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**REASONABILITY, GOODNESS AND PRAGMATISM
IN JOHN RAWLS' *THEORY OF JUSTICE* (1971)**

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Abstract. In this study we aim to emphasize that *justice as fairness* represents a contribution to political liberal pragmatism, bringing several important arguments in discussing the role of reasonability and goodness in the work entitled *A Theory of Justice*, published in 1971 and which still represents a point of reference in contemporary liberal philosophy. We define pragmatism in this interpretation mainly through the philosophical attention given to the correlation and unity among thought (and meaning), language and action. At once, reasonability, goodness and fairness are concepts highlighting the practical aim of theory, as well as the idea that justice is something achievable and perfectible since we can always have more fairness. To accomplish justice as fairness is to think a certain way and to embrace a specific open attitude, considering the liberties and interests of others as equal, in their diversity and their equal meaning. Our “good” involves finalities, or final aims and goals (not merely primary goods) deemed necessary at the individual level for the fulfilment of the life plan. In a pragmatist vein, experience and activity are an important part of the actualization of reasonability and goodness in a just society. We conclude that Rawlsian pragmatism is subtle, very much nuanced and not at all a purpose in itself: Rawlsian pragmatism is more a symptom of the wide scope and social structural influence of a good theory of justice, with impact in experiencing fairness.

Keywords: *reasonability; goodness; liberal pragmatism; fairness; John Rawls.*

In this investigation we emphasize the role of reasonability in approaching, among other concepts, the concept of “goodness” as a foundation for discussing a dimension of pragmatism in relation to the theory elaborated by John Rawls, around the ideal and achievement of justice in society. “If we regard citizens in modern pluralist societies as free and equal [and, of course, we do], then what is

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the most appropriate conception of justice for specifying fair terms of their co-operation with one another?”¹ John Rawls provides a complex and complete answer through a Kantian normative theory.

We aim to prove that there are elements of pragmatism in the Rawlsian individualistic and liberal theory of justice. We define pragmatism in this study mainly through the philosophical attention given to the correlation and unity among thought (and meaning), language and action.² This unity is very relevant for the understanding of the Rawlsian theory of justice as fairness.

We are going to emphasize the elements of pragmatism in this theory of justice via accents placed on reasonability, goodness as reason and the attention for good plans for life as found in the remarkable book *A Theory of Justice*, first published in 1971³.

Reasonability and goodness are intrinsically related. Reasonability is the manifestation of reasonableness. It is defined in dictionaries as *possibility*⁴, that is, as a manner of reasoning which is flexible and adapted to the way things are and which inscribes things in the realm of possibility and in the logical order of “the achievable”. Whatever is reasonable can be understood, it is something feasible and practicable. We conceive that what is good is also reasonable and reasonability is a premise for goodness. Some may raise the question that reasonability may not be also enough for goodness. In our view, this way of interpreting things opens the door for a more radical thinking where goodness cannot be fulfilled unless superlative requirements are met. This leads to unpractical, radical, dangerous, at limit, even totalitarian visions of goodness and justice. *Justice as fairness*, even in a normative perspective, cannot be based on absolutes. At once, reasonability, goodness and fairness are concepts present to highlight the practical aim of theory⁵, as well as the idea that justice is something achievable

¹ S. O'Neill, “John Rawls”, in Noel Parker and Stuart Sim, *The A-Z Guide to Modern Social and Political Scientists*, London, Prentice Hall, Harvester Wheatsheaf, 1997, p. 306.

² Of interest is in this defining perspective the “pragmatic turn”, based on a “pragmatic reason”, founded on the unity thought-action-language emphasized first in the philosophy of language as early as 1956 by B. Whorf and then by H. S. Thayer, in *Meaning and Action* (1981). This perspective is a development of L. Wittgenstein’s theory of the language games (Wittgenstein-II, 1991), of the performative theory of language (Austin, 1962) and of the theory of everyday language (J. Searle, 1979; 1995). Alexandru Boboc underlined the idea that „the main thesis [of pragmatism] is the following one: the meaning of a ‘performative utterance’ is its function; as well as the function of any linguistic expression, it is based on linguistic conventions, which, since they relate to modalities of action, not to singular actions, they become general rules. Within a theory about ‘out-of-place-things’, Austin established a set of rules, which, when they are broken ‘our performative speech shall be (one way or another) unfortunate’“. Alexandru Boboc, „«Pragmatic Turn» în gândirea contemporană”, *Cogito*, No. 2, 2009, p. 9 (22-33).

³ In this interpretation we are relating to a different edition, the most recent one, with all the actualizations and developments considered by Rawls in relation to the discussions occasioned and the criticism received after the first editions: John Rawls, *A Theory of Justice*, revised edition, Cambridge, Massachusetts, The Belknap Press of Harvard University Press, 1999.

⁴ See <https://www.merriam-webster.com/thesaurus/reasonability>, accessed 10 May 2021.

⁵ The practicality of theory is not an episodic or minor aspect for John Rawls. “Rawls sees political philosophy as fulfilling at least four roles in a society’s public life. The first role is practical: political philosophy can discover grounds for reasoned agreement in a society where sharp divisions threaten to lead to conflict. Rawls cites Hobbes’s *Leviathan* as an attempt to solve the problem of order during the English civil war, and the *Federalist Papers* as emerging from the debate over the US Constitution. A second role of political philosophy is to help citizens to orient themselves within their own social world. Philosophy can meditate on

and perfectible; in terms of possibilities, as potential, we can always have more justice and we can always we can always have more fairness. Beyond the intuitive level, in a philosophical perspective that sets the criteria of truth and the unique identities of objects. From this perspective reason, truth and the absolutes are important. Reasonability becomes important, too, when conceiving and describing the absolutes, justice included, because then diverse interpretations come to the fore and in judging, validating or selecting such interpretations we should pursue whatever is reasonable as practicable, feasible, acceptable, not only as a fact of reason, but also as something fair: in Rawls, from the standpoint of the individual, an individual who pursues opportunities and rights, but accepts the importance of social life, social togetherness and social inclusion. In our pursuit of the “traces” of pragmatism in Rawls, through reasonableness and goodness, especially because the Rawlsian individual is not conceived outside any interest in forming a sufficient and necessary agreement for social action.

Reasonability

What is reasonable is rational, but it is also achievable, feasible, practical, functional and understandable in well-considered, contextual, human and humane terms. Reasonability represents a prerequisite for both theorizing and for the actualization of an individualistic theory of justice in the practices of a liberal and democratic society. A theory of justice limited to a series of norms, impositions and dictates cannot be assumed as a life plan. Precisely because it is reasonable, the idea that individuals who fully understand their requirements from life and society are capable of a life plan selected and deemed the most appreciate are also capable of understanding and even empathy for other individuals’ requirements, vindications, aims etc. And this is a basis for well-founded large social agreement. This is how one can move beyond extreme individualistic positions toward the conception of the principles of justice as something reasonable. John Rawls does

what it is to be a member of a certain society, and how the nature and history of that society can be understood from a broader perspective. A third role is to probe the limits of practicable political possibility. Political philosophy must describe workable political arrangements that can gain support from real people. Yet within these limits, philosophy can be utopian: it can depict a social order that is the best that we can hope for. Given men as they are, as Rousseau said, philosophy imagines how laws might be. A fourth role of political philosophy is reconciliation: ‘to calm our frustration and rage against our society and its history by showing us the way in which its institutions... are rational, and developed over time as they did to attain their present, rational form’ [John Rawls, *Justice as Fairness: A Restatement*, E. Kelly (ed.), Cambridge, Harvard University Press, 2001, p.3]. Philosophy can show that human life is not simply domination and cruelty, prejudice, folly and corruption; but that at least in some ways it is better that it has become as it is. Rawls viewed his own work as a practical contribution to resolving the long-standing tension in democratic thought between liberty and equality, and to limning the limits of civic and of international toleration. He offers the members of his own society a way of understanding themselves as free and equal citizens within a fair democratic polity, and describes a hopeful vision of a stably just constitutional democracy doing its part within a peaceful international community. To individuals who are frustrated that their fellow citizens and fellow humans do not see the whole truth as they do, Rawls offers the reconciling thought that this diversity of worldviews results from, and can support, a social order with greater freedom for all.” According to Leif Wenar, “John Rawls”, *The Stanford Encyclopedia of Philosophy*, Edward N. Zalta (ed.), URL = <https://plato.stanford.edu/archives/spr2017/entries/rawls/>, Spring 2017 Edition, accessed 27 March 2021.

not propose a theory of justice formed of justified impositions and restrictions, but one that moves reasonably from individualism toward achievable justice through an understanding of other vindications as possibly, in certain circumstances, a version of one's own; and, at the same time, via principles and consideration for what is fair.

The theory of justice in Rawlsian terms is one journey into understanding that whatever is fair in a principled manner for one individual should translate into what is fair for another. This aspect ensures the legitimacy and functionality of the principles of justice. *This is why it is possible to base a theory of social justice on guaranteed individual rights and not on justified limitations and circumstantial permissions of individual rights.* This is why such an approach may be deemed utopian (if we understand here utopia as political project), but not a phantasm. This is why the theoretician is preoccupied to achieve *justice as fairness*, which is pragmatic (or "pragmaticist") in nature.

We may consider that no theoretician aims to present the last word on a topic, and this is a reasonable attitude. The theory of justice is meant as a theoretical construction, but it also fulfils the role of a guiding political philosophy, although it is normative, accepting (reasonable) limits in its normative character, in connection to functionality and practicality. In this respect we need to emphasize that Rawls shows: "My hope is that justice as fairness will seem *reasonable and useful* [our emphasis], even if not fully convincing, to a wide range of thoughtful political opinions and thereby express an essential part of the common core of the democratic tradition."⁶ This means that the proposed theory of justice is explicitly intended to provide a "reasonably systematic alternative to utilitarianism, which in one form or another has long dominated the Anglo-Saxon tradition of political thought", because utilitarianism⁷ is not a proper foundation for the institutions of constitutional democracy, in terms of the achievement of the basic rights and liberties of citizens as free and equal persons, which is, in turn, compulsory for the very existence of the democratic institutions.

Even more, since for John Rawls a genuine actualization of justice is *justice as fairness*, then the *priority of the basic rights and liberties for justice* represents a reasonable, but basic and firm principled requirement, without which the objectivity of justice and the desirable character of a social contract cannot be accomplished (as a fairness type of justice and not as a blindness type of justice).

The vision defended by *A Theory of Justice* understands individuals as different but equal, theorized with an Aristotelian perspective, which imposes (with legitimacy and reasonability) the defence and the actualization of the principle of fair equality of opportunity. In the edition published in 1999 he places a special emphasis on this aspect and also on a stronger account of liberty (after the criticism received from H. L. A. Hart in the discussion of 1973).

⁶ John Rawls, *A Theory of Justice*, revised edition, Cambridge, Massachusetts, The Belknap Press of Harvard University Press, 1999, p. xi.

⁷ S. O'Neill noticed that although Rawls considers goodness, he provides a greater importance to the "inviolability and the distinctness of individual persons". This way, in Rawlsian theory, "[t]he right is not determined by the good or the maximum sum of individual satisfactions; rather the good must be constrained by the right". S. O'Neill, "John Rawls", in Noel Parker and Stuart Sim, *The A-Z Guide to Modern Social and Political Scientists*, London, Prentice Hall, Harvester Wheatsheaf, 1997, p. 308.

Here is an illustration of pragmatism, for thought and theory are not disconnected from action and rights and freedoms sustain the individual *capacity* to apply them for good and justice: “The basic rights and liberties and their priority are there said to guarantee equally for all citizens the social conditions essential for the adequate development and the full and informed exercise of their two moral powers – their capacity for a sense of justice and their capacity for a conception of the good – in what I call the two fundamental cases. Very briefly, the first fundamental case is the application of the principles of justice to the basic structure of society by the exercise of citizens’ sense of justice. The second fundamental case is *the application of citizens’ powers of practical reason and thought in forming, revising, and rationally pursuing their conception of the good* [our emphasis].”⁸

We have here already a central idea of the theory of justice as fairness and several elements of pragmatism such as: *fair* values and fair value of liberties, practical reason, the *application* of practical reason, the rational *pursuit* of the conception of good.

In Rawls, we see in the value of the equality of political liberties (among themselves as well as, ideally, in their distribution among the different individuals) for all a defining exercise of individual moral powers, intrinsically related to informed liberty of conscience, to democracy and to justice. As well fairness, as interests, or any of the primary goods (freedoms included) should *not* be discussed disconnected from a conception of goodness. And this important connection is in our view the reason why the presupposition of the original position and the principles of justice proposed by Rawls are reasonable and to be accepted.

As the theoretician explicitly shows in his theory that balances the *importance of the equality of right* (because individual rights are very important) and *importance of the equality of opportunity* (emphasizing as a consequence the Rawlsian attention to fairness and togetherness), the ultimate goal of this complex, well-articulated and very actual theory of justice as fairness is to infuse, to express and to sustain the democratic social values and “the good of community” (justice, fairness, efficiency, good togetherness and dialogue⁹) as a by-result (a reasonable result, meaning a as good as possible result) of the preoccupation with the individual perspective on justice and fairness.

In Rawls “a person’s good is determined by what is for him the most rational plan of life given reasonably favourable circumstances” and “in a well-ordered society, citizens’ conceptions of their good conform to the principles of right publicly recognized and include an appropriate place for the various primary goods”, which are reasonable things to conceive. Could we begin to think what is right totally disregarding what is right for the others? The answer is no, it

⁸ John Rawls, *A Theory of Justice*, revised edition, Cambridge, Massachusetts, The Belknap Press of Harvard University Press, 1999, p. xii.

⁹ One interpreter noticed: “By his concept of reasonability, public reason leads toward a rational and reasonable dialogue established between free and equal individuals. Reasonability offers a modality to understand this post-metaphysical dialogue rendered possible. It involves a continuous dialog, an inter-subjective omnilog [a dialogue potentially involving everyone].” Sari Maarit Florescu (Holappa), *John Rawls. Filosofia politică și teoria dreptății*, Bucharest, Pro Universitaria, 2012, p. 14.

wouldn't be reasonable and the Rawlsian good theory of justice starts with reasonable presuppositions and with reasonable arguments in order to lead to a reasonable, that is, accomplishable result: *justice as fairness*. The public recognition of principles is the basis for the definition of good society, of social good and approvable togetherness. It is only reasonable to comprehend a consistent (and practicable, reasonable) view, according to which there is goodness in basic freedom, there is goodness in basic goods, there is goodness in individuals; and with these presuppositions to build up a believable, accomplishable, functional basis for the good society not situated exclusively as referential in an ideal framework, but in our lives, too.

Every step of the way the theoretical construction follows reasonably whatever is fair, useful and reasonable in order to attain fair practical results. Rawls shows: "I shall be satisfied if it is possible to formulate a reasonable conception of justice for the basic structure of society conceived for the time being as a closed system isolated from other societies. The significance of this special case is obvious and needs no explanation. It is natural to conjecture that once we have a sound theory for this case, the remaining problems of justice will prove more tractable in the light of it. With suitable modifications such a theory should provide the key for some of these other questions."¹⁰

Expressing openly the interest to create a theory of justice as fairness, Rawls considers that "one conception of justice is more reasonable than another"¹¹ and that he intends the present the one which he deems the most reasonable one. To accomplish justice as fairness is to think in a certain way and to embrace a specific open attitude, considering the liberties and interests of others as equal, in their diversity and their equal meaning: such thinking and attitude cannot be described otherwise than reasonable.

At the same time, insistence on the reasonable character of justice as fairness should not be considered an abdication from reason or a compromise of some sort in what concerns reason. The actualization of reason in a justice as fairness cannot be otherwise than reasonable. Rawls shows that in what concerns the two principles of justice that he proposes, „these principles offer a resolution which we can affirm on reflection. There are questions which we feel sure must be answered in a certain way. For example, we are confident that religious intolerance and racial discrimination are unjust. We think that we have examined these things with care and have reached what we believe is an impartial judgment not likely to be distorted by an excessive attention to our own interests.”¹²

¹⁰ John Rawls, *A Theory of Justice*, revised edition, Cambridge, Massachusetts, The Belknap Press of Harvard University Press, 1999, p. 7. Rawls considers that with the sound ground principles in place set to serve the individual positions, freedoms, interest and rights the more general interest could be served too, because the good criteria lead to good results. Many interpreters consider that this is an utopian approach and criticize it. See Ana Bazac, "Kant et Rawls. Remarques sur l'évolution des théories idéales concernant les relations internationales", *Romanian Review of Political Science and International Relations*, 1, 2007, pp. 97-111; Ana Bazac, "Au-delà de Rawls, même s'il soit point de départ: religion et raison publique en démocratie", *Analele Universității din Craiova – Seria Filosofie*, 41 (2), 2018, pp. 150-177).

¹¹ *Ibidem*, p. 15.

¹² *Ibidem*, pp. 17-18.

It is notable that we can follow a dimension of pragmatism in the ideas structured around preoccupation for “excessive attention to our own interests” as well as in preoccupation with “convictions”, “wealth” “authority and their correct distribution: “These convictions are provisional fixed points which we presume any conception of justice must fit. But we have much less assurance as to what is the correct distribution of wealth and authority. Here we may be looking for a way to remove our doubts. We can check an interpretation of the initial situation, then, by the capacity of its principles to accommodate our firmest convictions and to provide guidance where guidance is needed”.¹³

This guidance is theoretical, ethical and normative, provided by the two principles of justice, which we are going to mention after placing more emphasis on the fact that reasonability is necessary to ensure the optimum manifestation of theory in desired practical results. “We shall want to say that certain principles of justice are justified because they would be agreed to in an initial situation of equality. I have emphasized that this original position is purely hypothetical. It is natural to ask why, if this agreement is never actually entered into, we should take any interest in these principles, moral or otherwise. The answer is that the conditions embodied in the description of the original position are ones that we do in fact accept. Or if we do not, then perhaps we can be persuaded to do so by philosophical reflection.

The contractualism of this theory of justice is sustained by its reasonable, fair and pragmatic character. Each aspect of the contractual situation can be given supporting grounds, while it may be associated to a fair, reasonable consequence. Thus, what we shall do is to collect together into one conception a number of conditions on principles that *we are ready upon due consideration to recognize as reasonable. These constraints express what we are prepared to regard as limits on fair terms of social cooperation* [our emphasis].”¹⁴ The meaning of these words is that a theory of justice as fairness is nothing more than accomplished social cooperation, led through fair terms. This aspect is pragmatic, although it remains value-oriented, and normative, but not utilitarian (neither the main criteria for the normative aspect, nor the main desired consequence of the construction of justice he proposes are decided considering the greater good of the assembly; but the fairness, freedom and voluntary agreement of the individuals).

The “original position” and the “principles of justice” are the main parts of Rawlsian contractualism. Although we do not discuss here either the topic of the “original position” or that of the manner in which the “principles of justice” are conceived and formulated, the following idea is worth mentioning: “since the parties have no specific information about themselves or their situation, they cannot identify themselves anyway [in the original position – our emphasis]. Even if a person could get others to agree, he does not know how to tailor principles to his advantage. The parties are effectively forced to stick to general principles, understanding the notion here in an intuitive fashion. The naturalness of this

¹³ *Ibidem.*

¹⁴ *Ibidem*, pp. 18-19.

condition lies in part in the fact that *first principles must be capable of serving as a public charter of a well-ordered society in perpetuity* [our emphasis]¹⁵

There is a principial foundation for the theory of justice. The entire Rawlsian theory of justice has its roots in these first (two) principles: “I shall maintain instead that the persons in the initial situation would choose two rather different principles: the first requires equality in the assignment of basic rights and duties, while the second holds that social and economic inequalities, for example inequalities of wealth and authority, are just only if they result in compensating benefits for everyone, and in particular for the least advantaged members of society. These principles rule out justifying institutions on the grounds that the hardships of some are offset by a greater good in the aggregate.”¹⁶

Throughout the book, these principles are formed and reformed to best suit their purpose – to describe the terms of possibility for the individual agreement for a fair society designed from individual standpoint, but fair as a whole. In a different formulation: “The first statement of the two principles reads as follows. First: each person is to have an equal right to the most extensive scheme of equal basic liberties compatible with a similar scheme of liberties for others. Second: social and economic inequalities are to be arranged so that they are both (a) reasonably expected to be to everyone’s advantage, and (b) attached to positions and offices open to all.”¹⁷ Therefore, in a reasonable and pragmatist spirit of the “clear ideas” the author indicates the preoccupation to reduce the ambiguity of the expressions “everyone’s advantage” and “open to all”, employed in the second principle.

The final version of the two principles is given by Rawls in §46: “FIRST PRINCIPLE: Each person is to have an equal right to the most extensive total system of equal basic liberties compatible with a similar system of liberty for all. SECOND PRINCIPLE: Social and economic inequalities are to be arranged so that they are both: (a) to the greatest benefit of the least advantaged, consistent with the just savings principle, and (b) attached to offices and positions open to all under conditions of fair equality of opportunity.”¹⁸

We should notice that the second principle represents a normative endeavour to manage the translation into a just and fair social reality of the first principle. This preoccupation is followed through the entire theoretical construction with the conviction that any society assigning fairly rights and duties and regulating fairly the distribution of social and economic advantages should be principled.

In these principles there is the idea of reciprocity, that of mutual advantage, and the author himself emphasizes that they bring a well-ordered society of fairness as close as possible to a voluntary and workable scheme.

Things should be normed to “everyone’s advantage” a concept interpreted according to the components outlined below.

¹⁵ *Ibidem*, pp. 113-114.

¹⁶ *Ibidem*, p. 13.

¹⁷ *Ibidem*, p. 53.

¹⁸ *Ibidem*, p. 266.

“Everyone’s advantage”¹⁹

“Equally open”	Principle of efficiency	Difference principle
Equality as careers open to talents	System of Natural Liberty	Natural Aristocracy
Equality as equality of fair opportunity	Liberal Equality	Democratic Equality

When Rawls declares that his argument is in favour of democratic equality, he does that with the clear view of the best ratio principles/fair results and with the clarity of the realistic democratic perspective where inequalities are not desirable, but they cannot be eliminated completely in a fair manner. Pondering justly on the alternatives one ensures a fair theory, translatable in a fair “pattern of social forms”.

Justice (and society for that matter) is not just simply because it is procedural, but because it is principled and these principles induce a social structure and functionality agreed upon by all. The principles of justice are meant to provide regulation for basic institutional arrangements and thus to ensure “everyone’s advantage”, that is a realistic and reasonable type of fairness. These principles of justice are in their consequences *general, universal, public*, not only designed this way: all pragmatic (and non-utilitarian) attributes when seen in the perspective of their clearly stated purpose to serve as a “public charter of a well-ordered society in perpetuity”.

Their pragmatism reflects the reasonable preoccupation that the basic structure of society, which is given by the institutions, ensures functionality based on public rules for the actualization of all the rights and basic liberties. Thus:

“*Liberty is a certain pattern of social forms* [our emphasis]. The first principle simply requires that certain sorts of rules, those defining basic liberties, apply to everyone equally and that they allow the most extensive liberty compatible with a like liberty for all. The only reason for circumscribing basic liberties and making them less extensive is that otherwise they would interfere with one another. Further, when principles mention persons, or require that everyone gain from an inequality, the reference is to representative persons holding the various social positions, or offices established by the basic structure. Thus in applying the second principle I assume that it is possible to assign an expectation of well-being to representative individuals holding these positions. This expectation indicates their life prospects as viewed from their social station. In general, the expectations of representative persons depend upon the distribution of rights and duties throughout the basic structure. Expectations are connected: by raising the prospects of the representative man in one position we presumably increase or decrease the prospects of representative men in other positions. Since it applies to institutional forms, the second principle (or rather the first part of it) refers to the expectations of representative individuals.”²⁰

¹⁹ *Ibidem*, p. 57.

²⁰ *Ibidem*, pp. 55-56.

However, the principles of justice are not mere efficiency, they are not to be *reduced* to efficiency; they are first and foremost justice fairness and adequacy. And in this respect, when Rawls mentions “representative individuals”, as in the quote presented above, he does it *not* because he has a divided society in mind (a society of representative and, respectively, non-representative individuals), but because he refers to adequacy between institutional forms and the individuals and their “expectations” (a term that should stand more generally for the author’s preoccupation with concreteness – considering therefore also the interests, concrete life circumstances etc.). In this sense, the individuals are “representative”, because they are the “natural” recipients of the institutional arrangements made and of the rights and duties they emanate and guarantee.

“GOODNESS”: The theory of justice and two theories of good

What is Rawls’s non-utilitarian preoccupation with goodness? Two chapters are dedicated to this topic in *A Theory of Justice*: “Goodness as rationality” and “The Good of Justice”. From the perspective of our interest in emphasizing a certain pragmatism opposed to utilitarianism in *A Theory of Justice*, we should start a brief discussion in this respect with the idea that the author considers justice as something to be accomplished and not something to be idealized and described theoretically either in maximalist, absolutist or utopian terms, or in utilitarian or positivistic ones.

The Rawlsian epistemological construction is generated by the original position and the two principles of justice that represent the criteria. But they are very abstract and their formulation alone proves not enough for the clarity or the argumentation of theory of justice as fairness. Why not be content with the theory of justice as right?

When Rawls considers the manner in which we should think about good and goodness he envisions free individuals with specific ways of life, able to freely choose a conception of fairness which is both just and to their advantage. So, this is the *thesis* of his theory, paradoxical only in appearance and pragmatic in nature. It is true that “in justice as fairness the concept of right is prior to that of the good” and that a concept of justice is not a teleological theory, in that rather simplistic, similar way to utilitarianism, but it is nevertheless just, fair and good. The theory of good that founds the theory of justice has therefore a great importance: “its purpose is to secure the premises about primary goods required to arrive at the principles of justice. Once this theory is worked out and the primary goods accounted for, we are free to use the principles of justice in the further development of what I shall call the full theory of the good.”²¹

Or Rawls’ justice, goodness and human dignity are related. He discusses the theory of good with attention to the least favoured members of society, their ordinal preferences for establishing a basic structure of society and welfare, specific primary goods related to the accomplishment of the plans of life and dignity as the first primary good among these:

²¹ *Ibidem*, p. 348.

“the index of well-being and the expectations of representative men are specified in terms of primary goods. Rational individuals, whatever else they want, desire certain things as prerequisites for carrying out their plans of life [the Aristotelian principle, our mention]. Other things equal, they prefer a wider to a narrower liberty and opportunity, and a greater rather than a smaller share of wealth and income. That these things are good seems clear enough. *But I have also said that self-respect and a sure confidence in the sense of one's own worth is perhaps the most important primary good* [our emphasis].”²²

The philosopher sustains a view of goodness which is most appropriate for defending justice as fairness. Although the people found in the original position are not very clear on their situation, they do not know what their plans are at that moment, they still know who they are as human profile (not as social position), they still know, in our view, how would the “family” of plans that they would design look like. They have an idea they might enjoy some things more than others, which increases the possibility of empathy towards other individuals and does not separate them from others. The rationality of a person's choice depends upon the quality of her reasoning and upon the ideas of primary goods entertained/ aimed at, which are so diverse (the basic political, social and economic liberties, including freedom of choice; economic, social opportunities; access to work, business and income in the light of, or, as a direct consequence of the previously mentioned goods and the sense of personal worth /dignity as well as a direct consequence of the previously mentioned goods).

Rawls shows: “Thus the parties can in fact make a rational decision, and surely some of the alternative conceptions of justice are better than others. Nevertheless, the thin theory of the good which the parties are assumed to accept shows that they should try to secure their liberty and self-respect, and that, in order to advance their aims, whatever these are, they normally require more rather than less of the other primary goods. In entering into the original agreement, then, the parties suppose that their conceptions of the good have a certain structure, and this is sufficient to enable them to choose principles on a rational basis.”²³

This view is called by Rawls the thin theory of the good (the opposite of a full theory of good) and it describes the rational preference for primary goods and the nature of the rationality underlying the choice of principles in the original position. From this thin theory of good he develops a more comprehensive vision of good. The good of justice, the good of society and the good person are considered interconnected, “congruous”, and this is the reason why “being a good person is a good thing for that person”, at least, within the specific Rawlsian contract.

Theorizing goodness is to describe the “good of justice”, which is to become congruous with a moral theory: the principles of justice, once secured, define also the moral concepts and their goodness. Since both moral concepts and their goodness imply values *of life* without which no justice can be accomplished, but

²² *Ibidem.*

²³ *Ibidem*, p. 349.

which are restrained by the principles of justice, too. Building a full theory is the chance to avoid moving in a circle. Our *good* involves finalities, or final aims and goals (not merely primary goods) deemed necessary at the individual level for the fulfilment of the life plan. In a pragmatist vein, experience and activity are an important part of the actualization of reasonability and goodness in a just society. Thin and full theories of goodness are necessary to design and experience a good and just society.

Rawls shows: "Sometimes we are examining the processes by which the sense of justice and moral sentiments are acquired; or else we are noting that the collective activities of a just society are also good. There is no reason for not using the full theory, since the conception of justice is available. However, when we ask whether the sense of justice is a good, the important question clearly is that defined by the thin theory. We want to know whether having and maintaining a sense of justice is a good (in the thin sense) for persons who are members of a well-ordered society. Surely if the sentiment of justice is ever a good, it is a good in this special case. And if within the thin theory it turns out that having a sense of justice is indeed a good, then, a well-ordered society is as stable as one can hope for. Not only does it generate its own supportive moral attitudes, but these attitudes are desirable from the standpoint of rational persons who have them when they assess their situation independently from the constraints of justice. *This match between justice and goodness I refer to as congruence* [our emphasis]; and I shall examine this relation when we take up the good of justice."²⁴

To determine something as good takes into account "the similarity of interests and circumstances among persons concerned with objects of this kind". The aim is to agree upon and establish "recognized standards" based on "sufficient common experience with or knowledge of these things" we want to be good and just. As a consequence, goodness can be conceived as a type of rationality, or a manner of thinking and acting rationally. Whatever is good is something to be evaluated and reasoned as satisfactory for specific purposes defensible in terms of value, justice, functionality etc.: "a good doctor is one who has the skills and abilities that it is rational for his patients to want in a doctor. The skills and abilities are the doctor's, the interest in the restoration of health by which they are assessed are the patients'". But there's "no general formula for determining it [goodness]".

Goodness is related to correctitude and morality in society where individual interests and purposes cannot be completely disconnected from those of other individuals, from a conceivable agreement, and only through this connection, to the collective ones and to an all-encompassing social concept of right.

Rawls states: "For example, a good judge has a strong desire to give justice, to decide cases fairly in accordance with what the law requires. He possesses the judicial virtues which his position demands: he is impartial, able to assess the evidence fairly, not prejudiced or moved by personal considerations. These attributes may not suffice but they are generally necessary. The characterizations

²⁴ *Ibidem*, p. 350.

of a good father or wife, friend or associate, and so on indefinitely, rely upon a theory of the virtues and therefore presuppose the principles of right. These matters belong to the full theory. In order for goodness as rationality to hold for the concept of moral worth, it must turn out that the virtues are properties that it is rational for persons to want in one another when they adopt the requisite point of view. I shall try to show in due course that this is in fact the case".²⁵

There is both a descriptive *and a prescriptive* aspect involved in goodness from the perspective of the social and liberal concept of right. Any plan of life, interest and goal has more or less clearly an ideal standard (a principle) in consideration and they are to be judged (reasoned) in the light of that standard, but it is also adequate to circumstances and consequences by the individual with rational capacities to be not only principial, but also reasonable, too. The principled and rational nature of interests should not be necessarily opposed to their contingency, since their contingency can be recognized by rational and reasonable beings. However, "the value of the activity of deciding is itself subject to rational appraisal. The efforts we should expend making decisions will depend like so much else on circumstances. Goodness as rationality leaves this question to the person and the contingencies of his situation."²⁶

Several conclusive remarks on pragmatist aspects

The Rawlsian theoretical architecture around *justice as fairness* represents a contribution to a liberal pragmatism. We recognize here a liberal pragmatism, in terms of attention to the liberal consequences of our ideas, of theory, as the Peircean pragmatic maxim recommends; in Rawlsian terms, with attention to reasonableness, goodness and eventually fairness. At the same time, we recognize a neo-pragmatism from the perspective that language and thought are related to action although they do not so much reflect, but create the political realities.

In this investigation we have emphasized important aspects pertaining to the correlation and unity among thought (and meaning), language and action while following the importance of reasonability, goodness as reason and the attention for good plans for life as well as circumstance, interests etc. in the Rawlsian theory of justice. Liberalism and equality, right and entitlement from the perspective of goodness describe a suitable perspective for American political pragmatism, in general, too.

Similar aspects are emphasized also by Paul Patton²⁷. Although we have a Kantian, contractual and normative theory in the work of John Rawls, which we did not approach here, Patton emphasizes the consequences of this theory and its social liberal valences. There is liberal pragmatism in the Rawlsian design; and

²⁵ *Ibidem*, p. 355.

²⁶ *Ibidem*, p. 372.

²⁷ Paul Patton, "After the Linguistic Turn: Post-Structuralist and Liberal Pragmatist Political Theory", in John S. Dryzek, Bonnie Honig and Anne Phillips (Eds.), *Oxford Handbook of Political Theory*, Series Oxford Handbooks of Political Science, ed. By Robert E. Goodin, Oxford, Oxford University Press, 2006. Paul Patton is a contemporary scholar interested in the roles of political theories which he interprets in their social, political and juridical implications.

more liberal pragmatism in the “capacity of its concepts to engage productively with movements of social change”²⁸, which is deemed also a measure of “[s]uccess in this kind of political philosophy”²⁹.

A misleading phrasing comparison discusses the theory of justice proposed by John Rawls in comparison and in relation to proposed forms of utopianism identified in Western contemporary liberal and postliberal, post-structuralist philosophy. However, these are improper utopias because they are built as political thought for today and tomorrow, as possible and accomplishable political projects of entitlement, empowerment and emancipation and not as perfect blue-prints for perfect societies seen outside (attainable) times and places. Indeed, John Rawls’s theory of justice is a blue-print for a political project based on accomplishing justice as fairness. It is principled, but not exactly ideal, in terms of disconnection from liberal aims and realities nowadays.

As Paul Patton argues in his chapter dedicated to post-structuralism and liberal pragmatism:

“Its aim is to assist new forms of individual and collective life that, in specific ways, are better than those from which they emerged. In contrast to earlier forms of utopianism, post-structuralists deny any overarching criteria of progress. In the aftermath of the failure of Communist regimes in Eastern Europe, the failure of revolutionary movements to materialize in the West, and the collapse of belief in the philosophy of history which for so long underpinned the hopes of critics of capitalism, the poststructuralist philosophers sought to outline other strategies for resistance to the present. It is at this point that they differ most sharply, not only from much liberal theory, but also from those forms of critical theory which insist on the need for what Habermas calls ‘a transcendent moment’ to provide a secure basis for such critique of the present”.³⁰

Paul Patton discusses liberal pragmatism in Rawls in connection with an accent on theory and ideal quality, as well as on *liberal utopia* (compared to the characteristics of liberal utopia at Derrida and Rorty, for example) based on the importance of constructing *a theory of justice*. However, Rawls builds a theory describing and prescribing the privilege of a liberal member within a fair and just society for all. This way political philosophy in *A Theory of Justice* is based on an understanding of individuals as free and equal citizens by their own choice, by their reasonable understanding. Political philosophy is set in motion to show the modalities in which via reasonability, fairness and goodness human life may be emancipated from domination and cruelty, prejudice, folly and corruption.

Emancipation and entitlement are not the only achievements of liberal pragmatism. Among the praised consequences of the Rawlsian liberal pragmatism is also, in this interpretation proposed by P. Patton, “progress”, which we present as the interpreter does, in quotation marks, to capture the point of contemporary pragmatist and post-structuralist political philosophy that progress should not be

²⁸ *Ibidem*, p. 126.

²⁹ *Ibidem*.

³⁰ *Ibidem*, pp. 126-127. Paul Patton refers to J. Habermas, *Between Facts and Norms*, Cambridge, Mass., MIT Press, 1996, p. 15.

conceived as a consequence of over-arching criteria, or as a predetermined telos. Patton underlines: “Moreover, there are encouraging signs of progress towards consensus, where ‘progress’ must be understood in the sense that we appear to approach an ever-receding horizon, and ‘consensus’ in the Rawlsian sense of sufficient overlapping points of agreement to maintain an uneasy equilibrium between disparate world-views.”³¹

We found interesting the comparison that P. Patton makes between John Rawls’s liberal pragmatism and Richard Rorty’s liberal pragmatism. This is a daring comparison, but it is fully justified from the liberal pragmatism’s perspectives.

Patton showed: “Rawls’s political liberalism is ironic in this sense: conscious of the plurality of reasonable conceptions of the good which must cohabit peacefully in a well-ordered society and committed to achieving this through the exercise of practical rather than theoretical reason. The truth or falsity of moral judgments is not at issue, only their acceptability in accordance with accepted practices of public political reason [as Rawls shows, in his work titled *Political Liberalism*, 1993]”.

Nevertheless, in our view, the notion of “irony” is misleading and represents a perpetuation of a misunderstanding associated to Richard Rorty’s work, *Contingency, Irony and Solidarity*³², which might generate a lengthy separate discussion. Here we should mention only that the Rortyan conception finds necessary for the overcoming of contingency and accomplishment of solidarity to describe a type of liberal individual who is not at all ironic, but an *ironist*, who is able to adopt a more understanding attitude towards others due to his more “severe” attitude towards one’s own inherited prejudices, stereotypes, “received” ideas. This understanding is an expression of a practical reason and of the multitude of the valuable conceptions of the good which indeed could be found both in John Rawls and in Richard Rorty.

In our view, Rawls’s theory of justice offers the path to conceive and *induce* justice as fairness as a presence in everyday life, once our life plan (and every individual’s life plan) is enriched with a deep acceptance of the principles of justice, allowing for consensus and fairness, on the one hand, and individual freedoms, interests and individual life plans, on the other hand, while preserving their liberal form, in their ideals, achievements and entitlements; without impositions, authoritarianism or utilitarianism.

It is also important, in our perspective, to emphasize that a special pragmatist and liberal characteristic is brought to the fore in Rawls’s theory by the importance of agreement. However, in Rawls’ complex vision, one may distinguish a preoccupation with reasonable disagreement and even with a certain ubiquity

³¹ *Ibidem*, p. 128.

³² Richard Rorty, *Contingency, Irony and Solidarity*, Verso, 1989. To briefly understand this reference work we can state that at the epistemological level the core concept is contingency, at the individual ethical level we have the core concept of ironism, which is irony turned to oneself (self-interrogation, in all its endeared presuppositions and prejudices) and at the social level we have solidarity achievable by entitled individuals with ethical and empathic ironism. The work is based on his epistemological conception: mind is not a mirror of reality, but it produces an image of reality through thoughts and representations (which, at best, may be functional and verified as if it were a mirror-image).

of reasonable disagreement, which in our view is comparable to that found in the works of Ernesto Laclau and Chantal Mouffe³³ and underlines once again the Rawlsian pragmatist elements and orientation of the theory of justice.

We should emphasize, at the same time, that Rawlsian pragmatism is a subtle vein, important and nuanced although it is not a purpose in itself: Rawlsian pragmatism is more a symptom of the reasonable wide scope and social structural influence of a *good* theory of justice, and of the preoccupation with the social roles of political philosophy leading to a qualitative togetherness described by fairness as concrete achievement favouring individual life plans. Rawlsian pragmatism is shaped by principles and norms, but stands as a realistic and achievable way of life.

SELECTIVE BIBLIOGRAPHY

Boboc, Alexandru, „«Pragmatic Turn» în gândirea contemporană” [“Pragmatic Turn in Contemporary Thought”], *Cogito*, No. 2, 2009, pp. 22-33;

Florescu (Holappa), Sari Maarit, John Rawls. *Filosofia politică și teoria dreptății* [John Rawls. *Political Philosophy and the theory of justice*], Bucharest, Prouniversitaria, 2012;

O'Neill, S., “John Rawls”, in Noel Parker and Stuart Sim, *The A-Z Guide to Modern Social and Political Scientists*, London, Prentice Hall, Harvester Wheatsheaf, 1997;

Patton, Paul, “After the Linguistic Turn: Post-Structuralist and Liberal Pragmatist Political Theory”, in John S. Dryzek, Bonnie Honig and Anne Phillips (Eds.), *Oxford Handbook of Political Theory*, Series Oxford Handbooks of Political Science, Ed. By Robert I. Goodin, Oxford, Oxford University Press, 2006;

Rawls, John, *A Theory of Justice*, revised edition, Cambridge, Massachusetts, The Belknap Press of Harvard University Press, 1999;

Rawls, John, *Justice as Fairness: A Restatement*, E. Kelly (Ed.), Cambridge, Harvard University Press, 2001;

Rorty, Richard, *Contingency, Irony and Solidarity*, Cambridge, Cambridge University Press, 1989;

Wenar, Leif, “John Rawls”, *The Stanford Encyclopedia of Philosophy*, Edward N. Zalta (Ed.), URL = <https://plato.stanford.edu/archives/spr2017/entries/rawls/>, Spring 2017 Edition, accessed 27 March 2021.

³³ Ernesto Laclau and Chantal Mouffe are liberal post-Marxist theoreticians who authored *Hegemony and Socialist Strategy* (Verso, 1989), where they propose a theory of political identity forged via antagonisms, with its formation and consequences for liberal societies, with consideration for the meanings of individual freedom as emancipation from marginalization. In their studies, published either separately or together, the thought-language action connection is also central (as it is with Rawls and Rorty) and they show how disagreement is not the end of social life and how individualism, sociality and justice can still be reasonably “congruent” (and even the manners in which they imply each other).