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JOHN RAWLS: THE PAST AND PRESENT OF A MORAL AND POLITICAL THEORY

When John Rawls' A Theory of Justice was published in 1971, it brought a strong, inspiring, and refreshing creative impetus in Anglo-Saxon philosophy. Since then, Rawls' work has been criticized on several grounds, mainly related to its Kantian formalism. However, ideas and theories are not born and do not exist in a social and political vacuum. Read in different historical contexts they can reveal new meanings and deliver specific messages, which are tailored to specific audiences and political cultures. I argue in my paper that, reflecting this reality and my own life experience, Rawls' conception of justice and of a well-ordered society always remains actual. An important part of this actuality is revealed in the manner in which the theory inspired Romanian society in its post-communist search for models of citizenship. It is also revealed by the message it delivers to today's divided and polarized societies, where solidarity has been corroded by neoliberalism and where the citizens' sense of fairness and reasonableness have been weakened by an increasingly noxious agonistic spirit.

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Ideas do not exist in a vacuum. Theories are not born as Pallas Athena out of Zeus' head. Ideas do not have one facet only, one univocal meaning, but they can reveal new facets and meanings in changing social and political milieux, in different historical circumstances, which can throw new light on them. Thus, a new interpretation, a new direction, a new critical impetus might come into being. Theories, as John Rawls would have wholeheartedly agreed, are an attempt to bring to explicit and systematic expression intuitions and beliefs that exist implicitly throughout a society. They are an attempt to situate a mirror in front of that society in which its members can critically reflect on themselves, from the perspective of an ideal, which is already at work in their cultural tradition. Rawls' ideas and his moral and political

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theory had in the last half of a century a lively and changing trajectory. To look at Rawls' moral and political theory with today's eyes against the background of a post-cold war world, of a post 9/11 reality, and of a post 2009 world, which is still scared by the effects of the last great recession, might help throw a critical look on contemporary societies. Such a look might provide wise insight into what our societies are missing and need to address if justice is to have a reality at all in our lives.

When *A Theory of Justice* was published in 1971 it brought with it an inspiring and refreshing approach to moral and political theory. Against the background of an Anglo-Saxon tradition of analytical philosophy with its prudent reticence to big theoretical constructions and to speculative boldness, Rawls dared to precisely propose this: a theory and a vision. Moreover, against a long-lasting tradition of utilitarianism in the Anglo-Saxon moral and political philosophy, Rawls dared to build his theory on the assumptions of Kantian and Aristotelian morality and politics. It was, in a sense not only a revolutionary book, because it aimed to change the theoretical paradigm, but also a path opening work, one that expanded the social, moral, and political vision in the United States, in a country so much in the avant-garde of capitalism and so much in need of an infusion of social-democratic and socialist ideas and ideals.

I discovered Rawls and his work after the end of the communist regime in my native country, Romania, in the early 1990s. This time again Rawls's *A Theory of Justice*, as well as his later-published *Political Liberalism* (1993) had a revolutionary and visionary impact on the philosophical community of Romania and in general on its intellectual community. Recently freed from the oppression, injustice, and distortions of politics and still deeply marred by the destruction of morality and humanity that communism made possible, philosophers in Romania were looking for inspiration to reinvent the public realm in their country. In need of rethinking was the idea of the moral person and the concept of the citizen. Above everything else, Romanian philosophers were looking for the templates of building a just society, one in which justice and fairness were not just words in a party document, but an institutional reality, and even more importantly a virtue and an attitude reflected by the way individuals interacted with each other in the public realm and by their capacity for civic friendship. It was Rawls' work that provided the ideas, the inspiration, and the enthusiasm.

Since 1971, Rawls' theory of justice has been criticized on many grounds and rightly so. One big target of the criticism was the proceduralism and the formalism of the original position. Particularly, the requirement that the representative parties, those who choose the principles of justice that would govern and structure a well-ordered society, should be under a veil of ignorance, thus not knowing their identities. The critics of Rawls saw the requirement as not being realistic because it did not take into consideration the diversity of a society and the particularities of human lives. Moreover, under criticism was also the unreasonable demand that when entering the public realm individuals leave behind in their private sphere their comprehensive doctrines, prominently, their religious beliefs.

The first criticism reflects the changing paradigm in moral and political philosophy since 1971, a change that, with feminism and post-colonial studies, and, in general, with the post-modern turn, started emphasizing difference, pluralization, and contextuality, that is, the local, cultural, and historical embedment of reason and of meaning, as well as the way power relations work in creating difference or obliterating it. The second criticism has gained ground more recently in attempts to rethink secularism and the role and presence of religion in the public sphere of multicultural societies. The idea is that since it is not reasonable to expect individuals to leave their religious beliefs at the door of the public realm and given the fact that multicultural societies bring together different conceptions of religion within the confines of the same society, religious reasons should not be banned from public discourse and from the deliberations that citizens have with each other in civil society. The idea is that religion, an important part of the comprehensive doctrines that Rawls wants to keep at bay from democratic politics, should not be left outside the realm of communication and religious reasons should be seen as valid, as a form of argument. The intention is to make religion part of a larger communicative and deliberative rationality. The process requires, on the one hand, the ability to see the reason in the religious belief, and, on the other hand, the willingness to expand the scope of reason and of what counts as a valid argument. The changes in the idea of deliberative rationality are in truth moving away from Rawls' proceduralism.

However, it seems to me that, political and social developments around the world in the last ten years, even twenty years, throw a new light on Rawls' conception of a well-ordered or just society and open yet another perspective from which to look at his idea of overlapping consensus (the idea that a common set of political ideas and values is the result of a dialogue made possible by individuals who are both rational and reasonable), or at the idea of primary goods (goods that should be equally or as equally as possible distributed in a just society). We witnessed recently, all over the world, a strong and destructive revival of nationalism and xenophobia, a reaction to the effects of globalization and neoliberalism, as well as to the influx of migration. Instead of being seen as complementary, difference is increasingly seen as being hostile, a menace to one's (national and individual) identity and security, as well as to one's individual well-being. Moreover, the concern with identity, which started as a legitimate call to regaining one's own voice and standing in relationship with other groups, particularly, in contexts of domination and subjugation, in short, as a call to justice, ended up in many cases as a form of self-absorbed identity politics that blinds itself to the position of the other and thus might even end by undermining plurality.

The results of these recent developments are the increasing division and polarization of contemporary societies, along the lines of national identity (true Frenchmen, true Romanians, true Americans versus foreigners, immigrants, naturalized citizens), along socio-economic and racial lines (which most of the time cannot be separated one from the other), or along cultural and ideological lines. In

short, it seems that what is missing today from a Rawlsian perspective in the political cultures of many societies is reasonableness. Missing are the virtues of reasonableness and fair-mindedness. Rawls thinks that in a just society, citizens are not only rational (have a conception of good, which they try to pursue and achieve in their private lives), but they are also reasonable. To be reasonable, almost a form of common sense and moderation, means to have a sense of justice: the sense that one exists in a community as a moral person, not simply as an individual. To thus see oneself means to be able to make room for others and be willing to cooperate with them. It means to show some good will towards them, even have faith in them, and grant them good intentions. As it also means to be prepared to discover and live with substantial and even unsolvable disagreements. If discussion in a plural society is to be possible at all then we should refrain ourselves from accusing each other of personal or group interests because such accusations generate hostility and resentment, being in fact a declaration of intellectual war. Reading Rawls' description of reasonableness, I cannot stop from thinking that American society and politics failed precisely in this respect, to create and preserve a political ethos where individuals and groups can practice the difficult art of conversation, an art which requires reasonableness, moderation, and the generous ability to have faith in each other's good intentions.

Among other things, to be reasonable also means to be willing to compromise. An important part of Rawls' argument, which I think has tremendous relevance in today's divided societies, is the idea that as moral persons, who can reach a compromise, we should be able to, at least to some extent, overcome a certain overconcern with our own identity and interests. The ability requires that we can somehow decentralize ourselves and our interests, that is, we can cease to see ourselves as being at the center. Such achievement would also allow us to see beyond our self-interest and thus see ourselves, as Aristotle likes so much to put it, as members of the same sailing crew, navigating together the uncertain waters of a world fraught with global risks. It would also allow us to see ourselves, in Kant's words, as members of a kingdom of ends, as members of the community of humanity, as existing together, under the law, and as able of setting for ourselves ends that do not conflict with each other. It is precisely this ability, to imagine themselves as a community, as a society, and as being engaged together in a common enterprise, that today's citizens need to cultivate, to revive, and to revalue, so that they would be able to reinvent a vanishing community, the result of what Zygmunt Baumann calls "liquid modernity." This is a modernity of elusive responsibility from the elites and of constant dissolution of solidarity and of social networks of mutual support that we all experience in our everyday lives. By corroding the social bases of coexistence and in general, by destroying in many ways solidarity, the ability of human societies to create and sustain networks of solidarity, of mutual recognition and help, the world of today, much imbued with the values of neoliberalism, makes the task of reinventing community even more pressing. It seems to me that Rawls' quality of reasonableness could contribute to a reinvention of community along these lines.

The deepening divisions of contemporary societies and the radicalism that identity politics can show today make Rawls' idea of original position appear not so much as a call to ignoring one's identity and the struggle for asserting it, but rather as a device for and an invitation to reinvent coexistence once identity has been asserted, to restore commonality once the struggle has achieved its aims. The trouble is that the work of recognizing the importance of identity, collective and individual, led to a deepening of differences to the point where dialogue and communication across dividing lines became impossible. Read against the background of today's divided societies, Rawls' requirement of being under a veil of ignorance, when choosing the principles of justice, that is, of not knowing your identity and position in society, appears not so much as a procedural demand to ignore who one is. It rather appears as an invitation to think with an enlarged mentality, with a mentality that attempts to envision a society where we belong together. Given the contemporary understanding of politics after the model of war, Rawls' original position emphasizes the ability moral persons have to think of themselves, to imagine themselves as a community and to support, at the same time, institutional arrangements that provide just and fair opportunities, institutional arrangements that are fulfilling for what it means to be human, particularly, for the least disadvantaged members of society. From this perspective it is not being a victor and a winner that matters most but rather being able to provide for, to make possible a just society where fewer and fewer people need to join the ranks of the losers and the victims.

In *Social Unity and Primary Goods*, Rawls, sees primary goods as "the necessary conditions for realizing the powers of moral personality" [Rawls, 1982: p. 166]. The most important primary good is respect and self-respect, a person's sense of his own value, as well as the sense that one's life has value and meaning for the larger society, that it matters, that it counts, that it has something to contribute. There is no need to say that in today's world, both on the local and the global level, the aggravating sense of most people that their lives are superfluous and precarious, that they do not even exist for the rest of society, that they are dispensable is ever growing, as the result the result of a deepening socio-economic inequality, generated and perpetuated by neoliberal globalization. In this context, Rawls' emphasis on the importance of the social bases of respect and self-respect gains a renewed relevance today and it becomes not only a call to social justice, but also a call to the revaluation of what is really of value in living a good and fulfilling life.

By making the social bases of respect and self-respect the most important primary good, in addition to the basic liberties, to freedom of movement and choice, and to income and wealth, Rawls makes us aware of the importance of creating in a just society an environment where individuals can develop and exercise their moral powers and advance their aims with self-confidence. The implication is that an important aspect of a good life is to be respected and recognized by others, it is to be given attention by them. As Tzvetan Todorov points out, it is the gaze, the attention, and the recognition of others that constitute our human existence. The idea is that what makes us fully human, which is more than simply being or living,

is that others recognize our worth, care for us, and give us their attention, an act which also contributes to our self-confidence, to the feeling that who we are and what we do is worthy.

An important part of what a good and fulfilling life entails in Rawls' view is expressed by the Aristotelian Principle. The principle, "characterizes human beings as importantly moved not only by the pressure of bodily needs, but also by the desire to do things enjoyed simply for their own sakes, at least when the urgent and pressing wants are satisfied. The marks of such enjoyed activities are many, varying from the manner and way in which they are done to the persistence with which they are returned to at a later time. Indeed, we do them without the incentive or evident reward, and allowing us to engage in them can itself act often as a reward for doing other things" [Rawls, 1999: p. 379]. As Todorov points out, we are today obsessed with means to the detriment of the ends. Most of the time we first invent the means and only afterwards we ask ourselves about the ends they could help us achieve. Moreover, in today's fast-moving world, it becomes harder and harder to stop, slow down, and take the time to see the absolute and the meaning in our everyday lives, in their gestures, encounters, and events. Last but not least, in a world so intensely moved as ours by efficiency and results, more and more young people just set their life courses for the professions that will bring them money, success, and careers and less so for a liberal arts education, one that, it seems, as Martha Nussbaum once remarked, is much more needed by democracy than the profit-oriented mentality that we seem to praise so much today. In this world, Rawls' Aristotelian Principle adds or rather re-emphasizes a much-needed dimension that a good life requires. The dimension evokes the importance of taking pleasure in sheer performance, in the sheer act, without anticipating the reward, the result, the achievement. It is this ability to free ourselves from the frenzy of instrumental mentality that might also increase our ability to encounter others with reasonableness and the willingness to make room for them. Why? Because we stopped and allowed ourselves the leisure to see, to hear, to learn, to enjoy perfecting and educating ourselves, the joy of working on ourselves and of improving our abilities, our very capacity to be human, independently of any ulterior results or benefits.

As Jürgen Habermas, Seyla Benhabib, and many others, John Rawls is an advocate for deliberative democracy and communicative rationality. The leading idea is that it is important in a democracy that citizens know how to converse with each other and more importantly that they are willing to engage in this enterprise. It is this art of conversing with each other, of listening to each other, of having a friendly attitude towards your interlocutor who holds different opinions than yours that is gradually vanishing from today's world. Concerns with identity, the increasing ideologization of politics, and, in general, the waning of the public realm, the loss of its dialogic quality, make John Rawls' work relevant to many of today's problems. Going back to his work might help us throw new critical light on our societies and politics, as it might inspire, as it did throughout time, our attempts to rethink the political ethos and the values that need to be revived today in the attempt to make our world more just.

Rawls shows us not only that dialogue is not possible among unreasonable citizens. He does not only show us that justice requires a certain ability to push one's interests and identity aside, to decenter them, thus making room for the other (a true recognition of plurality). But, most importantly, he shows us that dialogue cannot take place among citizens who do not have a healthy sense of their own worth, who lack confidence, and who failed to work on their humanity. The reason is that such a situation undermines the very possibility of dialogue and reason. The result of lacking self-respect and of feeling that one's life does not matter is frustration and violence.

I think that the most important lesson that Rawls has for us today is that to have a well-ordered and just society, where dialogue is possible as the way to create and endorse common political values and principles, requires an essential change of attitude and sensibility a move from egocentrism to what Todorov calls an "allocentric disposition." The allocentric disposition indicates the ability to show generosity and empathy for others, the ability to overcome our own interests either "in the name of an abstract cause or in order to care for individuals other than ourselves." It is true that Rawls tends to over-emphasize the role of reason to the detriment of emotions. Nevertheless, I cannot also stop from thinking that while for a long time we criticized reason and praised the role of emotions in social life, it is about time that we vindicate reason again, common sense, and reasonableness together with empathy and imagination. We need today in our divided, xenophobic, and neoliberal societies to overcome our social autism and reinvent humanism, the desire and ability to encounter the gaze of the other, to not escape it, to not remain parallel with it. I read in Rawls' thought that to lack respect and self-respect, the paramount primary goods in a just society, is disabling and disempowering. However, I also read in the subtext of his thought that to not be able to respect others, care for them and give them attention is also disabling and dehumanizing for those who fail to do so; an unsettling reminder for the powerful and the well-off in today's society.

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