

Patriotism, self-respect and the limits of cosmopolitanism:
the moral and political philosophy of Rousseau and Rawls

Author: Jeffrey Bercuson
Degree: Master's of Arts
Department: Political Science
Thesis Supervisor: Professor Catherine Lu
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“O Troglodytes: there is a lovely tie that can bind us together. If you are virtuous, then I shall be; if I am virtuous, then you will be.”

– Montesquieu, *The Persian Letters*

“When a father asked him for advice about the best way of educating his son on ethical matters, a Pythagorean replied, ‘Make him the citizen of a state with good laws.’”

– Hegel, *Elements of the Philosophy of Right*

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ABSTRACT

In contrast to the common depiction of Rawls's political theory as atomistic, his work is instead deeply connected to some of the fundamentally republican themes of Rousseau's political and philosophical oeuvre: these themes include our natural sympathy with other persons; our innate susceptibility to the pleasures of fellow feeling; the duty of political participation, as well as the importance of civic virtue; and, perhaps most importantly, an emphasis on properly designed political institutions as a necessary source of freedom. What we shall ultimately find in both Rousseau and Rawls, then, is a repudiation of cosmopolitan values in light of their mutual recognition of the emotional impact of shared domestic institutions. Indeed, one way to account for Rawls's rather surprising resistance to a cosmopolitan scheme of global redistribution is to highlight his intellectual affinity to Rousseau, a political theorist committed to both the equality of all persons – in a political sense, at least – and to a strict brand of national self-determination.

Contrairement à la description populaire de la théorie politique de Rawls comme atomistique, son travail est profondément relié aux thèmes républicains de Rousseau : ces thèmes incluent notre sympathie normale avec d'autres personnes ; notre susceptibilité innée aux plaisirs du sentiment de camarade ; le devoir de la participation politique, aussi bien que l'importance de la vertu civique ; et, le plus important, une emphase sur les établissements politiques correctement conçus comme source nécessaire de liberté. Rousseau et Rawls nient des valeurs cosmopolites en raison de leur reconnaissance mutuelle de l'impact émotif de partager les établissements domestiques. En fait, nous pouvons expliquer la résistance de Rawls à un arrangement cosmopolite de la redistribution globale en accentuant son affinité intellectuelle à Rousseau, un philosophe qui croit en égalité de toutes les personnes - dans un sens politique, au moins - et à une version stricte d'autonomie nationale.

Section 1: Introduction

Most contemporary studies of John Rawls's moral and political philosophy have focused on, or simply assumed, his intellectual indebtedness to Kant. The following paper, however, is an explicit departure from that tradition; instead, it is an attempt to expose the Rousseauian influence in Rawls's work. To do so, let us begin with Kant's moral philosophy; indeed, a useful starting point for such an endeavour is Kant's notion of the pure will, which Kant himself regarded as a fundamentally original contribution to the study of moral philosophy.¹ In *The Critique of Practical Reason*, it is defined as follows:

“Reason is a truly higher faculty of desire, but still only in so far as it determines the will by itself and not in service of the inclinations. Subordinate to reason as the higher faculty of desire is the pathologically determinable faculty of desire, the latter being really and specifically different from the former, so that even the slightest admixture of its impulses impairs the strength and superiority of reason, just as taking anything empirical as the condition of a mathematical demonstration would degrade and destroy its force and value.”²

According to Kant, then, the ideal moral agent is capable of transcending and, in turn, evaluating his or her particular desires and inclinations; although such desires and needs affect the agent, he or she will never follow them when doing so would violate the moral law, which is necessarily impartial and universal in its application. It is, of course, our possession of reason that enables us to recognize the existence of the moral law and to assess our desires against the duties it prescribes. For Kant, this is the source of both our self-respect and our capacity to live together peacefully, following the dictates of justice and of virtue. That every individual is equally capable of recognizing and adhering to the dictates of the moral law is, as we shall see below, a constitutive element of Kant's moral theory and also explains his central importance for the liberal tradition.

¹ Kant, Preface to *Critique of Practical Reason*, par. 12.

² Kant, *Critique of Practical Reason*, 5:25.

These introductory remarks are designed to illuminate the fundamentally Kantian assumptions adopted by Rawls, particularly in *A Theory of Justice*; indeed, actors in the original position are ideal Kantian agents, abstracted from particular circumstances and thus free from the contingent desires which threaten the exercise and, eventually, the political institutionalization of something like pure practical reason. The outcome of the original position – the two principles of justice – also clearly maps onto Kant’s own principles of justice, as described by Rawls: “To treat persons as ends in matters of justice and never as means is only to conduct ourselves in ways that are publicly justifiable to their and our common human reason [...] We take a pure practical interest in associating with others in ways they can publicly endorse.”³ That Kant had a profound influence on Rawls’s social contract theory is undeniable and this thesis is not an attempt to marginalize Kant’s significance for Rawls, in particular, or contemporary liberalism, in general. Instead, it is an attempt to expose a competing influence, Rousseau, and thus problematize the absolute centrality of Kant in the literature on Rawls. To do so, let us quickly turn to Hegel and his rejection of this notion of the pure will.

The key to Hegel’s moral and political philosophy is its emphasis on the context in which moral action occurs; by necessity, the individual operates within a particular social framework, defined by its peculiar social and political institutions. Unlike Kant, for whom genuine moral freedom – or, conscious adherence to the moral law – is available to every rational actor regardless of their contingent socio-political circumstances, Hegel regards rational institutions as the precondition for the proper

³ Rawls, *Lectures on the History of Moral Philosophy*, p. 193.

exercise of human freedom.⁴ That we, the particular citizens of this particular nation, are responsible for the implementation and maintenance of this institutional environment, designed in light of our shared customs and habits, is of fundamental importance for Hegel: it is precisely by reflecting upon our social world and upon its impact on us that we come to a full appreciation of the freedom it provides.⁵ The essential point is this: our freedom comes to be inseparable from the political context in which it operates. For Hegel, as for Rousseau, moral freedom realizes itself, of necessity, in particular political circumstances; it simply doesn't make sense to talk about moral freedom in isolation from the political context in which it operates. The former – that is, moral freedom – is most meaningfully expressed when we make political choices and this is precisely what Rousseau means when, in *Of the Social Contract*, he discusses the moral transformation of citizenship. Hegel makes a similar declaration in his *Elements of the Philosophy of Right*: “[t]he rational destiny of human beings is to live with a state.”⁶ Ultimately, and despite Hegel's overt hostility to Rousseau⁷, the thematic similarities between the two are undeniable: both are deeply concerned with political membership and, concomitantly, with the idea that political participation is an essential condition for freedom, for self-respect and for recognition by others. They are both similarly occupied with the

⁴ See, for example, Hegel, *Elements of the Philosophy of Right*, section 75. Although Kant regarded the republican state as the ideal social matrix within which human capacities can develop, the exercise of reason must be available to those living outside it. This is a necessary element of the political evolution story he tells in his *Universal History*, which will be discussed in more detail below.

⁵ For a discussion of Hegel's notion of (political or systemic-institutional) legitimacy, see Rawls, *Lectures on the History of Moral Philosophy*, pp. 336 – 340. This will also be an important way of conceptualizing the similarity between Rousseau and Rawls.

⁶ Hegel, *Elements of the Philosophy of Right*, section 75A.

⁷ This hostility was due mainly to the arbitrariness that Hegel associates with the social contract moment in Rousseau's political writings, which is in tension with Hegel's own interpretation of history as the unfolding of a rational, necessary *telos*. See, for example, Hegel, *Elements of the Philosophy of Right*, par. 29, in which Hegel insinuates Rousseau's culpability for the Reign of Terror. For Hegel's teleological conception of history see, for example, Hegel, *Elements of the Philosophy of Right*, sections 75, 157 and 258. For an account of the intellectual debate between Rousseau and Hegel, see Ripstein, “Universal and General Wills: Rousseau and Hegel” in *Political Theory*, p. 452.

importance of political socialization; that is, the ways in which our socio-political institutional context affects our moral, psychological and emotional development. What follows, then, is an attempt to excavate similar concerns in Rawls's moral and political philosophy, with a specific regard for the work of Rousseau.

The progression of the argument is as follows. Section 2 begins with an outline of Rawls's *A Theory of Justice*. This will provide a general account of Rawls's foundational principles of justice and the philosophical motives that lead to their adoption. The emphasis of this section is on the necessary relationship between political equality – as well as relative economic equality – and freedom. For both Rousseau and Rawls, these two values are inseparable: the former is the precondition of the latter and precisely this recognition points us towards the difference principle. Section 3 is an elaboration of the process whereby the principles of justice come to be recognized and desired; specifically, it outlines Rawls's account of the gradual process of moral development. This process begins in early childhood – infancy, in fact – and continues to develop with the refinement of our capacity to evaluate social relationships. The culmination of this process leads to both the sense of justice – whereby we come to recognize the intrinsic value of socio-political cooperation and come to regard our social milieu as a constitutive element of our individual identity – and the attainment of the status of autonomous moral agent, necessarily capable to articulating and pursuing particular conceptions of the good. These are the two powers of Rawlsian moral agents and the original position is explicitly designed to give expression to these distinct moral capacities.

The end of this section contains the first attempt to deal with the problem of influence. Of course, Rawls's designation of morally mature agents as autonomous

places him directly in the intellectual lineage of Kant. To recall the first part of this introduction, however, the central claim of this section is that the Kantian story is an incomplete one. According to Rawls, then, Kant regards peaceful co-existence – in the domestic realm, at least – as the unforeseen, though agreeable, consequence of moral agents acting morally. This response to Kant coheres with that of Hegel's: both Hegel and Rawls share the conviction that Kant's political philosophy is, in a sense, underdeveloped. Whereas, for Kant, moral progress is the outcome of our refined understanding of what is, and is not, permitted by the moral law – and of the resulting laws and duties that accompany the expansion of our moral sentiments – Rawls, as we shall see below, sees moral development as the product of the conscientious application of our moral intuitions to the design of our political institutions. Ultimately, it is Kant's dismissal of political concerns as instrumental – or merely as the expression of our pre-existing moral convictions regarding equality and reason – that prompts our return to Rousseau. Section 5 is thus an attempt to unravel the intellectual relationship between Rousseau and Kant (and therefore Rawls); indeed, what we shall find here, is that Kant's conception of autonomy – namely, adherence to a self-chosen law – finds its first important articulation in the work of Rousseau. More important for our purposes, though, is the fact that Rousseau's philosophical oeuvre is explicitly an attempt to solve moral issues – primarily, the problem of dependence – through political avenues. This is the declared aim of Rousseau's social contract.

Section 6 prefaces Rousseau's political writings with an account of his moral philosophy. The central theme of this section is the essential malleability of human nature; the only fixed principle in Rousseau's system is our natural goodness. Like

Montesquieu before him, then, Rousseau attempts to historicize the human essence and explain its various manifestations in light of particular socio-political circumstances. This is precisely to emphasize the role of political institutions in shaping our perceptions of both our fellows and ourselves. This is perhaps the most striking moment of affinity between Rousseau and Rawls: that is, they are both acutely sensitive to the role that political principles and institutions have on our social relationships and, in turn, our self-perception. Section 7 outlines Rousseau's ideal set of institutions, which he designs in order to foster and give expression to the natural goodness that animates his entire philosophical system. The goal here is to minimize the emergence of the destructive passions – namely, inflamed *amour-propre* – and to facilitate the acceptance of our fellow citizens as equals. Of course, the means to this end is a set of political institutions committed to maintaining equal political rights among citizens. We come to recognize our status as citizen as the source of our self-respect – as well as the source of our recognition by others – and thus come to desire the preservation and continued stability of our domestic institutions. This is the essence of civic virtue, which, contrary to much contemporary scholarship, is not a concept unavailable to Rawls on account of his liberalism. For both Rousseau and Rawls, then, institutional design has an important, transformative impact on our moral sentiments and, in turn, our political behaviour. Section 8 outlines the sociological and behavioural implications of democratic institutional design as described by Rawls in his *Political Liberalism*.

The final section of the thesis, section 9, examines the international relations theory of Rousseau and Rawls, respectively, in light of these aforementioned beliefs about domestic political institutions. The central claim of this section – and of the thesis

in general – is that both Rousseau and Rawls repudiate cosmopolitan values in light of their mutual recognition of the emotional impact of shared domestic institutions. Indeed, one way to account for Rawls’s rather surprising resistance to a cosmopolitan scheme of global redistribution is to highlight his intellectual affinity to Rousseau, a political theorist committed both to the equality of all persons – in a political sense, at least – and to a strict brand of national self-determination.

Section 2: Rawls’s Theory of Justice: An Outline

In the opening chapters of *A Theory of Justice*, Rawls is explicit in outlining the aim of his intellectual project: to undertake an examination of the structural conditions of domestic society; the work thus stands as an investigation of the basic social institutions which distribute rights, duties and obligations to the citizens that they govern.⁸ Primarily, Rawls is interested in the relationship between these institutions⁹ and the distributive orderings which they produce: for him, social and economic distribution – and, of course, redistribution – are central political concerns and any tenable conception of justice must produce an appropriate and therefore just division of social and economic advantages; indeed, the role of justice is precisely the determination of a fair division of advantages that result from any scheme of social cooperation.¹⁰ What, then, constitutes a fair scheme of distribution? According to Rawls, a particular distribution is just if

“[a]ll social values – liberty and opportunity, income and wealth, and the social bases of self-respect – are [...] distributed equally unless an unequal distribution of any, or all, of these values is to everyone’s advantage.”¹¹

⁸ Rawls, *A Theory of Justice*, p. 6.

⁹ At Ibid, p. 47, Rawls defines institutions as “a public system of rules which defines offices and positions with their rights and duties, powers and immunities and the like.”

¹⁰ Ibid, p. 50. See also Blake, “Distributive Justice, State Coercion and Autonomy,” p. 265. According to Blake, Rawls’s theory is best interpreted as “a demonstration of what must be the case, in the context of basic liberties and in distributive shares, before coercive institutions are to be justifiable to individuals entitled to the circumstances of autonomy.”

¹¹ Ibid, p.54.

Implicit in Rawls's definition of a just distributive outcome is the necessity of an equal distribution of these primary social goods: indeed, every person endowed with equal access to these goods is the minimum standard that must be guaranteed by the principles that govern our shared social structure. In this way, there emerges a constitutive relationship between equality and political conditions conducive to the exercise of autonomy.¹² Accordingly, Rawls adopts as the first – and, indeed, most important – principle of justice the necessity that

“[e]ach person is to have an equal right to the most extensive scheme of equal basic liberties compatible with a similar scheme of liberties for others.”¹³

Having thus established a guaranteed minimum standard of rights – and, accordingly, liberty – the second principle further entrenches Rawls's commitment to a kind of relative equality: this principle guarantees that

“[s]ocial and economic inequalities are to be arranged so that they are both (a) reasonably expected to be to everyone's advantage, and (b) attached to positions and offices open to all.”¹⁴

We can thus see the second principle of justice – the combination of the difference principle and the fair equality of opportunity principle – as an extension of our already established commitment to equality; that is, a guaranteed minimum standard of social and economic welfare functions as a kind of compromise between our previous recognition of the equality of persons – hence, the necessity of a basic minimum of primary social goods – and the acceptance of a certain level of inequality on account of the consequences of the choices and efforts of certain members of our social scheme.

¹² As we shall see, this is precisely the guiding instinct for the structural constraints of Rousseau's general will.

¹³ Rawls, *A Theory of Justice*, p. 53.

¹⁴ Ibid.

It is, as we shall see below, precisely these principles of justice that are chosen by the contracting members of the original position: having considered the necessary commitments and constraints that arise in any scheme of social cooperation, these principles are, in fact, the only ones that they could possibly choose; no person would adopt principles that entail either possible constraints on their liberty or crippling disadvantageous social or economic conditions.¹⁵ While the formal constraints of the original position – again, elaborated below – provide one possible justification for the adoption of Rawls’s principles, the ultimate reason for adopting a principle which guarantees an equal distribution of basic liberties is much more compelling from a moral point of view; indeed, the veil of ignorance is a theoretical construction specifically meant to express this precise argument: that is, the individual’s “capacity for moral personality.”¹⁶ The section which follows is an account of what precisely Rawls means by “moral personality” and the process by which it develops. It will help us to answer a number of fundamental questions regarding the principles of justice and their adoption in the original position: Why are all persons entitled to the most extensive scheme of equal basic liberties? By what virtue does one become entitled to this conception of equal justice? How do we guarantee that our chosen principles of justice achieve the goal of justice? Of course, we will find in Rousseau a valuable intellectual precedent for the moral and political conclusions eventually drawn by Rawls.

Section 3: Moral Personality Before Political Science

For both Rousseau and Rawls political behaviour is *learned* behaviour and any examination of political life in isolation from the educative process is ultimately

¹⁵ Rawls, *A Theory of Justice*, p. 153.

¹⁶ Ibid, p. 442.

incomplete; instead, the political sphere must be understood as intimately linked to the sphere of moral psychology and its development. Both philosophers thus contend that it is our moral sentiments – as well as the process of their acquisition – that inform our political convictions, and so a theory of moral philosophy is the necessary pre-requisite of political science and of the construction of a well-ordered and stable society.¹⁷ Indeed, Rousseau and Rawls share a common interest in the process of moral pedagogy; that is, the effect that our education, circumstances and personal development have on our moral learning. Rousseau's *First Discourse* highlights his belief that a theory of politics divorced from ethics is “a politics of ruin”¹⁸:

“Ancient political philosophers were always speaking of morals and virtue; ours speak only of commerce and money.”¹⁹

Ethics and moral philosophy occupy a similarly central place in Rawls's overarching political theory; in fact, the two essential aspects of moral personality, discussed below, represent the essential foundation of Rawls's theory of justice: it is designed precisely to accommodate and express these natural human capacities. Ultimately, then, the development of a moral consciousness and the learning of moral attitudes are prerequisites for the recognition and implementation of the principles of justice; here, he highlights the central importance of learned moral – and therefore political – behaviour:

“I assume that the sense of justice is acquired gradually by the younger members of society as they grow up. The succession of generations and the necessity to teach moral attitudes (however simple) to children is one of the conditions of human life.”²⁰

That the moral considerations of both Rousseau and Rawls begin at the same period of life, early childhood, is the first telling instance of their intellectual affinity. It is

¹⁷ See, for example, Rawls, *A Theory of Justice*, ch. 8.

¹⁸ Cook, “Rousseau: Education and Politics,” p. 109.

¹⁹ Rousseau, *First Discourse*, p. 218.

²⁰ Rawls, *A Theory of Justice*, p. 405. Consider, here, Rousseau, *Political Economy*, p. 20.

precisely during this stage of life – which, for both, is decidedly pre-rational – that future citizens acquire the capacity to comprehend their civic duties and thus ensure the maintenance of current and future political institutions. Of course, the similarities do not end there: both philosophers employ a kind of concentric circles model of moral development, whereby the moral sentiments learned within the family during childhood are translated into a kind of fellow-feeling with friends and associates and, eventually, into a morality of mutual respect between compatriots. This is precisely to highlight a fundamental assumption of both Rousseau and Rawls: namely, that morality is necessarily the product of socialization – specifically, of the principles and institutions that define this process – and of our constantly growing awareness of ourselves in relation to the other members of our social milieu; as our reason and social circumstances continue to evolve, so too do our moral sentiments. The section below will trace the outward movement of these models of socialized moral development.

Section 3.1 The Acquisition of a Sense of Justice

As we have just seen, Rawls begins his discussion of moral development in early childhood; let us consider this period the first concentric circle – or, phase – of moral development. For Rawls, as for Rousseau, the child's instincts are exclusively primitive. By virtue of her lack of understanding, the child is unable to question the rules and injunctions of her parents, the authority figures in her life.²¹ She must follow them without comprehending the overarching moral system they are attempting to teach her; she feels guilt when, inevitably, she transgresses a particular rule and is rebuked

²¹ For the sake of simplicity, Rawls assumes that said rules and injunctions are governed by considerations of both reason and justice, though he does acknowledge that this is of course not always the case. See Rawls, *Collected Papers*, p. 101.

accordingly.²² For the same reason – namely, her underdeveloped sense of rationality and, by extension, understanding – any psychological development must necessarily be the result of affective rather than rational attachments; that is, the emergence of affectionate feelings towards one’s parents is not the result of any rational, instrumental calculation – egoistic self-interest, for instance – but rather a recognition, and eventually a reflection, of the love and attention the child is already receiving from her parents:

“[...] the child comes to love the parents only if they manifestly first love [her]. Although the child has the potentiality for love, [her] love of the parents is a new desire brought about by [her] recognizing their evident love for [her] and [her] benefiting from the actions in which their love is expressed.”²³

According to Rawls, these benefits include unconditional love, a sense of security and, most importantly, the affirmation of her sense of self-worth; indeed, it is precisely the child’s budding sense of self-esteem as a result of the affection and encouragement of her parents that, for Rawls, cements a loving parent-child relationship.²⁴ Although the child may still not recognize this relationship as the product of a collection of moral precepts and standards – indeed, Rawls emphasizes that this “morality of authority” must always be governed by the principles of justice²⁵ – it marks an important moral milestone in the

²² For Rawls, this is a manifestation of “authority guilt”: an indication of both the child’s desire to transgress the bounds of parental authority and their ultimate recognition of their parents as worthy of esteem and thus emulation.

²³ Rawls, *A Theory of Justice*, p. 406. That Rawls credits Rousseau’s *Émile* with the initial articulation of this psychological law – that is, the eventual formation of primitive affections – represents a fundamental connection between their respective theories of moral development: “A child is naturally disposed to kindly feelings because he sees that everyone about him is inclined to help him, and from this experience he gets the habit of a kindly feeling towards his species” (*Émile* 174). See also Rawls, “The Sense of Justice” in *Collected Papers*, p. 96.

²⁴ *Ibid.*, p. 407.

²⁵ *Ibid.*, p. 409. It is important to regard the family as an institution like any other: that is, a collection of individuals in which certain benefits and burdens are distributed and which is ultimately governed by certain structural principles. Of course, the moral or political notions that inform our structural principles – say, equality or asocial self-interest – are of fundamental importance to the inner workings of the particular institution in question. That different principles engender different outcomes – in particular, the way in which the subjects of these institutions regard themselves and their fellows – is the central theme of this paper.

life of this future political agent: namely, the capacity to form lasting, meaningful attachments based on sentiments of fellow-feeling and even love.²⁶

Whereas this first stage of psychological development is generally based on unrecognized moral precepts – the child’s underdeveloped mental faculties leave no other option – the second stage, the morality of association, is instead based on public and therefore well-known standards and expectations. Rawls characterizes these as the “common sense” moral rules that a particular person in a particular position must follow in order to ensure the continued existence of the association in question; examples of these kinds of associations include the family, schools, neighbourhoods and, eventually, the national community.²⁷ Following our concentric circle model, the completion of the first stage of psychological development has already ensured the individual’s capacity to fulfill their particular role: just as one has learned the virtues of a good son or daughter – based, of course, upon the expression of parental approval or disapprobation as well as different, slowly learned conceptions of the ideal child – one is now ready to learn the virtues of a good student, neighbour, team member, etc. It is precisely this process of recognizing and fulfilling the ideal conception of each particular role – including the aims and purposes of the role, as well as of the association of which it is a part – that contributes to the process of moral learning: for Rawls, this requires “increasingly greater intellectual judgment and finer moral distinctions.”²⁸ Eventually, as we move through different roles within one or many associations, we come to recognition of the overarching system governing said association and to an appreciation of each member

²⁶ Rawls, *A Theory of Justice*, p. 411.

²⁷ Ibid, p. 409.

²⁸ Ibid, p. 410.

working towards its continued realization; of course, the skills which we learn as we navigate through this process are infinitely valuable for our future political lives:

“In due course, a person works out a conception of the whole system of cooperation that defines the association and the ends which it serves. He knows that others have different things to do depending upon their place in the cooperative scheme. *Thus he eventually learns to take up their point of view and to see things from their perspective.*”²⁹

This second stage is thus defined by the eventual development of our capacity for both sympathy and impartiality; in fact, the extent to which we are able to regard things from other people’s perspective is a quintessential expression of our moral sensibility.³⁰ As we shall soon see, this capacity comes to function as an essential element in the construction and maintenance of any cooperative system.

As in the first stage of psychological development, Rawls places an important caveat upon the inner workings of this second stage. The public rules of the association in question must, according to Rawls, be known by all to be just: all its members must benefit and know that others benefit in accordance with their roles³¹; all must come to a mutual recognition of their duties and perform them as an act of good will; eventually, the satisfaction of the previous two conditions will arouse sentiments of fellow-feeling and mutual trust.³² In fact, *only* in such cases will the development of our moral attitudes and sensibilities translate into effective and stable political associations:

“In due course the reciprocal effects of everyone’s doing his share strengthen one another until a kind of equilibrium is reached [...] When the moral ideals belonging to the various roles of a just association are lived up to with evident intention by attractive and admirable persons, these ideals are likely to be adopted by those who witness their realization.”³³

²⁹ Rawls, *A Theory of Justice*, p. 410 italics added.

³⁰ Here, Rawls highlights that the “array of abilities” required for this kind of impartiality “is quite complex”: we must recognize that other points of view exist and that people may have needs and wants different from our own. We must also learn how to gather information regarding these wants and needs based on the speech and countenance of associates; only then can we identify the definitive features of the perspectives – and thus the needs and wants – of others. See Ibid, p. 410 – 411.

³¹ This is the Rawlsian equivalent of Émile’s gradual recognition of the concept of utility. See Rousseau, *Émile*, Book III.

³² See Rawls, “The Sense of Justice” in *Collected Papers*, p. 102 – 105.

³³ Rawls, *A Theory of Justice*, p. 413.

Just as the child develops affectionate feelings towards her parents, so too does a bond of friendship and mutual trust develop among associates sharing just institutions. Of course, there is one essential difference: whereas the child's bond is primarily affective – and thus irrational – the bond developed here, in the second stage of moral and psychological development, is instead based on the rational recognition of mutual benefit and a common conception of institutional justice. It is thus that the moral capacity for “justice and fairness, fidelity and trust, integrity and impartiality” continues to develop.³⁴

The culmination of this process – the third stage, which Rawls dubs “the morality of principles” – is defined by the emergence of a sense of justice; here, one can witness a fundamental moral transformation: from an appreciation of a particular association as well as the benefits one receives from active participation in it – of course, this includes the sentiments of fellow-feeling for other members – towards an allegiance to the *principles* governing the association. As we have already seen, the morality of association already leads to the tacit recognition of the principles of justice. These system-governing principles, still unarticulated, form the basis of the fellow-feeling and mutual trust that will eventually develop among associates sharing just, well-ordered institutions. Having thus established the two preceding psychological laws – first, the capacity for loving attachments and, second, an appreciation of just institutions and the mutual benefits they engender – a sense of justice becomes the inevitable result³⁵:

“[T]he recognition that we and those for whom we care are the beneficiaries of an established and enduring just institution tends to engender in us the corresponding sense of justice. We develop a desire to apply and to act upon the principles of justice once we realize how social arrangements

³⁴ Rawls, *A Theory of Justice*, p. 413.

³⁵ It is important to note that, for Rawls, “a sense of justice is possessed by the overwhelming majority of mankind [...] We cannot go far wrong in supposing that the sufficient condition is always satisfied.” See *Ibid*, p. 443.

answering to them have promoted our good and that of those with whom we are affiliated. In due course we come to appreciate the ideal of just human cooperation.”³⁶

The implications of a fully developed sense of justice are fundamentally important with regard to Rawls’s overarching political theory: it leads to the acceptance of and allegiance to our particular institutions as well as the principles responsible for guiding them; the maintenance and reform of said institutions as well as the creation of new ones; finally, the recognition of – as well as the desire to act upon – the “natural duty” to advance similarly just institutional arrangements.³⁷ For Rawls, this stage of psychological development represents the pinnacle of our moral maturity. Unlike the child who can only experience guilt or pride with reference to the reactions of her parents or the associate whose moral reactions are dictated by the actions and predicaments of their fellows, the individual in full possession of a sense of justice can gauge their moral sentiments with reference to articulable principles of justice.³⁸ Of course, this morality of principles does not preclude the possibility of affective ties. In fact, “persons understand their sense of justice as an extension of their natural attachments, and as a way of caring about *the collective good*.”³⁹ Recall that a sense of justice is both the capacity and the desire to act from a moral point of view, as defined by our shared principles of justice⁴⁰; a common allegiance to the principles of justice is thus a testament to our unanimous desire to live together, equally and with mutual benefit, by institutionalizing fair terms of

³⁶ Rawls, *A Theory of Justice*, p. 415.

³⁷ Ibid. For an account of the persuasiveness of the “natural duty” arguments – in contrast to, say, obligations acquired as a result of benefits received – see Waldron, “Special Ties and Natural Duties,” p. 15 – 19. Waldron ultimately concludes that there is in fact a natural duty to support just institutions. We will take this up in more detail below.

³⁸ For a more detailed account of principle-dependent desires, see Rawls, *Lectures on the History of Moral Philosophy*, p. 45 – 50 and Williams, “Internal and External Reasons” in *Moral Luck*, p. 104.

³⁹ Rawls, *A Theory of Justice*, p. 434 italics added. The implications of this statement in relation to Rousseau will be investigated below.

⁴⁰ See Rawls, “The Sense of Justice” in *Collected Papers*, p. 106.

cooperation. For Rawls, “the ideal of persons cooperating on this basis exercises a natural attraction upon our affections.”⁴¹

It is clear by now that each law of psychological development is explicitly relational: at each stage, we experience a kind of moral maturation as a result of a more refined, complex view of the way in which a particular person or institution affects our own general well-being. The child’s affection is the product of her parent’s attention and the self-worth it induces; the associate becomes attached to their fellows upon recognition of the benefit their participation in a particular association accords them. For Rawls, these changes – as well as the moral laws which predict them – point to a “deep psychological fact”:

“The basic idea is one of reciprocity, a tendency to answer in kind. Without it our nature would be very different and fruitful social cooperation fragile if not impossible [...] A capacity for a sense of justice *built by responses in kind* would appear to be a condition of human sociability.”⁴²

It follows that a principle of reciprocity is explicitly built into Rawls’s conception of moral personality.⁴³ Without the expectation of reciprocity, the desire to perform the obligations associated with a sense of justice would be extremely weak or, more likely, non-existent; it is precisely for this reason that Rawls includes both equality and reciprocity as essential elements of any practicable set of justice principles. Here, it should be briefly noted – indeed, we will return to this theme in the discussion of Rousseau which follows – that this focus on the human capacity for reciprocity points to an important though often overlooked theme in Rawls’s moral and political philosophy: the essential sociability of human nature. In contrast to the common depiction of Rawls’s

⁴¹ Rawls, *A Theory of Justice*, p. 419. See also, Rousseau, *Political Economy*, p. 23: “If children are raised in the midst of equality, if they are imbued with the laws of the state, if they are taught to respect them above all things, if they are surrounded by examples and objects that constantly speak to them of the tender mother that nurtures them [...] they will learn to cherish one another as brothers.”

⁴² Ibid, p. 433 italics added.

⁴³ See Rawls, “Kantian Constructivism in Moral Theory,” in *Collected Papers*, p. 308 – 309.

political theory as atomistic⁴⁴, his work is instead deeply connected to some of the fundamental republican themes of Rousseau's political and philosophical oeuvre: an appreciation of "the mutual benefits provided by fair terms of social cooperation"; "our natural sympathy with others persons;" "an innate susceptibility to the pleasures of fellow feeling;" and recognition of the "affective basis for moral sentiments."⁴⁵ Following this Rawlsian account of our moral attitudes, it is clear that the principles of justice chosen in the original position – informed, as we saw above, by our commitment to moral equality and the mutual desire to protect the agency associated with said equality – spring from, rather than attempt to modify, our nature.

Section 3.2 The Value of Autonomy

As we have just seen, a sense of justice is a constitutive element of morality; indeed, it is the final expression of our moral development. It does not, however, fully encompass our standing as moral persons: deeply connected to our capacity to recognize and act according to a shared public conception of justice, is the capacity for a conception of the good.⁴⁶ This, after the sense of justice, is the second moral power and is for the most part explained by three main principles of rational action:

"[t]he adoption of effective means to ends; the balancing of final ends by their significance for our plan of life as a whole and by the extent to which these ends cohere with and support each other; and finally, the assignment of a greater weight to the more likely consequences."⁴⁷

The conception of the good requirement thus entails the capacity to formulate, revise and pursue a system of ends – or, perhaps, principles – which one takes to be to one's own

⁴⁴ See, for example, Sandel, *Liberalism and the Limits of Justice*. For the opposite view, see Kymlicka, *Multicultural Citizenship*, chs. 4 and 5.

⁴⁵ Rawls, *A Theory of Justice*, p. 403.

⁴⁶ Like the sense of justice, the capacity to formulate one's conception of the good is assumed to be possessed by *all* persons past a certain stage of moral and psychological development.

⁴⁷ Rawls, "Kantian Constructivism in Moral Theory" in *Collected Papers*, p. 316. See also Rawls, *Political Liberalism*, p. 177 – 178 and p. 189.

advantage.⁴⁸ Whereas the sense of justice articulates our capacity for fellow feeling, this second aspect of moral personality is the quintessential expression of our individual freedom. Rawls's conception of freedom is thus the rational choosing and pursuit of a particular way of life⁴⁹; in this case, as we shall see below, the adoption of and adherence to the principles of justice is both the ultimate expression and guarantor of our individual freedom.⁵⁰ It is here, then, that Rawls's debt to the moral philosophy of Rousseau, via Kant, continues to emerge: for all three philosophers, autonomy is obedience to a moral or political law one gives to oneself.⁵¹ Armed with this recognition, we can now begin to understand the original position as a procedural device specifically meant to institutionalize – through the adoption of the principles of justice – both these aspects of our moral personality. Before an account of the original position and its place in Rawls's overarching project, however, we must briefly examine the moral philosophy of Kant.

⁴⁸ See, for example, Rawls, "Justice as Fairness: Political not Metaphysical" in *Collected Papers*, p. 398.

⁴⁹ For a detailed account of the value and nature of autonomy, see Joseph Raz, *The Morality of Freedom*, p. 376 – 378.

⁵⁰ Rawls, *A Theory of Justice*, p. 452 – 453. This is precisely to highlight the complexity of Rawls's thinking on the concept of liberty. On the one hand, he is employing the language of non-interference: in light of this second moral power – the capacity for autonomous action à la Kant – negative freedom strikes Rawls as the ideal form of political liberty. This is what motivates the first principle of justice. On the other hand, he comes to use the republican language of non-domination wherein our political liberty is explicitly the product of (self-chosen) law. In this way, the body of laws, exemplified by the two principles of justice, is the ultimate guarantor of freedom from dependence. This is what motivates the difference principle. See, for example, Rawls, *A Theory of Justice*, p. 63, where he rejects the Hobbesian position that law is *only* a constraint on individual liberty: "Whether men are free is determined by the rights and duties established by the major institutions of society. *Liberty is a certain pattern of social forms*" italics added. The implication of this terminology is extremely important in light of the aim of the present paper: it represents Rawls's agreement with the Rousseauian claim that law is the source of our liberty rather than an impediment to it. This theme will be explored in much greater detail below. For some useful accounts of the difference between non-domination and non-interference see Berlin, "Two Concepts of Liberty" in *Four Essays on Liberty*, p. 123 – 124, 129 – 130; Petit, *Republicanism*, p. 8 – 9; and Larmore, "Liberal and Republican Conceptions of Freedom" in *Republicanism: History, Theory and Practice*, p. 100 – 112.

⁵¹ For an example of Kant's conception of freedom as the ultimate source of value see Kant, *Lecture on Ethics*, p. 121 – 122. See also, Kant, *Groundwork for the Metaphysics of Morals*, 4:439 and Kant, *Critique of Practical Reason*, 5:86.

Section 4 Putting Our Moral Powers to Political Use

The starting point of Kantian ethics is the intuitive recognition of the existence of certain moral duties: our inner conscience tells us that certain things must be done – and, of course, certain things avoided – and it is precisely the task of moral philosophy to articulate the reasons for these kinds of moral obligations. Where, essentially, does the obligation to act in certain moral ways come from? According to Kant, the source of this obligation is reason itself; that is, in addition to being subject to physical laws, rational creatures are also subject to moral laws and it is precisely the task of reason to recognize and impose the latter. These moral laws are thus the product of reason.⁵² It is here, then, that the constitutive link between will and morality emerges: it is only acts of good will – acts that are consciously motivated by the desire to fulfill the obligations associated with the moral law and, in turn, rationally imposed upon ourselves – that can be considered good, from a moral point of view; that is, for a particular action or end to be considered morally praiseworthy, adherence to the moral law must always be the incentive for the action; to recall the introduction, only actions which conform to this law – indeed, “are *immediately determined by the moral law*” – can be considered both legal *and* moral.⁵³ Of course, the rational law a moral actor gives herself, when acting out of a sense of duty or good will, is the categorical imperative.⁵⁴

A purely formal practical law, universal in both its accessibility and application to moral actors⁵⁵, it is precisely the conscious choice to abide by the demands of the categorical imperative – that is, being *wilfully* bound by its constraints – that expresses

⁵² For a useful discussion of Kantian ethics see Warnock, *An Intelligent Person's Guide to Ethics*, p. 79 – 90.

⁵³ Kant, *Critique of Practical Reason*, 5:71 italics added.

⁵⁴ Warnock, *An Intelligent Person's Guide to Ethics*, p. 80.

⁵⁵ Kant, *Groundwork for the Metaphysics of Morals*, 4:420-421.

both our possession of free will as well as the capacity to consciously act upon its impulses; because, that is, we recognize our obligations under the moral law, we are ultimately free to fulfill said obligations: “[o]ne judges that he can do something because *he is conscious that he ought to*, and he cognizes freedom in himself, which without the moral law might otherwise remain unknown.”⁵⁶ Paul Guyer illuminates the connection between the categorical imperative and our freedom of will in the following passage:

“[t]he moral law is a categorical imperative for us precisely because it is the law by means of conformity to which [our] intrinsically valuable freedom can be preserved and enhanced.”⁵⁷

As we have already seen, our consciousness of the moral law, as well as our obligation to act according to its dictates – *this* is precisely the prerequisite of our freedom of will – is the “fact of reason.”⁵⁸ According to Kant, it is precisely this ability to choose – to rationally self-impose certain moral obligations – that constitutes the fundamental dignity of man:

“Morality is the condition in accordance with which alone a reasonable being can be an end in himself because only through morality is it possible to be an autonomous member of the realm of ends. Hence morality, and humanity, in so far as it is capable of morality, can alone possess dignity.”⁵⁹

Human beings, that is, are exalted by their capacity for autonomy and, to reiterate, the expression of this capacity is precisely in our conscious, self-imposed subjection to the moral law⁶⁰; as we shall see below, Rousseau’s conception of human nature – and its

⁵⁶ Kant, *Critique of Practical Reason*, 5:30 italics added.

⁵⁷ Guyer, *Kant on Freedom, Law and Happiness*, p. 155. This formulation will be extremely valuable for our discussion of Rawls and Kantian constructivism below.

⁵⁸ Kant, *Critique of Practical Reason*, 5:31. For further discussion of the relationship between reason and freedom see Guyer, *Kant on Freedom, Law and Happiness*, p. 131 – 138; White Beck, *A Commentary on Kant’s Critique of Practical Reason*, p. 166 – 170.

⁵⁹ Kant, *Foundations of the Metaphysics of Morals*, Section II, p. 53.

⁶⁰ For a detailed account of the relationship between autonomy and dignity, see Susan M. Shell, “Kant on Human Dignity” in *In Defense of Human Dignity*, eds. Kraynak and Tinder, p. 55 – 74. See also Hill, *Dignity and Practical Reason in Kant’s Moral Theory*, p. 47 – 50.

relationship to personal autonomy – heavily influenced Kant’s account of the constitutive connection between our moral independence and fundamental human dignity.

While Kant argues that adherence to the moral law must be the sole motivation for a particular action, he also insists that this claim does not constitute an explanation for this motivation; indeed, moral philosophy in general cannot provide any compelling explanation for our desire to conform to the moral law:

“For how a law can be the determining ground of the will for itself and immediately (which is yet the essence of all morality) is *an unsolvable problem* for human reason and identical with the problem of how a free will is possible.”⁶¹

While the possibility of our being motivated by the purely formal law of morality is certain, it is ultimately inexplicable. According to Guyer, Kant “seems simply to assume that we are motivated to adhere to the moral law and can be motivated to do so apart from any end *without explaining how such a thing is possible*.”⁶² For Kant, then, the fundamental principles of morality are ultimately indemonstrable and, as we shall see below, this claim precisely constitutes Rawls’s concerns over the limitations of Kantian moral philosophy: while it valorizes our universal, rational *capacity* to act according to the dictates of the moral law, it does so without explaining any *reason* we have to act in such a manner. It is precisely Rawls’s objective to provide compelling reasons to act in accordance with this kind of Kantian moral law. Before an account of the ways in which Rawls diverges from Kant, though, let us first examine their intellectual affinities; indeed, Rawls concedes that the original position, as well as the manner in which agents behave in that particular situation and the outcome they produce, is heavily indebted to Kantian ethics and its conception of moral and rational actors.

⁶¹ Kant, *Critique of Practical Reason*, 5:72 italics added.

⁶² Guyer, *Kant on Freedom, Law and Happiness*, p. 143 italics added.

Section 4.1 The Original Position

At the foundation of Rawls's theory for a just, well-ordered and stable political society is the original position: a procedural mechanism which, as we shall soon see, translates our moral assumptions about individuals and the nature of social cooperation into concrete governing principles; built into Rawls's concept of the original position is a theoretical device which he calls the "veil of ignorance." This veil deprives contracting parties of a number of important details about themselves and the course of their lives:

"No one knows his place in society, his class position or social status, nor does anyone know his fortune in the distribution of natural assets and abilities, his intelligence, strength and the like."⁶³

In addition, Rawls stipulates that the veil of ignorance deprives the parties in the original position of information about "their conceptions of the good" as well as their "special psychological propensities."⁶⁴ According to Rawls, these are precisely the kinds of personal characteristics which are "arbitrary from a moral point of view"⁶⁵: because no one has any control over their abundance or lack of great intelligence or political cunning, for instance, they should not be able to use these traits to gain an advantageous position in the choosing of our shared principles of justice.⁶⁶ Rawls's conception of justice is thus explicitly meant to nullify the inequality often caused by "accidents of natural endowment and the contingencies of social circumstance"⁶⁷: no truly just society can confer benefit based on such arbitrary, contingent social features and the veil of ignorance is specifically designed to prevent this unjust state of affairs. Because none of the contracting parties are in a position to tailor the principles of justice to their advantage, the veil of ignorance assures us that the conception of justice which emerges

⁶³ Rawls, *A Theory of Justice*, p. 11.

⁶⁴ Ibid.

⁶⁵ Ibid, p. 14.

⁶⁶ Ibid, p. 11.

⁶⁷ Ibid, p. 14.

from the original position is the “result of a fair agreement.”⁶⁸ Indeed, this is precisely the meaning behind the phrase “justice as fairness”: any principle agreed to under fair conditions of deliberation is precisely a just principle.

The above considerations are meant to express the fundamental conditions that, for Rawls, any principle must satisfy in order for it to be considered a truly just principle of social cooperation: generality, universality and unanimity.⁶⁹ Of course, the original position is precisely designed to yield such results: because the contracting parties know neither their place in society nor their particular ends or desires, the principles they eventually choose must necessarily be made on “the basis of general considerations”⁷⁰ and must, in turn, be universally applicable. Rawls explains this situation in the following way:

“It is clear that since the differences among the parties are unknown to them, and everyone is equally rational and similarly situated, each is convinced by the same arguments. Therefore, we can view the agreement in the original position from the standpoint of one person selected at random. If anyone after due reflection prefers a conception of justice to another, then they all do, and a unanimous agreement can be reached.”⁷¹

The implication which Rawls draws from this situation, and which he specifically points towards in the section’s footnotes, is explicitly Rousseauian:

“Whatever a person’s temporal position, *each is forced to choose for all.*”⁷²

This should of course remind us of our previous discussion of the development of a sense of justice and its defining characteristic: the cultivation of the capacity to see things from other people’s perspective. Indeed, it is precisely this recognition which points towards the fundamental importance of both the original position and the veil of ignorance: both

⁶⁸ Rawls, *A Theory of Justice*, p. 11

⁶⁹ See Ibid, Section 23.

⁷⁰ Ibid, p. 118. See also Ibid, p. 129.

⁷¹ Ibid, p. 120.

⁷² Ibid, p. 121 italics added. Rawls draws our attention to Rousseau, *Contrat Social*, ch. IV, par. 5. This section will be examined in greater detail below.

devices are explicitly designed to give political expression, in ideal circumstances, to the two aforementioned moral powers. As we shall now see, it is precisely our possession of these moral powers, in conjunction with said ideal conditions, which lead to the unanimous adoption of the two principles of justice.

Although contracting parties do not know their *particular* conception of the good, Rawls still conceives of them as explicitly rational: that is, they know that they will have *some* rational plan of life or system of ends and will thus want to ensure political conditions, defined by principles of justice, which will allow them to advance these plans as far as possible. Rationality is thus equated with the second moral power: the desire and equal capacity to advance our individual conceptions of the good.⁷³ Armed with this recognition, contracting parties know that they will require an adequate amount of primary social goods in order to pursue their particular life plan; indeed, a fundamental expression of their rationality is precisely the recognition that they prefer more primary social goods than less.⁷⁴ They are thus able to rank alternatives with respect to their ability to fulfill this desire: “[t]heir deliberations are no longer guesswork. They can make a rational decision in the ordinary sense.”⁷⁵ It is in this social setting, defined by complete equality and a general lack of information, that the adoption of the two principles of justice emerges as the only rational course of action; as mentioned above, no rational being in pursuit of a particular system of ends would agree to a system of principles in which they may ultimately receive either an unequal share in the division of primary social goods or adverse socio-economic conditions which limit their capacity to

⁷³ Rawls, “Kantian Constructivism in Moral Theory” in *Collected Papers*, p. 316. See also Rawls, *A Theory of Justice*, p. 131 – 132.

⁷⁴ Rawls, *A Theory of Justice*, p. 123. See also Rawls, *Political Liberalism*, p. 76.

⁷⁵ *Ibid.*

pursue their conceptions of the good. But, again, this does not tell the complete story of the adoption of, as well as the perpetual adherence to, our shared principles of justice.

The second of Rawls's two fundamental assumptions about the contracting parties of the original position is that they have reached the pinnacle of their moral maturity: they are in full possession of a sense of justice and thus have a "capacity for justice in a purely formal sense."⁷⁶ The parties, that is, can rely on each other to understand and conform to our shared principles of justice; indeed, this is a fundamental expression of our sense of justice: namely, the fulfillment of our "natural duty" to participate in, and continue to support, just schemes of social cooperation.⁷⁷ In the case of justice as fairness, our adherence to the principles of justice is the result of our common recognition that the scheme we are creating is explicitly designed according to a just "principle of reciprocal advantage"⁷⁸: the difference principle is precisely the attempt to ensure that *every member of society* benefits by accepting the scheme of social cooperation.⁷⁹ The principles of justice – in particular, the difference principle – are thus a manifestation of our common desire for self-respect⁸⁰: it is, for Rawls, a psychological fact that we want to feel as though our plan of life is worthy of pursuit and we want others to acknowledge this fact as well. This is precisely the aim of the principles of justice. By institutionalizing a scheme of mutual benefit, we guarantee to all members of society an adequate level of resources which can be used for the pursuit of their individual

⁷⁶ Rawls, *A Theory of Justice*, p. 126

⁷⁷ See, for example, Ibid, Sections 19 and 51.

⁷⁸ Ibid, p. 155.

⁷⁹ The result, according to Rawls, is the assured stability, and thus continued existence, of our cooperative venture. This should remind us of our previous discussion of the sense of justice: namely, its development as a result of recognizing the ways in which just institutions advance our own good. The result, of course, is a love for these institutions, as well as a perpetual allegiance to them.

⁸⁰ Ibid, p. 156. See also Ibid, p. 297.

endeavours. The result is the public affirmation, through the mutual adoption of just principles, of each individual's sense of self-worth:

“By arranging inequalities for reciprocal advantage and by abstaining from the exploitation of the contingencies of nature and social circumstance within a framework of equal liberties, persons express their respect for one another in the very constitution of their society [...] the principles of justice manifest in the basic structure of society men's *desire to treat one another not as means but only as ends in themselves*.”⁸¹

Rawls calls this the “duty of mutual respect”: by accepting the difference principle and the distributive obligations it creates – that is, by guaranteeing every member of our cooperative scheme an adequate amount of social goods to be used for the pursuit of their self-chosen ends – we show a person the respect they deserve as a moral being, in possession of a sense of justice and a conception of the good.⁸² Mutual respect is thus constitutively associated with the sense of justice: namely, the capacity and willingness to see the situation of others from their point of view – “from the perspective of their conception of the good”⁸³ – and, in turn, to provide the resources necessary for the pursuits that characterize this perspective. Indeed, the contracting parties of the original position are explicitly characterized in this way: it is precisely their moral potential – that is, their capacity to articulate and pursue their individual conceptions of the good, as well as the possession of a fully developed sense of justice – that functions as a “sufficient condition” for being entitled to the rights and liberties outlined by the principles of justice.⁸⁴

Once again, our common possession of a sense of justice seems to refute any depiction of Rawls's theory as an egoistic one; any such accusation fails to take into

⁸¹ Rawls, *A Theory of Justice*, p. 156 italics added.

⁸² Ibid, p. 297. In this vein, our individual self-esteem is thus explicitly the product of our institutionalized principles of justice.

⁸³ Ibid, p. 297.

⁸⁴ Ibid, p. 442.

account the overarching design of the original position. While Rawls agrees that, in the original position, the sense of rationality does imply a kind of mutual disinterestedness among contracting parties⁸⁵, the additional constraints of the original position are such that we are *forced* to take into account the positions of *all* contracting parties:

“[t]he combination of mutual disinterest and the veil of ignorance achieves much the same purpose as benevolence. For this combination of conditions forces each person in the original position to take the good of others into account.”⁸⁶

The intentionality of the original position again becomes evident: its design is explicitly meant to give expression to our learned moral capacity for the kind of sympathy, good will and mutual trust associated with the sense of justice. Of course, the presence of mutual good will at the founding moment of our cooperative venture has a kind of reinforcing effect: in a well-ordered society, once the veil has been lifted⁸⁷, the two principles of justice continue to produce obligations to consider the rights of others.⁸⁸ And, again, the sense of justice is precisely the capacity to recognize these obligations and the accompanying desire to fulfill them. In this way, institutions designed according to this conception of justice as fairness remain stable.⁸⁹

It is clear – indeed, Rawls emphasizes – that the original position was explicitly designed with an eye towards the fundamental assumptions of Kantian moral philosophy. Firstly, Rawls adopts Kant’s claim that our moral principles are the object of rational choice⁹⁰: as we saw above, for Kant it is the “fact of reason” that allows us to distinguish just principles – those permitted by the moral law – from unjust ones and choose the

⁸⁵ Rawls, *A Theory of Justice*, p. 12.

⁸⁶ Ibid, p. 129 italics added.

⁸⁷ Ibid, p. 128: “For the fact that in the original position the parties are characterized as mutually disinterested does not entail that persons in ordinary life who hold the principles that would be agreed to are similarly disinterested in one another.”

⁸⁸ Ibid, p. 128.

⁸⁹ Ibid, p. 154. This idea will be examined in greater detail below.

⁹⁰ Ibid, p. 221.

former; of course, Rawls's contracting parties are conceived as explicitly rational and thus capable of recognizing principles that will universally further our systems of ends. Secondly, Kant holds that when a person acts autonomously – that is, in line with the moral demands of the categorical imperative – this is an expression of his nature as a free and equal rational being; the principles which guide his action cannot be the result of his social standing or natural endowments, for this constitutes a rejection of the fundamental characteristic of the moral law: its universality. Similarly, Rawls's employment of the veil of ignorance negates the possibility of “heteronomous” principles⁹¹: the parties in the original position, in possession of a sense of justice and by definition ignorant of both their social standing and natural talents, arrive at their chosen principles as free and equal rational persons. The principles of justice chosen in this position are thus analogous to the categorical imperative: they are rationally chosen and apply to us equally, by virtue of our common rationality, regardless of our particular ends, desires or capacities.⁹² All that we share, according to Rawls, is the common desire to be treated as an end: that is, we desire an adequate share of certain primary goods with which to pursue our particular conception of the good; of course, this condition is explicitly guaranteed by our choosing the shared principles of justice. Ultimately, then, both Kant and Rawls share the conviction that a fundamental expression of our autonomy is acting in accordance with a self-chosen law: in justice as fairness, adherence to the principles of justice is precisely the realization of our highest-order interest in autonomy. There is, however, one crucial problem with Kantian moral philosophy which Rawls attempts to remedy with his employment of the original position.

⁹¹ Rawls, *A Theory of Justice*, p. 222.

⁹² Ibid, p. 223.

According to Rawls, the fundamental flaw of Kant's moral philosophy is its refusal to turn towards the political sphere; that is, nowhere in Kant's moral philosophy does one find a publicly shared set of moral principles.⁹³ Instead, Kantian ethics is explicitly geared towards the individual actor, in isolation from his or her political relations with others. Politics, for Kant, is thus a realm of instrumentality, necessarily subordinate to the realm of individual morality:

“Individual men and even entire nations little image that, while they are pursuing their own ends, each in his own way and often in opposition to others, they are unwittingly guided in their advance along a course intended by nature. They are unconsciously promoting an end which, even if they knew what it was, would scarcely arouse their interest.”⁹⁴

Rawls, on the other hand, is working in distinctly political terms. The original position can thus be understood as a procedural means for the *political* expression of our autonomy.⁹⁵ Unlike Kant, Rawls is not concerned with moral individuals but with moral *institutions*:

“Justice as fairness assigns a certain primacy to the social; that is, the first subject of justice is the basic structure of society, and *citizens must arrive at a public understanding on a conception of justice for this subject first*. By contrast, Kant's account of the Categorical Imperative applies to the personal maxims of sincere and conscientious individuals in everyday life.”⁹⁶

Although Kant and Rawls agree that our autonomy is most fully realised when we abide by laws of our own choosing, they diverge with regards to the forum in which our autonomy is most appropriately expressed. For the former it is in our private lives, while the latter insists that the primary expression of our autonomy must occur at the level of politics:

“Kant proceeds from the particular, even personal case of everyday life; he assumed that this process carried out correctly would eventually yield a coherent and sufficiently complete system

⁹³ For a similar interpretation of Kant's politics, see Taylor, *Hegel and Modern Society*, p. 78: “Because he only has a formal notion of freedom, Kant cannot derive his notion of the polity from it. His political theory ends up borrowing from the utilitarians. Its input, we might say, is the utilitarian vision of a society of individuals each seeking happiness in his own way.”

⁹⁴ Kant, “Idea for a Universal History with a Cosmopolitan Purpose” in *Kant: Political Writings*, p. 41.

⁹⁵ Rawls, *Political Liberalism*, p. 90 – 99.

⁹⁶ Rawls, “Kantian Constructivism in Moral Theory” in *Collected Papers*, p. 339 italics added.

of principles, including principles of social justice. *Justice as fairness moves in quite the reverse fashion.*”⁹⁷

Having thus established the intent of Rawls’s conception of justice as fairness – namely, the realization of Kantian autonomy at the level of collective politics and the process by which this may come about – we are now ready to turn towards the moral and political philosophy of Jean-Jacques Rousseau.

Section 5: Rousseau and Kant

As we have already seen, the central conviction of Kantian ethics is the human capacity for choice; recall, here, that it is precisely our moral independence – our ability, that is, to exercise our agency, to either accept or reject the moral obligations of the categorical imperative – that constitutes our fundamental dignity as humans. It is precisely for this reason that, for Kant, independence is among the highest moral goods:

“In submissiveness there is not only something exceedingly dangerous, but a contradiction, which at the same time indicates its illegitimacy [...] That man should stand in need of no soul and have no will of his own is absurd and perverse. Such a man is like the mere tool of another.”⁹⁸

Treating men as ends rather than means is thus a commitment to respecting their independence as moral actors. Because our moral deeds are precisely what give our lives meaning, we must be free to exercise our capacity for rational, and therefore moral, action; in fact, “moral life is equivalent to freedom in this radical sense of self-determination by the moral will.”⁹⁹ For Kant, then, acts of the unfettered will ultimately constitute the essential value of human life; Cassirer describes this moral law in a rather illuminating way:

“Man should seek the real law of his being and his conduct neither below nor above himself; *he should derive it from himself*, and should fashion himself in accordance with the determination of his own free will.”¹⁰⁰

⁹⁷ Rawls, “Kantian Constructivism in Moral Theory” in *Collected Papers*, p. 339 italics added.

⁹⁸ Kant, *Observations of the Feeling of the Beautiful and the Sublime*, Section II, p. 66. See also Ibid, p. 95.

⁹⁹ Taylor, *Hegel and Modern Society*, p. 4.

¹⁰⁰ Cassirer, *Rousseau-Kant-Goethe*, p. 23 italics added.

This constitutes Kant's most significant and lasting contribution to contemporary political philosophy, in general, and to Rawls's theory, in particular. Of course, the desire for independence, both moral and political, is also a central theme of Rousseau's philosophy; in fact, we find in Rousseau's *Julie* an equally vehement – and similarly formulated – denunciation of submissiveness and coercion:

“Man is too noble a being to serve simply as the instrument for others, and he must not be used for what suits them without consulting also what suits himself.”¹⁰¹

According to Kant, then, the fundamental significance of Rousseau's philosophical and autobiographical oeuvre is its expression of “the will not to be peculiar and eccentric but to be altogether sincere.”¹⁰² Indeed, Rousseau's unwavering desire for independence from the oppressive social mores of Parisian society had a profound impact on Kant's thinking¹⁰³: it worked to reveal the fundamental discrepancy between natural man and civilized man; between the essential and the contingent¹⁰⁴; between that which is a permanent and unchanging part of our nature and the merely empirical expression of temporal and therefore fleeting values.¹⁰⁵ As we shall see below, the expression of the essential part of our nature – whose articulation by Rousseau Kant recognized as a revolutionary contribution to the history of ideas¹⁰⁶ – culminates in a mutual, unwavering commitment to one particular end: moral and political freedom.¹⁰⁷

¹⁰¹ Rousseau, *Julie, or the New Heloise*, V.ii.439.

¹⁰² Cassirer, *Rousseau-Kant-Goethe*, p. 7. See also Taylor, “The Politics of Recognition” in *Philosophical Arguments*, p. 237 – 242 and Fukuyama, *The End of History and The Last Man*, Part II.

¹⁰³ For an interesting account of the psychological impact of Rousseau's arrival in Paris, at the age of thirty, see Cassirer, *The Question of Jean-Jacques Rousseau*, p. 40 – 44.

¹⁰⁴ This is of course the fundamental distinction that Rawls makes in the original position. See, for example, Rawls, “A Well-Ordered Society” in *In Defense of Human Dignity*, ed. Kraynak and Tinder, p. 204 – 207.

¹⁰⁵ Cassirer, *Rousseau-Kant-Goethe*, p. 20.

¹⁰⁶ *Ibid*, p. 57.

¹⁰⁷ See Susan M. Shell, *The Rights of Reasons*, p. 21: According to Kant, Rousseau led him to the philosophical problem of “restoring the rights of mankind.” In Cassirer, *The Problem of Jean-Jacques*

Section 6: Rousseau's Doctrine of Human Nature

Montesquieu's *The Spirit of the Laws* provides a valuable starting point for our account of Rousseau's conception of human nature. Starting from an acceptance of the fundamental sameness of human nature, in that work, Montesquieu attempts to explain, in as rigorously scientific a manner as possible¹⁰⁸, the reasons behind the variable manifestations of human values, attitudes and passions. Ultimately, Montesquieu attributes this diversity to political and natural causes: each political regime, for example, is governed by its own distinctive "principle" which, in turn, affects the psychological and emotional make-up of those living under this or that particular form of government; the same, of course, is true of natural factors such as climate and soil quality.¹⁰⁹ Rousseau clearly agrees with Montesquieu's assessment of the emotional and psychological implications of particular political institutions; indeed, the foundational insight of Rousseau's political and moral philosophy is the fundamental importance – that is, the fundamental capacity to affect human behaviour – of political institutions:

"Everything is at bottom dependent on political arrangements, and no matter what position one takes, a people will never be otherwise than what its form of government makes it."¹¹⁰

From Rousseau's emphasis on the wide-ranging implications of political organization, we can extract two fundamental assumptions of his moral theory: first, the fundamental indeterminacy of human nature: because our principles and values will likely change with shifting political tides, it is an essentially dynamic, rather than static, account of human

Rousseau, p. 72, the author cites this "ethical imperative" as the essential foundation of Rousseau's moral and political philosophy.

¹⁰⁸ See Isaiah Berlin, *Political Ideas in a Romantic Age*, p. 52 – 59.

¹⁰⁹ See, for example, Montaigne, *The Spirit of the Laws*, p. 21 – 29 and 36 – 43.

¹¹⁰ Rousseau, *Confessions*, p. 296.

nature¹¹¹; second, its emphasis on politics points towards its explicitly social component: that is, Rousseau's account of human nature is built upon the assumption that human beings are not isolated monads, but are in fact constituted by their relationship to other, similarly constituted selves.¹¹² Ultimately, then, Rousseau's account of human nature attempts to "explain the genesis of all the passions in terms of a few fundamental principles, which are set in motion by external stimuli."¹¹³

Although, as we have just seen, Rousseau contends that human nature manifests itself in markedly different ways – according to our particular socio-political circumstances – he, like Kant, is equally concerned with the permanent and unchanging aspects of our nature. Josh Cohen illustrates this by differentiating between the "*abstract potentialities* intrinsic to human nature" and the "*determinate expression* of those potentialities as a result of social circumstance."¹¹⁴ Of course, the permanent, fundamental principle of human nature is self-love: it is an ineradicable fact that we, as human beings, constantly long for our own, personal happiness.¹¹⁵ Our first priority is, and must always be, the preservation of our person and, as we continue to evolve, our goods; that we are explicitly able to determine the best course of action to fulfill these goals – that we are endowed with the mental capacity to choose and modify our conduct in light of these objectives – is precisely what Rousseau means in famous first lines of the

¹¹¹ See, for example, Rousseau, *Second Discourse*, p. 186: "[t]he Mankind of one age is not the Mankind of another age." In her *Men and Citizens*, p.1, Judith Shklar calls Rousseau "the historian of the human heart."

¹¹² For a similar formulation see Taylor, *The Ethics of Authenticity*, p. 33 – 35.

¹¹³ Reisert, *Jean-Jacques Rousseau: A Friend of Virtue*, p. 16.

¹¹⁴ Cohen, "The Natural Goodness of Humanity" in *Reclaiming the History of Ethics*, p. 103. Cohen attributes the formulation of this distinction to Chomsky: in his account of the Cartesian tradition in linguistics, Chomsky emphasizes the difference between the intrinsic linguistic capacities of human nature and the acquisition of language through social interaction in particular political circumstances. See Chomsky, *Cartesian Linguistics*, p. 59 – 72.

¹¹⁵ Rousseau, *Émile*, p. 212 – 213 and 442.

Social Contract and, as we saw above, constitutes the moral foundation of man's essential dignity.¹¹⁶ Judith Shklar sees in this formulation of human dignity a typically liberal conception of autonomy as rational self-determination:

“Nothing is more satisfying than a sense of one's own goodness, nothing more painful than remorse. A man with a will capable of all that, is his own master. He wills what is necessary for his own felicity and does nothing except what he wills. That is freedom.”¹¹⁷

It is rather easy to recognize Rousseau's political objective in light of these moral claims: that is, to discover, contra Hobbes, a form of political association that does not require or, even worse, force us to renounce the freedom that is our fundamental right.¹¹⁸ As we shall see in more detail below, the means to this end is the institutionalization of equal citizenship through our common participation in the general will; this, for Rousseau, is precisely an expression of our mutual commitment to the common good and to the general well-being of our political community. Of course, the widespread vice Rousseau so vividly describes – selfishness, pride, jealousy and vanity; in general, inauthenticity¹¹⁹ – certainly complicates the potential “reconciliation of autonomy and social connection.”¹²⁰ In order to formulate a plausible solution to this dilemma, we must first, following Cohen, account for the other permanent and essential aspects of Rousseauian human nature.

What, then, about ourselves – that is, about human nature – allows for the possibility of recognizing our fundamental equality and, in turn, our obligations to the

¹¹⁶ Rousseau, *Contrat Social*, 1.1.1: “*Man is born free*, and everywhere he is in chains” italics added. See also Ibid, 1.4.6: “To renounce one's freedom is to renounce one's quality as man, the rights of humanity, and even its duties.” For an account of freedom as a fundamental aspect of human nature, See Miller, *Rousseau, Dreamer of Democracy*, ch. 7.

¹¹⁷ Shklar, “General Will” in *Dictionary of the History of Ideas*, p. 277. See also Scanlon, “The Significance of Choice” in *Equal Freedom*, p. 39 – 104.

¹¹⁸ Rousseau, *Contrat Social*, 1.6.4. See also *Émile*, p. 461: “One is more free under the social pact than in the state of nature.”

¹¹⁹ See, for example, Rousseau, *Second Discourse*, p. 171 – 172; 181; 195. See also Taylor, “The Politics of Recognition,” p. 237.

¹²⁰ Cohen, “The Natural Goodness of Humanity” in *Reclaiming the History of Ethics*, p. 106.

other members of our political community? What will ultimately motivate individuals to adhere to the duties assigned by the mutually adopted principles of the general will?¹²¹

These are the fundamental questions of Rousseau's moral philosophy. The answer of course lies in Rousseau's unequivocal belief, again contra Hobbes, in the natural goodness of humanity:

“There is no original perversity in the human heart. There is not a single vice to be found in it of which it cannot be said how and whence it occurred.”¹²²

Consider, here, a similar claim from *Rousseau, Judge of Jean-Jacques*:

“Society depraves man and makes him miserable.”¹²³

The moral depravity that, for Rousseau, has become a characteristic mark of contemporary society is thus merely the “determinate expression” of our “abstract potentialities.” While our moral nature is indeed defined by its capacity for goodness, our particular, contingent socio-political institutions have instead distorted our benevolent impulses; Rousseau is thus acutely sensitive to the potentially devastating moral implications of poorly designed socio-political institutions.¹²⁴ Let us first examine our moral impulses in their natural – and thus morally “good” – form; this will, in turn, allow us properly critique contemporary political institutions, as well as formulate a feasible political ideal that harnesses, rather than distorts, this natural goodness.

As we have already seen, for Rousseau, self-love – *amour-de-soi* – is the most fundamental expression of human nature. We, as human beings, regard ourselves – our existence – as intrinsically valuable and thus desire the preservation of this source of

¹²¹ Of course, Rawls's moral philosophy asks a fundamentally similar question: that is, which process of moral development – and, in turn, what kinds of moral attributes – will ensure a meaningful commitment to our shared principles of justice?

¹²² Rousseau, *Émile*, p. 92.

¹²³ Rousseau, *Rousseau, Judge of Jean-Jacques: Dialogues*, p. 213.

¹²⁴ The impact that this recognition has on Rawls's thinking will be discussed below.

value.¹²⁵ In the state of nature, this form of self-love is explicitly non-relational: savage man has no need to compare himself with others; he is defined by his psychological and physiological self-sufficiency.¹²⁶ This, of course, is a temporary situation. With increased socialization and the inevitable development of our cognitive powers – this is another way of expressing the uniquely human capacity for perfectibility¹²⁷ – we come to recognize others as potential sources of value claims. They, like us, appreciate the intrinsic value of their lives and, also like us, come to desire the external recognition of said value. *Amour-de-soi* is, at this moment, effectively transformed into *amour-propre*: whereas the former is, again, explicitly non-relational, the latter is the product of our pressing concern for our standing in the eyes of others. For Rousseau, this is a peculiarly dangerous moment in the history of civilization, for it can lead us in two unequivocally opposed moral directions; indeed, this is once again an expression of the fundamental divergence between our “abstract potentialities” and their “determinate expression.” On the one hand, the awakening of our *amour-propre* can have explicitly egalitarian implications: it can, by virtue of the mutual realisation of our common nature¹²⁸, lead to the recognition of our essential equality, wherein we come to regard others as fundamentally similar regardless of the contingent – and thus inessential – existence of social, intellectual or economic inequality:

¹²⁵ Consider Rawls’s conception of self-respect, which “includes a person’s sense of his own value, his secure conviction that [...] his plan of life is worth carrying out.” Rawls, *A Theory of Justice*, p. 386

¹²⁶ See, for example, Rousseau, *Second Discourse*, p. 154 and 163. This theme of existential unity is the guiding insight of Melzer’s *The Natural Goodness of Man*, ch. 2, in particular. See also Bloom, “Introduction” in *Émile*.

¹²⁷ For an account of Rousseau’s conception of perfectibility, see Charvet, *The Social Problem in the Philosophy of Rousseau*, ch. 1. See also Wokler, *Rousseau*, ch. 3.

¹²⁸ Rousseau, *Émile*, p. 221.

“Man is the same in all stations [...] To the man who thinks, all the civil distinctions disappear. He sees the same passions, the same sentiments in the hod-carrier and the illustrious man. He discerns there only a difference in language, only a more or less affected tone.”¹²⁹

The most obvious example of this egalitarian idyll – “the happiest and most lasting epoch” – can be found in the *Second Discourse*. In that work, Rousseau hypothesizes about the nature of the spontaneous, pre-political societies – or primitive families – that function as the middle point between the state of nature and civil society. This “epoch” is characterized by a kind of “spontaneous equilibrium”¹³⁰: it lacks both established leaders and promulgated laws; all its members are roughly equal and realize it; they remain self-sufficient and thus steadfastly independent; because there is neither private property nor positions of esteem – indeed, at this point, savage man lacks the foresight necessary for these kinds of future-oriented calculations¹³¹ – no one will have any real motive to harm another.¹³² These societies are thus lacking in both convention and artifice; indeed, for Rousseau, this mode of life “gave rise to the sweetest feeling known to man: conjugal love and paternal love.”¹³³ On this account, then, social cooperation is the pre-requisite for the development of certain virtuous affections. Ultimately, Rousseau contends that this harmonious order is “natural,” in that it is the product of our two “natural” passions: *amour-propre* and the third essential aspect of human nature, pity.¹³⁴ The former, as we saw above, manifests itself – rather, ideally manifests itself – in the desire to be esteemed as an equal, while the latter disinclines us to harm others. Indeed, a general aversion to suffering – *pitié* – is precisely an acknowledgement of our concern for the well-being of

¹²⁹ Rousseau, *Émile*, p. 225.

¹³⁰ Reisert, *Jean-Jacques Rousseau: A Friend of Virtue*, p. 42.

¹³¹ This is the basis of Rousseau’s repudiation of Hobbes’s state of nature. See, for example, Wokler, *Rousseau*, ch. 3. See also Rousseau, *Geneva Manuscript*, p. 159, and Rousseau, *The State of War*, p. 164.

¹³² Rousseau, *Second Discourse*, p. 176 – 180.

¹³³ *Ibid.*, p. 176.

¹³⁴ *Ibid.*, p. 165. See also Rousseau, *Émile*, p. 221.

others; for Rousseau, “all the social virtues stem from this quality alone.”¹³⁵ Ultimately, then, “a kind of natural reciprocity is built into the structure of both”: we pity others because we too are capable of feeling pain; and we desire public esteem insofar as we consider the judging public to be estimable.¹³⁶ It should be clear that these formulations of *amour-propre* and pity – both of which are characterized by a recognition of equality and a commitment to reciprocity – are the benign manifestations of our natural goodness. Let us now consider the potentially malevolent development of human nature and its connection to our socio-political circumstances.

The second, inequalitarian manifestation of our natural self-love – this state of being is suggested when Rousseau describes “inflamed” *amour-propre*¹³⁷ – is precisely a repudiation of our common human nature. It is the desire to be regarded with more respect and more admiration than our fellows; quite simply, it is the desire to be better, or at least perceived to be so:

“Each began looking at others and wanting them to look at him; public esteem came to be valued, and it went to those who were the best singers, or dancers, the most beautiful or handsome [...] This was the first step towards inequality, and also toward vice.”¹³⁸

Like the egalitarian form of *amour-propre* discussed above, this too is the product of recognizing otherness. However, this new consciousness – this act of differentiation – does not, as above, lead to our mutual commitment to equality: instead, it is characterized by the attempt to naturalize – eventually, through political principles and institutions – inequalities of status, which, for Rousseau, are arbitrary distortions of our common nature.¹³⁹ Ultimately, because this inflamed manifestation of *amour-propre* necessarily

¹³⁵ Rousseau, *Second Discourse*, p.165.

¹³⁶ Reiser, *Jean-Jacques Rousseau: A Friend of Virtue*, p. 42.

¹³⁷ See, for example, Rousseau, *Émile*, p. 247.

¹³⁸ Rousseau, *Second Discourse*, p. 178.

¹³⁹ *Ibid*, p. 170. See also Rousseau, *Émile*, p. 245.

requires the diminution of the lives and value of others – of course, an impossible demand on them¹⁴⁰ – it is responsible for all the ills, both individual and social, to which Rousseau was so acutely sensitive: anxiety and competition, alienation and discontent, dependence and servitude.¹⁴¹ Because we are permanently concerned with our standing relative to others, the desire to accumulate – both property and approbation – is infinite; for Rousseau, this is the primary source of our dissatisfaction and, in turn, our unhappiness: clearly, our capacity to fulfill these desires is finite.¹⁴² Civil man is thus forced to live outside himself, in the gaze of others, only to find this an insufficient source of satisfaction; this recognition does not, however, prompt any meaningful reform, only the further degradation of social and political life.

Of course, this picture – dominated by vanity, selfishness, jealousy and, potentially, violence – complicates our previous account of the supposed natural goodness of man; Josh Cohen formulates the central question surrounding the existence of vice in the following way: “How does a generic, not-intrinsically-inegalitarian concern to be treated with respect come to be particularized as a desire and demand to be treated as a better?”¹⁴³ How, that is, does *amour-propre* become inflamed? Again, Rousseau’s answer must account for the existence of vice while maintaining that it is a foreign – and thus unnatural – expression of our nature. The solution to this problem is explicitly structural: unless our political institutions inculcate a unanimous commitment to equality

¹⁴⁰ See, for example, Rousseau, *Émile*, p. 64 – 65 for an account of the emergence of *amour-propre* in babies. According to Rousseau, a crying baby is precisely attempting to control the wills of the adults around them; indeed, a “squalling brat,” necessarily trying to subdue the will of his antagonistic parent, “makes the impossible demand that others care for him more than they care for themselves.” See Bloom “Introduction,” p. 11. See also N.J.H. Dent, *Rousseau: An Introduction to his Psychological, Social and Political Theory*, ch. 2 and Charvet, *The Social Problem in the Philosophy of Rousseau*, p. 50 – 52. Recall, here, Rawls’s claim that the child’s self-esteem is explicitly the product of parental love and attention.

¹⁴¹ For an “existential” account of Rousseau’s *amour-propre*, see Melzer, ch. 3 and 4.

¹⁴² This is a fundamentally Hobbesian insight. See, for example, Hobbes, *Leviathan*, Part I, ch. 13.

¹⁴³ Cohen, “The Natural Goodness of Humanity” in *Reclaiming the History of Ethics*, p. 111.

– namely, through the institutionalization of principles committed to the equal possession of the rights associated with citizenship – the possession of an unequal bundle of goods and resources represents the only means to an advantageous social position.¹⁴⁴ Unless we share just political institutions, the potentially malevolent pursuits associated with inflamed *amour-propre* are indeed the most rational course of action. Of course, with the right institutional design, these impulses can indeed be harnessed for much more valuable political goals; and this is precisely when our natural goodness manifests itself: when human nature “lifts itself, spontaneously and without outside help, to the idea of freedom.”¹⁴⁵

As we saw above, perfectibility is another essential expression of our nature. Whereas the savage’s desires remain restricted to instinctual compulsion – in the state of nature, our rational faculty remains latent and thus inchoate – cognitively advanced civil beings have the rational capacity to adapt – to change attitudes, values and desires – when confronted by new circumstances.¹⁴⁶ Of course, these new circumstances are explicitly social: we begin our lives isolated and self-sufficient; eventually, we begin to form groups and this is a fundamental shift in our self-consciousness: it is the adoption of a new “public identity,” necessarily dependent on public opinion.¹⁴⁷ Again, the formulation of one’s public identity requires a recognition and understanding of the concept of otherness: unless you recognize yourself as distinct from others – as well as the need to represent yourself to those others in a particular way – *amour-propre* cannot be said to exist; it remains a latent cognitive potentiality. For Rousseau, conceptual

¹⁴⁴ Cohen, “The Natural Goodness of Humanity” in *Reclaiming the History of Ethics*, p. 123.

¹⁴⁵ Cassirer, *The Problem of Jean-Jacques Rousseau*, p. 105.

¹⁴⁶ See Ibid, p. 110 – 112.

¹⁴⁷ Charvet, *The Social Problem in the Philosophy of Rousseau*, p. 21.

thinking – that is, thinking in abstract terms such as otherness or “the other,” as well as the desire to compare oneself to the other – is the highest-order expression of the human capacity for rational thought; indeed, cognitive perfectibility is necessarily connected to – rather, is the product of – a growing awareness of our constantly evolving social interdependence.¹⁴⁸ Ultimately, then, the recognition of myself as a person – a rather abstract entity – is intimately connected to recognizing the ways in which I am distinct from other persons; of course, this shifting self-consciousness requires a social forum in which to compare both similarities and differences. It is thus that the nature of our social relations – as well as the institutions and principles that define and express said relations – is a constitutive element in the production of my own conception of myself, of my identity: if, on the one hand, society is characterized by our mutual commitment to equality – say, this principle is guaranteed through the institution of equal citizenship – then the egalitarian form of *amour-propre* is likely to determine my sense of self and of the other; on the other hand, if our social relations are instead characterized by inequality and the desire for relative advantage, the second, inegalitarian form of *amour-propre* is likely to manifest itself.¹⁴⁹ It is this particular insight that, as we shall see, has had a profound impact on the issues, as well as the solutions, of contemporary political philosophy: namely, that social norms and the institutions that inform them are central concerns when attempting to explain human motivation and self-perception.¹⁵⁰ An important corollary of this insight is that altering our shared political institutions can

¹⁴⁸ Rousseau, *Second Discourse*, p. 178.

¹⁴⁹ Cohen, “The Natural Goodness of Humanity” in *Reclaiming the History of Ethics*, p. 112 – 116.

¹⁵⁰ See, for example, Rousseau, *The Social Contract*, 4.7.4 and Rousseau, Letter to D’Alembert, p. 73 – 74.

indeed modify the opinions and perceptions of the citizens living under them.¹⁵¹ In light of our perfectibility, the mistakes of the past can – indeed, must be – corrected; this is the most fundamental and important exercise of human freedom.

It is here – in the distinction between moral potentialities and their contingent, socially determined expression – that we get to the core of the doctrine of natural goodness. While human nature may manifest itself in undeniably vicious and sinful ways, it is not because human nature is itself vicious and sinful; instead, it is our social institutions – as well as the desires and expectations they engender – that promote these unjust manifestations of our moral nature, which, antecedent to any cognitive and thus social development, is innocent. It is precisely the goal of Rousseau’s moral and political philosophy to expose this social fact, to expose the source – necessarily institutional – of our moral corruption. Ultimately, then, it is only conscientious institutional reform that can ensure the virtuous expression of our naturally benevolent moral personalities. This is precisely the aim of Rousseau’s political philosophy in general and of the social contract in particular: that is, the creation of political institutions explicitly designed to foster these “good” moral impulses which, in turn, will guarantee a meaningful degree of moral and political freedom. Thus far, then, we have established three fundamental principles of Rousseau’s moral and political philosophy: that self-love and the desire to make relative comparisons of self-worth are intrinsic elements of our nature; that these desires can manifest themselves in multiple, contradictory ways; and that, ultimately, these manifestations are the product of our particular socio-institutional circumstances.

¹⁵¹ Recall, here, the two guiding tenets of Rousseau’s moral philosophy: first, the capacity of human nature to manifest itself in varying, potentially contradictory, ways; and second, its emphasis on the ultimate malleability of human nature: that is, the capacity of external circumstances – our social relations, as well as the institutions and principles which govern them – to affect the expression of our moral potentialities.

The essential question, to reiterate, is thus: How do we ensure the virtuous, rather than antagonistic, manifestation of our nature? Even prior to that, what, exactly, does the virtuous expression of our nature entail?

Section 7: Rousseau and the Politics of Freedom

For Rousseau, the ultimate political virtue is a firm, decisive commitment to the common good: citizens must be motivated to act in accordance with the obligations of the general will, the symbol and ultimate indicator of the general well-being of our political community. Our collective sense of duty, in other words, must provide compelling reasons for acting in particular, community-oriented ways. What our discussion of inflamed *amour-propre* has shown us, however, is that the individual's sense of duty does not always inspire confidence: more often than not, individuals are willing to renounce the common good in favour of their particular interests; indeed, the temptation for relative advantage is often much stronger than the sense of duty required for adherence to the general will. This, for Rousseau, points to the “great lesson of morality”: namely, that morally coherent political institutions must always avoid “situations that put our duties in opposition with our interests, and show us our good in the evil of others.”¹⁵² If, then, our inflamed sense of self-worth is a serious impediment to the general will – indeed, it is clearly *the* most serious impediment – then proper political institutions will create a kind of reciprocity between these two seemingly irreconcilable moral claims: that is, our sense of self-worth cannot conflict with the demands of the general will¹⁵³; in this way, the purpose the of Rousseau's political

¹⁵² Rousseau, *Confessions*, p. 56.

¹⁵³ Cohen, “The Natural Goodness of Humanity” in *Reclaiming the History of Ethics*, p.127.

project is the establishment of “a sound theory of obligation.”¹⁵⁴ Of course, the means to this end – namely, psychological support for the sense of duty to the general will – is the creation of explicitly egalitarian political institutions which foster an understanding of others as equals and of self-worth as the product of our equal treatment of our fellow citizens.

The foundation of Rousseau’s political philosophy, first articulated in the *Second Discourse*, is the identification of two entirely different manifestations of inequality: the first is natural – aesthetic, physical or intellectual, for example – and thus outside of our control, while the other is moral or political and is thus the explicit product of human choice and agency.¹⁵⁵ For Rousseau, there is no intrinsic connection between these two kinds of inequality: the division of moral and political rights can in no way be influenced by the inequalities of nature. This claim should recall the particular injustice that Rousseau associates with the emergence of inflamed *amour-propre*: the ascription of value to certain characteristics – strength, beauty or artistic talent, to name a few – is precisely to transform these “natural variations into moral distinctions.”¹⁵⁶ In the same vein, Rousseau attributes great cunning and eloquence to the first person able to convince others of the private nature of this or that piece of land; of course, for Rousseau, the moral and political implications of this act are especially devastating.¹⁵⁷ It is in light of these claims, then, that Rousseau begins to emphasize consent – that is, conscious choice

¹⁵⁴ Gay, *The Enlightenment: An Interpretation*, p. 548. See also Gildin, *Rousseau’s Social Contract: The Design of the Argument*, p. 44.

¹⁵⁵ Rousseau, *Second Discourse*, p. 170.

¹⁵⁶ Wokler, *Rousseau*, p. 49.

¹⁵⁷ Rousseau, *Second Discourse*, p. 185. There, Rousseau calls the argument in support of our mutual acceptance of private property “the most shrewdly conceived plan that ever entered the human mind.”

rather than the force or persuasiveness of the rich and powerful – as the only legitimate basis of civil society:

“According to the ideas of princes, about their absolute independence, force alone, speaking to citizens in the guise of law, deprives [them] of [their] power, so that everywhere the vain name of justice only serves as a shield for violence.”¹⁵⁸

Rousseau’s emphasis on the necessary relationship between political legitimacy and conscious consent point to the foundational assumption of his political philosophy and, in turn, to his relevance for both Kant and Rawls: it highlights his belief that civil societies based on overt violence or tacit manipulations are *prima facie* unjust; that human beings must always remain free to choose – for this is an essential expression of their nature – otherwise organized society is not worth having; that citizens must obey their self-chosen principles, otherwise society cannot function.¹⁵⁹ This is precisely the problem the social contract attempts to solve:

“To find a form of association that will defend and protect the person and goods of each associate with the full common force, and by means of which, uniting with all, nevertheless obey only himself and remain as free as before.”¹⁶⁰

How, that is, does one gain the benefits of civil society – where our “faculties are exercised and developed, [our] ideas enlarged, [our] sentiments ennobled”¹⁶¹ – without sacrificing our natural desire for freedom? What Rousseau must ultimately show is that the exchange of natural freedom for civic freedom – the freedom of the savage for the freedom of the citizen – is both worthwhile and meaningful. Ultimately, he claims, it is only in this exchange that human beings are able to realize their abstract potentiality as moral beings.

¹⁵⁸ Rousseau, *The State of War*, p. 163. See also Rousseau, *Contrat Social*, 1.4.1.

¹⁵⁹ Gay, *The Enlightenment: An Interpretation*, p. 549. See also Shklar, “General Will” in *Dictionary of the History of Ideas*, p. 276.

¹⁶⁰ Rousseau, *Contrat Social*, 1.6.4.

¹⁶¹ *Ibid.*, 1.8.1.

Despite his obvious valorization of the savage in the state of nature – and his concomitant disdain for civil man – Rousseau ultimately concedes that he, the savage, is a rather “stupid and bounded animal.”¹⁶² Though characterized by both independence and self-sufficiency, he is not moral, for the expression of our moral nature is precisely the conscious act of choosing and the savage cannot do so: he is merely a slave to his instincts and base desires. The adoption of the social contract, and of the general will that embodies it, is thus the ultimate expression of our moral nature; in doing so, we consciously transform ourselves from slaves to free citizens:

“Only when the voice of duty succeeds physical impulsion and right succeeds appetite, does man, who until then had looked only to himself, see himself forced to act on other principles, and to consult reason before listening to his inclinations.”¹⁶³

For Rousseau, civil society, when properly designed and executed, is the prerequisite for the acquisition and development of moral personality.¹⁶⁴ It is the forum in which, having renounced the natural freedom of the savage, our political and moral freedom is most meaningfully realised¹⁶⁵: the former is the result of the structural constraints of the general will, while the latter is the product of our self-chosen adherence to a law over which we ourselves, as contracting parties, retain authorship. The adoption of the political institutions of civil society can indeed affect this ennobling change; the law, when we choose it for ourselves, is precisely the source of our liberty and, in turn, our happiness and well-being:

“It is to law alone that that men owe justice and freedom. It is this salutary organ of the will of all that restores in [the realm of] right the natural equality among men.”¹⁶⁶

¹⁶² Rousseau, *Contrat Social*, 1.8.1.

¹⁶³ Ibid.

¹⁶⁴ See Rawls, *A Theory of Justice*, ch. 8.

¹⁶⁵ See Neuhouser, “Freedom, Dependence and the General Will,” p. 365-366.

¹⁶⁶ Rousseau, *Political Economy*, p. 10. This is yet another interesting contrast to Hobbes, for whom freedom can only be found in the *silence* of the laws. See Hobbes, *De Corpore Politico*, Part II.

For Rousseau, as for Kant and Rawls, the central feature of any just political society is the establishment of freedom through self-imposed law: by being a party to the social contract each one of us is an equal member of the sovereign general will; thus, to obey the laws of the general will is only to obey ourselves; and for Rousseau, “obedience to the law one has prescribed to oneself is freedom.”¹⁶⁷ This is precisely the way in which Rousseau escapes the dependence characteristic of modern society: rather than being dependent on the will and opinions of others – the ultimate moral danger – citizens are instead dependent on the laws of the general will¹⁶⁸: laws whose formulation and adoption is, by definition, the outcome of participatory assemblies.¹⁶⁹ Even those who refuse to obey the laws of the general will – that is, those who place themselves in conditions of personal dependence – are still protected by them, for “[they] shall forced to be free.”¹⁷⁰

As we have already seen, the greatest threat to the common good – or the general well-being of society – is inflamed *amour-propre*: the flourishing of individual and factional interests.¹⁷¹ While, again, civil society is capable of awakening the moral faculties, as described above, it is equally capable of depriving individuals of their self-reliance and thus rendering them dependent on the perceptions and opinions of others; indeed, “when men form societies they lose the capacity to act independently and sensibly in their own interests.”¹⁷² This is precisely the situation that the social contract

¹⁶⁷ Rousseau, *Contrat Social*, 1.8.3.

¹⁶⁸ See Rousseau, *Émile*, p. 85.

¹⁶⁹ See Miller, *Rousseau: Dreamer of Democracy*, p. 202-203: “In Rousseau, the idea of democracy finally found an able and eloquent advocate, a philosopher dedicated to the ideal of self-development.”

¹⁷⁰ Rousseau, *Contrat Social*, 1.7.8. See also Gourevitch, “Introduction,” p. xxi, Neuhouser, “Freedom, Dependence and the General Will,” p. 372 – 373 and Reisert, *Jean-Jacques Rousseau: A Friend of Virtue*, p. 129 – 131.

¹⁷¹ Rousseau, *Political Economy*, p. 8.

¹⁷² Shklar, “General Will” in *Dictionary of the History of Ideas*, p. 276.

attempts to remedy: it attempts the restoration of individual willpower in the face of the immense external pressure characteristic of civil society.¹⁷³ What we need, then, is a general will to protect individuals from the social forces that, more often than not, “tend to victimize them;” the general will is thus the will against the institutionalized inequality Rousseau associates with this kind of victimization.¹⁷⁴ This is perhaps the most important and enduring contribution to contemporary political philosophy to be found in Rousseau’s oeuvre: namely, his insistence on the necessary, constitutive relationship between liberty and equality.¹⁷⁵ Indeed, Rousseau’s social contract fulfills this ideal because all contracting parties are equally subject to its obligations and all equally enjoy the rights it confers; this is of course what makes the general will general: it can only create rules that apply, equally and impartially, to each and every citizen.¹⁷⁶ In addition, every eligible member of society must participate, actively and often, in the assemblies in which the general will is given legislative content; “every legislative act of the general will is [thus] an act of self-legislation by society as a whole.”¹⁷⁷ Of course, the general will is also inalienable and indivisible.¹⁷⁸ Ultimately, then, the fundamental task of the state is to replace physical inequality among men, which is of course irremovable, with legal, moral and political equality.¹⁷⁹ In light of these internal constraints – the equal

¹⁷³ For Rousseau, a fundamental condition for this freedom of will is relative economic equality: that is, no one can be so rich and another so poor, that the former can buy the latter; this is the ultimate source of dependence. See Rousseau, *Political Economy*, p. 19. See also Roche, *Rousseau: Stoic and Romantic*, p. 132 – 133. Consider, here, Rawls’s difference principle and its commitment to relative economic equality.

¹⁷⁴ Shklar, “General Will” in *Dictionary of the History of Ideas*, p. 276.

¹⁷⁵ See, for example, Rousseau, *Contrat Social*, 2.4.8. Here, we must quickly highlight the relevance of this claim to Kant, for whom mankind’s greatest political problem is the establishment of a society of citizens that administers laws universally. See Cassirer, *Rousseau-Kant-Goethe*, ch. 1. Of course, generality and impartiality is also Rawl’s precondition for just laws. See Rawls, *A Theory of Justice*, ch. 1.

¹⁷⁶ For an account of equality as the sole basis of contractual legitimacy see Giddin, *Rousseau’s Social Contract: The Design of the Argument*, p. 32.

¹⁷⁷ Ibid, p.50.

¹⁷⁸ Rousseau, *Contrat Social*, 2.1.1 and 2.2.1.

¹⁷⁹ Ibid, 1.6.6.

distribution of rights and duties, as well as the impartial application of the law – it is clear that the general will cannot privilege one individual or class at the expense of another; indeed, “injustice” – in the form of partially applied law or the privileging of particular interests – “is self-injury for the people.”¹⁸⁰ Ultimately, the conventional political equality created by the general will ensures the rectitude of its legislative acts: this constraint explicitly prohibits unjust partiality to the self-interest of any particular citizen.¹⁸¹ I myself may wish to be exempt from a particular crime – armed robbery, say, or tax evasion – but I certainly wouldn’t want my fellow citizens to be granted the same privilege.¹⁸²

When a commitment to equality is, manifestly, the guiding principle of our social arrangements – “when,” for example, “individuals have the public status of citizen,”¹⁸³ as they necessarily do in the society of the general will – the egalitarian form of *amour-propre* will flourish; after all, our sense of self-worth is, again, the explicit product of our particular social milieu and the principles governing its distributive institutions.

Ultimately, then, our desire for recognition and our commitment to the general will are mutually reinforcing: if we do in fact regard each other as equals, then this institutional principle will also confirm our own sense of self-worth.¹⁸⁴ It is precisely in this manner that “the gentle and affectionate passions are born of self-love”: precisely by complying with the structural constraints of the general will – that is, by recognizing the

¹⁸⁰ Shklar, “General Will” in *Dictionary of the History of Ideas*, p. 278.

¹⁸¹ Rousseau, *Contrat Social*, 2.4.4.

¹⁸² Rousseau, *Émile*, p. 213. See also Giddin, *Rousseau’s Social Contract: The Design of the Argument*, p. 61: “The general will continues to be guided by the natural selfishness it transcends and modifies.” In other words, the social contract state does not, at this point at least, require the eradication of self-interest; in fact, it is the product of enlightened self-interest.

¹⁸³ Cohen, “The Natural Goodness of Humanity” in *Reclaiming the History of Ethics*, p.127.

¹⁸⁴ Consider, again, Rawls’s formulation of self-respect: it necessarily depends on the acquisition of the respect of others.

conventional equality it creates – each citizen is committing themselves to recognizing the intrinsic self-worth of every other citizen; the freedom of each member of society is precisely the condition of freedom for all. For Rousseau, this is the foundation of the moral reciprocity that characterizes the society of the general will: because each is willing to recognize my sense of self-worth as demanded by the general will, regardless of the contingent inequalities of nature¹⁸⁵, I too develop the disposition to reply in a similarly egalitarian manner¹⁸⁶; it is thus that “*socialization in a democratic order leads to the formation of the general will.*”¹⁸⁷ The result for Rousseau is an affective attachment to the general will – the social obligations it creates and the citizens that constitute it – as well as the guaranteed stability of our political association.¹⁸⁸ It is thus that the duty-bound citizen associates their personal well-being with the well-being of their political community and its legislative institutions. Ultimately, the greatest good of all – the ultimate common good for which the general will exists – is the freedom and equality of all members of the social contract society: the common good must be understood as explicitly concerned with the preservation of equal conditions for the exercise of individual self-interest – that is, with the protection of individual interests and therefore freedom.¹⁸⁹ For Rousseau, then, any form of dependence takes away the freedom of the whole state; dependence for one person is anathema to the purposes of the social contract.¹⁹⁰

¹⁸⁵ Cohen, “The Natural Goodness of Humanity” in *Reclaiming the History of Ethics*, p.129.

¹⁸⁶ Rousseau, *Contrat Social*, 2.12.5. See also Rousseau, *Émile*, p. 213. Of course, this tendency is magnified by the existence of public legislative assemblies. According to Cohen, “Reflections on Rousseau: Autonomy and Democracy,” p. 294, “the experience of being treated as an equal in public arenas leads to the formation of a motivation that expresses this equality.”

¹⁸⁷ Cohen, “Reflections on Rousseau: Autonomy and Democracy,” p. 280 italics added.

¹⁸⁸ Rousseau, *Contrat Social*, 2.6.2.

¹⁸⁹ Gildin, *Rousseau’s Social Contract: The Design of the Argument*, p. 54 – 56.

¹⁹⁰ Rousseau, *Contrat Social*, 2.11.2.

However, this instrumental account of citizenship and motivation is still incomplete. Whereas the previous paragraph conceives of the contracting parties as self-interested Hobbesians, for whom allegiance to the general will is one possible allegiance out of many, we know that Rousseau addresses the social contract, explicitly, to *citizens*: to those who considers themselves members of particular states and who, accordingly, identify with that particular common good. What we will ultimately find, then, is that self-interest and the desire for recognition – both of which are manifestations of our natural self-love – are insufficient foundations for any theory of political obligation: what we also need is the cultivation of civic virtue – the patriotic appropriation of *amour-propre* – wherein citizens develop the moral capacity – and, even more importantly, the desire – to modify their individual self-interest with regard to the general well-being of our shared political community.¹⁹¹ This is precisely what Rousseau means by “the voice of duty” and, for him, again, represents a significant moral departure from the appetitive slavery that characterizes man in the state of nature.¹⁹² How, exactly, is this possible?

Consider, here, the example of the minority voter. Having already agreed to abide by the laws of the general will, she is disturbed to find that her opinion on a particular legislative matter is irreconcilable with the generally prevailing sentiment; this is, of course, an inevitable situation in any remotely plural social matrix. According to the Hobbesian conception of self-interested agents, this individual would come to regard the laws of the general will as a constraint on her liberty; in this case, self-interest would negate her commitment to the general will and, in turn, to the common good. Of course, for Rousseau, the general will – and the society it constitutes – does not disappear at the

¹⁹¹ Rousseau, *Political Economy*, p. 13.

¹⁹² Rousseau, *Contrat Social*, 1.8.1.

first appearance of conflict; after all, as we saw above, citizens recognize the general will, with its emphasis on equality, as the source of their autonomy. In fact, the only way for our freedom, both moral and political, to be fully realized within the community is if the basis of our shared political enterprise is a firm commitment to equality: only the citizen capable of accepting others as equals – and who is in turn committed to living with these others in a setting of institutionalized equality – is able to conform his particular will to the general will, even when, on the surface, the two are in irreconcilable conflict. In such cases, the truly just citizen recognizes that, despite her current disagreement, the laws ultimately chosen, provided they remain general and impartial, are in fact the expression of the common interest; this is precisely the affirmation of the mutually adopted system of rules associated with the general will¹⁹³: indeed, the ideal citizen's interest in the preservation of the general will should always trump their interest in this or that particular issue. Adhering to the laws of the general will, then, even when they conflict with private interests, is the ultimate expression of our moral freedom: virtuous citizens “never experience the laws as a constraint on their desires; they instead recognize the laws as stemming from their own wills.”¹⁹⁴ Because the general will is my will, and the cumulative will of every member of my community, I obey its dictates freely and happily. In this way, social contract citizens ultimately come to recognize the general welfare of the community as an essential source of their own freedom and happiness; indeed, for Rousseau, the ultimate political virtue is when the citizen sees their own good as intimately intertwined with the common good, when each genuinely cares about the

¹⁹³ Cohen, “Reflections on Rousseau: Autonomy and Democracy,” p. 286.

¹⁹⁴ Reisert, *Jean-Jacques Rousseau: A Friend of Virtue*, p. 133. See also Cassirer, *The Question of Jean-Jacques Rousseau*, p. 62 – 63. In fact, the recognition of necessity – for example, the necessity of the general will and of obeying its legislative acts – is, as we shall see below, one of the fundamental tasks of Émile's education. See Bloom, “Introduction,” p. 10.

health of the political community and, most importantly, when citizens are willing to make sacrifices to ensure the stability of the community and of the general will that guides it.¹⁹⁵

In order to unite the wills of all citizens in this way, Rousseau condones a constant emphasis on the “morals, beliefs, habits and practices that characterize and continually reinforce a people’s distinctive way of life [...] and its attitude towards citizen responsibility.”¹⁹⁶ It is precisely the mutual recognition of all that we share – our common values and experiences, as well as the traditions that have grown out of them, which give our collective life meaning¹⁹⁷ – that provides the impetus for the kind of moral sacrifices associated with patriotic *amour-propre*.¹⁹⁸ Ultimately, this form of “enlightened patriotism” is for Rousseau the most immediate and meaningful expression of our public-spirited commitment to the common good.¹⁹⁹ In light of the central claim of the present paper, however, this Rousseauian account of patriotic *amour-propre* is potentially problematic: it highlights a significant – indeed, irreconcilable – substantive divergence between Rousseau and Rawls; the former would explicitly reject the latter’s demand for state neutrality – the emergence of patriotic *amour-propre* is explicitly the product of nurturing a particular cultural mentality.²⁰⁰ In order to alleviate this tension, we must turn to Rousseau’s theory of education: this will allow us to differentiate

¹⁹⁵ See, for example, Rousseau, *Contrat Social*, 2.1.1 and *Considerations on the Government of Poland*, 2.5, 3.6 and 7.3. See also Neidleman, *The General Will is Citizenship*, p. 30.

¹⁹⁶ Gourevitch, “Introduction,” p. xxii. See also Rousseau, *Contrat Social*, 2.12.5.

¹⁹⁷ See Cook, “Rousseau: Politics and Education” in *The Journal of Politics*, p. 114 – 123 for an account of this kind of public education.

¹⁹⁸ See Rousseau, *Politics and the Arts*, for Rousseau’s account of the theatre and its relationship to the cultivation of patriotism. See also, Bloom, “Introduction,” p. xxi.

¹⁹⁹ Rousseau, *Considerations on the Government of Poland*, 9.4.

²⁰⁰ For a discussion of the irreconcilable nature of liberal and patriotic moralities, see MacIntyre, “Is Patriotism A Virtue?” See also Bazowski, “The Fall of the House of Émile: Symbolic Mediation in the Philosophy of Rousseau” in *Rousseau et l’éducation*, p. 21.

between the morality of the citizen and that of the patriot; whereas the latter is the product of a public state education – certainly this is outside Rawls’s sphere of acceptability – the former is the product of a private scheme of education. While, in light of the preceding paragraph, the two may appear to be same, our analysis of *Émile* will show that the education of a citizen is in fact different in certain fundamentally important respects.²⁰¹

Section 7.1 A Moral Education

As we have already seen, Rousseau’s most acute fear was of forced dependence on the arbitrary will of others; this is precisely what motivates his commitment to the conventional equality of the general will. It is also the foundational insight of this theory of education: indeed, the explicit goal of *Émile*’s education is to instil in him a sense of independence, a sense of his natural right to freedom. *Émile* is thus never made to feel dependent on the wills of others: this, as we have seen, is a permanent source of dissatisfaction and it is imperative for the tutor that *Émile* “wants only what can do and does what he pleases”²⁰²; although physical objects may stand in his way – indeed, there is no injustice in obeying sheer, physical necessity²⁰³ – “he is to be spared the tyranny of

²⁰¹ Cook, “Rousseau: Politics and Education” in *The Journal of Politics*, p. 114.

²⁰² Rousseau, *Émile*, p. 84. *Émile*’s education is explicitly designed in relation to his stage of intellectual development: in childhood (Book II), he is moved exclusively by physical pains and pleasure, or his general well-being; in his later youth (Book III), *Émile* begins to understand the concept of utility: namely, what is harmful to him and what is helpful; finally, in mature adolescence (Book IV), he begins to govern his actions according to principles of morality – what he thinks he ought to do. In this way, Rousseau’s theory of moral development is a close parallel to the concentric circle model of Rawls (morality of authority, morality of association and, finally, morality of principles).

²⁰³ Of course, this leads us to the paradox at the heart of Rousseau’s theory of education: to be educated to follow only necessity requires the covert manipulation of the tutor, who constantly ensures that necessity manifests itself in palatable forms. For an account of the relationship between freedom and necessity see the example of the minority voter above. See also Brionne Rosen, “Motivation as the Resolution of an Educational Paradox” in *Rousseau et l’éducation*, p. 56 – 60; Skinner, *Beyond Freedom and Dignity*, p. 124; Crocker, *Rousseau’s Social Contract: An Interpretive Essay*.

men.”²⁰⁴ Central to Rousseau’s theory of education, then, is that the pupil is to be educated for his own sake, not for others; indeed, according to Bloom, Rousseau “takes an ordinary boy and experiments with the possibility of making him into an autonomous man – morally and intellectually autonomous.”²⁰⁵ Of course, this moral education is designed with explicitly political goals in mind; indeed, for Rousseau, as for Rawls, a proper moral education comes to function as the prerequisite of meaningful public life: instead of teaching accepted social conventions²⁰⁶ and rigorous scientific systems²⁰⁷, we must awaken in the pupil the capacity to think of herself as a unique end; only then will she be fit to enter social life without fear of falling into a state of dependency.²⁰⁸ Here, we have another instance of Rousseau’s impact on Kant’s, and therefore Rawls’s, thinking: namely, Rousseau’s contention that a moral education must cultivate of one’s consciousness of oneself as a moral agent, as a source of personal ends; this is precisely the source of our capacity for choice and therefore dignity. Of course, a logical corollary

²⁰⁴ Cassirer, *The Question of Jean-Jacques Rousseau*, p. 62. This is precisely Rousseau’s conception of a negative education: the existence of external wills and opinions is concealed by the tutor in order to prevent the emergence of inflamed *amour-propre*. For Rousseau, only a negative education can avert the birth of vice. See Wokler, *Rousseau*, ch. 5.

²⁰⁵ Bloom, “Introduction,” p. 6. See Rousseau, *Émile*, p. 471 – 480. See also Dent, *Rousseau: An Introduction to His Psychological, Social and Political Theory*, p. 104.

²⁰⁶ See Rousseau, *Émile*, p. 184: *Robinson Crusoe* is the first book give to Émile, for it is a depiction of man in his original condition: isolated, self-sufficient and thus free from the artificial conventions of civil society.

²⁰⁷ In an attempt to show how the sciences can serve man’s independence, Émile uses his self-taught knowledge of astronomy to guide himself home after having gotten lost in the woods. Rather than having this scientific system imposed on him by teachers, the boy uses his own senses to discover the laws of astronomy for himself. Again, authoritative knowledge is rejected in favour of a self-directed, and thus free, education. According to Bloom, “Introduction,” p. 8, “nature will always be present to him, not as doctrine but as part of his very senses.” The delayed teaching of scientific systems is also the precursor of Rawls’s aforementioned recognition that children are explicitly pre-rational: that, in other words, a “positive” education is inappropriate in light of the child’s underdeveloped faculties. Reading, for Rousseau, is to be similarly avoided. See Wokler, *Rousseau*, p. 97 – 98.

²⁰⁸ Recall, here, Rousseau’s emphasis on the independence and self-sufficiency of the savage and, in turn, his desire for a kind of existential unity; indeed, according to Melzer, *The Natural Goodness of Man*, p. 92, the entire scheme of Émile’s education is “designed to rearrange the element of civilized man into a moral and harmonious whole.”

of this recognition is that others must be accorded the same respect²⁰⁹; in this way, “the moral education of the young Émile [...] is limited to the effective establishment of the rule that he should harm no one.”²¹⁰

It is, again, precisely this human tendency towards compassion – rather than, say, self-interest – that for Rousseau functions as the foundation of any egalitarian political society. Consider, here, following Bloom, the path of moral development outlined by Rousseau in Book IV of *Émile*: through his introduction to the human condition, Émile comes to learn, first, that most are sufferers; second, that regardless of social or material inequalities, all people are potential objects of suffering; and, third, that he too is potential sufferer, “saved only by his education.”²¹¹ Although this capacity to recognize the suffering of others necessarily begins with those close to us – for example, the family or, in Émile’s case, his tutor and, eventually, Sophie²¹² – Émile develops a more generalized sense of compassion as his moral powers continue to develop.²¹³ This process finally culminates in Émile’s possession of a conscience, which is not unlike a Rawlsian sense of justice: by learning to extend his “*amour-propre* to other beings,”²¹⁴ Émile is eventually able to identify his own well-being with that of his neighbours. “When he sees others suffering because of an injustice he can right, he feels mortified, or even wronged himself by the injustice.”²¹⁵ This is the precise link between Rousseau’s

²⁰⁹ Émile’s relationship with Sophie is precisely a manifestation of this ideal: “a freely chosen enduring union between equals based on reciprocal affection and respect, each treating the other as an end.” Bloom, “Introduction,” p. 22. Marriage, based on reciprocal love and the recognition of certain duties, is thus both a model for law-directed political society as well as the means for preparing for one’s entrance into it.

²¹⁰ Ibid, p. 15.

²¹¹ Ibid, p. 20.

²¹² Recall, here, Rawls’s concentric circles model of moral development. See also Reisert, *Jean-Jacques Rousseau: A Friend of Virtue*, ch. 6.

²¹³ Rousseau, *Émile*, p. 276. See also Charvet, *The Social Problem in the Philosophy of Rousseau*, p. 76.

²¹⁴ Ibid, p. 252.

²¹⁵ Reisert, *Jean-Jacques Rousseau: A Friend of Virtue*, p. 151.

pedagogy and his politics: “at each stage, the confirmation of the sense of equality generalizes and reinforces compassion, ensuring that it takes the common good as its object.”²¹⁶ Melzer also highlights the constitutive relationship between the cultivation of pity and the stability of our political societies: “When Émile eventually enters society, his *amour-propre* is not inflamed by envy but rather soothed by – and even channelled into – *pity* for the misfortunes of others.”²¹⁷ It is thus that we become attached to the duties associated with the general will. The ultimate political problem for Rousseau is the translation of this personalized educational program into concrete political principles of institutional design. As we saw above, the general will and the political equality it creates is precisely the answer to this problem.

We have thus found one potential solution to the substantive divergence outlined above. Although Rousseau contends that common values and traditions are necessary to buttress the moral obligations of the general will, it is equally clear that Émile is specifically raised to be a member of *any* social milieu: a shared cultural point of reference is not, in his case, given his moral education, the prerequisite for meaningful public life. While the patriotic education requires the “denaturing” of the subject – that is, the willing and unanimous absorption of individual interests into the *moi common* – Émile’s sociability is explicitly the product of a highly developed sense of *amour-propre*.²¹⁸ Though this may seem like an injustice to Rousseau’s overarching political vision – indeed, the intention here is to merely highlight the differences between the two moralities rather than dismiss *amour-patrie* as a reasonable foundation of political

²¹⁶ Cohen, “The Natural Goodness of Humanity” in *Reclaiming the History of Ethics*, p. 128.

²¹⁷ Melzer, *The Natural Goodness of Man*, p. 93.

²¹⁸ See, for example, Parry, “Constructive and Reconstructive Political Education” in *The Oxford Review of Education*, p. 29 – 31.

obligation²¹⁹ – for the purposes of the present paper we must differentiate the morality of the patriot from that of the citizen. In doing so, it becomes clear that properly designed institutions alone – rather than just institutions combined with the fervid loyalty that Rousseau associates with patriotic *amour-propre* – should provide the sufficient conditions for a stable political community of free and equal citizens. Rawls can thus accept Rousseau’s structural, political ideals without abandoning his own commitment to the substantive neutrality of the state.²²⁰ In fact, what we will ultimately find is that the institutions of political liberalism themselves create precisely the kind of shared culture Rousseau attempts to create through the cultivation of patriotic *amour-propre*. Before returning to Rawls, though, let us quickly summarize our account of Rousseau’s relevance to contemporary political philosophy. Following Cohen, we can identify three pertinent thematic streams found in Rousseau: first, the central problem of politics is the creation and maintenance of socio-political conditions necessary for the exercise of individual freedom; second, the institutional design of society is fundamentally important with regards to the motivations and self-perceptions of its members; third, the ideal kinds of institutions – ones that allow citizens to be autonomous – are necessarily committed to equality.²²¹

Section 8: Rawls’s Political Liberalism

In light of our discussion of Rousseau’s moral education – and, of course, its many similarities to Rawls’s theory of moral personality and its development – what we shall ultimately find is that the fundamental assumptions and goals of Rawls’s *Political*

²¹⁹ A thorough account of the precise nature of *amour-patrie* is the principal subject of Section 9.2 below.

²²⁰ See, for example, Rawls, *Political Liberalism*, p. 174 and p. 190 – 192. See also Dworkin, “Liberalism” in *Public and Private Morality*, p. 127; Dworkin, *A Matter of Principle*, p. 119; and Raz, *The Morality of Freedom*, p. 114.

²²¹ Cohen, “Reflections on Rousseau: Autonomy and Democracy,” p. 275.

Liberalism revolve around accommodating the socio-political implications of a society of Émiles; indeed, the kind of individual that Émile's education is designed to produce is a close approximation of Rawls's properly political subject: he is in possession of the moral powers necessary to formulate a particular, and necessarily revisable, conception of the good; he is a "self-authenticating source of valid claims," capable of making demands on others – for respect or recognition, say – and of accepting their demands in turn; and, finally, in light of his status as an autonomous moral agent, Émile is able to take responsibility for his ends.²²² Consider, again, the kind of man that Émile has been raised to be: fiercely independent but also plainly sociable. Ultimately, Émile's possession of both these characteristics points to the two spheres of life – private choice and public morality – that Rawls takes as constitutive and inevitable features of democratic life:

"Political liberalism assumes that, for political purposes, a plurality of reasonable yet incompatible comprehensive doctrines is the normal result of the exercise of human reason within the framework of the free institutions of a democratic constitutional regime. Political liberalism also supposes that a reasonable comprehensive doctrine does not reject the essentials of a democratic regime."²²³

Émile – who, for our present purposes, is being presented as the prototypical liberal citizen – is clearly capable of navigating both these spheres, of accessing the particular cultures associated with private and public morality. He is both rational and reasonable²²⁴: on the one hand, he is raised to recognize his natural right to freely choose

²²² Rawls, *Political Liberalism*, p. 29 – 35. For Rawls, this last attribute is of particular importance: because political liberalism is explicitly a theory of fair social cooperation, citizens must be able to "adjust their ends so that those ends can be pursued by the means they can reasonable expect to acquire in return for what they can reasonably expect to contribute." Ibid, p. 34.

²²³ Ibid, p. xvi.

²²⁴ Ibid, p. 48 – 54.

his particular comprehensive doctrine – whether religious, moral or philosophical²²⁵ – and, on the other hand, through his cultivation of the capacity for pity, he has also come to a recognition of the fundamental equality of persons, which is of course the ideological cornerstone of democratic political principles. It is to this idea of a “public culture”²²⁶ – and of the “public or institutional identity” that it engenders²²⁷ – that we must now turn our attention.

Rawls first discusses the pedagogical importance of principle-guided institutions in Lecture I of *Political Liberalism*: citizens, that is, must somehow know that their social order is an association of free and equal citizens, based on egalitarian political principles; it is not, nor can it ever be, the product of a fixed social order or transcendent religious values.²²⁸ This is precisely Rawls’s goal: the differentiation of private from public moralities and, more importantly, the employment of the latter as our guide in political life.²²⁹ Of course, it is the responsibility of our shared institutions to make this notion manifest:

“Think of the principles of justice as *designed to form the social world* in which our character and our conception of ourselves as persons, as well as our comprehensive views and their conceptions of the good, are first acquired, and in which our moral powers must be realized. These principles must give priority to those basic freedoms and opportunities in background institutions of civil society that enable us to become free and equal citizens in the first place, and *to understand our role as persons with that status.*”²³⁰

Already, in the very first lecture, we have exposed the fundamentally Rousseauian themes of *Political Liberalism*: the pedagogical function of political institutions, both in

²²⁵ In this vein, we can understand the motivation behind *Political Liberalism* as the attempt to clarify an unspoken assumption of *A Theory of Justice*: namely, that the public political culture is precisely the same as a comprehensive doctrine.

²²⁶ Rawls, *Political Liberalism*, p. 15

²²⁷ Ibid, p. 30.

²²⁸ See, for example, Rawls, “The Idea of Public Reason Revisited” in *The Law of Peoples*, p. 173.

²²⁹ See, for example, Rawls, *Political Liberalism*, p. 135, p. 175 – 176 and p. 203 – 204.

²³⁰ Ibid, p. 41 italics added.

terms of our obligations as citizens and our self-perception²³¹; the explicitly social character of our moral and intellectual development; and the role of political institutions, when guided by the principles of justice, as the essential source of our autonomy. Let us continue to examine these themes in the second lecture of that text.

For Rawls, as for Rousseau, the ultimate realization of our moral powers – the ideal expression of our slowly acquired moral personality – is the desire to contribute to the society characterized by our mutual adherence to the self-chosen principles of justice. This is precisely Rawls's, and of course Rousseau's, conception of full autonomy.²³² As reasonable agents, in possession of a sense of justice²³³, we are expressly committed to the stability of our fair scheme of social cooperation²³⁴:

“Reasonable persons desire for its own sake a social world in which they, as free and equal, can cooperate with others on terms all can accept. They insist that reciprocity should hold within that world so that each benefits along with others.”²³⁵

According to Rawls, this conception of reciprocity lies somewhere between altruism and pure self-interest²³⁶: of course, contracting parties in the original position recognize egalitarian principles as the ideal way to advance the ends associated with their status as rational agents, necessarily in possession of particular ideas about how to live their lives most meaningfully; in this way, the rational and the reasonable are intimately connected,

²³¹ See, for example, Rawls, *Political Liberalism*, p. 68: “The institutions of the basic structure have deep and long-term social effects and *in fundamental ways shape citizens' character and aims*, the kinds of persons they are and aspire to be” italics added.

²³² See, for example, Ibid, p. 77: “Full autonomy is realized by citizens when they act from principles of justice that specify the fair terms of cooperation they would give to themselves when fairly represented as free and equal persons.” Full autonomy is thus a political, rather than an ethical, value; its ultimate realization is participating in the public affairs of the political community. This idea is examined in greater detail below. See also Ibid, p. 98.

²³³ Recall that the sense of justice is precisely the desire to comply with, and indeed to act from, the principles of justice. It is thus the sense of justice that ensures the stability of our political institutions.

²³⁴ This notion of reasonableness is necessarily connected to the public sphere. See, for example, Freeman, “Reason and Agreement in Social Contract Views,” p. 141 – 147.

²³⁵ Rawls, *Political Liberalism*, p. 50.

²³⁶ Ibid, p. 54.

for it is precisely the capacities associated with the rational that lead to the desire for the social conditions associated with the reasonable.²³⁷ This does not, however, tell the whole story: more than merely securing conditions for the unfettered pursuit of self-interest, reasonable agents come regard the status of their fellows as a constitutive element of their own well-being. The genuine desire for mutual benefit – the logical extension of our already articulated commitment to equality – is thus an essential component of the moral psychology of the citizen.²³⁸ It is in light of this aspect of moral personality that we are indeed able to commit ourselves to the creation and sustenance of fair terms of cooperation.

In addition to this willingness to propose and accept fair terms of cooperation – that is, to be fully cooperating members of society – the second basic aspect of moral citizenship is the willingness to recognize fundamentally irreconcilable burdens of judgement.²³⁹ As we have already seen, Rawls takes reasonable pluralism²⁴⁰ to be an inevitable fact of modern democratic life.²⁴¹ When faced with this kind of religious, moral and philosophical diversity – that is, with various potential sources of disagreement²⁴² – doctrinal unanimity is generally impossible; indeed, the attempt to impose this kind of consensus often leads to hostility, suspicion and violence.²⁴³ Any

²³⁷ See Rawls, “Kantian Constructivism in Moral Theory” in *Collected Papers*, section V.

²³⁸ Rawls, *Political Liberalism*, p. 54.

²³⁹ Ibid.

²⁴⁰ By a reasonable comprehensive doctrine, Rawls means those that, despite private beliefs, are able to recognize and accept the central tenets of our shared political morality – namely, freedom and equality. Its members are thus able to engage others, equally and fairly, despite the absence of agreement over their particular comprehensive doctrine. The existence of many of these groups constitutes the fact of reasonable pluralism. See Ibid, Introduction and p. 59.

²⁴¹ See Ibid, p. 129. See also Berlin, *The Crooked Timber of Humanity*, p. 11 – 19 and Berlin, “Two Concepts of Liberty” in *Four Essays on Liberty*, p. 167.

²⁴² Of course, our shared political morality can never encounter this problem: it is defined by principles with which we can determine legitimate and illegitimate actions. Conversely, no one comprehensive doctrine possesses the sole claim to legitimacy. This is the defining mark of democratic pluralism.

²⁴³ Rawls, *Political Liberalism*, p. 138.

attempt at doctrinal homogenization is thus *prima facie* unreasonable, especially in light of our previous designation of political agents as rational, self-authenticating sources of personal ends and claims. What the reasonable citizen desirous of offering fair terms of cooperation must be committed to, then, is the endorsement of some form of liberty of conscience and freedom of thought²⁴⁴; indeed, the acceptance of “these burdens of judgement are of first significance for a democratic idea of toleration.”²⁴⁵ Here, we should be reminded of the structural constraints of the original position and of Rawls’s claim that the legitimacy of any moral or political principle, as well as the action it is designed to guide, is explicitly dependent on the degree of its impartiality:

“When equally represented in the original position, no citizen’s representatives could grant to any other person, or association of persons, the political authority to [use the state’s police power to decide constitutional essentials or basic questions of justice]. Such authority is without grounds in public reason.”²⁴⁶

In this way, the burdens of judgement set limits upon what can be justified to others: our shared notion of equality, rather than the expression of particular interests, must be our guide in public life.²⁴⁷ We must accordingly recognize the coercive capacity of our political institutions as a kind of organic whole²⁴⁸: that is, as the cumulative will of the free and equal citizens that constitute it and never as the expression of particular comprehensive doctrines and the interests that define them²⁴⁹; this is precisely to treat

²⁴⁴ Rawls, *Political Liberalism*, p. 61. See also Ibid, p. 143.

²⁴⁵ Ibid, p. 58.

²⁴⁶ Ibid, p. 62. See also Ibid, p. 217, for a similar account of the “liberal principle of legitimacy.”

²⁴⁷ In this way, political liberalism, though substantively neutral, is not procedurally neutral. See Ibid, p. 192. See also Larmore, *Patterns of Moral Complexity*, p. 42 – 47.

²⁴⁸ Ibid, p. 61. See also Ibid, p. 68: “Political power is always coercive power, in a constitutional regime it is the power of the public, that is, *the power of free and equal citizens as a collective body*” italics added. The parallel here to the impartial general will should be obvious. See also Ibid, p. 136 – 137.

²⁴⁹ Blake, “Distributive Justice, Coercion and State Autonomy,” p. 286: Rawls argues that “coercive power can be justified only if it is power that can be legitimately understood as a use of power by which the citizens of a democratic regime coerce *themselves*.”

citizens as less than free and equal.²⁵⁰ Quite simply, then, comprehensive doctrines can never be introduced into public reason, in particular, or political life, in general²⁵¹: our shared principles of justice must be accepted by – indeed, must be acceptable to – all citizens, regardless of their particular comprehensive doctrines²⁵²; they must also reflect the mutual recognition of our common equality, again regardless of private beliefs or moralities²⁵³; finally, all must agree to publicly justify their political behaviour with regards to this shared understanding of the content and expectations of social life.²⁵⁴ Ultimately, the clearest mark of a reasonable citizen is precisely their recognition of our equal capacity for private choice and of the impossibility of agreement over our various comprehensive doctrines: in a political society, characterized by both pluralism and an institutionalized commitment to equality, “the basis of our social unity lies elsewhere.”²⁵⁵ This raises perhaps the most fundamental question considered by the present paper: What, for Rawls, is the basis of social unity in a constitutional democracy? How, exactly, do we become attached to the political obligations associated with Rawls’s conception of reasonableness in the absence of some kind of doctrinal consensus? How, ultimately, are we able to enter the public sphere, as equals, ready to propose, or to accept, fair terms of cooperation with others? It should be obvious by now that, in order

²⁵⁰ See Cohen, “Moral Pluralism and Political Consensus” in *The Idea of Democracy*, p. 275.

²⁵¹ Rawls, *Political Liberalism*, p. 247. For a more detailed account of the central features of the overlapping consensus, see Ibid, p. 144 – 150.

²⁵² Recall, here, Rawls’s second stage of moral development, in which the individual slowly comes to recognition of their particular social milieu as governed by principles of justice. This is precisely the impetus for their eventual attachment to said social matrix.

²⁵³ This idea is of course reflected and validated by the necessarily general first principle of justice, as determined by the structural conditions of the original position and the veil of ignorance.

²⁵⁴ See, for example, Ibid, p. 68: “In political public life, nothing need be hidden.” For a full account of the content of public reason, see Ibid, Lecture VI. See also Rawls, *A Theory of Justice*, section 82. For Rawls’s account of the objective nature of public reason – given our explicitly political purposes – see *Political Liberalism*, p. 116 – 125.

²⁵⁵ Ibid, p. 63.

to answer these questions, we must turn to the “public world of others”²⁵⁶ and to an examination of the way in which the principles and institutions governing these relations affect our perception of both our fellows and ourselves.

It is with reference to this requirement of publicity – of the demands of public reason – that we must approach Rawls’s notion of the pedagogical function of political institutions and principles. Indeed, its addition to the institutional scheme of justice as fairness represents a fundamental revision of the aims and roles of our shared understanding of justice: rather than merely trying to achieve the rather narrow “minimum conditions of effective social cooperation,” the inclusion of the publicity requirement assumes for our political conception of justice “a wide role as part of the public culture.”²⁵⁷ The implications of this shift are of fundamental importance for any attempt to situate Rawls in the intellectual tradition of Rousseau. This institutionalized commitment to public reason is the most tangible manifestation of our mutual desire for respect and for equal treatment: we are now forced to justify our actions to our fellows, publicly and on equal terms, despite the fact that we do not share their comprehensive doctrine.²⁵⁸ Public reason thus functions as a kind of dialogical standard wherein our status as free and equal citizens is put on display in the arena of public deliberation.²⁵⁹ According to Rawls, our presence and participation in this social, legislative forum is of fundamental importance with regards to the formulation of our individual identity, as well as the acceptance of the obligations associated with political citizenship; indeed, it is

²⁵⁶ Rawls. *Political Liberalism*, p. 53.

²⁵⁷ Ibid, p. 71. See Mackie, *Ethics*, p. 106f, for a more detailed account of this notion of the wide and narrow implications of our shared conception of justice.

²⁵⁸ Ibid, p. 165 and p. 213. See also Rousseau, *Contrat Social*, 4.2.8.

²⁵⁹ For a detailed discussion of the idea of deliberative democracy, see Cohen, “Deliberation and Democratic Legitimacy” in *Deliberative Democracy*, p. 185 – 190.

here, in the emphasis on public disclosure as an essential condition of justice, that the notion of the “public culture,” and of one’s “public identity” within that culture, becomes clear:

“[Citizens] are presented with a way of regarding themselves that otherwise they would most likely never be able to entertain. To realize the full publicity condition is to realize a social world within which the ideal of citizenship can be learned and may elicit an effective desire to be that kind of person. *This political conception as educator characterizes the wide role.*”²⁶⁰

In this way, the full publicity condition – that is, the public affirmation of our status as self-determining moral agents, in possession of both the moral powers, capable of private choice and deserving of explanations regarding the political action of others – comes to function as a prerequisite for the full autonomy of citizens:

“Only if the full explanation and justification of justice as fairness is publicly available can citizens come to understand its principles in accordance with the idea of society as a fair system of cooperation. All this presupposes that the fundamental ideas of justice as fairness are present in public culture, or at least implicit in the history of its institutions and the traditions of their interpretation.”²⁶¹

When these institutional conditions prevail – when the political institutions of society are recognized by all to be governed by just principles – citizens will “want to be, and to be recognized as, members.”²⁶² It is precisely by complying with the ideal of public reason, and by demanding the same of others²⁶³, that our mutual status as free and equal beings is articulated and ultimately legitimated; indeed, participation in this public scheme, in addition to the institutionalized guarantee of certain primary goods discussed above²⁶⁴, is for Rawls an essential source of each citizens’ self-respect. Through the willing participation in public life, persons come to recognize, within themselves, the realization

²⁶⁰ Rawls, *Political Liberalism*, p. 71 italics added.

²⁶¹ Ibid, p. 78.

²⁶² Ibid, p. 81.

²⁶³ Rawls calls this the “duty of civility.” See *Ibid*, p. 216. See also Gutmann and Thompson, “Moral Conflict and Political Consensus” in *Ethics*, p. 77.

²⁶⁴ See, for example, *Ibid*, p. 178.

of the worthy ideal of citizenship.²⁶⁵ We can thus understand Rawls's publicity requirement – and justice as fairness in general – as fulfilling the same essential function as the structural conditions of the general will: by endowing every citizen with the rights and status associated with equal citizenship – that is, by creating a kind of conventional political equality through the adoption of self-chosen laws and principles – it brackets out the contingent inequalities of nature and recognizes each citizen's capacity for both moral action and a particular kind of participatory civic virtue. In the public realm, then, anxiety over status and whether others legitimately recognize our status – which, for both Rousseau and Rawls, is an essential desire of human psychology – disappears; the position of equal citizen fulfills our desire for both self-respect and the respect of our fellows. The passage below is perhaps the clearest example of Rawls's and Rousseau's shared recognition of the importance of considering this fundamental desire when designing political institutions, and is thus worth quoting at length:

“In a well-ordered society *the need for status is met by the public recognition of just institutions, together with the full and diverse internal life of the many free communities of interests that the equal liberties allow. The basis for self-respect in a just society is not then one's income share but the publicly affirmed distribution of fundamental rights and liberties.* And this distribution being equal, everyone has a similar and secure status when they meet to conduct the common affairs of the wider society.”²⁶⁶

Here, we should be reminded of Rawls's account of moral development and of its relationship to the assured stability of our political association: initially, citizens comprehend the impact of our shared institutions in terms of personal utility – as the source of their public status; eventually, however, a kind of moral transformation occurs: citizens come to recognize the just principles governing society and, as a result, develop the desire to abide by said principles, as long as there is the reasonable expectation that

²⁶⁵ Rawls, *Political Liberalism*, p. 84.

²⁶⁶ Rawls, *A Theory of Justice*, p. 477 italics added.

others will do the same. Ultimately, confidence in our institutions and a sense of mutual trust continue to develop. It is not surprising, then, that the unfolding of these three stages is intimately related to the three essential components of the moral psychology of the reasonable citizen: first, moral citizens are ready to propose and abide by fair terms of social cooperation; second, they are prepared to acknowledge and accept the appropriate burdens of judgement; finally, in light of their desire for recognition, they genuinely desire the realization of the ideal of the citizen.

According to Rawls, however, this moral ideal of citizenship is merely one of many possible manifestations of our nature. Human nature is indeed “permissive”²⁶⁷: it can develop, and even flourish, in multiple, potentially contradictory ways. Like Rousseau, then, his is not a deterministic account of human nature, wherein citizenship is the only and essential expression of our nature; instead, the ideal of citizenship must be understood as one possible expression of that nature in light of certain institutional circumstances. This is precisely what points to the importance of our shared public culture. Without recourse to some publicly recognized standard of equality – that is, a commitment to the mutual recognition of every citizen as an autonomous moral agent, in need of both respect and an appropriate bundle of primary goods²⁶⁸ – it is unlikely that this political conception of the person – of the *citizen* – will develop.²⁶⁹ This is precisely the shared insight that unites Rawls and Rousseau: they both recognize that it is to the public sphere that moral agents will turn when trying to understand themselves and those

²⁶⁷ Rawls, *Political Liberalism*, p. 87. Recall, here, Cohen’s differentiation between human nature’s “abstract potentialities” and its “determinate expression.”

²⁶⁸ See Ibid, p. 157: “When the [virtues of political cooperation] are widespread in society and sustain its political conception of justice, they constitute a very great public good, part of society’s political capital.” See also Ibid, p. 179.

²⁶⁹ See Ibid, p. 166: “Below a certain level of material and social well-being, and of training and education, people simply cannot take part in society as citizens, must less equal citizens.”

with whom they are constantly forced to interact; our understanding of these relations is primarily informed by the principle-guided institutionalized setting in which these interactions take place:

“Given certain assumptions specifying a reasonable human psychology and the normal conditions of human life, those who grow up under just basic institutions acquire a sense of justice and a reasoned allegiance to those institutions sufficient to render them stable [...] Citizens’ sense of justice, given their traits of character and interests as formed by living under a just basic structure, is strong enough to resist the normal tendencies to injustice.”²⁷⁰

It is thus that our capacity – and, perhaps more importantly, our desire – to fulfill the moral ideal of citizenship is necessarily dependent on the set of principles that guide public life. On this account, the educative function of the state cannot be understood as the overt cultivation of a particular national mentality, but instead as the fostering of an emotional attachment to a particular set of coercive institutions and justice principles as the source of the “social bases of mutual respect between citizens”²⁷¹:

“Education should prepare [citizens] to be fully cooperating members of society and enable them to be self-supporting; it should also encourage the political virtues so that they want to honour the fair terms of social cooperation in their relations with the rest of society.”²⁷²

In this way, the citizens of a well-ordered society of justice as fairness do share common ends²⁷³: the ultimate, intrinsically valuable good of political liberalism is the maintenance of the public culture itself and of the political community that it defines; in justice as fairness, all citizens necessarily affirm this public conception of justice: “we may speak

²⁷⁰ Rawls, *Political Liberalism*, p. 142.

²⁷¹ Ibid, p. 139. Rawls’s contrasts this attachment to the institutions of justice as fairness with a *modus vivendi*, which is instead characterized by adherence for self-interested reasons. See Ibid, p. 147 – 148.

²⁷² Ibid, p. 199. In the same discussion of education, Rawls highlights his explicit departure from the liberalism of Kant and Mill: rather than fostering, exclusively, the values of autonomy and individuality, political liberalism asks that “children’s education include such things as knowledge of their constitutional and civic rights, so far that they know that liberty of conscience exists in their society and that apostasy is not a legal crime, all this to insure that their continued membership when they come of age is not based simply on ignorance of their basic rights or fear of punishment for offences that do not exist.” In this way, the educative scheme of political liberalism strikes a balance between group membership – even when those groups are explicitly hostile to the modern culture of justice as fairness – and individual rights. See Ibid, p. 200.

²⁷³ In contrast, say, to a *modus vivendi*. See Ibid, p. 144 – 148.

of the mutual good of mutual justice.”²⁷⁴ The basis of our social unity is thus the shared recognition of difference – of our equal capacity for private choice²⁷⁵ – and the mutual adoption of universally acceptable political principles – the overlapping consensus.²⁷⁶ Of course, these principles, and the consensus they represent, find their expression in the institutional matrix of society.²⁷⁷ According to Rawls, this process of creating and maintaining just institutions is often considered by a people to be “one of the significant achievements of their history.”²⁷⁸ This is precisely because the culmination of this process – justice as fairness – is the product of conscious – indeed, conscientious – political agents: for Rawls, as for Rousseau, “the safety of democratic liberties requires the active participation of citizens who possess the political virtues needed to maintain a constitutional regime.”²⁷⁹

Section 9: Patriotism, Self-Respect, and the Limits of Cosmopolitanism

The following section represents the climax of the present thesis; it is hoped that its conclusions fulfil our essential aim: namely, an attempt to make sense of Rawls’s rejection of a cosmopolitan scheme of economic redistribution. Of course, this claim is untenable without the preceding examination of the moral and domestic political philosophy of each theorist – this important foundation has been laid and we can now turn in good conscience to the international implications of the preceding arguments. The focus of section 9 is thus on the expansion of our central themes to the sphere of

²⁷⁴ Rawls, *Political Liberalism*, p. 208.

²⁷⁵ See, for example, *Ibid*, p. 203: “In securing the equal basic rights and liberties, fair equality of opportunity, and the like, political society guarantees the essentials of persons’ public recognition as free and equal citizens. In securing these things political society secures their fundamental needs.”

²⁷⁶ *Ibid*, p. 144 – 149.

²⁷⁷ *Ibid*, p. 201.

²⁷⁸ *Ibid*, p. 204.

²⁷⁹ *Ibid*, p. 205. The compatibility of political liberalism with classical republicanism – and Rawls’s explicit admission that this is precisely the case – is of course fundamentally important in light of the claims of the present work.

international relations, including the impact of political institutions on self- and other-perception, the emotional, affective impact of shared institutions and the essential psychological desire for respect and recognition; indeed, as we shall now see, each of these ideas has a fundamentally important effect on the way we conceive of our relations with, and obligations towards, non-compatriots.

Section 9.1 The Law of Peoples

It is not surprising, given the general unity of Rawls's work, that *The Law of Peoples* is equally concerned with this notion of a public or institutional culture and its impact on self- and other-perception; in that work, Rawls emphasizes the transformative – or pedagogical – capacity of just domestic institutions: that is, the ways in which the governing institutions of these societies help to develop and shape the people who live under them.²⁸⁰ Specifically, Rawls focuses on the creation and development of liberal *citizens* who, as such, will necessarily possess a sense of justice:

“Constitutional democracy must have political and social institutions that effectively lead its citizens to acquire the appropriate sense of justice as they grow up and take part in society.”²⁸¹

According to Rawls, then, the domestic institutions of a liberal-democratic constitutional regime lead to the creation and development of a kind of moral consciousness²⁸²:

“Insofar as liberal conceptions require virtuous conduct of citizens, the necessary (political) virtues are those of political cooperation, such as a sense of fairness and tolerance and a willingness to meet others halfway.”²⁸³

What is significant here is Rawls's emphasis on the moral virtue of tolerance and of the way in which just institutions cultivate it.²⁸⁴ As we have already seen, religious and

²⁸⁰ See, for example, Rawls, *The Law of Peoples*, p. 35.

²⁸¹ Ibid, p. 15.

²⁸² Recall, for Rousseau, the moral transformation that occurs when we enter civil society.

²⁸³ Rawls, *The Law of Peoples*, p. 15.

²⁸⁴ See, for example, Ibid, p. 29: “What makes peace among liberal democratic peoples possible is the internal nature of peoples as constitutional democracies and *the resulting change of the motives of the citizens*” italics added. See also Lu, “Moderating and Cultivating Justice: Ancient Themes in Rawls's Law

philosophical unity are no longer necessary for political unity and social stability: as long as particular comprehensive doctrines are reasonable – that is, capable of accepting liberal principles and of adhering to the demands of public reason – an overlapping consensus will exist among citizens²⁸⁵; indeed, the capacity of domestic institutions – and, by extension, the citizens they govern – to accommodate reasonable pluralism is directly related to the degree of justice that can be accorded to a particular domestic society.²⁸⁶ It is, in fact, precisely because of reasonable pluralism that

“[c]onstitutional democracy must have political and social institutions that effectively lead its citizens to acquire the appropriate sense of justice as they grow up and take part in society.”²⁸⁷

This notion of the institutional cultivation of tolerance has a prominent place in the *Law of Peoples* precisely because of the close parallel between a well-ordered domestic society and a well-ordered Society of Peoples; indeed, the parallel is so prominent that Rawls employs a second original position – where contracting members represent peoples rather than individuals²⁸⁸ – as the means of arriving at the appropriate justice principles for international society. Ultimately, a body of domestic citizens capable of accommodating “reasonable pluralism” is a prerequisite for contact with peoples that exhibit different cultures or traditions of thought:

“The effect of extending a liberal conception of justice to the Society of Peoples, which encompasses many more religious and other comprehensive doctrines than any single people, makes it inevitable that toleration must follow.”²⁸⁹

of Peoples,” p. 8 – 9.

²⁸⁵ Rawls, *Political Liberalism*, p. 60.

²⁸⁶ Rawls, *The Law of Peoples*, p. 12.

²⁸⁷ Ibid, p. 15.

²⁸⁸ See Ibid, p. 30 – 34. Consider, again, the important parallels to the domestic case: “As in the first instance, it is a model of representation, since it models what we would regard – you and I, here and now – as fair conditions under which the parties, this time the rational representatives of liberal peoples, are to specify the Law of Peoples, guided by appropriate reasons.”

²⁸⁹ Ibid, p. 19.

It is not surprising, then, that the institutional cultivation of moral and therefore tolerant citizens is, for Rawls, the essential foundation of a Society of Peoples; indeed, it is precisely the capacity of domestic political institutions – as well as the principles that guide them – to affect this change in individual citizens that functions as the prerequisite for a stable and lasting Society of Peoples that is capable of also including decent peoples.²⁹⁰

Rawls's use of the term 'peoples' is instructive: he is unflinching in his renunciation of the traditional conception of the nation-state and of national sovereignty; for him, blind adherence to these ideas has led to unjust, bloody conflicts and empire-building.²⁹¹ Instead, the individual units of the Society of Peoples are conceived as explicitly moral actors:

“As reasonable citizens in domestic society offer to cooperate on fair terms with other citizens, so (reasonable) liberal (or decent) peoples offer fair terms of cooperation to other peoples. A people will honour these terms when assured that other peoples will do so as well.”²⁹²

In other words, just as the comprehensive doctrines of domestic liberal citizens are limited by what is reasonable and by norms of reciprocity, so too are the actions of peoples. While a liberal people does retain some of the traditional functions of the state – the protection of territory and ensuring the safety and security of citizens – their interests primarily lie in protecting their political independence, the preservation of their liberal or decent political institutions and culture, as well as the maintenance of civil liberties. The

²⁹⁰ Rawls, *The Law of Peoples*, p. 30. See also Ibid, p. 26 – 27. Although time and space do not allow for a lengthy discussion of Rawls's conception of decency, we must note its essential features: ideas of justice in decent societies are related to religious or philosophical, rather than political, comprehensive doctrines; decent hierarchical societies are characterized by an associationist model wherein individual participants in public life are seen as the components of larger groups; these groups must have institutionalized access to political – or consultative – participation; decent societies must also be committed to human rights, to peaceful coexistence and to the proliferation and institutionalization of unanimously acceptable notions of justice and political obligation. See Ibid, Sections 8 and 9.

²⁹¹ For Rawls's account of Nazi Germany, see Ibid, p. 19 – 23.

²⁹² Ibid, p. 25.

desire for geographic or ideological expansion is necessarily lacking in liberal peoples; instead, they aim at the preservation of the domestic status quo, as exemplified by institutionalized justice principles.²⁹³ Ultimately, then, a people is identified as such by their dedication to assuring reasonable justice for its citizens and for the citizens of other liberal and decent peoples.²⁹⁴ There is, however, another vital interest which, for Rawls, is a constitutive element of a people's identity: their desire for self-respect and for recognition; that Rawls explicitly identifies a people's conception of self-respect with Rousseau's *amour-propre* is an important validation of our current pursuit.²⁹⁵ We will return to this idea of self-respect, and its impact on Rawls's international relations theory, in more detail below.

Another constitutive feature of a people is that their citizens are united by "common sympathies." Rawls turns to J.S. Mill as an important source for this cultural conception of citizenship:

"A portion of mankind may be said to constitute a Nationality, if they are united among themselves by common sympathies, which do not exist between them and any others – which make them cooperate with each other more willingly than with other people, desire to be under the same government, and desire that it should be government by themselves, exclusively."²⁹⁶

While Mill considers the foundation of "common sympathies" as a shared language or culture, Rawls is much less restrictive²⁹⁷; after all, having accepted the inevitability of migration and, as a result, the necessity of toleration through just political principles and

²⁹³ Rawls, *The Law of Peoples*, p. 29 and p. 41 – 42. See also Ibid, p. 47 italics added: "There is true peace among [these peoples] because they are satisfied with the status quo for the right reasons. *Liberal peoples have nothing to go to war about.*" For historical examples of this phenomenon, see Ibid, p. 51 – 58; Levy, "Domestic Politics and War" in *The Origin and Prevention of Major Wars*, p. 87; and Doyle, *Ways of War and Peace*, ch. 9.

²⁹⁴ Ibid, p. 29.

²⁹⁵ Ibid, p. 34.

²⁹⁶ Mill, "Considerations of Representative Government" in *Collected Works*, p. 546.

²⁹⁷ See Rawls, *The Law of Peoples*, p. 24. According to Rawls, the impact of immigration and military conquests seriously reduces the likelihood of any kind of linguistic or cultural homogeneity within contemporary states.

institutions, a decent or liberal people will be able to work out a basis for unity despite the absence of a common language or shared religious history. In light of our discussion of *Political Liberalism*, it should be no surprise that this new basis for social unity is explicitly political: it is precisely the existence of shared domestic institutions capable of cultivating the virtue of toleration and thus securing each citizen's sense of self-respect, through participatory rights and norms, that functions as the essential foundation of a people's common sympathies.²⁹⁸ For Rawls, this is a tangible sentiment: indeed, a constitutive element of a people's self-respect is the desire that others recognize their distinct political and cultural identity:

“This interest is a people's proper self-respect of themselves as a people, resting on their common awareness of their trials during their history and of their culture with its accomplishments [...] this interest shows itself in a people's insisting on receiving from other peoples a proper respect and recognition of their equality.”²⁹⁹

According to Rawls, then, a people's identity is the result of a long socio-political historical process: namely, the gradual institutionalization of justice principles and the concomitant recognition of the importance of toleration. This shared political history is a source of authentic and, perhaps more importantly, legitimate collective pride. The essence of the Society of Peoples is thus the mutual capacity to recognize the distinct nature of each individual unit that compromises it. This is precisely the mutual capacity for moral action:

“What distinguishes peoples from states – and this is crucial – is that *just peoples are fully prepared to grant the very same proper respect and recognition to other peoples as equals* [...] It is, therefore, part of a people's being reasonable and rational that they are ready to offer other people's fair terms of political and social cooperation.”³⁰⁰

In this way, the demand for respect and recognition are necessarily compatible with the equality of all peoples; this is precisely the mark of reasonability and, in turn, collective

²⁹⁸ Rawls, *Political Liberalism*, p. 24 and p. 47. See also Tamir, *Liberal Nationalism*.

²⁹⁹ Rawls, *The Law of Peoples*, p. 34.

³⁰⁰ Ibid, p. 35 italics added.

morality.³⁰¹ Again, we can see the parallels between a just domestic society and the Society of Peoples: the structural conditions of both cooperative schemes recognize the equality of all participating members and establish norms of reciprocity; as well, the mutual recognition of a people's self-respect – derived, of course, from the affective force of “common sympathies” – endows all participating members with the self-determination to pursue individual goals within the fair and reasonable conditions specified by the mutually agreed upon terms of cooperation; it is precisely these conditions which, again, lead the Society of Peoples to be well-ordered and, as a result, stable and lasting *for the right reasons*.³⁰²

Precisely because of his constant emphasis on the value of self-determination – as well as its necessary connection to self-respect and recognition³⁰³ – Rawls is explicit in his refusal to endorse a comprehensive cosmopolitan scheme of global redistribution: instead of committing himself to the kind of relative equality endorsed by contemporary cosmopolitan theorists – one that demands radical and immanent revisions to the current scheme of global resource distribution³⁰⁴ – Rawls focuses on the specific political ends that global distributive justice must ultimately accomplish. The difference between a cosmopolitan conception of global distributive justice and the one endorsed by Rawls can thus be understood in the following way: whereas cosmopolitan theorists are concerned,

³⁰¹ Rawls, *The Law of Peoples*, p. 45.

³⁰² Ibid, p. 44. Once again, the domestic parallel must be noted: “When the Law of Peoples is honoured by peoples over a certain period of time, with the evident intention to comply, and these intentions are mutually recognized, these peoples tend to develop mutual trust and confidence in one another.” This is precisely the performance of an intrinsically moral duty: the duty of civility. See the discussion on the discursive norms of public reason above. See also Lu, “Moderating and Cultivating Justice: Ancient Themes in Rawls’s Law of Peoples,” p. 7.

³⁰³ See, for example, Ibid, p. 60 – 62.

³⁰⁴ For examples of this view see Beitz, *Political Theory and International Relations*, Part III; Pogge, *Realizing Rawls*, Part II, Ch. 5 – 6; Pogge, *World Poverty and Human Rights*, ch. 7; Barry, *Theories of Justice*; and Tan, *Justice Without Borders*, ch. 1 – 3.

first and foremost, with the well-being of individuals, Rawls is instead concerned about the justice of particular societies.³⁰⁵ Accordingly, Rawls asserts that any scheme of global redistribution must work towards the ultimate realization of liberal or decent domestic institutions and, crucially, it is the responsibility of those who have already achieved this goal to aid those burdened societies that will be unable to make this transition independently:

“The role of the duty of assistance is to assist burdened societies to become full members of the Society of Peoples and to be able to determine the path of their own future for themselves [...] [it] assures the essentials of *political autonomy*.”³⁰⁶

Again, the parallel between domestic society and the Society of Peoples is obvious: in both schemes of cooperation, Rawls commits participating members to a basic minimum of equality – in this case, the realization of liberal or decent institutions for all peoples – and, as a result, to reaffirming the value of self-determination – the political autonomy that results after these just institutions have been secured and redistribution among peoples has stopped. The society of peoples, like domestic society, is also characterized by the acceptance of a certain level of inequality as long as it is the product of just, mutually agreed upon structural conditions.³⁰⁷ Ultimately, then, Rawls’s commitment to the duty of assistance is a direct reflection of his belief that it is a people’s particular political culture – and, of course, the domestic institutions that embody it – that assures a just distribution of resources; once liberal or decent institutions have been established domestically, the issue of rampant and unjust inequality disappears: the political institutions of these peoples are explicitly committed to the equality of persons and, accordingly, a minimum standard of social and economic welfare; indeed, it is precisely

³⁰⁵ Rawls, *The Law of Peoples*, p. 119.

³⁰⁶ Ibid, p. 118 italics in passage. See also Lu, “Moderating and Cultivating Justice: Ancient Themes in Rawls’s Law of Peoples,” p. 2.

³⁰⁷ Ibid, p. 115.

the commitment to these goals that makes a people either liberal or decent. Committing oneself to the proliferation of just domestic institutions – established, of course, through redistribution among peoples – is precisely to be concerned with the welfare of individuals, though indirectly.³⁰⁸

While the duty of assistance is attractive from a practical point of view – it is certainly pragmatic in the sense that it provides distributive schemes with a concrete aim, just institutions, and the means to assess whether this has been achieved – it is its emphasis on the self-determination³⁰⁹ – the “political autonomy” – of a people that makes it the most appropriate foundation for the Society of Peoples:

“The Law of Peoples assumes that every society has in its population a sufficient array of human capabilities, each in sufficient number so the society has enough potential human resources to realize just institutions.”³¹⁰

Recall, here, that peoples are conceived of as moral agents: they are both rational and reasonable, capable of articulating and pursuing their own goals – as the above quote maintains – and are also capable of recognizing the same capacity in other peoples.

When particularly burdened peoples have not yet reached this point, other liberal or decent peoples are explicitly committed to helping them do so:

“It is characteristic of liberal and decent peoples that they seek a world in which all peoples have a well-ordered regime. As cooperation between peoples proceeds they come to care about each other, and affinity between them becomes stronger [...] They are moved by mutual concern for each other’s way of life and culture, and they become willing to make sacrifices for each other.”³¹¹

These redistributive measures thus represent the recognition and acceptance of the common moral equality of all peoples, despite potential inequalities in resource wealth.

³⁰⁸ Rawls, *The Law of Peoples*, p. 117.

³⁰⁹ Of course, the exercise of a people’s self-determination, its “political will,” is necessarily shaped by institutional factors: their “political traditions and institutions of law, property and class structure, with their sustaining religious and moral beliefs and underlying culture.” Ibid, p. 106.

³¹⁰ Ibid, p. 119.

³¹¹ Ibid, p. 113. Consider, here, the domestic parallel, the difference principle, and its connection to the ideal of fraternity. See, for example, Rawls, *A Theory of Justice*, p. 90.

In this way, as in the domestic case, mutual respect – again, the desire to be recognized as a moral agent and the willingness to assign this status to similarly situated others – functions as the essential foundation of the Law of Peoples. By recognizing the importance of national self-determination – rather, the self-determination of peoples – the duty of assistance, with its limited scheme of redistribution and its rejection of paternalism³¹² explicitly prevents the emergence of feelings of inferiority between peoples³¹³; after all, once the duty of assistance has achieved its goal, the survival and sustenance of citizens is explicitly the domain of domestic institutions of governance. Of course, the institutional and resource capacity to achieve this goal is the prerequisite for national autonomy and is therefore guaranteed by the liberal and decent members of the Society of Peoples.³¹⁴ Ultimately, then, Rawls’s emphasis on self-determination and political autonomy – and, accordingly, a minimal scheme of global redistribution³¹⁵ – can be seen as the result of recognizing the importance of both mutual respect between

³¹² See, for example, Rawls, *The Law of Peoples*, p. 61: “If liberal peoples require that all societies be liberal and subject those that are not to politically enforced sanctions, then decent nonliberal peoples will be denied a due measure of respect.”

³¹³ Ibid, p. 114.

³¹⁴ According to Rawls, the proper organization of the former necessarily leads to the latter. See, for example, Ibid, p. 108: “The causes of the wealth of the people and the forms it takes lie in their political culture and in the religious, philosophical and moral traditions that support the basic structure of their political and social institutions, as well as in the industriousness and cooperative talents of its members, all supported by their political virtues.” See also Sen, *Poverty and Famines*, for an account of the relationship between institutional design and resource management and distribution.

³¹⁵ It must be noted here that this kind of terminology can be misleading: though Rawls does endorse a “minimal” redistributive scheme, his notions of justice and decency are extremely demanding; indeed, it is clear that the implementation and execution of the Law of Peoples requires not only significant material redistribution, but also fundamental changes in the rules, institutions and practices that currently govern the global economy. For those who dismiss Rawls’s international relations theory as too conservative see, for example, Kuper, “Rawlsian Global Justice: Beyond the Law of Peoples to a Cosmopolitan Law of Persons” in *Political Theory*; Buchanan, “Rawls’s Law of Peoples: Rules for a Vanished Westphalian World” in *Ethics*; Beitz, “Social and Cosmopolitan Liberalism” in *International Affairs*; and Pogge, “An Egalitarian Law of Peoples” in *Philosophy and Public Affairs*. Of course, one of the purposes of this paper is to defend Rawls against these kinds of negative assessments; indeed, the severity of Rawls’s critique of the existing international system is yet another similarity to Rousseau, who, as we shall see, was unyielding in its criticism of the status quo in international relations.

peoples and a people's respect for themselves³¹⁶; after all, as we have already seen throughout Rawls's work on both domestic and international society, self-respect – and the concomitant demand for recognition by others – is an essential constitutive interest of human psychology, both individual and collective; showing that the same concern pervades the international relations theory of Rousseau is the final task of the present paper.

Section 9.2 The Small (Ethical) State

Nowhere is Rousseau's rejection of Enlightenment thinking more clear than in his writings on international relations. While the *philosophes* begin to speak of a single human community, united by cosmopolitan values and the spirit of unity³¹⁷, Rousseau remains firmly committed to the politically independent, autarkic national community. His rejection of the cosmopolitan ethic is unflinching:

“The sentiment of humanity dissipates and weakens as it spreads to the whole earth, and that we cannot be as touched by the calamities of Tartary or Japan as we are by those of a European people. Interest and commiseration must in some way be constricted and compressed in order to be activated [...] It is good that the sentiment of humanity, concentrated among fellow-citizens, acquire in them added force through the habit of seeing one another, and the common interest that unites them.”³¹⁸

This is to be guiding insight of Rousseau's writings on state interactions, which idealize the self-determined nation-state while repudiating the values and political goals of cosmopolitan thought; indeed, the absence of any kind of global solidarity – this sentiment is restricted to the nation-state – negates the possibility of any kind of world

³¹⁶ Rawls, *The Law of Peoples*, p. 122.

³¹⁷ See, for example, Gilbert, “The ‘New Diplomacy’ of the Eighteenth Century,” p. 4 – 5: “In the eighteenth century, writers were likely to say that the various nations belonged to ‘one society’; it was stated that all states together formed a ‘family of nations’ and the whole globe a ‘general and unbreakable confederation’.”

³¹⁸ Rousseau, *Political Economy*, p. 15. See also Ibid, p. 6 and p. 23 – 28; and Cobban, *Rousseau and the Modern State*, p. 106.

state or binding confederation.³¹⁹ The self-interest of princes, says Rousseau, will always trump the interests of the community of states.³²⁰ As a result, he comes to value self-determination and political independence – namely, the domestic society of the social contract – as the ideal means towards a stable, lasting peace.

As in Rawls, then, the essential tenets of Rousseau's international relations theory – both moral and political – are intimately connected to the fundamental ideas that guide his domestic politics. According to Rousseau, states governed by greedy princes and sycophantic ministers³²¹ are prone to the same passions and vices – the same malignant form of *amour-propre* – that civil society excites in man: vanity, greed, selfishness and competitiveness; indeed, like man, the state can only conceptualize its strength in comparison with other states:

“Since the size of the body politic is purely relative, it is forced constantly to compare itself in order to know itself [...] it becomes small or large, weak or strong, according to whether its neighbour expands or contracts and grows stronger or weaker [...] the inequality among societies can grow, until one absorbs all the others.”³²²

This dynamic of comparison produces the competition for power characteristic of international politics and is in turn the fundamental cause of war. According to Rousseau, this situation is also exacerbated by two facts of international political life: first, the absence of any authoritative international law – namely, a global equivalent of the domestic general will³²³; and, second, the increasing inevitability of some form of

³¹⁹ Rousseau, *The State of War*, p. 163.

³²⁰ Rousseau, *Saint-Pierre's Project for Peace*, p. 100.

³²¹ Ibid, p. 93.

³²² Rousseau, *The State of War*, p. 169. See also Rousseau, *Considerations on the Government of Poland*, p. 178. In fact, Rousseau's conception of the international state of nature is strikingly Hobbesian. See, for example Rousseau, *Saint-Pierre's Project for Peace*, p. 63: “Where is a European prince to find an army of unexpected strength sufficient to crush all the others, when the most powerful of them only has a fraction of the strength belonging to the whole body?” See also Ibid, p. 73.

³²³ According to Rousseau, the will of one state is in no way binding on the will of another. See, for example, Rousseau, *Political Economy*, p. 7 – 8, and Rousseau, *The State of War*, p. 163. See also Hoffman and Fidler, “Introduction” in *Rousseau on International Relations*, p. xviii: “The order of the state

economic interdependence, in which one state is at the mercy of others' wealth, services or opinions.³²⁴ This state of affairs should of course recall the moral and political disorder of civil society before the unanimous adoption of the general will: without recourse to some institutionalized standard of equality, public life is characterized by alienation, competition and strife. It seems, then, that Rousseau posits a seemingly infinite accumulation of inflamed *amour-propre* in the modern world: although the social contract solves the problem of competition between citizens, it increases the likelihood of competition, in the form of devastating warfare³²⁵, between states. How, then, can the international state of nature become stable? Is there a cure to the potentially devastating *amour-propre* of states? As we have already seen, the possibility of a global general will is no longer available: the sentiment of similarity – of some common existence – required to animate this legislative device is absent in the international realm.

According to Rousseau, then, the cause of war is this volatile combination of international anarchy and defective governments: that is, the absence of an internationally recognized sovereign power combined with particular states desirous of the respect and, in extreme cases, the submission of other peoples. National sentiments among peoples, however, are in no way responsible for this anarchic state of affairs; indeed, according to Cobban, the international state of nature results “directly from the *absence* of genuine

and the anarchy of international politics combine to produce a most dangerous concoction.” See also Ibid, p. xxvii. See also Rousseau, *Émile*, p. 466.

³²⁴ Rousseau, *Political Economy*, p. 29. See also Rousseau, *The State of War*, p. 166: “War is a permanent state which presupposes lasting relations.” See also Rousseau, *Saint-Pierre's Project for Peace*, p. 59. Of course, this provides a striking contrast to the international relations theory of Kant, for whom economic interdependence and world peace are necessarily connected. See, for example, Kant, *Perpetual Peace: A Philosophical Sketch*, p. 114: “The *spirit of commerce* sooner or later takes hold of every people, and it cannot exist side by side with war. And of all the powers (or means) at the disposal of the power of the state, *financial power* can probably be relied on most.”

³²⁵ It is clear that Rousseau was acutely sensitive to the calamities of warfare. See, for example, Rousseau, *The State of War*, p. 162: “I see fires and flames, countrysides deserted, towns sacked. I see a scene of murders, ten thousand men slaughtered, the dead pile up in heaps, the dying trampled underfoot by horses, everywhere the image of death and dying.”

nations and national feeling.”³²⁶ Here, we have the emergence of Rousseau’s solution to the problem of international war: namely, the conscious cultivation of *proper* patriotism; in this way, his international relations theory framework is explicitly national. He believes that the well-ordered society needs a civic religion – in this case, patriotism – in order to ensure the domestic pursuit of freedom and equality and, concomitantly, the rejection of the state of war³²⁷; indeed, according to Cobban, Rousseau believes that “the national character [...] becomes the foundation of political life and the real source of the strength of the state.”³²⁸ In this way, Rousseau’s conception of proper patriotism is “insular and defensive, not expansive or offensive.”³²⁹ His is not the nationalism of ideological dogmatism or military expansionism³³⁰, doctrines for which he is often accused of providing intellectual sustenance; instead, it must be understood as the cultivation and promulgation of a collective sense of pride and of mutual accomplishment: “if you would have the laws obeyed, *see to it that they are loved*.”³³¹ The institution of law, as well as the political tradition it embodies, are thus legitimate sources for this pride:

“Let the fatherland [patrie] then prove to be the common mother of the citizens, let the advantages they enjoy in their country endear it to them, [...] and let the laws be in their eyes nothing but the guarantors of the common freedom.”³³²

The conscious cultivation of this sense of collective pride, however, points us towards a potential problem in portraying Rousseau’s international relations theory as an important

³²⁶ Cobban, *Rousseau and the Modern State*, p. 119.

³²⁷ Hoffman and Fidler, “Introduction” in *Rousseau on International Relations*, p. xxxi.

³²⁸ Cobban, *Rousseau and the Modern State*, p. 108.

³²⁹ Hoffman and Fidler, “Introduction” in *Rousseau on International Relations*, p. lxi.

³³⁰ See, for example, Rousseau, *Political Economy*, p. 28: “Nothing is as downtrodden or as miserable as conquering peoples, and their very successes only increase their miseries.” See also Hoffman and Fidler, “Introduction,” p. lx – lxi and Cobban, *Rousseau and the Modern State*, p. 119.

³³¹ Rousseau, *Political Economy*, p. 13 italics added. See also *Ibid*, p. 15 and p. 18; and Rousseau, *Considerations on the Government of Poland*, p. 184.

³³² *Ibid*, p. 19. See also *Ibid*, p. 23.

precedent for Rawls's: the means Rousseau advocates to this end certainly have the air of perfectionist republicanism; they have thus worked to obscure the essential point, which is more a claim about institutional design – and its impact on the citizen body – than patriotic perfectionism. Consider, for example, his advice on pedagogy to the Polish people in his *Considerations on the Government of Poland*:

“I want that on learning to read, he read about his country, that at ten he know all of its products, at twelve all of its provinces, roads, towns, that at fifteen he knows its entire history, at sixteen all of its laws, that in all of Poland there not be a single great deed or illustrious person of which his memory and heart are not full.”³³³

His emphasis on national festivals and the public cultivation of civic virtue and pride have a similarly patriotic, and therefore perfectionist, emphasis:

“I should wish all the patriotic virtues to be given lustre by attaching them to honours and public rewards, the Citizens to be constantly occupied with the fatherland, for it to be made their principal business, for it to be kept continually before their eyes.”³³⁴

While this may seem like the cultivation of a particular national mentality – “the Poles above all other peoples, even at the expense of my life” – this kind of sentiment would destroy Rousseau's overarching ideal: there isn't room for aggressive nationalism in a scheme designed to produce peace among states. Of course, Rousseau was sensitive to this fact; accordingly, the building of national character is, for Rousseau, precisely the attempt to “smother” our particularly dangerous vanity under the weight of our legitimate sense of pride, born of the achievements of our shared national project³³⁵:

“Give a different bent to the Poles' passions [...] and you will give them a vigour which will *take the place of deceptive appeals to empty precepts*. They will obey the laws and not elude them because they will suit them and have the inward assent of their wills.”³³⁶

Recall, here, that this is also the fundamental insight of Rawls's international relations theory: that is, a people's desire for political autonomy and, in turn, respect, is directly

³³³ Rousseau, *Considerations on the Government of Poland*, p. 190.

³³⁴ Ibid, p. 185.

³³⁵ Hoffman and Fidler, “Introduction” in *Rousseau on International Relations*, p. lxi.

³³⁶ Rousseau, *Considerations on the Government of Poland*, p. 184 italics added.

related to its recognition of the value of its political history and the institutions that define it. This is precisely the aim of Rousseau's public festivals: they work towards the cultivation of civic pride, not national power. This proper kind of patriotism is the only possible moral manifestation of *amour-propre* and its emergence and flourishing is the essential aim of the domestic social contract; in this way, an internally well-ordered society is, by definition, capable of peaceful co-existence: its deep sense of satisfaction with its particular history and culture prevent the emergence of expansionist desires.³³⁷ Rousseau's solution to the problem of international anarchy is thus what Hoffman and Fidler call a "second-image solution"³³⁸: the establishment of ideal states is the prerequisite of international peace. Ideal states, by Rousseau's definition, will be relatively self-sufficient and will value their autonomy above all else³³⁹; similarly, ideal citizens will be patriotic, without falling into belligerence or bellicosity. That this image of international relations is profoundly similar to Rawls's should already be obvious.

Section 10: Conclusion

By way of conclusion, let us return to Kant and his writings on international relations; the intention, here, is to draw out the differences between Rousseau's and Kant's respective images of perpetual peace and to show that Rawls's vision is closer to Rousseau's in many important ways. This is certainly a difficult task given Rawls's own pronouncements on the subject.³⁴⁰ However, in light of some of the assumptions of Kant's moral and historical philosophy, a number of telling divergences do in fact

³³⁷ See, for example, Rousseau, *Considerations on the Government of Poland*, p. 180.

³³⁸ Hoffman and Fidler, "Introduction" in *Rousseau on International Relations*, p. lxiii: "The road to peace passes through the ethical state."

³³⁹ See, for example, Rousseau, *Constitutional Project for Corsica*, p. 141: "No one who depends on others, and lacks resources of his own, can ever be free. Alliances, treaties, gentleman's agreements, such things may bind the weak to the strong, but never the strong to the weak."

³⁴⁰ See, for example, Rawls, *The Law of Peoples*, p. 86.

emerge. Why is this the case? I believe that there are two main reasons and, unsurprisingly, they are connected. First, consider Kant's conception of history as the inevitable progress towards greater rationality:

“[S]ince the human race is constantly progressing in cultural matters (in keeping with its natural purpose), it is also engaged in progressive improvement in relation to the moral end of its existence. This progress may at times be interrupted but never broken off.”³⁴¹

Just as Kepler has revealed the natural laws governing planetary motion³⁴², here, Kant believes he has revealed the natural law of history: it is the advancement of reason and, concomitantly, the gradual expansion of our moral sentiments. This fact points him directly to history's underlying *telos*: namely, the application and administration of universal justice – as determined by the moral law – in both the domestic and international realms.³⁴³ In light of certain general laws of nature – chiefly, the progress of reason – Kant is thus forced to tell the same story about every state. First, individuals come to recognize the freedom of the state of nature to be a less meaningful form of freedom: we require, according to Kant, the security of civil society, with its publicly promulgated laws, to develop fully our natural capacities.³⁴⁴ The international relations story is then markedly similar: it is only after we are able to recognize the destructiveness and folly of international warfare that we can move towards the creation of a pacific federation.³⁴⁵ Of course, this realization is explicitly the product of our refined capacity to reason:

“It can be shown that the outcry about man's continually increasing decadence arises for the very reason that we can see further ahead, because we have reached a higher level of morality. We thus pass more severe judgements on what we are, comparing it with what we ought to be, so that our

³⁴¹ Kant, “Theory and Practice,” p. 88. See also Kant, “Idea for a Universal History,” p. 50 – 51.

³⁴² Kant, “Idea for a Universal History,” p. 42.

³⁴³ Ibid, p. 42 – 43.

³⁴⁴ Kant, “Theory and Practice,” p. 91.

³⁴⁵ Kant, “Idea for a Universal History,” p. 49.

self-reproach increases in proportion to the number of stages of morality we have advanced through.”³⁴⁶

In this way, Kant regards perpetual peace as the result of the pragmatic application of advanced reason. Despite the short-term aggressiveness or greed of particular nations, a lawful federation seems to be a kind of inevitability within Kant’s system.³⁴⁷ This claim is buttressed by recalling Kant’s emphasis on the providential laws of history, which, for him, transcend human short-sightedness:

“Individual men and even entire nations little imagine that, while they are pursuing their own ends, each in his own way and often in opposition to others, they are unwittingly guided in their advance along a course intended by nature.”³⁴⁸

Kant’s teleological historical method thus explains the conspicuous absence of a political programme designed to get us to perpetual peace³⁴⁹: the progress of reason accomplishes such work, regardless of the conscious intentions of particular political agents. This brings us to the first important contrast to the Rousseauian and Rawlsian methods described above, wherein the essential foundation of perpetual peace – namely, a people’s self-respect or proper patriotism– must be consciously cultivated by state actors. The story here is not one about the gradual refinement of reason or of the inevitable movement towards the global institutionalization of universal morality; instead, Rousseau and Rawls are both acutely sensitive to the *emotional* connection individual citizens have to their states and to the way this sentiment informs relations with non-compatriots. Again: that state actors must actively foster this emotional tie to the nation is an

³⁴⁶ Kant, “Theory and Practice,” p. 89.

³⁴⁷ Kant, “Idea for a Universal History,” p. 47. See also Kant, “Perpetual Peace,” p. 103 and p. 109 – 110.

³⁴⁸ Ibid, p. 41. See also Ibid., p. 51 and Kant’s discussion of providence in “Perpetual Peace,” p. 108 – 109.

³⁴⁹ See, for example, Reiss, “Introduction” in *Kant: Political Writings*, p. 39.

important departure from Kant, for whom the central task of political agents is the institutionalization and protection of negative freedom.³⁵⁰

This brings us to the second, related difference between Kant and Rousseau and Rawls. Consider, here, a crucially important passage from Kant's essay on *Perpetual Peace*, the first part of which – the domestic story – should already be familiar:

“There is only one rational way in which states coexisting with other states can emerge from the lawless condition of pure warfare. Just like individual men, they must renounce their savage and lawless freedom, adapt themselves to public coercive laws, and thus *form an international state, which would necessarily grow until it embraced all the peoples of the earth*. But since this is not the will of nations, according to their present conception of international right, the positive idea of a world republic cannot be realised. *If all is not to be lost*, this can at best find a *negative substitute* in the shape of an enduring and gradually expanding federation likely to prevent war.”³⁵¹

The key element of this passage is Kant's emphasis on the pacific federation as a second-best alternative; for him, the universal republic guided by the necessarily impartial principles of pure practical reason is a more meaningful expression of our political duty as dictated by the moral law³⁵²:

“[The obligation of those in power not to deny or detract from the rights of anyone out of disfavour or sympathy for others i.e. the duty to follow the universal moral law] requires above all that the state should have an internal constitution organised in accordance with pure principles of right, and also that it unite with other neighbouring or even distant states to arrive at a lawful settlement of their differences by forming *something analogous to the universal state*.”³⁵³

In contrast to Rawls and Rousseau, then, Kant's true ideal is some variant of the cosmopolitan society or world republic: his formulation of the moral law, as well as his claims regarding the relationship between morality and politics, predetermines this conclusion; indeed, in light of the general laws that characterize his historical method, the

³⁵⁰ See, for example, Kant, “Idea for a Universal History,” p. 45: “The highest purpose of nature – i.e. the development of all natural capacities – can be fulfilled only in a society which has not only the greatest freedom, but also the most precise specification and preservation of the limits of this freedom in order that it can co-exist with the freedom of others.” See also Kant, “Perpetual Peace,” p. 112 – 113.

³⁵¹ Kant, “Perpetual Peace,” p. 105 italics added. See also Ibid, p. 108.

³⁵² For Kant's account of the relationship between morality and political – or, to use his terminology, theory and practice – see Ibid, Appendix I, p. 116 – 125: “[I]f we consider it absolutely necessary to couple the concept of right with politics, or even to make it a limiting condition of politics, it must be conceded that the two are compatible.”

³⁵³ Ibid, p. 123 italics added.

recognition of the intimate connection between the moral law and our shared political constitution – between theory and practice – is the foundation of the Kantian universal republic:

“As culture grows and men gradually move towards greater agreement over their principles, they lead to mutual understanding and peace.”³⁵⁴

It is important to note that Kant does concede the pragmatic opposition to universal statehood: it is inevitable that some states will be hostile to this idea and will cling to traditional notions of sovereignty; indeed, as noted above, the pacific federation is Kant’s only truly realistic solution and this is an important point of affinity between Kant and Rawls.³⁵⁵ An obvious implication of our previous discussion of Kantian theory and practice, however, is that the individual state’s rejection of a cosmopolitan order is, for Kant, the expression of a kind of regrettable defect – an indication that reason has yet to mature fully. In this light, holding onto particularity – or, to use more familiar language, retaining a meaningful sense of citizenship within a particular social milieu – is a concession made by Kant – a moral aberration, perhaps – rather than an essential part of his international system. That this image is fundamentally out of line with the international visions outlined by Rousseau and Rawls should already be obvious. For both theorists, particularity, when properly constituted, is the essential foundation of peace rather than a threat to its stability.

³⁵⁴ Kant, “Perpetual Peace,” p. 113. See also the footnote that accompanies this passage, in which Kant dismisses religion as a meaningful source of moral dissent.

³⁵⁵ Ibid, p. 102. See also Rawls, *The Law of Peoples*, p. 10 – 11, for his discussion of a “realistic utopia.”

Works Cited

- Barry, Brian. Theories of Justice. Berkeley: University of California Press, 1989.
- Bazowski, Raymond. "The Fall of the House of Émile: Symbolic Mediation in the Philosophy of Rousseau." Rousseau et l'éducation: Études sur Émile. Sherbrooke: Éditions Naaman, 1983. pp. 20 – 33.
- Beitz, Charles. Political Theory and International Relations. Princeton: Princeton University Press, 1979.
- Beitz, Charles. "Social and Cosmopolitan Liberalism." *International Affairs* 75, 3 (1999): 515 – 529.
- Berlin, Isaiah. "The Pursuit of the Ideal." Ed. Henry Hardy. The Crooked Timber of Humanity. New York: Vintage Books, 1992.
- Berlin, Isaiah. "Two Concepts of Liberty." Four Essays on Liberty. Oxford: Oxford University Press, 1968. pp. 118 – 172.
- Berlin, Isaiah. Political Ideas in the Romantic Age: The Rise and Influence on Modern Thought. Ed. Henry Hardy. London: Chatto and Windus, 2006.
- Blake, Michael. "Distributive Justice, State Coercion and Autonomy." *Philosophy and Public Affairs* 30, 3 (2002): 256 – 296.
- Bloom, Allan. "Introduction." Émile. Trans. Allan Bloom. New York: Basic Books, 1979.
- Bloom, Allan. "Introduction." Politics and the Arts. Politics and the Arts: Letter to M. D'Alembert on the Theatre. Trans. Allan Bloom. Ithaca: Cornell University Press, 1960.
- Brione Rosen, Marika. "Motivation as the Resolution of an Educational Paradox." Rousseau et l'éducation: Études sur Émile. Sherbrooke: Éditions Naaman, 1983. pp. 56 – 60.
- Buchanan, Allan. "Rawls's Law of Peoples: Rules for a Vanished Westphalian World." *Ethics* 110, 4 (2000): 640 – 674.
- Cassirer, Ernst. The Problem of Jean-Jacques Rousseau. Trans. and Ed. Peter Gay. Bloomington: Indiana University Press, 1963.
- Cassirer, Ernst. Rousseau-Kant-Goethe. Princeton: Princeton University Press, 1945.

- Charvet, John. The Social Problem in the Philosophy of Rousseau. Cambridge: Cambridge University Press, 1974.
- Chomsky, Noam. Cartesian Linguistics. New York: Harper and Row, 1966.
- Cobban, Alfred. Rousseau and the Modern State. Hamden, Conn.: Archon Books, 1964.
- Cohen, Joshua. "Deliberation and Democratic Legitimacy." Deliberative Democracy. Ed. Jon Elster. Cambridge: Cambridge University Press, 1998. pp. 185 – 231.
- Cohen, Joshua. "Moral Pluralism and Political Consensus." The Idea of Democracy. Eds. David Copp, Jean Hampton and John Roemer. Cambridge: Cambridge University Press. pp. 270 – 291.
- Cohen, Joshua. "The Natural Goodness of Humanity." Reclaiming the History of Ethics: Essays for John Rawls. Eds. Andrews Reath, Barbara Herman and Christine Korsgaard. Cambridge: Cambridge University Press, 1997. pp. 102 – 140.
- Cohen, Joshua. "Reflections on Rousseau: Autonomy and Democracy." *Philosophy and Public Affairs* 15, 3 (Summer 1986): 275 – 297.
- Cook, Terrence E. "Rousseau: Education and Politics." *The Journal of Politics* 37, 1 (1975): 108 – 128.
- Crocker, Lester G. Rousseau's Social Contract: An Interpretive Essay. Cleveland: Case Western Reserve University Press, 1968.
- Dent, N.J.H. Rousseau: An Introduction to his Psychological, Social and Political Theory. New York: Basil Blackwell, 1988.
- Doyle, Michael. Ways of War and Peace. New York: Norton, 1997.
- Dworkin, Ronald. "Liberalism." Private and Public Moralities. Ed. Stuart Hampshire. Cambridge: Cambridge University Press, 1978. pp. 113 – 143.
- Dworkin, Ronald. A Matter of Principle. Cambridge, Mass.: Harvard University Press, 1985.
- Freeman, Samuel. "Reason and Agreement in Social Contract Views." *Philosophy and Public Affairs* 19, 2 (Spring 1990): 122 – 157.
- Fukuyama, Francis. The End of History and The Last Man. New York: Free Press, 1992.
- Gay, Peter. The Enlightenment: An Interpretation, Vol. II: The Science of Freedom. New York: Alfred A. Knopf, 1969.

- Gilbert, Felix. "The 'New Diplomacy' of the Eighteenth Century." *World Politics* 4, 1 (Oct. 1951): 1 – 38.
- Giddin, Hilail. Rousseau's Social Contract: The Design of the Argument. Chicago: University of Chicago Press, 1983.
- Gourevitch, Victor. "Introduction." Rousseau: The Social Contract and other late political writings. Ed. Victor Gourevitch. Cambridge: Cambridge University Press, 1997.
- Gutmann, Amy and Dennis Thompson. "Moral Conflict and Political Consensus." *Ethics* 101 (October 1990): 76 – 86.
- Guyer, Paul. Kant on Freedom, Happiness and Law. Cambridge: Cambridge University Press, 2000.
- Hegel, G.W.F. Elements of the Philosophy of Right. Trans. H.B. Nisbet. Ed. A.W. Wood. Cambridge: Cambridge University Press, 1991.
- Hill, Thomas E. Dignity and Practical Reason in Kant's Moral Philosophy. Ithaca: Cornell University Press, 1992.
- Hobbes, Thomas. Human Nature and De Corpore Politico. Ed. J.C.A. Gaskin. Oxford: Oxford University Press, 1994.
- Hobbes, Thomas. Leviathan. Ed. C.B. Macpherson. London: Penguin Books, Inc., 1968.
- Hoffman, Stanley and David P. Fidler. "Introduction." Rousseau on International Relations. Oxford: Clarendon Press, 1991.
- Kant, Immanuel. The Critique of Judgement. Trans. Werner Pluhar. Indianapolis: Hackett Publishing Inc., 1987.
- Kant, Immanuel. Critique of Practical Reason. Trans. Lewis White Beck. Indianapolis: Bobbs-Merrill. 1956.
- Kant, Immanuel. Foundations of the Metaphysics of Morals. Trans. Lewis White Beck. Indianapolis: Library of Liberal Arts, 1959.
- Kant, Immanuel. Groundwork for the Metaphysics of Morals. Trans. Allen Wood. New Haven: Yale University Press, 2002.
- Kant, Immanuel. "Idea for a Universal History with a Cosmopolitan Purpose." Kant: Political Writings. Ed. Hans Reiss. Cambridge: Cambridge University Press, 1970. pp. 41 – 53.

- Kant, Immanuel. Lecture on Ethics. Trans. Louis Infield. London: Methuen, 1930.
- Kant, Immanuel. Observations on the Feeling of the Beautiful and the Sublime. Trans. John Goldthwait. Berkeley: University of California Press, 1981.
- Kant, Immanuel. "On the Common Saying: 'This May Be True in Theory, But It Does Not Apply in Practice'." Kant: Political Writings. Ed. Hans Reiss. Cambridge: Cambridge University Press, 1970. pp. 61 – 92.
- Kant, Immanuel. "Perpetual Peace: A Philosophical Sketch." Kant: Political Writings. Ed. Hans Reiss. Cambridge: Cambridge University Press, 1970. pp. 93 – 115.
- Kuper, Andrew. "Rawlsian Global Justice: Beyond the Law of Peoples to a Cosmopolitan Law of Persons." *Political Theory* 28, 5 (2000): 640 – 674.
- Kymlicka, Will. Multicultural Citizenship: A Liberal Theory of Minority Rights. Oxford: Clarendon Press, 1995.
- Larmore, Charles. "Liberal and Republican Conceptions of Freedom." Republicanism: History, Theory and Practice. Eds. Daniel Weinstock and Christian Nadeau. London: Frank Cass, 2004. pp. 96 – 119.
- Larmore, Charles. Patterns of Moral Complexity. Cambridge: Cambridge University Press, 1987.
- Levy, Jack S. "Domestic Politics and War." The Origin and Prevention of Major Wars. Eds. Robert Rotberg and Theodore Rabb. Cambridge: Cambridge University Press, 1989. pp.
- Lu, Catherine. "Moderating and Cultivating Justice: Ancient Themes in Rawls's Law of Peoples." International Studies Association Meeting. San Diego, California. March 2006.
- MacIntyre, Alisdair. "Is Patriotism A Virtue?" Theorizing Citizenship. Ed. Ronald Beiner. Albany: SUNY Press, 1995. pp. 209 – 228.
- Mackie, J.L. Ethics. New York: Penguin, 1977.
- Melzer, Arthur M. The Natural Goodness of Man: On the System of Rousseau's Thought. Chicago: University of Chicago Press, 1990.
- Mill, John Stuart. "Considerations on Representative Government." Collected Works. Ed. J.M. Robson. Toronto: University of Toronto Press, 1977. Vol. XIX, Ch. XVI.

- Miller, James. Rousseau: Dreamer of Democracy. New Haven: Yale University Press, 1984.
- Montesquieu, Charles de Secondat, baron de. The Persian Letters. Trans. G.R. Healy. Indianapolis: Hackett Publishing Co., 1999.
- Montesquieu, Charles de Secondat, baron de. The Spirit of the Laws. Trans. and Ed. Anne M. Cohler, Basia Carolyn Miller and Harold Samuel Stone. Cambridge: Cambridge University Press, 1989.
- Neidleman, Jason Andrew. The General Will is Citizenship: Inquiries into French Political Thought. Lanham, Maryland: Rowan & Littlefield, 2001.
- Neuhouser, Frederick. "Freedom, Dependence and the General Will." *Philosophical Review* 102 (July 1993): 363 – 396.
- Parry, Geraint. "Constructive and Reconstructive Political Education." *Oxford Review of Education* 25, 1 (1999): 23 – 39.
- Petit, Philip. Republicanism: A Theory of Freedom and Government. Oxford: Clarendon Press, 1997.
- Pogge, Thomas. "An Egalitarian Law of Peoples." *Philosophy and Public Affairs* 23, 3 (1994): 195 – 224.
- Pogge, Thomas. Realizing Rawls. Ithaca, N.Y.: Cornell University Press, 1990.
- Pogge, Thomas. World Poverty and Human Rights. Cambridge: Polity Press, 2002.
- Rawls, John. "The Idea of Public Reason Revisited." The Law of Peoples. Cambridge: Harvard University Press, 1999. Pp. 129 – 180.
- Rawls, John. "Justice as Fairness: Political not Metaphysical." Collected Papers. Ed. Samuel Freeman. Cambridge: Harvard University Press, 1999. pp. 388 – 414.
- Rawls, John. "Kantian Constructivism in Moral Theory." Collected Papers. Ed. Samuel Freeman. Cambridge: Harvard University Press, 1999. pp. 303 – 358.
- Rawls, John. The Law of Peoples. Cambridge: Harvard University Press, 1999.
- Rawls, John. Lectures on the History of Moral Philosophy. Ed. Barbara Herman. Cambridge: Harvard University Press, 2000.
- Rawls, John. Political Liberalism. New York: Columbia University Press, 1993.

- Rawls, John. "The Sense of Justice." Collected Papers. Ed. Samuel Freeman. Cambridge: Harvard University Press, 1999.
- Rawls, John. A Theory of Justice. Cambridge: Harvard University Press, 1971.
- Rawls, John. "A Well-Ordered Society." In Defense of Human Dignity: Essays for Our Times. Ed. Robert Kraynak and Gregg Tinder. Notre Dame: Notre Dame University Press, 2003. pp. 193 – 207.
- Raz, Joseph. The Morality of Freedom. Oxford: Clarendon Press, 1986.
- Reisert, Joseph R. Jean Jacques Rousseau: A Friend of Virtue. Ithaca: Cornell University Press, 2003.
- Ripstein, Arthur. "Universal and General Wills: Rousseau and Hegel." *Political Theory* 22, 3 (April 1994): pp. 444 – 467.
- Roche, K.F. Rousseau: Stoic and Romantic. London: Methuen, 1974.
- Rousseau, Jean-Jacques. "Abstract and Judgement of Saint-Pierre's Project for Perpetual Peace." Rousseau on International Relations. Ed. Stanley Hoffman and David Fidler. Oxford: Clarendon Press, 1991. pp. 53 – 100.
- Rousseau, Jean-Jacques. Confessions and Correspondence, Including the Letter to Malsherbes. Trans. Christopher Kelley. Eds. Christopher Kelley, Roger D. Masters And Peter G. Stillman. Hanover: University Press of New England, 1995.
- Rousseau, Jean-Jacques. "Considerations on the Government of Poland." Rousseau: The Social Contract and other late political writings. Ed. Victor Gourevitch. Cambridge: Cambridge University Press, 1997. pp. 177 – 260.
- Rousseau, Jean-Jacques. "Constitutional Project for Corsica." Rousseau on International Relations. Ed. Stanley Hoffman and David Fidler. Oxford: Clarendon Press, 1991. pp. 139 – 161.
- Rousseau, Jean-Jacques. "Discourse on the Arts and Sciences." The Essential Rousseau. Trans. Lowell Blair. New York: Penguin Books, 1983. pp. 203 – 230.
- Rousseau, Jean-Jacques. "Discourse on the Origin and Foundations of Inequality Among Men." The Essential Rousseau. Trans. Lowell Blair. New York: Penguin Books, 1983. pp. 125 – 202.
- Rousseau, Jean-Jacques. Émile. Trans. Allan Bloom. New York: Basic Books, 1979.

- Rousseau, Jean-Jacques. "Geneva Manuscript." Rousseau: The Social Contract and other late political writings. Ed. Victor Gourevitch. Cambridge: Cambridge University Press, 1997. pp. 153 – 161.
- Rousseau, Jean-Jacques. Julie, or the New Heloise. Trans. Philip Stewart and Jean Vache. Hanover: University Press of New England, 1997.
- Rousseau, Jean-Jacques. "Political Economy." Rousseau: The Social Contract and other late political writings. Ed. Victor Gourevitch. Cambridge: Cambridge University Press, 1997. pp. 3 – 38.
- Rousseau, Jean-Jacques. Politics and the Arts: Letter to M. D'Alembert on the Theatre. Trans. Allan Bloom. Ithaca: Cornell University Press, 1960.
- Rousseau, Jean-Jacques. Rousseau, Judge of Jean-Jacques: Dialogues. Eds. Roger D. Masters and Christopher Kelley. Trans. Judith R. Bush, Roger D. Masters and Christopher Kelley. Hanover: University Press of New England, 1992.
- Rousseau, Jean-Jacques. "The Social Contract." Rousseau: The Social Contract and other late political writings. Ed. Victor Gourevitch. Cambridge: Cambridge University Press, 1997. pp. 39 – 153.
- Rousseau, Jean-Jacques. "The State of War." Rousseau: The Social Contract and other late political writings. Ed. Victor Gourevitch. Cambridge: Cambridge University Press, 1997. pp. 162 – 176.
- Sandel, Michael. Liberalism and the Limits of Justice. Cambridge: Cambridge University Press, 1998.
- Scanlon, Thomas. "The Significance of Choice." Equal Freedom. Ed. Stephen Darwall. Ann Arbor: University of Michigan Press, 1995.
- Sen, Amartya. Poverty and Famines. Oxford: Clarendon Press, 1981.
- Shell, Susan M. "Kant on Human Dignity." In Defense of Human Dignity. Eds. Robert Kraynak and Glenn Tinder. Notre Dame: Notre Dame University Press, 2003. 53 – 80.
- Shell, Susan M. The Rights of Reason: A Study of Kant's Philosophy and Politics. Toronto: University of Toronto Press, 1980.
- Shklar, Judith. "General Will." Dictionary of the History of Ideas. Ed. Philip Wiener. New York: Charles Scribner's Sons, 1973. pp. 275 – 281.
- Shklar, Judith. Men and Citizens: A Study of Rousseau's Social Theory. Cambridge: Cambridge University Press, 1985.

- Skinner, B.F. Beyond Freedom and Dignity. New York: Alfred A. Knopf, 1971.
- Tamir, Yael. Liberal Nationalism. Princeton: Princeton University Press, 1993.
- Tan, Kok-Chor. Justice Without Borders: Cosmopolitanism, Nationalism and Patriotism. Cambridge: Cambridge University Press, 2004.
- Taylor, Charles. The Ethics of Authenticity. Cambridge: Harvard University Press, 1991.
- Taylor, Charles. Hegel and Modern Society. Cambridge: Cambridge University Press, 1979.
- Taylor, Charles. Philosophical Arguments. Cambridge: Harvard University Press, 1995.
- Waldron, Jeremy. "Special Ties and Natural Duties." *Philosophy and Public Affairs* 22, 1 (Winter 1993): 3 – 30.
- Warnock, Mary. An Intelligent Person's Guide to Ethics. London: Duckworth & Co., 1988.
- White Beck, Louis. A Commentary on Kant's Critique of Practical Reason. Chicago: University of Chicago Press, 1960.
- Williams, Bernard. Moral Luck. Cambridge: Cambridge University Press, 1981.
- Wokler, Robert. Rousseau. Oxford: Oxford University Press, 1995.