

Editorial Note

Rawlsian Engagements with Difference: Justice and Public Reason

John Bordley Rawls's account of justice as fairness has continued to influence political thought, even in the 21st century. Cited by philosophers, economists, jurists and writers in the United States and across the world, his work has influenced feminist thought, normative economics and race theory, as the examples of Susan Okin, Amartya Sen, Ruth Abbey and Charles Mill and many others reveal.

Rawls's book *A Theory of Justice* (1971) changed the trajectory of political theory by introducing normativity and utopianism in analytical debates. It catalysed a long standing discussion of "justice as fairness" (1971, 3), Rawls's most abiding contribution to

the concept of the basic requirements for social cooperation. He defended the notion of citizens who are equal and free within an egalitarian economic context through a guarantee of rights and opportunities to the least advantaged sections. He provided a political account of just institutions underlined by a moral conception of human beings as free and equal. He distinguished his own perspective- rooted in Kantian constructivism- from other notions such as perfectionism, intuitionism and utilitarianism- as non-instrumental. This is because of its commitment to the intrinsic value of human life- à la Kant. Hence, rather than privilege any “full” (1971, 396) or substantive notion of the good life from an incommensurable multitude, Rawls spelled out a “thin” (1971, 396) notion. The latter would allow individuals to freely pursue their own substantive or “full” goods in a nonpartisan manner. On the “thin” note, Rawls’s “primary goods... are rights and liberties, opportunities and powers, income and wealth” (1971, 92); he especially mentioned self-respect in this list. Primary goods provide individuals the space to pursue any substantive good they wished in a “well-ordered society” (1971, 453) that facilitates individuals to develop themselves while also maintaining cooperative public relations. Thus, rather than teleological or metaphysical notions, Rawls argued for the priority of the right over the good as the basic framework of social organization and institutions.

Rawls’s *A Theory of Justice* revealed the entanglement of politics and philosophy. It foregrounded the normative question as a key theme in politics, at a time of heightened scepticism towards it (Lazlett 1956, Barry 1965). Sceptics assumed that the problems of politics were resolved through practice and there was nothing left for the political philosopher to do. Rawls, on the contrary, proved that there was plenty for political philosophy to do on the normative front, especially because distributive justice needed to be contextualised in a “well-ordered society”. Rawls interrogated questions of justice, fairness and impartiality (the veil of ignorance) in societies divided by the chasm of differences.

He suggested that one place oneself in the position of others to comprehend and diffuse the risks of poverty and inequality, while envisioning a world with job guarantees, material well-being and an education that cultivates based on the rule of law. Rawls identified the liberty principle with the basic freedoms, and the difference principle promoting affirmative action where social inequalities can exist only if all positions are open to all and they benefit the least advantaged within society. His interrogation of the very idea of toleration, including that of the intolerant (1971, 216) and civil disobedience (1971, 363) explored ways in which individual freedom can be balanced in a larger social domain with political commitments.

Rawls's later work on *Political Liberalism* (1996) is an avowed attempt to go beyond the abstraction in his *Theory of Justice*. It especially focuses on the dimension of social stability through politics, given that individuals are members of communities holding comprehensive philosophical and moral doctrines (1996, xv). Thus, its central question is the conflict between such doctrines and that of social and political justice which prescribes the basic structure of society, while examining power and its relation to community in a democracy. *Political Liberalism* also examines freedom in relation to solidarity in civil societies that have a diversity of religions, cultures and worldviews. The role of the reasonable in delineating a culture of public reason becomes enmeshed in the quest for justice. The need to situate distributive justice within concerns of social cooperation continuously informs Rawls's work. However, *Political Liberalism* did appear to adopt a more communitarian tone as critics have observed. Hence, the extent to which it moves beyond *A Theory of Justice* is debatable. Moreover, the overlap between these texts also has implications of contemporary liberalism struggling with abstract normative principles and concrete factual contexts.¹ In his later writings

1 To cull from Habermas's *Between Facts and Norms* (1996)

such as *Political Liberalism* and *Basic Structure as Subject* Rawls engaged with the thorny challenge of diversity manifesting through diversity in culture and worldview: how can those from diverse backgrounds think and imagine together to arrive at the reasonableness of overlapping consensus, pluralism and public debate? His *A Theory of Justice* divulged the possibilities of political communities getting past accidents of birth in caste, class, race and gender in individual attempts to lead free egalitarian lives. *Political Liberalism*, similarly, sketched prospects for egalitarian individual freedom, given the multitude of comprehensive doctrines and the possibility of their “overlapping consensus” vis-à-vis justice as fairness. Rawls made it clear that justice as fairness, prescribing the terms of free, fair and equal social cooperation, should not be treated as another comprehensive doctrine, but rather as a political framework for democratic societies. Indeed, he bemoaned that *A Theory of Justice* tended to gesture towards political liberalism as a comprehensive doctrine. Thus, normative questions about justice cannot be reduced to comprehensive doctrines, although their relationship needs to be specified. Rawls attempted to offer such a specification in his *Political Liberalism*.

Rawls’s foundational articulations of justice as fairness and public reason have bearing on negotiating cultural diversity and engaging with dissent. A wide spectrum of concerns pertaining to individual freedom, social equality and cultural diversity can be informed by reading and rereading Rawls in the 21st century. In this spirit, Sambhāṣaṇ in collaboration with the Ambedkar International Research Centre (AIRC), University of Mumbai, will be dedicating two special issues (volume 2, issues 3&4) to commemorate a century of Rawls (1921-2002), and fifty years of his influential work *A Theory of Justice*. The collaboration with AIRC is especially because B.R. Ambedkar’s own commitment to justice. He extensively envisaged themes of social and political justice by locating the individual in a wider social context and critiquing cultural stratifications. The present volume one of *Rawlsian*

Engagements with Difference focuses on his key themes of “Justice and Public Reason” to explore ways of thinking with Rawls and also going beyond him. The essays by Alessandro Ferrara and Michael Roseneck examine ways of thinking with Rawls about the potential of his notion of justice in contemporary contexts. Ferrara argues that consent and constitutionalism inform Rawls’s notion of the reasonable, which ushers in a normative perspective that differs from both classical political philosophy and the post-Wittgensteinian framework. Roseneck argues that Rawls’s Theory of Justice has a more compelling notion of public reason than his *Political Liberalism*, with a capacity to speak to prevailing heightened pluralisms. The papers by Rajeev Bhargava, Mayavee Singh, Rudolf Heredia and Nalini Rajan explore possibilities for going beyond Rawls. Bhargava demonstrates Rawls’s politics of “restrained engagement” as one that attempts to work balance between the divisiveness of comprehensive doctrines and the orderliness of an ideal society. He ponders over the adequacy of Rawlsian concepts in this endeavor. Mayavee Singh turns to Dworkin’s critique of Rawls’s veil of ignorance and their differing thought experiments, to analyse whether they differ substantively in their versions of distributive justice. Rudolf Heredia notes that Rawls’s contractarianism cannot adequately address the discontinuity between the demands for justice and its practical realization. He argues that this requires moving beyond even Sen’s capabilities approach to Nussbaum’s engagement with differences in her *Frontiers of Justice*. Nalini Rajan dwells on the limits of Rawls’s account of civil disobedience that is rooted in the obligation to the law; she argues that such a theory of political obligation does not allow for difference of opinion, the crux of a just society. The papers in this volume engage with Rawls’s foundational themes of justice and public reason in ways that illuminate the thorny question of a common political framework that has to nevertheless accommodate differences. The writings in the reviews section also focus on the theme of justice and its relationship to difference.

This issue on Rawls has been possible because of the generous help and support we have received from many academicians. We are obliged to Koshy Thakaran, Biraj Mehta, Irfan Engineer and Thomas Schmidt for their expert suggestions. We thank our anonymous peer reviewers for their feedback, despite their tight schedules. We are grateful to the authors in this volume for their enriching essays, which often required balancing multiple commitments and demands of time. We put on record our thanks to the Vice Chancellor Prof. Suhas Pednekar and the Pro Vice Chancellor Prof. Ravindra Kulkarni for their encouragement. Merci beaucoup to our team of Assistant Editors for helping out with the copyediting. Shukriyan to Ms. Prajakti Pai for her artistic design and support. Dhanyavaad to Sambhashan's Review Editor and Editorial Team for their enriching contributions. Dank to Dr. Srivaramangai and Mr. Sanket Sawant for their round the clock efforts with publishing this journal online.

References:

Barry Brian 1965 *Political Argument* London: Routledge & Kegan Paul.

Habermas, Jürgen 1996 *Between Facts and Norms: Contributions to a Discourse Theory of Law and Democracy* Cambridge MA: MIT Press

Laslett Peter 1956 *Philosophy, Politics and Society* Oxford: Blackwell.

Rawls, John 1971 *A Theory of Justice* Cambridge, Mass.: Harvard University Press

____ 1996 (1993) *Political Liberalism* New York: Columbia University Press

