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ANTHROPOLOGICAL
FOUNDATIONS
OF JOHN RAWLS'
POLITICAL THEORY¹

The analysis of Rawls' anthropological model, underlying his theory of justice, reveals its complex basis: on one hand, it is an attempt to attach broader and deeper Kantian philosophical foundations to "rational egoist" of classical utilitarianism (idea of autonomy, ability of self-determination through moral law); on the other hand, the notion of "life plan", emphasizing rationality of human interests and actions and opening a possibility for happiness, connects Rawls' theory to Aristotle's virtue ethics and to contemporary communitarianism.

Keywords: anthropological model, "justice as fairness", rationality, individualism, "life plan", Rawls, Kant, Aristotle.

A certain understanding of human nature is always at the core of a political theory, and is always the ultimate source and subject of dispute. Most often such understanding is implicit, unarticulated, taken for granted and not developed and discussed within the theory itself. So the reconstruction and analysis of anthropological presuppositions of contemporary and historical systems of political philosophy forms an important early stage of research that should not be neglected. The purpose of this paper is to provide analysis of anthropological foundations of John Rawls' "justice as fairness".

Contemporary anglophone philosophy endows the very term "anthropology" with two different meanings. One is ethnological; the other can be called normative. The former is used more often, as ethnological approach is well-respected and followed by many. The latter is sometimes seen as old-fashioned and "metaphysical", even "fundamentalist", allowing for generalizations that are too broad, and goals that are too far-reaching. It is sometimes called "normative conception of the person" (as in [7]) or "the problem of human condition".

Still, contemporary political theories of liberal egalitarianism, libertarianism, communitarianism, multiculturalism rely (often implicitly) on the normative approach and find little use for the conceptions of cultural anthropology. This fact is somewhat striking in the case of multiculturalism, which, while emphasizing the significance of cultural particularism and the role of culture in shaping subjects and processes of political life, could in principle rely on cultural anthropology. The possible reasons for this neglect are discussed in the article of an American anthropologist Terence Turner, who comes to the conclusion that multiculturalism as a movement is too preoccupied with political struggle for minorities' rights to systematically address its theoretical foundations [12].

Thus, the notion of "anthropology" in contemporary political philosophy generally means "normative conception of person", not "cultural anthropology", and Rawls' theory of justice is no exception. This should count as another link to Kantian philosophy, since Kant was the first to differentiate between theoretical and pragmatic anthropology, defining the latter as the "investigation of what *he* as a free-acting being makes of himself, or can and should make of himself" [2, 7:119]. The notion of pragmatic anthropology is actively discussed, also in "Kantovsky sbornik", and this paper in many aspects relies on work done by H. Klemme, L. Kalinnikov, V. Vasilyev, among others.

Anglophone political philosophy before the publication of "Theory of Justice" was dominated by what ant called a "physiological" approach to the problem of human nature, defining it as "investigation of what *nature* makes of the human being". Behaviorist psychology and emotivist ethics formed the background for political philosophy, where consequentialism played a normative role. So, W. Ross considered Kantian deontology to be a simplification of an actual person's moral life, and proposed to augment it with the idea of the plurality of human motives that would include not only duty, but also psychological motives, effectively blurring the difference between pragmatic and theoretical anthropology. On the one hand, this "soft" deontology was followed by a number of philosophers, including R. Audi and P. Stratton-Lake; on the other hand, critics find this conception to be eclectic and incoherent [10, p. 41]. A person in Ross's view is guided by an unstructured array of maxims, expectations and intuitive concepts of the good, having no criteria to resolve imminent conflicts that ensue.

Another normative doctrine, which proved to be important for the development of twentieth-century anglophone political philosophy, is legal positivism of H. L. A. Hart. The concept of human nature that underlies it is influenced by late Wittgenstein and leaves no place for universalism, inherent in Kant's pragmatic anthropology. Any attempt at grounding a set of principles of legal and political conduct in the ever-changing linguistic landscape is relativist from the outset and will experience a deficiency in its prescriptive function. Important questions concerning political aims and ends, ideal models of human conduct, of citizenship, will inevitably remain unanswered.

This deficiency was among the principle reasons for Rawls developing his theory of "justice as fairness". Rawls does not draw out a wholesome model of human being; however, his "Theory of Justice" contains many important insights and focuses on several important features. The subjects of Rawls' theory are, above all else, free and equal rational beings. This formula is used frequently

starting from the first pages of the Preface for the Revised Edition, where Rawls names the description of rights and responsibilities of such beings “a requirement of absolutely first importance for an account of democratic institutions” [10, p. xii].

The second fundamental feature of human situation is having interests, both identical and conflicting: “There is an identity of interests since social cooperation makes possible a better life for all than any would have if each were to try to live solely by his own efforts. There is a conflict of interests since men are not indifferent as to how the greater benefits produced by their collaboration are distributed, for in order to pursue their ends they each prefer a larger to a lesser share” [10, p. 109]. This is Rawls’ way to account for Aristotelian understanding of human nature.

The most comprehensive description of the workings of Rawls’ anthropological model is found in Chapter VII of Part Three of “Theory of Justice”, titled “Goodness as Rationality”. It starts with an analysis of contexts, where “goodness” is used, pointing at the affinity between goodness and rightness. This affinity becomes the foundation for Rawls’ deontology. The notions of the good and the right are used above all when assessing interests [10, p. 348]. The right interests would be those corresponding to socially accepted norms. Rawls – and that is no wonder when dealing with fundamental philosophical concepts – is experiencing visible difficulties with the definition of the right, making it somewhat circular: “...in justice as fairness the concept of right is prior to that of the good. In contrast with teleological theories, something is good only if it fits into ways of life consistent with the principles of right already on hand. But to establish these principles it is necessary to rely on some notion of goodness, for we need assumptions about the parties’ motives in the original position. Since these assumptions must not jeopardize the prior place of the concept of right, the theory of the good used in arguing for the principles of justice is restricted to the bare essentials” [10, p. 347–348]. As a side-note, it is worth mentioning that Rawls’ linguistic analysis of the use of these notions does not pose the problem of transgressing the borders of a particular political culture, that of anglo-saxon liberalism. Such analysis, done in other cultural contexts, could perhaps enrich the philosophical approach with the ethnological one.

The notion of rational plan of life plays an important role in Rawls’ theory. Such plan allows a person to structure and coordinate her multi-directional interests and to correlate them with the interests of other persons; having a rational plan of life counts as a good. In respect to plan of life, Rawls differentiates between two kinds of good: instrumental one, leading to fulfillment of the plan of life, and the one intrinsic to a “good” plan [10, p. 358]. And although the definition of instrumental good is precise, the definition of a “good” plan of life is again dissolved in social psychology and linguistic analysis. It is notable that, in order to clarify the definition of a “good” plan, Rawls has to rely on Aristotelian virtue ethics: a “good” plan is a plan that leads to realization of good natural faculties of a person [10, p. 458–460]. Here, we see Kantian deontology augmented with classical virtue ethics.

Let us now turn back to the definition of human being as “free and equal rational individual” and focus on Rawls’ notion of rationality. On the one hand, it is instrumental: rationality is involved in choosing means, suitable for a certain end. Instrumental rationality forms the basis for Rawls’ contract theory. A person in rational pursuit of certain interests has to cooperate with other persons,

and the most reliable foundation for such cooperation is an explicit set of rules, generated within a social group historically or accepted intentionally. This contractarian view is advanced further by adding the Kantian thought that explicit consent is the only foundation for social cooperation preserving a person's dignity.

On the other hand, another subject of rational evaluation is the choice of a life plan: "...a person's plan of life is rational if, and only if, (1) it is one of the plans that is consistent with the principles of rational choice when these are applied to all the relevant features of his situation, and (2) it is that plan among those meeting this condition which would be chosen by him with full deliberative rationality, that is, with full awareness of the relevant facts and after a careful consideration of the consequences" [10, p. 358–359]. However, a human being can hardly expect to come anywhere close to "full awareness of the relevant facts", so this definition again appears vague.

Throughout "Theory of Justice", freedom is viewed almost exclusively as a set of basic liberties, which, according to the first principle of justice, have to be provided to each citizen in equal measure. One exception is paragraph 40 "Kantian Interpretation of Justice as Fairness", where Rawls notes that freedom can be explained as part of Kant's notion of autonomy: "Kant held, I believe, that a person is acting autonomously when the principles of his action are chosen by him as the most adequate possible expression of his nature as a free and equal rational being" [10, p. 222]. Rawls also accepts Kant's view of freedom as being bound by moral law.

Now, to bring it together, the duty to remain "free and equal rational beings" is, according to Rawls, not only a duty, but also the most basic requirement of a "good" plan of life, necessary to maximize our natural potential. So here again support is found in classical virtue ethics.

Rawls' notion of equality also rests on two foundations. On the one hand, the equality of opportunity is the basic presupposition of Rawls' egalitarianism. The very purpose of his theory of justice is to set the mechanisms compensating for undeserved natural inequality, seen as self-evidently evil [10, p. 86]. On the other hand, when providing an explanation of this presupposition, Rawls turns to Kantian, as well as Aristotelian and contractualist arguments, or, rather, considerations. From a Kantian perspective, the manifestation of our nature of free and rational (i.e. autonomous) beings abiding by the inner moral law requires treating other individuals as similar, and thus having the same rights. From the perspective of virtue ethics and "Aristotelian principle" of Rawls, our life plan would be ever more full, complex and exciting, and its implementation ever more successful, should we rely on wholehearted support by the others; and our collaborators would be at their most efficient if they are, like ourselves, free and equal rational beings [10, p. 379]. A presence of contractarian rational egoism is also noticeable in this argument.

Finally, a sketch of anthropological model implemented in the theory of justice would not be complete without considering the important principle of individualism. Rawls connects the notion of an individual with the fundamental incommensurability and basic character of personal interests, which give rise to the very problem of justice as principle of distribution of goods [10, p. 5]. This is similar to where utilitarian theories of Adam Smith and Bentham start – from the problem of economic regulation. The whole collision of rights, liberties and interests, from which "Theory of Justice" starts, is inherited from the tradition of classical British liberalism. Only in "Kantian Interpretation..." Rawls comes to

the analysis of these notions through the Kantian notion of autonomy: “For the most part I have considered the content of the principle of equal liberty and the meaning of the priority of the rights that it defines. It seems appropriate at this point to note that there is a Kantian interpretation of the conception of justice *from which this principle derives* [emphasis mine]. This interpretation is based upon Kant’s notion of autonomy” [10, p. 221].

The first implication of Kant's notion of autonomy to attract Rawls' attention is the principle of rational choice of moral maxims and the ability to reconcile one's interests with those of the others in order to form a community. Only this choice or sequence of choices, done publicly reveals one's capacity to be rational and free individual [10, p. 222]. The possibility to transcend determination by nature is not the only feature Rawls finds attractive in Kantian theory. He also relies on it when theoretically securing individual rights and duties against famous counterintuitive implications of utilitarianism, dealing with sacrificing individuals for greater common good. To conclude, Rawls' individualism originates in utilitarian model of “homo economicus”, but is later expanded using Kantian principles.

Rawls' individualism and his rationalized atomistic model of a human being caused a flow of criticism, resulting in the movement of liberal communitarianism. However, it would be an overstatement to call theory of justice as fairness individualistic. The last chapter of the book, titled “The Good of Justice”, contains arguments revealing the fundamental role of society in Rawls' conception of an individual. Paragraph 79 “The Idea of Social Union” is dedicated to discussing the need for social union not only in implementing, but also in formulating individual plans of life. Rawls considers the point quite obvious and only gives several remarks, which are again following Aristotle: human life plan is necessarily limited to several strands, leaving the rest to others, and the possibilities, chosen and actualized by others, both contemporaries and predecessors form the background and the basis for our activity, which is impossible beyond it [10, p. 458–459]. It seems that here Rawls' anthropological model anticipates some of the important remarks on behalf of communitarians (particularly, M. Sandel and A. MacIntyre).

This analysis of Rawls' anthropological model, first of all, reveals its complex character. On the one hand, it is an attempt to find deeper philosophical foundations for the simplistic model of rational egoist “homo economicus”, advanced by the classics of utilitarianism. Kantian idea of autonomy as ability for self-determination through moral law was used for that. On the other hand, the notion of a “plan of life”, expressing the rationality of a person's interests and actions, succeeding in which brings “happiness”², inclines Rawls' theory towards Aristotelian virtue ethics.

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² “Someone is happy when his plans are going well, his more important aspirations being fulfilled, and he feels sure that his good fortune will endure” [10, p. 359].

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