HEIR TO THE

Ed Randall

describes and assesses the contribution of the American philosopher John Rawls to political philosophy and Liberal thought and suggests that Rawls is a true heir to the New Liberalism of T. H. Green and L. T. Hobhouse.

Liberal political thought and philosophy have invigorated and inspired modern politics and helped to shape European political systems since the end of the seventeenth century. To the diverse and extraordinarily creative family of liberal thinkers, including John Locke, Voltaire, Montesquieu, Thomas Paine, Marquis de Condorcet, Benjamin Constant, Adam Smith, Jeremy Bentham and John Stuart Mill, we must add the name of the greatest political thinker of the twentieth century, John Rawls.

John Rawls died on 24 November 2002 having made what was indisputably the greatest contribution of any twentieth-century political philosopher to the canon of liberal thought and one of the most remarkable contributions to political philosophy of any time. Rawls was, as one of his most able, articulate and knowledgeable admirers has put it: '[aware of the] prodigies of cruelty and destruction for which [human beings] are prepared to offer justifications'.[1] But, as Thomas Nagel went on to argue, Rawls's deep understanding of and commitment to liberal civilisation meant he was determined not to let 'the great evils of the past and present undermine hope for the future of a Society of liberal and decent Peoples around the world'.[2]

Rawls – a biography

When Rawls died, in November last year, the obituary writers were only able to draw upon a very limited amount of information about the personal life of a modest and very private man.[3,4] There can be no doubt that John Rawls, never a seeker after publicity, wanted it that way. Nevertheless, what is known about Rawls's social background and intellectual development is helpful in understanding him as a philosopher and as a liberal political thinker.

John Rawls was born in 1921 and grew up in Baltimore in the American state of Maryland. Significantly, Maryland had been a slaveholding state before 1865. Although it did not become part of the Confederacy, it had strong ties to the slaveholding Southern

NEW LIBERALS?

states that fought together in the American Civil War. Rawls's philosophical arguments, based upon deeply held beliefs about the importance of reciprocity and mutual respect in social and political life, reflected an abiding abhorrence of slavery, and most especially the slavery which the South had defended and depended upon; a slavery that had persisted despite the existence of an American covenant committing American citizens to building a society based on respect for individual rights and the maintenance of democratic government.

Rawls was educated at an exclusive independent school, affiliated to the Episcopal Church, in Kent, Connecticut. This was an educational choice that reflected his parents' religious beliefs and the social and economic advantages of being born into a wealthy and established Baltimore family. He was the second of five brothers – two of whom died as a result of childhood infections that John believed they had contracted from him. Indeed Rawls attributed the development of his severe stutter to the shock of his brothers' deaths.[5] His liberalism and his ideas about social justice were powerfully shaped by this childhood tragedy and by his recognition of the part that luck could play in the course of an individual's life. Rawls's liberalism pays particularly close attention to the numerous unmerited advantages that come with good fortune, and the part that misfortune, equally unmerited, can play in the course of a life. John Rawls was also strongly influenced by his parents' active involvement in Democrat politics and by a very particular admiration for Abraham Lincoln. This American President, who had been a firm opponent of slavery despite having been born in a slaveholding state, was, in Rawls's own words: 'selfless in [his] judgements of … society's interests'.[6]

Rawls entered the US army in 1943, having graduated from an elite American educational institution – Princeton University, in New Jersey. Although he is known to have described his army career as 'singularly undistinguished'[7] it is clear that his service as an infantryman in New Guinea, the Philippines, and Japan had a profound impact on his moral and political outlook. He was still serving in the US army in August 1945 when the atomic bomb was dropped on Hiroshima. He believed that the decision to drop the bomb had violated the principles by which liberal democracies should govern their conduct of war, and later on he said so. Quite unusually, for an academic renowned for the use of highly abstract language and careful phraseology, he chose to castigate what he regarded as a grievous 'failure of statesmanship'.[8] According to his best-informed and most sympathetic obituarist, his personal knowledge of the terrors and horrors of war, 'overshadowed everything he did as a student, [stimulated] his interest in politics … and [in] the principles of international justice …'.[9]

Rawls's deep understanding of and commitment to liberal civilisation meant he was determined not to let 'the great evils of the past and present undermine hope for the future of a Society of liberal and decent Peoples around the world'.

Rawls returned to Princeton when the war was over and there he enrolled as a doctoral student. He completed his doctorate on ethics and ethical decision-making in 1950 and, in the process, deepened his interest in both political and moral philosophy. By some accounts he was already committed to the production of his masterwork, *A Theory of Justice*, although it was not published until 1971. Despite having spent almost ten years at Princeton, as both a postgraduate and undergraduate and then as an instructor, this 'northernmost outpost of … southern gentlemen'[10] did not provide a long-term intellectual home or an academic berth for John Rawls.

He travelled to England, to Oxford University, in 1952 and spent the academic year 1952/53 in Oxford with the aid of a Fulbright fellowship. He worked with and took inspiration from many of Britain's leading philosophers and political thinkers, including Isaiah Berlin, Stuart Hampshire and Herbert Hart.[11, 12] His interest in their work, and their interest in his, continued throughout their lengthy careers as political thinkers and philosophers. John Rawls had become part of an international community of political thinkers and philosophers committed to the assiduous and academic pursuit of political truths. He was becoming known as a quiet, gifted and exceptionally thoughtful American and well on his way

to becoming an extraordinarily influential American. But it was a protracted process, mostly hidden from public, if not from academic, view.

On his return to the United States from Oxford, he joined the staff of Cornell University in Ithaca, New York. Although he is thought to have completed much of the work on *A Theory of Justice* at Cornell before 1960, he had in fact still published very little. Just three articles are listed in his *Collected Works* as having been published before 1963.[13] His approach to political philosophy was epitomised by the lengthy gestation of his political and philosophical writing. He believed in a thorough, if not to say exhaustive, and highly academic examination and evaluation of his own ideas. The process of arriving at a 'reflective equilibrium' – Rawls's term, for 'a process of mutual adjustment of principles and considered judgements'[14] – was one to which he was fully committed. 'Reflective equilibrium' was represented as having been a cornerstone of *A Theory of Justice* when it eventually appeared in print, and it describes his general approach to political philosophy.

Despite his modest published output, Rawls was made a full professor at Cornell in 1962, having previously obtained a tenured academic position at the Massachusetts Institute of Technology. He then moved on to Harvard University, where he settled in the early 1960s, and where he subsequently became the Conant University Professor in 1979, an honour conferred after his international academic reputation had been well and truly made by *A Theory of Justice*.

A worldwide audience for Rawls's ideas

A Theory of Justice has attracted a vast and truly international readership. It has been translated into twenty-seven languages and has sold hundreds of thousands of copies as well as motivating, according to Alan Ryan, some 5,000 serious academic replies or 'ripostes' since its publication in 1971.[15, 16] Responses to Rawls's liberal thought have probably filled more academic library shelves than the work of any other liberal political thinker, ancient or modern; indeed his political thought spawned a publishing industry of its own in the final quarter of the twentieth century. Rawls was surprised by the runaway success of his book and the attention it received – not just in academic circles but well beyond. There can be little doubt about why it was and remains so popular and is so widely praised and admired, even by those who strongly disagree with Rawls's arguments and conclusions.

A Theory of Justice has attracted a vast and truly international readership. It has been translated into twenty-seven languages and has sold hundreds of thousands of copies.

A Theory of Justice served as midwife for the rebirth of philosophical argument about the greatest, the most profound, social and political questions. Philosophy had become very dull and technical in the years immediately before and after the Second World War, and most philosophers seemed uninterested in debates about human rights and wrongs, about social justice and about the ways in which human societies should be governed and organised. Rawls took on the big political questions, he made them interesting and, above all else, he provided a way to discuss them. Those questions included: What is the point of political argument? What, if any, obligations do individuals, as members of a society, have to one another? Is it possible to weigh liberty and equality against each other when we try to fashion and reform our social and political institutions?

To a considerable degree, *A Theory of Justice* took over Rawls's academic career and his work as a philosopher. Most of what he wrote and published after 1971 was offered as justification, refinement, development or correction to his particular and avowedly liberal conception of social justice. His ideas about political liberalism, public reason and toleration all stemmed from his liberal conception of social justice. And Rawls grew increasingly interested in relating his conception of social justice, and of the political liberalism upon which he vigorously argued it rested, to the formulation of the just principles that he hoped and believed could serve as the foundation for a fair and tolerant world order. The titles of his principal works published since 1971 help to illustrate the core issues and themes that he, as a convinced and confidently egalitarian liberal, believed were central to political philosophy: *Political Liberalism; The Law of Peoples (with 'The Idea of Public Reason Revisited');* and *Justice as Fairness: A Restatement*.

The personal good fortune that Rawls recognised had had a great impact on his life – he had lived when two of his brothers had died, he had survived the war in the Pacific when many of his peers had been killed, and he had been born into a wealthy society and a prosperous family at a time and in circumstances that enabled him to pursue his deep interest in political philosophy – did not last for the whole of his life. In 1995 Rawls suffered the first of a series of strokes. They were not allowed to prevent him from completing *The Law of Peoples* in 1998 in which, as Thomas Nagel puts it, we can find 'some of his strongest expressions of feeling'.[17]

Rawls: the ideas and the works – *A Theory of Justice and Political Liberalism*

A theory of justice

Rawls is responsible for a number of substantial additions to the language employed in political philosophy and refinements of the concepts used by political thinkers; the term 'reflective equilibrium' has already been mentioned. In his writings on social justice, Rawls introduced the idea of a 'veil of ignorance', the notion of an 'original position' and the concept of a 'maximin decision rule' or 'difference principle'. These are all part of his

presentation and recasting of the so-called *contractarian* tradition in political philosophy: a tradition of political thought intended to help provide a persuasive account of social and political institutions and practices; an account that reasonable people might be expected to subscribe to, if they were free to do so and prepared to adopt and apply the same principles in the governance of society to everyman.

The *contractarian* tradition is typically presented as congruent with liberal principles and practices and held to rest upon a reasoned and consensual approach to deciding what is right and fair – not just for ourselves but for all those to whom we wish to accord the same respect we seek and expect for ourselves. Rawls himself explained what he was trying to do in *A Theory of Justice*. His aim was to: 'generalise and carry to a higher order of abstraction the traditional theory of the social contract as represented by Locke, Rousseau, and Kant …'[18]

John Borden RAWLS

1921	(Feb 21) – Born in Baltimore, son of Anna Abell RAWLS (née STUMP) and William Lee RAWLS
1939	Graduates from Kent School in Connecticut and goes on to Princeton University
1943	Completes his undergraduate degree at Princeton and joins the US army, going on to serve as an infantryman in the Pacific theatre
1946	Despite an opportunity to become an officer, leaves the army and returns to study at Princeton where he pursues research for a doctorate
1949	Marries Margaret Fox (a painter) with whom he subsequently has five children
1950/51	Is awarded a doctorate at Princeton for his thesis: *A Study in the Grounds of Ethical Knowledge: Considered with Reference to Judgements on the Moral Worth of Character.* His thesis serves as the basis for his first academic publication *Outline of a Decision Procedure for Ethics.*
1950–52	Employed as an instructor at Princeton
1952–53	Holds a Fulbright Fellowship that enables him to go to Oxford University where he meets several of Britain's most eminent political philosophers including the leading liberal thinker Isaiah Berlin
1953–59	Works as an assistant/associate professor at Cornell University
1960–62	Professor of Philosophy at the Massachusetts Institute of Technology, Cambridge, Massachusetts
1962–79	Professor of Philosophy at Harvard University
1970–72	President of the American Association of Political and Social Philosophers
1971	*A Theory of Justice* is published and widely acclaimed
1979–91	Holds the James Bryant Conant University Professorship at Harvard (the most esteemed Harvard Chair, previously held by the economist Kenneth Arrow)
1993	His second major book is published, entitled *Political Liberalism*
1995	Has the first of a series of strokes
1999	*The Law of Peoples* is published
1999	Rawls is awarded the National Humanities Medal by President Clinton
2001	*Justice as Fairness: A Restatement* is published
2002	(November 24) – Dies of heart failure

In search of justice

Although we do not choose the time, the place or the circumstances of our entry into the world, Rawls invited his readers to think about the choices that they might make – if they were able to do so – about the different possible societies they might join. He argued that it was open to all of us to think deeply and productively, with honesty and detachment, about the ways in which societies were organised and the ways in which they might be reorganised.

While we do not have the option of joining a great human congress prior to taking up our membership of society, we can use our intellects to grapple with the issues that such a hypothetical assembly – in some imaginary ante-chamber to life – might enable potential new citizens to deliberate. Rawls offered a means, for all who wanted to use it, to grapple with such matters as the choice of principles by which society should be governed and the lines along which human societies should be organised.

In *A Theory of Justice*, Rawls invites his readers to undertake a thought experiment: to imagine themselves in a situation (which he called 'the original position') in which individuals are able to make and share judgements about the arrangements that they would choose, from all possible arrangements, to order and organise society.

Rawls's invitation is to join him on a journey to a place where no one has specific knowledge of personal interests and characteristics. Participants in Rawls's original position can be aided in their deliberations by certain kinds of information. They can be told everything that there is to know about human societies. They are allowed, for example, unrestricted access to the work of social researchers, psychologists, philosophers and historians. This is permitted, even encouraged, so that their discussion of social and political principles is as well informed as it can be. Though it must be conceded – in the face of criticisms directed at the work of social scientists and other observers of the human condition – that it is far from certain how useful such 'information' and 'knowledge' would turn out to be. The social sciences have enjoyed rather modest success in providing undisputed insights into human behaviour.

The original position is only open to those who undertake the journey there by way of a veil of ignorance; participants are deprived of personal knowledge but not of their humanity in the course of a journey past the veil. (Or should it be through a Bunyanesque vale of ignorance?) Because they undergo a thorough – but highly selective – amnesia, which is not meant to rob them of their human nature, participants in Rawls's extraordinary hypothetical congress, his 'original position', lack all certainty about how any agreement they enter into – the principles chosen to govern society – will apply to them personally.

Rawls was convinced that the fairness that he believed was an integral part of his extraordinary thought experiment would powerfully shape any conceivable agreement made by even the most self-regarding of human beings who found their way to the original position. He set out to devise a procedure that was as fair as possible, but it is clear that he also believed that a human capacity for reason and for fairness was fundamental to the pursuit of social justice and to political liberalism. In this he followed Immanuel Kant's belief in the existence of a defining characteristic of human beings: a capacity for moral personality. And Rawls was convinced that reasonable readers would agree that the imaginary participants in his great congress would emerge united in their support for two principles of social justice that would form the foundation blocks for a just and liberal society.

Rawls believed that participants in the original position would insist, before all else, on entrenching equal respect for every person. Agreement on making respect for individual liberty the first – the prior – principle of social justice would reflect the individual's determination, under all conceivable circumstances, to ensure that they would be able to enjoy *the most extensive set of basic liberties consistent with the same liberties for all others*. It was, Rawls argued, a truly basic and fundamental human desire to be treated and regarded as the end rather than the means in any social scheme or plan – a notion found at the core of the liberal political tradition and exemplified in the works of John Locke and J. S. Mill.

Inequalities, according to this second principle of justice, were only justified if they worked to the advantage of the worst off. This component of the second principle of justice has been labelled the 'difference principle'.

Rawls believed that the second principle of social justice would reflect the awareness of all those participating in the original position that they were quite uniquely vulnerable; it would reflect an understanding of the part that chance, purest chance, plays in all our lives. Participants would be aware of the possibility that it could be their lot, their personal misfortune, on travelling back past the veil of ignorance, to discover that they now occupied the worst position in society. *Inequalities, according to this second principle of justice, were only justified if they worked to the advantage of the worst off.*[19] This second component of the second principle of justice has been labelled the 'difference principle'. It can be characterised as the ultimate insurance policy for those in the original position: they know that they could be amongst life's biggest losers and that it is only the design of a fair society that can cap their suffering and their disadvantages. Only fair social and political principles can offer them protection against the unmediated consequences of being worst off.

A keen appreciation of the central importance to liberalism of interdependence, mutuality and fraternity are hallmarks of the New Liberalism of T. H. Green, L. T. Hobhouse and John Hobson. They are an equally important part of Rawls's political philosophy. Just as the New Liberals challenged the works and political doctrines of the greatest exponents of liberal classical economic thought and the liberalism of the utilitarians, above all of the great liberal thinker Jeremy Bentham, John Rawls's work represented a great challenge to the unbalanced and market-obsessed liberalism of Friedrich Hayek. As Duncan Forrester has put it – and put it rather well: 'Issues of justice for [Rawls] cannot simply be swept aside in the pursuit of efficiency and economic prosperity. Justice is what holds a decent society together'.[20]

At the heart of liberalism

Rawls's most basic proposition, the core of his political liberalism, was that social and political institutions should give expression to the belief that respect for another person's right to self-determination ought to take priority over other political goals. Whilst respect for another person's entitlement to decide for themselves what is right and what is good is not unqualified – it requires, for example, a mutuality of respect – a liberal's conception of justice cannot accommodate the belief that 'the loss of freedom for some can be made right by a greater good shared by others'.[21] This sharply distinguishes Rawlsian political thought from utilitarianism, itself an important and powerful strand in the rich tapestry of liberal political argument.

In reacting against utilitarianism, Rawls shared a good deal in common with John Stuart Mill, who grew away from his father James's utilitarianism as his liberal political thought developed and matured. Rawls shares even more with the New Liberals, T. H. Green and L. T. Hobhouse who 'disparaged Bentham [and] found much in [John Stuart] Mill's improved', heavily qualified, 'utilitarianism highly appealing'.[22] Indeed it may be fair to argue that Rawls, along with many other contemporary liberal political thinkers, has failed to acknowledge the extent of the intellectual debt owed by twentieth-century liberals to the New Liberal thinkers of the final quarter of the nineteenth century and the first decade of the twentieth. However, there should be no doubt about the importance of the New Liberal heritage found – albeit barely acknowledged

– throughout Rawls's industrious and unceasing reworking of the great New Liberal themes: support for thriving individuality, for the promotion of liberal community and above all, for social justice.[23,24]

Life's lottery

Rawls was keenly aware of life's lottery. He was aware of the extent to which almost everything in life depends on chance events, on contingencies over which individuals have little or no control. A liberal theory of social justice could not, he argued, overlook or evade the fact that: 'the natural distribution of abilities and talent … are decided by the outcome of a natural lottery; and [that] this outcome is arbitrary from a moral point of view.'[25]

Reasonable people, he believed, would recognise the existence and the all-pervasive influence of good and ill fortune on the course of human lives and support social institutions and public policies that challenged rather than entrenched the inequalities that had arisen from what he referred to as the 'natural lottery'. Rawls rejected the view that acceptable justifications for an unequal distribution of income and wealth in a just society should rest on differences that were arbitrary from a moral standpoint.

An unequal distribution of wealth and income could be justified, but the justification would have to depend upon the extent to which social and economic inequalities were of benefit to the unluckiest and the most disadvantaged members of society. This is a philosophical position that appears to bless communion between New Liberals and Democratic Socialists in the past and their numerous progeny on the centre left of European politics in the present. Indeed, European Liberals and Social Democrats have relied on Rawls in fashioning the case for the reform of social welfare systems in capitalist, liberal and democratic societies. Labour's Social Justice Commission, set up on the initiative of John Smith, and the Liberal Democrats' Commission on Wealth Creation and Social Cohesion in a Free Society, set up on the initiative of Paddy Ashdown, both owed a philosophical debt to the renewal of interest in ideas about the compatibility, in market societies, between economic goals one the one hand and social cohesion and social justice on the other; an interest strongly stimulated by Rawls's *Theory of Justice*. No doubt this is what motivated Will Hutton to make the claim that, in Europe (though not in America), it was Rawls, more than any other philosopher, who had: '[justified] … universal education, health and income support and [the] redistributive taxation to pay for it'.[26]

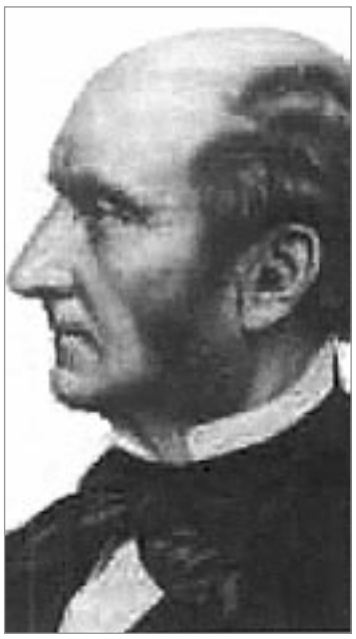
Hutton's estimate of the critical importance of Rawls's conception of social justice to the formulation of contemporary plans for social reform is shared by others including Duncan Forrester. Forrester describes the Labour Party's Commission on Social Justice as 'largely Rawlsian in its inspiration', referring to the four principles of social justice that the Commission espoused as 'distinctly Rawlsian in tone'.[27]

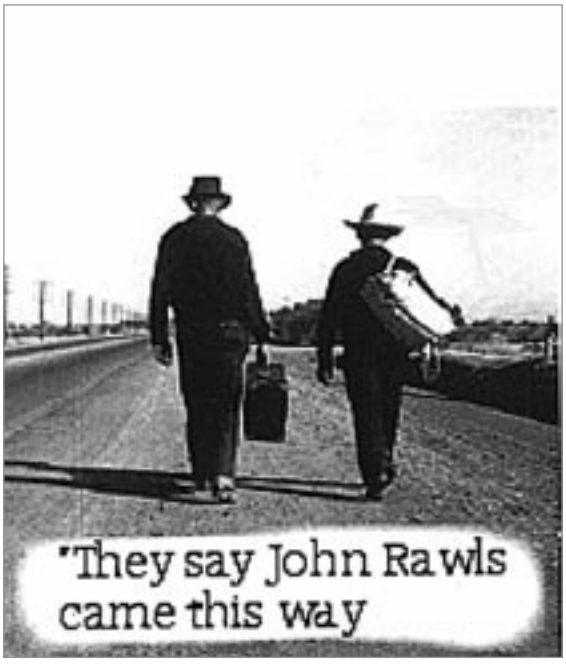
There can be little doubt that Rawls's approach to distributive justice is both radical and egalitarian. However, while it appeared to provide powerful support to liberals wishing to make the case for progressive taxation and for redistributive public policies, Rawls left it to others to champion detailed public policy prescriptions and manifestos based on his philosophical methods and conclusions.

Broadening the appeal of *A Theory of Justice*

In his *Political Liberalism* Rawls set out to develop his conception of justice as a form of liberalism that would have the broadest possible appeal. He believed it was possible to formulate his most important ideas about justice as

Liberal philosophers: John Stuart Mill, T. H. Green, and L. T. Hobhouse





fairness in a way that would be attractive to many different members of diverse and open societies and to reasonable people in very different societies right around the globe – people who were likely to have distinctly different ideas about what constituted the good life.

In some ways Rawls narrowed his philosophical ambition and in other respects he embraced a greatly extended philosophical task. Once again, in so doing, he added to the language of political philosophy. *Political Liberalism* included references to the 'fact of reasonable pluralism', 'an overlapping consensus', 'the criterion of reciprocity' and 'political justification through public reason'. Let us briefly consider each of these, because they are the concepts that came to dominate his philosophical and political writing in the years following the publication of *A Theory of Justice* and right up to the end of his life.

Rawls grew dissatisfied with *A Theory of Justice*. He came to the conclusion that it had a major shortcoming. While those who already shared his liberal outlook were likely to accept its method and general conclusions, other reasonable people might not be so accepting – because *A Theory of Justice* appeared to be founded upon beliefs that were accepted as self-evident by liberals but not necessarily by other reasonable people. And liberals should firmly endorse, as a key part of the liberal outlook, the view that there are many people with different, but reasonable, conceptions of how human beings should behave and of what is good.

What Rawls came to refer to as political liberalism needed to be built upon as wide a base as possible. That base, he believed, was present in societies with a public culture that was essentially democratic. Rawls's aim was to present his ideas about justice as fairness in such a way that they would be acceptable to people who understood and accepted that any stable social order in any social system was dependent upon co-operation and mutual respect. Indeed political liberalism refers to 'everyday conceptions' of individuals as free and equal beings who have the capacity and will to co-operate with one another.[28]

John Rawls believed that one of the greatest challenges facing any modern political philosopher was the fact that democratic societies fostered diversity. Democratic societies encouraged the expression of distinct and apparently incompatible beliefs among their citizens. Such pluralism, if it was to be consistent with peaceful and fruitful coexistence, required the common acceptance of political ideas that were themselves capable of attracting and retaining the support of people with very different cultural, religious and moral beliefs. He noted that, even though we encounter people with whom we have quite fundamental disagreements, people who strive for very different ends, we nevertheless accept that they are sincere about what they believe and no less intelligent or fair-minded than ourselves.

It was an article of liberal faith for Rawls that people who disagree, even quite fundamentally, can – despite their disagreements – be convinced of each other's reasonableness, if they share an essentially democratic outlook. What made this quite critical, from the perspective of liberal democracy, in Rawls's opinion, was that *the fact of reasonable pluralism* was not a temporary matter, a passing phase in the life and times of liberal democratic society, but an enduring and (most certainly to liberals) welcome characteristic of modern liberal societies. Therefore a key task confronting liberal thinkers was to construct a convincing account of democratic and tolerant societies that appealed to as many people as possible and appealed as the 'work of human reason', thereby supporting and sustaining 'enduring free institutions'.[29]

One important contemporary facet of debate about social justice and its relationship to laws and institutions in liberal democracies concerns the status of human rights. It is not unreasonable to suggest, as Francesca Klug has, that Rawls has played an important part in stimulating and shaping the philosophical and political arguments that now influence how we interpret such documents as the European Charter of Human Rights and the Universal Declaration of Human Rights, although Klug is far from convinced that Rawls and liberals in general have been on the side of the angels.[30]

Rawls's desire to accommodate the greatest possible diversity of distinctive world views, when formulating and giving expression to his conception of justice as fairness, meant that he favoured a state that maintained its neutrality, so far as practicable, between different ideas about how we should live and order our lives. However, Rawls was far from being an advocate of uncritical pragmatism in public policy. Mutual respect and toleration in human societies may be grudging – based on fear rather than on philosophical reasoning or generosity. Toleration may be pragmatic and based on the recognition that no one is sufficiently powerful to have things all their own way. It may reflect an acceptance of the inevitability, rather than the desirability, of compromise. But

Rawls, in his *Political Liberalism*, sought something more reliable and less fleeting: he wanted to articulate something that could serve as the bedrock for political liberalism. For a liberal society to exist and continue to exist, it was necessary, in his view, that there was a broad and reasoned agreement about social and political fundamentals. Liberal political community required a method as well as a social and political covenant that acknowledged and entrenched respect for human diversity.

An overlapping consensus about the essentials of a liberal political community would only be possible, in Rawls's opinion, if agreement rested upon something that could be found from within the beliefs of each group of citizens and from within each distinctive world view represented in society. Reasonable people, reasonable citizens, wishing to co-operate with each other, wanting to live together as well as to enhance and honour their own traditions and notions of the good life, needed to be persuaded that doing so was entirely congruent with the mutual respect that was fundamental to liberal political community. What Rawls refers to as the *criterion of reciprocity* would enable citizens, with distinct world views, to accept one another's motives and actions as expressing genuine beliefs about what would be accepted by others as reasonable.

The search for common ground and the elaboration of the criterion of reciprocity are important requirements if what Rawls refers to as *public reason* is to play its full part in enabling citizens to settle differences about the ways in which their society should be governed and the ways in which all the members of a just political community should be involved in government.[31]

Assessing and criticising Rawls

Liberals value liberty but do not believe that liberty is a licence simply to do as you please. And liberals can take great inspiration from John Rawls's efforts to plot the domain of liberty in a just society. For Rawls, liberalism necessitated a search for, identification of and defence of the principles needed to create an enduring liberal and democratic political community. Liberal societies depend upon consent, and reasonable people are assumed to be most persuadable about the virtues of any political community if they perceive as just not only its political institutions but its social and economic ones as well.

The purpose of Rawls's most famous work, *A Theory of Justice*, can be expressed very straightforwardly. It was an invitation to consider what kind of society we would choose to live in if we did not know, or could not be sure, how things would turn out for us personally if we went to live there. And, to begin with, Rawls was convinced that the only sensible choice for human beings who wanted to live with other human beings would be a liberal society in which liberal values permeated every aspect of life. Later he rejected this view. Nevertheless he remained committed to the central role of liberal ideas and values. In place of what had been, to use his terminology, a comprehensive liberal doctrine, he argued for what he called political liberalism. Political liberalism was, he came to believe, the best expression of our most widely shared ideas about what is needed for people to live together in a society that is able to endure and, at the same time, offer all its members the best possible prospects for realising their very different goals and capabilities.

Despite his enthusiasm for building broad agreements and identifying commonalities, Rawls's political liberalism and his ideas about social justice have attracted as much criticism as they have support. His liberal outlook appears to many of his fellow Americans to be rather un-American. One of his fiercest philosophical opponents, Robert Nozick, a liberal of a very different kind who also died last year, attacked the very heart of Rawls's liberal project. Nozick insisted that at the heart of liberalism were individual rights that should not be violated, under any circumstances – even if violations were thought to be necessary in order to bring about the good or at least the fair society.[32] Building an entire edifice of government, for example, to advance the interests of the worst-off would mean, in Nozick's view, trampling endlessly on the rights of the better-off. Why should those who were more talented and who worked harder simply accept that the product of their hard work and greater talent should be commanded – commandeered – by the state and be treated as if it did not belong to them but to others who were less fortunate? If liberalism stood for anything, in Nozick's view, it stood for a world in which individuals could not be enslaved by some great social purpose imposed on them in the name of the population at large.

For Rawls, liberalism necessitated a search for, identification of and defence of the principles needed to create an enduring liberal and democratic political community.

Rawls attracted fierce criticism of a very different kind from political thinkers, such as Michael Sandel, Charles Taylor and Michael Walzer, who believed that liberalism and liberal ideas, including Rawls's liberalism and liberal ideas, served – however unintentionally – to undermine or sideline *community*. Ties of the intellect are, from this point of view, weak and unsatisfying. If people are to *belong* and to *respect* one another they must feel a part of something that is deeply rooted in their lives. Liberal choices, however cleverly constructed, that are detached from the values we have been raised to hold, the historical communities of which we are a part and the bonds of family, are no substitute for the commitment and sense of belonging that are largely inherited and imbibed as we grow up in the communities with which we most naturally come to identify. But the so-called communitarian attack on

Rawls's work often caricatures his views and claims to have discovered incompatibilities where few if any exist.[33] Rawls never denied the importance or the value of community. He was – as he often made plain – concerned to work out a basis for liberal political community that could help to obstruct the passage and the tyranny of any world view that would not or could not accept a place in society for the reasonable beliefs and practices of others.

Rawls's philosophical writings have often been introduced as a rationalisation or justification for the welfare state.[34] And one particularly strong and growing line of criticism of his liberal conception of social justice is that it has failed to stiffen the resolve of Liberals and Social Democrats to strengthen welfare systems that have singularly failed, in the course of the last twenty years, to stem a rapid rise in economic and social inequality, particularly in the United States and Britain – precisely those English-speaking countries where Anglo-American political philosophy might have been expected to have had the greatest impact on practical politics.

It is known that Rawls himself was disappointed with the impact that public welfare systems had had on economic and social inequalities. Ben Rogers even describes Rawls as coming to 'despair of the capitalist welfare state, which acquiesced in a dramatic rise in social inequality in the 1980s and '90s'.[35] No doubt we need to be bolder and build upon Rawls's ideas about designing a basic structure for our social and economic institutions that embodies the difference principle in a more appealing and effective form than is found in the welfare states of the early twenty-first century.

It is surely right, as Will Kymlicka argues, that 'the main focus for the politics of liberal egalitarianism should be [remedying] (the growing) inequality in people's circumstances'.[36] Rawls is dead but his ideas live on. Those who follow him and find his egalitarian liberalism attractive need to show less timidity and much greater determination, as well as ingenuity, in reconnecting liberalism with long-standing liberal ambitions for a freer *and* a fairer society.

Rawls's political philosophy is, above all else, about fashioning the intellectual resources needed to understand and build stronger liberal political communities in which we can form and sustain institutions and beliefs that help us to trust and to respect one another despite our many differences.

John Rawls's contribution to political philosophy was a distinctively and strongly liberal one. In common with other liberals, Rawls identified the most important and politically significant human characteristic as the capacity for personal decision: a capacity that, following Kant, Rawls believed was not simply self-regarding. Liberals value self-determination but also champion respect for each individual's capacity to make decisions about the kind of life that they want to lead.

Rawls's political philosophy is, amongst other things, a determined attempt to integrate a commitment to tackling inequality into the core of liberal thought. He asserted, in *A Theory of Justice*, that a liberal conception of society should be firmly rooted in fairness. If the liberal conviction that we are entitled to equal respect is to be taken seriously and actively pursued in the organisation of society, then the pursuit of social justice must go hand in hand with the pursuit of liberty. Liberalism seeks a winning recipe that reconciles Isaiah Berlin's negative and positive notions of human liberty. It may be that this is a goal as elusive as the Holy Grail, but that does not mean that liberals should abandon it. The value and importance of human goals does not depend simply on whether they are, in some ultimate sense, achievable. If we thought that, we would surely abandon scientific enquiry tomorrow.

Liberalism, Rawls's liberalism at least, is not only concerned with securing basic freedoms; it is strikingly egalitarian. Freedom and justice depend on mutual respect, reciprocity *and* support for individual autonomy. An honest recognition and celebration of human interdependence need not mean giving up on the defence of individual liberty. But having complex, many-sided, political ambitions, of the kind that characterised the work of John Rawls and the New Liberals (in whose intellectual footsteps I believe he often trod), does make it important to understand why those liberals who have managed to avoid a fixation with the 'magic of markets' also believe that any insistence that liberals must choose between justice and liberty is fundamentally misconceived and illiberal. Rawls, as will be clear to anyone who has read *A Theory of Justice*, was fascinated by neo-classical economic theory; but he, like the New Liberals, never accepted that market mechanisms were a substitute for political argument or for the creation of political institutions able to formulate and implement a wide range of public policies.

Acknowledging the importance of pursuing social justice in a liberal society, and recognising that interdependence is an inescapable part of the human condition, we should also be able to accept that the plea on Martin Englebrodde's tombstone[37] captures a key ingredient in Rawls's egalitarian liberalism and the liberalism of the New Liberals, with whom I have suggested Rawls had much in common:

> Here lies Martin Elginbrodde,
> Ha'e mercy on my soul, Lord God;
> As I would do, were I Lord God,
> And Thou were Martin Elginbrodde

Rawls's liberal political philosophy was very deliberately designed to encourage and foster a political outlook that was *other regarding*. Martin Englebrodde's plea for mercy and his promise of reciprocity, should his own and his creator's roles be reversed, encapsulates a liberal view of the world. It is a world in which we know we cannot stand alone, in which we want and need the benefits of living and working together and still wish to pursue our own course in life. Martin proposes a contract with his maker that

is, despite their unequal power, intended to appeal to his all-powerful creator, because it is quintessentially decent and fair; exactly what Martin assumes his maker to be. Given their inequality his plea can have little appeal to his creator other than its sincere promise of reciprocity based upon fairness. Its appeal is essentially moral and intellectual – but that is enough if it is known to be genuine. Martin trusts in the fairness of his maker and believes that his maker will know that he is genuine. Members of human societies are rarely able to express quite the same trust in each other or have the same confidence in each other's ability to estimate sincerity.

Human society has something in common with Martin's divine authority when it comes to the power that its most important office holders can exercise. We would all like to be able to trust in the basic fairness of the institutions that help to define our political community. Rawls's political philosophy is, above all else, about fashioning the intellectual resources needed to understand and build stronger liberal political communities in which we can form and sustain institutions and beliefs that help us to trust and to respect one another despite our many differences.

Conclusion

Most of Rawls's writing is, it has to be acknowledged, highly abstract. It is important not to be put off by his exceptionally scholarly approach to political philosophy. Isaiah Berlin, when praising Bertrand Russell, endorsed what he described as Russell's 'highly perceptive but unexpected insight' that 'the central visions of great philosophers are essentially simple'.[38] Rawls's place in the pantheon of political philosophy is secure; he authored two very long and very weighty academic tomes of political philosophy. But he was also the most thoughtful and skilful twentieth-century exponent of the view that liberalism calls on us to show an equal respect and concern for all of our fellow humans.

Rawls certainly showed great brilliance and ingenuity and an extraordinary mastery of technical and philosophical language in his published work. But, as Isaiah Berlin also observed, the use of highly abstract and technical language by philosophers is a bit like putting on heavy armour to fend off real or imagined adversaries. We should not allow Rawls's armour to deter us from making the effort to grasp the ideas and insights contained in his work: the work of the greatest twentieth-century political thinker.

Ed Randall lectures on politics and social policy at University of London Goldsmiths and is the author of The European Union and Health Policy *(Palgrave, 2001) and* A Union for Health: Strengthening the European Union's Role in Health *(Centre for Reform, 2002).*

1 Thomas Nagel, 'The rigorous compassion of John Rawls: Justice, Justice, Shalt Thou Pursue', *The New Republic* (25 October 1999).
2 John Rawls, *The Law of Peoples* (Cambridge, Massachusetts: Harvard University Press, 1999) p. 22.
3 Ken Gewertz, 'John Rawls, influential political philosopher, dead at 81', *Harvard University Gazette* (25 November 2002).
4 Ben Rogers, 'Portrait – John Rawls', *Prospect* (June 1999).
5 Ibid.
6 Rawls, *The Law of Peoples*, pp. 97–98.
7 Gewertz, 'John Rawls, influential political philosopher, dead at 81'.
8 Rawls, *The Law of Peoples*, pp. 95, 100–102.
9 Ben Rogers, 'John Rawls', *Guardian* (27 November 2002).
10 Rogers, 'Portrait – John Rawls'.
11 Obituary of John Rawls, *The Times* (27 November, 2002).
12 Obituary of John Rawls, *Daily Telegraph* (27 November 2002).
13 Samuel Freeman (ed.), *John Rawls Collected Papers* (Cambridge, Massachusetts: Harvard University Press, 1999).
14 John Rawls, *A Theory of Justice* (London: Oxford University Press, 1972 – first published by Harvard University Press in 1971) p. 20.
15 Gewertz, 'John Rawls, influential political philosopher, dead at 81'.
16 Alan Ryan, 'Author of a 'Theory of Justice'' – Obituary, *Independent* (28 November 2002).
17 Nagel, 'The rigorous compassion of John Rawls'.
18 Rawls, *A Theory of Justice*, p. 11.
19 Readers should be aware that this is only part, indeed it is the second part, of the second principle of justice. The second principle also provides that: 'All positions and offices in society should be open to all under conditions of fair equality of opportunity'.
20 Duncan B. Forrester, *Christian Justice and Public Policy* (Cambridge: Cambridge University Press, 1997) p. 133.
21 Rawls, *A Theory of Justice*, pp. 3–4.
22 David Weinstein, 'The new liberalism and the rejection of utilitarianism' in Avital Simhony and David Weinstein (ed.) *The New Liberalism: Reconciling Liberty and Community* (Cambridge: Cambridge University Press, 2001) p. 165.
23 Ibid., p. 181.
24 Stephen Mulhall and Adam Swift, 'Rawls and Communitarianism' in Samuel Freeman (ed.), *The Cambridge Companion to Rawls* (Cambridge: Cambridge University Press, 2003) pp. 460–487.
25 Rawls, *A Theory of Justice*, pp. 510–511.
26 Will Hutton, 'Essential Truths of a Fair Minded Man', *The Observer* (1 December 2002).
27 Forrester, *Christian Justice and Public Policy,* p. 137.
28 John Rawls, *Political Liberalism (with a new introduction and the 'reply to Habermas')* (New York: Columbia Press, 1996) p. 18 (footnote 20)
29 Ibid., p. 129.
30 Francesca Klug, *Values for a Godless Age: The Story of the United Kingdom's New Bill of Rights* (London: Penguin Books, 2000) pp. 56, 70, 128–129.
31 Rawls, *Political Liberalism*, pp. 224–225.
32 Robert Nozick, *Anarchy, State and Utopia* (Oxford: Basil Blackwell – Basic Books, 1974).
33 Mulhall and Swift, 'Rawls and Communitarianism'.
34 Bryan Magee, *Talking Philosophy* (Oxford: Oxford University Press, 1982) p. 210.
35 Rogers, 'Portrait – John Rawls'.
36 Will Kymlicka, *Contemporary Political Philosophy: An Introduction*, 2nd edn (Oxford: Oxford University Press, 2002) pp. 53–101, 'Liberal Equality'.
37 I first came across this inscription in Kenneth J. Arrow's *Social Choice and Individual Values,* 2nd edn (New Haven: Yale University Press, 1963), p. 114.
38 Magee, *Talking Philosophy*, p. 27.