7 History and Normativity in Political Theory: The Case of Rawls

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Moral and Political Philosophy

Over the past generation an approach to political philosophy has emerged that views its task as vindicating fundamental principles in support of projected institutional arrangements. Its focus has been normative rather than causal in nature: it has been less concerned to account for existing social relations than to justify an alternative scheme of values. John Rawls has been the decisive influence on this development. In 1951 he proposed that justification was the 'principal aim' of ethics; and, twenty years later, in the original preface to *A Theory of Justice*, he described his project as one of establishing the 'moral basis' for 'a democratic society'.[1] An approach to ethics had been extended into the domain of political philosophy. Rawls then anchored political philosophy in a conception of justice, which in turn provided a 'standard' against which society could be assessed.[2] Yet, at the same time, it is usually acknowledged that norms of justice should be practicable as well as justifiable in theory.[3] John von Neumann famously commented that mathematics becomes 'baroque' when divorced from empirical inquiry.[4] In this spirit, it is generally conceded that political thought becomes utopian when dissociated from practicality.[5] The practicality of an arrangement presupposes its viability. In politics this implies that it can be instituted and sustained; it must be historically feasible and enduring. In political philosophy, therefore, judgements of value and judgements of prudence ought to be reconciled; normativity and history should optimally be combined.

[1] Rawls 1951, pp. 9–10; Rawls 1971a, p. viii.
[2] Rawls 1971c [rev. 1999], p. 8.
[3] The point is pressed throughout Dunn 1985 and Waldron 2016.
[4] Von Neumann 1947, p. 196.
[5] There have of course been varying conceptions of utopia. See Bloch 1918; Mannheim 1929; Shklar 1965; Manuel and Manuel 1979.

Given this conclusion, it would be strange, and indeed unfortunate, if one of these requirements should be explored without a systematic awareness of the other. Often, however, they are taken to constitute mutually indifferent domains of inquiry. G. A. Cohen wrote that once political philosophy takes off, 'it leaves the ground of fact behind'.[6] Yet what is philosophy's role before and after this ascent? There is something incongruous about a style of practical philosophy that is impractical as a matter of principle. In the introduction to the *Critique of the Power of Judgment* Kant distinguished sharply between philosophy in its theoretical and practical roles. All questions of skill and prudence, he argued, involve technical applications of theoretical principles dependent on human understanding. These include familiar problems of statecraft and political economy. For Kant these concerns were entirely distinct from what he termed 'practical' philosophy proper, which was concerned with the moral law applied through the faculty of freedom.[7] With this verdict, political philosophy was pegged to an exclusively normative enterprise in a way that would have made no sense to any of Kant's predecessors. Yet, as will become clear in the final section of this chapter, a coherent moral science still depended for Kant on what he termed its practical 'possibility'.[8] Moreover, a complete programme of ethics had to be applicable to behaviour, which entailed an empirical (or anthropological) component.[9] Ultimately it would require the development of a philosophy of history, including an account of the transition from existing conditions to improved moral aptitudes.[10]

Kant's impact on the thought of the nineteenth and twentieth centuries has yet to be written, but it is clear that he did not directly determine the character of political philosophy.[11] This is partly because figures such as Hegel and Marx transformed the elements they absorbed from his thinking, while others such as Weber and Kelsen relied on neo-Kantian epistemology without recourse to Kant's political ideas.[12] It was only with Rawls that Kant really came to matter for political philosophy.

It is debatable at what point Kant impacted on Rawls. Certainly his commitment to Christian ethics pre-dated any all-encompassing

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[6] Cohen 2008, p. 232n.
[7] Kant 2000 [1790], AA 5: 167–73. Cf. the version of the argument in the 'First Introduction', AA 20: 196–201. Page references in Kant are throughout to the *Akademie Ausgabe* (AA).
[8] Kant 2015 [1788], AA 5: 142.
[9] Kant 2012 [1785], AA 4: 388; Kant 2017 [1797], AA 6: 216–17.
[10] Kant 2007 [1784], AA 8: 15–31.
[11] The best continuous narrative covering part of the story is Beiser 2014.
[12] Toews 1981; Schnädelbach 1984.

investment in Kant.[13] However, equally, Kantian ethics played a role in Rawls's earliest thinking, and he increasingly used Kant's ideas to frame some of his basic principles, although naturally we need to be alert in registering his mature departures from pure Kantianism.[14] In his under-graduate senior thesis Rawls invoked the principle of humanity as laid out by Kant in the second formulation of the categorical imperative to capture his support for the idea of persons as 'ends', even if his essential point is traceable to doctrines associated with reformed theology.[15] Two decades later Rawls identified the 'sense of justice' with the Kantian category of the 'good will'.[16] This does not entail any kind of Kantian orthodoxy on Rawls's part, but it does serve to highlight his enduring commitment to a vision of ethics as devoted to securing the possibility of morality. The purpose of this chapter is to analyse the implications of that commitment, above all to ascertain how the possible relates to the actual in practical reasoning.

Thirteen years before *A Theory of Justice* appeared, Rawls presented the possibility of subscribing to just principles as resting on a capacity for self-constraint that was 'analogous' to subjection to 'morality' as such.[17] That capacity assumed a facility for strict or narrow rationality, construed as the ability to pursue one's long-term interests consistently. But it also assumed an aptitude for reciprocity based on reasonableness. Here Rawls departed self-consciously from a Hobbesian conception of reason, which at that point he placed in a 'contractual' tradition stretching back to the Sophists.[18] On such a model of reasoning, Rawls contended, justice is conceived as 'a pact between rational egoists'.[19] However, for his own part he believed that it was possible to establish normative principles 'impartially'. He would later distinguish this brand of impartiality from the scheme of impartial judgement developed by Hume and refined by Smith, which he thought of as in fact a form of impersonation requiring benevolence.[20] Properly understood, impartiality could deliver a 'fair'

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[13] Bok 2017a; Forrester 2019, p. 8.
[14] On the role of Kant in Rawls's thought see Darwall 1976; O'Neill 2002; Pogge 2007, pp. 188–95; Gališanka 2019, ch. 8.
[15] Rawls 2009 [1942], p. 195: for commentary see Adams 'Introduction'; Gregory 2007; Nelson 2019.
[16] Rawls 1963, p. 115. Cf. Rawls 1958, p. 48n.
[17] Rawls 1958, p. 54. Rawls relied on Gardiner 1955.
[18] Rawls 1958, p. 55. At this point Rawls's view of this 'tradition' depended on Gierke 1939 and Gough 1957.
[19] Rawls 1958, p. 56. Rawls 1993 [rev. 1996], pp. 51–2, associated this understanding with Gauthier 1986.
[20] Rawls 1980, pp. 335–6; Rawls 1971c [rev. 1999], pp. 24, 161–6; Rawls 2000, pp. 67, 88; Rawls 2007, pp. 185–7.

equilibrium between persons based on a mutual acknowledgement of principles. Thus, from almost the start, Rawls identified the limitations of a game-theoretic approach to behaviour: he recognised that we might usefully seek to analyse large areas of human interaction on the model of a game, but morality was a 'game' of 'a special sort'.[21] It was special because it required reasonableness as well as rationality, and consequently principled reciprocation. By the 1960s Rawls equated the facility for reciprocity with an idea of contract that he now associated with a rejection of Hobbes and the Sophists: that is, with Locke and, above all, Rousseau.[22] Joint subordination to reciprocal rules was founded on a mutual acknowledgement of personality. It offered a means of achieving true community.[23]

Rawls's work has inspired sympathetic critics as well as imitators, with partisans distributed across Europe, the United States and beyond. A vast array of commentary is now available, scrutinising the import of his arguments and charting his debts to precursors. This has all served to commend a model of political philosophy dedicated to unearthing basic values by reference to which prevailing structures should be reformed: existing social and political conditions are judged against the standards set by what Rawls termed 'ideal theory'.[24] This conception has been dubbed an 'ethics first' approach – or, more disparagingly, presented as an exercise in 'moralism'.[25] These depictions have seemed to many to miss the intricacy of the original programme. Rawls himself was explicit: 'justice as fairness is not applied moral philosophy'.[26] This comment was made in revising *A Theory of Justice* itself. What Rawls meant was that the ideal of justice as fairness did not cover the whole domain of social value but was only applicable to 'political' fundamentals – to the system of rights and the structure of distribution.

This ideal, Rawls was at pains to insist, should not be an empty ambition. It had to be, as he made the point in self-consciously modal terms, 'possible'.[27] It was by this emphasis on the importance of tangible possibility that Rawls distinguished his theory as 'political' and not merely 'moral'. As Rawls saw it, pure moralism need not adjust to actual circumstances: 'a moral conception may condemn the world and human

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[21] Rawls 1958, p. 58.
[22] Rawls 1963, p. 74n already highlighted the importance of Rousseau. For Rawls's response to Rousseau see Brooke 2015 and Spector 2016. For the role of Locke in this context see Rawls 2007, pp. 88, 107, 172–3, 187.
[23] Rawls 1971b, pp. 212–13.
[24] On this widely discussed aspect of Rawls see Valentini 2012.
[25] Dunn 1996, pp. 92–3; Geuss 2005, p. 16; Williams 2005, p. 2; Geuss 2008, p. 8. See also Waldron 1992.
[26] Rawls 1989, p. 482.
[27] For his long-standing interest in the modal operator see Rawls 1958, p. 59.

nature as too corrupt to be moved by its precepts and ideals'.[28] This stance was not conducive to political philosophy proper: 'the political conception must be practicable, that is, must fall under the art of the possible'.[29] This defence of the possibility of normative justification is standardly regarded as having revived political theory. But what exactly was being revived? How was normative possibility to be conditioned by historical viability? Rawls, we have just seen, invoked the 'art of the possible', yet we have to drill down deeply into his work to understand what this involved. On Rawls's own reckoning, nothing in political philosophy could be more important, yet the details of his position on the topic are sparse. Even so, it was on the basis of his analysis of normative possibility, not his account of actual practicality, that Rawls was credited with inaugurating the rebirth of a field.[30] As will become clear, ultimately his work elides the difference between the two.

The standard view is that political philosophy declined in the generation of Russell, Moore and Wittgenstein, with the slump persisting into the age of Ayer, Ryle and Austin. Yet this conclusion sits oddly with the fact that H. L. A. Hart's *The Concept of Law*, first delivered as a set of lectures in 1952, was published in 1961. It further assumes that the mode of inquiry with which we associate Rawls was categorically different from the concerns of G. E. M. Anscombe, Richard Brandt, William Frankena, Kurt Baier, Roderick Firth or Philippa Foot – a perception that Rawls himself never shared. In fact, he oriented himself with reference to precisely these figures, as well as Peter Strawson, Geoffrey Warnock, Stuart Hampshire, Gilbert Ryle and Isaiah Berlin.[31] This situates Rawls in the midst of a mid-century renaissance in moral philosophy as the impact of logical positivism on ethical theory waned, although it is right that he came to focus less on meta-questions in personal morality and addressed himself instead to the evaluation of social norms. However, to think of this development as reversing a discipline passes in silence over well-known monuments of political reflection that appeared across the careers of Russell and Austin – work by Weber, Kelsen, Schmitt, Lukács, Hayek, Oakeshott and Arendt.

This list of names makes the idea of a 'strange death' of political philosophy – first articulated by Alfred Cobban and Peter Laslett and then repeated from Brian Barry to David Miller – look misguided, or at best parochial.[32] What died, perhaps, was sustained engagement with

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[28] Rawls 1989, p. 486.
[29] Rawls 1989, p. 486. Cf. Rawls 1987, p. 447.
[30] Gutman 1989; Ball 1995; Nussbaum 2001.
[31] Pogge 2007, p. 16; Bok 2017b; Forrester 2019, p. 18.
[32] Cobban 1953; Laslett 1956; Barry 1980; Miller 1990.

political theory in the philosophy departments of Oxford and Cambridge between the wars, and by extension in departments on the North American continent that still fell under their spell. Partly as a result of this, after the Second World War there was a protracted anglophone debate about the future of political theory, but from this we do not need to conclude that the enterprise was moribund.[33] There was no abatement in systematic reflection on politics, though there were new emphases in moral philosophy that encouraged a parting of the ways between ethics and politics, giving rise to claims that the former was independent of the latter.[34] The impact of Moore's *Principia Ethica* promoted the insulation of moral reasoning from an examination of social and political structures. Although Moore saw himself as simply building on Sidgwick's *Methods of Ethics*, in practice he aligned the subject more closely with the analysis of the meaning of ethical terms, creating in effect a free-standing field of inquiry.[35] In addition, the idealism against which he rebelled had increasingly turned from the theory of the state in Green and Bosanquet to problems in logic and metaphysics in McTaggart and Mure. It is also relevant to note that Collingwood's sole political work – *The New Leviathan* – only appeared in 1942, at the end of his career. Taken together, these developments helped encourage the migration of the study of politics from philosophy to political science.

Rawls himself was sensitive to this change. In the preface to the first edition of *A Theory of Justice* he noted that, by comparison with the current state of the field, the ethics of Hume, Smith, Bentham and Mill had serviced a comprehensive vision of politics. The catch-all term 'utilitarianism' that Rawls used to categorise these thinkers was procrustean and distorting. In fact sometimes, on reflection, Rawls himself exempted Hume and Mill from the utilitarian creed.[36] But the important point is that these figures were regarded by him as 'social theorists and economists of the first rank' and not just labourers in some sub-field of a subdiscipline such as meta-ethics.[37] By comparison, the tradition of moral theory as it had unfolded since the nineteenth century had become hermetic. Hume, for example, had worked out ideas, including a basic moral doctrine, in order to develop what Rawls described as a 'comprehensive

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[33] Plamenatz 1960; Berlin 1962; Germino 1967; Runciman 1969. For discussion of this moment see Forrester 2011, pp. 595–7.

[34] The selections in Sellars and Hospers 1952 are indicative of this tendency.

[35] Compare Sidgwick 1899 with Moore 1903, ch. 2. On the autonomy of ethics see Darwall 2006, p. 19.

[36] Rawls 1958, pp. 48n, 51n; Rawls 1971b, p. 231n; Rawls 1971c [rev. 1999], pp. 28–9, 439–40.

[37] Rawls 1971a, p. vii.

scheme'.[38] The scope of his thought embraced government, trade, social relations and religion as well as morals. Yet, as Rawls saw it, over the course of the first half of the twentieth century ethics had grown more isolated in the humanities and social sciences, just as its questions had become more limited and recondite. The situation Rawls observed was partly a product of disciplinary specialisation, but not completely so. Since the eighteenth century, full-time scholarly activity had increasingly been confined to universities, and the academic division of labour became sub-partitioned and professionalised. Yet the development of philosophy, including the rise of moral theory, is not altogether reducible to this larger process. Understandings internal to the discipline have also shaped its trajectory.

In terms of approaches specific to moral philosophy in the 1950s, utilitarianism and intuitionism dominated the field, with theorists often blending elements of both.[39] In response, Rawls hoped to revive the fortunes of moral theory, and extend the parameters of its concerns to encompass public institutions. Yet despite this extension, there was no suggestion that he wanted to resuscitate the large-scale social-scientific ambition of Hume and Smith. His aim was to construct a moral framework for modern democracy, not to explain how a society of the kind came into being or analyse the components that enabled it to function. However, to set out the practicability of normative possibility stood in need of precisely such an account. Meanwhile, over the course of the twentieth century, political philosophy had prospered elsewhere, sometimes in university departments – most often in Politics, Sociology, Economics and History – and occasionally outside the academy. To the catalogue of personalities above one might add the following names as significant innovators writing before the appearance of *A Theory of Justice*: Dewey, Laski, Wallas, Schumpeter, Ritter, Gramsci, Sartre, Aron, de Beauvoir, Lefort and Shklar. The group of figures here is purely indicative; we can all add to the list.

While a more synoptic view of the landscape clarifies Rawls's goals, it would be wrong to conclude that his first book did not radically change the way things stood. It was, to begin with, an extraordinary intellectual achievement. What was new was an analytically trained philosopher tackling a major theme in ethical–political theory sustained over the course of a large and original study. The last time such a feat had been attempted by an anglophone thinker was in the days of Green and Sidgwick, although it might be mentioned that these figures had in addition published between

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[38] Rawls 1971a, p. vii.
[39] For a retrospective see Urmson 1974–5.

them in the fields of history, economics and politics. Given this distance from the Victorian era, Rawls's achievement sparked admiration among fellow ethical theorists, giving rise to a community of philosophical debate, and in due course producing a stream of followers, variously qualified to take up positions in Philosophy, Law or Government departments. This did not amount to a wholesale recrudescence exactly. It was not the rebirth of a discipline that had been under threat, since political philosophy in the past was not confined to normative inquiry, although moral theory had always played an essential role. To Hegel, Tocqueville, Marx or Mill the study of ethics in isolation from politics would have appeared problematically circumscribed; it would have seemed an artificial constriction to Aristotle, Machiavelli and Locke too. An approach that projects from moral foundations to possible worlds is better understood as a new departure altogether, shaped by the requirements of Philosophy departments as these expanded over the course of the twentieth century.

After academic disciplines had been reformed in the nineteenth century, and then institutionalised in the research universities of the twentieth, philosophy was obliged to carve out a space that was neither experimental science, theology, history, sociology, economics, psychology nor anthropology. 'Philosophy in an important sense has no subject-matter', Wilfrid Sellars wrote in 1962. It ought to operate, therefore, with an 'eye on the whole'.[40] How it might do this was naturally a matter of dispute. On one model its best prospects lay in presenting itself as the arbiter of other enterprises. Philosophy was neither mathematics nor natural science, yet it might account for how their characteristic forms of judgement were possible; it was not theology, although it might assess the claims of religious argument; it did not investigate known forms of politics, however it might evaluate the underlying principles used to justify them. These various options did not exhaust the potential applications of philosophy: Heidegger and Wittgenstein had entertained still different visions of the subject. But for Sellars himself, philosophy should secure the means of 'knowing one's way around with respect to the subject-matters of all other special disciplines'.[41]

For all Sellars's usual care and discretion, this was an exceptionally ambitious goal. Its objectives have hardly been met in practice. Six years before Sellars's programmatic statement, Morton White sought in *Toward Reunion in Philosophy* to bring branches of the discipline together by uncovering commonalities.[42] But this only encompassed science,

[40] Sellars 2007, pp. 370, 371.
[41] Sellars 2007, p. 370.
[42] White 1956, p. xi.

logic and ethics, not the full gamut of learning that Sellars's vision comprised. The example of White, along with a shared admiration for Quine, spurred Rawls on to see how moral claims might be tested on the model of empirical validation, thereby similarly trespassing across boundaries.[43] The idea was that the methods of epistemology and ethics might prove reciprocally enlightening. Yet while granting this, Rawls went on in 1975 to clarify how the two domains should be provisionally separated, leading in effect to the 'independence' of moral inquiry.[44] He thought that a Cartesian model of deductive justification could not plausibly govern philosophical procedure, and so moral philosophy might usefully occupy a quasi-autonomous realm while ultimately standing in a relationship of mutual dependence with other sub-specialisms.[45] In addition, Rawls saw scope for creating a specific compartment of 'moral theory' inside the overarching unit of moral philosophy. Moral theory, in this limited sense, was essentially empirical: it covered the study of existing moral conceptions, spanning perfectionism, utilitarianism, intuitionism and so on. In the end these conceptions would have to be adjudicated, and values would need to be approved at the level of moral philosophy. But meanwhile, different principles and structures of argument among leading doctrines in the history of moral consciousness could be assembled. These assorted worldviews could then be compared with 'fixed points' – or abiding convictions – in our moral sensibility, such as the injunction to treat like cases equally or the opposition to slavery.[46] A moral framework could then be established by means of 'reflective' adjustments between general principles and particular judgements.[47] Since rival normative perspectives had developed across time, they were not all equally applicable at every historical moment. To be viable, a given conception would have to be matched with contingent beliefs. This ambition would force Rawls to address the plurality of moral attitudes and the stability of just arrangements.

Stability and Pluralism

The issue of contingency is complicated in Rawls. The resort to prevailing conceptions of morality drawn from the history of ethical

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[43] Rawls 1971a, p. 509n.
[44] Rawls 1975, p. 286.
[45] Rawls 1975, p. 302.
[46] Rawls 1971c [rev. 1999], p. 507.
[47] Rawls 1971c [rev. 1999], pp. 17–19.

thought is an appeal to attitudes about appropriate conduct and arrangements. This amounts to recourse to contingent opinion. Yet, in the larger theory, opinion is used to construct a fair agreement on basic justice through the device of the original position. Moral beliefs are thereby subject to impartial evaluation. The theory in effect matches levels of agreement between prevailing conceptions, impartially selected principles and particular convictions in order to generate a model of a well-ordered society against which real-world arrangements can be judged. In this way, an ideal scheme is constructed out of consensus-based judgements developed from different points of view. As an ideal arrangement, Rawls's well-ordered society presents a counterfactual state of affairs, a world that would obtain if appropriate agreements could be secured. Yet it is essential for Rawls that this counterfactual realm be 'feasible'.[48] Ideal time has to operate in real time.

Politics in the ordinary sense plays no clear role in establishing feasibility in Rawls. For this reason, despite the disclaimers already entered, Rawlsian political philosophy, operating even within an expansive understanding of ethics, exhibits some of the narrowing of focus characteristic of the twentieth-century developments outlined above by comparison with earlier, more capacious accounts of government, society and economy. Although Rawls included economic analyses of rational behaviour in his theory, he did not factor in economic processes. He assumed a basic contrast between peasant, feudal and commercial societies, but paid little attention to the dynamics of economic change.[49] His interest in government was similarly based on static modelling. We find no treatment of perverse effects from unintended consequences in realising values in institutions, nor any appreciation of practical jeopardy as familiarly encountered in worldly affairs.[50] Rawls understood his feasibility criterion in terms of a stability equilibrium rooted in moral attitudes, not in the mechanisms sustaining political and economic relations.[51] This picture of stability bears a strong resemblance to Hume's idea of convention as a system of self-enforcing iterated behaviour. The durability of a well-ordered society of justice as fairness was not conditional, as in

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[48] Rawls 1971c [rev. 1999], p. 508.
[49] On peasant societies see Rawls 1971c [rev. 1999], p. 472, and on feudal hierarchies p. 479. On Rawls's assumptions about economic productivity see Rodgers 2011, pp. 184, 198–9. Rawls did entertain a theoretical contrast between growth-based and stationary economies as part of a critique of consumerism. On this see Forrester 2019, p. 202; and Eich 2021.
[50] On these effects in politics, critically examined, see Hirschman 1991.
[51] Rawls 1971c [rev. 1999], pp. 400, 434–5.

Hobbes, on coercive constraints. Stability would instead be secured by opinion in the form of convention.[52]

In his *Lectures on the History of Moral Philosophy* Rawls claimed that Hume was 'the first to see that in a small society natural obligation suffices to lead people to honor the conventions of justice'.[53] As Rawls realised, this meant that, under the right conditions, justice and the rules of property could, for Hume, be sustained by convention on its own without enforcement by government. Rawls of course rejected the Humean account of moral deliberation, so he further believed that conventions would have to be endorsed 'for the right reasons' – that is, approved on the basis of principle rather than passion.[54] But another major departure from Hume is more telling still. The load that Hume expected the convention of justice to bear in enabling cooperation only obtained in what Rawls (paraphrasing Hume) termed 'small' societies: namely, prior to the accumulation of riches. This was under conditions of comparative simplicity with sparse population levels such as could be found, Hume noted, among 'the *American* tribes' beyond the pale of British colonial settlement in the eighteenth century.[55] These tribal arrangements included only the most rudimentary division of labour. Association was based on immediately affective bonds. A mere convention could never maintain order under a more complex system of property depending on the fulfilment of contractual relations among strangers. For Hume, social relations under these circumstances – in 'large and polish'd societies' – might be accepted by convention but the efficacy of the rules presupposed arbitration by government.[56]

We find in Rawls the notion of 'private society' loosely constructed from a Smithian conception of market relations under an unequal property regime. Rawls likened the condition to Hegel's idea of 'bourgeois' or 'civil' society (*bürgerliche Gesellschaft*) in which individuals pursue their competing objectives without the intention of cooperation.[57] Under such an arrangement, Rawls argued, 'the actual division of advantages is determined largely by the balance of power and strategic position resulting from existing circumstances'.[58] In private society in a modern context

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[52] On the contrast between Hobbes and Hume see Sagar 2018. For Rawls's rejection of Hobbesian stability see Weithman 2010.

[53] Rawls 2000, p. 63.

[54] Rawls 1993 [rev. 1996], p. xl.

[55] Hume 2000 [1739], p. 346.

[56] Hume 2000 [1739], p. 348.

[57] Rawls 1971c [rev. 1999], p. 457, invoking Smith 1976 [1776], I, p. 456 and Hegel 1991 [1821], §§182–7. Rawls also finds the category in Plato 2000, 369a1–372d1.

[58] Rawls 1971c [rev. 1999], p. 457.

we also typically find 'variations in men's prospects' – or, an unequal division of resources, often to a considerable extent.[59] In this situation, Rawls conceded, stability requires 'sanctions': cohesion is not possible on the basis of convention, let alone convention supported for the right reasons.[60] In a well-ordered society of justice as fairness, by comparison, inequalities would still obtain. In fact, here we could find even 'large' disparities, although fair institutions, including the tax regime, should keep these below the levels found in the private societies typical of capitalist states.[61] However, inequalities would be for the sake of less favoured groups, and the ethos of the polity would be different. The division of interests would be compensated by a collaborative spirit fostered by equal rights, fair opportunities and the difference principle. A durable equilibrium would be secured by principled acclamation alone, without the need for 'stabilizing institutional devices'.[62]

It was always an essential part of Rawls's project to present his well-ordered society as a realistic prospect. This realism, we now see, was not based on structures of power. What Rawls rejected was a vision of a possible society formed from expectations of wholesale moral conversion. The world could not be adjusted to fit a fanciful view of behaviour. But it could be reformed in a way that would be a 'realistically utopian'.[63] This realism was grounded on normative convention governed by a balance of motives. Rousseau had outlined his purpose in the *Social Contract* as one of seeking to reconcile 'right' (*le droit*) and 'interest' (*l'intérêt*), thereby harmonising justice and utility under a government of laws.[64] In *A Theory of Justice* Rawls pursued the analogous objective of rendering the motive of morality (or justice) congruent with the incentive to promote the good (or utility). Under the influence of what Rawls called the 'Aristotelian principle', the goal of utility was interpreted in terms of higher-order interests, associated with the development of more discerning capacities, including our moral faculties.[65] Following Humboldt, Rawls also thought that the individual cultivation of complex aptitudes would be experienced in a well-ordered society as a general benefit.[66] At the same time, Rawls further surmised that the moral ideals that underwrote justice as fairness could be smoothly integrated into a corresponding plan

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[59] Rawls 1971c [rev. 1999], p. 470.
[60] Rawls 1971c [rev. 1999], p. 459.
[61] Rawls 1971c [rev. 1999], p. 470.
[62] Rawls 1971c [rev. 1999], p. 458.
[63] Rawls 2001b, p. 4. Cf. Rawls 1999, p. 14.
[64] Rousseau 1964 [1762], p. 351.
[65] Rawls 1971c [rev. 1999], pp. 364, 375ff.
[66] Rawls 1971c [rev. 1999], pp. 221 ff.

of life, thus making our long-term regulative interests a part of the trigger motivating the adoption of the principle of justice. This reconciliation between right and utility was licensed by what Rawls termed the 'Kantian interpretation' which proposed that moral principles could be made an object of rational choice. This delicate architecture was given further ballast by the operation of supplementary moral sentiments such as guilt and shame.[67] Altogether, Rawlsian stability as presented in 1971 was based on an intricate web of mutually supporting components that were normative in origin yet purportedly realistic in character.

It is well known that Rawls soon abandoned his idea of congruence between the right and the good on the grounds that the account was not realistic after all.[68] It was implausible to expect that any democratic society would uniformly embrace a Kantian understanding of the good of morality. On the contrary, liberal democracy presupposed a plurality of legitimate ends. Agreement might be reached on principles of justice, but still a well-ordered society would be 'divided and pluralistic' given the diversity of goals that were reasonably pursued individually and within associations.[69] This conclusion extended Rawls's commitment to a doctrine of pluralism already sketched in *A Theory of Justice*. There he had described a just polity as a 'social union of social unions' in which diverse ends were pursued by members, alone and in affective groups, without subjecting the range of aspirations to a subordinating purpose.[70] This vision of diversity was indebted to forms of pluralism that Rawls had encountered at Oxford, above all in the work of H. A. Prichard, W. D. Ross and Isaiah Berlin. Prichard and Ross had argued for the irreducibility of values to a common measure, depicting ethics as a field in which a plurality of primary moral reasons reigns.[71] Rawls's defence of the indexical priority of the right over the good was intended to modify this radical conclusion, though he still retained an opposition to unmitigated 'monism' under which assorted social goals were all equally regulated by an exhaustive design. Influenced by Berlin, he argued that his model of a well-ordered society did not establish 'a dominant end' from which all social values were derived.[72]

However, it was not until *Political Liberalism* that a version of Berlinian pluralism came to play a leading role in Rawls's thought. In a series

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[67] Rawls 1971c [rev. 1999], pp. 225, 386 ff.
[68] The fullest treatment is in Weithman 2010.
[69] Rawls 1980, pp. 326–7. Cf. Rawls 1982, p. 360.
[70] Rawls 1971c [rev. 1999], pp. 462–3.
[71] Prichard 1912; Ross 1930. Williams 1995 labels this doctrine 'methodological' intuitionism in order to distinguish it from its 'epistemological' counterpart.
[72] Rawls 1971c [rev. 1999], p. 463.

of works published in the 1950s and 1960s Berlin had advanced a thesis about diversity with four parts. First, he proposed that not all values were equally compatible, that many of them were liable to conflict, and that there could be no sure means of reconciling these differences.[73] Second, he believed, following ideas found in Herder and Mill, variety was itself intrinsically worthwhile, even if there was a limit to accommodating all social goods.[74] Third, he observed that pluralism was a historical phenomenon that rose in Europe in opposition to rationalism towards the end of the eighteenth century.[75] And, finally, he contended that the specific ideals of liberty and equality were prone to collide.[76] For his part, Rawls accepted the existence of incommensurable values, and the fact that there was insufficient room to accommodate all ideals. He also celebrated the benefits of variety over uniformity. However, he still insisted that certain apparently divergent goals could be harmonised, including liberty and equality. Lastly, unlike Berlin, Rawls traced the rise of pluralism to the Reformation.

The practical question for any pluralistic scheme of social organisation concerns the point at which constructive competition yields to conflict. Berlin, largely interested in defending liberal multiplicity against totalitarian uniformity, never faced this issue. Rawls, on the other hand, was acutely conscious of the potential for fundamental disputes in modern societies, although his primary interest lay in whether this eventuality could in theory be avoided. Everything ultimately turns in Rawls on the theoretical possibility of avoiding this potential outcome. But a more immediate target was what he took to be Michael Walzer's complacency about the ready availability of 'shared political understandings' in communities under modern conditions.[77] Division in society was pervasive, Rawls believed, and the evident threat of collision was a consequence. Among the deepest contests, he conceded to Berlin, was the battle between liberty and equality. Since controversies of the kind were practical rather than epistemological or metaphysical, the idea of the depth of disagreement presumably referred to the historical longevity of the problem. This discord between values, Rawls thought, was as old as Locke and Rousseau, a dissonance famously stylised by Benjamin Constant as a standoff between the freedom of the ancients versus the moderns.[78] It

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[73] Berlin 1962, pp. 151–2; Berlin 1958, pp. 167 ff.
[74] Berlin 1960, pp. 18–20; Berlin 1959, p. 194.
[75] Berlin 1956, p. 89.
[76] Berlin 1956, p. 96.
[77] Rawls 1993 [rev. 1996], p. 44, criticising Walzer 1983 in line with Cohen 1986.
[78] Rawls 1980, p. 307; Rawls 1985, pp. 391–2; Rawls 1993 [rev. 1996], pp. 4–5.

was one of the jobs of philosophy, as Rawls saw it, to repair the breach.[79] Its chief resource in this role was what he designated 'abstraction', which in practice entailed finding common ground on which the disparity between differences could be narrowed.[80]

The formula of justice as fairness was Rawls's leading philosophical abstraction designed to accommodate divergent preferences, rooted in rival traditions, regarding the substance and priority of liberty and equality. Here, at least, was one 'deep' dispute that Rawls was sure was amenable in principle to resolution. Yet he recognised that this hardly meant that conflicts were always open to settlement. In general, while natural science seemed to yield agreement about the empirical world, divergence of opinion in the field of morals was endemic. This was a consequence, Rawls argued, of the 'burdens of judgment'.[81] The very conditions of normative evaluation bred controversy. This leaves the following question for political philosophy, as Rawls posed it: 'How is it possible that there may exist over time a stable and just society of free and equal citizens profoundly divided by reasonable though incompatible religious, philosophical, and ethical doctrines?'[82] With justice as fairness in place as a free-standing module that could command agreement, the chief mechanism for accommodating residual conflicts in *Political Liberalism* was a scheme of toleration.[83] Liberal societies will inevitably generate contradictory beliefs, yet such divergence among reasonable views is compatible with concord where toleration is practised between them. The resulting profusion of tolerated doctrines can contribute to political collaboration where each disparate outlook 'overlaps' with a consensus on the fundamental ideal of justice. The question for any reader of Rawls must be to what extent his programme of justice is really proof against systematic dissent, and how robust his model of toleration is for accommodating reasonable pluralism.

Historical Judgement and Practical Belief

To understand the specific pressure introduced by pluralism, Rawls contrasted ancient with early modern societies. In the early modern case, Christianity gave rise to a clerically enforced ecclesiastical faith based on salvationist and expansionist principles. With the Reformation, rival

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[79] Rawls 2001b, p. 2.
[80] Rawls 1993 [rev. 1996], pp. 45–6, following Scanlon 1985 on Hampshire 1984.
[81] Rawls 1993 [rev. 1996], pp. 54–8.
[82] Rawls 1993 [rev. 1996], p. xviii.
[83] Rawls 1985, pp. 388–90. Toleration likewise underpins equal liberty in *A Theory of Justice*: see Rawls 1971c [rev. 1999], p. 180n.

accounts of salvation instigated internecine struggle.[84] By comparison, on Rawls's telling, a civic religious culture grounded on public practice in the ancient Greek cities avoided conflict with philosophical sects.[85] Of course, it is in actual fact inaccurate to assume that there was no clash in classical Athens. Instead, with the conspicuous exception of Socrates, the point is that strife did not tend to engage the forces of the polis. In any case, in contrast with his picture of the ancients, it is interesting that Rawls ascribes the sources of modern discord to the 'transcendent element' added by Christian religions to conceptions of the good.[86] This element, he argued, brooks no compromise and so pushes disagreements towards hostilities. One weakness in this account is that it derives from a strand of Enlightenment thinking about the Reformation, rather than constituting an uncontroversial fact. Another is that it omits the role of the state in the relevant disturbances. Rawls was right to argue that 'stability' is 'fundamental to political philosophy'.[87] But the plausibility of any analysis of political stability depends on the rigour of its accompanying theory of conflict. Naturally, for Rawls, the credibility of his approach does not simply rest on his view of ancient Athens or Reformation Europe. More important is his understanding of the contemporary West, the United States in particular. However, his considered position was that early modern disputes over religion offered a template for interpreting 'the basic historical questions'.[88] Solutions derived from past contestation could then be mapped onto later instances, ranging from conflict over slavery to civil rights.

Rawls's template was more capacious still. It could apparently encompass dissension over 'race, ethnicity and gender'.[89] The same applied to culture, nationality and class.[90] In fact, every one of these complex grounds for dispute could, according to Rawls, be comprehended under the concept of rights and so resolved by the application of justice as fairness. Where grievances turned on legal inequality and lack of opportunity, they would be addressed by the principle of equal liberty; where they turned on the allocation of resources, they could be met by distributive fairness. Most striking is Rawls's expectation that in an appropriately just society contention over merit would not upset consensus over

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[84] Rawls 1993 [rev. 1996], p. xxiii.
[85] Rawls 1993 [rev. 1996], pp. xxi–xxii, based on a reading of Burkert 1985, pp. 254–60, 273–5 and Irwin 1989, ch. 2.
[86] Rawls 1993 [rev. 1996], p. xxvi.
[87] Rawls 1993 [rev. 1996], p. xvii.
[88] Rawls 1993 [rev. 1996], pp. xxviii–xxvix. Cf. Rawls 1971c [rev. 1999], p. 193.
[89] Rawls 1993 [rev. 1996], p. xxviii.
[90] Rawls 1993 [rev. 1996], p. lviii, citing Tamir 1993 on nationalism.

justice. Despite protestation to the contrary, this amounts to hoping for a moral conversion or change of heart. He expressed this by predicting that social jealousy, spite and envy would wither under correctly well-ordered arrangements.[91] The scale of this assumption is worth contemplating. From Aristotle to Hobbes, anxiety about desert was taken to drive the demand for justice, yet Rawls anticipates that such worries will retreat under justice as fairness and, with this, rancour and resentment directed at the social structure will dissolve.[92] For Rawls, injustice in Aristotle was a function of greed (*pleonexíā*), which could be managed by imposing appropriate restraints.[93] The challenge for Aristotle, however, was securing agreement on these restraints since people systematically diverged on what they considered due to them. The sticking point was the estimation of worth (*axía*), from which 'quarrels and complaints arise'.[94] To subtract this cause of complaints, as Rawls does, is to abstract the feeling of desert from the sense of justice. To adapt the language of Rousseau, this results in a picture of laws as they 'can be' (*qu'elles peuvent être*) with no regard for people as 'they are' (*qu'ils sont*).[95] Ironically, it presents a world, as Rawls said of Marx, 'beyond justice'.[96] It is beyond justice because it is exempt from the conditions that require justice.

One reason for Rawls's confidence in the promise of his ideal of justice as a means of dissipating resentment is his reliance on a view of likely behaviour in suitably adjusted circumstances. Society under justice as fairness, much like society under existing capitalism, would largely be made up of what Rawls termed 'noncomparing groups'.[97] The absence of comparison across extremes of wealth and station would reduce the incidence of discontent. Yet while it is right that in elaborately stratified societies comparisons are often confined within particular socio-economic brackets, surely it is untrue that limited discrepancies are less irksome. Average experience suggests that minor differences are galling since it is marginal disparities that frustrate aspirations. As Hume noted, the proximate success of another provokes more grudging distress than remote and therefore incomparable advantage. Take Hume's example: common 'hackney scribblers' rarely resent truly eminent writers – they envy their peers.[98]

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[91] On envy in Rawls see Luban forthcoming.
[92] Rawls 1971c [rev. 1999], pp. 464 ff. On Rawls's place in the history of ideas of justice see Fleischacker 2004, pp. 109 ff.
[93] Rawls 1971c [rev. 1999], pp. 9–10, presumably referring to Aristotle 1926, 1129b1–5.
[94] Aristotle 1926, 1131a20–25.
[95] Rousseau 1964 [1762], p. 351.
[96] Rawls 2007, p. 321, though the point applies differently to Rawls himself.
[97] Rawls 1971c [rev. 1999], p. 470.
[98] Hume 2000 [1739], p. 243.

Despite all this, assuming with Rawls that altercation over rights can be resolved by justice as fairness, we are still left with conflicts in the 'background culture' over religious, philosophical and moral doctrines.[99] Typically, in the context of liberalism, these competing visions of the good do not directly clash with one another. Instead, they are liable to collide on the level of national politics. Historically, Rawls accepted, there have been many instances in which consensus has been thwarted by politically subversive doctrines or, more subtly, inadvertently compromised by dissenting ideologies. Discontent, acrimony, malice, exasperation or resentment might pit a given community against the institutions of the state. Yet the crucial point for Rawls was that accord was at least possible: 'We must start with the assumption that a reasonably just society is at least possible.'[100] Otherwise, Rawls thought, we are liable to embrace the kind of cynicism that had doomed the Weimar constitution.[101] However, we need more than the threat of adverse consequences to justify an appeal to alternative possibilities. 'It is possible that the Turkish Sultan becomes Pope,' observed Hegel sardonically of discussions of modality.[102] The point was: an outcome that is merely thinkable provides little information regarding its probability. In other words, logical possibility can provide no guidance in assessing the likely course of affairs. So we have to assume that Rawls was interested in real possibility as conditioned by the limits of the empirical world.

Given these constraints, and Rawls's vintage, it is notable that he showed little inclination to assess the various frameworks that have been used to characterise modern societies. More significantly, he paid no obvious attention to the actual make-up of countries, such as the United States, that he hoped to reform. Explicit debate about the character and merits of cultural pluralism pre-dated Berlin by decades in America, though it played no role in the thought of Rawls.[103] Political scientists and sociologists who had taken up the subject of social structure in US democracy – such as R. M. MacIver, David Truman, Seymour Martin Lipset, William Kornhauser, Gabriel Almond and Robert Dahl – are never discussed in his writings.[104] Within a few

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[99] Rawls 1993 [rev. 1996], pp. 14, 135.

[100] Rawls 1993 [rev. 1996], p. lx.

[101] Rawls 1993 [rev. 1996], pp. lix–lx, taking issue with Schmitt 1985 [1923, rev. 1926], preface to the second ed. and ch. 2.

[102] Hegel 2010 [1830], p. 214.

[103] Kallen 1924; Myrdal 1944; Park 1950; Gleason 1964; Higham 1975. The early Rawls had been interested in pluralism as a resource against the concentration of state power, but that is another subject, on which see Forrester 2019, p. 2.

[104] Some, such as Dahl 1956, appear fleetingly, for instance in Rawls 1971c [rev. 1999], p. 317n, but only to be dispatched.

years of Rawls's first publication, Will Herberg's classic study, *Protestant, Catholic, Jew*, appeared.[105] The title conveyed the author's sense of the dominant cleavages in American society. However, where the divisions in fact lay was already controversial, and assumptions would soon be comprehensively revised. Throughout the period from 1918 to 1951, there were anthropological and historical literatures on assorted rifts caused by a history of large-scale immigration that complicated patterns of religious diversity and political participation.[106] As is well known, over the course of the 1960s and 1970s these schemes of analysis were challenged and updated: new fractures appeared, minority consciousness proliferated, opposition to discrimination spread, and doubts about assimilation to the 'American creed' increased.[107] Since the 1970s consensus about the American way of life has come under pressure from other directions, engendering new tensions over race, abortion, prayer, sexuality, gender and the family.[108] The results are found in churches, law courts, schools, universities, the media and public administration, and the issues have spawned new polarities across religious divides. They have also created new alliances that cut across the old denominations.[109]

Faced with this, there are reasons to doubt Rawls's Reformation analogy, above all the ability of his illustrative template to capture American antagonisms. The religious schisms of early modern Europe were succeeded by collisions over Enlightenment, Revolution and the aftermath of both, none of which are explicable in the terms of the preceding age. In the USA, on the other hand, the principle of the free exercise of religion has underpinned relations between the federal government and churches since 1791. The American pattern of conflicts is therefore poorly served by a European interpretative grid. The history of these disagreements demands context-sensitive analysis if their character and potency are to be weighed. The applicability of the categories on offer needs to be surveyed, the shifting balance of forces has to be assessed, and the politicisation of social movements requires sociological and historical study. Only on that basis can we realistically hope to determine the possibility of resolving current strains by introducing the modifications stipulated by the ideal of justice.

Rawls described philosophy in *Political Liberalism* as a species of 'apologia'. It offers a defence of a specific kind: it seeks to vindicate 'rational

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[105] Herberg 1955.
[106] Thomas and Znaniecki 1918–20; Handlin 1951.
[107] Glazer and Moynihan 1963; Ture and Hamilton 1967; Arendt 1970; Millett 1970.
[108] Hunter 1991; Rodgers 2011; Hartman 2015.
[109] Wuthnow 1988.

faith'.[110] This goal was self-consciously Kantian in character, and the form of rationality involved was avowedly practical. In his *Lectures on the History of Moral Philosophy* Rawls identified the theme of practical faith as one of the three leading topics in Kant's ethics.[111] Similarly, he described his own project as 'practical' in nature, though the term in his hands had a different meaning from Kant's.[112] For Rawls it signalled something more like empirical viability. The 'limits of the practical' were determined, he stipulated, by 'what the conditions of our social world in fact are' – or, 'the general facts of the political sociology of democratic regimes'.[113] By implication, as Rawls himself put it, the credibility of a programme of ideal justice had to take account of the 'forces' – psychological, social and political – that determine how the venture is 'likely to be realized'.[114] But if Rawls placed his faith in the near availability of an adjusted world comprising renovated liberalism, Kant was altogether more sober about a realm of morals being rendered actual even within millennia.[115] To complicate matters, there are several objects of practical faith or belief (*Glaube*) in Kant. Rawls found only one of them pertinent to his own project: belief in a moral commonwealth or kingdom of ends.[116] This, Rawls thought, was the Kantian equivalent of his own belief in the possibility of true democratic justice. Understanding the scope and basis of belief is therefore vital for an evaluation of both thinkers.

Belief in Kant had broad significance, ranging in meaning from trust in historical testimony and fidelity in daily transactions to acceptance of the existence of life on distant planets.[117] However, for the most part, Kant understood belief as a propositional attitude adopted for the purpose of action.[118] Because of the kind of merit licensing the affirmation, Kant contrasted belief on the grounds of action with other forms of epistemic assent (such as knowledge, opinion and persuasion). The force of assent in the field of action depended on the nature of the undertaking.

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[110] Rawls 1993 [rev. 1996], pp. 101, 172. See also Rawls 1987, p. 448. For discussion see Weithman 2016, ch. 2.
[111] Rawls 2000, pp. 15–16, 319, 321.
[112] Rawls 1993 [rev. 1996], p. 9.
[113] Rawls 2001b, p. 5; Rawls 2007, p. 321.
[114] Rawls 1993 [rev. 1996], p. 164.
[115] See Kant 2007 [1784], AA 8: 27, where he invokes a kind of philosophical 'chiliasm', but only expected 'from afar' (*von weitem*).
[116] Rawls 2000, p. 319.
[117] Kant 1998 [1781, rev. 1787], A824/B853–A825/B853; Kant 1992 (Blomberg), AA 24: 242–3.
[118] Wood 1970, ch. 1; Chignell 2007; Pasternack 2011; Wood 2020; Abaci forthcoming. On the relation of belief to hope see Blöser 2020.

Action could either be pragmatic (*pragmatisch*) or practical (*praktisch*). Pragmatic action always has a cognitive element. We decide to pursue an objective with the aid of information: when to reap or sow, how to treat a patient, whether to strike a bargain.[119] Sometimes the decision is based on sound opinion, sometimes on mere persuasion driven by a will to believe. By comparison, practical belief, which for Kant accompanies morally necessary action, does not require empirical input to justify assent. To be coherent, acting from duty depends on postulating certain objects of belief. Yet these objects are not themselves affirmed on the basis of evidence. For Kant, belief in certain moral and supersensory ideas – such as immortality, perpetual peace or the highest good – is necessary to render ethical behaviour rational: for example, we *must* believe there is a point to fulfilling our duty even though we lack theoretical knowledge of the goal to which it leads.[120] While lacking knowledge, we possess moral certainty.[121]

Consideration of the extent to which moral certainty in Kant can remain secure in the absence of empirical confirmation is beyond the scope of this chapter. Yet belief in Rawls's regime of justice certainly needs supporting evidence. What he set out to justify was a form of 'hope' in a possible object of experience. The hope rested on 'the belief that the social world allows at least a decent political order, so that a reasonably just, though not perfect, democratic regime is possible'.[122] In a Kantian idiom it is possible to hold an opinion (*Meinung*) about such an eventuality, or even speciously persuade oneself about its likelihood – if, for example, one really *wanted* to assert that it *could* come about in order to motivate oneself.[123] Yet neither form of assent is strictly a case of moral (or practical) belief. Consequently, we need to clarify how Rawls might justify his hope for a decent democratic order. Since this involves projecting a future state of the world, justification requires an account of feasibility and an explanation of how we might get there. Writing on Rousseau, Rawls billed these requirements as the need for sustainability and the problem of 'historical origins'.[124] Rawls's feasibility assessment is based on an interpretation of how moral motivation would function

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[119] Kant 1992 (Vienna), AA 24: 852–3, (Jäsche), AA 9: 68–9; Kant 2012 [1785], AA 4: 416 ff.

[120] Kant 2015 [1788], AA 5: 142–6.

[121] Kant transformed the meaning of moral certainty in distinguishing it from pragmatic certainty, for example in judicial reasoning: see Kant 1992 (Dohna-Wundlacken), AA 24: 734. For the pre-Kantian idiom see van Leeuwen 1961.

[122] Rawls 2001b, p. 4.

[123] Kant 1992 (Jäsche), AA 9: 73–4.

[124] Rawls 2007, pp. 238–41.

under a regime of justice, while plotting a route to this outcome is to envisage a probable course of development. The former is a counterfactual hypothesis, the latter a theory of transition.[125] We have already considered whether Rawls's counterfactual assumptions are plausible. This involved adopting what he called political philosophy's 'longest view' by looking to society's 'permanent historical and social conditions'.[126] In this regard, we questioned whether Rawls's psychological assumptions made sense, asking if systemic disagreements over merit could be reasonably expected to recede as a well-ordered society emerged. Now we need to consider his idea of a passage to a better world by tackling, in conclusion, the issue of transition.

Ever since the Enlightenment, the notion of transition has been associated with stages of historical progress. Philosophers, social scientists and historians have forecast transitions that have proved disturbingly erroneous, so there is a premium on circumspect prediction. Baseless hope is at least as dangerous as dogmatic fatalism. While the capitalist stage of production did not lead to a communist one as Marx anticipated, a number of predominantly peasant societies did, prompting Ernest Gellner to observe of this inversion of stages that 'Marxist revolutions precede, and do not follow, industrial development'.[127] By comparison with Marx, Rawls's expectations were modest. Given the reality of diversity under liberalism, we should find it 'remarkable', he once commented, that concord is possible at all: 'historical experience suggests that it rarely is'.[128] Likewise, an overlapping consensus 'may not be possible under many historical conditions'.[129] Yet Rawls also claimed that the record points to the success of toleration: contingent accommodation based on mutually strategic interest has led to a principled reconciliation of differences.[130] By historical analogy, Rawls surmised, the affirmation of a just basic structure could evolve into a political agreement and lay the foundations for a stable consensus supported for the right reasons.[131] This prognosis is empirical in nature: it must be possible, not as a matter of practical belief in Kant's sense, but according to judgement about 'the laws and tendencies of the social world'.[132]

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[125] For the relevance of counterfactual judgement in social prediction see Elster 1978; Hawthorn 1991.
[126] Rawls 1982, p. 447.
[127] Gellner 1964, p. 137.
[128] Rawls 1993 [rev. 1996], p. 4.
[129] Rawls 1993 [rev. 1996], p. 126.
[130] Rawls 1993 [rev. 1996], pp. 140, 142–3.
[131] Rawls 1993 [rev. 1996], p. 168; Rawls 2001b, p. 194.
[132] Rawls 2001b, p. 4.

A principal guide to these tendencies is the record of history, which should help direct the course of reform 'over generations'.[133] Rawls found that record encouraging because of the angle from which he viewed it. To facilitate this vision, he could have drawn on a long tradition of reflection on the unique path of American evolution towards a benign future.[134] In any case his perspective was shaped by assumptions he made about the march of moral progress, a trajectory he dubbed the 'movement of thought'.[135] This involved the steady advance of the principle of toleration. He insisted that this development was not simply a matter of 'historical good fortune'; it was determined by the trend of democratic ideas.[136] Rawls once applauded Mill for recognising this trend in a discussion of his theory of civilisation: as society moves forward, morality improves, until the common interest becomes the prevailing criterion of justice.[137] This forward momentum was traced by Rawls's student Thomas Nagel. For him, Rawlsian liberalism represented the 'logical conclusion' of earlier doctrines that variously promoted the cause of liberty and equality. It was, he argued, the 'latest stage in the long evolution in the content of liberalism' that began with Locke.[138] The arc of the moral universe was bending towards justice. But the story here is based on a blinkered narrative of the past which foregrounds moral achievements with no analysis of their causes or assessment of their costs. In contrast with the actual course of events, process is governed by principle and historical development is stripped of irony. Unintended consequences are replaced by moral impulses.

In the same vein, hope in Rawls depends on faith in the benign complexion of 'inherent long-run' tendencies.[139] For him, the passage to a better place is realised in 'steps' or 'stages'.[140] But the steps do not lead in sequence from where we are to where we would like to be: first Rawls 'supposes' that a reasonably just regime has come about, and then conjectures likely scenarios that might explain its possible endorsement from assorted pluralistic perspectives.[141] The key initial stage in the process of transition – the mechanism that transports us from existing arrangements to ideal conditions – is missing. Consequently, the only process Rawls entertains

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[133] Rawls 2001b, p. 193. Cf. Rawls 1999, p. 58, for appeal to the historical record.
[134] The tradition is recounted in Ross 1991.
[135] Rawls 1982, p. 437.
[136] Rawls 1982, p. 446.
[137] Rawls 1971c [rev. 1999], p. 439.
[138] Nagel 2003, p. 63.
[139] Rawls 1971c [rev. 1999], p. 217; Rawls 1993 [rev. 1996], pp. 250–1.
[140] Rawls 1993 [rev. 1996], p. 164.
[141] Rawls 1987, pp. 440–4; Rawls 1993 [rev. 1996], pp. 164–8.

is the development of support for his ideal as a 'moral object' based on self-interest to its approval on 'moral grounds'.[142] Faith in a process of the kind is not a matter of practical belief as Kant understood the concept, but something more like a will to believe ratified by an appeal to history. Judging the character of a possible future on the evidence of the past can only ever be a matter of opinion; it cannot deliver moral certainty.[143] Nonetheless, this is not to downgrade the importance of opinion. In point of fact, we have nothing else to go on, though not all opinions are equally credible. Coolly sifting the evidence of the past is thus an essential facet of judgement, the only legitimate basis for prudential reasoning. Philosophy is right to interrogate our moral faculties and speculate about a better future, but its work is undone by wilful beliefs about how things ought to be.

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[142] Rawls 1987, p. 422.
[143] Kant 1996 [1793], AA 8: 312.

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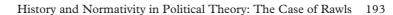2001a. *John Rawls: Collected Papers*, ed. Samuel Freeman. Cambridge, MA.

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