

An Associational Model of Society Implicit to John Rawls's Theory of Justice

by

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A thesis submitted to the Department of Philosophy

in conformity with the requirements for

the degree of Master of Arts

Queen's University

Kingston, Ontario, Canada

September, 2007

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For my parents.

Abstract

This paper will examine John Rawls's views regarding the make up of society and, in particular, it will investigate the question of whether or not Rawls's theory of justice is dependent upon accepting and endorsing the view that society is, or, at least, resembles an association. The aim of the paper will be to defend the position that Rawls's theory of justice is in fact dependent upon an associational conception of society, and that it, therefore, relies upon the idea that the individuals in a society share a common interest or purpose. Thus, far from providing a liberal conception of society, this paper will attempt to illustrate that Rawls actually presents a more communitarian outlook of society than many might expect from a purportedly liberal thinker. In order to best prove the essential link to an associational conception of society, I discuss three principles that provided Rawls with reasons for preferring the difference principle to other modes of justice, and suggest that these founding principles provide sufficient evidence for connecting Rawls's theory of justice to an associational conception of society. By advocating such a vision of society, Rawls betrays a fundamental premise of his own political liberalism, namely, the idea that individuals do not necessarily share a common interest or purpose with one another.

Acknowledgments

First and foremost, I would like to thank my supervisor, Professor Christine Sypnowich. Her professionalism and astuteness combined with her empathetic nature and unmatched class have made her an exceptional mentor, both professionally and personally, and I feel honored to have had her supervise this project. Thank you, Christine, for your constructive criticism and continual encouragement. Next, I would like to thank my second reader, Professor Will Kymlicka. I very much appreciate your agreeing to read this project, as well as your informative and enlightening comments. Thank you, also, Will, for sharing your world-renowned expertise in the seminar that you taught this past year. I would also like to extend my thanks to Professors Deborah Knight, Alistair Macleod, Joshua Mozersky, Stephen Leighton and Jon Miller. Each one of you has created a lasting impression on me, and I will look back to my memories of being a student in your seminars with great fondness and appreciation. Finally, I would like to thank all of my professors in the philosophy department at the University of Waterloo, and I would especially like to express my gratitude to Professors Jennifer Ashworth and Jan Narveson. Thank you, Jennifer, for presenting the subject of philosophy in such a way so as to enable me to finally discover my niche within the academic world. And, most importantly, thank you, Jan, for allowing me to articulate those values that I hold most true, values that I know have always resided within me, yet, had it not been for you, they could have possibly never been realized. You are larger than life, and I hold you in the highest esteem.

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CHAPTER ONE

In a 1987 interview, former British Prime Minister Margaret Thatcher declared, ‘there is no such thing as society.’ By denying the existence of society, presumably Thatcher meant that, instead, there are only individual men and women, and so when we think of society in terms of something *in addition* to its individual members, we are assuming the existence of something that does not actually exist. When Thatcher announced this statement exactly twenty years ago, she was likely reacting to what was considered to be a dominant view of society, namely, the idea that society is or resembles a type of association. It is not unusual for social and political philosophers as well as political theorists to refer to society as though it were a type of association, and it is likely that Thatcher was aiming this statement towards these types of thinkers in particular.

In this thesis, I put forth the argument that, despite his supposed intentions, the most admired social and political philosopher of our time, John Rawls, accepts and defends the same type of society that Margaret Thatcher proclaimed does not exist; that is, I suggest that during the formation of his theory of justice, Rawls must have relied upon the idea that society is, or, at the very least, resembles an association. Thus, it will be the main purpose of this thesis to prove that an associational model of society provides the foundation for Rawls’s theory of justice. Despite the fact that in his most recent work entitled, *Justice As Fairness: A Restatement*, Rawls outright rejects the idea that society is an association, I will argue that given Rawls’s underlying philosophical commitments, and, most importantly, his endorsement of the difference principle, we would be wrong to take seriously his claim that society is not an association.

In Chapter Two, I will recall the arguments that Rawls presents in *Justice As Fairness: A Restatement* as to why society cannot be an association, and will illustrate the ways in which Rawls thinks that he is upholding a liberal theory of society. In Chapter Three, I will concentrate on highlighting a key passage where Rawls actually *does* refer to society as an association, and will go on to suggest that we should reject Rawls's argument that society is not an association not only because it contradicts with what is said elsewhere in his works, but also because the difference principle is founded upon three principles which appear to assume an associational conception of society. In this chapter, I will also consider the role of the original position in Rawls's conception of society and note its inconsistency with Rawls's assumptions about society as an association. Finally, in Chapter Four, I will discuss three principles that motivated the advancement of the difference principle, and will illustrate why each principle presupposes the idea that society is an association. I conclude the thesis by noting that, given Rawls's overall philosophical commitments, Rawls's argument concerning society as presented in *Justice As Fairness: A Restatement* is seriously weakened by its incompatibility not only with statements that he makes about the meaning of society, but also because it is at odds with those principles that provide the very foundation of the difference principle. If it can be shown that Rawls's second principle of justice is motivated by concepts that presuppose the idea that society is, or, at least resembles an association, then we have good reason for questioning or even outright rejecting his argument that claims the opposite.

As David Miller puts it, “a conception of social justice is not arrived at by an act of arbitrary choice, but is held against the ideological background of a model of society,”¹ and once we look closely at John Rawls’s conception of social justice, we should be able to recognize how his theory is implicitly held against an associational model of society. It is only natural to worry about the ramifications of such a proposal. If Rawls’s theory of justice is supported by an associational conception of society, then we have good reason to question the exact degree of his purported allegiance to liberalism. Far from being an especially liberal conception of society, it would seem that an associational model presumes, not liberal values, but, rather, communitarian ones. We are, therefore, left to ponder the idea that Rawls’s theory of society might actually be more communitarian than he acknowledged.

¹ D. Miller, ‘The Ideological Backgrounds to Conceptions of Social Justice’, *Political Studies*, 22/4 (1974), p. 397.

CHAPTER TWO

The question of what John Rawls's views are regarding the nature of society is an important one, and in the celebrated *A Theory of Justice* we are provided with a general type of response. For example, we have some idea of Rawls's understanding of society by examining his discussion of David Hume's circumstances of justice.² Essentially, Rawls follows Hume's well-known argument by maintaining that justice is necessary given human beings' material circumstances of moderate scarcity, as well as the psychological circumstances of being moderately self-interested; in other words, human beings are neither devils nor angels. Thus, given our mutual disinterest, as well as the lack of abundance, Rawls thinks that conflict is inevitable unless we devise institutions of justice. Therefore, Rawls follows in the footsteps of Hume in the sense that he regards the individuals in a society as being without attachments of affection or concern. Yet, despite this account of society offered by Rawls, the question of what society in fact *is*, for example, what kind of social organization it is, is ambiguous throughout many of Rawls's works. Part of the difficulty in trying to determine a clear answer to this question is due to the fact that in many locations of his writings Rawls refers to society as, more complexly, the "basic structure of society" wherein the basic structure of society is meant to imply the "main political and social institutions and the way they hang together as one system of cooperation."³ What is Rawls referring to by the 'main political and social institutions'? Specifically, Rawls has in mind the following: the political constitution with an independent judiciary, the legally recognized forms of property, and the structure

² J. Rawls, *A Theory of Justice* (1971), p. 126.

³ J. Rawls, *Justice As Fairness: A Restatement* (2001), p. 8.

of the economy, and he also includes the family within the basic structure in “some form.”⁴ Therefore, by ‘society’, Rawls is referring to all of these particular institutions. But with regard to what kind of social group society is, the answer is not obvious, and, at times, it appears as though we are given contradictory accounts. In the words of Vernon Van Dyke, Rawls offers a “scant” answer to the question of what constitutes a society for he does little to actually characterize a society or to describe its composition.⁵

In Rawls’s most recent book entitled, *Justice As Fairness: A Restatement*, however, we do discover what Rawls thinks society is *not*, and that is an *association*. In this important work, Rawls goes to great lengths to insist that he does not regard society as an association, and, at numerous points throughout the book, he rejects the analogy. As he states in the book’s very first few pages, “political society is not, and cannot be, an association.”⁶ Later on the book, he declares, “no association can comprise all of society.”⁷ Therefore, one point that Rawls wants to make very clear in the *Restatement* is the idea that his theory of justice in no way depends upon such a conception of society for its success. Justice as fairness can get on, as it were, without relying upon the idea that political society models an association. In the *Restatement*, then, Rawls rejects, what we might call for our purposes, an *associational model of society*. To deny the idea that society is an association is a substantive claim, and carries with it great implications for social and political philosophy. It is important, therefore, that we examine exactly what

⁴ J. Rawls, *Justice As Fairness: A Restatement* (2001), p. 10.

⁵ V. Van Dyke, ‘Justice as Fairness: For Groups?’, *The American Political Science Review*, 69 (1975), p. 613.

⁶ J. Rawls, *Justice As Fairness: A Restatement* (2001), p. 4.

⁷ *Ibid.*, p. 144.

such a denunciation must entail. By rejecting the idea that society is an association, exactly what sort of group structure is Rawls ruling out?

According to Webster's New World Dictionary, the word association is defined as the following: 1. the act of associating 2. the state of being associated; companionship; fellowship; partnership 3. an organization of persons having common interests, purposes, etc. Simply put, then, an association is defined as a group of people who *associate*, or, more specifically, as a group of people who associate with a *common interest or purpose* in mind. This definition of the term should in no way seem objectionable for this is how we most commonly refer to the term. When we associate, after all, we do so with *intention*,⁸ and, so, in order to associate with one another, we have to be motivated in order to cooperate and act in concert. So, when a person associates with a group of people, it is assumed that there is some reason behind that person's actions, and this reason is because there exists a common interest or purpose among the individuals. Regardless of the nature of that particular interest, what matters is that it is an interest that is commonly shared among the participating individuals. Thus, it seems incontrovertible that when people intentionally associate with one another in an association it presupposes the existence of at least some common element among the members. Indeed, this is the way in which we most often regard associations, be they a church, a political party, or a sports club; this is what we envision in our minds when we contemplate the term. Associations are almost always thought of to presume a certain togetherness amongst its members that is created by an overall sense of commonality.

⁸ J. Narveson, *You and The State: A Fairly Short Introduction to Political Philosophy* (Draft Copy), p. 4.

Thus, when Rawls asserts in the *Restatement* that he rejects the idea that society is an association, we can assume that it is the above sense of the word that he wants to deny, and, in fact, it is this definition of the word that many contemporary liberals want to deny as providing an effective model of society. To assume that society is an association, and to affirm the idea that all individuals in a society share a common interest or purpose, is to assume, first, that all individuals support a similar set of values and belief system, and, second, that the state can legitimately enforce these common values. However, this is precisely what liberalism refutes. Liberalism, as defined by the *Oxford Dictionary of Philosophy*, is the political ideology centered upon the individual who is thought of as possessing rights against the government, including rights of equality of respect, freedom of expression and action, and freedom from religious and ideological constraint;⁹ because one of liberalism's foremost concerns is to promote freedom of ideological beliefs, the idea that society is an association wherein members share a common interest, would be outright rejected. The desire to promote this freedom of thought is evident in the works of some of the most classical liberal thinkers. In his famous piece, *The Second Treatise of Civil Government*, for example, John Locke illustrates the traditional liberal doctrine in the following proclamation: "The liberty of man in society is to be under no other legislative power but that established by consent in the commonwealth, nor under the dominion of any will, or restraint of any law, but what that legislative shall enact according to the trust put in it."¹⁰ And in the classic work, *On Liberty*, John Stuart Mill states the following:

⁹ S. Blackburn, *Oxford Dictionary of Philosophy* (1996), p. 218.

¹⁰ J. Locke, *The Second Treatise of Government* (2004), p. 14.

In the conduct of human beings towards one another, it is necessary that general rules should for the most be observed, in order that people may know what they have to expect; but in each person's own concerns, his individual spontaneity is entitled to free exercise... All errors which he is likely to commit against advice and warning, are far outweighed by the evil of allowing others to constrain him to what they deem good.¹¹

Thus, the idea that individuals ought to be able to live their lives in accordance to their own 'will' and 'spontaneity', and hence their own conception of the good, is one of the founding ideas of the liberal tradition. Because individuals in a society will inevitably have different interests and values, they ought to be given the freedom to possess and pursue their own individual belief systems. Therefore, by rejecting the idea that the individuals in a society share common interests and purposes and to, consequently, reject the idea that society is or resembles an association, Rawls is upholding the classical liberal position. As Rawls says, the view that society is not an association is necessarily a fundamental idea within his conception of political liberalism.¹² Moreover, it is by rejecting the idea that society is an association that Rawls can adequately recognize what he calls the fact of 'reasonable pluralism', namely, "the fact of profound and irreconcilable differences in citizens' reasonable comprehensive religious and philosophical conceptions of the world, and in their views of the moral and aesthetic values to be sought in human life."¹³ Thus, by recognizing the fact of reasonable pluralism, Rawls acknowledges that a liberal society must prescind on the kinds of issues that would bind people together in an association; a society cannot be built upon the assumption that people will hold similar values as they would in an association. By ruling

¹¹ J. S. Mill, *On Liberty* (2002), p. 64.

¹² J. Rawls, *Justice As Fairness: A Restatement* (2001), p. 40.

¹³ *Ibid.*, p. 3.

out the idea that society is an association, therefore, Rawls is affirming the idea that reasonable pluralism is a fact that must be upheld and respected.

However, not *all* social and political philosophies are hostile towards accepting an associational model of society, and some theories, such as communitarianism, would agreeably embrace the idea. In the *Oxford Dictionary of Philosophy*, communitarianism is defined as a model of political organization that stresses ties of affection, kinship, and a sense of common purpose and tradition, as opposed to the meager morality of contractual ties entered into between a loose conglomeration of individuals.¹⁴ Therefore, thinkers within the communitarian tradition would willingly support the idea that society is one large association because their political theory is built upon the recognition that there *does* exist a common interest or purpose between individuals in a society. Quite a part from promoting individuality and a diversity of interests, beliefs and values, communitarianism takes the good of the community to be pre-eminent,¹⁵ and so, naturally, communitarians believe that society ought to be governed by a concern for the common good. As Chandran Kukathas and Philip Pettit put it in their book, *Rawls: A Theory of Justice and its Critics*, in communitarianism we find “a rejection of liberalism’s ‘modernist premises’, and an attempt to replace the liberal idea of a pluralistic, secular society with a more communitarian ideal of an organic, and spiritually unified social order.”¹⁶ But because Rawls claims to be, above all else, a proponent of political liberalism, he would deny the claim that this communitarian-based objective has any direct relevance to his theory of justice. Instead, justice as fairness is intended by

¹⁴ S. Blackburn, *Oxford Dictionary of Philosophy* (1996), p. 70.

¹⁵ C. Kukathas & P. Pettit, *Rawls: A Theory of Justice and its Critics* (1990), p. 95.

¹⁶ *Ibid.*, p. 94.

Rawls to be a theory that supports individual freedom, and in the *Restatement* he aims to make it clear that he rejects conceptions of society that are at variance with this liberal aim. According to Rawls, this entails rejecting an associational model of society.

In the *Restatement* Rawls presents various reasons for why we should not regard political society as an association, whereby each reason is intended to demonstrate a commitment to the liberal position that individuals in a society do *not* necessarily share common interests or purposes with one another. The first reason for thinking that society is not an association, and that members do not share a common interest, is that the *aims* of society are different in kind from the aims belonging to associations and individuals.¹⁷ Unlike the ends belonging to associations, or to a relationship between two individuals, Rawls points out that the ends of society take up a completely different nature. A second reason for thinking that society is distinct from associations, and one that is related to the first is because there exists a difference between the *point of view* of those living in a society and the point of view of members of an association.¹⁸ Simply by looking at peoples' aims and peoples' points of views, then, we can come to realize that societies very much differ from associations; people's aims and people's points of view are completely different depending on whether they are members of society or whether they are members of an association. A society, therefore, is a group of individuals who have no necessary connection or commonality; indeed, most people in society relate to each other as strangers. An association, in contrast, refers to a body of people who have expressly united to share an activity or practice.

¹⁷ J. Rawls, *Justice As Fairness: A Restatement* (2001), p. 3.

¹⁸ *Ibid.*, p. 165.

A third and perhaps more thoughtful reason for rejecting the idea that society is an association concerns the key distinction between *public* and *nonpublic* reason. As Rawls says, public reason “is the form of reasoning appropriate to equal citizens who as a corporate body impose rules on one another backed by sanctions of state power... shared guidelines for inquiry and methods of reasoning make that reason public...”¹⁹ Thus, public reason is located in society at large, and is used to convince others of our political judgments, namely, by using “ways of reasoning and inference appropriate to fundamental political questions, and by appealing to beliefs, grounds, and political values it is reasonable for *others* also to acknowledge.”²⁰ Nonpublic reason, on the other hand, is “the reason appropriate to individuals and associations within society: it guides how they quite properly deliberate in making their personal and associational decisions. The nonpublic reasons of churches and universities, of scientific associations and private clubs *differ*.”²¹ The key difference between public and nonpublic reason, therefore, is that while nonpublic reason has the quality of always being something different depending on the type of group, the public reason found within society will be restricted to that reason which others can accept, where ‘others’ is intended to mean *everyone*. Most importantly, though, it is because public reason is located in political society that it is *not* united by a common conception of the good; the nonpublic reason found in associations, conversely, *does* involve conceptions of the good. It is precisely because of the diversity of associations, and their respective values and commitments, that a common conception is unavailable in the political domain. The distinction between public and nonpublic reason

¹⁹ J. Rawls, *Justice As Fairness: A Restatement* (2001), p. 92.

²⁰ *Ibid.*, p. 27, my italics.

²¹ *Ibid.*, p. 92, my italics.

is vital to political liberalism, and by stressing the distinction throughout the *Restatement*, Rawls appears to remain committed to defending this liberal position. As Rawls puts it, in providing a public basis of justification, as opposed to a nonpublic one, “a political conception of justice provides the framework for the liberal idea of political legitimacy.”²² The contrasts between public and nonpublic reason are, therefore, crucial for Rawls, for, as he says, “they show that political liberalism does not view political society as an association.”²³

A fourth reason for thinking that society is not an association is illustrated by the way people *enter* and *exit* society and associations. For example, in an association people can be said to enter at their own will and discretion; that is, people enter associations *voluntarily*. The decision to join a particular association is oftentimes made later in life, and is usually made with thought and care by mature adults. On the other hand, however, people do *not* voluntarily chose to enter society, and, instead, they have no choice in the matter. Rawls acknowledges this vital distinction at numerous points throughout the *Restatement*. As he says, political society cannot be an association because “we do not enter it voluntarily. Rather we simply find ourselves in a particular political society at a certain moment of historical time.”²⁴ Elsewhere Rawls says that “While we can leave communities voluntarily (the constitutional liberties guarantee this: apostasy is not a crime), there is a sense in which we cannot leave our political society voluntarily.”²⁵ Moreover, in addition to the fact that people enter societies and associations differently, there is the further fact that people *exit* societies and associations differently. In an

²² *Ibid.*, p. 41.

²³ *Ibid.*, p. 94.

²⁴ *Ibid.*, p. 4.

²⁵ *Ibid.*, p. 20.

association, for example, members are always free to leave, or to change membership and join another particular association. However, in a society, although people are usually technically free to leave their society and move to another, practicably speaking, such freedom is far from being easily achieved: unlike being a member of an association, one cannot just get up and leave society if he does not want to be there.²⁶ As Rawls states, the basic structure of society is unique in the sense that it is a structure that we can “enter only by birth and exit only by death... Political society is closed, as it were; and we do not, and indeed cannot, enter or leave it voluntarily.”²⁷ Therefore, due to the different ways in which people enter and exit societies and associations, Rawls thinks that this provides a good reason for regarding the two social structures as distinct.

Does Rawls think that the aforementioned arguments provide sufficient reason for concluding that societies ought to be viewed as fundamentally distinct from associations? Do the above reasons provide proof that society is, in fact, not an association? Rawls spends a good deal of time in the *Restatement* stressing these typically put forth liberal arguments concerning the fundamental distinction between society and associations, however, Rawls does provide another argument about why society is distinct from associations, and it is an argument that is unique to his philosophy. The final reason for thinking that society is distinct from an association, according to Rawls, has to do with what he thinks the *subject* of political and social justice applies to, and, more importantly, what it does not apply to. According to Rawls, for instance, the subject of political and social justice ought to primarily concern society; that is, the subject of justice ought to concern the ‘basic structure of society’, which,

²⁶ Ibid., p. 94

²⁷ Ibid., p. 40.

again, means the political constitution with an independent judiciary, the legally recognized forms of property, the structure of the economy, and the family in some form. What does it mean to describe society as the *primary* subject of social and political justice? What this means, according to Rawls, is that the principles of political and social justice ought to apply *directly* to the basic structure of society, whereas, in the case of associations, the principles of political and social justice will only apply *indirectly*. Therefore, here we notice that Rawls is respecting the liberal notion that associations ought to be given a certain amount of autonomy in matters of justice. The liberal ideal of individual freedom carries with it the idea of respect for privacy, which means that the state does not interfere in the activities and pursuits of associations and the individuals who participate in them. This is not to say, of course, that associations have free reign in questions of justice. Obviously, an association that was not bound by principles of justice in some way or another would have the potential to become chaotic and perhaps dangerous. Murder among members of a sports club, for example, is no less murder than murder among ordinary citizens! It is just that associations are protected in a different fashion from the way that society is protected; while principles of justice apply directly to society they will apply only indirectly to associations. Thus, while Rawls certainly does not deny that associations contribute to the political and social landscape of a given social world, he does think that matters of justice pertaining to them should be considered in their own light, after we have focused our attention on the basic structure of society. What is an appropriate conception of justice with regard to associations will be, as he says, “ a separate and additional question, to be considered anew in any particular

instance, given the nature and the role of the association, group, or relation at hand.”²⁸

And, again, this is keeping with the liberal doctrine. As Rawls puts it, we “wouldn’t want” political principles of justice to apply directly to the internal life of associations, just like we would not want them applying, for example, directly to the internal life of the family since, in these cases, these principles are “out of place”.²⁹

It should also be mentioned that due to the fact that Rawls believes that questions of justice ought to apply differently to society and associations, Rawls thinks that there are three distinct, yet related levels of justice. First, there is what he terms *local justice*, and this is the kind of justice that is meant to apply to associations and institutions. Because society is something distinct from an association, Rawls rejects local justice as having any substantial significance to his overall project. As Rawls says, he will *not* attempt to deal in any systematic way with local justice.³⁰ The second level of justice is what Rawls calls *domestic justice*, and this is the sense of justice that Rawls is most concerned with, and the sense which he feels is most relevant with respect to his theory of justice. *This* is the type of justice that is meant to apply to the primary subject of justice, namely, the basic structure of society, and hence what will remain Rawls’s most serious concern. As Rawls states, “justice as fairness starts with domestic justice.”³¹ The third level of justice is referred to by Rawls by what he calls *global justice*. This is the sense of justice that becomes useful when discussing international law or, as Rawls also puts it, the ‘law of the peoples’. Since discerning international law consists of more than just examining the basic structure of a society (since this type of justice is thought to

²⁸ Ibid., p. 164.

²⁹ Ibid., p. 165.

³⁰ Ibid., p. 11.

³¹ Ibid., p. 11.

apply across different societies), Rawls chooses to put it to one side. As he says, “In justice as fairness the question of justice between peoples is postponed until we have an account of political justice for a well-ordered democratic society.”³² Therefore, unlike local justice that applies to associations and individuals, and global justice that applies to international law, domestic justice applies where questions of justice ought to matter most, namely, the basic structure of society. As an instance of domestic justice, then, it becomes an important task of Rawls’s theory of justice to stress that society is not an association, and to, therefore, articulate principles of justice in accordance with what society *is*, namely, disinterested persons guided by social and political institutions that make up the basic structure. Once we understand the emphasis that Rawls places on the basic structure of society, we can understand why he put questions of local justice to one side. As Rawls asserts, “we must fix on the basic structure as the primary subject of political justice and leave aside questions of local justice,”³³ and this is because the primary subject of social and political justice only ought to concern society, not associations.

Thus, while Rawls’s final reason for why society cannot be an association is an argument that is unique to Rawls’s theory, it appears, nevertheless, to be consistent with the overall liberal agenda. Justice cannot be said to apply directly to associations for then it would not apply to society. Yet, for what liberals regard as obvious reasons, justice cannot be entirely exempt from associations either; so, to ensure that issues of justice are still applicable to associations, liberals would agree with Rawls, and conclude that justice ought to play an indirect role with regard to associations. Many liberals would likely

³² Ibid., p. 13.

³³ Ibid., p. 12.

accept this final argument offered by Rawls as yet another reason why society cannot be said to be an association.

In *Justice as Fairness: A Restatement*, then, Rawls provides five reasons for rejecting the idea that society is an association: (1) the *aims* of societies and associations differ; (2) the *point of views* of societies and associations differ; (3) the type of *reason* found in societies and associations differ; (4) the way in which individuals *enter* and *exit* societies and associations differ; and, finally, (5) the primary subject of political and social justice applies to societies and associations differently. While the first four arguments are commonly supported by those within the liberal tradition, Rawls's final reason for thinking that society is distinct from an association is an argument more unique to Rawls's theory, although it still appears to be compatible with liberalism in general. Society is, markedly, not a group wherein members associate and share common interests and purposes, and Rawls presents the aforesaid reasons as a means to prove the ways in which it is not, and why, in order for a theory of justice to be an effective one, it cannot depend upon such an assumption. The crucial question, however, and one that all Rawlsians should take time to carefully consider, is whether or not Rawls's deepest philosophical commitments allow him to endorse such a classically liberal conception of society. Given Rawls's founding philosophical principles, does his social and political theory allow him to reject the idea that society is an association? In other words, do Rawls's most fundamental principles permit him to uphold the view that states that the individuals in a society do not share common interests and purposes? In the beginning of the thesis I suggested that Rawls is in fact committed to the idea of society as an

association, and, in the next chapter, I will consider how the substance of Rawls's political views necessitates the idea of society as an association.

CHAPTER THREE

In the previous chapter I considered how Rawls disavows the idea of society as an association. In this chapter, I will be concerned with drawing the reader's attention to what I take to be an important passage in the opening lines of *A Theory of Justice*, and I suggest that the passage could help lend support to the idea that Rawls *does* assume an associational conception of society. At the very least, the passage could be said to provide evidence to at least question the degree of Rawls's overall commitment to the liberal idea that society is not an association.

Far from explicitly rejecting the idea that society is an association, in certain works written prior to the *Restatement*, Rawls actually presents what could be regarded as a defense of the idea that society is in fact an association. In Rawls's more early works, for instance, there exist various locations where he explicitly refers to society as an association. Take, for example, when, in the very first line of his article, "Distributive Justice," Rawls states that "We may think of a human society as a more or less self-sufficient association regulated by a common conception of justice and aimed at advancing the good of its members."³⁴ Also, in his article, "Justice as Reciprocity," Rawls states that "one can form a more realistic conception of this society if one thinks of it as consisting of mutually self-interested families, or some other association."³⁵ At least at the surface, both of these statements appear to contradict Rawls's ideas in the *Restatement*. However, one passage that I think we ought to be particularly interested in

³⁴ J. Rawls, 'Distributive Justice', in S. Freeman (ed.), *John Rawls: Collected Papers* (1967), p. 130.

³⁵ J. Rawls, 'Justice as Reciprocity', in S. Freeman (ed.), *John Rawls: Collected Papers* (1971), p. 198.

is located in the very first few pages of *A Theory of Justice*, for there Rawls states the following: “Let us assume, to fix ideas, that a society is a more or less sufficient association of persons who in their relations to one another recognize certain rules of conduct as binding and who for the most part act in accordance with them.”³⁶ In this important passage, Rawls not only describes society as an association but he states that he wants to use such a description in such a way as to “fix” his ideas. And yet to suggest that one should fix his ideas upon this particular conception of society seems to be a way of ensuring that such a conception *remains* the relevant one throughout the process of developing a theory of justice. Thus, it seems as though Rawls offers this description of society as an association with the intention that it will provide the foundation for his overall argument; that is to say that the description seems to be acting as a sort of starting point from which to begin Rawls’s inquiry into justice. To claim that one’s very starting point is the idea that society is an association is a substantive claim, and we should automatically question what such an assertion entails for a liberal political theory. How can a liberal theory that is built upon the vital recognition that individuals in a society do *not* share a common interest or purpose be *fixed* upon the idea that they *do* share such a commonality? Such a conception of society should be regarded as manifestly distinct from Rawls’s ideas regarding society as presented in the *Restatement*. Rather than reflecting a concern for remaining consistent with the liberal notion that society is not an association whereby members are united by similar interests and shared purposes, this particular passage seems to depict a portrayal of society that is more reflective of a communitarian theory of society. If Rawls does consider society to be an association so

³⁶ J. Rawls, *A Theory of Justice* (1972), p. 4.

as to structure his overall theory, then, from a classical liberal perspective, we should be very much concerned, especially given the fact that, according to thinkers such as Joseph Sneed, this passage is the *only* type of society that Rawls seriously considers.³⁷

A defender of Rawls would likely explain this passage by emphasizing that given the fact that in the *Restatement* Rawls devotes a great deal of time to explicitly defending the liberal position that society is not an association, it is only fair that Rawls's views prior to this work be put into context. Others might point out that even though Rawls might happen to use the term association to refer to a society, he is not actually using the idea of an association in the senses of a church, political party or sports club; instead, Rawls sought simply to offer a shorthand way of referring to society as a collection of disinterested persons united by a common interest in justice *generally*, and thus we should pay little attention to the fact that Rawls might occasionally use the term association to refer to society. Such a rejoinder might be tempting to accept, and if the above passage provided the only evidence to link Rawls to an associational model of society, then perhaps we could shrug it off as many of Rawls's defenders would recommend. However, there is another important reason to suppose that Rawls supported an associational view of society, and it is directly related to Rawls's professed reasons for advocating Rawls's second principle of justice, namely, the difference principle. It would, of course, be significant if it can be shown that what motivated the difference principle were concepts that presuppose an associational model because the difference principle is easily said to provide the focal point of Rawls's overall theory; that is, in addition to Rawls' liberty principle, it is the difference principle that provides the *content*

³⁷ J. Sneed, 'John Rawls and the Liberal Theory of Society', *Erkenntnis*, 10 (1976), p. 3.

of Rawls's conception of justice.³⁸ Thus, by looking at Rawls's reasons for preferring the difference principle, which is the task of the final chapter of the thesis, I hope to be able to show how his use of the term association indicates an ambivalence about the extent to which society understood in the classical liberal sense has enough of what might be called 'social cement,' as well as relations of connection and care, to enable the redistribution of wealth. In other words, I hope to be able to illustrate that the difference principle's founding principles force Rawls to accept the existence of far more than just a general, common interest in justice, or, an interest in acting justly, and, instead, the principles commit Rawls to the existence of more concrete and specific shared interests among individuals in society.

According to many theorists, the above task may seem misguided for they would regard the difference principle as being unobjectionable on any ground due to the fact that it would be chosen in the original position; that is, the difference principle would be acceptable to *all* individuals, and so any attempt to criticize it would be a rather fruitless venture. Under Rawls's original position, after all, no one would know his place in society, his class position or social status, his fortune in the distribution of natural assets and abilities, his intelligence, or his strength.³⁹ Instead, each individual would consider the possibility that *they themselves* could turn out to be the worst off in society. Since everyone in the original position is exposed to this same kind of vulnerability, the acceptance of the difference principle would, as a result, be agreeable to all. As Rawls says in *A Theory of Justice*, "Since all are similarly situated and no one is able to design

³⁸ R. Wolff, 'A Refutation of Rawls' Theorem', *The Journal of Philosophy*, 63 (1966), p. 189.

³⁹ J. Rawls, *A Theory of Justice* (1972), p. 12.

principles to favor his particular condition, the principles of justice are the result of a fair agreement or bargain... The original position is, one might say, the appropriate initial status quo, and thus the fundamental agreements reached in it are fair,⁴⁰ and, it is because it is intended to act as a status quo that gives the original position its reputation of being a set up that is both impartial and neutral. Having said this, therefore, theorists who regard the original position as a valid thought experiment could very well question the relevance of my argument since they might regard Rawls's difference principle as being agreeable to self-interested individuals who are not necessarily members of an association. In other words, for theorists who support the validity of the original position, the associational model would, ultimately, be viewed as inessential to Rawls's view.

However, even if we grant this idea, namely, that Rawls's original position is indeed a valid argumentative device, this should in no way affect my argument; that is, the validity of the original position should in no way ease our worries about the difference principle's essential ties to an associational conception of society. Why should pointing out the validity of the original position be regarded as essentially irrelevant to my argument? Because it is the overall aim of the original position to deduce the difference principle by deliberately eschewing any reference to common values or ideals, solidarity or relations of affection; under the original position, individuals are asked to reason about justice behind a veil of ignorance, in which they do *not* know their characteristics, for example, their talents, values, race, or class, and in which they are asked to reason self-interestedly about justice. And yet if the difference principle is *founded* upon these very things, namely, common values, ideals, etc., then the very

⁴⁰ Ibid., p. 12.

purpose of the original position device becomes self-defeating. In other words, the idea that the difference principle presupposes an associational model *must* be fundamentally at odds with the very intent behind the original position. We are, therefore, right, I think, to at the very least call into question the consistency of the liberal values implied by the original position and the associational model presupposed by the difference principle.

What is perhaps most important to recognize is that unlike the influence of the original position, which is essentially only useful as a means of providing a thought experiment, the affect of the difference principle is *enduring*; that is, it is the difference principle that inevitably bears the ultimate authority on matters of justice, and it bears this authority long after the initial bargaining takes place within the original position; in other words, the difference principle requires a burden of commitment long after the original agreement behind the veil of ignorance. For this reason, the suggestion that the difference principle would be accepted by all under an imaginary original position is a rather moot point and, when it comes right down to it, a marginal detail; far from providing the actual content of justice, the original position, must, at best, be said to act as a handy tool to get us thinking about the idea of justice in the first place. Will Kymlicka puts the point pertinently when he states that the contract device, as depicted by the original position, “adds little to Rawls’s theory. The intuitive argument is the primary argument, whatever Rawls says to the contrary, and the contract argument (at best) just helps express it.”⁴¹ If it is Rawls’s intuitive argument that is most relevant to his theory of justice, as Kymlicka is, I think, correct to suggest, then it is only fitting that in order to discover one’s intuitions we look to the content of one’s theory. And because, in the case of Rawls’s

⁴¹ W. Kymlicka, *Contemporary Political Philosophy: An Introduction* (2002), p. 69.

theory, the content of the theory is found nowhere else but in the difference principle, it is, therefore, the difference principle where we ought to look in order to discover those intuitions. Besides looking at the difference principle itself, though, it is also significant that we look to those concepts that provided the motivation for advancing the difference principle in the first place. After all, the reasons behind endorsing a particular theory are oftentimes just as illuminating, and perhaps even more so, than the actual outcome of the theory itself. It is the aim of the next chapter to do exactly this, namely, to examine those principles that motivated the creation of the Rawls's controversial difference principle, and to illustrate the ways in which they presuppose the idea that society is or resembles an association.

CHAPTER FOUR

In the previous chapter, I pointed out that it is Rawls's difference principle, and not the original position, that provides the content of Rawls's conception of justice, and so surely we ought to be interested in the ideas that motivated the principle. In this chapter, my main focus will be to illustrate those very principles that motivated Rawls's legendary difference principle, namely, the principle of justice that requires that social benefits and burdens are allocated in such a way as to make the position of the least well-off as good as it can be.⁴²

In his article, "Distributive Justice: Some Addenda," Rawls discusses three principles which he regards as reasons for preferring the difference principle to other modes of justice, and they can be said to be the following: (1) the principle of *redress*; (2) the principle of *fraternity*; and (3) the principle of *reciprocity*,⁴³ and, as I will argue, each of these three principles presuppose an associational conception of society, that is, they presuppose that the individuals in a society *do* in fact share a common interest or purpose with one another. Thus, these three principles should not only inform us about what provided the motivation behind endorsing the difference principle, but also, more importantly, they provide evidence to suggest that, during the formation of his theory of justice, Rawls was really relying upon an associational conception of society; by supporting the need for principles of redress, feelings of fraternity and standards of

⁴² S. Blackburn, *Oxford Dictionary of Philosophy* (1996), p. 105.

⁴³ J. Rawls, 'Distributive Justice: Some Addenda', in S. Freeman (ed.), *John Rawls: Collected Papers* (1968), p. 155.

reciprocity one, at the same time, must assume that society is, or at least resembles, a type of association.

The first reason why Rawls says that he prefers the difference principle to other modes of justice is because the difference principle adequately recognizes the principle of redress. As Rawls states, the difference principle “takes account of the principle of redress and appropriately regulates the influence of the distribution of natural assets and social contingencies on distributive shares.”⁴⁴ It is a result of the fact that the difference principle acknowledges the principle of redress, therefore, that gives Rawls one good reason for supporting the difference principle.

Put simply, the principle of redress states that undeserved inequalities ought to call for redress.⁴⁵ The principle of redress, then, is really concerned with a two-fold objective: not only is its purpose to locate inequalities within the social order but it is to locate and give special attention to those inequalities that are considered to be *undeserved*. What are underserved inequalities, according to Rawls? Specifically, he has in mind two kinds, namely, inequalities of birth, and inequalities of natural endowment; because these inequalities are underserved they, as a result, must be compensated for.⁴⁶ Rawls summarizes the role of the principle of redress as the following: “the principle of redress holds that in order to treat all persons equally, to provide genuine equality of opportunity, society must give more attention to those with fewer native assets and to those born into the less favorable social positions. The idea is to redress the bias of

⁴⁴ Ibid., p. 155.

⁴⁵ Ibid., p. 165.

⁴⁶ Ibid., p. 165.

contingencies in the direction of equality.”⁴⁷ To endorse the principle of redress, in other words, is a direct result of Rawls’s beliefs concerning desert. As Rawls states throughout *A Theory of Justice*, no one deserves his place in the distribution of native endowments, or natural assets,⁴⁸ and by invoking the principle of redress we see that “the difference principle represents, in effect, an agreement to regard the distribution of natural talents as a *common asset* and to share in the benefits of this distribution whatever it turns out to be.”⁴⁹

In his book, *Justice or Tyranny? A Critique of John Rawls’s “Theory Of Justice”*, David Lewis Schaefer describes Rawls’s interest in the principle of redress as one which, essentially, stems from Kant’s interest in recognizing men’s equality as rational, moral beings by treating them impartially.⁵⁰ As Schaefer says, Rawls’s aim is to treat men in accordance with his view of them as equal moral beings.⁵¹ However, as Schaefer points out, “in treating men *unequally* so as to *make* them equal, on the assumption that each man’s individual qualities are a “collective asset to which he has no moral claim,” Rawls fails to take seriously the distinction between persons,⁵² and here Schaefer draws our attention to a relevant point. By reducing man’s individual qualities or natural assets so that they become no more than a collective asset, it would seem as though Rawls is willing to treat the better off and worse off differently: while the worse off in society will likely benefit from the collectivization of natural assets, those who are better off will not

⁴⁷ Ibid., p. 165.

⁴⁸ J. Rawls, *A Theory of Justice* (1972), p. 104 / p. 311.

⁴⁹ Ibid., p. 101, my italics.

⁵⁰ D. Schaefer, *Justice or Tyranny? A Critique of John Rawls’s A Theory of Justice* (1979), p. 53.

⁵¹ Ibid., p. 54.

⁵² Ibid., p. 54.

in a similar fashion benefit. Thus, even though Rawls thinks that, by regarding man's natural talents as a collective asset, he is ensuring a certain degree of equality, he actually runs afoul of another liberal ideal of equality, that is, the ideal of equal entitlement to private property. One's natural assets and talents define people as individuals, and they are what characterize individuals as being distinctly unique from one another. When one attempts to equalize such natural talents by viewing them as collective assets, he fails to realize and respect every person's equal right to his personhood and body; that is, he fails to respect that person's property. And as Robert Nozick cleverly points out, whether any coherent conception of a person even remains once the distinction between men and their talents, assets, abilities, and special traits is so pressed is an open question.⁵³ Thus, I think that we are right to agree with Schaefer and conclude that Rawls's principle of redress, which can be said to be the basis for the difference principle, rests upon a "bizarre assumption,"⁵⁴ and the reason why it seems so bizarre is because the principle rests upon the no less bizarre assumption that society is or resembles an association. By reducing natural talents so that, eventually, they amount to nothing more than a common asset, Rawls is committed to supporting an associational view of society because he is assuming that individuals in a society must share a common interest, namely, an interest in protecting the worse off members of society. In other words, to regard natural talents as though they were a collective asset, and to, as a result, endorse a principle of redress, one must, at the same time, be assuming that there exists some kind of common purpose or interest amongst those individuals. By propounding a principle of redress, therefore,

⁵³ R. Nozick, *Anarchy, State and Utopia* (1974), p. 228.

⁵⁴ D. Schaefer, *Justice or Tyranny? A Critique of John Rawls's A Theory of Justice* (1979), p. 53.

Rawls significantly revises one of the founding egalitarian premises of classical liberalism.

In his notable book, *Liberalism and the Limits of Justice*, Michael Sandel is led to a similar conclusion when he argues that Rawls's notion of collective assets must assume a certain sense of community belonging to individual agents. As Sandel says, within Rawls's theory there exists a necessary connection between the notion of common assets and the possibility of a common subject of possession, and, hence, to an 'intersubjective conception of the self.'⁵⁵ Ultimately, Sandel thinks that Rawls must admit that his argument *does* presuppose the existence of some community of persons, and he concludes from this that Rawls is forced to rely upon a wider subject of possession than simply the individual.⁵⁶ That Rawls must admit this seems entirely correct, and here Sandel hits upon a crucial point. Unless Rawls admits that his theory of justice presupposes the existence of community, his notion of collective assets, and hence his principle of redress, seems unintelligible, and particularly so from a liberal perspective. The most that Rawls could possibly demonstrate by endorsing the principle of redress is that it is a principle derivable from the dictates of some kind of *associational* reason, and this would merely be an example of the reason found in private associations, a reason that, in the *Restatement*, Rawls rejects as inappropriate for the relations and institutions of society. Of course, this is very far from being able to demonstrate what Rawls

⁵⁵ M. Sandel, *Liberalism and the Limits of Justice* (1982), p. 80.

⁵⁶ C. Kukathas & P. Pettit, *Rawls: A Theory of Justice and its Critics* (1990), p. 103.

presumably had in mind, namely, that the principle is in some way derivable from the dictates of a universal reason.⁵⁷

In her article, “Rawlsian Contractarianism: Liberal Equality or Inequality?”, Virginia McDonald states that the idea of society whereby the talents and skills of the better off are to be seen as collective assets in which all can share presents an *organic* view of society, which is, in other words, a society where “no one – even the better off – can realize the totality of human potentiality on his own.”⁵⁸ McDonald, then, goes on to say that, under Rawls’s society, individuals can only actually realize their potentiality “in participation with each other,” hence making Rawls’s idea of society comparable to a game, in which all are “more or less evenly matched.”⁵⁹ However, as Kukathas and Pettit point out, an organic view of society in a theory of justice depicts a communitarian ideal of society, *not* a liberal one,⁶⁰ and, so, if the principle of redress does lead to an organic conception of society, as McDonald suggests it does, then it would appear as though such a principle is at odds with the theory of society as defended by political liberalism, namely, a pluralistic and secular society. In other words, if the principle of redress in fact does rely upon the notion that we are more or less evenly matched, then this necessitates a view of society that is in direct contrast to Rawls’s intended liberal aims. Regardless of whether or not one shares this organic ideal, it is plain that Rawls’s idea of political liberalism and the device of the original position where society consists of mutually

⁵⁷ D. Schaefer, *Justice or Tyranny? A Critique of John Rawls’s A Theory of Justice* (1979), p. 55.

⁵⁸ V. McDonald, ‘Rawlsian Contractarianism: Liberal Equality or Inequality?’, in, K. Nielsen and R. Shiner (eds.), *New Essays on Contract Theory* (1977), p. 81.

⁵⁹ *Ibid.*, p. 81.

⁶⁰ C. Kukathas & P. Pettit, *Rawls: A Theory of Justice and its Critics* (1990), p. 94.

disinterested persons are at odds with it. There is thus a fundamental tension between the difference principle and the liberal framework of Rawls's theory of justice.

The second reason that Rawls discusses why he prefers the difference principle to other modes of justice is because Rawls states that the difference principle "enables one to give a reasonable interpretation of the concept of fraternity."⁶¹ Thus, according to Rawls, a theory of justice ought to take into account the concept of fraternity, as well as show us how it is in some way relevant with respect to matters of justice. According to Rawls, after all, man has 'natural sentiments of unity' as well as 'fellow feeling';⁶² because the difference principle acknowledges such sentiments, this is ought to be seen as an "advantage" of the difference principle.⁶³ In the following important passage, Rawls offers a description of the term fraternity, as well as its relationship to his theory of justice, or more specifically, to the difference principle. As Rawls says,

fraternity "is thought to be less specifically a political concept, not in itself defining any of the democratic rights but conveying instead certain attitudes of mind and forms of conduct without which we would lose sight of the values expressed by these rights... No doubt fraternity does imply these things, as well as a sense of civic friendship and social solidarity, but so understood it expresses no definite requirement. We have yet to find a principle of justice that matches the underlying idea. The difference principle, however, does seem to correspond to a natural meaning of fraternity: namely, to the idea of not wanting to have greater advantages unless this is to the benefit of others who are less well off."⁶⁴

Thus, while Rawls acknowledges that fraternity is not really a political concept per se, the fact that the difference principle corresponds to a meaning of fraternity *does*, in this sense, make the principle of fraternity relevant with respect to justice. And this is one of

⁶¹ J. Rawls, 'Distributive Justice: Some Addenda', in S. Freeman (ed.), *John Rawls: Collected Papers* (1968), p. 155.

⁶² *Ibid.*, p. 172.

⁶³ *Ibid.*, p. 166.

⁶⁴ J. Rawls, *A Theory of Justice* (1972), p. 105.

Rawls's reasons for preferring the difference principle: the difference principle legitimizes feelings of fraternity when, before, they were perhaps not considered to be either legitimate or relevant in a theory of justice.

However, the crucial question remains as to why Rawls cares so deeply that the principle of fraternity be legitimized in a theory of justice. Why does Rawls feel it necessary to include in a theory of justice senses of 'civic friendship' and 'social solidarity', and why does he think that without conveying 'certain attitudes of mind and forms of conduct' certain values will not be upheld? While such feelings and values may be attractive in civil society, the fact that Rawls seems to want to require them in a theory of justice seems troubling from his own liberal perspective. According to political liberalism, a theory of justice should in no way demand the existence of fraternal feelings between individuals in society. Nonetheless, it appears as though Rawls takes it to be necessary to include the concept of fraternity in a theory of justice, and to, as a result, require it from the individuals in a society, and this is due to the existence of what Rawls takes to be an important relationship between matters of justice and feelings of fraternity. For example, in *A Theory of Justice* Rawls says that "there is a connection between acting justly and natural attitudes,"⁶⁵ and, more importantly, he takes it to be a *morally relevant* connection, that is, it is a connection that must be acknowledged in a theory of justice. In the following line, Rawls goes on to argue that "Given the content of the principles of justice and the laws of moral psychology, wanting to be fair with our friends and wanting to give justice to those we care for is as much a part of these affections as the desire to be with them and to feel sad at their loss... But in a well-ordered society these bonds extend

⁶⁵ Ibid., p. 570.

rather widely, and include ties to institutional forms...⁶⁶ The main point here is that under a society directed by Rawls's principles of justice, bonds of affection will extend into institutional forms. Yet, really, this is just a more congenial way of saying that Rawls's theory of justice prompts individuals in society to feel the same kind of affection that we feel towards our friends towards institutional forms, or, in other words, towards society as a whole. At the very least, there exists an extremely tight connection between justice and the principle of fraternity, according to Rawls. As he says, for example, anyone who lacks a sense of justice will not possess ties of friendship, affection and mutual trust.⁶⁷ However, to consider feelings of fraternity to be the corollary of a just society means to assume that there exists a common interest among each and every individual in society, and this assumption is unacceptable from a liberal standpoint.

Even in the *Restatement*, the very same work where Rawls claims that he rejects the idea that society is an association, Rawls again insists upon the tight connection between his theory of justice and feelings of fraternity, and his desire to promote a particular brotherliness, therefore, still manages to surface. In a discussion of the equality between citizens, for example, Rawls states that citizens' social bond "is their public political commitment to preserve the conditions their equal relation requires."⁶⁸ Therefore, this time Rawls connects his theory of equality to the social bond between people in a society. Here Rawls tells us that it is the existence of a social bond between individuals that is intended to preserve the condition of equality. However, is a social bond really what is necessary to ensure equality between persons? Liberal theory outright

⁶⁶ Ibid., p. 570.

⁶⁷ Ibid., p. 488.

⁶⁸ J. Rawls, *Justice As Fairness: A Restatement* (2001), p. 132.

denies the existence of a social bond for it takes the individuals in a society to be disinterested in one another.

It should be fairly easy to realize that so long as a theorist is concerned, as Rawls is, with incorporating the principle of fraternity into a theory of justice, why he might be tempted to regard society as an association. After all, aside from the case of families, it is in associations where feelings of fraternity are most often said to exist and flourish. That these feelings should be expected to exist in a society, however, is quite another matter; one simply cannot expect feelings of fraternity to be present in society unless he also conceived of society as a type of unified whole whereby its members are united in some fashion, and thus care about each other. The term fraternity is, after all, most usually defined as ‘the state or quality of being brothers, or a ‘brotherliness’. It is also defined as ‘a group of people with the same beliefs, interests, work, etc.,’ and some dictionaries even define the term as a body of people *associated* for a common purpose or interest. According to our own very usage of the word, therefore, the feeling of fraternity is restricted to those feelings felt by those who are associated with one another. It should be obvious why feelings of fraternity could only really exist in groups where people associate with one another due to a shared interest or purpose, and the fact that Rawls seems to associate a principle of fraternity with his theory of justice gives us another reason to contend that Rawls had an associational model of society in mind when forming his theory of justice.

The third and final reason that Rawls offers for preferring the difference principle to other modes of justice is that “the difference principle seems to meet better than other

traditional views a reasonable requirement of reciprocity.”⁶⁹ Thus, Rawls thinks that a theory of justice should meet a standard of reciprocity, and he favors the difference principle because it best fulfills the idea of reciprocal relations among citizens. Surely such a principle should be expected to exist in any effective social and political theory, and Rawls is keeping with the liberal tradition by attempting to invoke such a standard. After all, without upholding principles of reciprocity in a political theory, the relationships between individuals in a society could become one-sided and oppressive. As Rawls puts it, “reciprocity is a relation between citizens expressed by principles of justice that regulate a social world in which all who are engaged in cooperation and do their part as the rules and procedures require are to benefit in an appropriate way as assessed by a suitable benchmark of comparison.”⁷⁰ In other words, once the two principles of justice are invoked in society, the citizens of that society will be able to take part in relationships that are reciprocal, thereby benefiting everyone. As Rawls says, “The two principles of justice, including the difference principle with its implicit reference to equal division as a benchmark, formulate an idea of reciprocity between citizens.”⁷¹

Having said all of this, however, the question of exactly how the concept of reciprocity fits into Rawls’s theory as a whole is not entirely clear. By suggesting that the two principles of justice “formulate” an idea of reciprocity, it would appear as though Rawls considers reciprocity to be a consequence of the difference principle. Later on in the *Restatement*, Rawls stresses that it is crucial that the difference principle ‘includes’

⁶⁹ J. Rawls, ‘Distributive Justice: Some Addenda’, in S. Freeman (ed.), *John Rawls: Collected Papers* (1968), p. 155.

⁷⁰ J. Rawls, *Justice As Fairness: A Restatement* (2001), p. 49.

⁷¹ *Ibid.*, p. 49.

the concept of reciprocity,⁷² again suggesting that the concept of reciprocity is something that is separate from, and comes after the enforcement of the two principles of justice. However, elsewhere Rawls makes different kinds of comments that might lead one to think that it is in fact the other way around, and that the difference principle is actually a consequence of reciprocity. As Rawls says, for instance, the difference principle should ultimately be said to be a *form* of reciprocity,⁷³ or, as Rawls later describes it, an *example* of reciprocity.⁷⁴ Therefore, it remains unclear which is supposed to come first, according to Rawls, and which possesses the priority: the principle of reciprocity or the difference principle. Because the difference principle presumably cannot be both a cause and an effect of the concept of reciprocity, we should conclude that, in the end, Rawls is unsuccessful in showing exactly how the concept actually relates to his theory of justice, and thus we should agree with those theorists who believe that Rawls fails to offer a clear definition of reciprocity.⁷⁵ However, regardless of whether Rawls takes the difference principle to be a cause or an effect of the idea of reciprocity, what matters for us is that the concept of reciprocity, as Rawls understands it, *does* appear to presuppose associational relations among citizens.

Reciprocity is most commonly defined as the following: ‘mutual exchange’, ‘a mutual or cooperative interaction of favors or privileges’, or, finally, ‘a relation of mutual dependence or action or influence’. Thus, while the exact definition of the term can vary to some degree, what never varies is the fact that reciprocity necessarily entails *mutuality*,

⁷² Ibid., p. 76.

⁷³ Ibid., p. 60.

⁷⁴ Ibid., p. 96.

⁷⁵ J. Roemer, ‘Impartiality, Solidarity, and Distributive Justice’, in C. Synowich (ed.), *The Egalitarian Conscience: Essays in Honour of G. A. Cohen*, (2006), p. 219.

that is, both of the participating individuals or parties contribute and gain mutually, at least in the long term. In addition to an idea of mutuality, though, the concept of reciprocity also entails an idea of *alternating*, namely, the idea that if it is your lot to be the worst off in society, then it is your turn to find relief. And yet Rawls's usage of the term involves the idea that the better off should contribute to the worst off in a spirit of reciprocity in the more attenuated sense that were the roles to be reversed, the formerly better off would also benefit from the formerly worst off. As Rawls says, it is the overall aim of the principle of reciprocity to rule out the possibility where the worse off have to accept less so that the more advantaged can have more;⁷⁶ he says that this is an "essential part of the notion of reciprocity."⁷⁷ However, if the concept of reciprocity does mean that the worse off do not accept less simply in order for the better off to have more, then he must be assuming that individuals must inherently share a common interest in protecting the wellbeing of those who are worst off in society. Thus, while there is nothing about the principle of reciprocity by itself that presupposes the thought that society is an association, since, on the contrary, the principle of reciprocity appears to be a concept that can be effectively realized between two people regardless of the type of group they belong to, the way in which Rawls understands the principle of reciprocity *does* seem to presuppose the idea that society is an association, and this is because Rawls's concept involves some individuals having to sacrifice their resources for others. It is simply incorrect to think that ruling out the possibility where the worse off have to accept less so

⁷⁶ J. Rawls, 'Distributive Justice: Some Addenda', in S. Freeman (ed.), *John Rawls: Collected Papers* (1968), p. 169.

⁷⁷ *Ibid.*, p. 169.

that the more advantaged can have more is an ‘essential part’ of the concept of reciprocity.

Rawls is not alone in advancing this associational understanding of the word reciprocity; many egalitarian social and political theorists have similar ideas about the meaning of reciprocity. Take Kai Nielsen, for example, when he says that the most important goods to humankind, such as friendship, love, comradeship and fraternity are goods that all rest upon, as he uniquely describes it, a ‘*non-calculating reciprocity*.’⁷⁸ However, for the better off in the arrangement, what a non-calculating reciprocity could possibly look like, or even mean, remains far from clear. For example, without some type of calculation, or some other form of measurement, how is the better off person supposed to know whether or not the exchange will be of a benefit to her? In order for reciprocity to be truly “*mutual*” it would seem that reciprocity *must* be a concept that is calculable, at least from the point of view of the advantaged. There is, of course, nothing wrong with the idea of an incalculable reciprocity if latent beneath the idea is the assumption that the individuals in society are united by a common interest or purpose. If society were an association whereby everyone shared similar interests, then the prospect of an incalculable reciprocity could likely flourish. For that matter, a *calculable* reciprocity would be both unnecessary and redundant. Under a social system where individuals were united by the same interests we would not have to calculate whether the proposed action would be a benefit to both of the individuals because such knowledge would already be known: the transaction would always be a mutual benefit of some kind because all of the parties share a common interest anyway. Like Nielsen, it appears as though Rawls also

⁷⁸ K. Nielsen, ‘Why Should I Be Moral? Revisited’, in J. Sterba (ed.), *Contemporary Ethics: Selected Readings*, (1989), p. 103.

mistakenly assumes the existence of a ‘non-calculating’ reciprocity in the sense that he assumes that reciprocal relations between individuals would transpire naturally, that is, without individual thought and deliberation: once the right principles are at work, Rawls takes it for granted that we would automatically be dedicated to ensuring that the worse off do not accept less simply in order for the better off to have more.

Ultimately, therefore, it appears as though Rawls thinks that individual relationships can be deemed reciprocal *irrespective of* the involved parties’ interests. In other words, he thinks that a relationship can be declared reciprocal in some other sense aside from what the two parties themselves deem, for example, from some universal or impartial perspective *outside* of the transaction. Take, for instance, when Rawls makes the following claim: “We try to specify an idea of reciprocity appropriate to the relation between citizens as free and equal;”⁷⁹ this passage, however, only illustrates how Rawls understands reciprocity to be a communal ideal. Normally we would expect the ‘we’ in the sentence to refer to the two parties involved in the given exchange, rather than to Rawls himself, or to any one else outside of the transaction. For Rawls, however, a so-called ‘appropriate reciprocity’ can be determined from an impartial point of view. For Rawls, then, reciprocity can be “appropriate” without referring to the interests of both parties. However, no one can possibly have access to this sort of information expect for the two parties themselves, and to think so is to take it as obvious what is an advantage to each party, or to presuppose the existence of a shared interest or purpose between the parties. It is to assume, in other words, a special sort of intimacy between the individuals in a society whereby everyone possesses a unique knowledge of one another’s values,

⁷⁹ J. Rawls, *Justice As Fairness: A Restatement* (2001), p. 133.

beliefs, goals, etc. Therefore, by assuming that a particular exchange can be declared ‘reciprocal’ from an outsider’s perspective, Rawls assumes the existence of a common interest or purpose between the individuals in a society, namely, an interest in protecting the worse off in society. However, to declare that a given relationship is reciprocal is impossible for anyone to determine except for those individuals involved in the exchange, and Rawls’s mistake is that he assumes that such knowledge *is* possible, and that the better off will be motivated to live by the difference principle understood as a principle of reciprocity in a very abstract sense. It simply cannot be assumed that some type of reciprocity known independently of one’s interests is achievable, and to think so is to go against the original ideal of respect for property that is at the root of classical liberalism. The idea that a world full of reciprocal relationships could in fact exist *without* some kind of individual rational calculation must mean that society is an association, rather than a contract among self-interested persons.

In his article, “Impartiality, Solidarity, and Distributive Justice,” John Roemer argues that Rawls’s theory of justice must rely upon a concept such as reciprocity, or, as he specifically calls it, *solidarity*, namely, the concept that requires that “*everyone chip in* to deal with the bad shock – or, more generally, that everyone be affected in the same way by the shock.”⁸⁰ The main thrust of Roemer’s argument is that so long as Rawls’s difference principle relies upon such a concept of solidarity, the goal of achieving egalitarianism from ‘universal assent’ of self-interested persons becomes unachievable, since, as he says, “solidarity is in conflict with self interest.”⁸¹ In other words, reciprocity

⁸⁰ J. Roemer, ‘Impartiality, Solidarity, and Distributive Justice’, in C. Sypnowich (ed.), *The Egalitarian Conscience: Essays in Honour of G. A. Cohen*, (2006), p. 214.

⁸¹ *Ibid.*, p. 223.

as understood in the sense of a long-term hypothetical benefit that the advantaged might get if they contribute to the disadvantaged now, is, ultimately, hard to muster under relations of self-interested individuals, and so long as the concept of reciprocity is advanced by a theory of justice that is supposedly built upon the recognition of these very types of individuals, then the concept will be difficult, if not, impossible to realize.

Therefore, the *principle of redress*, the *principle of fraternity* and the *principle of reciprocity* are all concepts inherent to Rawls's theory of justice that seem to necessarily presuppose the idea that society is or resembles an association, or, in other words, the idea that the individuals in a society share a common interest or purpose: the principle of redress presupposes the idea that individuals in society share a common interest in turning their talents and skills into collective assets; the principle of fraternity presupposes the idea that individuals in society share a common interest in caring for one another; and, finally, the principle of reciprocity, while there is nothing about the concept itself that presupposes the idea that society is an association, the way in which Rawls utilizes the term must presuppose the idea that individuals in society share an interest in always looking out for the welfare of the worse off. Therefore, each principle presupposes the existence of *specific* and *concrete* shared interests between individuals, and thus assumes far more than simply a general interest in promoting justice, or the desire to act justly. Such assumptions must be regarded as unacceptable from within the standpoint of classical political liberalism, and if these assumptions are actually what helped contribute to the advancement of the difference principle, then we are right to conclude that during the formation of his theory of justice, Rawls envisioned a much more communitarian picture of society than he would have likely been willing to

acknowledge. As long as the difference principle carries the great prominence that it does, then it will be a defect in Rawls's theory if it can be shown that the principle is ultimately motivated by concepts that rely upon an associational model of society which Rawls expressly disavows as inconsistent with the liberal commitment to the neutrality of the state on conceptions of the good. Thus, even though in *Justice As Fairness: A Restatement* Rawls claims to reject the idea that society is an association, the fact that an associational model of society is what provides the underpinning of the difference principle should give us reason to reject, or, at the very least, question his arguments concerning society as presented in this important work.

Finally, what is also interesting to notice is that the three principles and the difference principle appear to be mutually dependent upon one another. Without the endorsement of principles of redress, fraternity and reciprocity, for instance, an associational model of society would fail to be realized, or even, in some respect, to make sense. And, vice versa, without presupposing the existence of an associational model of society, concepts of redress, fraternity, and reciprocity fail to be realized, and, again, in some respect, fails to make sense. Thus, given the mutual dependence and virtual interdependency of these four principles, the difference principle should be understood as rooted in a web or relations that are highly demanding of individual agents, who interact, not as self-interested persons, but as fellows or comrades in a common project. In short, the difference principle presupposes that society is an association.

CHAPTER FIVE

The main objective of the thesis has been to urge the reader to recognize that, once we remind ourselves of some of the principles most central to Rawls's theory of justice, then the argument that society is not an association presented in *Justice As Fairness: A Restatement* should be regarded as unpersuasive. In Chapter Two, I discussed how, in the *Restatement*, Rawls makes an explicit effort to prove to his readers that he does not regard society as an association, and that by ruling out such a conception of society, he was remaining faithful to a liberal view of society. In Chapter Three, I pointed out what I take to be a significant passage in *A Theory of Justice* that suggests that Rawls *does* assume an associational conception of society, and I introduced the idea that, more crucially, the difference principle is founded upon principles that appear to assume an associational model of society. In this chapter I also argued that if an associational model of society is necessarily implied by the difference principle, then this is a defect of Rawls's liberal argument *regardless* of the validity of the original position as a hypothetical device. Finally, in Chapter Four, I attempted to illustrate the ways in which the three principles that Rawls regards as reasons for preferring the difference principle over other modes of justice presuppose the idea that society is an association, and argued that we should conclude from this that Rawls's second principle of justice, namely, the difference principle, is supported by principles that rely upon an associational conception of society.

Above all, it was an important aim of the thesis to point out the inconsistency of Rawls's argument regarding society presented in the *Restatement* with his prior philosophical commitments, and to stress that, regardless of the liberal theory of society

advocated in the *Restatement*, Rawls's main philosophical principles commit him to a more communal and communitarian conception of society. Thus, whatever the reasons were that Rawls decided to openly reject the idea that society is an association, his underlying commitments to justice as fairness do not, in the end, warrant the change in opinion. Despite Rawls's attempt to prove to us that he is a liberal supporter of the idea that society is not an association, an attempt that is quite vividly encapsulated in the *Restatement*, there is reason to think that his theory of justice necessarily relies upon an associational model of society, or, in other words, the view that the individuals in a society are united by a common interest or purpose. Therefore, far from endorsing a liberal conception of society, it is, rather, a communal model of society that prevails. In order for Rawls to have legitimately said that society is not an association, his entire moral and political philosophy would have to be altered. Yet, because his views regarding the nature of society appear to be the only significant change to his last major work, we can say with some confidence that a major philosophical alteration was *not* the underlying intention of *Justice As Fairness: A Restatement*. As Joseph Sneed says, "Rawls's account of what societies ought to be like rests on a particular conception of the kind of things that societies are."⁸² If it turns out that society is, or, at least, resembles an association for Rawls, then his theory of society, and, consequently, his theory of justice becomes less credible from a classical liberal perspective. Rejecting the idea that society is an association, or, more specifically, rejecting the idea that the individuals in a society share a common interest or purpose, is a necessary consequence of endorsing a viewpoint within Rawls's own political liberalism. That the individuals in a liberal society do *not*

⁸² J. Sneed, 'John Rawls and the Liberal Theory of Society', *Erkenntnis*, 10 (1976), p. 2.

share a common interest or purpose, and so cannot be said to exist in an association which asserts that they must, is a fundamental claim of all true liberals, and to betray this is to betray the founding aims of political liberalism; it is to, instead, advance a communitarian theory of society.

In *A Theory of Justice* Rawls insists that his theory of justice does not present an organic conception of society;⁸³ that is, he does not want to suppose that “society is an organic whole with a life of its own distinct from and superior to that of all its members in their relations with one another.”⁸⁴ Yet as long as Rawls assumes the existence of a shared interest among individuals more specific than a mere general interest in acting justly, which is what I have argued leads him to the acceptance of an associational view of society, then this simply *is* to suppose an organic view. As long as Rawls stresses the moral and political significance of there existing such a common interest between individuals, then eventually the supposed common interest *will* take on a life of its own, and will subsume the interests of particular, individual persons. This points to the very problem of advancing an associational model of society, and marks the very reason why liberals take such great strides to avoid adopting the view. In other words, therefore, one cannot maintain an associational conception of society without such a conception eventually turning into an organic theory of society, and so we are right, I think, to agree with Virginia McDonald, and conclude that Rawls does indeed hold an organic conception of society. Far from such a view being consistent within a liberal political theory, to regard society as an organic association of individuals commits Rawls to a kind of social theory that is in stark contrast to his own professed political liberalism, namely,

⁸³ J. Rawls, *A Theory of Justice* (1971), p. 520.

⁸⁴ *Ibid.*, p. 264.

a communitarian theory of society. Perhaps McDonald puts it best when she draws the following observation:

“The analysis of an harmonious, loving and cooperative society dims before this manipulated masking of “painfully” obvious differences in styles of life. It dims before the realization that men are *not* more or less evenly matched in this organic whole and that the analysis takes on those disturbing features of positive liberty that Berlin decries: the submerging of all wills into a general will in which the pursuit of a common good subordinates the many to the realization of the excellences of the better off in which the many may vicariously partake.”⁸⁵

Ultimately, Rawls’s ideas about society are at odds with the idea of the self-interested person who is the foundation of the classical liberal tradition. As Rawls says, “human beings have in fact shared final ends and they value their common institutions and activities as good in themselves;”⁸⁶ as he puts it, this is “evident.”⁸⁷ If the belief in the existence of necessarily shared ends does not commit Rawls to an organic view of society, and hence to the view that individuals are in this sense ‘more or less evenly matched’, then it is difficult to see what would. Due to Rawls’s theory’s implicit appeal to an associational model of society, therefore, this *must* entail in an organic view of society, and as long as social and political theorists continue to produce theories of justice that make it necessary for them to conceive of societies in such an erroneous manner, then we are right to agree with Margaret Thatcher, and conclude that there really is no such thing as society after all.

⁸⁵ V. McDonald, ‘Rawlsian Contractarianism: Liberal Equality or Inequality?’, in, K. Nielsen and R. Shiner (eds.), *New Essays on Contract Theory* (1977), p. 81.

⁸⁶ J. Rawls, *A Theory of Justice* (1971), p. 522.

⁸⁷ *Ibid.*, p. 523.

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