

Behind the Veil

- By Charles Larmore
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Lectures on the History of Political Philosophy

By John Rawls

Edited by Samuel Freeman

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Ever since ancient times, philosophers have sought to define the proper goals of political life. Yet in the age of modern democracy, when citizens themselves are held to decide through the various institutions of government the laws and the norms under which they will live together, political philosophy can look profoundly undemocratic. In claiming to settle the fundamental questions of politics, don't philosophers attribute to their own views about justice and the common good a special authority they deny to the opinions of ordinary citizens? Don't they really hope to bring politics to an end, to replace the rough-and-tumble of public debate, coalition-building, and voting with the finality of truth as they have discerned it? Plato dreamed of a state in which philosophers alone would rule. Isn't that the dream of every philosopher who theorizes about politics? Can philosophy be democratic?

The relation between philosophy and democracy is the topic with which John Rawls began his lectures at Harvard on the history of political philosophy, now available in this posthumous volume. Rawls, who died in 2002, was the greatest political philosopher of the twentieth century. His landmark work, *A Theory of Justice*, changed the way the idea of social justice is understood, and provided the starting point for almost everything of note that has come afterward in political philosophy. Rawls was also a great teacher--not particularly charismatic, perhaps, but committed to his students and adept at showing how much there was to learn from the classics of moral and political thought. His lecture courses were famous, and transcripts circulated well beyond the world of Harvard Square. The lectures on the history of moral philosophy were published in 2000. Now Samuel Freeman, aided by Rawls's wife and daughter, has welded together the

manuscripts of more than two decades to produce a definitive and magnificent version of Rawls's teachings on the history of political philosophy.

How, then, does Rawls deal with the charge that political philosophy has become a dangerous anachronism, aiming "to render unnecessary the everyday politics of democracy--the great game of politics"? Philosophers, he admits, can claim no higher authority than the authority of reason, which every citizen can invoke who argues carefully and conscientiously for some political position. But this point is far from trivial, since Rawls understands it as cutting both ways. Though philosophers do not constitute an intellectual elite to whom political deference is due, all citizens should be like philosophers in holding themselves responsible to the requirements of good argument. Everyone ought to understand political debate as the effort to justify to others the principles or the policies one favors, and not as a tool to bully or dupe them into submission. Citizens should not only argue "rationally" for their views, explaining how certain decisions would best advance the interests they hold dear; they should also be "reasonable" or fair-minded, considering the issues from other people's points of view and seeking solutions that everyone can have reason to endorse.

The distinction between the rational and the reasonable runs through these lectures, and through all of Rawls's writings. Its importance signals one essential task that political philosophy should assume even in a democratic age: democracies cannot long endure, however high-sounding the principles they profess, unless their citizens learn to love and to practice the civic virtues of fairness and open discussion that alone can make these principles a reality. Philosophy, according to Rawls, occupies a significant place in the "background culture" on which political institutions depend, since it can strengthen our allegiance to the values vital to participating in these institutions as we should.

No doubt many other parts of civil society, from schools and churches to a free press, play a much greater role in nurturing the habits of mind necessary for good citizenship. But philosophy has yet another function in a democratic culture, for which, as Rawls observes, it is more peculiarly suited. All political regimes rest on some conception of the legitimate use of power. Modern democracies are no exception, and indeed they devote considerable attention to specifying in advance, by means of constitutions, the organs of government and the rights of citizens that make up the ground rules for the "great game of politics." Though constitutions must be interpreted and sometimes amended, decisions of this sort are generally placed outside the reach of legislative majorities and the momentary balance of power in society. Modern democracy operates at two different levels: the ordinary politics of elections and legislation, in which citizens and their representatives exercise their appointed powers; and the ongoing effort, carried out through judicial review as well as through public discussion, to determine what the rule of the people really means. The idea of democracy is not obvious or transparent; it has to be defined, spelled out in a set of principles for which reasons must be given to show why a particular interpretation is superior to others.

Democracy demands reflection, even systematic reflection--and precisely of the sort that it has been the business of philosophy to practice. What are the fundamental liberties that citizens should enjoy? What are the resources and forms of social respect they need if they are to be able to take full advantage of their rights as citizens? To what extent should government seek to

advance the values (political, moral, religious) that its citizens espouse? These are questions on which democracies must take a stand if they are to function at all. They also figure among the chief preoccupations of modern political philosophy. In successive chapters devoted to the thought of Hobbes, Locke, Hume, Rousseau, Mill, Marx, and Henry Sidgwick, Rawls examines their different theories concerning the nature of liberty, justice, and legitimacy.

Philosophy, Rawls maintains, contributes in several ways to the task of self-definition, which forms an essential part of modern democracy. It shows us, most directly, how the principles of democratic life may be elaborated so as to handle the political and social conflicts that sometimes threaten to tear us apart. But it also has the more basic function of orienting us in our political world, distinguishing the things that ought to matter to us as citizens from the other sorts of concerns we pursue in our lives. Since it focuses on underlying principles, it can even (within measure) calm the rage we may feel at current policies and reconcile us to our society in the light of its more enduring values. Finally, philosophy challenges the status quo by imagining new institutional arrangements that might better honor our democratic ideals. At its best, Rawls likes to say, it is "realistically utopian."

Clearly, political philosophy can only play these various roles if it shares in the very developments that have brought about the modern democratic age. In general, Rawls believes, political theory always draws upon the materials available in its historical situation, even when it calls for revolutionary change, and even when it arrives at principles of justice by imagining what rules of association rational agents would adopt in "a state of nature," prior to the formation of society. Philosophers may talk as though they were dealing with the unchanging problems of political life--the essence of a legitimate regime, the grounds of political obligation--and as though their reasoning unfolded from some Archimedean point removed from the bounds of time and place. Yet this self-understanding is mistaken. Even if there are some enduring questions, the manner in which they are understood as well as the kinds of argument used to address them are always colored by tradition, experience, and the realities of the day.

Rawls quotes approvingly R.G. Collingwood's observation that "the history of political theory is not the history of different answers to one and the same question, but the history of a problem more or less constantly changing, whose solution was changing with it." Collingwood himself believed that all philosophy, even metaphysics, has an inescapably historical character. Rawls never advanced so global a claim. In these lectures as in his other writings, he always keeps his sights fixed on the domain of moral and political philosophy. But most significantly, Rawls did not let a sense of history turn him into a sidelines commentator, content to point out the presuppositions shaping other philosophers' thinking. He threw himself into the fray and constructed his own full-scale theory of social justice, one that rivals the masterpieces of the past.

Rawls thus managed to combine two convictions that generally, if wrongly, appear at odds with one another. He believed in the power of systematic theory, and at the same time he recognized its historical rootedness. Few works of political philosophy have been so intricately and painstakingly argued as *A Theory of Justice*. Yet its famous conception of justice as fairness, he

declared, "draw[s] solely upon basic intuitive ideas that are embedded in the political institutions of a democratic society and the public traditions of their interpretation." Rawls saw no inevitable tension between his love of theory and his historical sensibility. Principles and arguments clarify where we stand and show how to handle the problems we encounter; remembering how we have become who we are keeps us alert to the hard-won lessons we need to carry into the future. It is therefore not surprising that his *Lectures on the History of Political Philosophy* show us a Rawls keenly aware of the historical underpinnings of his own theoretical constructions.

The central argument of *A Theory of Justice* was a reworking of ideas drawn from the social-contract tradition, which is the principal subject of these lectures. Just terms of social cooperation are those on which rational agents would agree under suitable initial conditions: though knowing the general facts of the human condition, they should be imagined, according to Rawls, as standing behind a "veil of ignorance," presumed to be ignorant of their individual abilities, interests, resources, and loyalties. Finding themselves in this "original position," they would then converge on two main principles of justice: a "liberty principle" laying out a set of equal basic liberties (civil and political) and a "difference principle" requiring that social and economic inequalities be tied to positions open to all and arranged so as to make the least advantaged better off than they would otherwise be, were all to receive equal shares. Why should we feel bound by decisions that would supposedly be made by merely hypothetical agents? Because the structure of the original position reflects the constraints that we consider appropriate when reasoning about what would make for a just society. Thus we all think it obviously wrong to regard some set of rights as just simply because they would further one's own ends, and such a view would also run afoul of the requirement that principles of justice be rationally acceptable to all.

Rawls's veil of ignorance is extremely thick, forbidding any sort of appeal to facts about oneself. The reason, as he explains in these lectures, is that it embodies some far more substantive ideas of fairness that are not truistic, but have instead developed over the course of the democratic era. The heyday of economic "freedom of contract" in the nineteenth century taught us how easily agreements among people with unequal resources can turn out to be exploitative-- whence Rawls's stipulation that in the original position the parties not be able to rely on any special information about themselves or their circumstances. The terms of justice that they adopt cannot then mirror the greater bargaining power of those who happen in some regard to be better endowed.

Locke's version of the social contract failed, as he explains, to exclude this eventuality. For Locke, one primary function of government was to safeguard property, and by thus allowing the choice of political institutions to be made in the light of the property that people already possess, he ended up legitimating a "class state" with a limited franchise. The propertied would be able to dictate terms favorable to their own interests, offering the poor the protection of the law, but denying them the right to take part in political life and thereby the means to challenge the existing power relations. And such an outcome was very much what Locke intended. It matched the prevailing opinion of his day. Rawls examines this case in some detail in order to underscore how our sense of fairness has evolved since that time as a consequence of living in a democratic culture, and to indicate how the social-contract model might accordingly be revised. We now believe that differences in power and wealth should not be permitted to compromise the equal standing of all citizens.

Rawls's discussion of Locke is a good example of the way his *Lectures on the History of Political Philosophy* complement more systematic works such as *A Theory of Justice*. They make plain how the careful analysis of the insights and the limitations of his predecessors helped him to fashion many of the elements of his own political thought. To be sure, he always seeks to understand earlier thinkers by reference to their historical context. He also endeavors to present their theories in the strongest possible form before going on to criticize them. "A doctrine is not judged at all until it is judged in its best light," he likes to quip, echoing Mill. Still, Rawls constructs his history of political philosophy from a specific point of view, constituted by his theoretical project of working out the principles of modern liberal democracy. This is why, despite their comprehensive-sounding title, these lectures focus on modern thinkers alone and deal solely with those who have been the principal theorists of what we now in hindsight call the liberal tradition. Marx enters the picture solely to the extent that he was a critic of modern liberalism.

It is also why Rawls places the most emphasis on the development of social contract theories. The cardinal liberal value, he declares at the outset, is that "our political and social institutions should be justifiable to all citizens--to each and every one," and it would seem to find perfect expression in the idea of a political order to which everyone would agree under fair initial conditions. Indeed, the notion of a contract, concretized in the device of an "original position," serves to make more precise that core conviction. Rawls certainly recognizes the importance of the other main wing of liberal thought, namely utilitarianism, which holds that justice consists instead in designing institutions so as to yield the greatest well-being overall, but he treats the utilitarians largely as a foil. Hume is discussed because of his well-known critique of Locke's social-contract theory, Mill because his reformulation of utilitarian doctrine on the basis of the "progressive interests of mankind" led to conclusions remarkably similar to the liberty and difference principles of justice, and Sidgwick because his clear-eyed analysis of utilitarian assumptions brought out the chief difficulties of the doctrine.

One passage in the lectures that illuminates Rawls's own underlying commitments is his discussion of the different "intuitive ideas" inspiring the rival contractualist and utilitarian traditions. According to utilitarian thinkers, the basic object of morality is to have us act in such a way as to bring about the greatest good in society as a whole. This seems unassailable. If we truly care about the good, shouldn't we want to produce as much of it as possible? Mustn't more of the good always be better? The trouble is that the utilitarian maxim, "the greatest happiness of the greatest number," places no limits on the extent to which some people's prospects may be sacrificed for the sake of the whole, so long as the total satisfaction of needs and desires is maximized. Society is regarded as a sort of super-individual, whose various interests--in reality the distinct interests of concrete individuals like you and me--are to be weighed together and traded off against one another in the same way that any single one of us would figure out what is, on balance, the best means of advancing his or her overall good. As Rawls famously remarked in *A Theory of Justice*, "utilitarianism does not take seriously the distinction between persons."

In opposition to a focus on "promoting the general well-being," the social-contract model bases itself on the idea of "agreement among equal persons." What Rawls sees of such significance in this idea is best appreciated by way of contrast. In the utilitarian approach, the moral point of view consists in determining what we can do for others, whom we regard as the possible

beneficiaries of our actions. Suppose, however, that morality is fundamentally understood as requiring us to treat others as we treat ourselves. Then our principal aim will be not so much to bring about good in the world (the more the better) as rather to act toward others in ways that they too have reason to endorse--with which, as the contract theorist would say, they could agree. Increasing the happiness of all will be limited by the recognition of the rights of each, and the distinction between persons will be respected.

It may not be possible to settle definitively which of the two conceptions is correct. Each takes its point of departure from a basic kind of relation in which we stand to others in all that we do. Our actions are causes of what happens to other people, and to that extent we should worry about the good or the harm we do. But our actions are also motivated by reasons, and to that extent we ought to care whether the reasons we see to act as we do are ones that others too could approve. Perhaps the best course is to recognize the need to take both perspectives into account when we deliberate. If the good to be secured or the evil to be avoided is sufficiently momentous, some people's interests or even lives may have to be sacrificed. To reply that they too would then have reason to concur is just to say that in some cases we all have reason to think like utilitarians.

And yet Rawls gave his undivided allegiance to the second standpoint, the contractualist one. It fueled all his efforts to dislodge utilitarianism from the preminent position it held in English philosophy since the beginning of the nineteenth century. (That it no longer enjoys the same prestige is due in no small part to his work.) He had the greatest admiration for the theoretical ambitions of the utilitarian tradition. It was "unique in its collective brilliance" and "the first to develop a systematic moral conception under the assumption of a secular society under modern conditions." But Rawls was convinced that utilitarian thinkers badly misconceived the nature of justice and of morality as a whole. He turned for inspiration to Kant, who made respect for persons all-important and saw in moral principles the laws of conduct which "autonomous" beings legislate for themselves in a kind of grand moral contract designed for "the kingdom of ends." (Rawls left his full-scale treatment of Kantian ethics to the *Lectures on the History of Moral Philosophy*, a legendary analysis that moved a number of his students to become some of the leading Kant scholars of our day.)

In the second half of his career, Rawls distinguished more sharply than before between the domains of political philosophy and moral philosophy. The key values of modern liberal democracy--equal civil and political liberties for all, along with the material means necessary to make use of them--are certainly moral in character. Yet they do not depend, he now argued, on the acceptance of any single comprehensive view of the nature of moral right and wrong. There are many different routes by which people can come to espouse them, and the ideal of toleration implies that our political life ought not to be so organized as to favor some of these religious or philosophical doctrines at the expense of others.

This is Rawls's "political liberalism," expounded in his book of that title, which appeared in 1993. (The *Lectures* make frequent reference to it.) Its central theme is that an "overlapping consensus" on political essentials can coexist with a great deal of disagreement on deeper questions. One might regard justice as a matter of contract while holding a very different

conception of morality as a whole. One need not even take a contractualist approach to justice, at least in the full-scale fashion of *A Theory of Justice*, so long as one subscribes to those bedrock liberal and democratic principles. After all, Mill had shown how utilitarians can find a way to do so. Rawls did not waver in the conviction that his own theory, based on "the original position" and "the veil of ignorance," provided the best way to think about justice. But for political purposes, it suffices that we accept the contract idea only in the embryonic form that lies at the very heart of liberalism--namely the belief that the terms of political association must be justifiable to each and every citizen. We may continue to house this commitment within our deeper moral and religious philosophies. In the public realm, it can stand on its own.

When we work out our political life upon this common ground, we are exercising our capacity for "public reason," arguing in ways we presume that others too can accept, despite our differences about more fundamental and contentious issues. We are heeding what Rawls calls "the liberal principle of legitimacy": "The collective political power of citizens on matters of constitutional essentials and basic questions of distributive justice should turn on the appeal to political values that all citizens may reasonably be expected to endorse, and so rest on a shared public understanding."

This view, too, is a signal departure from Locke. For Locke, the contract that brings about legitimate government is rooted in natural law. Though he traced natural law back to God, the essence of the idea, as Rawls realizes, is that there exists a body of moral obligations binding on us independently of any act of our own--obligations which we can discern by reason, but of which we are not ourselves the author.

Thus Locke argued that the reason we ought to seek mutually acceptable terms by which to regulate our common affairs is our antecedent duty to preserve the life and liberty of ourselves and others. For Rawls, this sort of theory goes wrong for two reasons. From a broad philosophical standpoint, the concept of natural law is metaphysically obscure, to be rejected in favor of the Kantian idea of autonomy, according to which we ourselves "construct" the moral principles by which we are bound. From the standpoint of political liberalism, natural law is a disputed notion about which people are likely to disagree, and therefore unsuitable as the source of a political order whose legitimacy rests on being the object of reasonable agreement. People may hold such views as a matter of private conscience, but the public reason that we must exercise as citizens in determining the ground rules of our political life should not, he insisted, appeal to "an independent order of moral and political values," imposed as it were from without.

As should be plain, Rawls's own full-fledged theory of justice occupies a special position in this scheme. One need not accept it in order to share the liberal ideal of a political order which all can have reason to endorse; but along with the more general constructivist view of morality which it mirrors, his contract theory is cut from the same cloth as that liberal ideal. The common thread is that the validity of principles rests on their acceptability to those whom they are to bind (provided, of course, that people are "reasonable" and committed to the search for mutually acceptable principles, and provided that the conditions under which they accept them are fair). Other conceptions of morality and justice may also lead to liberal conclusions, but not by virtue of being themselves--as one might say--similarly liberal in spirit. They involve demands on our conduct, whether deriving from natural law or from utility, which purport to be binding

independently of our actual or hypothetical agreement. Rawls was so much the liberal that he viewed the whole fabric of our moral and political thinking as properly founded on consent.

Still, Rawls was not really in a position to complain about Locke's reliance on natural law. He could not escape doing the same sort of thing himself. For how can the idea of contract serve as an appropriate basis for determining rights and obligations unless the conditions under which we imagine agreement arising are themselves taken to be fair? In his own theory of justice, Rawls acknowledged the moral assumptions built into the apparatus of the original position, particularly its thick veil of ignorance. It is wrong, for instance, to allow differences in power and wealth to influence the choice of political principles. The sense of fairness embodied by these assumptions does not draw its authority from being an object of reasonable agreement; it defines in advance the shape that any such agreement must have, if it is to be entitled to establish the rules by which we should live. But then this sense of fairness is no different in kind from the postulates of natural law to which Locke appealed. It represents "an independent order of moral and political values by reference to which our political judgments of justice and the common good are to be assessed."

This brings us to an even deeper problem with social-contract theory, which Rawls mentions but never satisfactorily resolves. If any such theory holds that valid principles of conduct must be reasonably acceptable to those whom they bind, but if the conditions under which people are imagined to agree must always embody other moral values given in advance, then the very idea of a contract appears redundant. One could just as well say, and a lot more simply, that those principles to be valid must fit with the deeper values that already count as settled. For to suppose that people under the stipulated conditions would find it reasonable to agree to some measure comes to no more than claiming that there is good reason to endorse that measure, given the premises. Actual contracts are not of course superfluous: they institute obligations that would not otherwise exist, since the parties have really made an agreement. But hypothetical contracts, which are the sort in question, do not--being hypothetical--bring anything about, and whatever authority they may seem to have is a borrowed luster. All that is meant by the idea that certain principles would be the object of fair and reasonable agreement is that the principles are in fact justified by considerations of fairness.

This objection was already dimly perceived by Hume in the barrage of criticisms he directed at Locke's political philosophy. As Rawls summarizes this element of Hume's critique, the notion of a contract seems "an unnecessary shuffle." Yet unfortunately he never addresses the difficulty directly, either in these *Lectures* or in his other writings. For Hume, it was a reason to replace the idea of contract with the criterion of utility, or "the general necessities and interests of society." But one does not have to be a utilitarian to appreciate the force of the objection. Other philosophers have voiced it since Hume's day, and they have sought to dispense with the trappings of social contract theory while retaining its real insights, to which utilitarianism is blind. The most important of these insights is memorably formulated by Rawls himself at the beginning of *A Theory of Justice*. "Each person possesses an inviolability founded on justice that even the welfare of society as a whole cannot override"--or if overridden, then only with the

greatest regret and with the conviction that amends must be made. Without this sense of respect for persons, government becomes mere administration, or worse.

Rawls's writing is at its most powerful when he thus casts aside his contract scaffolding and speaks directly to our political conscience. Then he impels us to see more clearly than before the moral substance of the democratic ideal. He shows us in an exemplary way how philosophy can be democratic. No doubt in reading Rawls we will be struck by the great distance between democracy as he portrays it and democracy as it actually exists. He describes a society in which citizens engage in reasonable debate and strive to find terms of political life which all can endorse. What we have instead is a society where public discourse is largely debased by character assassination, fear mongering, and sheer stupidity, and where the corrupting power of money reigns supreme. Rawls himself was well aware of this disparity. In his view, the job of philosophy is not to hold up a mirror for self-congratulation, but to recall us to what is best in us when we have failed or betrayed our ideals. This is what he called being "realistically utopian." The question is whether in the America of today his philosophy of democracy is not far more utopian than realistic.

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