

FIFTY YEARS OF A *THEORY OF JUSTICE*: INFLUENCES AND LEGACY GUEST EDITORS' PREFACE

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ABSTRACT

In this preface, we briefly explain *A Theory of Justice*'s importance for political philosophy, which is the reason that justifies this collection. Adjunctively, we sketch in very broad brushstrokes some of the components of this theory: the Kantian turn, the rehabilitation of contract theory and the defense of egalitarian liberalism. Finally, we describe the articles of this collection. We distinguish three axes: Rawls's legacy, philosophical influences on Rawls, and specific problems regarding Rawls's philosophy.

KEYWORDS

Rawls, *A Theory of Justice*, Political Liberalism, Kantian turn, contract theory, egalitarian liberalism.

A Theory of Justice (TJ) was published in 1971¹. This 600-page book is already a classic that has radically influenced the ways in which political philosophy has been understood over the last 50 years, and has since been discussed not only among scholars: it has also been significant even beyond the boundaries of academia. As is well known, as early as 1974 Robert Nozick claimed that political philosophers "must now work within Rawls's theory, or explain why not"². Nozick himself wrote an entire book

¹ Rawls, John (1971). *A theory of justice*. Cambridge, Mass.: Harvard University Press.

² Nozick, Robert (1974). *Anarchy, State and Utopia*. New York, Basic Books.

to explain why he disagrees with him. If this was already true in 1974, it is even more so today. Since the publication of TJ, many of the debates in political philosophy have revolved around Rawls's theses, whether to refute them, to defend them, to modify them, or to address questions that go beyond the Rawlsian theoretical approach.

The subject of TJ is social justice, that is, the justice of the most important institutions of society, from the political constitution, to legal procedures, to the institution of property. This is what Rawls calls "the basic structure of society". Rawls understands society as a cooperative endeavour, and the task of justice is to distribute the rights and freedoms as well as the burdens and benefits of social cooperation. In TJ Rawls revitalizes contract theory to define the principles of justice that should organize the basic structure. The principles of justice are those that would be chosen in an initial situation of choice, which he calls the original position, which models a situation of impartiality.

Moral persons, who according to Rawls can be subjects of justice, are defined in relation to a Kantian conception: "Each person possesses an inviolability founded on justice which not even the welfare of society as a whole can override" (1971, 3). In fact, he himself presents his theory as an alternative to utilitarianism, which at the time was the dominant philosophical position in the Anglo-Saxon philosophical context. This Kantian turn has been productive: today Kantian-inspired theories are legion in political philosophy.

Two decades later, Rawls partially rejected some of TJ's ideas, and addressed what in his view were some misunderstandings. He introduced other ideas and focused on other aspects of justice. Thus, in "*Political Liberalism*" (PL -1993)³ he introduced the factum of the reasonable pluralism of liberal constitutional democracies, wondering how such a characterized society can remain stable over time. And in "*The Idea of Public Reason Revisited*"⁴ he developed the idea of public reason, which was already in PL, as a deliberative mechanism through which discussions about constitutional essentials and basic justice should take place, so that all participants can uphold the results even if they disagree with them. In *The Law of Peoples*⁵, Rawls extended the focus of domestic justice to the international realm, integrating as full members other societies beyond liberal ones: decent hierarchical societies.

After this brief sketch of Rawls's *oeuvre*, let us return to TJ: the reason behind this collection. As stated above, Rawls's ideas have been highly influential in the developments of political philosophy. Along with the Kantian turn, and the rehabilitation of

³ Rawls, John (1993). *Political Liberalism*. New York: Columbia University Press.

⁴ Rawls, John (1997). The Idea of Public Reason Revisited. *The university of Chicago law review*, (64), 765-807.

⁵ Rawls, John (1999). *The Law of Peoples: With "The Idea of Public Reason Revisited"*. Cambridge, Mass.: Harvard university press.

contract theory, his defense of what is known as egalitarian liberalism deserves a special place. According to Rawls, in the original position we would accept principles of unequal distribution only if they are to the benefit of all, especially the most disadvantaged. Thus, we would choose two principles of justice. The first distributes fundamental rights and freedoms on a strictly egalitarian basis. The second, which consists of two parts, accepts inequality but only under certain conditions. On the one hand, access to positions must be open to fair equality of opportunity. On the other hand, to be fair, any inequality must improve the position of the most disadvantaged (the difference principle). This is a liberal position, because the first principle takes precedence over the second. And it is egalitarian, because it bases justice on the recognition that many of our advantages are no more than the result of chance, i.e. that the natural and social lottery, for which we cannot claim merit, sometimes decisively affects what we can achieve in life. These lotteries, Rawls reminds us, are neither fair nor unfair. What is fair or unfair is how society deals with these circumstances. The principles of justice are there to counteract the negative consequences of these lotteries on social interaction. Innumerable debates and discussions have developed around egalitarian liberalism that, since Rawls, go far beyond its theses.

Many of the debates in political philosophy of the last 50 years are related to this opus magnum and, predictably, will continue to be related to it in the future. Whether to criticize it, defend it or expand on its claims, the reference to Rawls and TJ is today unavoidable. It is a necessary classic. At *Ethics and Politics* we would like to honour TJ's 50th anniversary with this special issue. The articles collected here discuss some of the central aspects of TJ and Rawls' work in general. This collection consists of eleven articles, written by leading current philosophers, who have worked on Rawls. It is possible to outline three central axes of discussion in these articles. Certainly, these axes do not completely reduce what is presented in these articles, but they can help to orient the reader of this collection:

A first axis, consisting of three articles, assesses Rawls' legacy. First, Otfried Höffe argues that TJ constitutes a paradigm shift, which makes it a classic of political philosophy. In addition, he examines central aspects of this work and its relation to PL. Finally, Höffe analyzes Rawls as a public intellectual. Secondly, Alessandro Ferrara analyzes Rawls's legacy, focusing on Rawls's situated normativity after 1980 and his view of liberal-democratic legitimacy. He also discusses the normative models of TJ and PL. Thirdly, Sebastiano Maffettone examines Rawls' legacy around the following issues: on the one hand, the moralism-realism distinction in political theory. On the other hand, he discusses the contemporary philosophical climate characterized by postmodern philosophy and what Maffettone calls the "new metaphysics". The author argues that both

moralist and realist positions require a conception of normativity, which cannot be done in a traditional way.

A second axis, also composed of three articles, discusses some specific philosophical influences on Rawls and some philosophical issues that arise from these interpretations. First, Eduardo Mendieta develops aspects of Rawls' biography, concluding that his sense of justice does not constitute an abstract interest, but was guided by an embodied and felt sense of justice. Furthermore, Mendieta studies the relationship between Kant and Rawls, and the relationship between TJ and constitutional democracy. Secondly, James Gledhill begins his article by following Brian Barry's suggestion that someone could write an article on "A theory of justice as a Rorschach test". From this idea, Gledhill shows that those who shaped the reception of Rawls understood him within the paradigm of analytic philosophy. However, it is possible to develop a different reading in which aspects related to his relationship with authors of German idealism, such as Kant and Hegel, are highlighted. Thirdly, David Martínez analyses the Kantian interpretation of *Political Liberalism* developed by Rainer Forst. Martínez concludes that Rawls cannot be understood as a Kantian philosopher in the sense proposed by Forst, and suggests understanding Rawls as a post-Kantian.

A third axis, consisting of five articles, develops specific problems related to Rawls' philosophy. First, Frank I. Michelman asks whether it is possible to extend basic rights to relations between individuals and groups outside government. According to Michelman, Rawls has been criticized for opposing such an extension. But this article argues that it is possible to understand Rawls by extending fundamental rights to these relationships. Second, Daniel Loewe analyses three forms of justification developed by Rawls in his different writings: the original position, reflective equilibrium and public reason. Loewe concludes that both the original position and public reason presuppose reflexive equilibrium. Third, Paula Casal asks whether an egalitarian ethos should be ruled out because of Rawls's restriction that principles of justice apply only to the basic structure of society. Casal shows that Rawls can allow for this ethos through a specific set of public rules. Fourth, Gustavo Pereira, argues for a Rawlsian justification of libertarianism. Since extreme wealth in society distorts essential aspects of democracy, it would be necessary to limit extreme wealth. The extreme wealth of some undermines the condition that citizens are free and equal, and especially the fair value of political freedom. Finally, Pierpaolo Marrone analyzes Rawls's notion of desert and legitimate expectations to show how some communitarian criticisms of his individualism can be answered from a quasi-communitarian perspective found in *A Theory of Justice*.

We hope that this collection - celebrating the 50th anniversary of the publication of Rawls's masterwork- will be of interest both to the specialist audience, who may find inspiration for their own research in these articles, and to the general public, who, from

reading these works, might develop an interest in the work of this contemporary philosopher. After all, the understanding and evolution of today's political philosophy is intrinsically and perhaps constitutively related to Rawls' work.