

The Idea of Reciprocity and the Justification of John Rawls's Political Liberalism

By

Patrik Pavlovský

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**Central European University
Department of Political Science**

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Supervisor: Assistant Professor Andres Moles

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ABSTRACT

In this work, i enquire whether John Rawls justifiably supplies decisive reasons for making it impermissible for liberal states to openly promote or discourage some activities, ideals or lifestyles on the basis of perfectionist considerations. My investigation represents philosophical enquire and hence employs argumentation and methodic doubt are being used for development of conclusions. I this work, I claim shifting the burden of proof back to Rawls for I find no reasons that would decisively exclude the possibility of state perfectionism. In particular, I challenge the way Rawls justifies his modeling of the full publicity condition in light of his political ideals. I claim that given my arguments, the modeling could be eventually done in a way that would in effect legitimize state perfectionism. Moreover, I furthermore claim that Rawls's employment of the idea of reciprocity exhibits signs of his fully comprehensive treatment of it.

KEYWORDS: John Rawls, Political Liberalism, reciprocity, pro tanto justification, perfectionism, the publicity condition,

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INTRODUCTION

Whether states should openly support or discourage some forms of lifestyles at expense of some others seems to be timelessly relevant dilemma, especially in the current era of the quickly developing, multicultural societies. Following Jonathan Quong's (2011, p.12) instructive categorization, prominent liberal philosophical projects concerned with constructing some form of a political morality can be distinguished alongside two axes on the basis of their answer to these two questions:

Question 1: "Must liberal political philosophy be based in some particular ideal of what constitutes a valuable or worthwhile human life, or other metaphysical beliefs?"

Question 2: "Is it permissible for a liberal state to promote or discourage some activities, ideals, or ways of life on grounds relating to their inherent or intrinsic value, or on the basis of other metaphysical claims?"

The following table depicts Quong's vision of an outcome, depending on simple 'yes' or 'no' answers that we might obtain from liberal political philosophers when we ask them these two questions:

Question 2	Question 1	
	Comprehensive	Political
Perfectionism	<i>Comprehensive Perfectionism</i> (Raz, Wall)	<i>Political Perfectionism</i> (Chan? Sher?)
Antiperfectionism	<i>Comprehensive Antiperfectionism</i> (Dworkin, Kymlicka)	<i>Political Antiperfectionism</i> or <i>Political Liberalism</i> (Larmore, Rawls)

Source: Quong (2011, p.21)

It is my belief that differing answers to the question 1 reflect thinkers' differences about conceptualization of the very foundation of political morality. They in other words quarrel about conceptualization of their common liberal philosophical basis, the basis that in

consequence distinguishes them from non-liberal thinkers. Differing answers to the question 2 on the other hand seem to reflect differences about conceptualization of legitimacy, the political conception of which is usually deployed for setting up standard of permissible exercise of political power within predefined boundaries of some polity. It is this latter quarrel – *the pro-vs-anti perfectionism debate* - to which the content of this work primarily aims to comment upon.

As we can see, framing of this latter question in effect differentiates perfectionists from anti-perfectionists. Its framing moreover hints us that these two camps are in particular quarreling about whether an exercise of (political) power within predefined jurisdiction of some polity might be *appropriately justified* by an appeal to reasons articulated as if from within of fully comprehensive doctrine. This last phrase ought to be understood as reference to a form of worldview, which (among other things) „is comprehensive [because] it includes conceptions of what is of value in human life, and ideals of personal character, as well as ideals of friendship and of family relations and much else that inform our conduct“ (Rawls, 1993, p.13). More precisely, it should be understood as a reference to a subset of such worldviews, which are by Rawls labeled as ‘fully comprehensive’: i.e. to a worldviews that „cover all recognized values and virtues within one rather precisely articulated system“ (ibid.). When mentioning ‘comprehensive view’, I will be thus referring to a view that is available to (and in effect articulated by) an individual contemplating *through* his fully comprehensive worldview¹. If not indicated otherwise, reference to ‘comprehensive view’ ought not to be understood a view as articulated through a ‘partially comprehensive worldview’, i.e. as if articulated through subset of comprehensive worldviews that “*comprises a number of, but not*

¹ Additionally, any reference to ‘perfectionistic judgment’ or ‘perfectionistic consideration’ ought to be understood similarly, hence as reference to judgment or consideration articulated as if through one’s fully comprehensive worldview. Following Quong’s (2011, pp.12-13) characterization of these considerations (or judgments), these are in other words simply judgments about inherent or intrinsic worth of ideals, values or social forms denoting their contribution or essentiality to a worthwhile or otherwise excellent form of human life.

all nonpolitical values and virtues and is rather loosely articulated” (ibid.). When an individual holds comprehensive view, for example, his main rationale for supporting prohibition of recreational drug use could be his perception of the drug use as an activity devaluating the worth of human life in general. When an individual holds partially comprehensive view, she refrains from supporting prohibition of recreational drug use on the basis of similar rationale, for she believes that it reflects solely *her* fully comprehensive worldview, which makes it in return an inappropriate justification for a policy that applies to all (given that this individual knows people around her may reasonably disagree with hers rationale).

With respect to Rawls’s stance, I believe he would emphasize that his answer ‘no’ should be understood narrowly, as applying only to the fundamental cases of power’s exercise, i.e. when it is being exercised for a shaping of the so called *constitutional essentials*: “[...] state, at least as concerns constitutional essentials, is not to do anything intended to favor any particular comprehensive view” (Rawls, 1993, p.196).

Let me preliminarily stipulate that it is the justification behind Rawls’s answer that will concern me in this work. His answer could be essentially translated into statement indicating that he has found decisive reason for which his specific notion of political rules ought not to make it permissible for the liberal state to act (hence to exercise the political power) in the fundamental cases as if from within of fully comprehensive doctrine.

In fact, it is the very ‘political’ attribute of conceptions that ought not to be (as much as it is philosophically possible) construed as if from within a fully comprehensive doctrine. It is (roughly) a similar assertion that in my view differentiates his liberal project from its more comprehensive alternatives. Put differently, I understand his project as an attempt to construe

the substance of his political morality in a way, that as much as possible avoids relying on justificatory premises which would be traceably grounded in some comprehensive judgment.

In order to potently engage with the above-suggested answer of Rawls, I need to introduce one more rather instructive classification.

It is my belief that it is possible to distinguish two sorts of rules that dignify the idealistic nature of Rawls's theory. Both types of rules seem to be likewise (though uniquely) defining the quality of his notion of 'political'. The first sort of rules is what I call *the post-political rules*. These are all the rules that are promulgated or engendered in principles and norms that represent main substance of theorist's political morality.

These are in other words the main regulatory and justificatory devices or rules (i.e. *the political conceptions*) that he articulates as the political moralist. Let me preliminarily state that under these I envisage two categories of rules: Rawls's *substantive principles and norms* together with his *guidelines for their elicitation*. I label these rules as the *post-political rules* because they are brought about at argumentative instance, at which it is already rather clear what kind of quality does the 'political' attributes signify. It is hence clear what 'politics' and 'political matters' are, thus for treatment of what these rules are being deployed. The quality of the 'political' attribute does not only signify for what these rules are being deployed, it partially also shapes the way how these rules should function once deployed.

The second type of rules is *the pre-political rules*. These are *pre-political* because they are brought about at instance of thinker's theorizing, at which the quality of the 'political attribute' is yet unclear and hence only to be established.

Stated otherwise, at the instance of the evocation of these, there is no standard by which a thinker may distinguish 'political' matters from 'non-political' ones. When someone would thus ask John Rawls 'what makes your two principles of justice distinctively political' or

‘what shall we envisage under the distinctively political character of your principles’, the justification (or explanation) that he would supply for establishing his particular vision of this attribute would denote a pre-political rule. I nevertheless by no means intend to say that the two sorts of rules are being derived from each other. They are simply presumed to be conveyed in a pair and in sequential manner.

These pre-political rules are of the two-fold significance to me. On the one hand, these rules are used for delineating or establishment of what ‘politics’ is. They thus help to set up an (political) agenda on a treatment of which political morality to be deployed. On the other hand, naturally, the way they perform this above-outlined task must be open to a criticism of other thinkers. In a way, thus, the credibility or justification of these pre-political rules seems to be one of the aspects of any theory that represents its external validity. This last point is meant to be understood narrowly – as a reference to a ‘validity’ that is to be attained vis-à-vis members of the same ideological family only (and thus not vis-à-vis its non-members). John Rawls established himself as liberal political philosopher. Questioning of his pre-political rules is hence presumed to be of the most interest to other self-proclaimed liberals. One way of engaging with their credibility is to question the very usage of them in the first place. Another way seems to be to accept their presence, but to inspect the way they are being used for construal of a project. It is this latter form of criticism of these rules which I will present in this work.

The essential difference between these two types of rules resides exclusively in the *sequential order* in which they are being evoked. Commonsensically, the pre-political rules are evoked prior to the post-political rules.

To sum it up, distinguishing them hence seeks to capture two argumentative instances of Rawls’s project. While the pre-political rules are being deployed during the instance, at

which Rawls establishes quality of the political attribute, the post-political rules follow just after establishment of the attribute's quality and hence they in a way absorb this quality so that once we encounter them, we apprehend in what makes them distinctively *political* kind of rules.

It hence my belief that it is not immediately self-evident what makes political matters (and rules) distinctively *political*. The qualitative dimension of the political attribute is thus one of many things that political morality usually articulates (or should articulate). This is least accurate in respect to John Rawls's Political Liberalism (his name for what I label 'political morality'), whose 'political attribute' render 'political matters' as matters occurring during large scale cooperative ventures of moral personalities.

I therefore believe that Rawls's Political Liberalism stands for a bundle of basic rules that *establish* (among other things) a standard of qualitative *and* regulative dimension of what is to be appropriately apprehended as 'political'. Once we construe these rules, then, what we delimited as the political needs to be related to some form of a constituency, which will apprehend these rules as *their* politics, the apprehension that (among other things) enables them to realize their *political* standing vis-à-vis each other.

Shifting the discussion back to context of the pro-vs-anti perfectionism quarrel, the following question seems to be relevant at this point: does it properly follow from Rawls's stance that the quality of the 'political' should indeed justifiably make it impermissible for liberal states to openly promote or discourage some activities, ideals or lifestyles on the basis of perfectionistic judgments? Stated otherwise, does Rawls non-arbitrarily justify the establishment of the political attribute's quality? In other words, why should the post-political rules not make it permissible for a given constituency to exercise political power in the fundamental cases as if from within a fully comprehensive doctrine?

Answering these questions represent my main research target on which I wish to comment in this work. More precisely, I wish to draw conclusions with special emphasis of their implications with respect to the anti-vs-pro perfectionism quarrel, leaving commentary on what my findings may mean for Rawls and his comprehensive alternatives aside.

My argument will be elaborated through three chapters. In the first one, I will offer fairly abstract though hopefully adequate adaptation of Rawls's project. I will begin this chapter by a peculiar framing of what I perceive to be common background of both, anti and pro perfectionists. Then, I wish to focus on the presentation of Rawls's Political Liberalism, highlighting some of its major components. The major rationale for including this chapter is hence to introduce the reader to *my* vision of the general logic underpinning Rawls's constructivism.

It is, however, only in chapter 2 that I will complete the presenting of my adaptation of Rawls. Moreover, it is only in this second chapter that I will state my arguments. I will begin by refocusing my discussion onto Rawls's legitimacy. After that, Martha Nussbaum's argument will be scrutinized, for her conclusions are touching the issue on which I strive to comment upon in this work. Then, my discussion will be again narrowed, this time for critical examination of Rawls's full publicity condition. Here, I will strive to highlight path-like staging of Rawls's project, as well as the general centrality of this idea for Rawls's project. It will be precisely in this part where I will present my main argument.

Namely, I accuse Rawls of unjustifiable pre-political usage of the reciprocity. Videlicet, I claim that Rawls construes so called *pro tanto justification* of his project (justification of his project *in its own terms*) in light of partially comprehensive doctrines and that his main reason for preferring usage of the partially comprehensive doctrines for this cause is supplied by his interpretation of the idealistic full compliance assumption. The problem is that the idea of

reciprocity composes all, the full compliance assumption, the pro tanto justification of Rawls's Political Liberalism (this time encompassed by the idea of reasonableness) as well as the substance of Political Liberalism that is to be justified by the pro tanto justification. In this sense, the idea of reciprocity is justifying itself. It is this circularity that I try to highlight and question in this work. Additionally, I claim that he is not able to supply non-controversial justification of why one should accept validity of precisely his interpretation.

The third and last chapter of my work is concerned with establishing the credibility of my argument. I consider several possible responses to my charges that I press against Rawls in chapter 2. I conclude this chapter by proclaiming that despite potent attempts to rebut my charges, the burden of proof still lies on the side of Rawlsians. I hence strive to establish the credibility of my argument mainly against these possible rebuttals, leaving the floor open for further investigation of the matter to which my argument points.

The general contribution of my work to the political philosophy discipline seems to reside in its (hopefully) relevant questioning of Political Liberalism's overall appeal, especially when contrasted with its liberally perfectionistic alternatives. If valid, my conclusions seem to suggest that perfectionism may indeed represent similarly attractive approach to construal of a political morality, and hence that 'politics' must not necessarily be construed primarily in an anti-perfectionistic manner. This way of putting it seems to additionally support the opinion that marks perfectionism as a *natural* way of construing political morality than Rawls's anti-perfectionism².

² Quong (among others) suggested this thought alongside discussing so called *public culture dilemma*, the discussion that appears while he is rejecting the external version of the political liberalism. Namely, he explicitly lists a few troubles that drawing from an *actual* constituency may bring about, the most prominent of which appears to be theory's collapse into „historical and cultural relativism“ (2011, §5.2 & p.151).

I furthermore conclusively intend to highlight possible implications of my argument vis-a-vis Jonathan Quong's (2011) thoughts. In short, his argument suggests that if political liberalism is conceived in what he frames as its internal version, it retains sufficient normative resources for preservation of its credibility against the most prominent objections raised to Rawls's project during last couple of decades. My conclusions seem to challenge this view suggesting that the internal version of Rawls's project does not retain sufficient normative resources for proving itself more attractive than its perfectionist liberal alternative.

Ultimately, let me notify you that upcoming discussion will be (intentionally) pitched at a high level of abstraction, for Rawls in my view took all the rhetorical precautions to ensure his reader that the political morality denotes bundle of rules that are almost entirely (if not absolutely) derivable from the *justice*. Alongside articulating his political morality, Rawls (consciously or not) in my view ended up monopolizing the liberal notion of the political and moreover, he ended up implicitly suggesting the justice can exhaustively guide the politics.

The abstraction is thus done for a leveraging purpose. My essential aim is to show that Rawls's monopoly of political attribute's quality might be standing on an arbitrary supposition(s). In order to show that, I feel need the abstraction in order to show my adaptation of the way his thoughts are connected. I am in other words driven by a belief that justice cannot exhaustively guide the political affairs.

CHAPTER 1

1.1 The common background of the opponents

Before i proceed towards the discussion of my arguments, let me begin by situating my commentary in a broader context. This work seeks to comment on the pro-vs-anti perfectionism debate, hence on one of the prominent debates from within political philosophy, an intellectual discipline concerned (among other things) with the construction of so called *political morality*.

Political morality will be in this work understood as a subset of moral theory, which articulates (among other things) “systematic and practicable” (Rawls, 1985, p.226) *political* conceptualization of principals and norms. It is bundles of these ‘*political*’ principals and norms to what I will refer from now on as *the political conception(s)*. Conception’s ‘political’ attribute seems to suggest its peculiarly moral character. John Rawls (ibid., p. 224), for example, does label his conception of justice by this *political* attribute:

While a political conception [...] is, of course, a moral conception, it is a moral conception worked out for a specific kind of subject, namely, for political, social, and economic institutions. In particular, justice as fairness is framed to apply to what I have called the ‘basic structure’ of a modern constitutional democracy.

Political morality is in other words evoked for a particular subject. Let me also preliminarily add that the ‘*political* attribute’, when evoked in conjunction with the principals and norms, is (in part) distinctive also in virtue of its apparent predestination for dealing with a particular *aim*. Put differently, one of the elements that render *political* conceptions as qualitatively distinct conception is their specific purpose - provision of *action-guidance*. It is (at least partly) in this sense that the system of political conceptions ought to be seen as ‘practicable’.

Moreover, it is in virtue of their predestination for action-guidance that they denote rules of conduct.

Following Rawls's assertion quoted above, political conceptions are additionally to be seen as peculiarly distinctive for their seemingly peculiarly *situational* evocation. By this I mean that the conceptions is political partly in virtue of being evoked in (or rather from within) peculiar *circumstances*. Under these, I (and Rawls) means a "normal conditions under which human cooperation is both possible and necessary" (Rawls, 1971, p.126). Their existence is simply laid out or otherwise known prior to peculiar specification of political conception's substance.

Additionally, political conceptions are characteristic due specific internal structuring. Namely, the principles and norms that form content of these conceptions could be systematized into two categories: (a) substantive principles and norms; (b) guidelines of inquiry of these substantive principles, themselves principles and norms. Plainly, it is not only an actual substance but also the way it is brought about that indispensably represents qualities of the political conceptions. The two principles of justice are examples of the former category, while the overlapping consensus is example of the latter category of Rawls's post-political rules.

To sum up, political conception is understood as a bundle of peculiarly moral principles and norms, whose peculiarity resides in: (i) their content being divisible into substance and substance's elicitation guidelines; (ii) their attempt to be action-guiding (iii) from within peculiar circumstances, stipulation of which (if thinking sequentially) preclude specification of the conceptions' themselves. The pro-vs-anti perfectionistic quarrel could be in other words seen as an example of intellectual divergence about particular configuration of political morality. *Successfulness* of political morality seems to be an adequate frame for translation of the substance of the quarrel onto which I strive to comment.

For Rawls, successful political morality needs to solve "deeply contested ideas about how the values of liberty and equality are best expressed in the basic rights and liberties of citizens so as to answer to the claims of both liberty and equality. [...] We want [in other words] a

political conception to be **complete**. This means that the values specified by that [political] conception can be suitably balanced or combined, or otherwise united, [...] so that those values alone give [...] **answer to all**, or to nearly all, questions involving the constitutional essentials and basic questions of justice” (1993, p. 4 & 225) [my emphasize]. Let me call this latter requirement for answering of most, if not all constitutionally essential questions *the generality requirement*.

The successfulness frame is evoked for commonsensical translation of the substance of Rawls’s attitude to liberal perfectionism. Namely, seeing the quarrel through this frame suggests that Rawls is simply accusing liberal perfectionism of *unsuccessful* presentation of political morality’s setup. It is in verification of Rawls’s grounds for this accusation in which main aim of my commentary resides.

Let me highlight two points at this moment. Firstly, the above paragraphs contain (besides other things) fairly broad, vague but mainly content-neutral stipulations that purport to describe what is to be expected from my understanding of the political conceptions. I suppose that Rawls and Liberal Perfectionists would not find these stipulations objectionable up to this point. This is in great part so because, as was already suggested, these stipulations are at the moment pitched at a high level of abstraction. By ‘*content-neutrality*’ I mean their (although fairly loose) articulation of *formal* or *structural* expectations on a given matter only. Political conceptions’ formal or structural delineation in other words gives us some preliminary grasp of *what* these conceptions are meant to do, while the loose articulation disallows us to know *how* or *in what way* the political conceptions are meant to do it. plainly, their precise quality is unknown to us. This is the essence of the content-neutrality for me in this work.

Secondly, notice that the generality requirement seems to narrow down a bit in what way is political conception’s action-guidance to be understood. Again, however, this requirement

seems to be a rather formal expectation³ placed upon the conceptions. Moreover, notice that the demand for completeness of political conceptions seems to denote a form of commonsensical frame, this time for translation of the conceptions' overall structural character.

In other words find it appropriate to suggest that for Rawls, successful political morality is the one that sets up complete political conceptions in a way that their action-guidance (in the context peculiar for them) yields ability to solve profound disagreements about a translation of the most prominent values into character of rights and liberties of concerned individuals. To put it simply, complete political conception is the one which is able to reflect given values into basic or otherwise intelligible system of rights and liberties of some form.

Moreover, this point also suggests what is taken to be commonsensical for most political theorists: namely that when construing political morality, some notion of (living or artificial) beings needs to be at hand for their behavior are natural targets of political conceptions' action-guiding effects. My work is concerned only about political conceptions that purport to regulate life of human beings, and artificial beings created by them.

Ultimately, let me (again loosely) present one more stipulation which seems to be derivable from the above paragraphs on the one hand, and which I presume to be similarly unobjectionable for the disputants due its preliminarily content-neutrality on the other hand. Namely, I suppose that both parties of the quarrel on which I comment here would acknowledge that the special role of the conceptions' circumstances resides not only in their description of conceptions' surroundings, but also (at least in part) in giving rise to these conceptions, i.e. in hinting to us for what do we need them in a first place and hence in their giving of significance for their action-guiding efforts. plainly, some of the circumstances of

³ 'Formal expectation' and 'formal requirement' denote the very same things and will be used interchangeably.

political conceptions are presumed to distinguish the conceptions as political in virtue of (among other things) giving a meaning to conceptions' existence. Additionally, some of the circumstances are presumed to distinguish the conceptions as political in virtue of shaping the way those conceptions fulfill their existence.

In addition, all these circumstances, together with the political conceptions whose nature they help to delineate, compose what could be broadly understood as a background circumstances against which interactions of masses take place. These 'background circumstances' for me denote what is in literature commonly labeled as *the public domain*. The essential difference between the public domain and the circumstances that dignify political conceptions is that the latter compose the former.

The main underlining reason for beginning my working with this form of was to highlight some of the elementary points around which a later discussion will be conveyed. Namely, it is during Rawls's specification of most of these points, but mainly alongside specifying of political conceptions' characteristic features; where the divergence causing the quarrel resides. This section was furthermore aimed to frame all of the points (and mainly conceptions' characteristic features) in a way to which neither party could object.

To put it plainly, I perceive the quarrel between Rawls's anti-perfectionism and liberal perfectionism to be in essence a dissent about what content are we to insert into the stipulated distinguishing features of *political conceptions*. They diverge mainly not on the question of what the complete political conception ought to do, but on how it ought to do it.

Upcoming sections of this chapter will sequentially narrow down the image of Rawls's stance. Namely, I am going to introduce my adaptation of Rawls's external and internal circumstances that contribute to rendering his conceptions as the political ones.

1.2 General introduction to Rawls's project

For Rawls, principles and norms that form political conception's substance are *principles of right*: "The task of principles of right [resides] in adjusting the claims that persons make on their institutions and one another" (1971, p. 113). This task is the task of political conception's action-guidance.

The rightness of these conceptions predestines them to strive for achievement of the *completeness*. Namely, in order to be right, they need to be "general in form and universal in application, [so as to be] a final court of appeal for ordering the conflicting claims of moral persons" (ibid., p.135). Failure to achieve would make the whole idea of *political* conceptions 'pointless and empty', whereas the pointlessness denotes an inability to provide us with guidance (or would have hard times doing so) in our imperfect and brute reality, which is full of eventual conflicts. It is obvious, then, that Rawls takes the general action-guidance fairly seriously. There seems to be clear emphasis on the fact that the theoretical relevance of any political argument resides (in part) in its practicability. Notice, moreover, that the general framing of Rawls up to now strived to remain in the content-neutrality frame.

But for testing conception's (or argument's) empirical practicability, we must have at least some prior grasp of (both, moral and historical) the environment of its application. This is why the circumstances of political conception represent conception's necessary and relevant distinguishing feature: the circumstances appear to be (in a way) antecedent variable for testing the practicability of any *political morality*.

The argument against a form of teleological utilitarianism, where maximizing the good is seen as the highest good in itself; seems to be suitable for demonstration of this point. In particular, one of Rawls's criticisms of this kind of utilitarianism is that it yields political morality which ignores separateness of persons. This seems to be plausibly translatable also into an assertion

that as long as the (sociological) fact of value pluralism is not included among political conceptions' circumstances, utilitarian principles of right have no hint that would make them expect that there might be disagreement (within society, a background circumstances of which the morality purports to regulate) about the highest good, which in this version of utilitarianism in turn results in principles of right whose only aim is to support one good – the utility maximization. Utilitarians' theory hence seems to be simply blind about the possibility of such disagreement in conditions of freedom, which in turn makes them insensitive to moral personalities of individuals while construing the substance of their political conceptions:

The correct decision is [then] essentially a question of [one] efficient administration. This view of social cooperation is the consequence of extending to society the principle of choice for one man, and then, to make this extension work, conflating all persons into one through the imaginative acts of the impartial sympathetic spectator. Utilitarianism does not take seriously the distinction between persons (Rawls, 1971, p.24-7).

Notice that being 'blind' or 'uninformed' about the possibility of such disagreement in construal of political conceptions conveys nothing about actual *correctness* of the project. This is so because the mere observation of sociological value pluralism is content-neutral circumstance, i.e. that it is a sort of observation without any moral substance upon which one could justify objection to theory. We might in light of this say that teleological utilitarianism is incorrect, *given* the fact of value pluralism but not *because* of the fact of value pluralism. While in the latter phrasing we would need to ground the fact of pluralism in e.g. truth so as to mark it weighty enough to become a sound justificator of our claim against utilitarianism, in the former we merely stress in what context is utilitarianism incorrect, yet the fact itself bears no significance in justifying our claim and hence we would need to say a bit more as to why the theory is incorrect.

The point of this section was to introduce my adaptation of Rawls's thoughts which I believe pave the way towards his dismissal of liberal perfectionist thesis. I also aimed to demonstrate that circumstances of political conceptions are indeed of relevance when dealing with Rawls. The following sections will say a bit more about the circumstances of Rawls's political conceptions, because "one cannot avoid assumptions about general facts [...] for without these elements the whole scheme would be pointless and empty. [...] There is a division of labor between general facts and moral conditions in arriving at [political] conceptions [...], and [that] this division can be different from one theory to another" (ibid., p.160).

The circumstances that follow are categorized into *internal* and *external* categories, depending on human being's capacity for controlling it. It is the latter which I am to discuss in following section.

1.3 External circumstances of Rawls's political conceptions

The external category of circumstances in Rawls's project includes: the already mentioned sociological fact of (a) value pluralism; as well as (b) limited territory; (c) rough equality of physical and mental abilities among individuals (rendering all more or less equally vulnerable to one another); and (d) conditions of moderate scarcity in various situations⁴. As it was already suggested, these are facts about people's habitat, hence external facts to them. We are in other words seen as creatures that happen to be born into habitat of some shape, yet it is (naturally) beyond our powers to control into which habitat we will be born into. Let me call these facts *the externalities*. Moreover, let me stress that this list contains at the moment only those externalities, which Rawls himself explicitly lists as externalities. As it will be shown in the next chapter, this list is not finalized yet.

⁴ Rawls (1971, pp. 126-130) mentions e.g. scarcity of natural resources, inevitable decay of political regimes, or lack of (spatial?) societal space for satisfaction of all demands of men.

Notice that all of these externalities appear to be *content-neutral*. They seem to merely hint to us what might use some regulation by principles of right, but not how they should regulate 'it'. Take the fact of moderate scarcity. This externality seems to give meaning to a political principle that would be concerned by redistribution. If there would be abundance of resources allowing for *full* accommodation of all 'empty stomachs', I see no principal reasons why Liberals wouldn't fill them. But since it is *given* that our habitat 'suffers' from insufficient abundance of resources, not every 'empty stomach' can be fully filled. It is for this reason why many, including Rawls, perceive the moderate scarcity circumstances as bringing about relevancy for (some form of) justice.

Now transpose this point into the language of lifestyles. Simply said, if my lifestyle exists, some other presumably cannot for realization and sustenance of my lifestyle might exhaust resources for realization or sustenance of this lifestyles. Therefore "some selection must be made from the full range of moral and political values that might be realized" (ibid., p.57) [my emphasis].

The point that I want to highlight is the fact that Rawls's externalities appear to represent phenomena with regulation of which political conceptions might be concerned once operationalized. My aim was also to make it clear that the existence of these political conceptions is still not up to this point self-evident. It is in fact being conditioned on the pre-existence of some form of communal life among a group of individuals, who might find it appropriate (given their psychological and moral background) to live their lives in a communal way, and hence who might find it appropriate to erect some political morality for regulation of their communal life.

Justifying political morality's existence, thus, seems to require peaking at the peculiarities of the psychological and moral background of those living the communal life. For if it would be a group of ruthless, selfish murderers and of friendly, altruistic artists living alongside each other, it seems improbable that any political morality would take place among them in the first place.

Whether an appropriate form of communal life will necessarily exist or not in other words cannot be induced simply from the externalities. It is for this reason that specification of external circumstances goes hand in hand with specification of *internal* circumstances. Plainly, we need to know *whose* life is to be regulated by political conceptions in order to clearly understand in what way are the political conceptions actually political.

1.4 Internal circumstances of Rawls's political conceptions

For Rawls, the essential theoretical role of the internal circumstances resides in (at least in part) their delimiting of "relevant human interests to fundamental interests of certain kinds, or to primacy goods. [...] The point is that no institutional procedure [if it is to exist] without such substantive guidelines for admissible reasons can cancel the maxim 'garbage in, garbage out'" (1993, p.430-1).

Following is Rawls's list of *the internalities*: (e) individual's natural capacity for formation, revision and rational pursuance of *own* conception of a good life; (f) the capacity for sense of justice⁵; and (g) having power for reasonable deliberation.

⁵ „[...] Capacity to understand, to apply, and to act from the public [political] conception [...] which characterizes [given] social cooperation. Given the nature of the political conception as specifying a public basis of justification, a sense of justice also expresses willingness, if not desire, to act in relation to others on terms that they also can publicly endorse" (Rawls, 1993, p.19).

While (g) may be seen as encompassing certain appropriate and rather epistemic conditions for ‘healthy’ mentality, i.e. conditions coining what is to be seen as psychological and cognitive deficiencies from which an agent may naturally suffer and which may disallow him to engage into cooperation with others; the remaining two traits denominate two moral powers that Rawls ascribes to his model individual(s). Let me straightforwardly frame (e) as *the rationality trait*, and (f) as *the reasonableness trait*.

“As rational”, Rawls concedes, “we have to balance our various ends and estimate their appropriate place in our way of life; and doing this confronts us with grave difficulties in making correct judgments of rationality. [...] As reasonable we **must** assess the strength of peoples’ claims not only against our claims, but against one another, or on **our common** practices and institutions” (Rawls, 1993, p.56) [my emphasis]. We are also instructed to perceive these two moral powers as complementary, interconnected tandem ideas, yet of varying sort in virtue of their irreducibility into one another⁶. Despite the fact that “neither the reasonable nor the rational can stand without the other” (ibid., p.52), they are qualitatively unique sorts of moral traits.

Moreover, the main ethical motivation of Rawls’s model individual is presumed to be oriented towards freedom and equality.

It seems that only at this point, i.e. only after specification of the internalities of project’s model individual(s); we may start working out specifics of *successfully* operating political morality. For it appears as if most of the substantive arguments for political conceptions are at the end of the day being assessed on the basis of their appropriateness in interaction with the

⁶ “[...] the reasonable and the rational are taken as two distinct and independent basic ideas. They are distinct in that there is no thought of deriving one from the other” (Rawls, 1993, pp.51).

psychological, moral and ethical background of some model individuals, whose activities the conceptions purport to regulate. Let me call this phenomenon *the side-constraining effect*⁷ of *the internalities*. Without these, moreover, we wouldn't be able to identify the bottom of what defines them as singular moral and ethical personality in a first place.

We can substantiate this assertion mainly on the basis of the observed content-neutrality of the external circumstances, for these at the most inform us about what matters could use some regulation. Content of the internalities, on the other hand, seem to be (usually, judging on the basis of Rawls's project) filled with sufficient amount of moral material that might enable us to assess the way a political conception is operating.

Lastly, there is one more component that side-constraints – one's devotion to (in our case) freedom and equality. Adequate political conception is therefore one that doesn't offend one's devotion to freedom and equality. Rawls's model individual is seen as reciprocally perceiving one's and others' devotion to freedom and equality in virtue of the following aspects: i) possession of natural capacity for formation, revision and rational pursuance of *own* conception of a good life⁸; ii) conceiving oneself (and others) "as self-authenticating sources of valid claims"⁹ (ibid., p.31); and iii) being capable of undertaking responsibility for *own* ends. As a citizen of Rawlsian well-ordered society, I respect myself and others – here and now - as equally free citizens solely in virtue of these three elements.

⁷ This assertion may be seen as different phrasing of what is commonly in philosophical literature known as 'the endorsement constraint' (Kymlicka, 1989, p.12; Dworkin, 2000, pp.216-8; Christman, 2015 ed.).

⁸ "As free persons", he continues, "citizens claim the right to view their persons as independent from and not identified with any particular such conception with its scheme of final ends" (Rawls, 1996, p.30). This constitutes people's political identities. "There is a second sense of identity specified by reference to citizens' deeper aims and commitments". At this level, we talk about non-institutional or moral identity.

⁹ „That is, they regard themselves as being entitled to make claims on their institutions so as to advance their conceptions of the good" (ibid., p.31).

Notice, moreover, that the devotion to equality is being represented by the reciprocity of each and everyone's mutual outlook on each other's equal moral standing. Successful political conception, in other words, strives to provide freedom-friendly conditions in virtue of assuring conditions not offending to any of the three aspects listed above. Successful political conception, additionally, strives to provide equality-friendly conditions in virtue of assuring environment in which everyone feels freely viewed (as well as in which everyone feels freely viewing) as equal. Being 'equal', for Rawls, is not being an exact copy of each other per se. Equality (of persons) is rather being viewed by Rawls as a an expression of symmetry, i.e. "no one having superior bargaining advantage over the rest" (ibid., pp.52-3).

CHAPTER 2

2.1 Introduction

As with his *Theory of Justice*, so did Rawls's work *Political Liberalism* (1993) become the target of a fair amount of academic enquiries. One of the innumerable legacies that liberal political philosophy inherited thanks to John Rawls's lifelong dedication to moral philosophy is most certainly his discourse on the legitimacy of political power, the most comprehensive treatment of which appeared precisely in *Political Liberalism*.

While the previous chapter introduced my adaptation of the general context in which Rawls's quarrel with perfectionism takes place, it also presented my assertion that one of the practical reasons behind Rawls's reference to the circumstances of his *political* conceptions might be the consideration that a *political* theory needs to crosscheck its practicability vis-à-vis certain circumstances.

In the first half of this chapter, I finish presenting my adaption of Rawls's theory by my adaptation of Rawls's political conception of legitimacy and its subject while stressing the close proximity of the political and publicity attributes in Rawls's project. The second half of this chapter will investigate closely this connection through uncovering that the publicity attribute marks quality of being accessible or understandable.

Moreover, if one of the matters upon which Rawls's political conceptions are being deployed is indeed the exercise of political power, and if this exercise (as Rawls himself writes) ought to be seen as inevitably *public*, it seems that the quality of Rawls's *political* conceptions deployed for the regulation of the given matter ought to be also in some way responsive to the demands of the 'public'. Otherwise stated, it will be unveiled that the publicity attribute represents a specific and fairly complex form of justification of Rawls's theory, including

justification of the qualitative aspect of the political attribute. It is this justification of Rawls's vision of the political attribute might be ungrounded, which in turn allows perfectionists to leverage their position against Rawls in their mutual quarrel.

2.2 Subject of legitimacy and related matters

As with justice, Rawls treats legitimacy as a political conception. He thus employs both of these conceptions for treating issues of public domain. While these issues are being engendered by one of the public domain's components - the externalities; the political conceptions denominate regulatory mechanism of these background circumstances against which interaction of citizens are taking place.

Rawls's political conceptions share specific subject(s), itself yet another externality. As was previously pointed out, their subject is the so called basic societal structure, i.e. "the main political and social institutions and how they fit together as one system of cooperation" (1993, p.35). The centrality of these institutions (and of their joining) for political conceptions seems to be explainable in two ways. On the one hand, they are presumed to be natural and necessary constituents of the devotees' cooperation, the lifestyle of masses towards which we presume the devotees to be driven. Roughly, they seem to be in a way necessarily present when political morality is to be construed. On the other hand, these institutions are to be seen as in themselves being the externalities of political conceptions.

The list of externalities that was stipulated so far thus needs to be widened and systematized, for the specific subject of political conceptions seems to be different externality when contrasted e.g. with the fact of moderate scarcity. The externalities stipulated so far in other words denoted only *the external conditions* of political conceptions. These are conceptions' 'mere' surroundings which may help to hint to us what matter these conceptions may be of

use. Moreover, these simultaneously denote what was in the introduction articulated as the pre-political rules. The second category of the externalities denotes *the matter* for which political conceptions are being construed. Let me thus call this category of externalities as *the external matter* or *the polity*, interchangeably. The external matter is characteristic in three ways: (i) it stands for closed system of the basic societal structure, including its governing institution; (ii) it simultaneously refers to power mediated through these structures, and through which political conception's action-guidance in effect unveils itself; and (iii) membership is presumed to be involuntarily undertaken by birth and abandoned only by death.

While the fact about polity's involuntary membership seems to be in itself taken as another external condition, a polity's power is considered by Rawls as special for being *inevitably coercive*. He explains (rather than grounds, so I believe) his claim in at least two ways. First, since it is being mediated through a polity's structures, it is the distinctively pervasive influence of structures' on shape of devotees' lives that ground the coerciveness¹⁰. Second, it is virtue of a special position and functioning vis-à-vis individual's life due to which the power seems to be considered inevitably coercive. The position of the polity is special in a sense that its governing institution – the political authority - usually represents the monopoly of force over a given territory. Once put into use, the political authority backs its activities by this monopoly of force.

Its distinctive position vis-à-vis an individual's life is embodied in virtue of its functioning as (among other ways) a *collective* governing body, i.e. as a structure that is institutionally mastered (usually via some form of collective decision-making procedure) *simultaneously by*

¹⁰ „In addition, the institutions of the basic structure have deep and long-term social effects and in fundamental ways shape citizens' character and aims, the kinds of persons they are and aspire to be“ (Rawls, 1993, p.68)

all insiders of the polity. This special functioning, as Rawls puts it, should suggest¹¹ us that “it is [actually] part of citizens’ sense of themselves, not only collectively but also individually, to recognize political authority as deriving from them and that they are responsible for what it does in their name” (ibid., p.431).

Having said all this, I believe it is appropriate to retour the discussion back to legitimacy. The coercive power that is being mediated by the polity’s structure is *political* power in virtue of its before-mentioned special characteristics. The way Rawls wants us to understand this is that the power ought to be seen as “ultimately the power of **the public**, that is, the power of free and equal citizens [...] **some of whom may not accept** the reasons widely said to justify the general structure of political authority [...] **or may not regard as justified** many of the statutes [...] to which they are subject. [...] Granting all this” Rawls continues, “we ask: when is that power appropriately exercised? That is, in light of what principles and ideals must free and equal citizens be able to view [themselves] as exercising that power” (ibid., p.136) [my emphasis] in order to retain their (and others’) devotion to freedom and equality? This is the master dilemma on regulation of which Rawls’s political conception of legitimacy is being deployed.

Seeing power in this light hints to us a few crucial points. If power is political in the sense that it is ultimately public, everything that was labeled so far by the political attribute seems to be likewise, ultimately, potentially public. Moreover, ‘public’ seems to be (at least partly) something, on justification of which the devotees of freedom and equality may or may not potentially disagree.

¹¹ To best of my knowledge, Rawls does not comment anymore on what precisely we ought to envisage by the authority’s ‘derivation from us’.

An additional hint that seems to follow from my adaptation of Rawls's legitimacy and its target is that 'public' is attributed to things, about operationalization of which each devotee of freedom and equality has something to say. This hint, so I believe, refers to the previously articulated side-constraining effect of the internalities. It in other words suggests (among other things) that the moral content of the internalities helps to delineate what is (properly) 'public'. A conception seems to be properly public if it (in some way) properly gives a voice to the devotees of freedom and equality, or (in other words) if it is *not offending* their higher-order interests. What is public therefore does not hinder attaining appropriate conditions for moral self-development of the devotees of freedom and equality. Stated differently, the side-constraining effect of the internalities is (at this point) the minimal quality of a 'public' thing.

It is at this point where we finally grasp first qualitative elements of the public domain. Recall that the public domain encapsulates political conceptions together with the circumstances from within of which they are evoked. Moreover, recall that political conceptions are in themselves composed by substantive principles and norms, and by elicitation guidelines of these principles and norms. Since public domain encapsulates political conceptions, it hence follows that both components of political conception of legitimacy ought to be properly public.

Having outlined my adaptation of the Rawls's liberal principle of legitimacy, the following is his adaptation of it: "[...]exercise of political power is legitimate only when it is exercised in fundamental cases in accordance with a constitution, the essentials of which all reasonable citizens as free and equal might reasonably be expected to endorse" (1993, p.393). The fundamental cases, essentially, could be narrowed down to those, for which some collective decision making procedure(s) is being employed. It is in virtue of these procedures that the

main governing body is *institutionally* mastered. It is hence mainly when the devotees (either in person or via representatives) collectively bargain about shape and general routing of their polity when we appeal to legitimacy, for an outcome of this bargaining shapes not only the polity but in effect also the shape of our lives.

2.3 Nussbaum's interpretation of Political Liberalism

In this section, I consider one recently promulgated interpretation of what justifies Rawls's treatment of perfectionism. I consider it relevant for it seems to correctly track the strains of Rawls's argument.

Recall that Rawls's anti-perfectionistic stance was translated into the proclamation of having found decisive reasons for which its legitimacy is preferable to the perfectionistic one. One might suggest that it is in fact the (self)respect that is in fact crucially responsible for Rawls's argument against perfectionism. Martha C. Nussbaum's (2011, p.17) recent argument took such a direction. She suggested that "a deeper reason why citizens will endorse [Rawlsian] political liberalism and its method of avoidance [...] is that they respect their fellow citizens, and respect them as equals". The respect in question is "for persons, not for their doctrines. But these doctrines are so deeply a part of people's search for the meaning of life that public governmental denigration of those doctrines puts those people at a disadvantage, suggesting that they are less worthy than other citizens, and, in effect, not treating them as fully equal ends in themselves".

The prominence of the respect should be interpreted in the *political* way. This is to say, the respect in question denotes political rather than ethical value. Value is political when "it is realized in public [domain of a societal] life by affirming the political principles of justice and enjoying the protections of the basic rights and liberties; [when] it is also realized by

participating in society's public affairs and [by] sharing in its collective self-determination over time" (ibid., p.77-8). Rawls's political conception of legitimacy is therefore preferable for it operates in a way that doesn't yield (politically speaking) disrespect of persons who are being guided by it.

She reaches this conclusion after correctly observing that Rawls's project is a sophisticated attempt to articulate political morality which (once implemented) would not be offensive to moral side of citizens' personality, all this in spite of peoples' possible disagreement about particular shaping of their shared policies. She believes that reference to respect is necessary for Rawls, "for why otherwise would the confident monist not be ready to go ahead and coerce fellow citizens into salvation? Just noticing that people don't agree about such matters does not, all by itself, supply a reason against forcing them to agree" (Nussbaum, 2011, p.18).

While this line of thinking about Rawls's project appears to be in itself very interesting, it in my view appears to be inappropriate for she believes that the source of this respect is *ethical* notion of reasonableness of the devotees. As Nussbaum (p.17) points out, the devotees' ethical reasonableness understood in this ethical way suggests that when they respects "fellow citizens, **they want** to give them plenty of space to search in their own way, even though they may believe that the conclusions most people come to are wrong" [my emphasis].

Yet because of what reasons Rawls's constituency actually *desire* to be *persistently* committed to giving each other plenty of space for self-determination *exclusively* on the basis of their reasonableness? Isn't it because they are committed to some form of a comprehensive view suggesting worthwhileness of the reasonableness for one's self-determination? Isn't it

hence the *ethical* value of oneself (and others) being reasonable that drives the desire for giving the space for self-determination?

My understanding of Nussbaum's ethical notion of the reasonableness in other words suggests that the main underlining rationale for the devotee's persistent desire to respect the others appears to be his (presumed) normative commitment to the *ethical* value of him (and others) being reasonable. Why otherwise Rawls's model citizens does not *desire* to give plenty of space to fellow citizens for their search of their way also on the basis of their rationality, if not because they perceive it as less worthwhile peculiar moral attribute for one's self-determination?

I moreover consider this asymmetry as relevantly answer-requiring for Nussbaum herself writes that this by reasonableness driven respect ought to be in fact seen as "respect [...] for persons" (ibid.), hence for them *qua* persons. If the respect in question thus denotes respecting others *qua* persons, shouldn't we respect them in their entirety, i.e. as persons in virtue of being rational *and* reasonable? But if the respect about which Nussbaum actually speaks about is indeed one's respect of others *qua* persons in their entirety, how can its source be *exclusively* the reasonableness if (as she furthermore adds) the devotees "respect their fellow citizens, and **respect them as equals**" (ibid.)? If I respect you in your entirety as my equal, I respect you because I am similar entirety as you are. What my understanding of Nussbaum's claim nonetheless suggests is that i should be respecting you in your entirety solely because I am reasonable, yet not because I am also rational. How can I then respect you as my equal, if I apparently use merely my reasonableness for substantiating my commitment to such respect to myself? Considering my reasonableness as the exclusive ground for such substantiation in other words implicitly signify disrespect of my own commitment to my entirety, for doing so

implicitly suggests that my rationality is in some way less worthwhile trait for my respectful relationship to you, my equal. The second way of interpreting this point might suggest that it is actually you to whom the source of my respecting of you appeals as my implicit disrespect of my own entirety, for I'm apparently moved towards the respectfulness merely because i'm reasonable but not rational. My rationale for the respect hence either signifies to you that I don't respect you because I am your equal but only because I'm reasonable (for if you are in your entirety both rational and reasonable, to respect you as my equal I should be driven by my what makes me your equal), or it signifies to you that I don't respect you in your entirety for I seem to respect you *equally* only because you are equally reasonable as I am.

Lastly, it is also unclear what would be consequences of Nussbaum's argument towards treatment of the unreasonable citizens, if she succeeds to justify the commitment. Namely, does the respect stemming from my commitment to mine and others' reasonableness makes me lack reasons for respecting the *unreasonable* persons qua persons simply in virtue of their divestment to their reasonableness? It is somewhere along these lines that Steven Wall (2014, pp. 468-89) in his *Perfectionism, Reasonableness, and Respect* presses similarly critical arguments against Nussbaum.

Despite these, apparently fatal problems of Nussbaum's argument, her discussion is nevertheless extremely illuminating for it seems to correctly track the strains of Rawls's argument that ought to bring us from the idea of a devotee of freedom and equality, towards an idea of *public* domain requiring presence of principles and norms with expectedly endorsable grounds only (hence towards Rawls's political anti-perfectionism). In is my belief that both, the reasonableness and the respect indeed appear to have somehow prominent normative significance in Rawls's project, and Rawls's aim was to make this significance conducive to his anti-perfectionism.

The upcoming section shall have a better look on a way the reasonableness might or, to be more precise, might not play in Rawls's favor, given the quarrel with perfectionists.

2.4 The publicity condition

In most compact characterizations, the publicity attribute seems to be a general mark of something knowable, accessible, acknowledgeable or agreeable to some pre-delimited constituency. Up to this point, the publicity attribute was most prominently evoked in conjunction with the background circumstances against which interactions of the devotees take place. In Rawls's project generally, this attribute is being most prominently evoked in connection with justification, political culture, reason and as we have seen, with power. The essential idea underlining its presence within a political morality in general seems to be well-represented by the intuitive aphorism suggesting that political conceptions must not only be done, they must also be seen to be done.

Generally, the publicity was up to this point rendered as an attribute of quality against the moral basis of which we evaluate successfulness of political conceptions. It was moreover suggested that the internalities seem to supply the publicity with at least some of its moral basis. My concern now is with 'publicity' as being used for justification of political conceptions in general, hence with publicity also as justifier of Rawls's legitimacy.

Firstly, let me remind ourselves that it was earlier conceded that political conceptions' distinguishing mark is their circumstance-specific, regulatory purpose that is being engendered in their attempt to systemically adjust individuals' (to whom the conceptions' purport to apply) claims on their polity or mutually on one another. What publicity seems to add to conceptions' specific character is the qualitative dimension of the way they ought to be

understood as action-guiding. More precisely, it appears to be designed to supply (if attained) “a common basis for determining mutual expectations” (Rawls, 1971, p. 6) [my emphasis].

In saying that an institution, and therefore the basic structure of society, is a public system of rules, I mean then that everyone engaged in it knows what he would know if these rules and his participation in the activity they define were the result of an agreement. A person taking part in an institution knows what the rules demand of him and of the others. He also knows that the other know this and that they know that he knows this, and so on [...]. The principles of justice are to apply to social arrangements understood to be public in this sense (ibid., p. 55-6).

Therefore, one way of testing whether Rawls’s political conceptions can actually properly serve as rules of conduct for the devotees of the polity is to critically examine whether the way he establishes them as the *public* rules of conduct is in itself justified.

Rawls’s establishment of this justification is being mapped by the way he puts forwards what he calls *the full publicity condition*. One of the interesting characteristics about this condition appears to be its significant contribution to the qualitative setup of Rawls’s ‘political’ attribute. This suggestion is hinted by the way Rawls presents its full satisfaction, for if fully met, “basic social arrangements and individual actions are fully justifiable, [and hence] citizens can give reasons for their beliefs and conduct before one another confident that this avowed reckoning itself will strengthen and not weaken public understanding” (Rawls, 1993, p.68) [my emphasis]. In itself, the full publicity condition thus seems to denote one of the “rules of evidence in the light of which citizens are to decide whether substantive principles properly apply and to identify laws and policies that best satisfy them” (ibid., p.224). It is in virtue of this characteristic due which I’ve nested Rawls’s political conceptions in the idea of public domain, for everything ‘political’ is in Rawls’s project being applied for regulation of constituency’s mutually shared basic social arrangements and hence must be conducive to public understanding.

Shifting back to Rawls's presentation of the full publicity condition, its structure is laid out in three stages, at each of which a justification is generated by Rawls. Let me begin with the suggestion that this three-staged exposition seems to reveal a path of Rawls's argument. It seems to reveal a path that he conceives necessary for achieving one of his elementary resolutions that in effect render his theory as the ideal one: *the full compliance assumption*. If the full compliance assumption is met, citizens are essentially expected to "know that their undertaking [i.e. compliance] is not in vain: their capacity for a sense of justice insures that the principles chosen will be respected [i.e. that they will be complied with]. Parties are [moreover] presumed to be capable of a sense of justice and this fact is public knowledge among them. This means that the parties can rely on each other to understand and to act in accordance with whatever principles are finally agreed to. Once principles are acknowledged the parties can depend on one another to conform to them" (Rawls, 1971, p.145).

But first things first, Rawls path-like staging unveils sequential manner in which he tries to justify overall feasibility of his project. It is as if we were being taken on a tour by Rawls's argumentation. Such staging may in itself bear no significance on overall conclusions of his project, yet the existence of it is significant (rhetorically) for me because it allows me to criticize Rawls's conjunction of individual stages.

Correlatively to *the last publicity stage* (which is indeed sequentially the last stage of Rawls's argument), for example, it seems as if we were finishing his tour because the justification generated at this stage is by Rawls himself being framed as occurring at the point (of the tour), at which his well-ordered society is already established. Namely, the justification of this publicity stage occurs "when [the already established] society is effectively regulated by public principles of justice" (Rawls, 1993, p.66). Now recall what goal is being pursued in this work. We are enquiring whether Rawls indeed non-arbitrarily justifies the establishment

of his assertion that the post-political rules ought not to make it permissible for pre-delimited constituency to exercise political power in the fundamental cases as if from within fully comprehensive doctrine. This investigation could be also understood as an enquiry on whether Rawls provides us with decisive reasons for considering his treatment of perfectionism as plausibly justified. The reasons should namely convince us that (among other things) there is indeed some decisive ‘justification’ for construal of political conception of legitimacy in a way that disallows comprehensive claims to themselves serve as grounds of this conception.

Provision of such decisive reasons seems to be, however, hardly achievable at instances (or at argumentative stage, given the preceding vocabulary), during which a society and its collective management is already erected and effectively regulated by some *public political principle*. I nonetheless seek to investigate whether the special Rawlsian *political* quality is being ascribed to his political conceptions justifiably. It thus seems intuitive to expect that the argument must come at an argumentative instance that occurs at the very rudimentary stages of Rawls’s theorizing about the quality of politics, for the argument most likely coincides with the very establishment of the political attribute, how otherwise could it influence the very quality of this attribute?

Similarly inappropriate for my investigation appears to be an instance represented by *the second publicity stage* (which is positioned roughly in the middle of Rawls’s argumentation), for it is evoked at the point when constituency’s general beliefs are used for justification of “first [political] principles of justice”, i.e at the point when “these beliefs [...] can be supported [...] by publicly shared methods of inquiry and forms of reasoning” (ibid., p.66-7) [my emphasis]. This second stage hence takes place when some peculiar *publicly shared methods of inquiry* are already identifiable among relevant parties. If my intuition about the localization of Rawls’s decisive reasons holds and hence if they indeed are to be localized at a rudimentary instance of his theorizing, this second stage is again unsuitable for my

investigation because i search for a standard that also precedes establishment of anything *publicly shared*. On the one hand, this is so because we are looking for an instance where pre-delimited constituency *cannot* yet grasp what represents *their politics* (since at least its qualitative standard is only about to be justified). On the other hand, it is simply so because these shared methods of inquiry were marked as *components* of political conceptions and hence they represent rather *post-political* rules in Rawls's project¹².

In addition, this second stage appears to be the middle argumentative stage of Rawls' because its justification shall be occurring during a "weighting of conceptions of justice" (ibid., p.70). This suggests that this is an instance where quality of 'political' is apparently established, for how else we would weight competing *political* conceptions if we wouldn't know what makes them *political* in a first place.

Last but not least, if my path-like staging frame of Rawls's project holds, the path must have had started somewhere. *The initial publicity stage*¹³ seems to represent the instance for which I am searching here. As Rawls writes, *the pro tanto justification* generated at this stage "includes everything that we would say – you and I – when we set up [a political conception] and **reflect why we proceed in one way rather than another**" (ibid., p.67) [my emphasis]. This stage hence seems to represent an instance at which not much, if anything, from polity's political framework is established, because its justification (as the only one) manifests 'why we precede in one way rather than another' in our contemplation about the framework, as well as because it justifies a political conception "as it would be presented in its own terms" (ibid.).

¹² See Chapter 1. §1.1

¹³ From now on, i will use 'the initial publicity stage' and 'the pro tanto publicity stage' interchangeably.

I in other words concede that Rawls's anti-perfectionistically political liberalism is in effect premised on justification of precisely his way of modeling of this pro tanto stage, for the pro tanto justification generated at this stage ought to manifest why he ends up formulating the anti-perfectionistic political morality instead of any other, more comprehensive one. It is hence in my view a justification of this pro tanto justification that displays Rawls's decisive reasons against state perfectionism.

In order to crystallize my criticism of Rawls's path, one more fact needs to be established. Namely, it seems correct to proclaim that these three differing stages generate the three justifications while operating with three differing versions of 'beings' who are to produce them. Whereas the justification of the last publicity stage is generated by actual citizens of Rawls's society, the middle stage justification is, "in effect, modeled by the veil of ignorance" (ibid., p.70) and hence originates from the hypothetical representation from within the Original Position.

Ultimately, the 'you and I' reference of the initial publicity stage seems to denominate Rawls and his fellow reader(s), co-contemplator(s) on his tour towards establishment of his Political Liberalism. While it is questionable to what extent Rawls links his co-contemplator's identity with his model citizen, it seems intuitive and plausible to suppose that he co-contemplates with a person likewise devoted to freedom and equality. It is presumed fundamentality of these two values that underpins his endeavor: why should he in other words contemplate with somebody who disavows worthiness of similarly tuned endeavor from the very beginning?

I find it very important to stress that at the initial publicity stage, it is Rawls's co-thinker that is devoted to freedom and equality, which is not the same as the devotee of the middle or last

publicity stage. The importance lies in the list of considerations to avowing of which the different parties could have been modeled by Rawls. While the co-thinker devoted to freedom and equality seems to be rather sort of impartial¹⁴ co-observer of Rawls's theorizing which in turn makes him very much independent of Rawls's idealizations, the devotee of freedom and equality that is portrayed into Rawls's arguments as potential inhabitant of Rawlsian society is rather an outcome of Rawls's idealization and hence ought to be theoretically treated as both object and subject in his theory¹⁵.

To make this distinction more vivid, I find it sufficient to concede that it is not the co-thinker's very own morally tuned (or idealized) internalities that are being portrayed as side-constraints with respect to the quality of the 'public' attribute. It is the morally tuned ideal of the devotee that side-constraints.

2.5 The idea of reciprocity and its controversy

After laying out my adaptation of the specifics of Rawls's full publicity condition, let me remind ourselves that I investigate the justification of Rawls's non-hesitant modeling of the initial publicity stage "by our description of the thought and judgment of **fully [hence politically] autonomous citizens in the well-ordered society**" (ibid.) [my emphasis].

Rawls models this pro tanto instance in light of the two of his *political* ideals: his idea of fully autonomous citizen and his vision of the well-ordered society. Moreover, it is we, the co-contemplators devoted to freedom and equality that are to model *with him* the pro tanto justification of the whole of political framework in its own terms. It is hence to his fellow co-contemplators that he should justify the design of this stage. Passage that follows the above-

¹⁴ 'Impartial' should be understood here in very loose and narrow sense, denoting quality of being impartial *exclusively* within the realm of a devotion to freedom and equality.

¹⁵ The essential purpose of this last assertion is to elucidate the fact that 'co-thinker devoted to freedom and equality' is not in Rawls's project the very same being as 'the devotee of freedom and equality' whose political morality it will be.

quoted statement in the text appeals to me as an indication of justification for modeling the pro tanto instance according to the two political ideals: “[...] **for they can do anything we** [the co-contemplating devotees] **can do**, for they are an ideal description of what a democratic society would be like **should we fully honor our political conception**” (ibid.) [my emphasis].

Put differently, Rawls seems to suggest that the quality of the pro tanto stage is (at least in part) to be assessed on the basis of its appropriate reflection of the idealistic assumptions that distinguish Rawls as the ideal theorist. More precisely, it appears that the pro tanto justification is for Rawls properly obtained when it allows for successful portrayal or materialization of the full compliance assumption into the DNA of ‘political’. For it is at this stage of theorizing that we decide why we characterize the politics in one way rather than another. Moreover, to what else his reference to full honoring of political conception refers to, if not to Rawls’s assertion that sincere compliance with chosen principles from within conditions assuring knowledge of likewise compliance of others to these principles¹⁶ shall be made possible?

Given the content of my discussion so far, requiring appropriate portrayal or materialization of the ideal assumptions into the quality of ‘political’ could be framed as one of the Rawls’s pre-political rules. This is so because it presents itself as a justificatory rule, hence as rule against which the appropriateness of the pro tanto justification seems to be assessed. Moreover, it is the pre-political rule because it presents itself as a rule at the instance of Rawls’s theorizing, at which the quality of the political attribute is only about to be established. If this rule indeed denotes (at least partially) the ‘quality’ of being political, its normative force very much hinges on an appeal of Rawls’s interpretation of the assumption

¹⁶ The second part of my sentence is simply different phrasing of the full compliance assumption.

and of its implications, for the co-thinker must know what precisely is he asked to portray when Rawls asks him to materialize the full compliance assumption in order to properly obtain the pro tanto justification. This therefore brings me to the Rawls's notion of the full compliance assumption.

[Rawls's] Ideal theory makes two types of idealizing assumptions about its subject matter. First, ideal theory assumes that all actors (citizens or societies) are generally willing to comply with whatever principles are chosen. [...] Second, ideal theory assumes reasonably favorable social conditions, wherein citizens and societies are able to abide by principles of political cooperation (Wenar, 2012, §2.3) [my emphasis].

The assumption thus in my view encapsulates the following¹⁷:

- reciprocal assurance (or knowledge) about sincere, willing and informed compliance of others;
- reciprocal assurance (or knowledge) about each other's capacity for such sincere, willing and informed compliance with the rules;
- if all this is duly supplied, reciprocal reliance on one another is possible;

To reinterpret it plainly, everybody knows that everybody knows about everybody's knowledge and capacities for the full compliance and for this knowledge. It is this kind of virtuosity that Rawls in my view demands from the 'politics' and hence from 'political conceptions' if they are to represent the *properly* public politics, hence if they are to properly apply to the constituency.

Another point that should be duly noted is that although Rawls *speaks to* his co-contemplators at this rudimentary stage of justifying his vision of 'political', he *talks about* the idealized constituency whose 'political' it will become. By this, so I believe, he unveils that his idealization of the constituency ought to be understood pre-politically as well, for it is used for a clarification of the way we ought to interpret the quality of the 'political'.

¹⁷ All this is derived from the quotes included in this work so far.

This point is furthermore suggested by the apparent overlap between the design of constituents' reasonableness as one of their moral power (also labeled as the sense of justice) and the content of the full compliance assumption. Particularly, it seems that the virtuosity of reasonableness resides in its unique ability to bring about political framework that in effect allows for the reciprocal relationship among the constituency. Reasonableness is in other words concept with morally determinate content that ought to allow and empower individuals to live in societies where full compliance (given Rawls's notion of it) is attainable, hence where is this kind of compliance *reciprocal public knowledge*:

In so far as we are reasonable, we are ready to work out the framework for the public social world, a framework it is reasonable to expect everyone to endorse and act on, provided others can be relied on to do the same. (Rawls, 1993, p. 53-4) [my emphasis].

This brings me to my suspicion, especially after Rawls moreover adds that "the reasonable is public in a way the rational is not" (ibid.). This statement in other words explicitly proclaims that the rationality cannot be used for modeling of the pro tanto stage, for it is by default incapable of yielding properly *public* political framework. I'm nonetheless dubious about reasons, on the basis of which is the reasonableness being considered as the *only* moral trait that can properly accommodate (hence portray, reflect or materialize) the full compliance assumption. Let me call this *the asymmetry frame*. Why do we, Rawls's co-thinkers, have to by default deny likewise compatibility of the full compliance assumption with the other moral trait, the rationality? Why the political attribute's accommodation of the full compliance assumption cannot be attained via modeling of the pro tanto stage in light of the rationality moral trait as well? These two moral traits are qualitatively of similar *centrality* to the individuals, are they not? By 'centrality' I envisage their essentiality for leading some form of valuable life.

These questions appeal as necessarily response-begging especially because (so I believe) the purpose of Rawls's introduction of the co-contemplator at the pro-tanto stage appears to signify Rawls's attempt to demonstrate the credibility of his project towards members of his ideological family. For why otherwise would he use the 'you and i' at that particular instance and in that particular context, if not because he wanted his reader to follow and also to believe his own theorizing?

This makes me believe that Rawls in fact purports to articulate project with limited external credibility, the limits of which are the boundaries of his ideological family. My investigation thus (among other things) strives to highlight Rawls's attempt to suggest his fellow co-thinker that the pro tanto justification is able to supply them with an extra reason strengthening plausibility of their common, liberal project (and in effect successfully distinguish them from perfectionists).

The problem is that the way Rawls seeks to provide this extra reason seems to be objectionable. For as it was suggested, he does so by asking his fellow to envision himself as already living in the Rawls's politically well-ordered society, hence as being *politically* autonomous citizen of the *political* well-ordered society. This message is being expressed by the way Rawls attempts to justify the pro tanto staging, hence via proposing his partially comprehensive doctrine as the *only* justified kind of doctrine for modeling of this stage, given the full compliance assumption.

First thing that seems problematic on this is that quality of the 'political' at that moment cannot exist per se, for it is this quality itself that is going to be justified at this rudimentary and pre-political stage of Rawls's argumentation. But even if the existence of political values

such as that of Rawls's autonomy could be considered¹⁸ at this instance, my point is that in virtue of saying that the partially comprehensive doctrine is the *only* proper kind of doctrine for such modeling is Rawls undertaking stance which seems to make him vulnerable with respect to other issues.

For Rawls's way of putting it sounds like a formulation of a pre-political rule against which the appropriateness of the modeling of the pro tanto publicity stage ought to be assessed. Namely (and again), this rule asks Rawls's fellow thinker to *unconditionally* accept that *the only way* how to *properly* construe public political project is through modeling it so that it *adequately* yields the full compliance.

The exclusivity of the Rawls's interpretation of the proper construal appears to be signified by his unhesitant modeling of this stage in light of his political, i.e. partially comprehensive ideals. His move is unhesitatingly signifying the exclusiveness of his modeling singularity for if it would not, then Rawls would implicitly express his inability to protest a different modeling of this stage otherwise.

Hence if his stance would not be meant to express the exclusivity of his interpretation, his interpretation would be the *one of many plausibly* possible ones. He would therefore not be able to protest modeling the pro tanto stage according to some other, perhaps fully comprehensive ideals, which might in turn develop the quality of the public attribute in a way that legitimize state perfectionism. In other words, proclaiming the singularly proper way of modeling the pro tanto stage appears to be necessary step for Rawls, if he wants to distance himself as the political *anti*-perfectionist, for not proclaiming this implicitly engenders the

¹⁸ Rawls himself claims realization of the political values occurs only after society's public domain has been erected. For quotation of this statement, refer to the third paragraph of the §2.3.

possibility of a leeway with respect to the interpretation of the full compliance's assumption. This leeway would furthermore denote that there is no special reason why to accept Rawls's interpretation of the full compliance's nature, and hence that liberals should each time decide for themselves what kind of interpretation they find as the most plausible. Stated otherwise, such kind of leeway nonetheless robs Rawls of any arguments against possible interpretation of the full compliance's nature in perfectionistic-friendly way (whatever interpretation it might be).

Expressing this exclusiveness nonetheless implicitly expresses one more thing: that the modeling of the pro tanto publicity stage in light of any other kind of comprehensive ideal is *inevitably* inappropriate. Stated otherwise, a fully comprehensive ideal is seen by Rawls as (in some way) overall *incapable* of a proper modeling of the pro tanto publicity stage, hence as (if the rule is that the adequateness is to be assessed on the basis of the adequate yielding of the full compliance) if it cannot adequately model the pro tanto stage in a sense that this stage would not yield the full compliance. For by claiming the 'exclusiveness of own interpretation' I envisage claiming its all things considered highest validity or truthfulness.

Rawls hence uses double-edged rule. On the one hand, he seeks to articulate the basis against which the appropriateness of the pro tanto publicity stage modeling could be attested, the interpretation of which needs to be proclaimed exclusive for the sake of protecting the anti-perfectionistic status. On the other, this expression of such exclusiveness nonetheless inevitably condemns the rule to the expression of the second message: this time about inadequacy of any other way of modeling of given stage. But are there any reasons left on the basis of which Rawls could try to convince his co-thinker about non-arbitrariness of his interpretation of this rule, then? Perhaps it is here where any ideal theorist must bite the bullet

and appeal to some metaphysical considerations, Rawls might say. There is simply no other way around it.

Though this kind of answer might be appropriate for explaining the very existence of the above-outlined pre-political rule, it seems nonetheless inappropriate for Rawls with respect to explaining why one ought to unconditionally accept the exclusive validity of the precisely his interpretation of this rule, for this response seems to represent one of the very bottoms of his project that in effect distinguishes him as anti-perfectionists. This is so because we are talking about the justification of peculiarly Rawls's modeling of the *pro tanto* publicity stage, hence because we are talking about a justificatory rule promulgating the appropriate quality of an instance, which is in (presumably any) project concerned with construction of a political morality the very first instance expressive of "why we proceed in one way rather than another" (Rawls, 1993, p.67). If the credibility of the interpretation of this rule would be likewise possibly grounded only by reference to its metaphysical truth (as the previous 'biting the bullet' response suggests), then Rawls's anti-perfectionistic political liberalism would have nothing to say to its perfectionistic or comprehensive alternatives, for than this liberal project would apparently stem at the one of its fundamental points from the comprehensive view proclaiming the metaphysical truth of Rawls's interpretation.

It is for this reason due which I believe that my last question relevantly requires an answer from a Rawlsian. In virtue of what, in other words, Rawls presumes that there is virtually one interpretation of the full compliance's compatibility vis-à-vis the model citizen? What if was Nussbaum right after all and hence Rawls's ethical outlook on the worthwhileness of the reasonableness is to supply such reasons?

This idea appeals as less implausible after you notice that the nature of the object that Rawls attempts to justify (i.e. the peculiarly conceived model citizen and its role in modeling of the pro tanto publicity stage) and the nature of one of the premises that ought to justify this object (i.e. interpretation of the full compliance assumption and its centrality for modeling the pro tanto publicity stage) are both characterized by being in some way centered around the very same idea: *the idea of reciprocity*.

Consider firstly the way Rawls's interprets the full compliance assumptions. His interpretation of it makes the reciprocity look like it is one of the main components of this assumptions and hence that it is this element that ought to be portrayed during the proper modeling of the Rawls's pro tanto publicity stage in order to properly materialize the full compliance (as the pre political rule suggests).

Moreover, reciprocity apparently also underpins Rawls's distinction of the fully and the partially comprehensive doctrines¹⁹. Why would Rawls in other words care about this distinction if he wouldn't perceive it as instrumentally valuable for achieving *reciprocal* (political) relationship among their constituents, hence as apparently the only worthy form of civic relationship? The very essence of this distinction seems to reside in 'making space' for significance of such reciprocal relationship, the essence that in effect materializes itself in the Rawls's project through his usage of the distinction when designing the proper quality of 'public'.

Thirdly, consider again following passage from Rawls commenting on the nature of the reasonableness:

¹⁹ see *Introduction* for their distinction

In so far as we are reasonable, we are ready to work out the framework for the public social world, a framework **it is reasonable to expect everyone to endorse and act on**, provided others can be relied on to do the same. **If we cannot rely on them, then it may be irrational or self-sacrificial to act from those principles** (1993, p. 53-4) [my emphasis].

The assertion embodied in the highlighted parts of the first sentence holds if ‘we’ refers to Rawls’s ideal constituents. But must it hold for Rawls’s co-contemplator, who is invited and partially even needed by Rawls for substantiating of his Political Liberalism? Put differently, why *only* when we are reasonable must we be seen as ready to work out such framework? It is my belief that this again point to the questionable overlap between the content of the full compliance condition and the content of the reasonableness, the two elements whose interaction should justify Rawls’s modeling of the pro tanto publicity stage.

For imagine that Rawls would simply omit the above passage from his book. The Rawls’s rule against which he crosschecks propriety of his modeling of the pro tanto stage – the appropriate materialization of the full compliance assumption – still asks his co-thinker to model this stage by the appropriate materialization of the assumption. Despite Rawls’s dropping of the above passage, it seems as his co-contemplator would de facto still end up modeling the pro tanto stage by reasonable hence partially comprehensive doctrines only. His idealized model citizen is de facto preconditioned for being *ready* to work out such framework solely in virtue of his reasonableness, while the citizen’s rationality is de facto *preconditioned not* to bring about the reciprocity, no matter what. Why is the reasonableness so transparently predefined for bringing the reciprocity about, while the rationality is likewise transparently predestined not to be able to materialize the full compliance assumption? To what extent is thus this de facto dominance of the reasonableness in given matter not an expression of Rawls’s implicit comprehensive view on the worthwhileness of the reciprocity?

One may perhaps suggest, following Jonathan Quong's recently published thought, that Rawls must not necessarily answer this last set of question, for his political liberalism is after all coherent only when conceived in its *internal version*. The specific aim of this version of the political liberalism "is [...] to work out the content and structure of liberal political justification given the fact that **any well-ordered society** will be characterized by **reasonable** pluralism. We [the internal political liberals] know that in a well-ordered society there will be (a) a plurality of conflicting conceptions of the good, and we also stipulate, since we are working in the realm of ideal theory; (b) that citizens will want to propose and abide by fair terms provided others will do the same" (2011, p.143-4) [my emphasis]. Characterized most brief, internal political liberalism strives to justify its premises to individuals who acknowledge a few of Rawls's idealized presumptions as given and only then proceed to verification of the project's internal coherency. These idealized presumptions are: "a hypothetical group of citizens who accept (a), and have the motivation described in (b). [...]" The idea of [such constituency] is thus constructed from a conception of an ideal liberal society and not from empirical facts about actual citizens" (ibid.). This response may in other words suggest that using the model citizen in its entirety denotes in fact using the model of an actual, real-life person and not the idealized member of the Rawls's well-ordered society.

There are at least two problems with this response. Firstly, it is not necessarily self-evident that opting for using the model citizen in its entirety inevitably signifies opting for the image of the real-life person. There is simply no evidence supporting this assertion. On the contrary, I have presented evidence that what is actually suspicious is the Rawls's idealization of his constituency. For on the one hand, Rawls claims that his model citizen possesses the two moral powers, but in the specific cases, he then on the other hand claims that in spite of their

equal centrality for leading a worthwhile life, they possess asymmetrical capacity for compatibility with the requirements of the full compliance assumption, which in turn makes one of these moral powers the dominant one during the modeling of the pro tanto publicity stage. I in other words claim that in such apparently fundamental theoretical cases, it sounds more natural to consider the model citizens' moral equipment symmetrically than the Rawls's asymmetrical notion of them.

Secondly, then, I believe that the Quong's notion of the internal version of the political liberalism asks Rawls's fellow co-contemplators to accept too much idealizations. This is so for it seems to claim that we should accept both, Rawls's notion of the well-ordered society and the ideal constituency that lives in it in order to assent to coherency of his project. Yet as you may have noticed according to the way I have directed my investigation so far, it is the precise conceptualization of the qualitative dimension of the 'well-ordering' of Rawls's society that seems to be the point distinguishing him from his liberal philosophical counterparts. In what way may thus this internal version of the political liberalism seek to obtain any credibility in the eyes of liberally minded thinker, who is not by default persuaded about the plausibility of the Rawls's notion of the well-arrangement of the society's politics? For if one would unconditionally assent to Rawls's concept of the well-arranged society, he would also have had accepted his characterization of the political affairs and of the public domain.

Ultimately, I believe it is plausible to suggest that it is also a liberal perfectionist that could incarnate himself into the role of Rawls's co-contemplator. This vision seems not unreal at all, especially if perfectionism (following Raz's notion of it) starts from the presumption "that in principle all moral reasons are fair game for governmental action. 'Perfectionism' is merely a

term used to indicate that there is no fundamental principled inhibition on governments acting for any valid moral reason, though there are many strategic inhibitions on doing so in certain classes of cases“(Raz, 1989, pp.1230).

For at the pro tanto publicity stage, the main and perhaps only substantial conditions for joining Rawls’s co-contemplation resides in declaring some form of devotion to freedom and equality whilst assenting to the fact that the outcome of the co-contemplating about a political morality is meant to be ultimately applied to some form of “modern constitutional democracy” (Rawls, 1993, p.11). As it was already suggested, it seems irrational for Rawls to co-contemplate with a thinker who disavows worthiness of the very essence of the similarly tuned endeavor from the very beginning. These are prerequisites that liberal perfectionist may easily assent to.

If my intuition is indeed true, this liberal perfectionist (having the role of Rawls’s co-thinker) now expects (given the discussion so far) Rawls’s presentation of reasons due which the pro tanto publicity stage ought to be modeled in accordance with the *political* ideals and values, instead of other, perhaps *fully comprehensive* ideals and values.

Liberal perfectionist must not necessarily protest Rawls’s usage of the *political* ideals despite the fact that these ideals become existent (according to Rawls’s own words) only once the society is designed according to his will²⁰. This is especially so with respect to the Raz’s naturalistic notion of perfectionism presented three paragraphs above.

²⁰ See the third paragraph of the §2.3 for direct quotation of Rawls’s text that articulates this point.

Rawls's co-thinker nonetheless do not enquire whether these *political* ideals may or may not exist at this argumentative stage, though this might be an interesting quest as well. He simply asks why to model the pro tanto stage in light of political (i.e. partial) instead of any other ethical or otherwise comprehensive consideration, since there are no post-political rules that would be violated. For if Rawls's reason is merely that such considerations would not in effect model a political morality in a way so it can provide universal knowledge of the possibility of *reciprocal* reliance on each other's sincere and willing compliance, the co-thinker may simply refuse to accept exclusiveness of Rawls's interpretation of the full compliance's demands, or his interpretation of the consequences of modeling the pro tanto stage according to the image of non-political values and ideals vis-à-vis these demands.

In addition, Rawls's co-thinker may in fact accuse him of an attempt to treat reciprocity comprehensively, hence as form of civic relationship that is in itself worthwhile of achieving for everyone.

Let me lastly suggest that Rawls's liberally perfectionistic co-contemplator may supplement his suspicion by a real-life example, the logic of which correlates with the logic my challenges to Rawls.

In everyday life, even if I know that my neighbor shares the perfectionistic judgment of the majority (and that he indeed uses it for justifying state's explicit support of some lifestyle), I may still live next to him and have casual and even friendly occasional contact with him in the corridors of our apartment building, for as I may hate him on the basis of his perfectionistic judgment, I may equally continue liking him in spite of it. It is simply question of my default mindset, outgoingness or level of toleration. It is in this way that I see Rawls's asymmetrical

treatment of the moral powers at the pre-political pro tanto instance suggesting that we (his co-contemplators) ought to envisage the devotees as by default suspicious and rather pessimistic about their neighbor's intentions. Neighbor's actions, simply in virtue of being based in grounds which some cannot apprehend or assent to; are by default rendered as signaling his contempt or negative disregard about other's point of view on given matter. The problem is that Rawls seems not to have any non-fully comprehensive consideration to offer in support of presuming exclusivity of this kind of pessimism and suspicion among people, leaving floor open to skepticism about the exclusivity of his interpretation of the full compliance's demands. Questioning of whether it indeed follows from Rawls's interpretation of the full compliance assumption that rationality would *inevitably* yield *wrong* type of political morality seems to be justifiable challenge to Rawls at this point.

Leaving the final substantiation of my assertion(s) for the next chapter, this chapter strived to present rather negative argument that is in effect questioning Rawls's usage of the reciprocity for justification of his peculiar way of modeling of the pro tanto publicity stage. In particular, my main argument asserts that Rawls arbitrarily uses the idea of reciprocity in the pre-political political context for justifying his vision of the proper quality for the proper construal of the so called pro tanto justification (justification of his project in its own terms) in light of partially comprehensive doctrines. I assert that one of the main reasons for preferring the partially comprehensive doctrine as the justifier of the pro tanto stage derives from Rawls's incorporation of the reciprocity into his notion of the full compliance assumption, the interpretation of which is in turn used to justify the peculiar modeling of given argumentative stage. Nonetheless, this move seems to yield controversy because the idea of reciprocity composes both, object of the pro tanto justification (the arbitrary dominance of reasonableness) and of what is to justify this object (the full compliance assumption), for

Rawls appeals to the assumption in order to justify his modeling of the pro tanto stage. In this sense, reciprocity is justifying itself. This circularity I have tried to question.

CHAPTER 3

3.1 Introduction

The previous chapter sought to narrow down the focus of my discussion around Rawls's conception of legitimacy, bridging it with the vocabulary and discussion of the first chapter. Its main contribution to the argument was pointing out prominent and simultaneously questionable usage of the publicity as (at least in part) qualitative standard against which exercise of political power is being judged.

Followingly, Nussbaum's attempt to the clarify source of the decisive reasons favoring Rawls's notion of legitimacy was scrutinized. Although it was conceded that her points (among other things) might rob Rawls's project of any significance for they are alleging him from reliance on an 'ethical outlook' on the reasonableness which in turn exhibits the marks of any other comprehensive 'outlook' on human nature, Nussbaum's points are very illuminating for they correctly tracked strains of Rawls's argument.

Lastly, the discussion of Rawls's full publicity condition was supposed to unveil staging of Rawls's argument, highlighting that its rudimentary pro-tanto stage ought to justify why we should proceed in theorizing via partially rather than fully comprehensive doctrines. Rawls's justification of this pro tanto move was marked as hinging on Rawls's interpretation of the full compliance assumption. An overlap in quality of the reasonableness and the full compliance assumption was pointed out. The reciprocity, seemingly recurring and staggeringly central ideal in Rawls project, was therefore alleged of an attempt to justify itself.

Given that my adaptation of Rawls's justificatory usage of the full compliance assumption holds, I challenged Rawls to explain to his fellow co-contemplator in what way should he not

conceive this overlap as Rawls's comprehensive view on the quality of cooperative life of masses. Plainly, what are the reasons not to perceive reciprocity as fully comprehensive pre-political element and hence to unconditionally accept its use for justification of the pro tanto stage of Rawls's theorizing? Moreover, I conceded that this explanation could be owed to a liberal perfectionist as well, for main and perhaps only prerequisite for becoming Rawls's co-contemplator seems to be an assent to some form of devotion to freedom and equality, the prerequisite which may be easily satisfied by liberal perfectionist. If no reasons justifying Rawls's pre-political move would be ultimately proposed, Rawls's criticism of perfectionism would apparently lose its appeal for he himself would not be able to explain to his liberally perfectionistic co-thinker (whom, so I conceded, may satisfy prerequisites needed for this role) why not to model the quality of being properly public according to fully and not partially comprehensive doctrine.

Putting it this way (so I believe) seems to support intuitive characterization of perfectionism promulgated by Joseph Raz, namely "that perfectionism is the 'natural' stance of governments" and hence that anti-perfectionism is in a way artificially narrowing down the pool of available "moral reasons" that may be fairly motivating "governmental action" (1989, pp.1230-5):

'Perfectionism' is merely a term used to indicate that there is no fundamental principled inhibition on governments acting for any valid moral reason, though there are many strategic inhibitions on doing so in certain classes of cases (ibid.).

This chapter should review some of Rawls's possible answers to my challenges.

3.2 Reviewing Rawls's possible defense: the first part

Very first possibility of a Rawlsian might be to claim that reciprocity is in itself only formal requirement. It is this formal element that we ought to envisage when Rawls suggests that

publicity (if attained) supplies constituents with “a common basis for determining mutual expectations” (Rawls, 1971, p.56) [my emphasis]. Although it is indeed idealized into the full compliance assumption, its formalness in other words means that the term is in itself content-neutral normative consideration and hence that it is not in itself constituted by any morally loaded content. Conceiving reciprocity in this way is ultimately not a controversial thing to do. Most importantly, it explicitly assures us that reciprocity is not to be seen as *fully* comprehensive consideration.

I am doubtful that it would be so easy for Rawlsians to establish reciprocity’s content-neutrality, given the extent to which it is present in Rawls’s project. Especially with respect to the full compliance assumption, achieving reciprocity (via achieving political morality of reasonable constituency) appears to be inferred as *the only* suitable way for contouring of political morality’s quality in light of Rawls’s model constituency. Setting doubts aside, let’s presume reciprocity in this idealistic assumption is indeed to be taken as exclusively formal requirement. Reciprocity’s pure qualitative formalness, however, seems to bring about problems with respect to modeling of the pro tanto justification of Rawls’s publicity condition. With what reasons are we left for justifying the pro tanto stage modeling on the basis of partially comprehensive worldviews, and not on the basis of the fully comprehensive worldviews? Reciprocity’s content-neutrality in other words seems to provide a leeway for conceptual maneuvering with the full compliance assumption’s implications and it seems very unlikely that this maneuvering would not be able to provide sufficient space for perfectionist considerations.

For example, what restrains us from asserting that state perfectionism actually doesn’t hinder anything from the content of this idealized assumption? If you recall, assumption’s content

requires firstly that individuals *know* about each other's *capacity* for sincere, willing and informed compliance with chosen rules. But this doesn't explicitly exclude possibility of saying that even if I cannot 'access', 'apprehend' or 'agree' with the quality of perfectionistic judgment grounding some policy that applies to me, I have no evidence that the perfectionist's intention was motivated without acknowledging my capacity to sincerely, willingly and knowledgeably comply with the rules in situations where the chosen rules were such that they would match my own comprehensive view. I am simply in minority, but provided that nobody hinders exercise of e.g. my right to vote, why should I feel others' contempt of myself, hence why should I feel untrusted or unreliably? I cannot access motivational structures of others so as they cannot access mine. But if full compliance assumption is indeed to be content-neutral, there is nothing telling me that I *should* have such access in a first place.

Recall the neighbor example from the end of the previous chapter. In everyday life, so it was suggested, even if I know that my neighbor shares the perfectionistic judgment of the majority (and that he indeed uses it for justifying state support of some cause), I may still live next to him and have casual and even sincerely friendly occasional contact with him in the corridors of our apartment building, for as I may hate him on the basis of his perfectionistic judgment, I may equally continue liking him in spite of it. It is simply question of my default mindset, outgoingness or level of toleration. And especially if reciprocity is formal and hence content-neutral requirement, there are no reasons derivable from it to tell us otherwise.

Same 'no access to the others' heads' logic applies to the Rawls's interpretation of second component of the full compliance assumption – the reciprocal knowledge about each-other's willing and sincere compliance. To put it plainly (and given the reciprocity's formalness), what else than reciprocity stops us, his co-thinkers, from suggesting that the reciprocal

reliance on one another is possible without any access to other's motivational structures? In order to keep the upcoming discussion clearly structured, let me call this question *the reciprocity questioning*.

The very first response that I expect at this point is the one, which suggests that the reason(s) for wanting the access is supplied by the (at this point) known fact that polity's basic societal structures have pervasive influence over shape of constituent's life. It is in virtue of this external circumstance that we have reason to grant people access to each-others' motivational structures. I nonetheless consider this response as a futile one, for it can be significant only if basic societal structure *was not* one of the *external conditions*. Recall that these were marked as content-neutral circumstances of political conceptions. This in other words means that they supply (alike to formal notion of reciprocity) agents with content-neutral reasons. Stated otherwise, we (as constituents) know that our lives are being 'shaped', but the content-neutrality of these reasons has no moral substance to establish this fact as something regrettable. Once we would presume that these reasons do suffice for establishment of the regret, we would render basic societal structure's influence as uniquely morally charged externality, unique in a sense of having moral substance. In fact, I believe that Rawls actually accounts (at least in part) with alike moral notion of the influence produced by basic societal structures, that is why he asserts that individuals ought to perceive political authority (itself externality) as being derived from them, hence that is why he instructs them to feel responsible for its actions.

But again, what reasons do we have in the pre-political stage to accept this *supplementary* assertion about moral character of basic societal structure's influence? I write 'supplementary' for this reason is unveiled only while defending Rawls's stance. This makes difference for in

the first parts of this work, i strived to adequately interpret the way Rawls treats the externalities. This passage makes me believe I introduced them appropriately:

“[...] we may reject the contention that the ordering of institutions is always defective because the distribution of natural talents and the contingencies of social circumstance are unjust, and this injustice must inevitably carryover to human arrangements. Occasionally this reflection is offered as an excuse for ignoring injustice, as if the refusal to acquiesce in injustice is on a par with being unable to accept death. **The natural distribution is neither just nor unjust; nor is it unjust that persons are born into society at some particular position. These are simply natural facts.** What is just and unjust is the way that institutions deal with these facts” (Rawls, 1971, p.102) [my emphasis].

In light of this I answer posed question by saying ‘none’, for then all the externalities would be open for such transformation into rather morally loaded considerations. It seems however unlikely that this is the treatment that Rawls wants to give to character of his externalities.

One additional point may be raise on the account of my adaptation of Rawls’s full compliance assumption. I expect someone’s highlighting of the fact that I omitted mentioning of the ‘favorable circumstances’ when interpreting Rawls’s assumption, the circumstances that are likewise idealistic component of this assumption. Someone might in other words suggest that the reciprocal access to each other’s motivational structures is one of those idealized conditions. I do acknowledge omitting this consideration, but I did it because I do not consider it relevant for the argument i’m pressing here. These favorable conditions are brought about by Rawls in his Original Position, where he calls them ‘the reasonable conditions’, hence at stage of his theorizing that occurs *after* the shape of pro tanto stage was decided. Now recall that my argument ought to be seen as occurring at instance, at which Rawls tries to justify (to his co-contemplator) exclusiveness of his assertion that the full compliance assumption actually requires reciprocity’s modeling of this pro tanto stage while avoiding reliance on reciprocity’s comprehensive character. Once we render reciprocity as purely formal character, there is simply no evidence on the basis of which Rawls’s co-contemplator would be restricted to interpret these requirements of the full compliance assumptions otherwise than in terms of reciprocal access to each other’s mindset. There seem

to be (at this point) no evidence disallowing this, hence disallowing liberal perfectionist to suggest that perfectionistic judgment is not by default implicitly or explicitly something offensive to the moral personality of the devotee of freedom and equality.

Coming back to the reciprocity questioning, second possible reply comes to my mind. One might look for reasons justifying reciprocal access to the heads of others elsewhere – in the morally charged character of the internalities. These I have acknowledged to be morally charged even at the pre-political stage of Rawls's theorizing. Perfectionistic judgments used by state for erection of a policy simply offend our reasonableness via sending implicit a message that reasonableness of those disagreeing with the judgment is unworthy of respect (or of lesser quality).

The problem of this reply is that it is untenable in the eyes of Rawls's co-thinker, hence during the pre-political stage of their theorizing. Although the character of internalities does figure in this stage and hence the co-thinker does need to consider it, by making reciprocity rather formal requirement we eliminated its significance all the way down, even in its conjunction with individual's moral trait. Saying that we didn't (hence that we eliminated moral loading of reciprocity only with respect to its position within the full compliance assumption) would be modeling the ideal constituents with default value-commitment to peculiarly Rawlsian notion of reciprocity, for there is no pre-political consideration that can convince us to model individual's reasonability as encapsulating *precisely* Rawlsian idea of reciprocity. Stated otherwise, at this pre-political stage there is no 'publicity' or 'political' yet, for we are only deciding about quality of these attributes (and hence they cannot inform us about what quality of reciprocity we shall ascribe to one's reasonableness). And since reciprocity is formal requirement, so the initial stance conceded, Rawls's co-thinker has no evidence to believe that the reciprocity installed within the reasonableness *must* be apprehended in its Rawlsian shape. It can be likewise apprehended as being offended by

explicit sign of contempt *only*. Hence unless state's action would be motivated by perfectionistic consideration that *explicitly* articulates contempt about someone's capacity for willing and sincere compliance with chosen rules, say as the racist agenda of Nazi Germany during the reign of Hitler or as the racist agenda during the apartheid era in South Africa, we may likewise safely presume that the full compliance can be actually attained.

The same logic seems to be appropriately applicable towards any (pre-political) retour to any kind of reasonableness for sake of obtaining the reasons that would convince us to opt for Rawls's notion of reciprocity. By proclaiming reciprocity to be purely formal requirement, considering it in Rawls's shape lost any significance and hence its re-establishment would lack grounds for Rawls's co-contemplator.

To put it plainly, there seem to be no decisive reasons for Rawls's co-contemplator not to suggest that leeway-generating framing of reciprocity as content-neutral formal requirement does not lead to possibility of similar leeway in interpreting peculiar shape of the reasonableness. Otherwise stated, why shall we accept that the idea of reciprocity composing the reasonableness (as the moral trait) is being by default offended by *any* perfectionistic consideration? It all seems to be again only matter of a default characterization of what offends reciprocity and what does not.

3.3 Reviewing Rawls's possible defense: the second part

For the sake of clarity, let me briefly summarize what was discussed so far. Rawls faces challenge requiring (in light of what was said in previous chapter) him to clarify his notion of reciprocity in the pre-political stage of his theorizing, where he strives to convince his co-contemplators about plausibility of his interpretation of the pro tanto justification in light of his ostensibly exclusively plausible interpretation of the full compliance assumption. Namely,

it is ostensibly plausible unveiling of reciprocity's apparent justification of reciprocity that is being challenged on the Rawls's way for convincing his co-thinker.

I began by presuming an intuitive move: proclaiming reciprocity to be purely formal requirement. I consequently suggested that this might come at grave costs for Rawlsians, for this move robs Rawls's notion of reciprocity of any comparative advantage all the way down through his theory. Most importantly, it seems to provide leeway (at the pre-political instance) for reinterpretation of the full compliance assumption in a way that would in effect render perfectionistic judgments as uncontroversial and hence eligible consideration for modeling of the publicity. Neither the retour to the pervasive influence of externalities, nor the retour to the moral loading of internalities seem to adequately provide reasons denying possibility of the leeway.

Rawlsians are hence apparently still lacking reasons, which would justify need for reciprocity in form of access to each other's motivational structures, for it seems to be reciprocity of such access that is being throughout Rawls's work envisaged and pre-politically demanded under the idea of reciprocity.

The third attempt for achieving this end, I presume, might try to suggest that the access to other's motivational structure is needed for making the compliance *sufficiently rational* for given constituency.

Extent to which this access is needed is unclear from this way of formulating this response, which in turn makes me wonder whether such argument is again not striving to make Rawls's notion of reciprocity needed due its implicitly presumed worthiness. Stated otherwise, isn't the above response only a sophisticated way of saying that such access is simply good or valuable in its own sake for making *Rawlsian* vision of social cooperation generally possible? In what way thus this reply denies that Rawls's treatment of the reciprocity signifies his fully

comprehensive perception of it as a necessary element of any form of worthwhile political social cooperation? Plainly, is it self-evident that conceiving reciprocity as the minimally rational feature of social cooperation is not arbitrary thing to do?

One may perhaps add that the access signifies *political ideal*, yet this doesn't seem to help for it is still questionable whether *political* ideals could be realized by the co-contemplators at pre-political stage of theorizing. Even if they could be realized, it does not change anything on the fact that no good reason was provided for presupposing non-comprehensiveness of its logic. It is rebuttal of this last point for which i'm looking for here.

Lastly, then, one more possibility for Rawlsian appears to be once again to appeal to the moral basis of the idealized internalities and more precisely, to the weight of freedom to which we are devoted. Videlicet, attractive way of using freedom appears to be its linking with the logic of very first response that I have presented after bringing about the reciprocity questioning. Namely, it is not polity's de facto shaping of our lives and hence the pervasive influence to our freedom that in itself makes this phenomenon morally problematic, it is the manipulation with these structures by other people that makes the whole effect legitimation-requiring. To put it plainly, the reason for installing the need for access into other's motivational structure into the reciprocity is supplied by offense to our freedom which occurs not solely in virtue of polity's influence on us, but in virtue of the fact that the way of polity's influencing us is itself being partly affected by actions of others. In this sense, state perfectionism that my neighbor openly supports is ostensibly wronging me as if I was wronged directly by the neighbor himself.

The offense to freedom may be characterized in two ways. Firstly, it might be framed as offensive to self-percept of our status of self-authenticating source of valid claims. Secondly,

it may be seen as halting our vision of ourselves as free beings in virtue of our capacity for undertaking responsibility for our own ends.

There appears to be actually two versions of this reply, depending on the type of value that one ascribes to freedom. Freedom may be conceived both, as political and ethical value. This doesn't affect much its logic and relevancy for it is a devotion to this value that was the first thing on which we had to settle with Rawls if we wanted to engage in co-contemplation with him. To put this reply in Rawls's own words, "[...] publicity ensures, so far as practical measures allow, that citizens are in a position to know and to accept the pervasive influences of the basic structure that shape their conception of themselves, their character and ends. As we shall see, that citizens should be in this position is a condition of their realizing their freedom as fully autonomous, politically speaking" (Rawls, 1993, p.68).

Strength of this reply resides precisely in virtue of the fact that Rawls's co-thinker cannot deny freedom's overall significance on the project, regardless of the type of value it happens to be. It seems clear that Rawls would appeal to freedom's 'political' character. Both ways of characterizing the offence nevertheless face similar dilemma. Rawls needs to supply further arguments that would establish why this kind of wronging of one's freedom is wronging *only* when conveyed via the basic societal structures, for there are many non-basic societal structures which may have similarly pervasive influence over one's life. Social forms²¹ for example, if taken as sort of institutions of non-material character generated by others' activities, may in principle similarly pervasively shape our lives. Why it is not wronging when my life-plans are being pervasively affected by social forms surrounding me?

²¹ Following Raz's vocabulary, the social forms should be understood as denoting „shared beliefs, folklore, high culture, collectively shared metaphors and imagination, and so on“ (Raz, 1986, p.311).

Moreover, the first characterization of the offense seems to be problematic on its own. As you may notice in below quote, the offended kind of self-percept of one's freedom signifies perceiving oneself as of morally *appropriate status* for making claims on one's institutions.

[...] **Citizens view themselves as free** [because] **they regard themselves** as self-authenticating sources of valid claims. That is, **they regard themselves** as being entitled to make claims on their institutions so as to advance their conceptions of the good (provided these conceptions fall within the range permitted by the public conception of justice). These claims citizens regard as having weight of their own apart from being derived from duties and obligations specified by a political conception of justice [...] (ibid., p.32) [my emphasis].

The problem is that this freedom element is conceptualized as a self-regarding attitude, i.e. all that its content says is how i perceive myself as free. There thus seems to be a gap between asserting perfectionist's offense of my freedom merely in virtue of supporting state perfectionism that needs to be filled by an explanation of how exactly does the perfectionist's action offends my freedom, for it does not seem to be self-evident at this point the action actually hinders this self-regarding attitude.

It is for this reason why I considered Nussbaum's commentary on Rawls relevant, for her discussion approached the credibility of Rawls's project (so I believe) in similar way. But while her comment centered on the interaction of the respect and the reasonableness, my concern here targets the self-evidence of the particular kind of offense to one's liberty.

As the Nussbaum's conclusions, mine here is likewise negative though its content is different. Namely, it is my belief that the only way how Rawlsians can assess the neighbor's perfectionistic *political* action as offensive to this particular kind of self-percept of own freedom is via claiming of having an access to perfectionist's motivational structure, for how otherwise may they *know*²² that a perfectionist in fact *intended* to degrade other's status of self-authenticating source of valid claims. This brings us back to the idea of reciprocity, the

²² Rawls at many points explicitly mentions that the properly public politics should be seen as (among other things) generating public *knowledge* of the full sincere compliance of others.

pre political rule about structuring of the pro tanto publicity stage and my assertion that at this instance of Rawls's theorizing, we (his co-contemplators) lack reasons on the basis of which we should be convinced that this kind of access should be granted in the first place. More precisely, we lack decisive reasons for assenting with *precisely* Rawls's interpretation of the perfectionist's motivational structure. Additionally, we should not forget that no post-political consideration can supplement this reason my current discussion was framed as occurring at the instance, at which the quality of being properly *publicly political* is only to be established.

The first characterization of the perfectionist's offense to other's self-percept of freedom in other words fails to supplement the decisive reasons to Rawls's co-thinkers, for it apparently again requires the access to perfectionist's motivational structure in order to prove that his intentions were indeed malevolent. Rawls's appeal to this characterization nonetheless lacks normative resources for establishing a need for such access, whilst it in itself also lacks normative resources for clear explanation of the precise way by which perfectionist's actions actually hinder the freedom element.

The second characterization of the offense to one's freedom does not seem to fair better.

The third respect in which citizens are viewed as free is that they are viewed as capable of taking responsibility for their ends [...]. Very roughly, [...] citizens are thought to be capable of adjusting their aims and aspirations in the light of what they can reasonably expect to provide for. Moreover, they are viewed as capable of restricting their claims in matters of justice to the kinds of things the principles of justice allow (ibid., pp.33-4).

As much as I try, it again seems that the underpinning rationale of this second characterization is having the access to perfectionist's motivational structures whilst claiming that his intentions are indeed (by default) malevolent.

One additional (and last) characterization of the perfectionist's offense to other's freedom appears to be serviceable for Rawlsians. Coming back to the quotation of Rawls presented seven paragraphs before, Rawlsians may remind us that the publicity condition should ensure

that the perfectionist's maneuvering with the influence of the polity over our lives hinders constituents' "realizing their freedom as fully fully autonomous, political speaking" (Rawls, 1993, p.68).

The phrasing of this passage in other words seems to suggest that the full political autonomy is to be seen as synonym of the political freedom. With respect to the above-discussed offense to freedom, Rawls might hence have in mind that (i) the freedom in question is political values, as well as that (ii) in fact, the political freedom and the political autonomy could be used interchangeably.

Given these considerations, the offense which we discuss here is hence the offense to one's political autonomy, or to its components. The neighbor's support of state perfectionism is hence in some way naturally offensive to one's politically autonomous (i.e. freedom) status.

In particular, the considerations stemming as if from within of one's fully comprehensive worldview (such as perfectionistic considerations) are seen by default as offensive because it is not self-evident that people must necessarily converge into an agreement when debating their normative weight. More precisely, Rawls presumes that people's correct exercise of their powers of reason, "judgment and deliberation in seeking ends and interests peculiarly one's own" (ibid., p.50) may be expected to produce number of equally valid but conflicting judgments about similar issue.

The problem with this is the fact that in the end, it is not the offense of one's political autonomy, but the normative weight of this last idea – the idea known as *the burdens of judgment*²³ – that seems to justify why *not* to model the pro tanto publicity stage according to fully comprehensive doctrines. In fact, it is this epistemic element (the burdens) that appears to be the messenger that makes Rawls believe his pessimism about the perfectionist's

²³ Rawls, 1993, lecture II, §2 (pp.54-8)

motivation is authorized. Yet if the idea of the burdens of judgment is indeed rather epistemic consideration, in what way does it differ from the previously discussed attempt to get the access to the perfectionist's motivational structure? Even if the burdens are indeed the medium that grants Rawls with the access to the motivational structures of his constituency, what denies possibility of the leeway-causing reinterpretation of this access, given the fact that it is indeed the epistemic element and that Rawls's wants to refrain from verifying his interpretation of it by an appeal to its metaphysical truth?

Stated differently, even if I know that I disagree with my perfectionistic neighbor due the burdens of our judgment, why should I by default conceive his conscious support of the state perfectionism as something malicious and offensive to me? More precisely, why cannot Rawls's co-thinker plausibly suggest similarly framed interpretation of the neighbor's support of the state perfectionism? What decisive reasons may Rawls propose to his co-thinker in this pre-political pro tanto stage of their common co-contemplation, so that he would not be able to refuse the exclusivity of Rawls's interpretation of their disagreement due the burdens of judgment, hence to refuse that the neighbor's action are not to be seen by default as malevolent because of our lacking knowledge of his intentions?

Having said all this, ultimately, I believe that the burden of proof in the pro-vs-anti perfectionism debate remains on the side of Rawlsians.

CONCLUSION

The enquiry of this work investigated whether John Rawls properly supplies decisive reasons for establishment of the political conceptions of legitimacy in a way that makes it impermissible for states to openly promote or discourage ideals, activities or lifestyles on the basis of perfectionistic judgments. I in other words investigated whether Rawls's stance that in effect distinguishes him from liberal perfectionism indeed stands on solid and non-arbitrary grounds.

The main outcome of my efforts is the negative argument that questions Rawls's position in the pro-vs-anti perfectionism debate. Namely, on the basis of an extensive reconstruction of Rawls's argumentation, I claimed finding no decisive reasons denying Rawls's liberally perfectionistic co-contemplator to dissent or protest to Rawls's interpretation and consequent establishment of the pro tanto stage of the full publicity condition on the basis of precisely his partially comprehensive ideal citizen.

In particular, i challenged Rawls for not being able to refute my charge about his ethical notion of the idea of reciprocity, the charge due which the possibility that this crucial element of his theory might be his very own fully comprehensive consideration seems to be plausibly vivid.

I strived to substantiate this assertion mainly on the two grounds. Firstly, I claim that Rawls must respond the questions oriented towards his interpretation of the full compliance assumption by claiming its exclusiveness (hence by grounding its validity by an appeal to its metaphysical truth) if he wants to eliminate the possibility of his implicit engendering of a leeway in interpreting this idealistic assumption, a leeway that would in itself signify the fact that he has nothing to say against different interpretations of the components of the pre political rule.

Secondly, if Rawls would indeed make this kind of response, it would be made at significant if not fatal costs for his project. This response in other words suggests, that one of the main (if not only) considerations that ought to justify why he proceeds in the rudimentary stage of the construal of his publicity condition in his way rather than in another; is the comprehensive consideration metaphysically asserting the exclusive validity of his interpretation of the pre political rule.

To put it plainly, if Rawls would indeed make the kind of response in question, he would admit that the argumentation of his politically liberal project is at one of its cores undistinguishable from the comprehensive argumentation of his comprehensive or perfectionistic counterparts. If Rawls nonetheless would make it, he would engender the possibility of a leeway in the interpretation of the full compliance assumption and of its usage in the pre-political justificatory rule.

The benefits of my discussion seem to reside in virtue of trying to be relevant commentary of the pro-vs-anti perfectionism debate. If my discussion is at least to some extent illuminating with respect to this philosophical debate, it is ultimately due the fact that my conclusion apparently shift the burdens of proof on the side of Rawlsians. Moreover, my conclusions also seem to support the assertion of Joseph Raz that there is something natural about the perfectionism in a way that it is not about the anti-perfectionism.

Rawls's form of anti-perfectionism, for example, attempts to artificially narrow down the pool of eligible consideration that could be uncontroversially used for justifiable establishment of the properly public politics. This seems to be so because the complete pool of considerations includes (among other types of consideration) both, fully and partially comprehensive considerations. It is Rawls's project that strives to convince us that the pool for given purpose

ought to be narrower. My conclusions here in other words question successfulness of this attempt.

It nonetheless needs to be noted that I do not claim promulgation of a final resolution of the anti-vs-pro perfectionism debate. My conclusions merely suggest that Rawlsians shouldn't be so confident about the non-arbitrariness of their treatment of their liberal counterparts.

Jonathan Quong's recent thoughts seem to be also rather negatively affected by my conclusions. Namely, my arguments suggest (contrary to his) that Rawls's might be seen as having hard times proving credibility of his liberal project, for I accuse him of doing one of the following two things: 1. providing arbitrary justification for his peculiar way of modeling the pro tanto publicity stage; or 2. articulating rather mediocre liberal project if such arbitrary justification is not provided.

This means that one of us must be wrong, for Quong's overall aim is to argue that Rawls's project is internally coherent and simultaneously appealing form of liberal philosophical project. It is my believe that it is his project that fares worse, for in light of my framing and understanding of his argument, being the internal Rawlsian demands acceptance of the Rawls's ideal of the well-ordered society. This is nonetheless in my view asking to accept too much, for one of the main implications of my enquire is that Rawls's can expect to be challenged precisely during or due his establishment of the quality of the well-ordering of his ideal society.

The biggest vulnerability of my investigation is its extensive reliance on the plausibility of my adaptation of Rawls's theory. Ultimately, I believe this work might serve as thought-provoking inspiration for a further research of Rawls's civic friendship idea.

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