CHAPTER – 1

Introduction

John Rawls is noted for his contributions to liberal political philosophy. Rawls’s political thought has been chosen for study because he has been very influential¹ and his philosophy can be used in interpreting our constitution². The study is based on the original writings of Rawls and also the writings of other thinkers on John Rawls’s political philosophy. Originally there were three aspect of his political thought; these are: firstly, a theory of justice based on his conception of person and society, secondly, the idea of contract in the original position and thirdly, his principles of justice. In the later development he brought in three more ideas, i.e., overlapping consensus, public reason and the law of peoples. But most of the thinkers, commentators and critics have dealt with only some aspects of his political thought and evaluated it. So far the literature does not give us any study that focuses on the Rawls’s political philosophy as a whole.

¹Economists, Sociologist, Psychologists, Jurists, Political Thinkers, Moral Philosophers, all have taken an interest in his writing and are contributing to ever growing literature on Rawls.

One of the most important features of Rawls's political philosophy is the idea of reflective equilibrium as a method of justification. According to the reflective equilibrium methodology, we are to begin with what Rawls calls our ‘considered moral judgment’. Considered moral judgments are made under conditions generally favorable for deliberation and judgments. We are to ‘work back and forth’ between judgments and principles, until we arrive finally at a satisfactory resting point, one that is coherent and consistent with all known facts, a ‘reflective equilibrium’. But this is narrow reflective equilibrium. Moral justification is not complete, until we reach a ‘wide’ reflective equilibrium. A narrow reflective equilibrium consists of the best ‘fit’ and ‘match’ we can arrive at between (1) our considered moral judgments and (2) a set of moral principles. A wide reflective equilibrium, on the other hand, can came about only after a third element has been introduced into the process, this third element being any relevant ‘background theories’. But D.W. Haslett in “What is


⁴Ibid

⁵Ibid

⁶Ibid

wrong with Reflective Equilibria?”

As Rawls allows background theories into our deliberations, we might ask why, for moral justification, our considered moral judgment remain a necessary ingredient, could we not simply justify moral principles and by way of these principles, our particular moral judgments by means of the background theories? The principles of morality cannot be justified entirely in terms of that which is non-moral, that is, they cannot be justified by means of background theories that are not themselves justified largely in terms of their fit with our considered moral judgments and our moral principles.

Rawls’ later work focused on the question of stability; could a society ordered by the two principles of justice endure? His answer to this question is contained in a collection of lectures titled Political Liberation. In these lectures, Rawls introduced the idea of an overlapping consensus – or agreement of justice as fairness between citizens who hold different religious and philosophical views. Political liberalism also introduced the idea of Public reason – the common reason of all citizens.

Rawls has been modifying his conception of justice as fairness ever since the publication of A Theory of Justice. He realized that the kind of stability that would be

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9Ibid.

10Vaggalis, Ted, Drury College, “John Rawls’s Political Liberalism”,

needed in a democratic society that is marked by a pluralism of reasonable, but
comprehensive moral views was inconsistent with the account of stability given in *A
Theory of Justice*".¹¹

In his *Political Liberalism* Rawls addressed the most common criticism leveled
at *A Theory of Justice* and the criticism is that the principles of justice were simply an
alternative systematic conception of justice that was not superior to utilitarianism and
Kantian moral theory or any other comprehensive theory. According to the critics
“justice as fairness” is simply another reasonable, comprehensive doctrine that was
incompatible with other reasonable doctrines. In their view it failed to distinguish
between a comprehensive moral theory which addressed the problem of justice and a
political conception of justice that was independent of any comprehensive theory.¹²

According to Rawls, in order to be comprehensive a moral theory must apply
to a wide range of subjects, which makes it general and it becomes comprehensive
“when it includes conceptions of what is of value in human life, as well as ideals of
personal virtue and character, that are to inform much of our nonpolitical
conduct……”¹³ Again on the other hand, a political conception differs from a general
and comprehensive theory because “it is a moral conception worked out for a specific

¹¹Vaggalis, Ted, Drury College, “John Rawls’s Political Liberalism”,
¹²Ibid.
1999, P. 175.
subject….”¹⁴ In this case, the subject is the basic structure of a democratic society. But a political conception has two other important and distributive features, one is that in accepting a political conception a person is not committed to any deeper comprehensive theory or doctrines and the other is that a political conception has its basis in certain fundamental ideas “Latent in the public political culture of a democratic society”.¹⁵

With the help of these features of a political conception of justice, Rawls proposes to solve the problem of political stability. Since a political conception of justice has its basis in ideas that are “latent in the public political culture”, it is noncontroversial in nature. It is possible for persons with conflicting, but reasonable comprehensive view to agree that it should be the account of justice that is most compatible with their own view.¹⁶ As such the political conception would then be the object of an overlapping consensus about justice.¹⁷ But the question is what are these latent ideas? For Rawls there are three fundamental ideas underlying a democratic society. The ‘Central organizing idea’ is that of “Society as a fair system of

¹⁵ Ibid.
co-operation over time, from one generation to the next”.¹⁸ It is accompanied by two companion ideas: the idea of citizens as free an equal persons, and the idea of “a well – ordered society as a society effectively regulated by a political conception of justice.”¹⁹ To these Rawls adds the idea that a political conception has as its subject the basic structure of a society.²⁰ Finally, Rawls completes his set of fundamental ideas by introducing the idea of the Original Position. Now this idea differs from the other members of this set is that it is not necessarily latent in the public political culture. Rather it is regarded as necessary as a mediating model that integrates the other fundamental ideas into a coherent scheme of justice.²¹

In *A Theory of Justice*, the original positions not only justified the principles of justice. It also specified the political setting that would give rise to the democratic institutions that would be necessary in justice as fairness. But in *Political Liberalism*, the role of original position is changed; here it has a more modest task. It seeks to show that only a specific set of principles is compatible with the fundamental ideas implicit in a democratic society marked by the fact of reasonable pluralism.²² This


¹⁹Ibid.


²¹Ibid.

change in the role of the original position means that there is also a change in the
process of justifying justice as fairness. It is now a two – stage process. The original
position now has the less ambitious task of specifying that justice as fairness is the
only conception that is fully compatible with the fundamental ideas of a democratic
society. But even though this is a more modest task, it is still a very important one.
For in showing that justice as fairness is the most compatible conception, Rawls has
shown that it is also a ‘freestanding view’, one that it is independent of any
comprehensive moral theory or doctrine. This independence means that it can also
be linked to a variety of reasonable comprehensive views.

But this is not sufficient to solve the problem of stability mentioned above. Rawls
must go one step further and show that his political conception would be
preferred by reasonable persons over any other political conception. Rawls argues for
this point by introducing the idea of overlapping consensus. It is the political
conception of justice that people with conflicting, but, reasonable, metaphysical and
religious views would accept to regulate the basic structure of society. What

24Ibid, PP.10, 40, 144.
distinguishes Rawls’ account from previous conceptions of liberalism is that it seeks to arrive at a consensus without appealing to any one metaphysical source – hence the idea if “political liberalism”, contrary to John Locke or John Stuart Mill, who promote a more robust cultural and meta-physical liberal philosophy. Rawls’s account is an attempt to secure the possibility of a liberal consensus regardless of the “deep” religious or metaphysical values that the parties endorse so long as these remain open to compromise, i.e., are “reasonable”. The ideal result is therefore conceived as an “overlapping consensus” because different and often conflicting accounts of morality, nature, etc, are intended to “overlap” with each other on the question of governance.²⁷

Rawls also modified the principles of justice as follows, with the first principle having priority over the second, and the first half of the second having priority over the latter half.

1. Each person has an equal claim to a fully adequate scheme of equal basic rights are liberties, which scheme is compatible with the same scheme for all; and in this scheme the equal basic liberties, and only those liberties, are to be guaranteed their fair value.

2. Social and economic inequalities are to satisfy two conditions! first, they are to attached to positions and offices open to all under conditions of fair equality of opportunity; and second, they are to be to the greatest benefit of the least

advantaged members of society.²⁸

Here the most significant changes are in the content of the first principle. In A Theory of Justice Rawls state the first principle as follows: “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.”²⁹ In Political liberalism Rawls alters the beginning of the first principle by replacing the phrase “each person has an equal right” to “each person has an equal claim.” He also replaces the phrase “system of basic liberties” with the phrase “a fully adequate scheme of equal basic rights and liberties.” “What is most unsatisfying about these changes is that Rawls fails to explain these changes and how they affect his conception of justice. For example, does Rawls now acknowledge that there are certain rights and liberties that are more fundamentals than others when he claims that the only political liberties are to be given their fair value? What is his basis for determining that the political liberties have priority here? ³⁰

Rawls Political Liberalism is a rich and suggestive account of how to justify a scheme of principles for ordering the basic structure of society. Clearly no one else has produced a work that matches the scope of Rawls’s theory. But it still leaves us with same pressing problems. One of the problems that Rawls must answer is that of providing a critic and justification. By calling justice as fairness a political conception

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Rawls has abandoned the attempt to provide such a critical justification. But in doing so, one has to wonder what reasons one would have to ultimately accept the political conception, other than merely pragmatic ones. Another problem that Rawls’s theory presents is that it is not clear that justice as fairness would be able to achieve an overlapping consensus of reasonable comprehensive views. But Political liberalism is still an important work in contemporary political philosophy.

Now my aim is to examine Rawls’s Political Philosophy as a whole to find out whether it is a coherent unity or a mere realistic compromise of diverse ideas. Another aspect that I tried to investigate is the narrowing of claims to validity of his theory. Earlier he thought his theory of justice to be of universal applicability. But now with the political liberalism its validity seems to have been narrowed to liberal democracies only. And as the law of peoples indicates the international evaluation of peoples in terms of violation of human rights is also questionable. Tentatively the Thesis is divided into seven chapters and I have tried to investigate John Rawls’s political philosophy as a whole in the seven chapters of my Thesis and try to find out whether it is a correct stand.

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