

Lecture Notes 4 : Community and the Self

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The priority of right

Rawls defends it as a deontological form of constraint on the pursuit of the good life.

Michael Sandel suggests:

If the claim for the primacy of justice is to succeed, if the right is to be prior to the good in the interlocking moral and foundational sense we have distinguished, then some version of the claim for the primacy of the subject must succeed as well. (Sandel 1982, 4)

The deontological/unencumbered/barren self

Sandel sets out by claiming that:

- (1) Rawls' claims about the moral priority of the subject presuppose certain claims about its *nonmoral* priority. And
- (2) Rawls himself avows such presuppositions.

In fact Sandel scarcely adduces enough evidence for (2), but let's leave that for later. Why is (1) true?

The argument

According to Sandel:

- (3) Rawls affirms a deontological account of the self (the self as individuated antecedently of some conception of the good).
 - (4) The deontological account of the self is incoherent. But
 - (5) Rawls' theory of justice requires a deontological account of the self.
- ∴ (6) Rawls' theory rests on incoherent grounds.

Premise (3)

Rawls does not rule out 'constitutive interests' in Sandelian fashion:

the parties [to the original position] must assume that they may have moral, religious, or philosophical interests which they cannot put in jeopardy... (Rawls 1971, 206)

Premise (5)

Sandel's own argument shows that (5) is false:

The secret to the original position—and the key to its justificatory force—lies not in what [its denizens] do there but rather in what they apprehend there. What matters is not what they choose but what they see... What goes on in the original position is not a contract after all, but the coming to self-awareness of an inter-subjective being. (Sandel 1982, 65)

Sandelian response: 'intersubjective self-understandings' imply constitutive interests. But why?

An (unsuccessful) *ad hominem* argument

(7) (Benefits from) talents are not deserved by the individuals who have them (since their actual distribution is *morally arbitrary*).

∴ (8) Community deserves (the benefits from) those talents.

The move from (7) to (8) is a non-sequitur, which Sandel attributes to Rawls. Rawls affirms the premise, but he nowhere makes the inference (and does not need to affirm the conclusion).

Is anything true in this critique?

Rawls considers certain 'highest-order goods' to be the most promising basis for constructing a well-ordered society, i.e. a society that is stably just, where it is common knowledge that it is so.

Community and Individual Motivation

(9) *Implementation* of justice requires common motivation.

(10) The liberal model is divisive, i.e. discourages the bonds allowing motivation on the basis of justice.

∴ (11) The liberal model is badly suited for implementing justice (on its own terms).

Even if (9) is true, one must ask whether the communitarian is in a position better than the liberal to implement justice. Is he?

Study questions

What account of the person does liberalism presuppose?

'Liberalism cannot make sense of constitutive commitments to community.' Discuss.

Further Reading

Caney, S. (1992), 'Liberalism and Communitarianism: A Misconceived Debate', *Political Studies* 40, 273-289.

Mulhall and Swift (1992), *Liberals and Communitarians*, ch. 1, 6.