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## *Rawls's Communitarianism*

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Most discussions of Rawls's philosophy tend to neglect the strong communitarian strand of his theory: so much so that in the debate between liberals and communitarians Rawls's account of community has been for the most part intriguingly absent.<sup>1</sup> This article is an attempt to fill in the gap by offering a discussion of the Rawlsian understanding of community as it was presented in *A Theory of Justice* and its possible implications for a pluralist society.<sup>2</sup> At the same time, I want to take issue with one of the most influential critiques leveled against Rawls's conception of the self: namely, Sandel's critique of the 'individuated subject' that, in his view, underlies justice as fairness. Rawls's constructions, so Sandel argues, rest on an unencumbered self that is individuated in advance and whose identity is fixed once and for all.

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- 1 Gerald Doppelt argues that 'Rawls's framework can be understood as a "communitarian liberalism"' (281), but his focus is different from mine. See his 'Beyond Liberalism and Communitarianism: Towards a Critical Theory of Social Justice,' *Philosophy and Social Criticism* 14 (1988) 271-92. Susan Moller Okin discusses the role of feeling in Rawls's account of justice, but she does not address Rawls's vision of community. See her 'Reason and Feeling in Thinking about Justice,' *Ethics* 99 (1989) 229-49. James W. Nickel concentrates on Rawls's view of political community. See his 'Rawls on Political Community and Principles of Justice,' *Law and Philosophy* 9 (1990) 205-16.
  - 2 Though Rawls's articles after *A Theory of Justice* include important developments and, in some cases, modifications of his previous arguments, I do not think that his account of community has been substantially altered.

Sandel's critique has largely gone unchallenged. Some liberals seem to accept it;<sup>3</sup> others attempt to improve on Rawls's formulation;<sup>4</sup> and still others simply ignore it.<sup>5</sup> Actually, the thrust of liberal arguments against Sandel is consistent in avoiding a critical examination of Sandel's attack on the Rawlsian self, while confusing, in Charles Taylor's words, issues of ontology and issues of advocacy.<sup>6</sup> Those arguments tend to concentrate on Sandel's vision of community, which is, in my view, the weakest part of his analysis. My goal here is to examine Rawls's text to argue that another reading of the Rawlsian self is possible. Needless to say, I follow here the hermeneutic principle that a text goes beyond its author's intentions, and so I attempt to reconstruct Rawls's argument along lines that, to the best of my knowledge, have been unexplored.

I begin by discussing Rawls's communitarianism (sections I-IV), then I present Michael Sandel's critique of Rawls's notion of community (section V), and conclude with some remarks about what I take to be the disturbing uniformity that emerges from a Rawlsian community (section VI). I will suggest that some central assumptions of Rawls's theory of justice are either contradicted or completely abandoned in his communitarianism. If my argument is correct, the first casualty of a Rawlsian community may come as a surprise. Yet it is the case that one of his central assumptions, the priority of the self over its ends, is either denied or substantially modified.

## I

Rawls's account of community is anchored in the goals of cooperation, stability, harmony, and transparency. Cooperation entails mutuality and reciprocity, which means that members of a Rawlsian community are going to share in the distribution of benefits.<sup>7</sup> Stability implies that the members' cooperation with one another is expected to be one over a

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3 William Galston, 'Pluralism and Social Unity,' *Ethics* 99 (1989) 711-26

4 Will Kymlicka, 'Liberalism and Communitarianism,' *Canadian Journal of Philosophy* 18 (1988) 181-204

5 Amy Gutmann, 'Communitarian Critics of Liberalism,' *Philosophy and Public Affairs* 14 (1985) 308-22

6 'Cross-Purposes: The Liberal-Communitarian Debate,' in Nancy L. Rosenblum, ed., *Liberalism and the Moral Life* (Cambridge, MA: Harvard University Press 1989) 159-82

7 John Rawls, *A Theory of Justice* (Cambridge, MA: Harvard University Press 1971), 3-6. Subsequent references will be integrated into the text.

complete life. Harmony and transparency mean that individual plans are complementary (563) and, more importantly, the individual is transparent to himself to the extent that his ends cohere with each other,<sup>8</sup> and he is transparent to others to the extent that his plan of life is part of a larger social plan just as individuals, through their institutions, are part of 'a social union of social unions' (527).<sup>9</sup>

These goals inform Rawls's vision of community which possesses what seems to be a neglected feature of Rawls's philosophy; that is, his communitarianism does not depend upon the original position and its parties: it relies on his understanding of associations, institutions, and moral psychology. In all these areas, justice is the principle that, like a red thread, orders and regulates both the Rawlsian individual and the Rawlsian community. I will address these issues in turn.

Rawls conceives of associations as institutional settings that comply with the precepts of justice and provide a space for mutual recognition and appreciation of the person's abilities. Associations socialize individuals into the principles of trust and friendship, strengthen the individual's self-esteem, and provide a 'secure basis' for the worth of their members (442). Associations thus occupy a central place in the Rawlsian universe since self-esteem, in Rawls's theory, is 'the most important primary good' (440). Or to put it differently, since the good of self-esteem requires that our person and deeds be appreciated by others; and since 'associative ties' strengthen this aspect and 'tend to reduce the likelihood of failure and to provide support against the sense of self-doubt when mishaps occur ...' (441), the individual's membership in associations is not an attribute, but a substantial trait of his/her character.

What is important is that in his descriptions of associative ties, Rawls not only presents a picture of moral personality which is far from being the unencumbered self so often ascribed to his theory, but also, and more importantly, his reasoning undermines the priority of the self over its ends (560), which seems to be one of the core elements of his conception

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8 J. Rawls, 'Kantian Constructivism in Moral Theory: The Dewey Lectures, 1980,' *The Journal of Philosophy* 77 (1980) 512-72, at 529; hereafter quoted as 'Dewey Lectures.'

9 The Rawlsian community is a space of harmony and transparency which assumes that men have a *natural* inclination toward unity. Justice appears as a natural capacity, a built-in mechanism for human sociability, and, Rawls insists, a 'stable conception of justice ... elicits men's natural sentiments of unity and fellow feeling ...' (502). It is thus possible to apply to Rawls's philosophy what he says when describing John Stuart Mill's theory: '[o]ne of a person's natural wants is that there should be harmony between his feelings and those of his fellow citizens' (502).

of justice. Let us explore why. In Rawls's account, there are three principles which I will call the principle of *mutual recognition*, the principle of *external confirmation*, and the principle of *dependence*. Mutual confirmation means that the conviction of the worthiness of the individual's endeavors is placed, not in an unencumbered subject of possession, but in a historical individual who is guided by social standards of judgment. '[U]nless our endeavors are appreciated by our associates,' he says, 'it is impossible for us to maintain the conviction that they are worthwhile ...' (441). External confirmation means that the person's endeavors need to be confirmed by his/her associates in a community of shared interests: 'what is necessary is that there should be for each person *at least one community of shared interests to which he belongs* and where he finds his endeavors *confirmed by his associates*' (442, my emphasis). It is the principle of dependence, however, that is central to understanding the implications of Rawls's communitarianism. In his view of associative ties, the individual has to obey the norms regulating his/her group. If the individual acts wrongly, Rawls argues, 'he has failed to achieve the good of self-command, and he has been found unworthy of his associates *upon whom he depends to confirm his sense of his own worth*' (445, my emphasis).<sup>10</sup>

I suggest that the principle of mutual recognition, the external confirmation individuals need for their endeavors, and the dependence the individual has on others to confirm his/her own worth deny the priority of the self over its ends. There are two reasons to explain why this is so. First, if our endeavors, and for instance the ends they pursue and the identity they shape need to be appreciated by others, and if it is this *social* appreciation that determines the worth of our endeavors and ends, we are no longer prior in any meaningful sense to our ends. Those ends are determined in important ways by social (principles accepted by society) and *communal* (principles recognized by a 'community of shared interests') standards of worthiness. Second, if the standards to confirm the individual's endeavors are provided, not by himself as an unencum-

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10 Along the same lines, he also argues, that the 'soundness of our convictions' depends upon a 'common perspective.' 'The acceptance of the principles of right and justice forges the bonds of civic friendship and establishes the basis of comity amidst the disparities that persist.... But unless there existed a *common perspective*, the assumption of which narrowed differences of opinion, reasoning and argument would be pointless and we would have no rational grounds for believing in the soundness of our convictions' (517-18, my emphasis). This assertion suggests that though the theory is individualistic, the conception of rationality informing it is social. That is, 'the soundness of our convictions' depends upon a 'common perspective,' which turns out to be a set of beliefs accepted by a community. This is another instance of Rawls's communitarianism.

bered self, but by a 'community of shared interests' (a claim that Rawlsian liberals tend to neglect),<sup>11</sup> and if the individual confirms his/her own worth, not by standards he/she has created, but by norms and criteria accepted by his/her associates, then, the Rawlsian self is not so prior to its ends, after all. Its self-esteem is not anchored in values the self derives from itself, but in values that its associates accept. But if the ends that my plan of life pursues require the approval of my peers to confirm my sense of worth, namely, if I consider as my primary concern the approval my ends may receive from my associates, I am no longer prior to my ends. In an important way, the ends I choose are *determined* by others' approval.<sup>12</sup>

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11 See, for example, Will Kymlicka, 'Liberalism and Communitarianism.'

12 This turn of Rawls's communitarianism shows how mistaken is the attempt to present the liberal communitarian debate as a conflict between society and the individual's judgment. For this misconstruction, see Will Kymlicka, 'Liberalism and Communitarianism.' It could be argued, however, that the self is still prior to its ends in the sense that it can revise them. Rawls himself claims that 'free persons conceive of themselves as beings who can revise and alter their final ends and who give first priority to preserving their liberty in these matters' ('Reply to Alexander and Musgrave,' *Quarterly Journal of Economics* 88 (1974), 641). Kymlicka uses this view to present the principle of reexamination as an important feature of Rawls's liberalism (*Liberalism, Community, and Culture* [Oxford: Clarendon Press 1991], 15-17). I think that Kymlicka's interpretation relies on an extremely selective reading of Rawls's texts, which fails to explore several important tensions in Rawls's arguments. There are two grounds that dispute Kymlicka's view: one is the Rawlsian view of a rational plan; the other is Rawls's communitarianism. In Rawls's theory, a rational plan and the person's conception of the good are bound together. 'The rational plan for a person determines his good' (408). More importantly, he goes on, 'We are to see our life as one whole, the activities of one rational subject spread out in time.... The intrinsic importance that we assign to different parts of our life *should be the same at every moment of time*. These values should depend upon the whole plan itself as far as we can determine it and should not be affected by the contingencies of our present perspective' (420, my emphasis). This claim is certainly at variance with the principle of reexamination and with Rawls's own claim that free persons have an interest in revising their final ends. Rawls's conception of a community of shared interests is the other ground that disputes the principle of reexamination. For Rawls, self-esteem and the conception of the good require a community of shared interests where the individual *confirms* his own worth. Since this is so, the individual's membership in that community must also be part of his conception of the good. This individual depends on the standards his associates accept to confirm his own worth, develop his excellences, and complete his own nature. Accordingly, he is not one who is always willing to reexamine his conception of the good. That reexamination may lead him to adopt a conception of the good, which his associates may not accept and thus lose their support. But if he loses the support of his associates, he is not only losing some friends: he would be losing the

Rawls's view of associative ties thus suggests that the Rawlsian individual is not the autonomous self that, in Dworkin's description, leads his life from the inside<sup>13</sup> and that, in Kateb's account, seems to be suspicious of social standards.<sup>14</sup> It is rather an individual whose very capacity for judgment may be compromised by his membership in a community of shared interests.<sup>15</sup> Better still, this individual may be unwilling to *revise* his ends in order to maintain his associates' approval and, for instance, his self-esteem.<sup>16</sup> If the individual comes to disapprove of the values of his associates, and there is no other association to which he may belong, he might prefer to go along with his peers, thereby avoiding any damage to his self-esteem. 'He is apprehensive lest they reject him and find him contemptible, an object of ridicule' (445). This conception of the self shows how misleading are the fixed boundaries that are often found in liberal arguments against communitarian discourses. In open contrast to those arguments, the Rawlsian individual appears as one who needs a community of shared interests which provides standards of worthiness and allows him to preserve his self-esteem: associations and communities provide 'a secure basis for the sense of worth of their members' (442).

It may be argued, however, that though Rawls's communitarianism emphasizes mutual recognition and communal standards of worthiness, he still provides enough room for the individual's judgment by insisting that, 'for the purposes of justice,' citizens are to 'avoid any assessment of the relative value of one another's way of life' (442). But this argument

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*external source of his self-esteem.* A Millian or an Emersonian self would be willing to stand up for its moral independence regardless of what a community of shared interests may do. But it is not clear that a Rawlsian self is equally willing to risk its self-esteem in order to preserve its moral independence. Rawls's arguments, then, suggest a tension between the self's moral independence and its self-esteem, and the latter, after all, is the most important good. Kymlicka's analysis does not explore these tensions in the Rawlsian construction of the self.

- 13 Ronald Dworkin, 'In Defense of Equality,' *Social Philosophy and Policy* 1 (1983) 24-40
- 14 George Kateb, 'Democratic Individuality and the Meaning of Rights,' in Nancy L. Rosenblum, ed., *Liberalism and the Moral Life* (Cambridge, MA: Harvard University Press 1989) 183-206
- 15 It is worth exploring the similarities between Rawls's communitarianism and John Dewey's vision of community. This is a problem that is beyond the scope of this paper.
- 16 It would be worth exploring whether a Rawlsian community contributes to the same docility that George Kateb ascribes to communitarianism. See his 'Individualism, Communitarianism, and Docility,' *Social Research* 56 (1989) 921-42.



is unconvincing and Rawls's contention is short-lived. He contradicts it to the extent that the individual 'regards the virtues, or some of them anyway, as properties that his associates want in him and that he wants in himself' (444). If no one assesses 'the relative value' of ways of life, why should we care about virtues or properties that our associates want in us? If they want certain properties as traits of our character, they are making judgments on the value of our way of life.

To sum up, *in the associations Rawls describes the individual is no longer prior to his ends. Quite the contrary, presumably those associations have their ends already and possess a clear understanding of the virtues required by them.* The individual may be prior to his ends before entering an association. Once he enters it, that priority is blurred. For in associations he needs the presence of others to confirm his worth and endeavors, and it is his membership in a 'community of shared interests' that strengthens his self-esteem, not the other way around. If he finds himself in an association (like the family), and he is shaped by its values, he has never been prior to them. Those values and the attachments they carry have formed his character.<sup>17</sup>

## II

We may have a better assessment of Rawls's view of associations by examining it against the backdrop of the principles of moral psychology. It is not my intention to discuss here the validity of those principles, but rather to show that the parties of the original position approach a vanishing point as soon as Rawls introduces his version of how the sense of justice is acquired in a well-ordered society. In stating the principles of moral psychology, Rawls's model assumes three stages in the sequence of moral development, and these stages stress 'the forming of

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17 It is possible to argue that a person may decide to join other groups, thus showing that she or he is prior to communal standards of self-esteem. There are two arguments to reply to this contention. First, if the self depends on others to affirm its worth, it may be willing to compromise rather than to leave a group that helps it to constitute its identity. Second, even if the self leaves its group, there is one from which it cannot escape, the group which gave it its first experience with the principles of justice, namely, its family. A self that is always open to the possibility of leaving its group is not a Rawlsian self; it is one that is more in line with John Stuart Mill's account of individuality than Rawls's. Will Kymlicka, for example, subscribes to this notion that the Rawlsian self is always willing to examine its ends, and, for instance, its membership in a group. See my discussion in n. 12.



attachments as final ends' (495). These stages are the morality of authority, the morality of association, and the morality of principles (462-79).

In the first stage, the child develops her conception of justice in the family, and, in the second stage, the individual deepens her sense of justice through her association with others. It is the third stage, however, that is really crucial to understand Rawls's views. The third stage, the morality of principle, assumes that individuals develop allegiance to the principles of justice regulating their society, and become attached to the highest order principles expressed in a public conception of justice (473). The morality of principles holds that if 'we and those for whom we care are the beneficiaries' of just institutions, those institutions and the benefits we derive from them will 'engender in us the corresponding sense of justice' (474). Accordingly, 'we want to do our part in maintaining these arrangements' (474). If we betray our sense of justice, we are likely to experience 'feelings of guilt by reference to the principles of justice' (474). Once we arrive at this stage, the 'complete moral development has now taken place ...' (474). In Rawls's view, the morality of principles is the final and highest stage in the individual's moral development. For the morality of principles does not depend upon our relationship with our parents. Nor does it depend upon ties of friendship and mutual trust. It depends upon allegiance to the principles of right. If we violate these principles, we will feel guilty, not because we have harmed our parents or friends, but because we have harmed people whom we do not even know. This morality does not depend upon personal attachments, but upon moral attachments to certain principles which allow us to love human beings regardless of our relation to them. The sense of justice, as Rawls says, 'is continuous with the love of mankind' (476).

The principles of moral psychology are 'reciprocity principles' (453), and justice itself is anchored in reciprocity. That is, justice is the capacity to answer in kind, which means that it depends on everyone's willingness to do his share. In an important way, justice requires the activities of other selves to be preserved. If others do not do their fair share, their attitude may weaken our commitment to justice.<sup>18</sup>

Though the principle of reciprocity is central to the acquisition of a sense of justice, it finally swallows up the Rawlsian self. For this self is supposed to be the only source of aims and ends (the self is prior to its ends), but the Rawlsian self develops sentiments and attachments, *not*

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18 It is possible to argue that the principles of reciprocity, as Rawls understands them, do not necessarily apply to other virtues like love, excellence, courage. Love, for example, does not depend on the other's willingness to reciprocate. People tend to love their relatives and friends, even when they do not appreciate that sentiment.

*out of itself*, but out of the influence it experiences in its dealing with other selves. The 'three laws' of moral psychology governing the development of the Rawlsian self 'assert that the active sentiments of love and friendship, and even the sense of justice, arise from the manifest intention of other persons to act for our good. Because we recognize that they wish us well, we care for their well-being in return.... The basic idea is one of reciprocity, a tendency to answer in kind' (494, my emphasis). So justice does not rely on altruistic feelings, but on our expectations of a response in kind, whereby the agency of the self, a self that is supposed to be prior to its ends, appears as reactive; namely, the self reacts to 'the actions of others' (494). The self needs both *institutions* and 'the actions of others' to develop a mature sense of justice.<sup>19</sup> How, then, can the self be prior to its ends when its sense of justice, the sense that allows it to be prior, is *not* prior (it follows from the actions of others)?<sup>20</sup>

I want to suggest two further problems which are related to Rawls's notion of the priority of the self over its ends, and his claim that the 'essential unity of the self is already provided by the conception of right' (563). First, if a developed sense of justice requires the presence of others, the self may find that in the process of acquiring this sense of justice, it may also acquire other ends without ever having the priority Rawls ascribes to it. Second, if this is so, the self is not going to follow a sequence in which, first, it develops its sense of justice, and then justice provides unity to its ends. The self may be open to several overlaps in which the ends it may acquire in the process of developing its sense of justice may significantly affect the nature of that sense.

Seen from another perspective, it is possible to say that even assuming that the unity of the self depends upon the principles of right, those principles rely on the presence of others, and that presence along with the associative ties that the good of self-esteem requires may constitute a part of the individual's conception of the good. If this is so, the unity of the self, in Rawls's own terms, cannot be given by the principles of right *alone*. The individual's good may play an important role in defining that unity. Stated differently, since the principles of right are not derived by isolated individuals, but acquired through social interactions, those

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19 Or as Rawls puts it: '[the three laws of moral psychology] characterize transformations of our pattern of final ends that arise from our recognizing the manner in which institutions and the actions of others affect our good' (494).

20 This seeming twist of the Rawlsian discourse may bring up an intriguing problem: how can selves choose principles of justice in the original position, when they do not even have a developed sense of justice, which requires institutions and the influence of 'the actions of others' to arise? I will not address this problem here.

principles are acquired through social institutions and associations that may become part of the self's conception of the good, and that may contribute to shape its unity.<sup>21</sup>

To sum up: the self cannot be prior to its ends since a developed sense of justice requires the actions of others, and in order for us to value those actions we need a 'common perspective' (517), which assumes communal standards of worthiness to judge our endeavors and ends. Accordingly, *our sense of justice and our ends overlap in the community of 'shared interests' where individuals confirm their worth and feel recognition*. If this argument is valid, it suggests that the priority of the self over its ends either vanishes or ought to be viewed in a more complex relationship.

### III

What is important, for our purposes, is that the principle of reciprocity and the Rawlsian conception of associations and institutions it informs bring to the fore a different picture of human personality. The priority of the self Rawls describes in Part I of *Theory of Justice* is no longer present. Now he abandons the mechanical view of a self that is always *prior* to its ends, and proposes a far more complex assessment of the individual's character. 'Moreover,' he says, 'the social system shapes the wants and aspirations that its citizens come to have' (259). 'It [the social system] *determines* in part the sort of persons they want to be as well as the sort of persons *they are*' (259, my emphasis). This view suggests that *before* individuals choose the sort of persons they want to be, they have already been shaped by standards and values which in part determine the kind of persons they are. This is precisely Sandel's reply to Rawls, but he does not acknowledge or fails to notice that it is already present in Rawls's philosophy.

To put it differently, in Rawls's account of community, we don't find abstract parties and principles that are beyond any kind of contingencies. We find historical individuals who are part of a social tradition (525),

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21 Rawls himself suggests this reading when he writes: 'Thus, a conception of the good normally consists of a more or less determinate scheme of final ends, that is, ends we want to realize for their own sake, *as well as of attachments to other persons and loyalties to various groups and associations*. These attachments and loyalties give rise to affections and devotions, and therefore the flourishing of the persons and associations who are the objects of these sentiments *is also part of our conception of the good*' (J. Rawls, 'Justice as Fairness: Political, not Metaphysical,' *Philosophy and Public Affairs* 14 [1985] 233-4, my emphasis).

and require cooperation and social union for their completion: 'It is only in active cooperation with others that one's powers reach fruition. *Only in social union is the individual complete*' (525, my emphasis). Thus, a well-ordered society is not only a social union of social unions pursuing 'the good of community' (520), but also its members 'have the common aim of cooperating together to realize their own and another's nature in ways allowed by the principles of justice' (527, my emphasis). This is a claim that considerably expands the scope of justice since a well-ordered society is not only a matter of allegiance to the principles of justice, but a communal enterprise to realize each member's nature. This vision of community suggests that the notion of pluralism underlying a Rawlsian community is not the same pluralism that characterizes actual liberal societies. Rawls's understanding of pluralism assumes a strong similarity of interests and values in such a way that each member is able, through a cooperation regulated by justice, to realize his own and another's nature. The present understanding of pluralism which Rawls himself characterizes as grounded in incompatible comprehensive doctrines and visions of the human good is replaced by a new pluralism defined by complementarity.<sup>22</sup>

We are approaching an intriguing metamorphosis in Rawls's argument: what began as a conception of justice as the fundamental virtue of the basic structure of society, ends up as a 'social union of social unions' in which justice is the most fundamental virtue of the individual's life. '...[I]t follows,' he says, 'that the collective activity of justice is the preeminent form of human flourishing. For given favorable conditions, it is by maintaining these public arrangements that persons *best express their nature and achieve the widest regulative excellences of which each is capable*' (529, my emphasis). Or better still: 'But the desire to express our nature as a free and equal rational being can be fulfilled *only by acting on the principles of right and justice as having first priority*' (574, my emphasis).

Rawls's communitarianism turns out to rest on the monopoly justice exercises over institutions and the individual's character.<sup>23</sup> And this monopoly is anything but plural. Moreover, there is an element of dogmatism in the claim that one virtue, justice, is the *only* one that best expresses the individual's nature. This seeming dogmatism is, in fact, a

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22 See, for example, *ibid.*

23 It is true that he claims that a 'conception of justice is but one part of a moral view' (512). But in Rawls's philosophy, justice is the most important component of morality. Actually, at other moments he says that justice defines 'the moral point of view' (491).

central trait of the Rawlsian construction of human nature. The self's nature, and by this I mean here the self's core, is not a complex of different virtues that may place different demands and conflicting claims on the individual's character. Nor is it a space of painful dilemmas. It is a uniform dimension which only requires justice to best express itself. One of Rawls's early formulations about the sense of justice may explain why justice is so central to the individual's nature. It is so because, in the self's core that Rawls proposes, the foundation of our humanity is justice. Our true nature and our true self require us to be just, and if we disobey the precepts of justice, we 'disfigure' ourselves. 'Put another way,' he writes,

one who lacks a sense of justice lacks certain *fundamental attitudes and capacities* included under the notion of *humanity*. Now the moral feelings are admittedly unpleasant, in some extended sense of unpleasant; but there is no way for us to avoid a liability to them without *disfiguring* ourselves. This liability is the price of love and trust, of friendship and affection, and of a devotion to institutions and traditions from which we have benefited and which serve the general interests of mankind.<sup>24</sup>

The 'plurality' that Rawls's well-ordered society seeks to protect turns out to be more problematic than he suggests. The individual's attachments (associations) and aims (final ends) are plural. But the individuals who, in Rawls's account, are behind those attachments and aims, are *the same*. They all regard justice as the regulative principle of their lives. They all aim at full cooperation over a complete life. They all realize their natures in the activities of other selves. They all belong to one or another association. I suggest that Rawls's conception of pluralism is restricted to what his account understands as *external* features of the self: namely, those traits, attachments, etc., that his philosophy tends to conceive of as *external* characteristics of the self. The self's core, by contrast, is anything but plural. It conjures up an image of sameness that turns out to be the necessary requirement for the goal of harmony Rawls relentlessly pursues.

My argument, however, is meant to propose a stronger claim than the view that his communitarianism undermines his pluralism. I suggest that the monopoly justice exercises in Rawls's theory offers an impoverished vision of society. That is, 'the fact of pluralism' that Rawls rightly invokes, suggests a more complex view of the ordering of the virtues in both the individual's character and in associations.<sup>25</sup> Let me spell this out.

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24 J. Rawls, 'The Sense of Justice,' *Philosophical Review* 72 (1963), 299, my emphasis

25 When Rawls refers to associations as 'an institutional setting' that is 'just' (491), it is

Human nature is something extremely complex. Through a complete life, individuals may find themselves with different orderings of the moral excellences that define their character. To assume, as Rawls does, that the place of justice in the individual's character must be fixed — namely, it must occupy the first and foremost place — is to deny the complexities accompanying the changes of the individual's character and its quest for self-understanding. This fixity that Rawls attributes to justice in the individual's character is hardly compatible with 'the fact of pluralism,' unless one assumes that pluralism does not refer to the individual's character and its willingness to give justice an absolute priority, but to traits the individual chooses once he has accepted the primacy of justice. Needless to say, such a vision of pluralism as a space of external traits surrounding, like appendages, a uniform human nature would render pluralism something quite different.

The complexity of the human condition makes it clear that human nature may require a plurality of orderings of the virtues as well as a plurality of associations, or even the absence of them to realize itself. If we assume that individuals need a plurality of associations to realize their nature, it is likely that individuals will rank the importance of those associations on the ground of how they contribute, in their judgment, to realize their nature. A devout individual will certainly think that his church, and the particular ordering of the virtues it presupposes, is what best expresses his nature. Yet a Rawlsian individual inhabiting a 'well-ordered society' would challenge him. Deep commitments rooted in comprehensive moral, religious, or philosophical doctrines, he would say in line with Rawls's articles after *A Theory of Justice*, belong to the private sphere of individuals, not to the public sphere.<sup>26</sup> Those deep commitments arising from comprehensive doctrines are not allowed to play any role in deliberations concerning the principles of justice. Justice depends upon 'intuitive ideas.' What the Rawlsian construction clearly suggests, then, is that individuals best express and realize their nature, not by following the comprehensive doctrines that some private associations require, but by accepting the 'intuitive ideas' which constitute the foundation of justice and complying with the rules of public institutions since the primary concern of justice, allegedly, is

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not clear whether he is referring to his two principles of justice, or whether the justice associations embody is different from Rawls's two principles.

26 J. Rawls, 'The Priority of Rights and Ideas of the Good,' *Philosophy and Public Affairs* 17 (1988) 251-76; 'The Idea of an Overlapping Consensus,' *Oxford Journal of Legal Studies* 7 (1987) 1-25



the basic structure of society.<sup>27</sup> As he says: ‘... the desire to express our nature as a free and equal rational being can be fulfilled *only by acting on the principles of right and justice as having first priority*’ (574, my emphasis). This is consistent with the monopoly Rawls ascribes to justice, but it is certainly doubtful that many individuals will accept this account as representative of their character and dispositions. That is, many individuals may question that compliance with the principles of justice and support for public institutions is more central to best express and realize their nature than their private associations and their comprehensive philosophical, moral, or religious doctrines.<sup>28</sup>

The monopoly justice exercises in both a Rawlsian personality and community explains Rawls’s view that a genuine mature morality requires a relation, not to persons, but to institutions that embody principles of justice.<sup>29</sup> A genuine mature morality is thus a question of impersonal relations. This view, in Rawls’s argument, is axiomatic. It is equally problematic. Many people may argue that a mature morality requires a relation to, and a concern for, people they know and care deeply about, not people who are strangers. Rawls opposes this view and stands for ‘the love of mankind.’ But though Rawls accords a substantive status to this notion, it does not deliver what it promises. Actually, the ‘love of mankind’ ends up as a very meager offer. For on close scrutiny, it is nothing more than the individual’s willingness to pay his/her taxes so that public institutions will take care of distributing the social product equitably and tax payers will feel that their taxes have benefited the least advantaged members of the community; members whom they do not even know. This is the epitome of a higher morality. The Rawlsian ‘love of mankind’ and the ‘complete’ moral development it purports to represent does not assume an immediate relation between individuals and strangers, but between individuals

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27 In his articles after *A Theory of Justice*, Rawls has not modified this position. Justice is a highest-order interest that ought to regulate our character and public life. See his ‘The Idea of an Overlapping Consensus.’

28 In his articles after *A Theory of Justice*, this problem has become more complicated. Now individuals are presented as having both a public and a nonpublic identity. Justice must define the individual’s public identity, while comprehensive doctrines may define his private identity. But those doctrines have to comply with the principles of justice. Again, many citizens may question the priority justice continues having in the definition of their nonpublic identity.

29 This position, it should be said in passing, is in tension with his conception of justice as reciprocity: we expect the other person to respond in kind. But in a Rawlsian society, our expectation is mediated by institutions.



and the state, and through the state, individuals relate to strangers. The Rawlsian higher morality thus seems to be a statist conception: it needs to assume the centrality of the state as an aggregate of institutions that connect, through the distribution of social products, individuals with one another.

#### IV

A possible liberal reply might take issue with the views advanced in the previous section and claim that only by accepting the priority of justice, both in social institutions and in our lives, do we avoid oppression, and that those who invoke the complexity of human nature to dispense with that priority may be willing to engage in or defend oppressive practices. This possible reply seems to be unaware that Rawls himself may offer an argument to dispute it. He might leave aside his view of the development of the sense of justice and argue, in keeping with the first part of *A Theory of Justice*, that the centrality of justice refers to social institutions, not to the individual character. When those institutions are regulated by the principles of justice, he might claim, it is irrelevant whether some individuals may be prone to oppress others. A framework of rights and the distribution of the social product according to principles of justice would prevent them from carrying out their designs.

Though this response, from a Rawlsian perspective, is valid, I prefer to put it aside and address the possible reply on its own merits. I assume that most contemporary liberal theorists would not dispute the following assertion: many citizens of liberal societies do not accept the claim that justice is the virtue that best expresses their nature. In keeping with this assertion, I suggest that throughout her life, a person may order and reorder the virtues orienting her character, without thereby advocating oppression. A person may place a higher premium on love or truthfulness, and even though justice is not the first virtue of her character, that person is not advocating injustice. Let me thus leave aside the place of justice in our character, and address it in the context of institutions. Rawls claims that justice ought to be the first virtue of social institutions, and the reply I am considering asserts that without that priority we would be willing to defend oppression. From a liberal perspective, this contention ignores some pervasive conflicts arising from individuals' choices in the context of liberal societies. That is to say, there is a conflict when a liberal discourse stands for personal and political rights and opportunities to devise a (rational) plan of life, while defending the right of individuals to participate in groups or engage in practices that,

according to liberal standards, are oppressive.<sup>30</sup> A religious group, for example, may defend the subordination of women and hold principles that are oppressive in the light of liberalism, but individuals have the right to join, if they wish, that group, and the state should not interfere with their choices. This suggests that the priority of justice in social institutions may coexist with oppressive groups and practices provided they are organized and carried out on a voluntary basis.

The priority of a framework of rights and the distributive paradigm insinuates another problem that is more closely related to Rawls's conception of justice. Suppose a society whose social product is primarily derived from military industries. This society has a framework of rights and complies with Rawls's second principle: inequalities have to benefit the most disadvantaged members of society. This society is, then, just according to Rawls's standards. For in Rawls's account, the strategy that creates the social product is not at stake: what is morally and politically relevant is the distribution that strategy makes possible. Yet some people may find oppressive a society where the moral character of its central economic activities is not deemed important to decide whether that society is just.<sup>31</sup> A society may become wealthier by producing and selling missiles, and its wealth may be distributed along Rawlsian principles, but the moral character of that society and its justice would be dubious. Along similar lines, a society may derive its wealth from the activities their industries perform abroad. These industries may pay low salaries to, say, Guatemalan women or Mexican citizens, and low wages abroad may increase the profits those industries make and the taxes they pay at home, the same taxes that are part of the social product the state distributes according to Rawls's principles. Once again, the content of the practices underlying the production of the social product is irrelevant. And that society, whose social product depends on what many may consider the oppression of foreigners, would be just according to the Rawlsian paradigm.

My response to the possible liberal reply is thus threefold. First, the complexity of human nature may require different orderings of the virtues without thereby implying that if love replaces justice as the preeminent virtue of our character, we would be prone to oppress other

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30 This is not necessarily Rawls's case, but it is a well-known scenario in liberal societies.

31 A possible liberal reply is that such a conception of oppression is not rational, and that such a society is not oppressive. But the Rawlsian view of rationality and oppression is one view among others, and, even in liberal societies, there is hardly a consensus on it.

persons. Second, a liberal order anchored in the priority of justice may coexist with oppressive groups and practices which ought to be tolerated in the name of individual freedom. Third, a Rawlsian society may carry out a just distribution of the social product in the light of Rawls's model, but that society may depend on strategies which some members may consider oppressive. So the claim that only by accepting the priority of justice (I take this to mean the Rawlsian conception of justice) we avoid oppression, is unpersuasive.<sup>32</sup>

Suppose, however, that in effect, the complexity of human nature may entail a particular ordering of the virtues which invites oppression. In this case, the Rawlsian claim would be right, and justice must be the first virtue of our character to thwart any inclination on our part toward oppressing others. But if this is so, if the Rawlsian argument is that without accepting the priority of justice in our character, without recognizing that justice, and nothing else, is the virtue that best expresses our nature, and without acknowledging the transparent harmony of Rawls's communitarianism, we would be inclined to oppress others, then that argument would be propounding a *metaphysical* conception of the self as well as an intriguing notion of choice. Justice, the most important virtue of our character, would be beyond our choosing faculties since, if we choose, we might be inclined to choose oppression rather than justice.<sup>33</sup> The self, in this view, would have to be just, for otherwise it would disfigure its humanity. But this contention would presuppose a conception of the self that is antecedently given, and for instance, it would not be political. It is not part of the democratic tradition from which Rawls derives his version of 'political liberalism.' For in that tradition, there are not 'intuitive ideas' claiming that justice must be the first virtue of our character, if we want to preserve our humanity, and even less is there an intuitive idea holding that justice requires harmony. If those ideas exist, there is no universal agreement on them. So the possible reply leads to a trap. If it cannot deal with the complexity of human nature and the different orderings of the virtues it

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32 It is worth noticing that an alternative view of society such as the one propounded, respectively, by Alasdair MacIntyre, Michael Walzer, and George Kateb, does not rely on the fixed place of justice, and it is not by any means clear that such a society would be an oppressive setting.

33 If my argument is correct, Rawlsian liberals ought to argue, explicitly, (1) that justice is not an object of choice; (2) that diversity is valid only *after* we accept the fixed place justice must occupy as the central virtue of our character; and (3) that the centrality of justice in our character is compatible with the Rawlsian critique of perfectionism.

may require, it has to redefine its conception of choice and say, explicitly, that justice is beyond our choosing faculties. If justice must be the first virtue of our character, it smacks of a metaphysical conception of the self, and thus contradicts the Rawlsian version of 'political liberalism.'

## V

My arguments thus far suggest that Rawls's analysis offers many complexities which in turn explain how one-sided is Sandel's critique of Rawls's paradigm. Sandel's critique concentrates on the original position and the social contract Rawls derives from it. Yet Rawls's account of moral personality as is presented in his discussion of associations, virtues, and moral psychology, are aspects conspicuously absent from Sandel's analysis. I now turn to address Sandel's critique of the Rawlsian self and the Rawlsian community.

In characterizing Rawls's view of community, Sandel argues that it 'describes a possible aim of antecedently individuated selves, not an ingredient or constituent of their identity as such. This guarantees its subordinate status.... As a person's values and ends are always attributes and never constituents of the self, so a sense of community is only an attribute and never a constituent of a well-ordered society.'<sup>34</sup>

Sandel's critique of Rawls's view of community relies on his understanding of the Rawlsian self, a self that, according to Sandel, is individuated in advance, whose identity cannot be engaged, and whose ends never fully constitute it. Just as these ends are external attributes that the self chooses, so also community is an external trait preceded by individuated subjects. The 'Rawlsian self,' Sandel writes, 'is not only a subject of possession, but an antecedently individuated subject, standing always at a certain distance from the interests it has. One consequence of this distance is to put the self beyond the reach of experience, to make it invulnerable, to fix its identity once and for all' (LLJ, 62, my emphasis).

This is the key to understanding Sandel's argument: his claim that the Rawlsian community presupposes 'the antecedent individuation of the subject' (LLJ, 149) whose identity is fixed 'once and for all.' 'But a self so thoroughly independent as this,' he insists, 'rules out ... the possibility of any attachment (or obsession) able to reach beyond our values and

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34 Michael Sandel, *Liberalism and the Limits of Justice* (Cambridge: Cambridge University Press 1982), 64. Subsequent references will be integrated in the text as LLJ.

sentiments to engage our identity itself. It rules out the possibility of a public life in which, for good or ill, the identity as well as the interests of the participants could be at stake' (*LLJ*, 62).

I think Sandel's interpretation is mistaken. My discussion of Rawls's communitarianism argued that, in Rawls's theory, individuals are shaped by institutions and communities of interests, and if this is so, the 'antecedent individuation' Sandel sees is not what Rawls suggests. Better still, this 'individuation' is one of the moments of Rawls's philosophy concerning one aspect of the self, which, contrary to Sandel's claim, is not its identity. Let me clarify this.

In Rawls's view, Sandel argues, the person's identity is given in advance; it is 'antecedently individuated' in such a way that it can never be reached by the self's attachments.<sup>35</sup> But Sandel conflates two different dimensions of the Rawlsian self. Rawls's analysis suggests a distinction between the *self's core* and the *self's identity*.<sup>36</sup> The former is constituted by the self's two capacities: a capacity for a sense of justice, and a capacity for a conception of the good (505). The latter (the self's identity) is formed by those values, attachments, and ends that are acquired through associations and through a plan of life that is formed *gradually*; namely, it is formed by those values that, in Sandel's view, cannot engage 'our identity itself.' Stated differently, it is the self's core, *not its identity*, that is independent of values, attachments, etc., and, for instance, it is the self's core that is individuated in advance and fixed once and for all.

If my argument is correct, the identity of individuals, in the sense I have mentioned, is neither prior to their ends nor incapable of being engaged and constituted by values and attachments. Quite the contrary: Rawls's account of institutions shaping the individual's attachments suggests that our identity is not beyond our values and attachments, since those values and attachments help to constitute it, and since individuals shape their rational plans gradually (561). Once again, what is beyond our reach is the self's core and its two capacities. But how 'individuated' is the self's core? A further exploration shows that the self's core, that is, its 'moral personality,' is just a 'potentiality,' something that Sandel neglects altogether: 'moral personality is here defined as a potentiality that is ordinarily realized in due course' (505). The

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35 Susan Moller Okin presents a critique of this idea, but her aim is to defend the original position, not to see how Rawls's communitarianism may challenge Sandel's interpretation. See 'Reason and Feeling in Thinking about Justice,' 245-6.

36 Sandel hints at this distinction in his discussion of desert, but he does not develop it (*LLJ*, 82-95).

original position relies on the 'potentiality' of the parties; namely, their moral personality 'refer[s] to a capacity and not to the realization of it' (509), whereby it is not clear why Sandel calls this 'potentiality' an 'individuated self' which not only possesses an identity but which is beyond the reach of experiences and values. 'Moreover,' Rawls goes on, 'regarding the potentiality as sufficient accords with the hypothetical nature of the original position, and with the idea that as far as possible the choice of principles should not be influenced by arbitrary contingencies' (509). That is to say, this potentiality is necessary to explain the original position, not to justify a Rawlsian community.

When Rawls points out that the social system shapes the kind of persons individuals want to be and the sort of person they already are; when he insists that individuals develop the sense of justice in association with others; and, finally, when he argues that individuals need at least one community of shared interests to confirm their worth, he displaces the emphasis on a self that is always prior to its ends in favor of a community which contributes to *constitute* the individual's identity.

Sandel disagrees. His critique of the Rawlsian community is predicated upon a distinction which he never spells out between 'attributes' and 'constituents.' In Rawls's view, he argues, community is an 'attribute,' not a 'constituent.' But if my argument is correct, this distinction is as doubtful as 'the antecedent individuation of the subject' Sandel sees in Rawls's theory. For a Rawlsian community is far from being a mere attribute. It is rather an arena of institutions, associations, and moral principles that make possible harmony and stability and shape the sort of persons individuals want to be and the sort of persons they already are. Put differently, if the community provides standards of worthiness to judge and confirm the individual's self-esteem, namely, the most important good, this community is hardly an attribute; it is constitutive of the individual's identity. Furthermore, by participating in a 'community of shared interests' Rawlsian individuals engage in a process of self-understanding. They come to know their nature as moral persons and, more importantly, they come to develop their sense of justice and the good of self-esteem in association with other individuals. 'We need one another as partners in ways of life that are engaged in for their own sake, and the successes and enjoyments of others are necessary for and complimentary [sic] to our own good' (522-3).

In addition to his treatment of the Rawlsian self, a substantial part of Sandel's analysis relies on oppositions that he absolutizes without exploring the porousness of their boundaries. Thus, he opposes 'attributes' to 'constituents,' 'feelings' to 'self-understanding,' 'choice' to 'discovery.' In many instances, however, the boundaries separating these terms are not as sharp as Sandel leads us to believe. This is important since a substantial part of Sandel's argument is his claim that the Rawlsian self



does not represent what we really are. Neither does Sandel's description. For a non-believer, for example, religion is an attribute he may certainly choose. But if he becomes a devout convert, the status of this attribute changes altogether. It is now a constituent, perhaps the most important one, of his identity. Likewise, if he is born into a religious fundamentalist group, religion is not going to be an attribute, but a constituent of his character and identity. But if he, later in life, abandons the beliefs of his fundamentalist group and becomes indifferent to religious matters, religion as a constitutive element of his identity is transformed into an attribute from which he now exercises distance. This does not mean, of course, that his religious background and its implications are now erased from his life. This is, perhaps, impossible. It means that the individual has *reordered* the components of his identity. For all his criticisms of a Rawlsian self whose bounds are allegedly fixed, Sandel's conception of attributes and constituents which, again, he never spells out, participates in the same 'fixity' he ascribes to Rawls's view of the subject. That is, Sandel does not recognize that the boundaries between attributes and constituents are porous, not fixed, whereby an attribute may become a constituent, and vice versa.

The same argument holds for his distinction between choice and discovery. The same individual of the previous example may discover the attachments that tie him to his religious group. But if he decides to live by values other than those his group advocates, he is making a choice. Along the same lines, the individual may discover an attachment to his group on the basis of his socialization, and not necessarily an attachment to the religious beliefs of that group. It is a well-known principle of Christian fundamentalist groups, that it is not sufficient to be born into a religious family. The individual has to experience his own conversion, and this is a choice he makes, not a discovery he inherits.

Just as he opposes 'attributes' to 'constituents,' Sandel opposes 'the capacity for choice' to 'the capacity for reflection' (*LLJ*, 153). And he says: 'But on Rawls's moral epistemology, the scope for reflection would appear seriously limited. Self-knowledge seems not to be a possibility in the relevant sense, for the bounds it would define are taken as given in advance, unreflectively, once and for all, by a principle of antecedent individuation' (*LLJ*, 153). Again, the core of Sandel's argument is his claim of an 'antecedent individuation.' We have seen that this claim is not convincing. But, more importantly, the opposition Sandel presents between choice and reflection is dubious. His argument is that the voluntarist dimension of agency requires choice, and the self, in this view, appears as external to its choices. The cognitive dimension of agency, by contrast, requires reflection. The identity of the subject appears 'as the product rather than the premise of its agency' (*LLJ*, 152). Thus the reflection Sandel proposes rules out any kind of choice. The self



that is engaged in the cognitive dimension of its agency reflects upon itself, inquires 'into its constituent nature,' and *acknowledges* 'its purposes as its own' (LLJ, 58). There is no doubt that there is a reflection at work here. But we might distinguish between two types of reflection, which, while being active, have different goals. Let me call the first type confirmatory reflection and the second type critical reflection. In the first type, the individual reflects upon himself, his identity, his nature, to *confirm* and *acknowledge* what is already there. This reflection aims at a better self-understanding, not at a *transformation* or a *reordering* of the constituents that make him the sort of person he is. In the second type, the individual reflects upon himself, his identity, his nature, both to acknowledge the attachments he wants to keep and to discard those he no longer finds relevant. In a confirmatory reflection, the individual *acknowledges* his identity. In a critical reflection, the individual is open to *reconstitute* it. Sandel's analysis, with its insistence on acknowledgment and discovery stands for a confirmatory reflection, thus weakening his arguments. If that is the kind of reflection Sandel defends, it is better, so the liberal argument goes, to accept the unencumbered self of Rawls's philosophy which at least provides a space for critique and distance of inherited values.

Sandel leads us to believe that in exercising reflection the individual does not exercise choice.<sup>37</sup> He does not explore the possibility of *choice through reflection*; that is, a reflection that allows the individual to choose new attachments that may question the values he already has, or to consciously discover the principles that have constituted his identity.

Finally, and in keeping with a line of reasoning whose coherence seems to depend on absolute oppositions, Sandel opposes will to self-understanding<sup>38</sup> (LLJ, 58, 152). Self-understanding, presumably, does not

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37 According to him, the self cannot choose 'that which is already given (this would be unintelligible)' (LLJ, 58). But if the individual reflects upon what is given and *reaffirms* it, he is clearly making a choice, though, for Sandel, this is 'unintelligible.' It is so if we assume the fixity of the oppositions he presents.

38 Sandel is consistent in insisting on these kinds of oppositions. In a recent article he poses the following question: 'What then is the resemblance between heterosexual intimacies on the one hand, and homosexual intimacies on the other, such that both are entitled to a constitutional right of privacy?' And he answers: 'This question might be answered in at least two different ways — one voluntarist, the other substantive. The first argues from the autonomy the practices reflect, whereas the second appeals to the human good the practices realize' (534). Thus Sandel opposes 'the autonomy the practices reflect' to the human goods they realize. This opposition presupposes that autonomy is *not* a human good and this presupposition is problematic. Instead of opposing both categories, it is better to see autonomy as a human

attempt to make choices. It rather seeks a reexamination, while being driven by an unexamined goal: to acknowledge ends which are already given (*LLJ*, 58) and attachments that are 'found' (*LLJ*, 158). It is thus possible to turn Sandel's analysis against his own conceptions. He claims that the Rawlsian self is individuated in advance. As I have argued, that is not the case with Rawls's theory, but it is what really happens with the Sandelian self. The Sandelian self is one individuated in advance by the attachments and constituents of its community. So it does not exercise choice; it reflects upon what is already given. It does not construct attachments; it finds them. It does not use its will to choose traits that are outside it. It uses self-understanding to acknowledge what is already there in its inner dimension. Its will is confined to the inner life of the self, not to its external dimension. But even in the inner life, this will is one that acknowledges, not one that transforms. The 'unencumbered self' is thus replaced by one so encumbered by its attachments that it seems to be incapable of exercising distance from them. It remains to be seen whether the Sandelian self is capable of offering a meaningful account of agency.

## VI

My inquiry is not meant to suggest that a Rawlsian community is free of all the problems Sandel ascribes to it, but rather that Rawls's communitarianism suggests other problems which have not been fully explored, and which require additional analyses. It is clear, however, that for all Rawls's suspicions of the notion of society as 'an organic whole with a life of its own distinct from and superior to that of all its members in their relations with one another' (264), Rawls's society resembles just that: an organic whole, and since all individuals must be 'fully cooperating member(s) of society over a complete life,'<sup>39</sup> this

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good that contributes to define other human goods. For example, it is doubtful that the human good expressed, say, in personal relationships, can be realized without assuming the autonomy of the participants. A forced marriage could contribute to procreation and even to a stable family, and some people may consider it a human good. But this good would be realized at the expense of two individuals who found themselves in a marriage without having exercised an autonomous choice. Could human goods be realized without autonomous individuals? (See Michael Sandel, 'Moral Argument and Liberal Toleration,' *California Law Review* 77 [1989] 521-38.)

39 See John Rawls, 'Justice as Fairness: Political, not Metaphysical,' 233; and 'The Priority of Right and Ideas of the Good,' 270.

argument suggests, Rawls's denial to the contrary, that society possesses what he seems to fear the most: namely, 'a life of its own distinct from and superior to that of all its members in their relations with one another.' If society is neither distinct nor superior, why should individuals be fully cooperating members over a complete life? Why is there no place for distance from society's institutions, even assuming that they are just (in the Rawlsian sense)? Why is Rawls's society a space without dissidents (the principle of 'full cooperation' seems to exclude this); without deviants (the principle that the individual's plan has to be in harmony with the social plan seems to imply this); and without people who may reject the Rawlsian assertion that their nature is completed through other selves, or that their nature is best expressed when complying with the dictates of only one virtue (justice)? Why is there no place for individuals who may not need the opinions of others to affirm their own worth?

Though there are no clear answers, this vision of community does not seem to provide any room for isolation, and even less for the democratic sentiments that, say, George Kateb, ascribes to an Emersonian individual. It is, then, a puzzle, why liberals who are sympathetic to Rawlsian tenets decry tight and close communities, while holding fast to the not less tight and close vision of society of Rawls's communitarianism.

Equally problematic is the realization that in the harmonious realm of a Rawlsian society there is no place for moral conflicts. The individual does not face tragic dilemmas, since he is guided by the principles of rational choice, and his ends cohere with each other ('Dewey Lectures,' 529). There are no conflicts *within* the individual, and there are no conflicts *among* individuals either, since all plans are part of the social plan of society.

Rawls's communitarianism as a utopia of harmony, cooperation, and a uniform human nature that best expresses itself by following the dictates of justice is a radical departure from Kant's vision of society. Kant views antagonisms as the cause of human progress, and proposes the famous analogy of the forest.<sup>40</sup> Without competition, he argues, trees would grow feeble and bent, while, with conflicts, they will grow straight. Without antagonisms, Kant goes on, men would live an Arcadian and pastoral life. Rawls's account of community clearly suggests that he prefers the Arcadian life Kant rejects to the antagonisms he praises. The end result is thus a striking surprise: Rawls's communitari-

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40 I. Kant, 'Idea for a Universal History,' in Hans Reiss, ed., *Kant's Political Writings* (Cambridge: Cambridge University Press 1970), 45-6

anism and its goal of harmony turns out to be not Kantian, but Platonic. Just as, in Plato, the individual's character has to be in harmony, and this harmony is reflected in the state,<sup>41</sup> so also with Rawls's account: the harmony ruling the individual's plurality of ends finds its way in a social order where individual plans are part of a larger plan, and where individuals are part of associations that in turn constitute a social union of social unions. Hence, there is harmony both in the individual's character and in society. This picture may appear as an exhilarating description of present possibilities. I tend to think that it is rather an impoverished vision of the human condition. For the pluralism Rawls seeks to protect through his conception of justice and community is anything but plural. It rests on a uniform personality, and a no less uniform society whose sameness may strike actual individuals living in the real world of a pluralism made up of incommensurable plans and perspectives, as an ideal that not even for the sake of Rawls's conception of justice is worth pursuing.

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41 Plato, *The Republic*, R.W. Sterling and W.C. Scott, trans. (New York: Norton 1985), Book IV, 434d, 435e, 441a, 441c,d