

**Defending Rawls on the Self:  
A Response to the  
Communitarian Critique**

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Thesis submitted in partial fulfilment of  
the requirements for the degree of  
Master of Arts in Philosophy,  
University of KwaZulu-Natal

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## INTRODUCTION

This thesis aims at defending John Rawls from the communitarian critique by Michael Sandel and Alasdair MacIntyre. The main focus of the thesis is to investigate how cogent their criticism of Rawls's conception of the person is.

In chapter one I summarise Rawls's theory of justice. I look at the two principles of justice and what they entail. These principles determine the rights of the citizens as well as how material goods in society should be distributed. He formulates what he calls 'justice as fairness'. Deeply embedded in establishing the notion of justice as fairness are two inseparable ideas. These are the idea of the original position and the idea of the veil of ignorance. The original position presents a thought experiment in which individuals are brought together to come up with an ideal society that they would want to live in. The ideas they have to discuss ultimately include individual rights and freedoms as well as how material goods are to be shared in that society. The individuals, however, are deprived of certain crucial information about how they would appear in the resulting society. This is what Rawls calls the veil of ignorance. The individuals do not know who or what they are going to be in their society. In other words, they do not know if they are going to be male or female, rich or poor, rulers or the oppressed or what their personality traits/character type or talents and disabilities will be.

In chapter two I will look at the communitarian objection to Rawls's project. As a crucial part of his characterisation of the veil of ignorance and the original position he claims that these individuals do not know of their own conception of the good. This means that they are not aware of what they will choose as worthwhile and what they will consider to be a wasted life. Thus, these individuals, in considering principles that must govern them, that is principles of justice, will not discriminate between those who pursue a life of enlightenment and those who pursue a life of drugs and heavy parties. This has caused problems with communitarians who insist that one cannot be indifferent to what she considers to be worthwhile. They argue that an individual will defend what she considers

to be worthwhile in the face of what she considers to be base, she will discriminate what is worthwhile from what is not worthwhile. Any interpretation that does not conform to this understanding is a distorted understanding of the nature of individuals. The work of communitarians is very broad. My main concentration is going to be on the work of Michael J. Sandel and Alasdair MacIntyre in so far as they argue that Rawls's project rests on a fundamentally mistaken view of the self. I have chosen Sandel and MacIntyre because their work is similar though expressed differently. They both argue that Rawls views the individual as preceding the existence of her society. They both claim that Rawls is committed to a certain metaphysical view of the self that leaves out the essence of community and values in the make up of individuals.

In chapter three I argue that the objections by both MacIntyre and Sandel fail to apply to Rawls's project. I argue that their objections have strayed from metaphysics of the person. Sandel and MacIntyre claim that Rawls is committed to a certain metaphysical view of the self. Sandel calls it an "antecedently individuated self" and MacIntyre calls it an "unencumbered emotivist self". Using the example of Derek Parfit and Bernard Williams I conclude that Sandel and MacIntyre are not discussing metaphysics of the person but have brought other issues that are at odds with our traditional understanding of the metaphysics of the self.

In chapter four I conclude by considering the differences between my response to the communitarian critique and Rawls's response. Rawls explicitly denies that his theory is committed to any view of the person. He argues that justice as fairness is intended as a political conception of justice. He argues that justice as fairness is a moral conception that is meant for a specific subject. The subject he has in mind refers to the economic social and political institutions that make up society. Rawls chooses to explain what his theory entails and its limitations regarding metaphysics. I show how my response differs from Rawls's and argue that my response has got certain attractions over Rawls's own response. I end by looking at possible ways of furthering the debate.

## **CHAPTER ONE**

### **1.1 Introduction**

In this chapter I will outline John Rawls's theory of justice. I will concentrate on the themes that communitarians find objectionable in as far as the concept of the person is concerned. My outline will be limited to what is read by communitarians as committing Rawls to a certain conception of the self.

### **1.2 Justice and social Institutions**

Rawls views justice as crucially important to all social institutions. Any institution that is not just should be abolished no matter how efficient or well organised it is. Each and every person has inviolable rights that are based on justice. These rights cannot be violated for the sake of the benefit of other members of the society. He says, "in a just society the liberties of equal citizenship are taken as settled; the rights secured by justice are not subject to political bargaining or to the calculus of social interest" (Rawls, 1971:4). This means that the needs of the group can never be taken as worthy of sacrificing the dignity or rights of any single member of the society.

An injustice, for Rawls, can only be allowed if it will prevent an even greater injustice from happening. If that is not the case then any social institution that exhibits injustice should be abolished or revised. Rawls's intention is to work out a theory of justice from which the primacy of justice can be asserted.

His starting point is the assumption that society is a self-sufficient association of persons, who in their relations recognise certain rules as binding and tend to observe these rules in most cases. These rules work to specify a system of cooperation between participants. Although society is a cooperative venture a conflict of interest will always arise. However, on the other hand, an identity of interest also arises because it makes life better for all than if all were to live in isolation. A conflict of interest arises mainly because people are not indifferent to the way the fruits of their cooperation are distributed. Each individual would want to have a far bigger share compared to a smaller share to enable her to pursue her interests. In order to regulate this state of affairs Rawls suggests that there should be principles that will be considered fair by all the participants in society.

A set of principles is required for choosing among the various social arrangements which determine this division of advantages and for underwriting an agreement on the proper distributive shares. These principles are the principles of social justice: they provide a way of assigning rights and duties in the basic institutions of society and they define the appropriate distribution of the benefits and burdens of society (Rawls, 1971:4)

A society is well ordered when it is not only designed to advance the interests of its members but when it is also governed by a public conception of justice that is accepted by everyone and is satisfied by all social institutions. Although individuals might have different aims, they will share a commonly held conception of public justice. Rawls further argues that although people might have different conceptions of what justice is, they will agree that social institutions are just when they do not use arbitrary methods to

discriminate against persons in assigning rights and duties as well as in adjudicating between competing claims to social advantages.

### **1.3 The nature of justice**

Rawls notes that many things can be called just or unjust. For example persons can be called unjust, or actions by persons can be called unjust. But Rawls's primary concern is what he calls social justice. Social justice is mainly concerned with the way in which social institutions assign rights and duties and how they determine the distribution of social advantages from what he calls social cooperation (Rawls, 1971:7). His understanding of major institutions includes the political framework, the economic and social structure. These major institutions play a crucial role in determining the rights and duties as well as benefits of the citizens.

Taken together as one scheme, the major institutions define men's rights and duties and influence their life-prospects, what they can expect to be and how well they can hope to do. The basic structure is the primary subject of justice because its effects are so profound from the start (Rawls, 1971:7).

A fact of life is that people are born into different positions. These different positions create different expectations. Different expectations are created by the political, economic and social circumstances that each individual is born into. Institutions favour the starting positions of some members of society compared to others. It is here that the principles of social justice must apply in order to deal with these inequalities. Rawls says that these principles of social justice only apply well to major social institutions. They may not apply as well to families or associations or clubs or serve as an ideal of friendship. It is important to note that Rawls is not an advocate of some form of egalitarian society. He simply argues that any form of inequality must be adjudicated by principles of justice.

### **1.4 The idea behind this theory of justice**

Rawls envisages those who enter into social cooperation as deciding once and for all principles that will assign basic rights and duties and social benefits. These decisions will

include how people will regulate their claims against each other. Just as a person will rationally decide what the good is for her, society will also in the same way decide what counts as just and unjust. This decision that individuals come to will be made in an initial situation which he calls the original position. The original position is somewhat similar to the state of nature in traditional theories of the social contract.

The guiding idea is that the principles of justice for the basic structure of society are the objects of the original agreement. They are the principles that free and rational persons concerned to further their own interests would accept in an initial position of equality as defining the fundamental terms of their association. These principles are to regulate all further agreements; they specify the kinds of social cooperation that can be entered into and the forms of government that can be established. This way of regarding the principles of justice I shall call justice as fairness (Rawls, 1971:11).

### **1.5 The original position**

The original position is not to be thought as an actual historical position or event. It does not even represent a state of affairs that could have prevailed in a primitive culture. It is a hypothetical position that is supposed to lead to a certain conception of justice. The people in the original position must arrive at a certain conception of justice. It will lead to that particular conception of justice because of the circumstances that the subjects in that position are in. In the original position, parties are deprived of certain information about themselves. The information that the parties in the original position are deprived of includes the knowledge of their place in society. This means that the parties do not know who or what they are going to be in society. The parties do not know what position or class they are going to occupy. They do not know if they are going to be rich or poor, rulers or subjects.

The parties do not know what their fortunes are going to be with regard to the distribution of natural assets or liabilities. This means that individuals do not know if they are going



to be talented in a certain way or if they are going to be totally untalented and physically disabled. They do not know how much energy and amount of entrepreneurship they are going to muster. They do not know if they are going to make extraordinary contributions to their society or not. They do not know if they are going to be treasured as people of talent or they are going to be regarded as an expense to their society.

The individuals do not know what their intelligence is going to be. They do not know if they are going to be extraordinarily intelligent or if they are going to be dull. They are also not aware if they are going to have any strength or they are going to be weaklings who will not be able to defend themselves or their interests when they are under threat from those who have the strength.

The individuals in the original position are also not aware of what their conception of the good is going to be. This means that the subjects are not aware of what they will consider to be valuable and what they will consider to be unworthy. Conceptions of the good differ from individual to individual. A person who finds value in thinking about the nature of human life and the universe is different from someone who finds value in drinking large amounts of alcohol. A person who finds value in dedicating her life to helping others is different from someone who finds value in amassing a lot of money for herself. A conception of the good gives a person ends to pursue, that conception also shapes the way a person leads her life. A person who believes in helping others or sacrificing herself for the freedom of others will have different values from a person who believes in dancing perfectly.

The people in Rawls's original position do not know how they should lead their lives. They do not know how they should lead their lives because they are not aware of what they are going to hold as valuable. This leads the people in the original position to refrain from discriminating against certain conceptions of the good. This lack of knowledge of the conception of the good is meant to ensure that no particular conception will be treated favourably and no conception will be discriminated against.

With this lack of knowledge about certain aspects of their situation, the subjects in the original position then enter into a bargain as to how their society should be organised. They bargain behind what Rawls calls a veil of ignorance. The veil of ignorance refers to the information mentioned above that subjects are not aware of. The idea being captured is that when agreeing to conceptions of justice certain information should not be included in that bargaining process. These individuals will come to an agreement that is fair without the influence of contingencies that might make them advocate one form of social arrangement over the other where justice is concerned.

Their lack knowledge about their class, gender, intelligence and strength also ensures fairness in deciding the principles that will govern how claims against individuals will be regulated. It also ensures that the individuals will arrive at a conception that does not favour certain classes over the others in the distribution of social advantages.

Behind the veil of ignorance no-one will be advantaged or disadvantaged in arriving at the principles of justice because everyone is equal.

For given the circumstances of the original position, the symmetry of everyone's relations to each other, this initial situation is fair between individuals as moral persons, that is as rational beings with their own ends and capable, I shall assume, of a sense of justice. The original position is, one might say, the appropriate initial status quo, and thus fundamental agreements reached in it are fair (Rawls, 1971:12).

Justice as fairness means that the principles of justice that are agreed to in the original position are fair. The individuals have come to them on grounds that are equal and fair. No one is favoured over and above the other and no one is discriminated against.

One way of seeing justice as fairness is to think of the individuals in the original position as rational and mutually disinterested. This should not be interpreted as meaning that these individuals are egoists who are only interested in certain things like prestige or

power. What it simply means is that each individual does not take an interest in another's interest. It is possible that the interests of these individuals may be opposed, but they must come up with principles that will govern them fairly.

The next point then is to discover what kind of principles these individuals will choose. Rawls argues that these individuals will not in all likelihood choose principles that are in accord with utilitarianism.

Will Kymlicka neatly explains why Rawls thinks people in the original position will not choose utilitarianism.

Not all political theories show the same concern with the equitableness of the distribution of the good. Utilitarianism is prepared to contemplate endlessly sacrificing one person's good in order to maximize the overall good. But other theories put constraints on the sacrifices that can be asked of one person in order to promote the good of others—even if the effect of these constraints is to prevent maximization of the overall good. Political theories which take rights seriously will disallow trade-offs which deny some individuals their basic human needs or rights, even if those trade offs would maximize the good overall (Kymlicka, 1989:22).

Priority is given to the right over the good and in this sense Rawls's theory is called deontological. In the original position each individual seeks to protect her own interests and desires. It is not possible that any individual will choose principles that will compel others to lead lives that are less fulfilling for the sake of the greatest number. The individuals in the original position will choose two principles that are quite different. The first principle that they will choose will ask for equality in assigning basic rights and duties. The second principle will hold that social and economic inequalities are justified only if they are to the benefit of everyone, particularly the disadvantaged. Rawls states these two principles as follows:

First: each person is to have an equal right to the most extensive basic liberty compatible with a similar liberty for others.

Second: social and economic inequalities are to be arranged so that they are both (a) reasonably expected to be to everyone's advantage, and (b) attached to positions open to all (Rawls, 1971:60).

But there is a question of justification that Rawls needs to address. This question seeks an answer as to why people in the original position would arrive at these two principles of justice as opposed to any other principles. Rawls says that conceptions of justice are arrived at because the circumstances of those who are deliberating make these principles acceptable. For the people in the original position it would be rational to arrive at these principles.

What needs to be guaranteed in the original position is that no one is advantaged or disadvantaged by natural circumstances in deciding the principles of justice. No one should be allowed to fit the principles of justice to her particular station in life. Also it must be ensured "that particular inclinations and aspirations, and persons' conceptions of their good do not affect the principles adopted" (Rawls, 1971:18).

Knowledge of contingencies that bring people into conflict is ruled out because they will lead people into advocating certain principles that might not be fair. Rawls also rules out prejudices that might make people support a certain conception of the good over others. If all these contingencies are ruled out we can see how we arrive at the veil of ignorance naturally.

Mulhall and Swift make the importance of the veil of ignorance explicit:

The intuition being captured here is that which links fairness to ignorance  
If I don't know which of the five pieces of cake that I am cutting I am going  
to end up with, then it makes sense for me to cut the pieces fairly. Similarly,

if people don't know who they are going to be, then it will make sense for them to choose fair or just principles to regulate their society (1997:3).

### **1.6 Division of the two principles**

The two principles of justice apply to the basic structure of society. They govern how rights and duties are assigned among citizens and they also regulate the distribution of the fruits of social cooperation between individuals.

These principles show that the social structure can be divided into two parts. The first part deals with securing the rights of the citizens. It is the principle that establishes that each member of the society has inviolable rights and that all citizens are equal. It is the principle that rules out any attempt to compromise the rights of any citizens for the sake of the majority. This principle also rules out any attempt to compromise the rights of citizens so that their material welfare can be greatly improved. The first principle secures the rights of citizens that include their right to vote, the right to belong to any political party, freedom of conscience and freedom of association.

The second principle deals with how social and economic inequalities are governed. This principle does not say that any form of inequality is not allowed at all. What it says is if there is going to be inequality it should be to the advantage of everyone especially the disadvantaged. A social structure will be seen as equal if all its positions are open to all its citizens. No citizen should be barred from occupying any position because of their background, but positions must be filled according to merit. Injustice occurs when inequality is not to the benefit of all the members of society.

In its most basic form this is what the theory of justice entails as I have outlined above. However, communitarians find Rawls's theory objectionable. The objection that I will be looking at is that Rawls is committed to a certain conception of the self. This objection is outlined in my next chapter.

## CHAPTER TWO

### **2.1 The Communitarian objection**

There are several objections made by different communitarians to John Rawls. In this chapter I will discuss the objections made by Michael Sandel and Alasdair MacIntyre with regard to what they conceive to be Rawls's theory of the person.

### **2.2 Sandel's metaphysical objection**

Sandel sees Rawls's conception of the self as essentially a claim about what is most worthy in the treatment of human beings. He suggests that, on Rawls's account, there are two senses in which an agent of choice is prior to its ends. The first is a moral imperative that requires that the individual's autonomy be respected beyond the ends that she might pursue. The second is that the self is prior to the ends she chooses. Her identity is fixed prior to these ends and they do not constitute it.

Sandel says "...justice as fairness... conceives the unity of the self as something antecedently established, fashioned prior to the choices it makes in the course of its

experience" (Sandel, 1982:21). The relationship between the self and its ends as suggested by Rawls commits him to a certain metaphysical view of the self. That relationship says something fundamental about the nature of human beings and their identity. Rawls's view of the person as an autonomous chooser of ends constrains him to give moral priority to the subject over her ends. What is most worthy is that capacity to choose as opposed to what the subject chooses. This capacity to choose comes before the individual does the choosing. Therefore, the moral worth of the subject is prior to the ends that are chosen.

This moral priority is explained by Rawls's assignment of a metaphysical priority. The essential unity and priority of the self is given prior to the ends it chooses. Here, Sandel sees an absoluteness of the metaphysical priority accounting for the moral priority. In essence we are beings who have the capacity to choose and revise our ends. That is our metaphysical make-up. And with our morality the exercise of that capacity is what is worthy of respect over what is chosen. Sandel sees Rawls as committed to this metaphysical account of the self because of the way that Rawls pictures the relationship between the self and its ends. Rawls sees the self as prior to its ends. The subject's ends are hers because she chooses them, this means that there should be a self in the first place to do the choosing and then the ends become hers.

The Rawlsian self is not constituted or conditioned by the ends it chooses. She has a strange relationship with her ends. They are hers but not her. They do not constitute her in any sense. She relates to them because she has chosen to relate to them. Her identity has already been established before she has come to choose her ends. "The antecedent unity of the self means that the subject, however heavily conditioned by his surroundings, is always, irreducibly, prior to his values and ends and never fully constituted by them" (Sandel, 1982:22). This means that the self can never be conditioned by her surroundings and a self's situation can never be a constitutive part of her.

### 2.3 The moral subject

Sandel seeks to understand the subject that is in Rawls's original position. He wants to see what really constitutes that subject and what claims can be made about it. He writes that for Rawls:

...we are beings capable of justice, and more precisely, beings for whom justice is primary, we must be creatures of a certain kind, related to human circumstances in a certain way. What then must be true of a subject for whom justice is the first virtue? And how is the conception of such a subject embodied in the original position? (Sandel, 1982:49).

Sandel sees Rawls's subject as non-contingent. It will not be affected by its situation and it will not relate to its ends in any fundamental or meaningful way. The subject's constitution will be prior to its experience. This picture, painted in the original position, can be described as a conception of the person or a theory of human nature. Sandel acknowledges that this term may mean different things but what he has in mind is a philosophical anthropology that concerns the nature of human beings in their various forms of identity.

He argues that the mutual disinterest that Rawls talks about in the original position is not only a motivational assumption but also an assumption of human nature.

The assumption of mutual disinterest is not an assumption about what motivates people, but an assumption about the nature of subjects who possess motivations in general. It concerns the nature of the self (that is, how it is constituted, how it stands with respect to its situation generally), not the nature of the self's desires or aims. It concerns the *subject* of interests and ends, not the *content* of those interests and ends, whatever they may happen to be (Sandel, 1982:54).

From this we have to arrive at the conception of a subject that Rawls has in mind and that conception of the self, according to Sandel, can only be:



...an antecedently individuated subject, the bounds of whose self are fixed prior to experience. To be a deontological self, I must be a subject whose identity is given independently of the things I have, independently, that is, of my interests and ends and my relations with others (Sandel, 1982:55).

For Sandel, to say a person possesses something means that she is merely related to it. She stands at a distance from it and this possession has two meanings. It means that the ends she has are hers as distinguished from being someone else's. But they are also hers in the sense that they belong to her rather than being her. If it happens that she loses those ends she still remains the same. She can just replace her ends as she wishes without losing herself in the process. This distancing of the self from her ends is essential to keep the identity of the self intact. In the face of all possible contingencies her identity remains unaffected and this is what Rawls is committed to.

Sandel argues that this is a false way of seeing the self. If a desire grew within a person and the attachment to that desire also grew to great proportions, like an obsession, then that attachment ceases to be merely an attachment. That attachment will become the subject's identity. It will be her identity because it will be the overriding consideration in all that she does. Sandel says that attachment will possess the subject. Sandel's point is quite clear; the subject who identifies with a certain attachment very strongly will always refer to it before she does anything. That attachment determines the way she responds to different situations. If she departs from that attachment she ceases to be the subject she was. This is how he understands that subject in contrast to Rawls's subject:

For the self whose identity is constituted in the light of ends already before it, agency consists less in summoning the will than in seeking self-understanding. The relevant question is not what ends to choose, for my problem is precisely that the answer to this question is already given, but rather who I am, how I am to discern in this clutter of possible ends what is me from what is mine. Here, the bounds of the

self are not fixtures but possibilities, their contours no longer self-evident but at least partly unformed. Rendering them clear, and defining the bounds of my identity are one and the same (Sandel, 1982:59).

The identity of the subject, for Sandel, is conditioned by the contingencies that affect that subject. Whatever the subject does or whatever it encounters gives and forms that identity. The identity is not given prior to these contingencies and fixed as Rawls has made it appear. Rather it is an identity that is not fully formed but will have to be sorted and grasped in the midst of all the contingencies that the self encounters. His charge against Rawls, then, is that he has fixed the subject's identity prior to its ends. That subject is not affected by the contingencies it encounters and what is worthy is its ability to choose its ends.

Sandel says that one result of "this distance is to put the self beyond the reach of experience, to make it invulnerable, to fix its identity once and for all" (Sandel, 1982:62). This means that the self is not committed to anything that touches it deeply. Even if the self were to abandon that commitment it would remain unaltered. That self would continue as if nothing would have happened to it. Any change in the life purposes of that self would not disrupt its identity. No matter how big these changes are, the self would remain the same since it is bound and fixed prior to those changes. The self can turn away from any project without necessarily calling into question the person she is. A project that would have been thought to be part of her identity could be dismissed without anything happening to her identity. This independence enables Rawls's self to distance itself from its own moral values.

The independent self rules out the possibility of any conception of the good, or bad, in constituting its identity. This means that the self can never be understood as constituted by what it holds to be valuable since it stands at a distance from what is valuable. The importance of attachments is restricted to value or sentiments. These attachments are not allowed to go beyond sentiment to touch on the identity of the self. The independent self rules out what Sandel calls an intersubjective description of the self. This is a description

of the self that is more than the individual's description of herself; it embraces other people like the individual's family, friends, community or nation. He also says the independent self rules out an intrasubjective conception. This refers to the possibility of the self being torn between several identities.

These are the implications that Rawls is committed to in mapping out his original position. In Sandel's eyes mutual disinterest and cooperation for the sake of realising different ends make it impossible for the subjects to pursue communally oriented goals. They are also understood in a restricting way since their communities can never be constitutive of their identity. Those who value community cannot pursue what they value. Their communities are not part of them. They are places where disinterested individuals meet to further different and conflicting aims.

#### **2.4 MacIntyre and liberalism**

MacIntyre accuses liberalism, in general, of a commitment to a view of the self that is incoherent and one that prevents the possibility of the person being rational and objective in moral matters. This criticism and other criticisms of liberalism can apply to Rawls's project. Like Sandel, MacIntyre charges liberalism with failing to give due recognition and importance to communal life in shaping the identity and integrity of the person.

MacIntyre starts his project by noting that individuals in modern society do not agree with each other on central moral questions. Each individual may have cogent arguments to support her own position and there is no possibility that they can ever come to any agreement on what is the morally acceptable thing to do. He gives an example of two individuals arguing about whether abortion is morally acceptable or not. The anti-abortionist has sound premises and a good conclusion to support her argument. Her adversary also has sound premises and a good conclusion. He enquires why moderns can never come to an agreement on what is the moral thing to do.

## 2.5 Emotivism at fault

MacIntyre argues that the problem facing the moderns is a consequence of emotivism. As a modern liberal, Rawls's position is seen as having been influenced by emotivism.

Emotivism is the doctrine that all evaluative judgments and more specifically all moral judgments are *nothing but* expressions of preference, expressive of attitude or feeling, insofar as they are moral or evaluative in character.

Particular judgments may of course unite moral and factual elements (MacIntyre, 1981:11).

What this means is that there are no moral facts to which people can agree. In every moral statement what the individual is expressing is nothing more than her taste or preference. This is why moderns can never ever come to any agreement. Although it is possible for certain judgments to unite moral and factual elements, these two are normally distinguished. For moderns, the moral element has to be sharply distinguished from the factual element.

Factual judgments may be true or false. There is a rational criterion that is followed to establish if a factual judgment is true or false. On the other hand moral judgments are merely expressions of attitudes and feelings hence there is no criterion in place to which we can refer to establish if they are true or false. For this reason, it is not possible to secure any agreement on moral matters. People will have differences because they have different feelings on moral issues. In all moral arguments proponents of a certain moral position want their listeners or adversaries to come to the way they feel through producing certain effects on their emotions. There is no rational discussion, what simply exists are the effects that conversation will have on emotions.

MacIntyre sees the emotivist self as incapable of being identified with any moral attitude or point of view. This self simply plays certain roles. It has the capability to stand apart from those roles and criticise everything without touching on the core of its make-up. It

has no regard for its social relations and these relations do not impinge on who or what the self is. It is aloof in its relations with others and itself.

The specifically modern self, the self that I have called emotivist, finds no limits set to that on which it may pass judgment for such limits could only derive from rational criteria for evaluation and, as we have seen, the emotivist self lacks any such criteria. Everything may be criticised from whatever standpoint the self has adopted, including the self's choice of standpoint to adopt (MacIntyre, 1981:30).

This means that the self is not conditioned by any contingencies that it may encounter in the course of its life. Its identity is not formed by those contingencies, but rather it has an ability to criticise everything it encounters in its life. MacIntyre says some philosophers have seen the need to describe moral agency as an ability to stand back in every situation and pass judgment in a universalistic and detached manner. These philosophers see moral agency as located in the self as opposed to being located in the social roles that the self has. This clearly applies to Rawls's conception of the person. The worth of the self is not to be found in the ends that it chooses. On the contrary that worth is established in what is thought to be the inherent worth of the person, and that is located in the self. Simply this is its capacity to make choices.

MacIntyre charges that the emotivist self has no rational history in moving from one moral commitment to another. The self criticises everything and makes all its judgments in an arbitrary way. Its commitments are arbitrary and temporary; if it decides to change them it does not lose or gain anything. Its transitions do not make any sense and they do not affect its identity. If, in the process of that transition, the self goes through any inner conflict, that conflict will be treated as an arbitrary confrontation of contingencies.

Out of this arbitrary treatment of contingencies, the self is not capable of giving a coherent narrative to its life. The unity of the human life vanishes when a distinction is made between the individual and the roles she plays. MacIntyre says the individual's life

is seen as a series of unconnected events. These events are isolated and they do not make a single life story that can be coherently given as a unitary narrative of a single life. Each event that the self goes through is not connected to any other event. The self always finds itself living for a specific single moment. That moment is not related to any other moment that the self goes through.

This means that the self can never develop any disposition that will mark its character out. In other words the self can never be called virtuous in the Aristotelian sense. Virtue only applies when a life is unitary. That life must be seen and evaluated as a whole as opposed to being seen in fragments. The modern self is not capable of giving that unitary narrative from birth to death. Instead it gives its account in a fragmented way. It is only capable of accounting for what it is experiencing at one particular moment and it fails to link that to its life as a whole.

For MacIntyre thinking of a life as a whole that is given in a narrative mode is natural. He says that we should just turn to our unacknowledged assumptions in order to see how natural this is. If we see a person doing a certain activity we do not just judge that activity on its own. We try to understand what the motivations behind that activity are. He says we have to understand what the settings of that activity are. Every form of behaviour at any given time becomes an episode in the life of the actor. For MacIntyre intentions cannot be characterised independently of the settings. If intentions are characterised independently from the settings, then they do not make any sense to the self and to others.

MacIntyre argues that in order to correctly characterise what a person is doing we need to know what her beliefs are. If we do not know what the individual's beliefs are then we will never know how to characterise her behaviour in reference to her settings. If those beliefs are not properly characterised, then a discussion on the individual's actions will not yield much. It is not possible to talk of behaviour that is identified prior to and independent of the settings and beliefs of the individual. An agent's action must be understood within a certain historical setting. An agent's action must be understood as

either furthering her major goal or undermining that major goal. An action is intelligible if it is furthering the agent's long term goals.

An event counts as an action if it is in accord with the individual's motives and intentions. An action is something for which an individual is accountable. An individual can give an intelligible account for her actions and narrate her story as a unitary whole that is moving towards a certain purpose. The history of the individual and the history of her settings are very important in giving sense to what the individual is doing. Actions are historical in their nature, they are not unrelated occurrences that happen at any given time.

For MacIntyre, the modern self suffers a serious deprivation. It has been robbed of its essential qualities. It is incapable of giving a historical account of its life. It also lacks any social identity since its relations with others are not part of it. The social identity that used to exist in pre-modern societies is not available to the self. MacIntyre views the modern self as lacking any criterion on which to judge its actions. He says the pre-modern self had ends on which it could adjudicate its behaviour, but the modern self does not have those ends anymore. It lacks any ties and it is not formed and conditioned by anything hence his reference to it as the emotivist unencumbered self. It forms itself as it sees fit and it distances itself from anything if it so pleases.

## **2.6 Identity of the self and community**

An individual's identity is established through her belonging. This belonging refers to communal groups that one may claim membership to. MacIntyre sees this membership as no accident but a fundamental necessity for one's being. An individual draws her identity from the groups that she belongs to. Without those groups the particular identity that she claims to have is not possible.

In many pre-modern, traditional societies it is through his or her membership of a variety of social groups that the individual identifies himself or herself and is identified by others. I am brother, cousin and

grandson, member of this household, that village, this tribe  
(MacIntyre, 1981:32).

These characteristics of belonging to a certain community or family are not accidental occurrences that need to be got rid of to discover who the real person is. Instead these characteristics are part of the substance that defines who the person is. Who the person is, is defined by the obligations and duties that she has. And those duties and obligations are ultimately derived from the person's membership in a community or family.

An individual is born into a particular setting. In that setting she has particular relationships and from those relationships she develops her identity. If that space is absent then the individual is not a member of that particular setting. She becomes an outcast, one who does not belong. From those spaces the self's ends are given and the self has to move towards attaining those ends.

This position is also shared by Charles Taylor. He sees the definition of the self as lying in answering questions that relate to one's relations with others and the space she occupies in her society or community.

My self definition is understood as an answer to the question Who I am. And this question finds its original sense in the interchange of speakers. I define who I am by defining where I speak from, in the family tree, in social space, in the geography of social statuses and functions, in my intimate relations to the ones I love, and so crucially in the space of moral and spiritual orientation within which my most important defining relations are lived out (Taylor, 1989:35).

MacIntyre attacks what he calls the modern self. He sees this self as having no attachment to its social boundaries. It is a self that exists on its own terms and has no relationship with its surroundings. Its community does not form it and it has no inherent bonds with that community either. He sees this self as existing in what are called western



modern democracies. Since Rawls had developed his theory of justice to apply to modern democracies, MacIntyre's attack can be seen to be directed against Rawls's conception of the person in that democracy.

These objections by both Sandel and MacIntyre are a response to Rawls's theory of justice. They both claim that Rawls commits himself to a certain metaphysical identity of the self. They both agree that the self Rawls is committed to, is not identified with its ends and it is not communal in nature. In the next chapter I look at these objections in order to establish if they are successful.

## CHAPTER THREE

### 3.1 Metaphysics

To paraphrase Aune, metaphysics is the study of the nature of being, or reality. It is divided into general and special metaphysics. General metaphysics deals with all nature of reality, whereas special metaphysics deals with one kind of being, for example, the metaphysics of morals, personal identity and the possibility of survival after death (1986:11).

My interpretation of 'the nature of being' is rather strict. I will take it to mean the essential elements that constitute a substance. The nature of something is what makes a thing what it is. Without that nature, that thing cannot be what it is. That nature tells us what a given substance is.

The two communitarians I am looking at claim that John Rawls's theory of justice presupposes a certain metaphysical view of the self. In this chapter I will argue that Rawls's theory does not commit him to the metaphysical view of the self that these communitarians envisage. In doing this one of my contentions will be that these communitarians are not really engaging with metaphysics.

Michael Sandel and Alasdair MacIntyre believe that the objections they raise against Rawls essentially pertain to the metaphysics of the self. A plausible interpretation of 'the nature of being' is seeing a substance in terms of what, in essence, constitutes it. When MacIntyre and Sandel claim that Rawls is committed to a certain metaphysical view of the self, it can only mean that they are saying something fundamental about what the self is. To get an idea of the approach to the self from a metaphysical point of view I will start by looking at the work of Derek Parfit. I suggest that the work of Parfit is a credible example of the nature of a discussion on the metaphysics of the self. I am not going to enter into the core debates of whether his arguments succeed or not, that is beyond the scope of my work. After considering Parfit I turn my attention to the communitarian objection to investigate how close it is to the Parfitian model. My view is that it is quite

far from proper metaphysics as exemplified by Parfit. For that reason I argue that the communitarian objection lacks force if taken as a strict metaphysical objection to Rawls. I suggest that the objection needs to be restated if it is going to have any effect on Rawls's theory of justice.

### 3.2 Parfit and Personal Identity

Derek Parfit suggests that we start with a thought experiment. In this thought experiment I am destroyed in a teletransporter but information regarding the state of each of my cells is recorded and transferred to Mars. A replica created from new matter wakes up on Mars and he seems to have all the memories I had when I was on Earth. That replica also has a body that looks like mine. Parfit claims that people who have given their time to think about these issues have come to very different conclusions. Some have concluded that if this were to happen to me then that would mark the end of me; the person who wakes on Mars is not the same as me. Others have argued that the person on Mars would be me. They just see the teletransporter as the fastest way of travelling. Parfit says this difference is a difference about personal identity, but further he presses that to understand this difference we must distinguish between two kinds of sameness (Parfit, 1995:13). He notes that we can have two white billiard balls that are exactly similar, or qualitatively similar, but they cannot be numerically identical. These two balls are not one and the same ball. He argues that if one of these balls was to be painted with another colour, it would cease to be qualitatively the same; but it would still be one and the same ball. He also gives an example that is found in common usage of language. We can speak of a person after an accident as being not the same person.

That involves both senses of identity. It means that *she*, one and the same person, is *not*, now the same person. That is not a contradiction. The claim is only that this person's character has changed. This numerically identical person is now qualitatively different (Parfit, 1995:14).

Parfit acknowledges that some change has taken place, and rightly describes what change has occurred and what has remained the same. The character may have been altered, because of severe shock to the brain, but the person remains numerically the same. He notes that when psychologists talk about identity their concern is about the kind of person that someone wants to be. These questions and answers may be expressed in terms of an identity crisis. He points out that when philosophers discuss identity they are concerned with numerical identity, and that concern is about our future. The questions to be asked ultimately are around the notion of whether I will be the same person.

I may believe that, after my marriage, I shall be a different person.  
 But that does not make marriage death. However much I change,  
 I shall still be alive if there will be someone living who will be me.  
 Similarly if I was Teletransported, my replica on Mars would be  
 qualitatively identical to me; but on the sceptic's view, he wouldn't  
 be me. *I shall have ceased to exist. And that, we assume is what matters*  
 (Parfit, 1995:14).

Parfit's sentiment, in the above paragraph, convinces me that his direction of argument is the right standard to use in any metaphysical discussion of the self. The most crucial question is around whether I still exist or I have ceased to exist. This discussion will seek to answer questions on when can we say someone has ceased to be as we knew her, or has ceased to be altogether. It makes a distinction between questions on the changes of a person's character (or personality) and a person's existence. This distinction is crucial. Later I will suggest, against the communitarian view, that a person's character can be altered without impinging on the existence of the person.

Parfit goes on to say that in order to understand questions on numerical identity, there is need to understand different criteria that have been used in determining the relationship between a person at one time and a person at another time which makes these one and the same person. For some it means having the same body, hence the replica on mars would

not be me, since bodily continuity would have been interrupted. For others to remain the same is an issue that involves some form of psychological continuity.

In order to find out what makes one person the same over time and what changes she can survive Parfit considers a thought experiment in which he would undergo a certain operation. In that operation his body and brains are partially replaced. He is interested in finding out if the person who results from such an operation would still be him or that would mark the end of his existence. He does not think that there is a determinate answer to this inquiry. A determinate answer to such a question can only be true if we view the matter from the point of immaterial substances such as a Cartesian ego or a soul. He argues that there can be indeterminacy against the claims of Cartesians. Parfit rejects the reductionist view that states that a person's existence simply consists of the existence of a body that has a series of thoughts, experiences and mental as well as physical events. He claims that this position fails to make a distinction between persons and their bodies. In its place he argues for constitutive reductionism which makes a distinction between a person's body and a person. His view of the person is that it is an entity that has a body and thoughts and other experiences. A person is not just a body. "Although persons are distinct from their bodies, and from any series of mental events, they are not independent or separately existing entities" (Parfit, 1995:18). He states that if Cartesian egos really existed, they would be independent of bodies since it is claimed that their existence is like that of bodies.

Thought experiments are helpful in making clear contentious issues on identity over time. For example, if an operation was carried out on me of which half of my brain and half of my body would be replaced, will I still remain the same person? Intuitively these questions call for a determinate answer but the crucial issue is finding that determining borderline. If, through a gradual process, 30% of my body was replaced and 70% of my brains were replaced, will I still be the same person? The issue being brought to the fore in this discussion is essentially a question about survival. We ask these questions because we are worried about our survival in the future. We are worried about what will become of us and whether we will survive this ordeal. Parfit is of the opinion that there is no

borderline that can be found that will determine when a person ceases to be as a result of the imaginary operation.

Intuitively there is great moral importance to identity. Parfit best captures this importance when he says; "... several moral principles, such as those of desert or distributive justice, presuppose claims about identity. The separateness of persons, or the non-identity of different people has been called 'the basic fact for morals'" (Parfit, 1995: 28). Other issues that are related to this question can also be shown by various imaginary cases. Let us imagine that I committed some heinous crime in the past, and I go through the said operation, would it be just/fair to punish me? Am I still the same person who is getting punished? The same applies where the criterion of mental continuity is concerned. If there is no strong connection, mentally, between now and the time I committed the crimes-is it fair, let alone reasonable to punish me now?

Parfit's own view on identity is that strict survival (i.e. identity) is not always what is important. He comes up with a thought experiment that is designed to show that survival, in some cases, does not matter. Parfit imagines that he has a twin brother. Unfortunately, Parfit's twin brother is brain dead and also quite unfortunately, Parfit's spine is broken. Let us imagine that an operation is carried out where Parfit's head and his brother's head are both removed from their respective bodies. Parfit's head is then fixed onto his brother's body. The question becomes; is this still Derek Parfit? Parfit notes that on the bodily criterion, clearly, he is dead and others may simply claim that these questions are not determinate. Parfit argues that this question is not important at all. He says the person (who undergoes the operation) will continue to have his memories and be psychologically continuous with him. He claims that it would be a good move for him to accept the operation. What the operation has done in this case is to heal his paralysis.

Parfit's own words may serve well to illustrate his point; ...

we should review our view about identity over time. What matters isn't that there will be someone alive who will be me. It is rather that there

will be at least one living person who will be psychologically continuous with me as I am now, and/or who has enough of my brain. When there will be only one such person, he can be described as me. When there will be two such people, we cannot claim that each will be me. But that is as trivial as the fact that, if I had two identical siblings, they could not be called my twins (Parfit, 1995:44).

It is not my intention to discuss the merits or problems in Parfit's theory of personal identity. I will not consider objections to it or other theories that compete with it. Unlike Andrew Brennan I will not develop any concept of the person based on the Parfitian model. He did his best to develop "a concept of the person along Parfit's lines. It turned out that the enterprise was only moderately successful" (Brennan, 1988:326). My brief summary of Parfit simply serves to illustrate the nature and form that a discussion on a metaphysical consideration of the self would take. This discussion is about how a single entity remains the same over time. It is a discussion about what kind of transformation an entity needs to go through before it ceases to be the same entity. It is important to note at this stage that the nature of the self is important to moral questions. The self is an entity for whom morality matters and its nature applies to moral questions. However, the nature of the self is not a moral question *per se*.

A possible objection at this point could be that to restrict a discussion on the metaphysics of the self to such a narrow concept like relationship over time is unfair. It is possible that an objection can be raised along the lines that to limit metaphysics of the self to identity excludes other important aspects of human life.

This objection does not go very far. What this objection fails to appreciate is that, as I outlined above, we have special metaphysics and general metaphysics. With special metaphysics, in this instance, we want to achieve an understanding of the nature of the being of the self. This has nothing directly to do with the way in which that self can come to value itself, or make judgements about the worth of its life. What we simply want to establish is whether this particular sort of being exists, or not, and under what conditions

it continues to exist. For that, Parfit and other philosophers who are worried about these questions and this nature of thinking could be called proper authorities to refer to when discussing strict metaphysics of identity.

It is not as if Parfit's account is an isolated one. It is a view that is widely shared. Bernard Williams writes:

I start more strictly with metaphysical questions. Identity intimately involves counting, either synchronic or over time, and problems of identity are connected with what, in ancient terms, may be called questions of the One and Many, of how many things of a certain sort there are at a certain place or over a certain period (Williams, 1995:2).

Williams encapsulates the view that I am defending. This is the widespread view that is understood as the standard form in discussing questions identity of the self.

Williams also considers what the implications are, in as far as identity is concerned, for species that split like the amoeba. If any moral implications can be drawn from counting one to the many that is a separate issue but there has to be counting in the metaphysics of identity.

Williams says, following the discussions on the ship of Theseus, the question of who or what am I, brings in questions of social identity.

Questions at this level about persons are, in a metaphysical sense, questions (sic) what or who a person is. Such questions can themselves be related to ethics and politics in a number of ways. They can bear, for instance, on the ethics and politics of euthanasia. But there is another kind of ethical and political question that can be expressed by asking the question 'what am I?' This kind of question concerns one's identity as a person who belongs to a certain family, group or race; they are



questions of social identity (Williams, 1995:7).

Williams says identity, here, relates to a type or general thing. This identity is a type thing because it is something that is shared. For Williams to insist on that identity is to insist on how it is shared. He says it can also be seen as a social construct that is a result of social processes. For him that social identity is a “benign social stereotype”.

Williams does not end here, he further pushes his point:

But what is it for a general character or role or type to constitute my identity? Here the relations between type and particular individual are crucial. It is very important that an identity of this kind is not my identity in the particular sense. If it were, then if I were separated from the life and allegiances which expressed that identity I would cease to exist. Moreover, if the form of life that embodied that identity were destroyed, the people who possessed it would cease to exist. But it is not so, and to insist that it is not so is not merely a piece of pedantry or an affirmation of abstract metaphysics. The point is included, rather, in the thoughts of the people who have such identities themselves. If those disasters happen, the particular people will still exist, because it is they who will have been damaged or wronged by this happening (Williams, 1995:8).

Williams argues that a loss of culture is just a loss of possibility, and a loss of social identity is a loss of certain social attachments. What he is saying here is that these ties do not constitute what our personal identity really is. We can use his distinction to gain a better understanding of the roles that social ties may play in making the self become oriented in certain ways (or become a moral self) as opposed to metaphysical identity of the self. It is possible that these identities may be gained and lost in groups and Williams says these are questions that can be of interest to social psychology in attempting to find answers to the relations that members have in groups. He says using group membership

“goes rather wide as a definition of what might be called more strictly an *identity*” (Williams, 1995:9). Further he states, “a person who found his or her identity fundamentally in the membership of one of these organisations might be thought to be in a bad way” (*ibid*).

I now turn to look at the communitarian objection and how it fares in the face of strict metaphysics of identity.

### **3.3 Sandel: metaphysical objection**

In the previous chapter I outlined in detail both Sandel and MacIntyre’s metaphysical objections to Rawls’s theory of the person. Here I will briefly summarise Sandel’s central objection to Rawls. He sees Rawls’s conception of the self as based on what is most worthy of respect in our treatment of human beings. This is a moral position which presupposes a certain constitution of the self which Rawls does not acknowledge in explicit terms. This presupposition is a foundational account of the person. He calls it metaphysical. This account is about the essential nature of human subjectivity. In essence it deals with how people are formed. Sandel says Rawls is committed to a certain nature of the human subject and its identity. He says Rawls’s “views are most evident in the way he pictures the relation between the self and its ends” (Mulhall and Swift, 1996:45).

Sandel says Rawls’s assignment of moral priority to the individual’s capacity to choose, is both matched and explained by his assignment of a metaphysical priority. Mulhall and Swift summarise this position thus:

Sandel claims that, for Rawls, the essential unity or identity of the self is also something given prior to the ends that it chooses; and it is the absoluteness of this metaphysical priority that accounts for the absoluteness of the moral priority (1996:46).

His claim is based on Rawls’s view that the self is prior to the ends that it chooses to pursue. For Sandel, this means that whatever the self’s choice is, it can never be

constitutive of it. The self's identity is not informed by its own ends. No matter how conditioned it is by its choices, the self is always prior to its ends. Sandel says Rawls's insistence on the importance of the individual's ability to choose (above everything) is metaphysically a fundamental feature of the individual's personhood.

From this Sandel says there are a number of problems with Rawls's theory, but I will only look at the three that are relevant to our concerns. The first problem is that Rawls's conception of the self gives the self an unusual relationship to its ends. These ends become things that the self can choose to be distanced from or attached to. This way of relating to one's ends is not right since there is a fundamental way of relating to one's ends which calls for reflection. This way of relating to one's ends can be called conditions of self-knowledge as opposed to Rawls's conditions of choice.

Secondly the person's choice will never be an integral part of her. We can only talk about what the self is seeking, not what the self is. Sandel rejects the idea that a self can change her ends without losing who she is in the process. He also claims that such a conception excludes being torn between choices. This excludes any goods that are community directed as well as goods that are held in common with others. This position excludes any understanding of the self in relation to its ends. There are cases whereby people are disrupted because of a loss of their cherished goals or a loss of what they had embarked on as a lifetime project.

Thirdly he says Rawls's understanding of the political community is an impoverished understanding. On Rawls's account the possibility of pursuing communitarian goals is excluded. Those communitarian goals are just possible ends that individuals may pursue but they do not constitute the identity of those individuals. Communal goals can only be pursued in as far as they are just some goods to be chosen among many others. Sandel accuses Rawls of ruling out any relationship between the self and her ends that is not "voluntaristic" (Mulhall and Swift, 1996:52).

“In short, whether the bond is political or non-political, Rawls’s theory of justice seems to offer little scope for those who understand their relationships with others as constitutive of their identity as persons” (Mulhall and Swift, 1996:52)

It is now important to look at whether the claim made by Sandel, that Rawls is committed to a certain metaphysical (and objectionable) conception of the self is accurate. Sandel says that Rawls is committed to a metaphysical understanding of the self that is prior to its ends and one that is not constituted by those ends as well as communally shared ends. He claims that if an individual were to lose these ends she would experience destruction. With what I have said above in relation to the form of what a metaphysical discussion might take, it appears as if Sandel has misplaced his criticism.

Parfit and Williams have set out the agenda that has to be followed if we are going to discuss what makes a person one and the same over time. There are criteria that can be used to determine whether a person has remained the same over time. These criteria ultimately discuss the metaphysics of what it means to be a person. It can be expanded, if need be, but its expansion should not stray into other issues that concern the self. It appears to me that Sandel has strayed from what it essentially means to be a self. He has brought into the strict metaphysical discussion of the nature of self an issue that is more concerned with the kind of self one is. While it might be valuable to ask questions about how the self relates to its goods, or how the self relates to its community, these questions have no force in metaphysics that strictly discusses the identity of the self, without independent argument to establish that.

Sandel may claim that his objection is cogent as a metaphysical objection because a self cannot be understood outside the parameter of what it holds to be its ends. He has clearly drawn a relationship between a person’s end and that person’s identity. He says that a person’s end is who she is. In other words my identity is my set of ends. This is a distorted way of interpreting the self as an independently identified and named entity. It is a fact that selves ought to have ends and in that sense they are moral beings. But it is totally unclear that a particular self is marked by particular ends. If it ceased to have any

ends, then the self would go out of existence. But it is unclear why the self should die if its ends changed. The truth of the matter is that the self can be independently identified of any given ends. The self can have ends but the ends it has must not as a matter of necessity count as constituting its identity.

Sandel's talk is really turning around issues of social identity and what it means for a self to be a member of a particular community. His argument can only have force if it is an argument that is meant to demonstrate that there is something inescapable about our communities giving us pointers to ends that we ought to pursue. His argument is, strictly speaking, an argument that can only show that a socialised individual, who has been raised in a particular setting, defies communal sense if she tries to escape the goods/ends of her community. But to say that is quite different from questions about personal identity or existence as an entity.

Sandel has departed from our understanding of metaphysical identity. The questions that are to be asked if we are strictly talking about identity are questions that relate to the puzzle of the ship of Theseus that had its planks gradually removed because of decay. At the end the ship had a completely different set of planks. The question then becomes, is that still the same ship of Theseus?

Following this line of thinking, it is fair to note that there is *no* counting whatsoever involved in Sandel's argument. Parfit does involve counting. Parfit says if each half of my brain was given to two people, the worry that who or where will I be, makes no sense. Whether we choose to agree with this view or not, at least he knows that proper metaphysics of identity has to involve counting somewhere in its discourse. The same view is shared by Williams as I indicated earlier. Williams argues that identity involves counting, either synchronically or over time. He says the central questions of identity are of one and the many at a certain place over a certain period of time. Or as with the ship of Theseus, how much of me can be removed, yet I remain the same. But on Sandel's account it is clear that he must say that one entity goes out of existence and another

comes in when ends change. This is not only implausible but goes very much against our intuitions on how a self ceases to exist.

Williams makes an articulate distinction between social identity and metaphysical identity of the self. He shows the difference between social identity and personal identity. I believe that the point that has been made and that cannot be easily reversed is essentially about how social identities, which Sandel advocates for, are not really metaphysical identities of the self. The objection then to Rawls goes wide as a metaphysical objection.

Sandel now owes us an explanation as to what he means exactly when he says people lose themselves when they are no longer oriented towards their goal. What is the relevance of that loss in the metaphysics of identity? That loss may be treated seriously in psychological therapy but it is not a loss of the person. Strictly speaking the self is still there. Its conditions of persistence remain unaltered. Its nature of being remains unaltered. To lose one's goal or end can be hardly thought to be a loss of the self. To claim that one has lost herself as an identifiable entity as a result of losing her bearings or her orientation is rather hard to believe. Although it can be true that our ends give us a meaning of who we are, it is patently false to claim that they give us a metaphysical definition of who or what we are.

This question is serious and I will push it a bit further. Let us say for years my belief in some form of deity has been the most important thing in my life. Let us grant that I have always derived who I am from this belief in my deity. I have always strived to obey all his commands and perform all that he asks his servants to do. Whenever I failed to do what pleased him I felt immensely bad and felt as if I had failed not only him but also myself. I always hurried to amend my failures. But let us say one fine morning I wake up a new person. When I say "new" I mean I wake up with no belief in this deity. I am no longer oriented to those things that I used to think were such a fundamental part of me, or even essentially me. Add more to that, I also lose the bonds I had always shared with my fellow worshippers. I cut all interaction with them and I no longer share any communal

bonds or ends with my erstwhile community. It seems worthwhile to ask, what would have become of me? Sandel will say I would have ceased to exist. The self will have been disrupted. It is not clear what this statement means. What does it mean to say that the self will have ceased to exist? Does this mean that I would have become literally dead or I would have become a moral vegetable of some sort? To answer in the affirmative to both these questions, which Sandel will do, is a sign of a failure to understand what the persistence conditions of a self are. It is a failure in comprehending how a self comes into being and how it ceases to be. Losing interest in my ends and consequently replacing them is not my death. It simply is discarding old interests to make way for new ones or for no interests at all. Here although I could be charged with begging the question but the crucial point that emerges is to see how natural this description of the self and its conditions of survival sounds.

Chisholm claims that an "...individual thing or substance may come into being; it may be altered in various ways and it may pass away; but it cannot become another individual thing or substance" (1989:85). The point made here is that a certain entity will remain as such an entity until it passes away. The changes it goes through cannot transform it into a totally new entity. Sandel may claim that a self who has lost all her ends has gone out of existence or has passed away but that is not how we understand a self to go out of existence. A person does not go out of existence simply because she has stopped pursuing her ends. She goes out of existence because she has ceased to exist, not because she has altered herself. If she were to go out of existence, the change she goes through must be enough to elicit agreement that a once existing entity has ceased to exist altogether.

Sandel claims that there is a problem with the way that choice is privileged in Rawls's theory. For Sandel, the privilege that choice has makes Rawls committed to a metaphysical notion of an antecedently individuated self. He sees the prominence that choice is given as a bad thing, something that is done arbitrarily and without any deep reflection. Let us say the religion I had practised and all the tenets I had held to be true were actually false. Although it gave me purpose I have now, through thoroughly thinking about these issues, come to the conclusion that this religion and all its practises

are empty. On Sandel's account it seems I would be irresponsible if I change my religion and orientation on this realisation. I would be forced to stick to this religion because it is constitutive of my identity. I would not be allowed, for fear of ceasing to exist, to get rid of these ends, which I have now discovered to be bad, and not in good standing with truth. The fear will be that of losing myself. This is just bad logic and things do not happen this way.

Lastly, even if Sandel was correct, which he is far from, his objection could be easily accommodated in Rawls's theory. Rawls's claim has been limited to the fundamental importance of the ability to exercise freedom. He sees this ability as something that is crucial to being a person within a social setting where one co-operates with others. That ability to choose is the greatest exercise of one of the inviolable conditions of being human. The moral worth and dignity of the individual resides in her capacity to exercise her ability to choose.

To choose one thing over the other shows that there has been some deliberation before the actual choice is made. Whether that deliberation was between two conflicting ends or not is a trivial consideration. In fact there are no mechanisms in Rawls's theory that discourage any form of conflict between different ends. If the conflicts are there it is up to the individual which of the two or various conflicts she is more drawn to. Whether an individual reaches a choice through conflict or by tossing a coin is a matter that is best left to the individual. A theory that is designed to deal with conflicting interests between different members of society is surely capable of dealing with intra personal-conflict. It now seems right to say Sandel is the one who has to spell out more precisely what his identity objection really consists in. This objection can only make sense if taken strictly as applicable to how people choose, what ends people hold and what degree they should hold those ends. As it stands, it is not an identity objection. And even if it were to make sense on grounds of ends and communality, I am not sure to whom it would be directed.



### 3.4 MacIntyre: metaphysical objection

MacIntyre accuses liberalism of a commitment to a view of the person that is incoherent and of being sceptical of the possibility of rationality and objectivity in moral matters. Like Sandel he holds that liberalism does not give due recognition to the importance of communal life in shaping the identity and integrity of the person (Mulhall and Swift, 1997:72). He argues that contemporary liberal societies are faced with a serious problem. Individuals in these societies argue about their respective moral positions. An adversary of a certain moral position and a supporter of that position seem to have sound premises and valid conclusions for their arguments. However, they are unlikely to convince each other since there is no objective standard to appeal to in moral discourse. Each individual holds her position out of pure preference. Unlike in traditional societies where there were standards like virtue to appeal to, modern liberal societies have no standards of morality. This leaves members of these societies in perpetual disagreement because each prefers and justifies her own moral view. MacIntyre claims that this is emotivism, meaning that each individual appeals to her own feelings and attitudes. He thinks that modern individuals treat people as means to an end and see any of their ends as beyond any objective rational scrutiny. The self is unable to value any end as intrinsic to it. He says that every viewpoint can be subjected to criticism.

For MacIntyre any moral position that the individual takes is arbitrary. Characteristics and attitudes do not make that individual's identity. The subject lacks a narrative, but to make sense of the subject we need to introduce *telos* in life, like the Aristotelian virtues. Human life can only be understood in terms of intentions and desires that the individual has. The best way to solve any moral dilemma is to ask a question about how to live a life well. That will be in essence giving a narrative to one's life. MacIntyre argues that the unencumbered self makes decisions on its own, without referring to any external communal standard. All its decisions are arbitrary since they do not take into account the social roles of the individual.

MacIntyre argues that the possession of one's historical identity coincides with social identity. In his view, we inherit, socially, a tradition. An individual who questions and

rebels against that tradition is in effect acknowledging it. Debates are always occurring within the tradition and new spaces are always opening. Each tradition is not closed but retains a standard of measuring itself.

MacIntyre is of the opinion that a failure to recognise that human beings are constitutively attached to their communities leads to the failure to give an account of circumstances that are necessary for the individual to achieve any kind of good. The idea of morality as rational does not succeed where communal ties are not seen as crucial to the individual.

In brief MacIntyre's accusation is that liberals are committed to a view of the self that is incoherent and emotivist. The liberal self is unencumbered and all the moral decisions that the self is committed to are arbitrary.

MacIntyre and Sandel's conceptions of the self are very similar. MacIntyre agrees with Sandel that the community is very important in defining who the self is. He sees the modern self as having been stripped of that crucial understanding of itself through its membership of a particular community. Modern liberalism has failed to give due importance and recognition of communal life in shaping the identity and integrity of the self. In as far as MacIntyre agrees with Sandel on the importance of community in defining the self, I believe I have sufficiently answered him on that score. Like Sandel, MacIntyre fails to touch on the central issue what makes one person the same over time. I will be addressing his charge that liberalism leads to an incoherence of the self since that self is not able to articulate a narrative of its life.

MacIntyre argues that the modern individual is unable to give a narrative of its life because it seeks to be atomistic. In the behaviour of moderns actions are not properly situated against a background of their large scale intentions. Each act is a mere expression of preference. He argues that in order to understand what a person is doing at any given time we need to understand that person's long term intentions and goals. Events that happen in the lives of people do have a purpose. They just do not happen as a

series of unconnected actions. The individual who sees her life as a series of unconnected events cannot render it intelligible. An individual plays a certain role within a certain setting which provides him with his narrative. In seeking to give a narrative an individual seeks to establish what it means to live a life well. She is trying to find what the best way of living her life is. If she is asked to make a decision between two conflicting requirements her narrative helps her make the best choice. She does not ask herself which requirement is good for its own sake. Rather, she asks which requirement is good for me.

The unity of the narrative must be coherent; this means that it should avoid some contradiction. An individual must give a story that shows consistency in the choices she makes. This is informed by her intentions every time she is called upon to adjudicate between two conflicting choices. She will make a choice that is consistent with her large scale intentions, a choice that does not undermine her obligations. For MacIntyre this is what constitutes the essence of the self. It is plausible to claim that there is a place for a narrative in the standard metaphysical debate that stresses continuity of certain aspects of a person's life. However the details of such a story are irrelevant to it being a story. MacIntyre is confusing these two issues. He has placed unnecessary importance on the details in the story.

MacIntyre is of the opinion that if my community constitutes me, the likelihood of me departing from what my community expects and demands of me is very small. He stretches this argument to claim that those who rebel against their communities are actually acknowledging the ends/goods that their communities have afforded them.

It is not clear to me what that "acknowledging" really consist in. I suspect that he means that the rebels are acknowledging the communal goods to be part of them. If this is the case then MacIntyre can claim there really can never be any genuine rebels. Our ordinary knowledge of rebels and revolutionaries is that they are people who have come to the

*realisation*<sup>1</sup> that the status quo of their communities is inherently unacceptable. Those who rebel against social structures, religious teachings, moral dictates and laws, would have found their communities inadequate or unjust. This can hardly be viewed as any kind of acknowledgement, unless if it means that the rebels are acknowledging that their community is inherently decayed. I doubt if this is the kind of acknowledgement that MacIntyre has in mind. He can only mean that the rebels are rebelling rather in vain. No matter how much they rebel they will still come to feel some form of nostalgia and inescapability of their communal goods. This, unfortunately for MacIntyre, is not the case with true rebels who seek to bring a change in their communities. The history of humankind is filled with instances of heroic rebels who rose against their ingrained beliefs and viewed them with scorn and overthrew the status quo.

MacIntyre's criticism of the modern liberal society can be applied to Rawls's original position. In particular the veil of ignorance can be viewed as problematic since it represents people as free of attachment with an ability to distance themselves from everything that should condition them. Each individual can do what she prefers as long as she does not discriminate against anyone or interfere with anyone's interests. Hence MacIntyre's criticism of the modern society and the modern self as unencumbered emotivist self. The modern self is indifferent to her social setting and the historical context of that setting. She is indifferent to her particular circumstances and the interactions she has with fellow members of her community do not make who she is. This criticism of the self in the original position is a result of a misapprehension of the purposes of that position.

Will Kymlicka argues that the original position has been mistaken to be representing a certain metaphysical commitment of the self. He says the veil of ignorance is really an intuitive test of fairness. In removing bias and sources of privileging oneself Rawls wanted to come up with a position that was acceptable to everyone in conditions of fairness. The parties' primary concern is accessing primary goods that would ensure that

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<sup>1</sup> Genuine political rebels come to the realisation that their systems should be overthrown. That realisation is not acknowledgement in the affirmative. If it is an acknowledgement, it can only be an acknowledgement

they live a worthwhile life without regard to their particular position (Kymlicka, 1990:62-64).

This is a cogent objection against communitarians in general. But I believe it applies extremely aptly against MacIntyre. It is not precisely clear how MacIntyre reaches his conclusion that the ends of individuals under the liberal scheme are arbitrary. It does not necessarily follow, as a rule of logic, that an individual who is behind the veil of ignorance will become a champion of arbitrariness. It does not follow that these individuals will not have any commitments to their families or feel strongly bound to their communities. What follows is quite simple, and MacIntyre distorts it. What follows is that each of these individuals will have the right to choose what they want to pursue in as far as that choice does not interfere with the rights of fellow citizens. These individuals also have the freedom, which is naturally endowed in them by virtue of their nature, to revise everything including the value of being free to choose. That ability to choose which is central to the nature of being a person does not even slightly imply that there is going to be arbitrariness in the manner in which choices will be made. It does not even imply that individuals will view their communities with suspicion. It means that individuals' beliefs are taken equally and all will be committed to the same process. It is wrong on the part of MacIntyre to read arbitrariness into freedom. Arbitrariness and the responsible exercise of freedom are two things that have no relationship whatsoever. To be an agent that has capacity to make responsible choices, and further revise those choices cannot be equated with indifference or arbitrariness.

Arbitrariness commands neither admiration nor respect, at best it is something that responsible people will avoid. A person who can exercise her freedom can hardly ever be thought to be arbitrary by definition. The frequency in which freedom is exercised cannot be properly thought to be evidence of arbitrariness. What that exercise shows is that the agent who regularly makes changes to her life is simply exercising her freedom which is guaranteed in the social relations pronounced by the veil of ignorance. A debate on whether it is right or not to constantly revise and change one's choice is not a matter that

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of the negation of the community's shared beliefs.

can be easily settled. MacIntyre may suggest that he has an answer to this and argue that those who are always choosing anew have no fixed bonds or are not properly constituted. There is no reason why that argument cannot be countered by the claim that choice in itself is boundedness of equal weight.

To develop a proper understanding of the veil of ignorance, we must look at the motivations behind it. The motivation is primarily to rule out unfair bias which leads to favouring certain positions over others and also to guarantee the civil liberties of all citizens.

The self has the right to exercise her capacity to make choices. If the individual feels dissatisfied with certain bonds they have created in the past, she is free to desert these bonds in search of new ones that will make her feel more satisfied. If we are to follow the account that we are given by MacIntyre, pursuing new parameters of association becomes arbitrariness. This is simply not true. No person can be called arbitrary if they feel suffocated or limited by their associations and they choose to broaden their horizons.

MacIntyre claims that the problem with liberalism ultimately lies in its inability to provide a standardised framework where different choices will be judged and those, which are not worthwhile, will be discriminated against. What is worthwhile and what is not worthwhile is an issue that will always be strongly contested among participants in various social structures. I do not refer to issues like comparing the life of a rocker and drug addict to the life of a God fearing woman who carries out deeds of charity. I have in mind certain situations where two individuals pursue lives that are generally admirable but have different motivations. Even more controversial is the issue of religious belief. Though an upright Jew is just as admirable as an upright Christian, they will never subject themselves to any standards that will favour one faith over the other. Their actions could be motivated by their beliefs, they could even be similar virtuous acts which command admiration, but each will see the other's faith as unworthy. This is a fact about people's beliefs. What is worthy is always a moot point

The standard of arbitration that MacIntyre provides is suspect. He says we should strive for something akin to Aristotelian virtues. We should lead virtuous lives striving for eudaimonia. But why should we do that? What privileges the Aristotelian virtues over other schemes and programmes that answer questions that worry about how to lead a worthwhile life. What is the extra quality in eudaimonia that marks it as superior to the Ten Commandments, utilitarianism, Kantian deontology, Buddhism and a host of other philosophies of what a good life is? We do not know how MacIntyre's arbitration can ever be fair in deciding which life will be worthwhile and which one will not be. In this situation, MacIntyre feeling the need to devise a plan that will be deemed fair will be forced to create a system that seeks everyone's consent to its righteousness. Such a system will not only be arbitrary, in line with the whims of those who formulate it, but it will also be, in all likelihood, totalitarian.

MacIntyre is committed to these virtues because he believes that from the fact that the self has certain fact it should have certain ends. He argues that when we think of a builder we tend to think of her as executing certain functions. The same applies with the self. When we think of the self, its facts tell us something about its moral behaviour. Certain facts of the self, like its capability to be a moral agent, tell us that it ought to be a moral agent. I will save consideration of this claim for the next chapter.

Justice as fairness does not encounter the pitfalls that MacIntyre has run into. Justice as fairness leaves every individual to choose what she deems worthy of pursuit. The only constraint that is imposed on the individual is that she should not interfere with the good of others. There is no need that we devise a system that will set standards to discriminate one good from another. Certain goods can never yield to that comparison. And in essence this is what the theory of justice and veil of ignorance are about. Rawls did not intend to discuss personal identity. He wanted to limit his investigation to what is fair and acceptable in the distribution of goods and what privileges each citizen would enjoy in a society.

Further MacIntyre's system is prone to discourage individual freedom and creativity. Everyone will be asked to stay in line, whatever that line would be. Those who show genius and difference<sup>2</sup> and question the system will be deemed not worthwhile and punished accordingly.

MacIntyre's claim that traditions have mechanisms in them that are always open to debate is difficult to believe. Any system that is entrenched in traditional belief does not tolerate being questioned. These systems are slow to open up to debate and they depend on what has always been done. Traditional systems, be they religious, political or social, resent questions that seek to change certain facets. In religion those who hold beliefs that are not mainstream are labelled heretics. In society those who hold views which are not popular are labelled anti-community. All these terms are meant to discourage people from actively questioning and opening new frontiers. Traditional organisations follow rules rigidly and they are interested in creating a uniform identity. One that submerges individuality to the common good. Even when that common good has become the common bad, traditional societies will always insist that the common bad be seen as the common good.

Both Sandel and MacIntyre need to focus their objection where it can be pertinent. It would be better if they focus their objection on whether the theory of justice is a good theory of governance. They should criticise its claims on how citizens may come with principles that are fair or just. They are at liberty to question whether there can ever be such principles even in the veil of ignorance. Their objections would have had force had they been directed at whether the theory of justice secures each individual's needs and rights as Rawls had envisaged

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<sup>2</sup> This has always been the case with totalitarian states like Stalinist Russia. Writers and thinkers are forced to go underground because they are not conforming to the communal good. In liberal society individuals pursue a number of activities including criticising the status quo without fear of being labelled anti-community and consequently persecuted.



## CHAPTER FOUR

### 4.1 Rawls's denial of any metaphysical commitment

In this chapter, I will outline John Rawls's own response to the communitarian critique. After outlining his position I will compare and contrast it with my response. From this, it will emerge that the response I have offered to the communitarian critique is preferable to Rawls's own response.

Rawls says that what he failed to emphasise in his book, *A Theory of Justice*, is what justice as fairness is intended as. He says that justice as fairness is intended as a political conception of justice. Although justice as fairness is a moral conception, he argues that it is a moral conception that has been developed for very specific purposes and ends. He argues that justice as fairness, as a moral conception, is worked out for a specific subject. And the subject that Rawls has in mind refers to the political, social and economic institutions that make society. He refers to it as the basic structure of modern democracy (Rawls, 1999:389). Rawls denies any concern with the metaphysical nature of the individual in this community. What he is concerned with is the nature of the institutions that make up modern democratic societies. His worry is mainly found on the basic liberties of individuals that make up the modern society. He is concerned with the distribution of primary goods as well as the political order of the society.

According to Rawls, justice as fairness is the most practical way of organising societies which have individuals with competing ends; ends which are sometimes in conflict. Justice as fairness, he says, should not be interpreted as presupposing some interesting metaphysical account of the self.

the aim of justice as fairness as a political conception is practical, and not metaphysical or epistemological. That is, it presents itself not as a conception of justice that is true, but one that can serve as a basis of informed and willing political agreement between citizens viewed as equal and free persons (Rawls, 1999:394).

Rawls denies that there is any metaphysical truth presupposed by his theory as to how society should be organised. He is not committed to any metaphysical view of how society is constituted. Rawls says by denying that commitment, his conception of society avoids great philosophical problems. Instead, it only tells us how modern democracies are organised. There is nothing to be read into his theory that would make it seem as giving certain metaphysical or epistemological truths about the nature of democratic societies.

Rawls argues that all goods are secured in the agreement that is reached by individuals in democratic societies. He says in arriving at this agreement disputed philosophical, moral and religious claims are avoided. These disputed questions are avoided not because they are seen as unimportant, but because they are of a far greater importance; there is no way they could be resolved politically (Rawls, 1999:394).

Essentially, this means that Rawls has limited his conception of justice as fairness to a purely political consideration. Moral and religious claims have their own importance and the disputes that come with them can be considered in other areas. Their solution and consideration does not reside in political solutions. Rawls's project is only limited to how a society should be organised. Although justice as fairness is indeed moral, its moral status should only be understood as an attempt to organise the political, economic and social institutions of modern societies.

Rawls notes that in the original position, individuals are taken as free persons and he says this has led to some misunderstanding of what the term 'free persons' might mean. Communitarians have interpreted the term to mean that it represents a certain metaphysical account of the self. Rawls, then, seeks to explain what the freedom of the person really means in that context. He says there are three senses in which we can understand citizens to be free without necessarily committing ourselves to a metaphysical account of the self.

The first is that citizens are free in the sense that they see themselves and their fellow citizens as having the moral power to develop and have a certain conception of the good. This conception of the good is not static. Citizens are free to revise and modify their conception of the good. Since they are free persons, they have the right to view their persons as independent from, and not identified, by any conception of the good. Whatever end an individual might have does not constitute the identity of the person. If a person changes her goods she does not cease to be. Rawls argues that if a person changes her goods she does not cease to be the same person for the purposes of political justice. How she is treated as an entity is not altered and her expectations from social structures remain the same. He draws a distinction between non-public, relational identity with public identity. He says although a person may change her conception of the good, she remains with the same duties and obligations (Rawls, 1999:404-405).

Rawls says that in private a citizen might have goods that cannot be separated from her and she cannot think of herself without these goods. But over time these goods may change. Such a change can happen slowly or suddenly, and when it happens suddenly, the individual in question might say that she is no longer the same person. But Rawls says we know what this means. It only refers to a pervasive shift in character or final ends. He says the change refers to a non-public, religious or moral identity. "On the road to Damascus Saul of Tarsus becomes Paul the Apostle. There is no change in our public or political identity, nor in our personal identity as this concept is understood by some writers in the philosophy of mind" (Rawls, 1999:405-406).

The second way in which citizens might be understood as free in Rawls's system is that they see themselves as self-originating sources of valid claims. They think their claims have weight apart from being derived from social obligations or duties. He says claims that arise from a citizen's conception of the good or moral doctrine will also count as self-originating. Duties and obligations are self-originating from a political point of view if the citizen's moral doctrine and conception of the good is compatible with the public sense of justice. These citizens are different from those whose values are derived from an aristocratic system or religious order (Rawls, 1999:406-407). This simply means that the

citizens are the original authors of their own claims or commitments. They have freely embraced them without coercion and can freely depart from them. These claims are not imposed on the citizens by a hierarchical structure. This point should be understood as simply restricted to the citizens' ability to exercise their power of choice.

The third way is that citizens are regarded as capable of taking responsibility for their ends and this affects how their various claims are assessed. The central issue that is raised in this third point is about social cooperation and the ability of citizens to adjust their aims and aspirations in the light of what they can reasonably expect to provide for. Citizens understand that the realisation of their aspirations does not depend on the intensity of their desire. On the contrary citizens realise their aspirations on the grounds of the reality of the positions they occupy; from which they could have justified expectations.

A crucial component in Rawls's theory is that there is a way in which individuals are supposed to relate in society. This relationship is essentially of cooperation and ensures that individuals relate in a way that is fair. But in coming with these conditions that ensure a fair relationship between individuals, the interests and the character of individuals themselves is not fixed or given. "A theory of justice must take into account how the aims and aspirations of people are formed; and doing this belongs to the wider framework of thought in the light of which a conception of justice is to be explained" (Rawls, 1993:269).

Rawls recognises that social institutions determine to a great extent the kinds of persons individuals want to be and the kinds of persons they really are. Social institutions do shape people's aspirations and ambitions as they open up certain possibilities to them and denies them other possibilities by virtue of the positions those people occupy. These positions will in turn inform people what to expect in terms of opportunities.

So an economic regime, say, is not only an institutional scheme for satisfying existing desires and aspirations but a way of fashioning

desires and aspirations in the future. More generally, the basic structure shapes the way the social system produces and reproduces over time a certain form of culture shared by persons with certain conceptions of their good (Rawls, 1993:269).

Rawls says the realisation of natural talent is dependent on certain social conditions. These conditions have to do with how social institutions support and encourage individuals to realise their potential. A particular talent that exists at any given time will be affected by the prevailing social norms and the forms of the institutions in that society. "So not only are our final ends and hopes for ourselves but also our realised abilities and talents reflect, to a large degree, our personal history, opportunities and social position. There is no way of knowing what we might have been had these things been different" (Rawls, 1993:270).

Rawls argues that what the theory of justice needs to regulate are the different chances affecting citizens that arise from the social starting position, natural advantages of individuals and certain historical accidents that can favour certain individuals. "Even if these inequalities are not in some cases very great, their effect may be great enough so that over time they have significant cumulative consequences" (Rawls, 1993:271). Rawls's primary argument is that ends are not given. He sees ends as coming from the way in which society is moulded over time. Citizens will be constrained to adopt certain ends by what is given to them by their societies. But that should not mean that those ends constitute who the individuals are going to be since they can always revise their ends. This is what Rawls has to say on the freedom of the person and her relationship to her society.

Now freedom as applied to social institutions means a certain pattern of rights and liberties; and equal freedom means that certain basic liberties and opportunities are equal and that social and economic inequalities are regulated by principles suitably adjusted to preserve the fair value of these liberties. From the preceding definitions

of freedom as applied to moral persons and to social forms, it is plain that free and equal persons are not defined as those whose social relations answer to the very principles that would have been agreed to in the original position. For to say this would undermine the argument for these principles that is grounded on their being the principles that would be adopted (Rawls, 1993:280-281).

#### **4.2 The original position and social cooperation**

Rawls says that in order to understand why people in the original position would accept the first principle of justice as fairness which is the principle of basic liberties, we must understand that in justice as fairness the aim is to work out a conception of political and social justice which is consistent with our deep beliefs of modern day democracies. He introduces a conception of the person together with the conception of social cooperation. The aim is to come up with an agreement on how basic social institutions are to be arranged if they are going to conform to the freedom and equality of citizens as persons. This conception of the person is only regarded as a conception of political and social justice. It only directs how citizens are to think of themselves and others in their political and social relationships. "This conception is not to be mistaken for an ideal that for personal life (for example, an ideal of friendship) or as an ideal for members of some association, much less as a moral ideal such as the Stoic ideal of a wise man" (Rawls, 1993:299-300).

Rawls explains the notion of social cooperation not as merely organised and efficient social activity that is guided by some public rule. He says social cooperation is always for mutual advantage and it contains two elements. The first is that it involves consensus on fairness of cooperation that each participant accepts. There should also be reciprocity and mutuality in that the participants must be prepared to accept benefits and burdens in common and there should be a fair standard of judgement in that cooperation. He says his basic structure provides a framework in which individuals can cooperate for the satisfaction of all the essential purposes of life, which is served by different groups and

associations in society. Persons born into this society are supposed to have a capacity to be normal and fully cooperating members over a lifetime (Rawls, 1993:301).

The fair terms of social cooperation for this case specify the content of a political and a social conception of justice. But if persons are viewed in this way, we are attributing to them two powers of moral personality. These two powers are the capacity for a sense of right and justice (the capacity to honor fair terms of cooperation and thus to be reasonable), and thus the capacity for a conception of the good (and thus to be rational). In greater detail, the capacity for a sense of justice is the capacity to understand, to apply, and normally to be moved by an effective desire to act from (and not merely in accordance with) the principles of justice as the fair terms of social cooperation. The capacity for a conception of the good is the capacity to form, to revise and to rationally to pursue such a conception, that is, a conception of what we regard for us as a worthwhile human life. A conception of the good normally consists of a determinate scheme of final ends and aims, and of desires that certain persons and associations, as objects of attachments and loyalties should flourish. Also included in such a conception is a view of our relation to the world-religious, philosophical, or moral-by reference to which these ends and attachments are understood (Rawls, 1993:301-302).

Rawls argues that these two moral powers are taken as a necessary and sufficient condition for an individual to be recognised as a full and equal member of society when we deal with questions of political justice. What is rendered is that Rawls's conception of the person is metaphysically neutral. It is not committed to any particular account of what constitutes the self. All accounts are likely to accept that this conception is indeed neutral, including communitarians as well.

### 4.3 How my response differs from Rawls's response

A major difference between the response that Rawls has given to the communitarian critique and my response is the way we engage the criticism. The two communitarians I looked at in my previous chapter make it explicit that they are engaging Rawls on his metaphysical commitment to the view of the self. MacIntyre claims Rawls's conception of the self that he calls the "unencumbered emotivist self" is incoherent. Sandel on the other hand claims that Rawls is committed to an antecedently individuated self who stands apart from her ends. Rawls does not explicitly engage any of these communitarians on their claims and his response is to suggest that they have misunderstood his intentions. He chooses to offer an explanation that expands his earlier arguments. This is worthwhile in as far as it clarifies certain points that could be unclear or hard to comprehend. But more could be done in dealing with the communitarian objection and showing how fallacious it is. This is what I seek to do.

Rawls attempts to sidestep the question of metaphysics. As we have seen above, he says that the issues that relate to metaphysics are important but are best left out of a political theory. Part of his refusal to engage metaphysics is that it is a wide area that commands little agreement. He explicitly adopts what he calls an avoidance method.

What I have sought to do is to engage the communitarians on what they say. I try to show that they have confused issues that are central to the metaphysics of identity with other issues. Rawls gestures in the direction of Parfit but does not engage the communitarians in arguments. My strategy has sought to present the form that a metaphysical discussion might take. This form, contrasted with the communitarian objection shows that there is something fundamentally wrong with both Sandel and MacIntyre's positions.

I point out that the objection that the communitarians bring as metaphysical is couched in a language that is far from any straightforward understanding of the nature of metaphysics of the self. First both Sandel and MacIntyre depart from the mainstream understanding of the metaphysics of the self without offering any reason as to why we should depart from that common understanding. It is their duty to argue and spell out why



the common understanding is insufficient and why a new understanding should be developed. We have a traditional understanding of the terms that are used when we speak of identity through time. Geoffrey Madell says when we speak of identity we are speaking in terms of connections although these connections are different.

Traditionally, accounts of the crucially important connection have tended to fall into one or other of two camps. Some philosophers have seen the essential connection to be that of relation to one and the same body. They have taken the identity of the human body through time as something which is in itself unproblematic, and have posited connection or relation to the body as that which unites what would otherwise be mysteriously separate, even ownerless, experiences (Madell, 1981:2).

On the other hand there is an opposing school of thought that insists on the mind. They argue that a series of experiences through time should be of the same mind.

The essence of personal identity through time for this school of thought is provided by the continuity of consciousness itself, of which by far the most important element, and for many thinkers the only crucial element is memory (Madell, 1981:3).

Parfit says as a reductionist, in matters of personal identity, what matters is psychological connectedness. "*Relation R* is what matters. *R* is psychological connectedness and/or psychological continuity, with the right kind of cause" (Parfit, 1984:262).

The language that is used in the discussion of personal identity will have to be restricted to considerations of either physical or psychological connections. Arguments must be restricted to whether those connections fully represent what the identity of the self is. A quote from Parfit will render my point more clear:

There is nothing more to personal identity than the holding of relation R. In nearly all of the actual cases, R takes a one-one form. It holds between one presently existing person and one future person. When R takes a one-one form, we can use the language of identity. We can claim that this future person will be this present person (Parfit, 1984:262).

Anyone who objects or agrees with Parfit will have to use the same form of language and engage the concepts that are at work in that discussion.

The communitarian objection does not only represent an objection to Rawls's position. It actually represents a new form of the metaphysics of the self. It is within Rawls's rights to state that he is not committed to any metaphysical view of the self but my direct response to their criticism is a far stronger one that is also available to the Rawlsian.

In stating that Rawls is committed to a certain metaphysical conception of the self, the communitarians make it abundantly clear that there is something fundamentally wrong with that position. In faulting it they advocate a certain position on the metaphysics of the self. This position sees the individual as bounded by her goods. These goods define who she is and without these goods she ceases to be. Rawls rightly notes that we know what we mean when we say someone has changed. In this vein he agrees with Bernard Williams and with what I have said against the communitarians. But Rawls does not go beyond merely stating that we know what we mean when we say, I have ceased to be when my ends change. The communitarians can also agree with Rawls and claim that we know what we mean when we say by losing my ends I have ceased to be in a special sense. But my argument has endeavoured to show that since communitarians claim to be engaged in metaphysics, saying that I have ceased to be takes on a metaphysical status. It is acceptable for those who are not engaged in metaphysics to say I have ceased to be in a special sense, but once the communitarians are pushed in the direction of strict metaphysics to show that their claim is incoherent.

The incoherence of their claim arises from the fact that metaphysically speaking a self who loses herself ceases to exist altogether. That self has gone out of existence. When communitarians speak of losing oneself, they are really not talking about an entity ceasing to exist as an entity that has been considered under certain metaphysical conditions. All they can seriously mean is that the self as an entity has gone through some interesting transformation. It is here that I show that what Sandel and MacIntyre are engaged in is not strict metaphysics of the self as we understand it from the theory of personal identity. Unlike Rawls, my response does not need to explain in great detail what justice as fairness entails or the principles that are involved in arriving at its particular conception of the person as a political agent.

Rawls avoids the sting of the communitarian objection. I contest the content of their objections on the ground on which they are made. Since they present their objection as metaphysics they invite one to confront it on that front. Only if it is deemed successful or if at least it stands up to the rigorous demands of some form of metaphysics, do we need to start explaining what Rawls's theory really means and what it is aimed at. The reason why I adopt this approach lies in my view that Rawls's scheme is clear. The objection that it invited from the communitarians was not a convincing objection since it blatantly misrepresented the project. An objection that misrepresents key issues under consideration does not merit a detailed explanation regarding what the aims of the project it misrepresents are.

My emphasis lies in attacking the paradigm shift undertaken by communitarians in the discussion of the metaphysics of the self. Our understanding of the metaphysics of the self is that it involves discussions on what makes a person the same over time. This understanding has informed the ongoing philosophical debates on issues of identity. It has not been my interest to investigate the merits of all the sides that oppose each other on this debate. My emphasis has been to show that all parties concerned with this debate speak the same language. They are worried about two crucial issues. The first issue relates to an entity that persists over a period of time. The second issue relates to whether that entity remains the same or whether it goes through some fundamental transformation

such that a totally different entity comes to exist in its place. This can be called counting over time. Anyone who wants to get into the debate of the metaphysics of personal identity will have to speak the language that involves an entity remaining one and the same over a certain period of time.

Sandel and MacIntyre do not use this language at all. Instead, they bring a totally different understanding on how a self should be understood from the metaphysical point of view. This introduction is not backed by argument that might show why that change is necessary or why the language and terminology we have always used in discussing personal identity has become obsolete.

My argument is that they have brought a certain issue that is not best suited to metaphysics. Persons are entities that are indeed moral entities. By saying persons are moral entities I do not mean that their definition is strictly to be understood in terms of their moral convictions or the ends they hold. My claim is simply restricted to that persons are entities for whom moral convictions and specific ends matter. They are the things that morality is for. They derive their meaning and fulfilment from such convictions. But to derive fulfilment and meaning from a certain state of affairs is very different from being constituted by that state of affairs. I have argued that my ends are not what constitute me. Rawls on the other hand recognises the importance of morality and having the conception of the good. However, his position is that it is best to leave these considerations out when coming with a political programme that is aimed at securing the liberties of citizens and ensuring an acceptable distribution of communal goods.

Rawls separates the good from the right, but that in itself is not the best possible way of dealing with the communitarian objection in the way that it is stated. My project is to question the conflation of value and identity that has been done by Sandel and MacIntyre in as far as they claim that the conflation is essential to the metaphysics of the self. My argument aims to show that Sandel and MacIntyre have created a misleading if not confused relationship between the self and its ends. Taking their objection as a

metaphysical objection, I have argued that there is no sufficient ground to create an inseparable relationship between the self and its ends. To say I am lost without my ends, or that I cease to be when my ends suddenly change is not the same as claiming that I have ceased to be, numerically, the same person as I was a few years ago. Sandel and MacIntyre must accept that if I lose my ends in a dramatic and sudden fashion then I have ceased to exist in the sense that I would not be the same person in all senses of the meaning of the phrase *no longer the same person*. They should concede that numerically I would have become a different entity, morally I would be a different entity and I should be treated in a different manner from the treatment I would have otherwise received had I not lost my ends a few moments ago.

#### **4.4 Preference of responses.**

My response is preferable to that of Rawls because of the pressure that it puts on communitarians in general. Communitarians have created an unjustifiable connection between the metaphysics of personal identity and the values that the self holds. This link is one that is not backed by argument as to why it should be adopted as a yardstick of personal identity.

Not only do communitarians fail to give a proper account of the metaphysics of the self but they also commit themselves to a highly suspicious account of the self.

David Hume argued that there is no justification in deriving ought from is. What he meant by this is that there is never sufficient reason to reach moral conclusions from facts alone. Hume separated facts from moral sentiments that are expressed as a response to those facts. He argued that moral obligations couldn't be created by simply referring to a certain state of affairs that is factual.

MacIntyre explicitly argues for such a view. The fact about persons is that they are entities for whom certain moral positions matter. They are entities for which certain ends are intricately interwoven into their understanding of themselves as the type of people they are and what makes their lives worthwhile. If a person loses her ends she might go

through certain feelings or processes. Ends and moral positions define what a person pursues, what she holds in high regard and what she generally abhors. This is a fact about normal and properly functioning persons.

But what are we to derive from this basic fact? MacIntyre seems to have derived an ought from this fact. His ought is that since persons are entities for whom morality and ends matter, those ends should be communally sanctioned and communally shared. If one loses or undermines her communal bonds then she ceases to be. For all communitarians, then, a person is an entity for whom ends and morality matter, and *ought* to share her values with her community, *ought* not to lose them otherwise she will cease to be.

This as I have shown is wrong. Although the self must have ends and interests for itself it is not those ends. Losing those ends does not mean much more than merely losing them. Communitarians want us to believe that the ends of a self are essentially *it*, because a self is an entity that has ends, therefore it ought to have ends that are communally oriented.

The inefficacy of the communitarian position and its erroneous view on the metaphysics of the self proceeds from this mistaken view of the relationship between ends and the self. By getting this understanding wrong, the communitarians are now committed to some incoherent positions as outlined above. What they call a metaphysical objection fails to be a metaphysical objection. It becomes a discussion on morals and which morals are more important than others. This is not what strict metaphysics is about.

Metaphysics is concerned about the nature of being. The nature of being in as far as personal identity is concerned does not turn on morals. It is simply a matter of relation between an entity that remains the same and a certain period of time. What is crucial to arriving at any plausible conclusions is to establish whether that entity has gone through sufficient changes to warrant it to be viewed as a new entity.

Communitarians give us a distorted suggestion of what constitutes the self and that constitution lacks force in strict metaphysics and it leads them to unacceptable conclusions.

#### **4.5 Further research**

The debate provides very interesting insight into the nature of persons. There are certain crucial mistakes that communitarians have committed in attempting to show that Rawls is committed to a self that is not encumbered by its social setting and its ends. I have tried to show that their objection to Rawls's self shows them to be committed to a certain view of the self. It is the communitarian view of the self that I have sought to prove as an erroneous metaphysical understanding of the identity of the self.

The communitarians in attempting to conflate questions of identity and questions of morality have committed themselves to a position that sees individuals as instruments that must have certain ends. They suggest that individuals should be understood in terms of their commitments and social bonds. While it is true that persons are evaluated on what they hold as their ends or what they value; serious questions arise if this is treated as the essence of personal identity.

My position has not denied that social bonds play an important role for a self. I have simply questioned if these bonds should be taken as a crucial identity to the person. From this debate we can proceed in an interesting direction.

Following Williams's distinction between benign social stereotypes as forms of identity and metaphysical identity of the self which involves synchronic counting or counting over time we can come to various identities of the self. Further research and debate should be directed towards whether being a self consists in a one to one relationship or it involves a certain exercise of morals and temperament.

A further interesting question will be to investigate whether it is possible for benign social stereotypes can fall together with strict metaphysical identity of the self or whether these two can be pulled apart.

If they fall together it would be interesting to find out if it is possible to develop a new understanding of the self. It would be worthwhile to find out if what I have defended as the definition of the metaphysics of the identity of the self can accommodate what communitarians advocate in the definition of the self. If this is possible would the nature of the self change? Would it be justifiable to derive an ought from is as communitarians suggest?

But if, on the other hand, it can be shown that benign social stereotypes and metaphysical identity cannot be brought together, what, then, is the role of ends. I have not denied that ends are important, but at the same time I have not suggested their proper role. An interesting question would be to find the role of ends without necessarily confusing it with our identity.



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