

The Importance of Philosophy: Reflections on John Rawls

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In spring 1974, I was 22 years old, and a first-year graduate student in the Harvard Philosophy department. One of my courses that term was a seminar on Kant's moral philosophy with John Rawls. The class met on Wednesdays. And one Wednesday evening, after returning home from a meeting of the seminar, I had a phone call from Jack (everyone called him Jack). He was calling, he said, because he was concerned about how the seminar had gone that day. I don't recall the precise words, but knowing Jack, I am sure that he did not ask whether it had gone well: he would have said something like "I hope it seemed OK to you."

I told him that it had indeed gone fine: of course, I thought the class was great, but didn't want to embarrass him by saying that.

I was pleased to get the call. When you are 22, it is nice to have your judgment taken that seriously by someone you hold in the highest regard. But Jack didn't call to be pleasing or affirming. He called because he *really* wanted to know whether the seminar had been okay: at least I think that's why he called. He seemed genuinely worried about whether he had been understood. I was a little taken aback by his concern. But that intense worry was entirely characteristic: so it eventually seemed to me, over the years, and from observing him in a wide range of settings with lots of different people.

I believe that John Rawls's deep concerns about being understood owed ultimately to his sense of the profound importance of his subject-matter. Not the importance of his own contribution—though for all his famous modesty, he knew he had done something pretty significant, and taught *A Theory of Justice* in his political philosophy course, along with Hobbes, Locke, Rousseau, Marx, and Mill. But the concern was driven, instead, by a profound sense of responsibility to his topic. And that topic was morality—personal morality on that Wednesday in 1974, political morality in much of his published work. It was as if he felt that there was nothing worse than failing to do justice to this subject-matter—or even if wasn't the worst thing, it was really bad.

And why was it so important? The best way to answer to that question is to sketch the principal ideas in Rawls's work.

In *A Theory of Justice* (1971, 1999), John Rawls proposed a striking and original marriage of liberty and equality, animated by a tolerant and democratic faith in human possibilities. For much of the past century, the idea of a political philosophy devoted to both liberty and equality seemed to many people a contradiction in terms. Outraged by vast differences between the lives of rich and poor, egalitarians condemned the classical liberalism of John Locke and Adam Smith for giving undue attention to legal rights and liberties, while remaining indifferent to the fate of ordinary people. Traditional liberalism, they complained, prized equality before the law, but showed complacency in the face of profound and grim inequalities of fortune on earth.

Classical liberals, in contrast, embraced personal liberty, and condemned egalitarians for their paternalism and willingness to sacrifice human freedom in the name of some possible future utopia. Practically speaking, democratic welfare states tried, with more or less success, to ensure personal and political liberties while protecting individuals from unforgiving markets. But the philosophical options seemed starkly opposed. In between Friedrich von Hayek's classical liberalism and Karl Marx's egalitarianism, everything was an unstable political compromise, or an ad hoc balancing of competing values.

A Theory of Justice changed all this. Rawls proposed a conception of justice—he called it "justice as fairness"—that was committed to both the individual rights we associate with classical liberalism, and to an egalitarian ideal of fair distribution conventionally associated with socialist and radical democratic traditions. Justice as fairness, Rawls said, aims to effect a "reconciliation of liberty and equality." His work prompted a remarkable renaissance of political philosophy in the United States and elsewhere (*A Theory of Justice* has been translated into more than 20 languages), and has provided the foundation for all subsequent discussion about fundamental questions of social justice.

Rawls's proposed reconciliation of liberty and equality is expressed in his two principles of justice. According to the first principle—of equal basic liberties—each citizen has a right to the most extensive system of equal basic personal and political liberties compatible with a similar system of liberties for others. Covering both the liberties of the ancients and of the moderns, this principle requires stringent protections for freedom of thought and conscience;

rights to participate in politics; freedom of association; and the rights associated with due process of law. These liberties, Rawls argues, have special priority and are not to be restricted in the name of the community's overall good. Rawls's first principle also includes a demanding norm of political equality, which condemns inequalities in opportunities for political influence. Thus citizens with the motivation and ability to play an active political role should not be disadvantaged by a lack of personal wealth.

Rawls's second principle of justice restricts the extent of social and economic inequalities. It requires, first, that jobs and positions of responsibility—which often carry unequal rewards—must be open to everyone under conditions of fair equality of opportunity. Fair equality demands that people who are equally talented and motivated must have equal chances to attain desirable positions, regardless of their social background. Access to well-compensated, rewarding work should not depend on the circumstances in which people happen to have been raised.

But even a society that achieves fair equality of opportunity might still have troubling economic inequalities. Suppose, for example, that some people, partly because of their native endowments, possess scarce talents that command high returns in the market, while others lack such skills. Assume people in both groups work hard, and contribute as best they can. Still, they will reap substantially different rewards, and those differences will have a large impact on their lives. The problem is that these inequalities of reward are founded in part on “natural contingencies”—on how people have fared in life's lottery. Why, Rawls

asks, should some people fare better than others simply because of the accidents of natural endowment? "There is no more reason," Rawls urges, "to permit the distribution of income and wealth to be settled by the distribution of natural assets than by historical and social fortune."

To address this concern, Rawls proposes what he calls "the difference principle," which requires that we maximize economic expectations for the least advantaged social group. This striking principle requires that we limit the extent to which some people are economically better off than others simply because they happen to have been born with a scarce talent—say, the hand-eye coordination of a great hitter or an unusual mathematical gift. The difference principle does not require flat equality: a surgeon might legitimately be paid more than a teacher because the higher income compensates for expensive training and education; and inequalities might also be used as incentives to encourage lawyers or venture capitalists to take on tasks they would otherwise be unwilling to take on. But justice commands that such inequalities work to the greatest benefit of those who are least well-off.

Rawls's large point is that we ought to reject the idea that our economic system is a race or talent contest, designed to reward the well-born, the swift, and the gifted. Instead, our economic life should be one part of a fair system of social cooperation, designed to ensure a reasonable life for all. "In justice as fairness," Rawls says, "men agree to share one another's fate. In designing institutions they undertake to avail themselves of the accidents of nature and social circumstance only when doing so is for the common benefit."

To defend these two principles, Rawls revives the idea of a social contract associated with Hobbes, Locke, Rousseau, and Kant. The social contract tradition proposes that the right way to organize a society is the way that the members themselves would agree to in an initial situation. Building on this idea, Rawls asks us to imagine ourselves in a hypothetical situation—he calls it the “original position”—in which we are to select the principles of justice that will be used in our own society. He designs this initial situation to reflect the moral idea that we are free and equal moral persons—with a capacity to cooperate with others on fair terms, to choose our own ends and devotions, and to pursue the ends we set for ourselves. So the characteristics that distinguish among us are irrelevant in deciding what we are entitled to as a matter of justice. We are to imagine, then, that our choice of principles of justice takes place behind a "veil of ignorance," where we do not know the irrelevant facts about our class background, native endowments, sex, race, or religious and moral convictions. We do not know, in short, whether the natural and social contingencies have worked in our favor. The original position with the veil of ignorance is a model: it models the moral irrelevance of certain facts by assuming we reason about justice in ignorance of those facts. Reasoning under the veil of ignorance, we put aside what distinguishes us from one another and focus only on what we share as free and equal moral persons.

Rawls argues that people in the original position would choose his two principles. To see why, imagine having to choose principles for your society under conditions of extreme ignorance. You do not know which person you will

be, but have to live with the principles you choose. So you will want to be sure that the society is acceptable to each person: after all, you could land anywhere. The two principles, Rawls argues, provide precisely this insurance. They ensure that social arrangements are acceptable to all members of a society of equals, in particular because of guarantees of basic liberties and fair opportunity to each person, and assurances of an acceptable level of resources, even for those who land in the lowest social position.

Abraham Lincoln said that the United States was conceived in liberty and dedicated to the proposition that all men are created equal. *A Theory of Justice* argues that justice as fairness is the most reasonable account of justice for a society with that conception and dedication.

In the 1970s and 1980s, Rawls's proposed marriage of liberty and equality came under attack from two sides: libertarian political philosophers opposed his egalitarianism, while communitarians opposed his liberalism. The most forceful libertarian critique came from Robert Nozick, whose *Anarchy, State, and Utopia* presented a philosophical defense of a very limited government—a “nightwatchman state,” confined to protecting rights to property and person from aggression. Nozick's fundamental philosophical idea was that individuals own themselves and are entitled to all the rewards they can reap from their interactions with others. Correspondingly, he argued, egalitarianism is ultimately founded on the morally repugnant idea that people are partial owners of one other.

From the communitarian side, Michael Walzer and Michael Sandel shared some of Rawls's egalitarianism, but argued that a coherent egalitarianism must be founded on a conception of individuals as members of a community, bound by deep solidarities and shared values: its redistributive principles would otherwise strike individuals as arbitrary burdens. But that conception, the communitarians argued, was at war with Rawls's more individualistic conception of people as autonomous choosers, bound together by a social compact. Moreover, that individualistic picture was incoherent, and promoting it would threaten the bonds of community by giving excessive attention to individual rights of expression and association.

In short, libertarians and communitarians alike rejected the marriage of liberalism and egalitarianism.

In the course of reflecting on these criticisms, Rawls found that he needed to engage more deeply with issues of religious, moral, and philosophical pluralism. Those reflections culminated in his 1993 book *Political Liberalism*.

Liberalism, Rawls realized, can be thought of in two ways: as an overarching philosophy of life—part of an encompassing moral and metaphysical outlook—and, more specifically, as a philosophy of politics. A liberal philosophy of life emphasizes the importance of autonomous personal choice as a guide to individual conduct. Moral liberals such as Immanuel Kant and John Stuart Mill argue that the unchosen life is not worth leading, and downplay the importance of tradition, authority, and religious texts in judging how best to live. Liberalism as a political outlook makes no such sweeping claims about the proper bases of

personal decisions. Rather, it is committed to securing basic personal and political liberties through democratic process and a system of individual rights, providing a decent range of opportunities for individuals, and ensuring that individuals have an adequate level of resources for making use of their liberties and opportunities. But citizens with very different views about the importance of choice, tradition, authority, and text in guiding individual conduct might all reasonably embrace that political framework.

Rawls was particularly concerned about disagreement between secular moral liberals and those who embrace religiously-based ideas about the right way to live. He came to think that *A Theory of Justice* had tied liberalism as a philosophy of politics—what he had come to call “political liberalism”—too closely to liberalism as a philosophy of life, as if only moral liberals could be political liberals. So he substantially revised the presentation of justice as fairness in order to show that it, like many other liberal political doctrines, could be embraced by a wide range of citizens as a shared, public ground of political argument. The aspiration of *Political Liberalism* was to show that liberalism is a deeply tolerant political outlook, capable of being embraced by adherents of different philosophies of life, both secular and religious—a political outlook that could serve as the focus of their overlapping consensus, and provide a shared public reason for a morally and religiously pluralistic democracy.

In *The Law of Peoples* (1999), Rawls extended his reflections on justice to the global level—to an international society composed of different “peoples,” with distinct values, traditions, and ideas of justice. Once more, he draws on the idea

of an initial compact. But the principles that ought to govern the society of peoples—the “law of peoples”—are not the object of a global compact among free and equal individuals; instead they are agreed to by distinct peoples. In describing the terms of the compact that issues in the law of peoples, toleration once more plays a central role. Rawls argues that a liberal democratic society ought not to require that all societies become liberal democracies and fully satisfy the principles a liberal conception of justice or endorse its conception of individuals as free and equal moral persons. “If all societies were required to be liberal,” he says, “then the idea of political liberalism would fail to express due toleration for other acceptable ways (if such there are, as I assume) of ordering society.” The law of peoples, he argues, ought to acknowledge as members in equal standing all “decent” peoples—those that are not aggressive in their relations to other peoples; that respect human rights; and that promote the common good of their members. But these peoples need not establish liberal democratic political systems. In addition to insisting that all societies protect basic human rights, the law of peoples imposes a duty on peoples to ensure that societies that are “burdened” by circumstance—extreme poverty, for example—are able to become just or at least decent.

Some of Rawls’s critics expressed disappointment with his law of peoples: international justice, they argued, should require more of societies than that they achieve an acceptable minimum of decency. They found, in the law of peoples, a disappointing concession to cultural relativism. But Rawls disagreed. Toleration, he urged, is a fundamental political value. Because it is, the basic principles of

international cooperation need to be acceptable to different peoples, who have “distinctive institutions and languages, religions and cultures, as well as their different histories,” and who do not all endorse a liberal understanding of political life. In acknowledging a range of reasonable differences, and freeing the law of peoples from too close a connection to political liberalism, we are not embracing relativism, or conceding anything, but keeping faith with our deepest ethical convictions.

For reasons of personal temperament and intellectual conviction about the role of philosophy, Rawls rarely pronounced in public on specific political issues. He did condemn the American system of electoral finance, which he regarded as an insult to the equal standing of citizens in the public forum. In *The Law of Peoples*, he strongly criticized President Truman’s decision to drop nuclear weapons on Hiroshima and Nagasaki. He expressed a preference for achieving economic justice through a “property-owning democracy”—with large investments in education and training and widely dispersed ownership of productive assets—rather than a conventional welfare state—which relies on the redistribution of market income. And along with Robert Nozick and other leading political philosophers (Ronald Dworkin, Thomas Scanlon, Judith Jarvis Thomson, and Thomas Nagel), Rawls signed a “philosopher’s brief” to the US Supreme Court, urging the Court to give due attention to considerations of personal autonomy in deciding whether the US Constitution protects a “right to die.”

John Rawls's distinctive contribution to our political culture, however, lies in his political philosophy—a contribution that is abstract, but also deeply practical. There will always be an Aristophanes or a Machiavelli in our midst to complain that philosophers stick their heads in the clouds or bury them in the sand—to deny the practical importance of philosophical abstractions. So be it. By upholding ethical ideals, showing that they are reasonable and achievable, political philosophy stands on the side of hope, and struggles against cynicism masquerading as political realism. I visited John Rawls in the hospital in Fall 1995 after reading a draft of his Introduction to the paperback edition of *Political Liberalism* (1996), and remarked about how he was not pulling any punches. He agreed, and said that he was finally expressing some things that he had been reluctant to say previously about the importance of political philosophy.

In the passage we were discussing, Rawls says: “Debates about general philosophical questions cannot be the daily stuff of politics, but that does not make these questions without significance, since we what think their answers are will shape the underlying attitudes of the pubic culture and the conduct of politics. If we take for granted as common knowledge that a just and well-ordered society is impossible, then the quality and tone of those discussions will reflect that knowledge. A cause of the fall of Weimar’s constitutional regime was that none of the traditional elites of Germany supported its constitution or were willing to cooperate to make it work. They no longer believed a decent liberal parliamentary regime to be possible. Its time had past....President Hindenburg

was finally persuaded to turn to Hitler, who had [popular] support and whom conservatives thought they could control. Others may prefer different examples.”

I know the mocking reply to this comment: did John Rawls really believe that when members of the Gestapo bang down the door, you should break out your copy of Kant's *Grundlegung*? Of course not. When the Gestapo arrive, philosophy's time has long passed. To avoid the great horrors of political life, political values need to be a settled part of the public culture—“presupposed and operating in the background,” as he said elsewhere, in criticizing the deficiencies of our own political culture in permitting Truman's decision to use nuclear weapons. Losing grip on those values is neither simple realism, nor a sign of political maturity: it is the beginning of calamity.

And this is where philosophy enters: its role is to articulate principles of political morality, defend them from the cynicism of self-styled realists, hope they take hold in the background culture, and show that that hope is reasonable. This work is of great importance. Rawls was right that the stakes are large, and right to be anxious about whether he was making himself understood. Everyone who listened to John Rawls understood that he had lived up to the extraordinary demands of his subject-matter. And I hope, for all our sakes, that lots of people have listened.