit into any specific comprehensive doctrines, nor is it worked out with an eye to actually existing comprehensive doctrines so as to strike a stable consensus or compromise between these specific, existing doctrines. This would be political in the wrong sense, in Rawls’s view (JF 37, 188, 386; PL xlv). A political conception focuses on and formulates political values without “mentioning, independent nonpolitical values” (JF 182–183). As such, it is freestanding.

Next, rather than being the upshot of an independent, moral philosophy or religious code, a political conception itself formulates a species of significant politically moral values centered on “the domain of the political,” or the sphere of matters characterized by two features of citizens’ distinctive “political relationship” within a democratic, constitutional regime (P, xliii, 11–15, 135–137, 452–453; JF 182). First, politically moral content focuses solely on the basic structure of society, or the basic political and socioeconomic institutions within a society seen as a closed, nonvoluntary, multigenerational system of social cooperation. Persons can neither freely enter political society from a pre-political life nor leave it to a post-political one: it is entered into at birth and exited only in death. Second, the political relationship is characterized by the fact that even in such a constitutional democracy, “political power is ... always coercive power” backed by the state’s monopoly of enforcement through coercive force and sanctions (JF 182; PL 11, 135–136). In a constitutional democracy, this means that coercive political power is “the power of the public ... the power of free and equal citizens as a collective body” imposed on citizens as individuals or as members of associations, some of whom might not accept the reasons that are said to justify the structure, particular laws, or specific actions of the society’s political authority (PL 136; JF 182). The political relationship is involuntary, unlike membership in private associations, and inescapably coercive, unlike the (at least ideally) affectionate bonds of family life. So political conceptions of justice formulate moral values that are narrowly tailored to the specific domain of the political relationship of citizens in a democratic society: the involuntary relationship of free and equal citizens, who share in the collective exercise of ultimate, and inescapably coercive political power, with regard to the basic political and socioeconomic institutions of society (PL xliii). Importantly, political conceptions of justice will neither affirm nor deny claims grappling with issues beyond the political domain: as political views, they take no stance on such matters, refraining from speaking to them and
remaining agnostic about them, since to take a position – whether positive or negative – would itself be to trespass the bounds of the political domain (PL 10, 95, 126–128, 150, 377–378).

Finally, a political conception is, as far as possible, laid out with reference to “fundamental intuitive ideas” implicit within the common political culture of a constitutional democracy (CP 480). The public political culture includes the democracy’s political institutions, these institutions’ commonly accepted, public traditions and histories of interpretation, and the democracy’s shared, historic texts. Rawls takes this culture to incorporate a general tradition of democratic, political thought whose ideas are clear and relatively familiar to the “educated common sense of citizens generally” (PL 13–14). For Rawls, a political conception’s “fundamental ideas” like “those of political society as a fair system of social cooperation, of citizens as reasonable and rational, and free and equal…all belong to the category of the political and are familiar from the public political culture of a democratic society” (PL 376). These ideas serve as a “fund of implicitly shared ideas and principles” that are particularly ripe to serve in a freestanding, political conception of justice since they are not the sole possession of any particular comprehensive doctrine(s), but rather of the society and the public as a whole via their shared, political culture (PL 14). That is why a political conception of justice is worked out and elaborated from, as far as it can, in terms of such ideas.

These three features enable a political conception to be the possible focus of an overlapping consensus of reasonable comprehensive doctrines, and thus enable Rawls to show how stable acceptance of a conception of justice for the right reasons is possible (PL xl–xli, 15, 143ff.; JF 32–33, 184ff.). By refraining, as it does, from taking deep, comprehensive positions that extend beyond the political sphere, a freestanding, political conception of justice can be understood as a module which can be fitted into reasonable persons’ various, diverse comprehensive doctrines in different ways (PL 12). In tailoring itself to focus on the “political relationship,” a political conception of justice articulates an important, but limited subset of politically moral values rather than wide-ranging, comprehensive values. Finally, in employing, as far as possible, commonly known and accepted ideas implicit in the public, political culture of modern constitutional democracies, a political conception of justice articulates its principles, arguments, and justifications in publicly shared terms. Thus, for Rawls, these three features of a political conception of justice – its (1) freestanding, (2) limited focus on political matters, (3) articulated in the publicly shared ideas of a democratic society – help it to meet with a reasonable overlapping consensus (JF 33), by steering it clear of
treading on reasonable citizens’ comprehensive worldviews and hopefully garnering their support through its articulation of shareable politically moral principles and justifications in terms of common, democratic ideas.

Micah Lewin

SEE ALSO:

- Basic structure of society
- Comprehensive doctrine
- Culture, political vs. background
- Fundamental ideas (in justice as fairness)
- Overlapping consensus
- Political liberalisms, family of
- Stability
- Well-ordered society
RAWLS INTRODUCED THE phrase “political liberalism” to distinguish his own account of liberalism from what he called “comprehensive liberalism,” which denotes a liberal theory of politics rooted in a “comprehensive doctrine,” or a doctrine that is at least partially comprehensive. As Rawls explains, modern political thinkers “hoped to establish a basis of moral knowledge independent of ecclesiastical authority” that could be grasped by ordinary people, and that could be used “to develop the full range of concepts and principles in terms of which to characterize the requirements of moral life” (PL xxvi). In this type of theory, political principles are derived from the “basis of moral knowledge,” suggesting that in this view political philosophy is “applied moral philosophy” (JF 14). Although Rawls does not explicitly mention it, many liberals such as J. S. Mill envisioned that the establishment of liberal forms of politics and related changes in the law and economic relationships would be accompanied by a cultural transformation, as society became increasingly secular and religious and other traditional sources of values and identity would atrophy. The widespread acceptance of liberal comprehensive doctrines, then, would support liberal political institutions.

The problem of basing an account of justice and political principles on a comprehensive doctrine, Rawls came to see, is that in a democratic society we can expect people to hold different comprehensive moral, religious, and philosophical doctrines, and so to accept different conceptions of justice rooted in those doctrines. He realized that the account of justice he had set out in *A Theory of Justice* required both a democratic polity and a consensus on the “comprehensive philosophical doctrine” (PL xvi) on which it is based, a combination that
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is “unrealistic” (PL xvii) because of the (reasonable) moral pluralism of democratic societies. That recognition required him to rethink his original theory of justice. Since it was not possible for a democratic society to be “well-ordered” by a conception of justice based on a comprehensive doctrine, Rawls proposed instead that the conception of justice for a democratic society – or any society marked by a plurality of reasonable comprehensive doctrines – must be a “political conception,” one that is not based on any comprehensive doctrine. And this recognition brought a new question to the fore. Most sharply put, the question is, “How is it possible for those affirming a religious doctrine that is based on religious authority . . . also to hold a reasonable political conception that supports a just democratic regime?” (PL xxxix). Political liberalism is designed to answer that question.

Unlike comprehensive liberalism, political liberalism does not derive the principles of justice – the principles governing the basic structure of society – from a comprehensive doctrine, one that many reasonable citizens, particularly religious citizens, do not accept. Rather, it sees these principles as “freestanding,” drawing on ideas and values that are widely shared in the public political culture of democratic societies, which adherents of conflicting comprehensive doctrines can and do accept. A political conception of justice is put forward not as “true,” but as a set of principles that it is reasonable for people in a pluralist society to accept for the purpose of governing the basic political and economic institutions of their society. Rawls argues that citizens adhering to different comprehensive doctrines can endorse a freestanding conception of justice because it would not be based on any comprehensive doctrine, nor would it call any comprehensive doctrine into question. It is important to note that in drawing on the ideas found in a common political culture Rawls does not use these ideas as “foundations” or as definitive for political reflection, but as sources of values and principles that can be criticized and refined in the process of developing a political conception of justice.

One of these widely shared ideas is that of society as a fair system of cooperation among free and equal citizens, organized by “publicly recognized rules and procedures which those cooperating accept as appropriate to regulate their conduct” (JF 5). These publicly recognized rules and procedures constitute the “basic structure” of society, that is, “the way in which the main political and social institutions of society fit together into one system of cooperation, and the way they assign basic rights and duties and regulate the division of advantages that arises from social cooperation over time” (JF 10). When citizens share a
conception of justice that endorses the publicly recognized rules and procedures of the basic structure, which includes but is not limited to the political system and its use of coercive power, the society meets a necessary condition of being well-ordered.

Coming to share a political conception of justice involves three critical steps. First, we assume that citizens are “reasonable” in that they accept the “criterion of reciprocity.” That is to say, they are “reasonable” when “they are prepared to offer one another fair terms of cooperation according to what they consider the most reasonable conception of political justice” (CP 578). Specifically, when one proposes such terms to others, one must “think it at least reasonable for others to accept them, as free and equal citizens, and not as dominated or manipulated, or under the pressure of inferior political or social positions” (CP 578).

Second, we assume citizens to be “reasonable” in that they acknowledge the existence of “reasonable disagreement,” or “disagreement between reasonable persons,” due to what Rawls calls the “burdens of judgment” (PL 55). The burdens of judgment include such factors as the difficulty and complexity of the evidence that bears on an issue, the relative weight of different considerations, the difficulties of interpreting and applying relevant concepts, and so forth (PL 54–58). These factors explain why “it is not to be expected that conscientious persons with full powers of reason, even after free discussion, will all arrive at the same conclusion” (PL 58). Thus, reasonable citizens will acknowledge that “a public and shared basis of justification that applies to comprehensive doctrines is lacking in the public culture of a democratic society.” For that reason they recognize “limits on what can be reasonably justified to others, and so they endorse some form of liberty of conscience and freedom of thought.” Specifically, in recognizing the burdens of judgment, or reasonable pluralism, they agree that it “is unreasonable…to use political power…to repress comprehensive views that are not unreasonable” (PL 61).

Third, citizens share “a conception of democratic citizenship” as “a relation of free and equal citizens who exercise ultimate political power as a collective body” (CP 577). Being reasonable in the two senses explained above, they therefore endorse a conception of political legitimacy that holds that our “exercise of political power is proper only when we sincerely believe that the reasons we would offer for our political actions…are sufficient, and we also reasonably think that other citizens might also reasonably accept those reasons” (CP 578). In short, at least on issues involving “constitutional essentials, or basic
questions of justice” (*PL* 137) exercises of political power must be based on public reason, not on other considerations, where the content of public reason is a political conception of justice. This is not to say that nonpublic reasons may not be put forward in discussions of “essentials.” Rawls endorses what he calls the “wide view of the public political culture” under which reasons rooted in a comprehensive doctrine may, and for some purposes should, be offered, “provided that in due course proper political reasons…are presented that are sufficient to support whatever the comprehensive doctrines introduced are said to support” (*CP* 591).

Political liberalism encompasses a family of liberal – but political – conceptions of justice, all of which put forward principles governing the basic structure of society that are reasonable in that all citizens who wish to live cooperatively with others, and who acknowledge reasonable disagreement about comprehensive doctrines, have reason to accept them. Any liberal political conception of justice meets three substantive “conditions” (*PL* xlviii n.18): first, it specifies “certain basic rights, liberties and opportunities” that citizens must enjoy; second, it assigns “special priority to those rights, liberties, and opportunities, especially with respect to claims of the general good and of perfectionist values”; and third, it includes “measures assuring to all citizens adequate all-purpose means to make effective use of their liberties and opportunities” (*PL* 6). Rawls lists Habermas’s “discourse conception of legitimacy” and “Catholic views of the common good and solidarity when they are expressed in terms of political values” (*CP* 582–583) as forms of political liberalism. Although there are “many variant liberalisms,” Rawls argues that his own theory – justice as fairness – is “the most reasonable because it best satisfies these conditions” (*PL* xlix), but he also insists that political liberalism is open to other political conceptions of justice, and that “new variations may be proposed from time to time and older ones may cease to be represented,” allowing “the claims of groups or interests arising from social change…to gain their appropriate political voice” (*CP* 583). Citizens of a well-ordered democratic society, then, will not necessarily share a single conception of political justice, so long as they accept some member of the family of liberal conceptions of justice.

A political conception of justice applies to what Rawls calls “a special domain of the political” (*PL* 137), which comprises the basic structure of society, and the use of political power, or “coercive power backed by the government’s use of sanctions” (*PL* 135–136). The political domain is limited – it does not include voluntary or associational life, or personal relationships, for example.
The political domain does not correspond to traditional views of the distinction between the public and private spheres, which frequently see the “public” or the political sphere as comprising the state with its “monopoly of the legitimate use of physical force,” to use Weber’s famous phrase. Rawls’s political domain includes specifically “political” institutions, but also the other major institutions that comprise the basic structure of society, including “the legally recognized forms of property, and the structure of the economy...as well as the family” (JF 10). He conceives of the political domain in this broad way “because the effects of the basic structure on citizens’ aims, aspirations, and character, as well as on their opportunities and their ability to take advantage of them, are pervasive and present from the beginning of life” (JF 10); a narrower concept of the political would be inadequate to secure “background justice from one generation to the next” (JF 54).

Rawls’s conception of the political domain is also different from traditional views in that its boundaries are not viewed as in some sense “prepolitical” – as rooted in nature, or practical reason or some other source, and functioning as a constraint on legitimate political authority. Rather, a political conception of justice provides “a framework of thought” that enables us to determine how its boundaries should be adjusted “to different social circumstances” (JF 12). Although we start with a “loose characterization” of the scope of the political domain, we decide its scope politically, through a deliberative process governed by political values.

Fundamental questions regarding the structure of the political domain – the basic structure including the political system – must be decided by political values, that is, a political conception of justice that satisfies the criterion of reciprocity, and so can be regarded by all citizens as “reasonable, even if barely so” (CP 578). Political values, then, exclude nonpolitical values, such as those rooted in one’s comprehensive doctrine, since appealing to such values violates the criterion of reciprocity – I cannot reasonably expect you to accept a proposed norm if the norm is based only on a comprehensive doctrine that we do not share. Citizens have a duty of civility, a duty to decide fundamental questions exclusively in terms of political values.

In Rawls’s view it is important that a political conception of justice be developed in a systematic way if it is to be “freestanding,” and thus to pose no doctrinal bar to being adopted by adherents of comprehensive doctrines. Rawls’s political liberalism differs from those responses to reasonable moral pluralism that allow a more or less unlimited range of reasons to be offered in
Political liberalism, justice as fairness as justification of principles of justice, and rely on some processes of deliberation or contestation to generate at least temporary agreements about important constitutional matters. A disadvantage of such approaches is that they keep basic rights and liberties on the political agenda, rather than removing them from day-to-day contestation, thus “raising the stakes of political controversy” and increasing “the insecurity and hostility of public life” (PL 161). But, even more important, such apparently more inclusive conceptions are, in Rawls’s view, defective because they allow fundamental decisions to be made on the basis of values that are not shared, rather than on the basis of political values alone, thus violating the principle of legitimacy: such decisions cannot be justified to all reasonable citizens in a society marked by reasonable pluralism.

A society well-ordered by a family of liberal political conception of justice is one in which all citizens accept a liberal conception of justice that satisfies the three conditions set out above, but they do not do so for the same reasons. Because of the plurality of comprehensive doctrines held by citizens, “they affirm the political conception from within different and opposing comprehensive doctrines and so, in part at least, for different reasons” (JF 32). Such a society is marked by an “overlapping consensus” of reasonable comprehensive doctrines. Each citizen, then, affirms the political conception of justice from within her own comprehensive doctrine, as “theorems,” Rawls suggests, of her larger view (JF 35). Of course, many citizens do not have fully worked-out comprehensive views, and so they may “affirm [the political conception] on its own” because they “appreciate the public good it accomplishes in a democratic society” (JF 193). The emergence of an overlapping consensus is a dynamic process, which may begin with a “consensus only on constitutional principles” (PL 149) rather than on a full political conception of justice. As citizens cooperate with each other on the basis of a constitutional consensus, they may gain “increasing trust and confidence in one another,” and come to affirm the political conception of justice itself (PL 158–68), adjusting their comprehensive views to more fully incorporate the political values.

In summary, we can say that political liberalism is a form of liberalism because it endorses principles that liberals have always espoused, such as limited government and the freedom and equality of citizens, summarized by the three conditions of political liberalism set out above. What makes it political is the account it provides of those principles. Political liberalism offers a different way of justifying or grounding liberal principles,
one that is compatible with adherence to nonliberal comprehensive doctrines.

J. Donald Moon

SEE ALSO:

Autonomy, political
Basic structure of society
Burdens of judgment
Comprehensive doctrine
Democracy
Duty of civility
Legitimacy
Liberalism, comprehensive vs. political
Overlapping consensus
Political conception of justice
Political liberalisms, family of
Public reason
Reasonable pluralism
Reciprocity
Truth
POLITICAL LIBERALISMS, FAMILY OF

R awls’s idea of political liberalism centers on a family of reasonable, liberal political conceptions of justice, the common problems they address, and the shared features of their solutions. Rawls understands this family to harbor the most reasonable conception of political justice for a pluralistic democracy (PL 156–157); to include his offering for this title, justice as fairness, as a central and prototypical member (PL xlvi–xlvii, 167–168, 226, 451 n.27); to specify the “focal class” of conceptions capable of meeting with a reasonable overlapping consensus in such a society (PL 167–168); and to furnish the content of democracy’s public reason (PL xlvii–xlviii, 226, 450). This family of reasonable, liberal, political conceptions of justice is delimited by the intersection of these very notions: (1) political conceptions of justice; (2) liberal conceptions of justice; and (3) reasonable ones at that.

(1) Members of this family count as political conceptions of justice by adhering to the following three stricures: steering clear and being articulated independently of the contentious claims of comprehensive doctrines (i.e. wide-ranging religious, philosophical, metaphysical, and/or moral worldviews); retaining focus squarely on “the domain of the political,” or the province of matters centered around the involuntary and inescapably coercive political relationship of citizens with respect to their society’s basic structure of socioeconomic and political institutions; and formulating their positions using the shared, intuitive ideas of the democracy’s public, political culture (PL 11–15, 174–175, 376, 452–453). Although Rawls sometimes refers to the members of this family as various liberalisms, he is referring to political liberalism and its constituent reasonable, liberal political conceptions of justice rather than comprehensively liberal views (PL xxiv–xxvii, xlvi, 303, 374 n.1; LHPP 11–12). Political liberalism operates in the narrow
domain of the political without delving farther afield, into a wider, comprehensive moral, religious, or philosophical issues. While the general nature of morality or human agency might be discussed by comprehensively liberal philosophies, these topics are not per se subjects of discussion for political liberalism. Insofar as similar topics are addressed by politically liberal conceptions, they have, in comparison to comprehensive views, tailored roles within an extensionally limited scope. In political liberalism, while these discussions are still moral in content, they can be taken only to address, independently of particular worldviews, the specifically political relationship of citizens with regard to the basic institutional structure of their democratic society, using ideas implicit in the common, political culture (PL xxvi–xxvii, 11–15, 125, 174–175, 376, 452–453). For example, rather than presenting a comprehensive view of persons as moral agents, political liberalisms articulate a freestanding, political notion of persons – free and equal citizens – and their politically moral powers and duties (PL xxvi–xxvii, xliii, 18–20, esp. 18 n.20, 66–68).

Political conceptions, as such, will neither affirm nor deny claims that deal with or touch on matters beyond the political domain: they remain agnostic about these claims, taking no stance on them, as to take a position – whether pro or con – would itself involve overstepping the bounds of the political domain (PL 10, 95, 126–128, 150, 377–378). Political liberalism generally accomplishes this by refraining from taking a stance on the claims or positions of comprehensive doctrines, which is possible insofar as such doctrines do not speak to the political domain. Yet when a comprehensive doctrine itself presents, within the domain of the political, politically unreasonable claims about matters of basic justice or constitutional essentials, a politically liberal conception of justice will have no choice but to take an opposed stance, deeming the doctrines’ positions unreasonable. Still, political liberalism strives to avoid speaking to even the purported grounds of such a comprehensive view’s political claims to the extent these fall outside or extend beyond the political domain (PL 138, 150–154). Instead, political liberalism can remain within the domain of the political simply by insisting that adherents of this comprehensive view be politically reasonable and treat others with reciprocity regarding matters of basic justice or constitutional essentials within the public political forum and the voting booth. Living up to these standards requires that these adherents not simply or primarily “invoke the grounding reasons of their comprehensive views” for their political positions about such fundamental matters: rather, these believers must hold that sufficient, freestanding, political justifications that best express “the ordering of political values they sincerely think the most reasonable” (as formulated within a complete, politically liberal conception of justice) and that they honestly believe their free and equal
Political liberalisms, family of / 625

fellows could at least accept as reasonable can be provided in due course (PL liii, 442–447, 453–455, 462–463, my emphasis).

Political liberalism’s focus on political conceptions of justice comes in response to the overarching problem it addresses: articulating conceptions of political justice for a constitutional democracy that a plurality of citizens’ diverse, reasonable comprehensive doctrines may freely and stably accept, in part based on the conception’s own politically moral reasons (PL xxxvi–xli, xliv, 143–148, 490). Political liberalism faces this problem because, in acknowledging that a reasonable pluralism of citizens’ comprehensive views unregrettably characterizes free democracies’ enduring circumstances, Rawls revokes as unrealistic his assumption from TJ that citizens share a comprehensively liberal set of values, and reworks his idea of a well-ordered society in order to show how a shared conception of political justice can still be steadfastly accepted in such a society for the right reasons (PL xxxv–xlii, 140–144). He does this, first, by reconceiving his theory of justice as fairness and the related family of political liberalisms into explicitly political conceptions of justice (PL xli) and, second, by introducing the integral, correlated idea – shared amongst political liberalisms – of reasonable overlapping consensus, which characterizes how politically moral and steady acceptance of a conception of justice with its political values by reasonable citizens may be achieved (PL xxxvi, xl–xlii, xlvi, 143–144, 147–148, 208). A political conception’s freestanding content that is limited to the political domain and articulated with ideas common to the democratic political culture leads to shareable politically-moral principles and justifications that avoid conflicts with reasonable comprehensive doctrines; this enables the political conception to freely garner these doctrines’ support, thereby allowing it to meet with proper and stable allegiance through overlapping consensus (JF 32–33, 184ff.; PL xxxviii–xxxix, 143ff.).

(2) Members of political liberalism’s focal class count as liberal, political conceptions of justice insofar as they (a) articulate a list of basic rights, liberties, and opportunities common to constitutional democracies, (b) accord a special priority to these rights as opposed to other values, and (c) mutually assure all citizens suitable general-purpose resources for effectively and intelligently exercising these rights (PL xlvi–xlvi, 6, 156–157, 223, 291–292, 375, 450–451; LHPP 12). Liberal political conceptions do not just propagate and prioritize the value of liberty in the abstract, but rather refer to a historically or analytically drawn up list of basic rights and liberties (PL 291–292; JF 44–45; LHPP 12–13). The list must at least include freedoms of speech, thought, conscience, association, and personal integrity, political rights to participation, and rights enshrined in the rule of law (PL 228, 291–293, 334–335; JF 44–48; LHPP 12).
For Rawls, (b) means that the listed liberties have “an absolute weight” compared to other values and cannot be overruled by such considerations as what is required for a social ideal or for the greatest public welfare (PL 294–295). Basic liberties are to be protected as “constitutional essentials” while less urgent matters of basic justice can be left to democratic legislatures (PL 227–230, 363–368; JF 46–50). Still, these liberties can be regulated and interpretively adjusted so that they can fit together into “one coherent scheme” (PL 294–296). Prioritizing a list of basic liberties vis-à-vis other values does not preclude political liberalism from providing a political conception of the goodness of political society (PL 202–204), or from promoting a number of politically moral virtues, all of which can be shared amongst reasonable comprehensive doctrines (PL 192–195).

Reasonably providing for (c) means that political liberalisms (as opposed to libertarianisms (PL lvi, 262–271, 324–331; LHPP 12–13)) must require societies to prevent burdensome levels of inequality through requirements placed on their scheme of basic institutions. This requires (something like) institutions allowing democratic officials independence from entrenched socioeconomic interests and providing citizens with the information requisite to think through public policy (e.g. publicly financed campaigns), some decent social minimum of welfare (PL 228–229; JF 47–48), “society as employer of last resort,” and basic health care guaranteed to citizens (PL lv–lvii). Indeed, politically liberal conceptions of justice must provide substantive principles of justice to serve as ideals for the maintenance of a just background of society’s basic institutional structure (PL 281–285, 451), because while particular interactions among persons taken in isolation might seem unobjectionable, such interactions might actually be less than free and fair when viewed against a background of unjust conditions in society’s basic structure (PL 266–269).

(3) Liberal, political conceptions count as reasonable if they (d) meet “the criterion of reciprocity” and (e) properly recognize and respond to “the burdens of judgment” (the complications of reasoning that are reasonable disagreements’ wellsprings (PL 54–58, 375; JF 35–37; CP 476–477)) and their consequences (PL xlvii, 446–447, 450). These criteria likewise specify the defining features of reasonable citizens, the idea of whom provides Rawls’s primary characterization of reasonableness (PL 394–395). In fact, common to all political liberalisms are fundamental ideas of free and equal, reasonable and rational citizens, and society as a fair system of social cooperation over time, with different interpretations of these ideas yielding different political liberalisms (PL 167–168, 226, 450–451).

Living up to (d) requires that liberal political conceptions, first, be put forward as the most reasonable, fair terms of social cooperation that free and equal fellow citizens could reasonably accept and mutually abide by without coercion,
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winning stable “support by addressing each citizen’s reason” with its arguments while allowing room for other reasonable proposals of the like (JF 6–7; PL 49–50, 142–143, 375, 446–447). Second, (d) requires that such conceptions only legitimate democratic constitutions, legislation, and government action when it can be honestly and reasonably believed that sufficient reasons that all free and equal citizens can reasonably accept have been offered for the incorporated matters of constitutional essentials and basic justice (PL 137, 217, 446–7). Adherence to (e) requires that liberal political conceptions acknowledge and tolerate both a reasonable pluralism of worldviews in society and also “different and incompatible liberal political conceptions” that are nonetheless reasonable (PL xlvii, 375; JF 35–37). Properly acknowledging the former requires securing freedoms of thought and conscience (PL xlvii, 60ff., 395) and offering a freestanding, political conception capable of garnering an overlapping consensus of reasonable world-views (JF 36–37). Properly acknowledging the latter – in accord with (d) as well as (e) – requires allowing the whole class of political liberalisms to provide the content of a democratic society’s public reason with the principles of justice and guidelines of inquiry they specify. “Political liberalism applies the principle of toleration to philosophy itself” (PL 10) through its constituent conceptions making room not only for the reasonable pluralism of comprehensive views in society but also for incompatible, though reasonable, alternative political liberalisms’ in the content of public reason (PL xlvii–xlviii, l–li, 226, 450–451).

Micah Lewin

SEE ALSO:

Basic structure of society
Burden of judgment
Comprehensive doctrine
Liberal conception of justice
Liberalism, comprehensive vs. political
Overlapping consensus
Political conception of justice
Public reason
The reasonable and the rational
Reasonable pluralism
Reciprocity
Questions of political obligation concern people's duties to obey the law. Rawls's first sustained discussion of this subject was in his 1964 article, “Legal Obligation and the Duty of Fair Play.” In this piece, Rawls assumes that in acceptably just modern societies, there is a moral obligation to obey the law, which rests on some general moral principle (CP 117). The principle to which Rawls appeals is the principle of fair play.

This principle was first clearly formulated by H. L. A. Hart in 1955 (Hart 1955, 185–186). Rawls's formulation is as follows:

Suppose there is a mutually beneficial and just scheme of social cooperation, and that the advantages it yields can only be obtained if everyone, or nearly everyone, cooperates. Suppose further that cooperation requires a certain sacrifice from each person [...] Suppose finally that the benefits produced by cooperation are, up to a certain point, free [...] Under these conditions a person who has accepted the benefits of the scheme is bound by a duty of fair play to do his part and not to take advantage of the free benefit by not cooperating. (CP 122)

The moral basis of the principle is mutuality of restrictions. Under specified conditions, if members of a cooperative scheme make sacrifices in order to produce benefits that are also received by non-cooperators, the latter may have obligations to make similar sacrifices. As Rawls later says, “We are not to gain from the cooperative labors of others without doing our fair share” (TJ 96).

According to Rawls's formulation, fair play obligations are incurred only if one accepts the benefits provided by a cooperative scheme (CP 122). At first sight,
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this “acceptance condition” may appear justified. If a group of neighbors holds a potluck supper, in which all participants supply dishes, if Adam partakes of the dinner, he too should bring a dish. Not to do so would take advantage of the other participants. In this case, Adam is unfair only if he voluntarily attends the supper and partakes of the dishes. Rawls’s reasoning seems to be along similar lines. But the difficulty with this condition is that major benefits provided by government—e.g. defense, law and order, a clean environment—are public goods. Because they are received more or less regardless of how recipients behave in regard to them, they cannot be accepted in the usual sense.

This problem led Rawls to abandon the principle of fairness as a basis for political obligation. In A Theory of Justice, he argues that the principle binds only office holders and other people who have taken special advantage of the system. But it does not establish obligations for average citizens (TJ 97–98). In order to establish a basis for binding all members of society, Rawls turns to a natural duty of justice.

According to Rawls, the natural duties of justice are moral principles that apply directly to individuals, unlike the principles of justice, which apply to institutions. But like the principles of justice, natural duties are justified by being chosen in the original position. For instance, a duty of mutual aid, i.e. a duty to help another person who is in need or distress, would be chosen because the likely benefits of such a principle outweigh its costs (TJ 298). To answer questions of political obligation, Rawls invokes a natural duty “to comply with and to do our share in just institutions when they exist and apply to us” (TJ 293; cf. 99). Rawls does not view requirements established by natural duties as obligations. According to his use of the term, obligations must be self-imposed, based on acts such as promising or accepting benefits, performed by the obligee. But, unlike the principle of fair play, this natural duty binds all inhabitants of society, whether or not they have accepted benefits provided by government.

Although not developed in detail, Rawls’s view of political obligation has had considerable influence. A significant literature on natural duty approaches to political obligation has emerged (e.g. Waldron 1993; Simmons and Wellman 2005). But while Rawls argues for his position using the device of the original position, scholars generally discuss the political duty as an intuitively clear principle in its own right.

In spite of the favorable attention it has received, Rawls’s position is subject to criticism. First, his rejection of the principle of fair play has been questioned (Klosko 1994a). As indicated, the problem he identifies is the need to accept benefits. But from the point of view of the original position, it is difficult to justify
this requirement. If all members of society require certain benefits and these are provided by general cooperation throughout society, everyone who receives the benefits should be required to cooperate, regardless of whether or not they have accepted the benefits. Requiring that benefits be accepted makes no sense in regard to benefits that, by their very nature, cannot be accepted.

An important criticism of Rawls's natural duty argument turns on a requirement of “particularity.” As discussed especially by A. John Simmons, a theory of political obligation should explain the close ties people have to their own states (Simmons 1979). But on Rawls's position it is difficult to explain why, if Denmark and many other states have just institutions, we should support and comply with those of our own state rather than of these other countries. Rawls appears to have a response. He says that we are to support the state that “applies” to us. But he does not explain what this means. As argued by Simmons, clear ways for a state to “apply” to Adam include his consenting to or receiving benefits from it (1979, chapter 6). If this is what Rawls has in mind, the problem, then, is that relationships with one's state such as these appear to be able to generate obligations to obey its laws on their own, without reference to the natural duty Recent years have seen significant discussion of both the possibilities and problems of a natural duty theory of political obligation.

George Klosko

SEE ALSO:

- Fairness, principle of
- Natural duties
- Natural duty of justice
- Obligations
In political liberalism, the political virtues are understood as the attitudes, dispositions, and other qualities of character that would characterize good citizens of a just and stable liberal-democratic constitutional regime. Citizenship is a formal status, referring to various legal privileges, immunities, and responsibilities. The political virtues refer to good or exemplary citizenship, and so they correspond to “the ideal of a good citizen of a democratic state – a role specified by its political institutions” (PL 195). With their connection to this role and their inclusion in a political conception of justice, the political virtues presuppose the distinction between comprehensive doctrine and the domain of the political, i.e. the more narrowly defined set of liberal-democratic values, ideas, and ideals that make political liberalism possible.

References to the political virtues are sometimes accompanied by different examples, but the principal virtues include toleration, reasonableness, mutual respect, a sense of fairness, a spirit of compromise, and a readiness to meet others halfway (PL 122, 157, 163, 194; CP 439–444, 460). These are the characteristics associated with the willingness to cooperate with others on publicly acceptable terms (PL 163). The refusal to engage in resistance or revolution – what one might see as a form of civic moderation – is also said to be a political virtue, at least in those regimes that rise to the standard of being “moderately well-governed” (PL 347). Rawls even refers at times to the sense of justice as among the political virtues, though his more standard formulation is to describe the capacity for a sense of justice as a basic moral power (PL 402).
While *A Theory of Justice* describes virtue in terms of “sentiments and habitual attitudes” leading to right action, the nature of the virtues is not explored in great detail in *Political Liberalism* (*TJ* 383). Yet several passages are instructive. That certain qualities of character are political virtues counts as a fact relevant to our practical reasoning (*PL* 121). But according to Rawls’s political constructivism, facts concerning the nature of the virtues are ultimately “facts about the possibilities of construction” (*PL* 123). That is, a feature of person’s character – e.g. that he or she is disposed to those attitudes and actions that would be called tolerant in the relevant circumstances – is understood to be a political virtue in accordance with a constructivist procedure through which principles of justice are developed. By organizing and connecting facts about human character, this procedure establishes certain political virtues as part of a political conception of justice and as worth encouraging politically (*PL* 123–125; cf. 147).

A second point, and one that is in keeping with traditional accounts of the virtues stressing habituation and activity, is that the political virtues are the result of regular practice. They are “built up slowly over time” and must be “constantly renewed by being reaffirmed and acted from in the present” (*PL* 157 n.23). As a form of political capital, these virtues are sustained not only by well-ordered institutions but also by the relations of mutual trust and reassurance among citizens who recognize their institutions as just.

The political virtues are a basic good that citizens would hope to find realized in one another. In this sense they resemble the moral virtues that are described in *TJ* as “broadly based properties,” i.e. those properties that members of society have reason to want in one another (*PL* 208 n.41; *TJ* 382). Yet the virtues set forth in political liberalism cannot simply be a special case of the excellences and other characteristics that are required or recommended by a comprehensive moral doctrine. The political virtues are in principle distinct from comprehensive moral virtues as well as from the virtues of family life, friendship, interpersonal relations, churches, and other associations of civil society. Of course, a quality of character like a sense of fairness may be both a political and a nonpolitical virtue, depending on the reasons one has for valuing it in different contexts (*PL* 195 n.29).

An important question about the virtues is the extent to which they may be promoted by the state through education and other social policy. Perfectionist political theories that are based on an objective ethical account of
the good life can easily answer this question in the affirmative: the state may permissibly encourage those virtues that contribute to the human good. With his defense of state neutrality, construed as neutrality of aim, Rawls rejects the perfectionist approach, refusing moreover to endorse liberal versions of perfectionism grounded in the ideals of individuality or autonomy. The politically liberal state should not aim to favor or promote a particular comprehensive moral doctrine, not even a secular liberal doctrine. Nor should it provide greater support to those who have adopted such a worldview (PL 193).

This does not mean, however, that the state must refrain from promoting the political virtues. After all, those virtues are not tied to a particular comprehensive doctrine but rather to the very preconditions for sustaining social cooperation over time. Social policy that intends to strengthen political virtue is thus consistent with neutrality. For example, educational policy may aim to foster civic knowledge, prepare independent and cooperating citizens, and encourage the political virtues (PL 199). It may turn out that such policies have the effect indirectly of strengthening other ideals and virtues that fit most easily with a liberal comprehensive doctrine and that are contrary to the ways of life pursued by religious groups or cultural minorities. For Rawls this fact alone is not a sufficient objection to the goal of encouraging a politically virtuous citizenry.

Among the political virtues, reasonableness deserves special mention, given the important role played by the reasonable in political liberalism. Applied to persons, reasonableness primarily suggests both a willingness to seek and abide by fair terms of cooperation among free and equal citizens and a disposition to honor the burdens of judgment (PL 48–58). Hence to be reasonable is to accept and act on political liberalism’s fundamental ideas of society and the person given the fact of reasonable pluralism. Reasonable persons also abide by the methods and standards of commonsense knowledge and mainstream science (PL 139). And they respect what Rawls calls the “precepts of reasonable discussion” by crediting others with good faith, expecting reasonable disagreement, and avoiding hasty or groundless accusations of bias, self-interest, or ideological delusion (CP 478–479).

Reasonableness and the other political virtues are thus essential to democratic political cooperation. While they cannot be categorized as “intrinsically more important than other values,” due to the noncomprehensive standpoint of political liberalism, Rawls nevertheless observes that the political virtues are
“very great virtues” that would normally outweigh other values that might come into conflict with them (PL 157).

SEE ALSO:

Constructivism: Kantian/political
Moral education
Neutrality
Perfectionism
Political conception of justice
The reasonable and the rational
Stability
PRACTICAL REASON

Practical reasons are reasons for action, while theoretical reasons are reasons for belief. The former direct us to what is good to do, while the latter direct us to what is true about the world. To make this standard distinction is not yet to say anything about the nature of either practical or theoretical reasons, or about how they do or do not relate to one another. In *PL* Rawls explains that his theory of justice is grounded in a distinctive view about the nature and independence of practical reason, one which Rawls explicitly associates with Kant, and which Rawls calls constructivist.

Rawls contrasts this view with a kind of moral realism illustrated by rational intuitionism (*PL* 91–94; see also *CP* 343–346). On this opposing view, practical reasons, or at least moral reasons, are just a special case of theoretical reasons: the moral good is an object of knowledge, “gained in part by a kind of perception or intuition, as well organized by first principles found acceptable on due reflection” (*PL* 92). By contrast, Rawls associates his own political constructivism with the (Kantian) view that there are distinctly practical reasons which are not grounded in theoretical knowledge.

[T]he procedure of construction is based essentially on practical reason and not on theoretical reason. Following Kant’s way of making the distinction, we say: practical reason is concerned with the production of objects according to a conception of those objects – for example, the conception of a just constitutional regime taken as the aim of political endeavor – while theoretical reason is concerned with the knowledge of given objects. (*PL* 93)
This claim is complicated. Rawls is asserting not just that there are specifically practical reasons, but also that the nature of those reasons comes from the nature of practical activity itself. To be an agent, a practical subject, is to act to carry out an intention: to have a “conception” of what is good to do in one’s mind, and then causally to realize or “produce” the object of that conception through one’s own efforts. It is quite possible to hold that the content of practical reasons comes from considerations outside the nature of agency itself, and that our agency is simply an instrument that we use to bring about external goals. For instance, a familiar view claims that practical reasons are grounded in an agent’s desires, and that our agency is always directed to the objects of those desires. On this view, there are practical reasons, but their rationality has nothing to do with the structure of agency itself. Rawls, following Kant, is rejecting this kind of view. In the above passage, Rawls claims that practical reasons themselves derive from the nature of practical activity, from “the production of objects according to a conception of those objects.” That is, practical rationality is to be found in the fit between the objects that we conceive and those that we produce. In the case of Rawls’s political liberalism, the relevant conception is “the conception of a just constitutional regime taken as the aim of political endeavor.” Rawls’s positive theory of justice is practically rational, a source of valid political reasons, insofar as that theory is produced – or, in Rawls’s preferred term, constructed – from the very idea of a just constitutional regime. Political constructivism holds that valid (and hence rational) political claims are those that can be derived from the idea of a just political regime through a recognizable procedure of construction.

This procedure, once again, is specifically practical: it is one in which agents choose for themselves, on the basis of conceptions that they endorse. A just constitutional regime is one that all citizens, conceived as free and equal, agree to endorse. Now one might hold that what makes a political order good, and thus serves as the basis for agreement, is that it achieves certain good political ends, which can be specified independently of the derivative goodness of our agreeing on the political means to achieving those ends. This is the kind of (theoretical) view that Rawls is rejecting, in which independently good ends can be identified outside the choice of a political conception. Rawls marks this point with his distinction between the reasonable and the rational. Individuals, Rawls notes, may have their own particular reasons for action, which make practical sense for them but which others should not necessarily be expected to accept as justifying. In that case, we describe the demand that others conform to those putative reasons for
Practical reason

action as unreasonable. To be reasonable, then, is to be willing to propose terms of action that others can be expected to accept. Notice that the reasonable is not defined here in terms of any specific reasons that anyone can or should accept. Reasonableness is a feature of persons, and that feature is those persons’ commitment to securing the agreement of all others. The reasonable is thus independent of the rational, of the specific practical reasons that would justify particular ends. Nonetheless Rawls proposes that reasonable can and must have political priority: the bare idea of reasonable political agreement suffices to determine the content of a just political regime. To show this is so, we begin with the idea of political citizens as free and equal: as agents who hold potentially different conceptions of the good, and who are equally capable of regulating their mutual pursuit of their conceptions of the good in terms of principles of justice that are equally binding on them all. We then ask what principles of justice those free and equal citizens, using only the ideas of themselves as free and equal, would impose on themselves. If Rawls's positive theory of justice is correct, it is because the answering of this question is modeled by the choice of the parties in the original position for the two principles of justice. Because they ultimately follow from the bare idea of a political agreement between free and equal citizens, the two principles of justice are said to be reasonable.

The original position is a constructive procedure because it is one in which agents take a given conception (in this case, the idea of reasonable political agreement) and use it to produce a more definite object (in this case, the specific content of reasonable political principles). In the procedure of construction, no values are deployed that are external to the original conception (in this case, again, the idea of reasonable political agreement). Rawlsian political principles are thus understood as sources of practical (in this case, political) reasons not because they match some externally good reality, but because of the fit between the conception of reasonable political agreement and Rawls’s favored principles of justice, a fit that is modeled in the choices of the parties in the original position. The rationality of the principles of justice remains specifically and fully practical, because at no point does Rawls say that they, or the purely political values they express, are true in any independent sense. All Rawls says is that his principles of justice can be shown (practically, in the choices of free and equal citizens) to express the value of reasonable political agreement.

As for why reasonable political agreement should have the supreme political value Rawls says it should have, Rawls’s argument is, again, specifically
practical. Politics requires the compliance of citizens with laws and institutions. Rawls emphasizes that under conditions of reasonable pluralism, which he thinks characterize the exercise of practical reason in the modern world, it is not possible to secure public agreement on claims about the meaning and purpose of human life. There are simply too many such claims that individuals might come to understand as rational, as practically justified for themselves. Given this fact, citizens cannot reasonably be expected to comply freely with laws and institutions that depend on such potentially controversial claims. We can expect free public compliance only with laws and institutions that can be endorsed by any reasonable citizen, regardless of his or her conception of the good, and regardless of the comprehensive doctrine that he or she uses to justify that conception of the good. In this sense, there is a practical, political motivation for fixing on the idea of reasonable political agreement, and reasoning politically from this idea alone. But as to why this practical, political motivation should be rationally sufficient, why we should give it the priority that Rawls asks us to give it in our political lives, that is a question that political liberalism cannot answer on its own.

To do so would be to make claims about the role of politics in a good human life, and thus to exceed the boundaries of a merely political liberalism. But there is no reason for political liberalism to answer this question, because the various comprehensive doctrines held by different liberal citizens, as themselves exercises of practical reason, are perfectly capable of answering the question in their own comprehensive terms. If they can all endorse a merely political liberalism for their own, potentially different comprehensive reasons, then there exists a practical agreement, an overlapping consensus, around the idea of a merely political liberalism.

On Rawls's account of practical reason, if such an overlapping consensus obtains, then political liberalism is fully justified. This is so because the idea of an overlapping consensus, like the argument for the two principles of justice themselves, is derived solely from the conception of a reasonable political agreement. In each case, we “produce” the relevant idea from the “conception” alone. The two principles of justice express just what free and equal citizens, holding different comprehensive doctrines, can agree to impose on themselves, collectively, reasoning together. The idea of an overlapping consensus expresses just what free and equal citizens, holding different comprehensive doctrines, can agree to impose on themselves, individually, reasoning separately. It is the fit between these arguments, the way they derive equally from the idea of free and equal citizens, and converge from different directions on the same conclusions,
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that constitutes the specifically practical justification of Rawls’s political liberalism.

Larry Krasnoff

SEE ALSO:

Constructivism: Kantian/political
Deliberative rationality
Kant, Immanuel
The original position
Political conception of justice
The reasonable and the rational
Sense of justice
As Rawls defines it, “intuitionism” is the doctrine that holds that there is “a plurality of first principles which may conflict to give contrary directives in particular cases,” and that there is “no explicit method, no priority rules, for weighing these principles against one another: we are simply to strike a balance by intuition, by what seems to us most nearly right” (TJ 30). Our pre-philosophical moral sense is intuitionistic, as we rely on “groups of rather specific precepts, each group applying to a particular problem of justice” (TJ 31). We use these various common-sense precepts intuitively to determine things like a fair wage, just taxation, and appropriate punishments. Justice as fairness holds that since an intuitionistic theory does not assign weights to its various precepts, it is “but half a conception” (TJ 37). On the other hand, because justice as fairness aims to describe our moral sense in reflective equilibrium, and because the various precepts are intuitively plausible, Rawls wants to explain how justice as fairness captures their plausibility, even if none can properly be elevated to the position of the sole standard of justice.

For example, two common precepts concerning the justice of wages are, first, that each individual should be paid according to her contribution, and second, that each should be paid according to her effort. While each of these precepts has some plausibility, they often conflict, and it is not obvious how these conflicts should be resolved or combined into a unified account of just wages. Mill argued that the conflict between these precepts could only be resolved by subordinating them to utilitarianism as the ultimate moral standard. Rawls argues,
of course, that they are to be explained by reference to his two principles of justice. One problem that he notes with utilitarianism as the public criterion for assigning weights to the various precepts is that its demands on information are so overwhelming that virtually any weights could be viewed as plausible or reasonable. Because justice as fairness treats distributive justice as a matter of pure procedural justice, it reserves a significant role for market relations. In a reasonably competitive market, we can think of these precepts as identifying “features of jobs that are significant on either the demand or the supply side of the market, or both” (TJ 269). The precept that workers should be paid according to their contribution reflects the fact that “A firm’s demand for workers is determined by the marginal productivity of labor … Experience and training, natural ability and special know-how, tend to earn a premium” (TJ 269). At the same time, “jobs which involve uncertain or unstable employment, or which are performed under hazardous and unpleasantly strenuous conditions, tend to receive more pay … From this circumstance arise such precepts as to each according to his effort, or the risks he bears, and so on” (TJ 269). Thus, while there is no need to invoke these precepts explicitly, justice as fairness captures part of what is attractive about each.

While both Mill’s utilitarianism and justice as fairness can recognize these same precepts of justice, they play different roles in the two theories and, in effect, receive different weights. This highlights the fact that market systems will generate very different outcomes depending on what background conditions are in place and whether they are maintained. “When the family of background institutions is governed by distinct conceptions, the market forces to which firms and workers have to adjust will not be the same” (TJ 270). For example, a society committed to fair equality of opportunity will likely generate market outcomes that are more egalitarian than one that has no such commitment. In effect, it will give less weight to the precept of rewarding training and education (since these are available to everyone) and give more weight to the precept of rewarding effort. It follows that

There is no presumption…that following the precept of contribution leads to a just outcome unless the underlying market forces, and the availability of opportunities which they reflect, are appropriately regulated. And this implies, as we have seen, that the basic structure as a whole is just. There is no way, then, to give a proper weight to the precepts of justice
except by instituting the surrounding arrangements required by the principles of justice. (*TJ* 271)

**SEE ALSO:**

- Distributive justice
- Intuitionism
- Lexical priority
- The market
- Mill, John Stuart
- Two principles of justice (in justice as fairness)
RAWLS’S THEORY OF justice concerns the scope of required equalities and permitted inequalities engendered by the basic social structure of a society: the distributive justice of “the way in which the major social institutions fit together into one system, and how they assign fundamental rights and duties and shape the division of advantages that arises through social cooperation” (*PL* 258). Within this basic structure individuals act so as to secure an actual allocation of determinate goods to each participant. Arguments concerning this subject require an index of benefits and burdens that allows publicly accessible interpersonal comparisons of citizens’ well-being, in the relevant sense, among representative members of various social groups: “the idea is to find a practicable public basis of interpersonal comparisons in terms of objective features of citizens’ social circumstances open to view” (*CP* 454–455).

Rawls’s answer is to focus on how the basic structure of society distributes social primary goods. These arise out of institutions – that is, legal powers and immunities:

(a) First, the basic liberties as given by a list, for example: freedom of thought and liberty of conscience; freedom of association; and the freedom defined by the liberty and integrity of the person, as well as by the rule of law; and finally the political liberties; (b) Second, freedom of movement and choice of occupation against a background of diverse opportunities; (c) Third, powers and prerogatives of offices and positions of responsibility, particularly those in the main political and economic institutions; (d) Fourth, income and wealth; and (e) Finally, the social bases of self-respect. (*CP* 362–363)
This list is not claimed to be exhaustive; Rawls was, for example, prepared to include such goods as leisure (CP 253).

Each of Rawls's two principles of justice regulate different social primary goods: the first principle of liberty regulates the first set of social primary goods; the principle of fair equality of opportunity the second and third; and the difference principle addresses the fourth. The fifth – “social bases of self-respect” – merits separate attention below.

Why does Rawls identify these goods as the appropriate “metric” for principles of distributive justice for the basic structure of society? Social primary goods satisfy several demanding conditions imposed on the metric for interpersonal comparisons suitable for principles to assess this particular subject of TJ. (A) The metric must allow for interval comparisons to compare departures from equality. (B) The metric must be under societal control by the basic structure. (C) The metric should be publicly observable, not least to avoid hazards of self-reporting mental states. (D) The metric must accommodate the social fact that the basic structure shapes citizens’ malleable preferences profoundly, thus rendering preference satisfaction simpliciter unsatisfactory as a metric. (E) The principles of justice for this particular subject must be justifiable under pluralism, that is: to citizens who have drastically different substantive conceptions of the good. Any such “thick” theory of the good is therefore unsuitable as a basis for identifying the metric.

In response to these conditions, Rawls argues that social primary goods are rational to want on the basis of a “thin” theory of the good. They are rational to desire regardless of what else one wants, in order to develop and promote three “higher-order interests” that even under pluralism count as bases for individuals’ claims on social institutions: First, a (“reasonable”) interest in developing their capacity to be reasonable in the sense of having a sense of justice. Second, a (“rational”) interest in developing their capacity to form, revise and pursue a conception of their good; and third, a (“rational”) interest in advancing this conception – i.e. actually realizing one’s determinate conception of the good (TJ 19, 46).

The social primary goods are claimed to be background conditions and/or all-purpose social means that contribute to securing and promoting these three interests. Social primary goods answer the question: what would a citizen who is engaged in political cooperation rationally desire from that cooperation – simply as such a cooperating citizen? For purposes of arguments about principles of distributive justice, individuals are thus assumed to prefer more social primary goods rather than less (TJ 142). They are rights and benefits which the basic
structure regulates; and they allow interpersonal comparison at least of an ordinal kind (person A has more of social primary goods than does person B), and allows some interval comparisons (the gain in income and wealth for person A between distribution 1 and 2 is larger than the loss in this social primary good for person B). Moreover, social primary goods satisfy important publicity concerns, since they provide a transparent way to identify the distributive pattern engendered by a basic social structure without creating moral costs, e.g., in the form of incentives to misrepresent shares of such goods.

...an explanation of why it is rational for the parties to assess principles of justice in terms of primary goods is needed: (i) The basic liberties (freedom of thought and liberty of conscience, etc.) are the background institutions necessary for the development and exercise of the capacity to decide upon and revise, and rationally to pursue, a conception of the good. Similarly, these liberties allow for the development and exercise of the sense of right and justice under political and social conditions that are free. (ii) Freedom of movement and free choice of occupation against a background of diverse opportunities are required for the pursuit of final ends as well as to give effect to a decision to revise and change them, if one so desires. (iii) Powers and prerogatives of offices of responsibility are needed to give scope to various self-governing and social capacities of the self. (iv) Income and wealth, understood broadly as they must be, are all-purpose means (having an exchange value) for achieving directly or indirectly a wide range of ends, whatever they happen to be. (v) The social bases of self-respect are those aspects of basic institutions that are normally essential if citizens are to have a lively sense of their own worth as moral persons and to be able to realize their highest-order interests and advance their ends with self-confidence.

(\textit{CP} 366)

Many critics have questioned Rawls's focus on social primary goods, arguing instead for another “currency" (Cohen 1989) or “metric." Why limit the social primary goods in this way? For instance, why not include more specifics about each person’s conception of the good – and thus details about a wider range of requisite goods under societal control? Why not include “natural primary goods” such as health, intelligence and imagination (\textit{TJ} 54)? Three reasons follow from the specific features of the basic structure: pluralism about conceptions of the good; the need for a publicly accessible metric, and the malleability of social primary goods by the basic structure that is the subject of \textit{TJ}.
Some criticize Rawls for “fetishizing” goods, instead of selecting an index or space that focuses directly on what goods do for people (Sen 1980, 366). The claimed flaws of social primary goods are illustrated by individuals with handicaps, who are less efficient in converting such goods to well-being or quality of life, e.g. in the form of capabilities, or a “basic minimum of truly human functioning” (Nussbaum 2006), or “midfare” – what the goods do for people (Cohen 1993).

Responses might pursue several strands: (a) social primary goods are not meant to approximate what most individuals value, but are especially constructed for arguments about principles of distributive justice for the basic structure of a society characterized by pluralism about conceptions of the good. For instance, the social primary goods and the interests they further are specified not on the basis of any comprehensive conception of the good (CP 456). (b) Basic capabilities, e.g. to nutrition and basic health care, may be recognized even under pluralism (PL 183), and may take priority under circumstances of extreme scarcity. But social primary goods are intended as an index for the distribution of the remaining benefits and burdens in societies characterized by moderate affluence. (c) social primary goods, more so than alternatives such as capabilities (e.g. as acknowledged by Nussbaum 2006, 75), allow for interpersonal comparability, and even determination of equal levels, which is required for the subject matter of TJ concerning the distributive justice of the basic social structure (Freeman 2006b, 220ff.).

Among the most perplexing issues concerning social primary goods is the “most important primary good” (TJ 440) “social bases of self respect.” Rawls explains this “in institutional terms supplemented by features of the public political culture such as the public recognition and acceptance of the principles of justice” (CP 454). Some critics (e.g. Young 1997) have been concerned that liberal theories of distributive justice cannot provide such social bases of self-respect, insofar as such theories cannot ensure that background cultures, institutional structures, and individuals’ motivations are sufficiently free of racism, gendered injustice, and other forms of domination.

In response, Rawls’s theory might firstly seem to avoid such charges insofar as its subject matter is precisely the institutions of the basic structure of society. However, critics have rebutted that important aspects, such as family roles and responsibilities, are excluded (Bojer 2003; Okin 2004). Second, TJ may be explicated to mean that this social primary good is largely supervenient on the satisfaction of the other social primary goods: this good is secured by a basic structure that publicly satisfies the two principles of justice.
Primary goods, social / 647

What more might be required? One interpretation may draw on Rawls’s claim that “respect for persons is shown by treating them in ways that they can see to be justified” (TJ 513). The social bases of self-respect may thus consist in the existence of a public justification of the basic structure, in terms that express equal respect for all citizens. On this view, Rawls’s theory of justice as fairness sought to help provide precisely this primary social good.

Andreas Follesdal

SEE ALSO:

Capabilities
Conception of the good
Higher-order interests
Leisure
Publicity
Self-respect
Thin and full theories of the good
Two principles of justice (in justice as fairness)
Utility
166.

THE PRIORITY OF THE RIGHT OVER THE GOOD

For Rawls, the priority of right signifies the ways in which justice as fairness (as a conception of right) constrains and regulates how ideas of the good are integrated into justice. He describes two meanings of the priority of right over the good, one general and one particular (PL 209). Each will be described in turn.

In its general meaning, the priority of right requires that any ideas of the good used in justice as fairness be political ideas. No specific, comprehensive or partial conceptions of the good can be relied upon in the conception of justice. In order to be political in the relevant way, a conception of justice must be capable of commanding an overlapping consensus. Thus, any ideas of the good that are used in justice as fairness must be capable of being endorsed from multiple points of view. Rawls identifies five such ideas of the good contained within justice as fairness (PL 176–206, CP 451–470): (1) goodness as rationality, (2) social primary goods as representing a “thin” theory of the good, (3) the idea of permissible comprehensive conceptions of the good, (4) the political virtues expected of citizens, and (5) the good of political society. In the discussion of these five goods that follows, it should become clear that Rawls thinks of the right and the good as complementary. Justice (as part of the right) puts certain limitations on the good, but depends upon political ideas of the good in order to be fully formulated.

According to goodness as rationality, a person’s good is indicated by the rational plan of life she would form and pursue under conditions of full deliberative rationality (TJ 372). This idea of the good serves two functions: it helps to identify the currency of justice as those general things necessary for carrying out rational plans of life, and it helps to specify the motivation of the parties in the original position (CP 452). Once citizens are recognized as aiming at rational life
The priority of the right over the good

plans, and in consideration of their desire to develop and exercise their two moral powers, the parties in the original position are motivated to secure the social primary goods as the currency of justice. These goods (rights and liberties, powers and opportunities, income and wealth, and the social bases of self-respect) are what citizens, in general, need to advance their conception of the good and their two moral powers. The social primary goods thus amount to a “thin” idea of the good that is incorporated into justice as fairness; it is a conception of goods that all citizens can endorse, qua citizens.

Once the social primary goods are settled, the argument from the original position can proceed to arrive at the two principles of justice. The two principles then help to show which conceptions of the good are permissible in a just society, as well as identify the political virtues. First, Rawls describes permissible conceptions of the good as “subplan[s] of the larger comprehensive plan that regulates the community as a social union” (TJ 493). Some individuals’ conceptions of the good will thus be prohibited from the political point of view, if they oppose justice (e.g. racist conceptions). Second, citizens can support those virtues of character essential to secure fair cooperation over time: civility, tolerance, reasonableness, and a sense of fairness. Justice as fairness recommends these virtues while remaining entirely political because no particular, comprehensive conception of the good need be presupposed in identifying these characteristics as valuable.

Lastly, citizens can accept the idea of a well-ordered society as a good, for themselves individually as well as collectively. As individuals, citizens experience the exercise of their moral powers as a good, and they recognize that a well-ordered society secures their fundamental needs as citizens. From the collective viewpoint, a good results from well-ordered society persisting over generations. People can identify this as an achievement just as members of an orchestra can appreciate the good of piece of music they have collectively produced (CP 468).

The “particular meaning” of the priority of right is that the principles of justice limit citizens’ permissible ways of life, and thus, circumscribe the claims they make on society to pursue their desired ends. The priority of right thus organizes the reasons offered in individual and social deliberation, such that the principles of justice have precedence over considerations that are in conflict with them. A just society “defines the scope within which individuals must develop their aims” (TJ 28) such that any claims made in the service of ends that transgress the principles “have no weight” (PL 209).

It is tempting to equate the priority of right (in this particular meaning) with the deontological nature of justice as fairness. Since the priority of right restricts
permissible ways of life, one might think that it is simply asserting the deontological nature of justice as fairness; what can count as good is dependent upon the right, i.e. the principles of justice. But there is a distinction to be made here. The priority of right in its particular meaning is about the terms on which individual and social deliberation are to take place. It limits the kinds of considerations that count as legitimate reasons in deliberation to those that are responsive to the principles of justice (which, again, are deontological considerations). As Samuel Freeman has put it, “the ‘priority’ of the priority of right refers to the lexical ordering of principles of right and justice in individual and social deliberation” (Freeman 2007b, 63). Equating the priority of right with Rawls’s deontologism, therefore, overlooks the specific deliberative requirements upon which the priority of right insists.

Jaime Ahlberg

SEE ALSO:

Conception of the good
Deontological and teleological theories
Dominant end theories
Goodness as rationality
Plan of life
The reasonable and the rational
Thin and full theories of the good
167.

PROCEDURAL JUSTICE

Rawls’s principal account of the justice of procedures appears in §14 of *A Theory of Justice* (TJ 73–78). There Rawls distinguishes pure from impure procedural justice. In a case of impure procedural justice, the justice of a procedure is determined by the justice of the outcomes it produces; in a case of pure procedural justice, by contrast, the justice of the procedure confers justice on the outcomes it produces.

Among cases of impure procedural justice Rawls distinguishes cases of perfect impure procedural justice from cases of imperfect impure procedural justice. In a case of perfect impure procedural justice, it is possible to design a procedure that guarantees a just outcome. Rawls offers as an example the problem of cake division between two persons, where one-cuts-the-other-choses ensures that each person receives at least half the cake by her own estimation. In a case of imperfect impure procedural justice, no procedure guarantees a just outcome. Rawls’s example here is a criminal trial. The just outcome is for the guilty to be convicted and the not guilty to be acquitted, but there is no set of institutional procedures that enables this result always to be reached. Rawls’s illustration of pure procedural justice is a lottery. In this case no particular outcome is just as such; one person might win fairly, or another. What makes an outcome just is that the procedure is fairly conducted, say by having each ticket accorded an equal chance of winning (*CP* 310–312; *PL* 148–150).

Rawls claims distributive justice is purely procedural. This distinguishes his theory from outcome-based forms of utilitarianism and egalitarianism. On Rawls’s view distributive justice does not consist in the least-advantaged group possessing as many social primary goods as possible. Rather, distributive justice consists in having an institutional structure producing and distributing goods
effectively and publicly regulated by a conception of justice where the least-
advantaged group ought to receive as many social primary goods as possible. It is
thus rational expectations about the outcomes of a distributive procedure which
determines its justice, not actual outcomes (CP 421–433). The latter is allocation
of goods to individuals and associations, which Rawls denies is the locus
of distributive justice, since social goods are cooperatively produced and distributive
principles are chosen in abstraction from individuals’ particular desires (TJ 75–77). This is a vital distinction. If an institutional structure is designed
and accepted on a rational expectation that it satisfies justice as fairness, then on
Rawls’s view the outcomes this structure produces are just, whatever they may be. This is true even if an unforeseen event (an earthquake, say) occurs which, had
it been anticipated, would have altered the design of that structure. This feature
of Rawls’s position also enables him to say there is no injustice if, after goods are
produced and distributed, members of the least-advantaged group waste goods.

Rawls’s conception of distributive justice as purely procedural is intimately
connected to his conception of it as a “social process” theory (JF 51–55). A social
process theory emphasizes operations of the “basic structure” of society, the set
of institutions and conventions constituting a society’s cooperation in producing
and distributing goods. This institutional structure is the procedure that is subject
to norms of distributive justice, and if properly organized it confers justice on its
outcomes. Rawls characterizes the justice of the basic structure as “background”
justice, since it is the backdrop against which individuals and associations make
decisions. Of special interest are decisions made in elections and labor markets,
since the outcomes of these institutions are so important to the distribution of
social goods (JF 131). Rawls contends that we should see the outcomes of these
institutions of the basic structure as just – regardless of which party wins an elec-
tion, or of how prudent or foolish employees and employers are in their labor
contracts – provided everyone participating in them has equal social standing
and acts in a sincere spirit of cooperation. According to Rawls, this equal social
standing consists in a basic structure publicly conforming to justice as fairness.
Sometimes particular policies are incompatible with justice as fairness, and so
are incompatible with equal social standing. Sometimes justice as fairness sets
boundaries for policy but does not determine a particular policy; Rawls refers to
this phenomenon as “quasi-pure” procedural justice (TJ 176). And even if pro-
cedures do not fully satisfy justice as fairness, Rawls maintains their outcomes
should be accepted as legitimate so long as they reasonably approximate justice
under the historical circumstances (PL 428–429). The institutions of the basic
structure, including chiefly institutions of taxation and transfer, are thus assessed
in the first instance not by their outcomes but by the social relationships they help constitute.

There is thus a superficial similarity between Rawls's position and a libertarian position, since each contends that justice is purely procedural and hence that the justice of a distributive outcome is a function of the justice of the transactions that produce it. These two positions are nonetheless radically distinct, for Rawls has a far more stringent understanding of the conditions under which a transaction is fair. On a typical libertarian view all that is required is the absence of coercion, but on Rawls's view background social conditions also matter (PL 262–265).

Relatedly, Rawls’s purely procedural conception of distributive justice does not involve an understanding of democratic legitimacy where the procedures of majority rule operate without any substantive constraints on their legislative power. In contrast to this narrowly proceduralist majoritarianism, Rawls advocates a strong and substantive constitution (TJ 195–196, 311–318; PL 140–142, 179–181). His ground for this view is not that constitutionalism is less purely procedural than narrow majoritarianism, but rather that it better enables equal social standing. And on Rawls's understanding, this equality is the social background condition needed to ensure that the multifarious outcomes of voluntary transactions among individuals and associations are distributively just.

Jon Garthoff

SEE ALSO:

Allocative justice
Basic structure of society
Democracy
Distributive justice
Libertarianism
Rawls addressed the question in moral philosophy of why we must keep our promises at various places in his work. Over the course of his intellectual career he defended different accounts of promising, which reflect broader shifts in his theoretical views. But they all share the feature of being “practice based” or “conventionalist”: they rely on the existence of a social practice of promising as an essential part of the explanation for why you should keep your promises.

The social practice of promising is the existence of a general adherence to the rule “Do A whenever you utter the words ‘I promise to do A.’” The existence of this practice is in the public interest. Because of this general adherence, it is possible for us to rely on people to A when they say that they promise to do so. And being able to rely on them in this way is very useful. When I know what other people are going to do I am in a better position to make my own plans.

The practice of promising also makes us better positioned to form stable cooperative relationships. Suppose that there is a project which, if completed, will benefit two different people but will only be completed if they both contribute to it. Neither person will be motivated to contribute to this project unless they can rely on the other person to do their part. By making promises to each other to do their part each person can rely on the other and thus the project can be completed, to their mutual benefit (TJ 304–305).

A utilitarian account of promising says that we should not break our promises because doing so will fail to promote aggregate happiness, or “utility.” One way breaking a promise can do this is by harming the promisee. Assuming that she has relied on my promise, I will upset her plans if I break it. Also breaking a promise can damage the practice of promising itself. By lowering trust in
people it can also reduce general adherence to the rule of keeping your promises. Since that practice benefits people utilitarians think we should not damage it.

There is an obvious concern about this account. If the reason to keep our promises is to promote aggregate happiness, why shouldn’t we break our promises whenever doing so will create slightly greater aggregate happiness than keeping it? In his early work, Rawls responds to this concern as follows. Where social practices exist we can distinguish between two different questions. First, there is the question of what justifies a particular agent’s actions. We can answer this, Rawls says, by appealing to the rules of the practice they are engaged in. For instance, we can say that someone who utters, “I promise to do A,” ought to do A because there is a rule that requires it. The rule requires them to do A even if not doing it would promote aggregate happiness. Second, there is the question of what justifies the practice itself as a whole; for instance, what explains why it is desirable for there to be a rule governing promising which everyone follows. Utilitarianism, Rawls suggested, should be seen as a theory of what justifies the practice of promising: its effects on aggregate happiness. But it’s compatible with this theory, he claimed, that the actions of individual promisors are governed solely by the rules of the practice. Thus, utilitarians can agree that people shouldn’t break their promises just in order to promote aggregate utility because the rules of the practice prohibit this (CP 29–46).

In his later work Rawls moved further away from the utilitarian account and relied on fairness. Promisors, Rawls says, voluntarily make use of the practice of promising. Because the practice exists promisors are able to get others to rely on them to do A when they say “I promise to do A,” and they make promises to create this reliance. But, when you voluntarily make use of a mutually advantageous social practice to further your ends, fairness demands that you follow its rules. In this case the rules demand that you keep your promise – that you do A having made a promise to do A. So fairness demands that you keep your promise (TJ 96, 303–305).

Adam Hosein

See also:

Fairness, principle of
Obligations
Rules (two concepts of)
Utilitarianism
PROPERTY-OWNING DEMOCRACY

Contrary to much common opinion, John Rawls has never been an advocate of welfare-state capitalism; or perhaps of any form of capitalism, given his definitions. Rather, as a matter of ideal theory, the only two kinds of modern societies that he believes to be compatible with his two principles of justice are a property-owning democracy – which he sometimes calls “private-property democracy” (PL 328, 364; JF 159) – and a liberal socialist regime that has extensive markets. He contrasts these three types of societies when he speaks of “[Marx’s] criticisms of capitalism as a social system, criticisms that might seem ... to apply as well to property-owning democracy, or equally to liberal socialism” (JF 139).

It is necessary “to bring out the distinction between a property-owning democracy, which realizes all the main political values expressed by the two principles of justice, and a capitalist welfare state, which does not. We think of such a democracy as an alternative to capitalism” (JF 135–136). We must distinguish “between property-owning democracy and a capitalist welfare state [since] ... the latter conflicts with justice as fairness” (JF 8 n.7). “This leaves [only] ... property-owning democracy and liberal socialism [as types of modern societies whose] ideal descriptions include arrangements designed to satisfy the two principles of justice” (JF 138).

In the “Preface to the French Edition of A Theory of Justice” Rawls expresses regrets for his failure in TJ to “distinguish more sharply the idea of a property-owning democracy ... from the idea of a welfare state. These ideas are quite different, but since they both allow private property in productive assets, we may be misled into thinking them essentially the same” (CP 419). “They are not ... One
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major difference is [that] the background institutions of property-owning democracy work to disperse the ownership of wealth and capital and thus to prevent a small part of society from controlling the economy, and indirectly, political life as well. By contrast welfare-state capitalism permits a small class to have a near monopoly of the means of production” (JF 139). “Property-owning democracy avoids this, not by the redistribution of income to those with less at the end of each period, so to speak, but rather by ensuring the widespread ownership of productive assets and human capital (that is, education and trained skills) at the beginning of each period…” (JF 139).

In welfare-state capitalism the aim is that none should fall below a decent minimum standard of life, one in which their basic needs are met, and all should receive certain protections against accident and misfortune, for example, unemployment compensation and medical care [which is also a goal of property-owning democracy]. The redistribution of income serves this purpose when, at the end of each period, those who need assistance can be identified. (JF 139–140)

However, “such a system may allow large and inheritable inequalities of wealth incompatible with the fair value of political liberties… as well as large disparities of income that violate the difference principle. While some effort is made to secure fair equality of opportunity, it is either insufficient or else ineffective given the disparities of wealth and the political influence they permit” (CP 419). Moreover, “given the lack of background justice and inequalities in income and wealth there may develop a discouraged and depressed underclass many of whose members are chronically dependent on welfare. This underclass feels left out and does not participate in the public political culture” (JF 140).

By contrast, in a property-owning democracy… basic institutions must from the outset put in the hands of citizens generally, and not only of a few, the productive means to be fully cooperating members of a society. The emphasis falls on the steady dispersal over time of the ownership of capital and resources by the laws of inheritance and bequest, on fair equality of opportunity secured by provisions for education and training… as well as on institutions that support the fair value of the political liberties. (CP 419–420)
In fact, “To see the full force of the difference principle it should be taken in the context of property-owning democracy (or a liberal socialist regime) and not a welfare state” (CP 419–420).

In property-owning democracy... the aim is to realize in the basic institutions the idea of society as a fair system of cooperation between citizens regarded as free and equal. To do this, those institutions must, from the outset, put in the hands of citizens generally, and not only a few, sufficient productive means for them to be fully cooperating members of society on a footing of equality. Among these means is human as well as real capital, that is, knowledge and an understanding of institutions, educated abilities, and trained skills... Under these conditions we hope that an underclass will not exist. (JF 140)

Unfortunately, Rawls never explains exactly what he has in mind by “sufficient productive means” or “the widespread ownership of productive assets,” or how such a state of affairs could be maintained over time if individuals were free to buy and sell their productive assets or shares in productive assets (for example, corporate stocks and/or bonds). On the other hand, if individuals were not free to buy and sell their productive assets then the arrangement seems more like the social ownership of productive assets; that is, socialism.

While contrasting property-owning democracy with a liberal market socialist regime, he writes: “At the start I assume a property-owning democracy since this case is likely to be better known” (TJ 242). (Here he notes that this is the title of chapter 5 of Meade (1964), a work that much influenced Rawls’s economic views.) He then notes that “this is not intended to prejudge the choice of regime [between this and liberal market socialism] in particular cases... That there exists an ideal property-owning system that would be just does not imply that historical forms are just, of even tolerable. And, of course, the same is true of socialism” (TJ 242).

We must ask whether a liberal socialist regime does significantly better in realizing the two principles. Should it do so, then the case for liberal socialism is made from the standpoint of justice as fairness. But we must be careful here not to compare the ideal of one conception with the actuality of the other, but rather to compare actuality with actuality, and in our particular historical circumstances. (JF 140)
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“Both a property-owning democracy and a liberal socialist regime set up a constitutional framework for democratic politics, guarantee the basic liberties with the fair value of the political liberties and fair equality of opportunity, and regulate economic and social inequalities by a principle of mutuality, if not by the difference principle” (JF 138). “Justice as fairness does not decide between these regimes but tries to set out guidelines for how the decision can reasonably be approached” (JF 139).

...justice as fairness leaves open the question whether its principles are best realized by some form of property-owning democracy or by a liberal socialist regime. This question is left to be settled by historical conditions and the traditions, institutions, and social forces of each country...justice as fairness includes...no natural right of private property in the means of production (although it does include a right to personal property as necessary for citizens' independence and integrity), nor a natural right to worker-owned and managed firms. It offers instead a conception of justice in the light of which, given the particular circumstances of a country, those questions can be reasonably decided. (CP 420)

A “property-owning democracy tries to meet legitimate objections of the socialist tradition” (JF 177; cf. LHPP 321). In response to Marx's criticisms that individual liberties in capitalist societies only express and protect mutual egoism, Rawls argues that

in a well designed property-owning democracy those rights and liberties, properly specified, suitably express and protect the higher-order interests of citizens as free and equal. And while a right to property in productive assets is permitted, that right is not a basic right but subject to the requirement that, in existing conditions, it is the most effective way to meet the principles of justice...[Moreover] the background institutions of a property-owning democracy, together with fair equality of opportunity and the difference principle, give adequate protection to the so-called positive liberties. (JF 177; cf. LHPP 321)

Marx would raise another objection, namely, that our account of the institutions of property-owning democracy has not considered the importance of democracy in the workplace and in shaping the general course of the
economy. This is...a major difficulty. I shall not try to meet it except to recall that Mill's idea of worker-managed firms is fully compatible with property-owning democracy. (JF 178)

Rawls also specifies other features that a property–owning democracy (as well as any other just society) must have. For example, “the main institutions of property–owning democracy” include “(a) Provisions for securing the fair value of the political liberties...(b) So far as practicable, provisions for realizing fair equality of opportunity in education and training of various kinds. (c) A basic level of health-care provided for all...” (JF 176).

“A property–owning democracy [is, as any just society] a constitutional regime...one in which laws and statutes must be consistent with certain fundamental rights and liberties, for example, those covered by the first principle of justice. There [are, unlike in purely procedural democracies]...constitutional limits on legislation” (JF 145). Moreover, electoral politics may require public financing of elections and restrictions on campaign contributions, the assurance of more even access to public media; and certain regulations of freedom of speech and of the press (but not restrictions affecting the content of speech)...In adjusting these basic liberties one aim is to enable legislators and political parties to be independent of large concentrations of private economic and social power in a private-property democracy and of government control and bureaucratic power in a liberal socialist regime. (JF 149–150)

...property–owning democracy aims for full equality of women...If a basic...cause of women's inequality is their greater share in the bearing, nurturing, and caring for children in the traditional division of labor within the family, steps need to be taken either to equalize their share or to compensate them for it. (JF 167)

Besides a just savings tax being adopted, bequest and inheritance are also regulated with “the principle of progressive taxation...applied at the receiver's end....[and] income taxation might be avoided altogether and a proportional expenditure tax adopted instead, that is, a tax on consumption at a constant marginal rate” (JF 161). (In Krouse and McPherson (1988), the authors argue that Rawls undervalues the redistributive function of progressive income taxes and social transfers.)
A feature of the difference principle is that it does not require continual economic growth over generations to maximize upward indefinitely the expectations of the least advantaged measured in terms of income and wealth... We certainly do not want to rule out Mill's idea of a society in a just stationary state where (real) capital accumulation may cease. A property-owning democracy should allow for this possibility. (JF 159)

This may be considered an especially important point given the relation between ever greater economic growth and environmental degradation and destruction, although justice as fairness may judge economic growth in less well-developed countries to be justified and necessary, as well as redistribution within such societies and between wealthier and poorer societies.

Rodney G. Peffer

SEE ALSO:

The economy
Libertarianism
The market
Marx, Karl
Socialism
Two principles of justice (in justice as fairness)
PUBLIC CHOICE THEORY

Public choice theory is an approach to political science that employs assumptions and models common in economics. It analyzes politicians and other political actors as (largely) self-interested agents. Public choice economics arose in response to the work of economist Duncan Black but was made famous by James Buchanan and Gordon Tullock in their well-known The Calculus of Consent: Logical Foundations of Constitutional Democracy (1962). Early in his career, Rawls communicated with Buchanan on a number of matters. Rawls always considered himself an admirer of Buchanan’s work (for the text of the Rawls–Buchanan correspondence and commentary, see Peart and Levy 2008, 395–415).

Nonetheless, Rawls thought that the insights of public choice did not apply to the selection of principles of justice. Instead, if public choice analysis was sound, it was relevant only to the implementation of justice in the second “constitutional stage” of Rawls’s four-stage sequence. In his 1963 article, “Constitutional Liberty and the Concept of Justice,” Rawls distinguishes his approach from Buchanan and Tullock’s because “they are mainly concerned with that part of constitutions having to do with legislative procedure…” (CP 74 n.1). Rawls argues in TJ that Buchanan and Tullock misunderstand the conditions of constitutional choice. On Rawls’s view, “[t]he idea of the four-stage sequence is a part of a moral theory… the aim is to characterize a just constitution and not to ascertain which sort of constitution would be adopted, or acquiesced in, under more or less realistic (though simplified) assumptions about political life, much less on individualistic assumptions of the kind characteristic of economic theory” (TJ 173 n.2). Here Rawls denies that public choice economics applies directly to
his second-stage. Instead, he sees the Buchanan–Tullock conception of constitutional choice as amoralist and excessively individualistic.

While Rawls initially thought that Buchanan and Tullock had merely constructed a theory of constitutional choice, he later realizes that their conception of constitutional choice relies on an objectionable conception of justice. If so, we can make better sense of Rawls's remarks on public choice in *JF* when he claims that the “first comparison” between his two principles and the principle of average utility is essential to replying to “recent libertarian” and “explicitly contratian” views of Buchanan, Robert Nozick, and David Gauthier (*JF* 97). Rawls seems to hold that the public choice approach to constitutional choice requires substantive moral assumptions. For instance, he claims that in Buchanan’s work, among others, “citizens’ basic rights, liberties, and opportunities, as secured by the basic structure, depend on contingencies of history, and social circumstance and native endowment, in ways excluded by justice as fairness” (*JF* 16 n.16). Thus, Rawls’s mature position on Buchanan and Tullock’s conception of justice is that it relies on unjust initial endowments and an overly individualistic conception of social life.

While Rawls rejects Buchanan and Tullock’s conception of justice so tightly associated with public choice, he could still hold that public choice economics provides important resources for completing the second-stage of constitutional choice, even if the practice of public choice involves normative presuppositions that Rawls rejects.

*Kevin Vallier*

**See also:**

*Libertarianism
Maximin rule of choice
The original position
Rational choice theory
Social choice theory*
PUBLIC POLITICAL CULTURE

In political liberalism Rawls aims to show that it is possible for citizens with otherwise diverse beliefs and commitments to nevertheless converge on a conception of justice that can be used as a public regulative ideal. Given the fact of reasonable pluralism, a conception of justice can be broadly acceptable in this way only if it disavows reliance on comprehensive doctrines and is, instead, rooted in the ideas and principles of a democratic community’s public sphere. These ideas and principles constitute the public political culture.

As Rawls explains, we start “by looking to the public culture itself as the shared fund of implicitly recognized basic ideas and principles” (PL 8). The hope is to connect these ideas and principles together in a way that allows citizens to reach reflective equilibrium. Principles constructed in this way would be ones that “all citizens, whatever their religious view, can endorse” (PL 10). So, it is by rooting the conception of justice in ideas from the public political culture that an overlapping consensus is made possible. The public political culture includes:

The political institutions of a constitutional regime and the public traditions of their interpretation (including those of the judiciary), as well as historic texts and documents that are common knowledge... In a democratic society there is a tradition of democratic thought... seen as a fund of implicitly shared ideas and principles. (PL 14)

More specifically, the values embedded in the public political culture of the United States include:
those mentioned in the preamble to the United States Constitution: a more perfect union, justice, domestic tranquility, the common defense, the general welfare, and the blessings of liberty for ourselves and our posterity. (LP 144)

However, because these ideas are very general and the public political culture “may be of two minds at a very deep level” a political conception of justice “must find a way of organizing familiar ideas and principles a somewhat different way than before” (PL 9).

Rawls attempts to do this by developing a conception of justice rooted in three ideas fundamental to the public political culture:

1. The idea of society as a “fair system of cooperation over time, from one generation to the next”;
2. The idea of citizens as “free and equal persons”; and
3. The idea of a well-ordered society as a society “effectively regulated by a political conception of justice” (PL 14).

The original position is to be understood as a mechanism that helps us to collect together these fundamental ideas and connect them to favored principles of justice. Thus, the public political culture is important as the fund of shared ideas in a democratic society that provides a mutually agreeable basis from which a political conception of justice can be constructed. So, it is the broad acceptability of the ideas of the public political culture that makes possible a conception of justice that can be accepted by reasonable citizens who nevertheless subscribe to different comprehensive doctrines.

Ryan Prevnick

SEE ALSO:

Culture: political vs. background
Democracy
Duty of civility
Overlapping consensus
Political liberalism
Publicity
“Public reason” is the name that Rawls gives to the shared form of reasoning that the citizens of a pluralist democratic society should use when deciding constitutional essentials and questions of basic justice. Public reason not only makes the realization of the ideal of fair social cooperation amongst free and equal citizens possible in pluralist societies; according to Rawls, it should be understood as “part of the idea of democracy itself” (PL 441). By employing public reason when deciding fundamental political questions, citizens relate to one another as equal co-sovereigns and ensure the legitimacy of their shared exercise of political power. Political power in an adequately just liberal society, Rawls writes, “is ultimately...the power of free and equal citizens as a collective body” (PL 136; cf. xliv, 445). In order to exercise political power in a genuinely shared manner, citizens need to provide mutually acceptable justifications for that exercise. The terms of public reason provide such mutually acceptable justifications. In addition to being co-sovereigns, citizens also are related to the institutions of their society’s “basic structure” as subjects, as they cannot exempt themselves from the demands of those institutions. The institutions of the basic structure determine the shape of citizens’ freedom, by specifying and protecting their basic liberties, distributing opportunities and resources, and so forth. Because citizens are conceived of as free and equal, such determinations need to be justifiable to them. Once again, the terms of public reason provide such justifications.

The idea of public reason is an integral part of Rawls’s overall account of political legitimacy:

the criterion of reciprocity [says]: our exercise of political power is proper only when we sincerely believe that the reasons we would offer for our
political actions may reasonably be accepted by other citizens as a justification of those actions. This criterion applies on two levels: one is to the constitutional structure itself, and the other is to particular statutes and laws enacted in accordance with that structure. (PL xlv)

Rawls refers to this idea as the “liberal principle of legitimacy” (PL xlv, 137). Political decisions concerning “constitutional essentials” and “matters of basic justice” made by means of public reason satisfy the liberal principle of legitimacy, and consequently have normative authority for citizens (PL 19). This is because such terms are acceptable to all reasonable citizens, even though they adhere to different comprehensive doctrines. Although the terms of public reason are acceptable to all reasonable citizens, individuals may reach different conclusions concerning which decisions have the greatest support of public reason. It is to be expected that individuals will give different weights to these considerations. As Rawls says, “this is the normal case: unanimity of views is not to be expected” (PL 479). Even when they disagree with a decision, though, individuals can recognize it to be legitimate when it is supported by public reasons.

Because of the integral role of public reason in realizing the ideal of fair social cooperation amongst free and equal citizens in a pluralist society, Rawls holds that citizens have a moral (nonenforceable) duty to employ public reason when justifying to each other their decisions regarding constitutional essentials and matters of basic justice. This is the “duty of civility” (PL 444–445). Insofar as citizens fulfill their duty of civility, they realize the “ideal of public reason” (PL 444). And while all citizens are subject to the duty of civility, Rawls holds that it is especially demanding with respect to public officials.

The duty of civility applies to public officials within what Rawls calls the “public political forum.” This forum is where fundamental political issues are debated and authoritative decisions regarding them are made. It consists of three parts: “the discourse of judges in their decisions, especially of the judges of a supreme court; the discourse of government officials, especially chief executives and legislators; and finally, the discourse of candidates for public office and their campaign managers” (PL 443). Since public officials help determine (or, in the case of candidates, aspire to determine) the ways in which political power is exercised – through their shaping, implementation, and interpretation of laws – their respect for the equal status of other citizens requires that they justify that exercise in terms of public reason. If a public official violates her duty of civility, say, by deciding a matter of basic justice on grounds that presuppose the truth of her particular comprehensive doctrine, those citizens who do not endorse that
doctrine are not treated as equals. Citizens who are not public officials fulfill their duty of civility by holding public officials to the idea of public reason when evaluating their performance within the public political forum, especially when voting (PL 444–445).

The public political forum is distinct from what Rawls calls the “background culture” of society. The duty of civility applies only to decisions concerning constitutional essentials and matters of basic justice within the public political forum. The background culture of society, which is “the culture of civil society,” is not subject to this duty (PL 443; cf. 443–444 n.13). Citizens may employ any form of nonpublic reasoning, including drawing upon the beliefs and values of their respective comprehensive doctrines, when expressing their views or debating issues within the background culture. Activities and deliberations within the background culture do not directly determine the exercise of political power.

Furthermore, within the public political forum, Rawls suggests that when it comes to deciding legislative questions not concerned with constitutional essentials or matters of basic social justice – what we might think of as “ordinary legislation” – “the restrictions of public reason may not apply …; or if they do, not in the same way, or so strictly” (PL 215). However, insofar as ordinary legislation also involves the exercise of political power, it would seem natural to regard such legislation as properly subject to the duty of civility. And indeed, in relation to ordinary legislation, Rawls notes, “it is usually highly desirable to settle political questions by invoking the values of public reason.” But he goes on to remark, “this may not always be so” (PL 215). One consideration that may help explain Rawls’s hesitancy to apply the duty of civility to ordinary legislation is that the terms of public reason are drawn from the political conceptions of justice endorsed by reasonable citizens, and such conceptions focus primarily on questions regarding constitutional essentials and matters of basic justice. In any case, Rawls does not explore this question further, noting simply: “my aim is to consider first the strongest case where the political questions concern the most fundamental matters” (PL 215).

Rawls distinguishes different accounts of the “limits” on the kinds of reasons that citizens may employ in compliance with their duty of civility. It should be emphasized that all of these are accounts of what kinds of reasons should properly count in deliberations within the public political forum. There is never a suggestion that there should be legal “limits” placed upon public speech (as noted earlier, the duty of civility is a nonenforceable moral duty). Rawls reports that he was “At first inclined to … the ‘exclusive view’” according to which “on
fundamental political matters, reasons given explicitly in terms of comprehensive doctrines are never to be introduced into public reason” (PL 247, and n.36). After all, no one comprehensive doctrine is shared by all citizens, so reasons given in terms of a particular comprehensive doctrine will not be shared by all citizens. Rawls decided that this interpretation was too restrictive, however, and in the first edition of *Political Liberalism*, endorsed what he called “the inclusive view.” Essentially, the inclusive view started with the exclusive view, but allowed the introduction of full comprehensive doctrines (and their reasons) when doing so would “encourage[] citizens to honor the ideal of public reason and secure[] its social conditions in the longer run in a well-ordered society” (PL 248). Rawls illustrates this idea with several examples, including “the abolitionists who argued against the antebellum South that its institution of slavery was contrary to God’s law” (PL 249). Such invocations clearly depended on a particular (reasonable) comprehensive doctrine, but the abolitionists “did not go against the ideal of public reason... [because] the comprehensive reasons they appealed to were required to give sufficient strength to the political conception to be subsequently realized” (PL 251).

With the publication of the paperback edition of *Political Liberalism*, and in “The Idea of Public Reason Revisited,” Rawls revised his account to make it even less restrictive. In his final formulation of the idea of public reason, Rawls endorses what he calls a “wide view of public political culture” (PL 462). According to this view, reasons drawn from citizens’ various comprehensive doctrines can be introduced within the public political forum, so long as in doing so what Rawls calls “the proviso” is satisfied. The proviso is described as follows:

[R]easonable comprehensive doctrines, religious or non-religious, may be introduced in public political discussion at any time, provided that in due course proper political reasons – and not reasons given solely by comprehensive doctrines – are presented that are sufficient to support whatever the comprehensive doctrines introduced are said to support. (PL 462)

Thus reasons drawn from citizens’ comprehensive doctrines are not “barred” from the public political forum; satisfying the proviso is sufficient for the fulfillment of the duty of civility. Moreover, compared to the “inclusive view,” the wide view does not require that citizens try to assess the likely long-term effects of the introduction of their (reasonable) comprehensive doctrines into public political discussion, as long as the proviso is satisfied.
Why does Rawls endorse the wide view of public political culture? One function of public reason is to foster trust amongst citizens through their use of mutually acceptable justifications when deciding fundamental political questions (PL 249, 464–465). Indeed, in places Rawls characterizes the political relation that obtains amongst citizens who share a commitment to public reason as “one of civic friendship” (PL 447; cf. li). The wide view of public political culture can encourage relations of trust and civic friendship amongst adherents of different comprehensive doctrines by allowing citizens to clarify the ways in which their respective comprehensive doctrines support the reasonable political conceptions of justice that they endorse; doing so can help assure citizens who endorse other comprehensive doctrines of their enduring commitment to the idea of public reason (PL 463–464). Nonetheless, comprehensive doctrines can play no justificatory role with respect to decisions concerning constitutional essentials and matters of basic justice, as only public reason justifications can satisfy the liberal principle of legitimacy.

The idea of public reason concerns the kinds of justifications that ought to be deployed when deciding fundamental political questions. It may be the case, though, that a political question can be decided in more than one way by means of public reason. Indeed, if citizens endorse more than one reasonable political conception of justice, it is quite likely that they will disagree over how best to answer certain fundamental political questions, despite their shared commitment to the criterion of reciprocity. Even amongst adherents of the same conception of justice, citizens may interpret how best to apply that conception’s principles in their society in somewhat different ways. (Consider, for instance, Rawls’s claim that the “social systems” of “property-owning democracy” and “liberal (democratic) socialism” both are capable of realizing the principles of his conception of “justice as fairness” (JF part iv). Citizens equally committed to the principles of justice as fairness may advocate different kinds of institutions and laws, such as different property regimes, for realizing its two principles in their society.) Rawls maintains that public reason is part of a broader idea of “deliberative democracy” (PL 448), according to which political decisions are made by means of deliberation amongst free and equal citizens who share political power. What is essential for the fulfillment of the duty of civility is that citizens justify their positions in terms of public reason, not that they arrive at the same answers to all fundamental political questions.

In a footnote in Political Liberalism, Rawls illustrates the operation of public reason by discussing “the troubled question of abortion” (PL 243 n. 32). He notes that there are at least three important political values at stake: “the due respect
for human life, the ordered reproduction of political society over time, including
the family in some form, and finally the equality of women as equal citizens.”
He then asserts: “I believe any reasonable balance of these three values will give
a woman a duly qualified right to decide whether or not to end her pregnancy
during the first trimester. The reason for this is that at this early stage of preg-
nancy the political value of the equality of women is overriding, and this right
is required to give it substance and force.” In the introduction to the paperback
edition, Rawls clarified that his purpose was not to resolve the abortion debate,
but rather to illustrate how public reason must recognize and attempt to balance
various political values. In this matter and others, it might initially seem as though
the only relevant considerations would be tied to particular comprehensive doc-
trines, especially religious doctrines. On the contrary, there are multiple political
values recognized by public reason that are at stake and that must be balanced
somehow. And as noted above, even when restricting themselves to the politi-
cal values recognized by public reason, reasonable citizens may balance them in
different ways. In the case of such a “stand-off between different political con-
ceptions … citizens must simply vote on the question” (PL liii).

According to Rawlsian political liberalism, then, a society characterized by
reasonable pluralism in which fundamental political decisions are made by means
of public reason is a society in which the exercise of political power is legitimate,
and in which the ideal of fair social cooperation amongst free and equal citi-
zens is realized. The idea of public reason, though, applies not only to deliber-
ations regarding the exercise of political power within pluralist liberal societies; it
applies as well to the global domain (LP §17). Liberal peoples and non–liberal but
‘decent’ peoples are to employ public reason when justifying their foreign policy
decisions to one another. (There is no commitment to the criterion of reciprocity
in peoples’ relations with what Rawls calls “outlaw states,” just as there is no com-
mitment to this criterion in reasonable citizens’ relations with “unreasonable”
citizens within liberal societies.) However, since the political conception of jus-
tice that is to regulate relations between peoples – what Rawls calls the “Law of
Peoples” (LP 37) – differs significantly from the reasonable political conceptions
of justice endorsed by citizens within liberal societies, the content of public rea-
son within the global domain also differs significantly from the content of public
reason within liberal societies. Citizens within liberal societies employ one form
of public reason when determining how to exercise political power vis-à-vis their
respective basic structures; peoples employ a different form of public reason in
their relations with other peoples. Despite the differences between the reason-
able political conceptions of justice that provide the terms of public reason within
liberal societies and the Law of Peoples that provides the terms of public reason within the global domain, both kinds of public reason share certain underlying normative features: namely, a recognition of the fact of reasonable pluralism, and a commitment to satisfying the criterion of reciprocity when justifying the exercise of political power.
According to John Rawls, publicity considerations constrain a theory of distributive justice in multiple ways. The most fundamental way follows immediately from his understanding of society as a “cooperative venture for mutual advantage” (TJ 4; JF 5–8). Since Rawls has in mind a relatively robust form of cooperation – mere coordination of action among mutually disinterested parties does not suffice – this conception of social justice brings with it a need for mutual understanding among persons about the terms on which they are cooperating. This mutual understanding is possible only if everyone understands the conception of justice governing their joint activity, as well as what justifies this conception. This in turn requires that this conception be publicly known and articulated. It is in this sense that Rawls claims that publicity is a “formal condition” on a conception of right. By this expression Rawls does not mean that the concept of rightness or of justice entails that a conception of rightness or of justice is publicly known. He means rather that the problem to which a conception of distributive justice is addressed – namely, constituting societal cooperation – can be solved by that conception only on the supposition that it is publicly known (TJ 112–115).

This is also why Rawls claims that, to be adequate, a conception of justice must be stable under conditions of free thought and association; and in Rawls’s view, publicity is an essential constituent of this stability. His arguments for justice as fairness in A Theory of Justice depend on this conception being more stable than its rivals, including especially forms of utilitarianism (TJ 436–437; JF 119–126). In his expansion and amendment of his views in Political Liberalism, Rawls revises this standard of assessment for conceptions of justice to apply under conditions
of reasonable pluralism \((PL\ 140–144)\). To explain fully the role of publicity in Rawls's theory, then, it is necessary first to elaborate his understanding of stability.

Rawls's notion of stability is an instance of the same notion used in physics, biology, economics, and other systems theories \((TJ\ 399–401)\). It is a property of equilibrium states, where an equilibrium state is one which does not change unless acted on from without. An equilibrium state is unstable if influences from outside the system can easily move the system away from this equilibrium; it is stable if it tends to restore itself to this state despite external influences. The analog to an equilibrium state in Rawls's theory is a "well-ordered society." In a well-ordered society (i) everyone accepts the same conception of justice, and knows that everyone accepts the same conception of justice; (ii) the society conforms to that conception of justice, and everyone knows it so conforms; and (iii) everyone has a normally effective sense of justice, which is to say they understand their conception of justice and conform to it out of their own endorsement of it \((TJ\ 397–399; JF\ 8–9)\).

Well-orderedness is not always to be desired – a society well-ordered around a decent hierarchical conception of justice might be improved by externally caused disorder. But Rawls's thought is that a well-ordered society does not change unless acted on from without, since in a well-ordered society everyone approves of the status quo of the society's system of justice and lives up to the demands of this system. On Rawls's approach the stability test for a conception of justice is whether, once a society is well-ordered around that conception, it would maintain that equilibrium despite significant external influences.

One external influence with the potential to disrupt well-orderedness is technological innovation in the production of goods, for example the advent of personal computing or the internet. Another we might label "cultural drift"; this consists in religions and lifestyles gaining and losing adherents, which may affect people's understandings of justice. But third and most important is that Rawls views succeeding generations as external to the status quo of a system of distributive justice. This is why the crux of the issue of stability is whether a conception of justice "generates sufficient support for itself," where this obtains to the extent humans raised within a society well-ordered by a conception would "acquire a sufficiently strong and effective sense of justice so that they normally comply with just arrangements" \((JF\ 181)\). If a conception of justice self-perpetuates in this way from one generation to the next while preserving freedom of thought and association, then that conception of justice is stable for the right reasons and so is preferred over less stable rivals. (This also explains Rawls's use of the term "ideal theory"; the notion of ideality here is akin to that of the ideal gas law in
physics, in that it articulates a putatively stable equilibrium state under relevantly idealized conditions.)

This stability requirement explains Rawls’s interest in human cognitive development. In the 1960s he co-developed a theory of human moral development with his Harvard colleague psychologist Lawrence Kohlberg. According to this theory humans tend to develop an effective sense of justice to the extent they are treated justly (TJ 414–419, 429–434). On this account it is crucial not only that society satisfy demands like justice as fairness but also that it is seen to do so, since only then do people tend to develop their senses of justice and hence perpetuate a well-ordered society. This is why, on Rawls’s position, publicity is an essential constituent of stability and hence of justice (CP 292–294).

It is also why for Rawls the main problem of justice is not to keep people in line who are looking to manipulate institutions to their advantage. The main problem is instead assurance: how to get people to be disposed to be fair to others on the condition that others are fair in return, and how to get people so disposed to want to live up to the demands of justice (TJ 237–238). Once again this problem is solved only when people can appreciate that they have been treated fairly. Which is to say: it is solved when people are publicly treated fairly (PL 66–68).

This publicity constraint is central in Rawls’s elaboration and defense of his theory. It is crucial to Rawls’s case that his principles of justice are superior to what he calls the “principle of restricted utility,” which is the principle of average utility subject to a constraint that Rawlsian constitutional essentials – such as access to equal and adequate political liberty and adequate opportunities and material resources – be provided to everyone. Since the principle of restricted utility guarantees the constitutional essentials, it is not vulnerable to the objection, so telling against other forms of utilitarianism, that it fails to rule out slavery or other violations of political and economic liberty. Rawls treats this principle as the most plausible alternative to justice as fairness. And ultimately Rawls rests his case for his conception of justice largely on grounds of publicity, claiming it is too difficult to tell how well the principle of restricted utility is satisfied and hence that it is too difficult to expect people to develop a normally effective sense of justice in a society governed by that principle (JF 126–130).

Two facts are insufficiently public on restricted utilitarian accounts of justice: the point at which adequate opportunities and material resources are provided, which is where the principle of average utility kicks in, and the point beyond this when the restricted principle of average utility is maximally satisfied. The former fact is insufficiently public because there is no clear fact about what constitutes adequate provision. (Rawls’s theory need not identify this point because
any society satisfying his conception of justice provides opportunities and material resources to the least-advantaged group in society at least as well as any other.) The latter fact is insufficiently public because the currency of utilitarian justice is characteristically desire-satisfaction, and relative satisfaction of desire is notoriously difficult to discern, measure, and compare among individuals. (Rawls’s theory does not have this problem because his currency – social primary goods – is publicly discernible by definition. Indeed he chooses this metric in part because its public discernibility enables it to play the educational role he and Kohlberg claim it must.)

A second and related application of the publicity constraint is in Rawls’s response to the capabilities theories of Amartya Sen (1987, 1992, 1993) and Martha Nussbaum (1993, 2000). Sen and Nussbaum charge Rawls with insensitivity to people’s differential abilities to convert social primary goods into well-being, citing disability as an example of a condition that entitles a person to a greater share of social primary goods. They instead propose “capabilities” as part of an alternative metric not vulnerable to this objection; capabilities in this technical sense are abilities to convert resources like social primary goods to well-being.

Rawls’s response to this charge consists mainly in an appeal to publicity constraints. He is sympathetic to the concerns Sen and Nussbaum raise, but thinks a theory should respond to them only so far as is compatible with public accessibility of how well a conception of justice is satisfied. By Rawls’s lights, capabilities are not sufficiently public; well-being is somewhat inscrutable, and abilities to convert resources into well-being inherit that inscrutability. According to this response it is fine – indeed even required – that a conception of justice responds to the existence of diminished capabilities, for example by providing ramps and elevators for use by the physically impaired. Similarly, medical conditions that make it impossible to engage in most forms of work might entitle a person to enhanced job training or unemployment insurance. But what Rawls will insist on, insofar as issues of distributive justice are at stake, is that the disability in question be publicly accessible and publicly remediable. This does not proceed from skeptical concerns about the seriousness of other disabilities; it is simply a consequence of the educational role he believes a conception of justice must play (JF 168–170).

Thirdly and finally, the notion of publicity is central to the development of Rawls’s theory into political liberalism in his later work. In that later work Rawls develops his idea of public reason, which includes the idea already discussed that conceptions of justice must be publicly known, along with the further
idea that the forms of reasoning by which people engage one another in political discourse must be publicly intelligible. This second claim is elaborated into Rawls's claim that there is an “ideal of public reason,” a duty to be self-imposed by citizens, judges, and public officials (PL 223–254; CP 581–588). This duty consists in restricting oneself to publicly accessible considerations, to the extent feasible, when helping to implement a system of distributive justice. This means not advancing considerations drawn from a particular doctrine about life or value which might be unintelligible as having force by those who do not endorse that doctrine, and it means seeking whenever possible to formulate arguments and policies about justice using ideas and terms drawn from a shared public political culture. A willingness to abide by this publicity constraint is for citizens a criterion of reasonableness, as Rawls understands this notion. There is a feasibility constraint on this criterion, since the public needs resources rich enough to articulate and defend a conception of justice. But Rawls maintains that notwithstanding this caveat the ideal of public reason has widespread implications for civic conduct, for on his view the resources available in a public political culture typically suffice to specify completely one or more conceptions of distributive justice. Hence on his view it is typically obligatory for citizens to self-impose the ideal of public reason.

SEE ALSO:

Capabilities
Cooperation and coordination
Moral psychology
Primary goods, social
Public reason
Sense of justice
Stability
Well-ordered society