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SPECIAL ISSUE
CELEBRATING JOHN RAWLS: 100 YEARS SINCE HIS BIRTH; 50 YEARS AFTER THE PUBLICATION OF A THEORY OF JUSTICE

INTRODUCTION: ON CELEBRATING RAWLS

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The year 2021 marked the centenary of John Rawls' birth and the fiftieth anniversary of the first edition of his opus magnum, *A Theory of Justice.* The Centre for Ethics, Politics and Society of the University of Minho decided to mark these events by organising a special tribute to Rawls in the framework of the Braga Meetings on Ethics and Political Philosophy, which it organises every year in June. In this context, it was possible to count on the participation —online, due to the Covid-19 pandemic—of Professors Samuel Scheffler (New York University) and Samuel Freeman (University of Pennsylvania), as well as on some dozens of original papers on our author. It is from this collection that we have selected the contributions in this dossier, which we believe illustrate the quality and the main focuses of the debates that took place over the two days of the event.

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The personal story of John (Jack) Bordley Rawls[2], born on 21 February 1921 in Baltimore to a local lawyer and a mother committed to the cause of women's equality, is that of an academically successful young man who embarks on university life after briefly considering a career in the Presbyterian Church. Rawls studied philosophy at Princeton University and enlisted in the army during World War II, being stationed in the Pacific region, but without actually engaging in combat. At the end of the war, he continued his studies and received his doctorate in philosophy, again at Princeton, where he also taught, before moving on to Oxford for a year as a Fulbright Fellow. Before completing his doctorate, he married Margaret (Mardy) Warfield Fox, with whom he had four children.

His professional career, which began on his return from Oxford, developed first at Cornell University, then at MIT in Boston, and, from 1962 until his retirement, in the Philosophy Department of Harvard University. It was in the 1950s and 1960s that he published several studies on the idea of justice and its justification by means of a rational procedure (a subject on which he had been engaged since his doctorate)[3]. It was these publications that led him to write *A Theory of Justice* (Rawls, 1971), which he finished in 1970, the manuscript having been miraculously saved from a fire at Stanford's Centre for Advanced Studies, where he had taken refuge in 1969-70 to finish his book.

Published in 1971, the book had a great impact on academic circles, being the subject of new editions and then multiple translations for the international market, made from the revised edition. The text of the book, not always easy to follow, captivates as much for the density of the ideas presented as for the simplicity of its central aim: the presentation of a substantive conception of justice applied to social institutions and justified through the argument of the original position, a counterfactual hypothesis inspired in the tradition of modern contractualism, from Locke to Kant.

Rawls's book also owed its good fortune to all those who, from the outset, engaged in criticising it, while maintaining a repeated aura of admiration for the subject of their criticism. This was the case with a colleague of Rawls's at Harvard, Robert Nozick, who offered, in *Anarchy, State and Utopia* (1974) a hyper-individualist and libertarian alternative to the conception of social justice defended by Rawls. This was also the case with Michael Sandel and his book *Liberalism and the Limits of Justice* (1982), which, by contrast, criticises Rawls from a perspective that will be known as 'communitarian', considering that the substantive primacy of justice over the good and its justification using the argument from the original position is ultimately based on a metaphysical conception of the person as disembodied and unencumbered. Although Sandel himself later evolved towards a perfectionist rather than a communitarian vision, his book of the 1980s can be seen as the reference point for all reflection on the

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[2] For the biographical aspects referred to here, see, in particular: Pogge, 2007.

[3] See Rawls, John (1999), Chaps. 1-10.

eminently social—and therefore context-dependent—character of the social goods to be distributed and of the criteria to be adopted in any consideration of justice.

From the mid-1980s onwards, Rawls's thinking became less concerned with the substance and justification of his conception of 'justice as fairness' and more concerned with thinking about the conditions of possibility for a stable just society in a context of pluralism of religious, philosophical, and moral doctrines. This is the intellectual path that leads to the publication, in 1993, of *Political Liberalism*[4]. For Rawls, doctrinal pluralism is an insurmountable fact in modern societies and, therefore, differently from what he thought still in the 1970s, a liberal and egalitarian conception such as that of 'justice as fairness'—from which he never departed—or similar conceptions must be able to be presented as freestanding in relation to the different comprehensive doctrines, justified on the basis of a public reason that is not dependent on any particular doctrine. But at the same time, conceptions of justice, or the essentials of the Constitution and questions of basic justice, must be able to be the subject of an overlapping consensus in which each doctrine elaborates its justification from its own, necessarily non-sharable, bases.

This more contextual liberalism of Rawls, 'political, not metaphysical', can be understood as a response to communitarian critiques and to the practical challenges of contemporary pluralist societies, but it is also a clarification of the theoretical status of his original vision. An excessively Kantian reading of the original position argument, as resting on 'parts' separated from their empirical ends by the 'veil of ignorance', is now properly grounded in the historical reality of democratic societies as they emerge from the Reformation, the establishment of religious tolerance, modern constitutionalism, and their subsequent democratization. It is from these societies and the ideas implicit in their political culture that the Rawlsian argument proceeds. The construction of the original position itself proceeds by reflective equilibrium, adjusting abstract principles and empirical intuitions, and should not be read as an argument of a transcendental kind.

Rawls's 'political turn' gave rise to numerous comments and reflections in the philosophical community and beyond, but it also led the author to a new development that follows logically from the more contextualised vision that he was now adopting. In *The Law of Peoples*, from 1999, a work of much less breadth and scope than *A Theory of Justice* and *Political Liberalism*, Rawls addresses the problem of the relationship between societies with a democratic tradition and a political culture that sees all citizens as free and equal, and those in which this does not occur, i.e., in Rawlsian terminology, between 'liberal peoples' and 'hierarchical peoples'. It is thus that Rawls is led to a minimalist vision of human rights, which would allow coexistence between different peoples, but also to a reflection on the duty of assistance to peoples or societies especially burdened by political and material adverse conditions.

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[4] For texts preparatory to this development in Rawls's work, see Rawls, 1999. Chaps. 18-20.

Despite the fact that this contribution to philosophical reflection on international law has not had the same reception as Rawls's earlier works, it ends up being quite influential, if only because of the criticism it arouses. Like the books of the 1970s and 1990s, Rawls's *The Law of Peoples* (Rawls, 1999) can be seen as a starting point for many of the reflections on the international sphere and human rights, or even international and global justice, that occupied political philosophers at the turn of the century and even in subsequent years.

A year prior to his death, in 2001, Rawls published *Justice as Fairness: A Restatement*, made from a manuscript initially of lecture notes that later evolved into an extended summary of his theory in its final version. This work clarifies aspects of his early theory of justice, integrating it properly within the framework of political liberalism. Some developments evident in the work are also relevant, such as the greater care placed in the comparison, from the standpoint of the original position, between the two principles of justice in lexical order, on the one hand, and the so-called 'mixed conceptions', in which the second principle, or the principle of difference, is replaced by the principle of utility. But the truth is that, even then, the preference for the two principles in lexical order is not shaken. Another interesting development in this book is at the level of reflection on institutions, in particular on the choice between the two economic and social systems which, according to Rawls, can institutionally realise justice as fairness, i.e. 'liberal socialism' and 'property-owning democracy'.

Posthumously, works reflecting the History of Moral and Political Philosophy courses that Rawls taught for years at Harvard have also been published. These include the *Lectures on the History of Moral Philosophy* (2000) and the *Lectures on the History of Political Philosophy* (2007). Later, an early academic work by Rawls on religion (Rawls, 2009) was published, accompanied by a text of personal reflection by the author on the same topic, which was not meant to be published. While these latter texts may be of interest to Rawls's biographers, none of them is relevant to the substantive understanding of his work.

On balance, very telegraphically, one may say that Rawls's work decisively marks the Political Philosophy of the last 50 years. Each of his major contributions—*A Theory of Justice*, *Political Liberalism* and even *The Law of Peoples*—sets the benchmark for the most relevant discussions, not only in the Anglo-Saxon world but also beyond it, among all those interested in normative political theorising, whose secular tradition Rawls's work has revived.

There are many specific themes of relevance in Rawls's work and its influence. They include the formulation of a substantive conception of justice, the critique of utilitarianism and perfectionism, the reflective equilibrium method, the neocontractualism of the original position, the prevalence of the institutional element - the basic structure of society - over the individual ethos of justice, the application of justice to institutions and alternatives to the welfare state, the centrality of the notion of social primary goods, including self-respect, the possibility of (overlapping) consensus on justice in a pluralistic society, the liberal political conception of legitimacy, the relation

between liberal and non-liberal societies, the role of human rights in the international sphere, the relation between ideal theory (with strict compliance) and non-ideal theory (of partial compliance), etc. The list could be much longer. One of the characteristics of Rawls' writings is that it is always possible to find new ideas and suggestions in each reading, to agree with, or to refute.

The texts we present in this dossier mirror precisely the capacity of Rawlsian thought to inspire new reflections and theoretical paths. All the present contributions explore topics and concepts central to Rawls and Rawlsian literature. They maintain a rich but ultimately critical relation with this literature and tradition: in some cases, re-appraising its remarkable validity and insightfulness; in others, offering potential clarifying interpretations or substantial developments of concepts that remained otherwise ambiguous or underdeveloped in Rawls works; and yet in others, expressing the need to move away or drop some central assumptions of Rawlsian thought.

Tanja Rechnitzer's and Michael Schmidt article reads simultaneously as a vindication of the soundness and value of the Rawlsian method of reflective equilibrium and as a correcting interpretation of its contents or of what it entails. As the title of the article itself makes clear, this method for arriving at morally credible, justified and coherent positions in moral and political philosophy is quite 'enough' and requires no additional and previous filters for what can be considered valid inputs with which the process of reflection is to begin with. So, while Rawls himself seemed to believe—in *A Theory of Justice* at least—that the selection of only 'considered judgements' as valid sources of initial information or input in one's reflective process was an integral part of the reflective equilibrium method itself, these authors suggest that this needn't be so and that, in fact, the considered judgements conditions are excessively demanding in that they could potentially exclude a number of relevant 'commitments' and judgements from entering the reflective equilibrium process. These commitments, however, could be valid and relevant pieces of information that would allow the reflective equilibrium process to be as thorough and well conducted as possible.

It is not entirely clear if the condition of weak impartiality, for instance, could not exclude judgments of personal experiences of injustice by members of marginalized groups from being taken into consideration—a possibility that would be undesirable and impoverishing of the wide reflective equilibrium method. A similar point is discussed regarding the role of emotions that, in light of recent discussions in the philosophy of emotions may have something to offer in terms of the epistemic insights they may provide, particularly when one takes into account the lack of conceptual tools that very often affect groups of people, usually those that occupy subordinated social positions, and that make it harder for them to express and describe the injustice they are victims of. When due notice is taken of this hermeneutical injustice, it becomes easy to understand how excluding a priori as inadmissible (as non-'considered judgments') all judgements arrived at in an agitated or non-calm mood may remove important information that ought to be part of the global data that illuminates and contributes to the wide process of reflective

equilibrium. In the same vein, regarding the requirement that the epistemic agent ought only to include those commitments of which he is confident, and as the authors themselves write: "if an epistemic agent already preselected their commitments as to only include those that they are relatively confident in, they might be more reluctant to make adjustments" (*infra,* p. 78). All these examples, the authors suggest, point to the idea that preselection of 'inputs' according to the excessively demanding criteria of what ought to count as 'considered judgments' would actually be detrimental to the general goal that reflective equilibrium is supposed to realize. As they conclude: "Not pre-selecting commitments through epistemic filter conditions is thus one aspect that helps us to use RE to correct prejudices and to go beyond what we are already convinced of" (p. 75), even if, as the authors stress and as should always be the case, those factors that are thought to reduce the general credibility or reliability of some commitments are to be identified and taken good account of in the process.

Juan Antonio Fernandez Manzano's article reminds its readers of frequent criticisms that have been traditionally levelled at John Rawls' theory of justice and its approach to political philosophy, namely those that have found issue with what is perceived to be its inherently and supposedly excessively abstract way of developing its arguments. The conception of individuals as 'mutually disinterested rational beings', that find themselves under the unrealistic circumstances of the veil of ignorance, detached from that which is central to their identities as human beings, their linkages and attachments to other people, such as families and communities, has been one such source of contestation. But, more in general, a fundamental quarrel with *Theory of Justice*'s methodology has been the highly idealized, abstract way of presenting political problems and developing philosophical arguments, somewhat neglecting the historical background, traditions and struggles from which contemporary rights and institutions have actually emerged from. The most serious consequence stemming from this, according to some critics, is the 'depoliticizing' tone and effect of conducting political argument in this vein and the blindness to historical injustices incurred by those who stick to its assumptions. Due to this, *Theory of Justice* would tend, some critics would maintain, towards some form of conservatism or apologetics of the status quo. Manzano contends, however, that these criticisms are misplaced. Rawls is concerned with developing an ideal theory that he is well aware is very different from non-ideal theory in that it abstracts from much of those historical and empirical details that occupy historians and social scientists. But this bracketing of details is only done so as to avoid getting lost in details that would distract one from discussing the fundamentals of justice and the establishment of a set of standards that can and ought to serve as general guiding principles for non-ideal theory. As the author puts it: "The idea of focusing analysis on ideal theory does not mean forgetting the injustices of the real world. Rawls simply tries to establish the conditions from which to make the transition from imperfect non-ideal conditions to more just results" (p. 82). The decried abstractness of the original position is merely 'an artifice of reason that can help citizens deliberate about the justice of their institutions'. Also, his theory is not meant to "close the debate, but enrich it" (p. 83), since what Rawls is

attempting is simply to share with his interlocutors "an articulated conception of democracy and equality that can allow them to refine their judgment." (ibid.) In the end, it is always up to his readers and political actors to judge and decide if and to what extent the ideal of justice as fairness is applicable and adequate to their own circumstances. Throughout the rest of his article, Manzano seeks to stress, against these criticisms, the underlying sociological and political realism of Rawls' thought. A realism that then results in an ideal of justice as fairness that is a far more radical project than once thought, compatible only either with liberal socialism or a property-owning democracy that continually disperses capital and prevents economic and political domination by elites. Finally, Manzano vindicates the validity of Rawls principled rejection of the compatibility of capitalism with the realization of its principles of justice. Unlike what some left-wing critics had at first thought, capitalism, whether in the more humane form of the welfare state or in the more libertarian versions of it, is always unable to realise: 1) the fair value of political liberties; 2) the fair value of equality of opportunities or the difference principle well understood 3) the consistent protection of the bases of self-respect. Manzano recapitulates Rawls' characterization and criticisms of welfare-state capitalism, while affirming that their validity has been, if anything, more robustly confirmed by contemporary trends. Capitalism, even under its more humane face, that of the welfare state, can only, and at best, ensure a social minimum, under which no citizen is supposed to fall. But it cannot contain the inherent, inevitable tendency of existing economic inequalities to transmute into powerful political inequalities that then foster even larger inequalities in the future. It cannot protect people from capitalism's highly oligopolistic and oligarchical tendencies, nor integrate them as free and equal citizens.

Lars Moen article delves more deeply into the meaning and role that ideal theory can and should perform vis-à-vis non-ideal theory. He identifies three possible roles for ideal theory. Two of which, the 'target role' and the 'urgency role', he sees as excessively ambitious and unrealistic and a third one, the 'fairness role', that is less ambitious, and so, not vulnerable to the same kind of criticisms

Ideal theory is usually thought of as providing a guiding role for non-ideal theory. Ideal theory assumes perfectly favorable conditions for the provision of the relevant goods and realization of the envisioned just institutions, namely full compliance (or almost full compliance) with just institutions - things that may not be available in real-word conditions to which non-ideal theories must stick. But, despite this, it seems valuable as a way to set the goals towards which society must move in order to become less and less unjust and therefore provides a guide for those who, when developing non-ideal theory, have to try to take into account the variables that were left beyond the scope of ideal theory. While a lot is left unspecified, dependent on a multitude of empirical factors that have been ignored or bracketed in ideal theory, namely regarding the means to achieve the desired ends, the desired ends would seem to be made clear by ideal theory. This role is termed the 'target role' of ideal theory. But can principles arrived at via an ideal theory such as John Rawls' *Theory of Justice*, provide the required motivation of

people to comply with just institutions? Rawls suggests that principles that do not do this would be severely defective. Moen is doubtful: "… [t]o actually motivate a shift towards the ideal state is (…) an "ambitious matter, and it is unclear whether it is possible. Steering institutions towards a particular ideal over time requires an understanding of how to motivate certain behaviour within a complex web of individual interaction, and social scientists still lack such understanding" (p. 99). Moreover, even if people are sufficiently motivated to comply with just principles, the vagueness of principles, might not furnish them clear answers regarding what is actually to be done, and what the right course of action may be in concrete instances to actually comply with them.

A second role assigned to ideal theory is that of allowing for the comparison between the badness of different forms of injustice (vis-a-vis the principles) and, in so doing, establishing the relative urgency of addressing each of them. The author is, again, sceptical of the viability of this urgency role: "we need a metric for comparing the justice, or injustice, of different arrangements and practices, and it is unclear how ideal theory can provide such a metric" (p. 106). Rawls' lexical priority, for instance, is intended to help make 'justice, or injustice, comparisons' by establishing that a violation of a higher principle is more serious than that of a principle situated lower in the hierarchy; and making it strictly inadmissible to compensate the violation of higher order principles for the sake of lower order ones, such as the sacrificing of basic liberties for the sake of fair equality of opportunity. But the principle is admitted to be too strict or rigid. So strict that even Rawls seems to allow for it to be surpassed in extreme instances in which the priority of liberty would be 'intolerable'. But "without a strict priority rule, we need a sophisticated measure of overall justice to work out, case by case, which injustice to prioritise" (p. 101) but, with "different dimensions of justice, we need a clear way of weighting each dimension, as we might find that when we compare two arrangements, one is closer to the ideal on one dimension but further away on another dimension' (ibid.).

While the author assumes these problems to be insurmountable to make the target and urgency roles plausible, he goes on to suggest that only the 'fairness' role, less discussed in the literature so far, is appropriate and realistic for ideal theory. The fairness role is a minimalist and negative one insofar as what is expected from ideal theory is simply that it establishes what kind of measures it would be morally impermissible to impose in order to pursue 'the ideal target'. Ideal theory starts from the assumption of full compliance and, presuming such full compliance, people are said to have a set of equal basic rights, equality of opportunity, etc. When non-ideal theory drops this assumption of full compliance, ideal theory and its principles help us 'rule out institutional requirements' that would 'compromise the share of basic rights and liberties and opportunities to hold advantaged positions' (p. 102).

Jorge Crego's article is an exploration of the concept of Rawlsian self-respect. Crego contends that Darwall's early dichotomic understanding of self-respect as either recognition or appraisal has been very influential among

Rawlsian scholars, but that this dichotomy does not exhaust the conceptual uses of the term by Rawls. In fact, as our author demonstrates, in many instances, the way in which Rawls uses the category of self-respect, makes it clear that the concept cannot be easily squared with either self-respect as recognition or appraisal, but rather with a third notion, one that he terms 'value-confidence'. Some of Rawls observations do not fit well with Darwall's dichotomy and can only be properly understood in light of this notion of self-respect as value confidence.

As is well known, Rawls suggested that the social bases of self-respect might well be the most important primary good, one without which nothing would seem to have any worth pursuing. Notwithstanding this apparent centrality of self-respect, from the beginning, this category has always been seen as somewhat ambiguous and vague. One influential attempt at clarifying the possible meanings of self-respect was that of Darwall, who distinguished between self-respect as recognition and self-respect as appraisal.

Recognition self-respect is connected with the mere objective fact of a person having the moral power of developing a conception of the good: self-respect, then, in this case, is something that is due to one for that very same fact, i.e., this potentiality for the exercise of a moral power. One will show recognition for it, regardless of whatever specific conception one comes to develop or how close one comes to realise it. In the case of 'appraisal self-respect', one's self-respect depends on how one appreciates one's achievements or lack thereof in light of one's concrete conception of the good life, and, in that sense, involves a subjective appreciation, an appraisal of one's conduct or merit.

'Value-confidence' self-respect, the third concept suggested by Jorge Crego, is quite distinct from these two, and yet closely related with them, at least with recognition self-respect. In a nutshell, as our author suggests, "[m]oral persons show value-confidence when they are confident that the conception of the good they have chosen is valuable" (p. 117). It is possible for someone to have recognition self-respect, to recognise one as having the capacity for a conception of the good, but at the same time to doubt whether one 'has exercised this ability properly' (p. 120); whether one has established a good life plan for oneself. For instance, one may have elected the option of being a musician or a lawyer, but may now regret or come to doubt whether this is indeed valuable or worth being carried out, in which case, a person may fall, as Rawls suggested, in apathy or cynicism. Despite being clearly distinct from recognition respect, in the limit, where regret or doubt regarding one's life plan or choices is 'chronic', this lack of value confidence self-respect can be seen to severely affect one's 'recognition self-respect' in so far as 'she could end up doubting her possession of the capacity to form, to revise, and rationally to pursue any conception of the good'. But apart from these extreme circumstances, the lack of value-confidence; that is, the existence of doubts regarding some of our goals does not translate automatically into 'chronic' regret and, therefore, does not affect our confidence in our moral power for devising a conception of the good. "We can lack confidence in the value of some of our plans of life

and still find solitude in other plans we find valuable, thus experiencing our exercise of the moral power for a conception of the good" (p. 121). To be sure, Rawls himself occasionally seems to conflate all three notions of self-respect under one single banner, including appraisal self-respect and value-confidence when he relates self-confidence with "a firm confidence that what [persons] do and plan to do is worth doing" (Rawls, 1999b, p. 171). But, Crego insists, one thing is to have confidence in what one has done or is doing (in light of one's own conception of the good life), what one has achieved already (which relates to appraisal self-respect), and another one is to have confidence in what one 'plans to do', which consists of one's life goals, or the substance of the conception of the good life and is related, therefore, with value-confidence self-respect. Finally, the author shows how, while political society must not promote any conception of the good in particular, in accordance with the required liberal neutrality, and so the basic institutions and principles of justice can only 'function as social bases of recognition self-respect', it is up to associations or communities of interest within the well-ordered society that share and jointly promote specific conceptions of the good to strengthen 'value-confidence' self-respect.

Giulio Fornaroli's article, arguably the most polemical, contrasts two approaches to the problem of the political legitimacy of a state and its related ability to impose a prima facie general and *pro tanto* political obligation on the citizens to obey its laws, even when they may disagree with the content of some of them. One of those approaches, the one he rejects, sustains that the state is legitimate as long as its 'constitutional essentials' could be endorsed by reasonable citizens. Fornaroli's approach, on the other hand, maintains that the legitimacy of a state depends on the basic structure being so devised that it is "demonstrably favorable to the governed" and that this, in turn, depends on the 'normative impact' of the said basic structure (*infra,* p. 127). By the normative impact of the basic structure, Fornaroli means that it makes it easier for citizens to behave in a just way towards others while leaving them the room for the exercise of a large sphere of autonomy and responsibility for their free choices. The 'site of legitimacy' in his words, that which makes a claim to a state's legitimacy valid or not, is the basic structure (and its effects holistically considered) and not just the constitutional essentials. The main challenge that the author then has to face is the well-known 'fact of (reasonable) pluralism' in contemporary societies that so concerned John Rawls. Precisely because people will disagree so often and easily about matters of justice, Rawls ascertained that in order for the state commands to be legitimate, this authority had to be justified in a way that citizens could be expected to reasonably endorse. For Rawls, political leaders, majorities and citizens in general 'ought to be able to explain to one another on those fundamental questions how the principles and policies they advocate and vote for can be supported by the political values of public reason'. Given the fact of pluralism, establishing a consensus around constitutional matters', namely basic rights and freedoms (essentially civil and political rights) is both a priority and an easier task. In fact, no such consensus can be expected regarding larger issues of distributive justice. Fornaroli contends, then, that for Rawls, while citizens are expected to endorse these constitutional essentials, the same is not

to be hoped regarding the principles that regulate the basic structure (namely distributive issues). But what does it mean that a policy or law ought to be justifiable to reasonable citizens? The reasons given for justifying a norm must "not include controversial claims that some reasonable citizens might legitimately reject" (p. 138), but even if this is obtained, this does not mean reasonable citizens will endorse the proposed norm: they might still find the norm (or its consequences), whose justification is 'grounded in' not 'unreasonable premisses' is not the one that ought to be implemented. And even if these norms are "consistent with constitutional principles that all reasonable citizens endorse; citizens will however disagree about which of these norms best expresses the spirit of the constitution" (ibid.). Fornaroli then goes to argue that '[t]he fact that the norm imposed by some agent on another is justified in terms that the latter can understand as non-prejudiced and reasonably grounded has got nothing to do with the justification of authority. There is no obligation to obey reasonable norms in general so there cannot even be an obligation to obey the specific reasonable norms that one agent who finds herself in positions of power imposes on another" (p. 139).

As an alternative, Fornaroli insists that in order to justify authority, or provide a moral obligation to obey the state's norms, one has to provide an argument 'that a particular norm is one that, more than any other, would facilitate' one's "acting in the right way while preserving her autonomy"; that the norm "is not just reasonable, but one that reasonable moral agents cannot reject" but this requires evaluating the particular norm "according to a specific, however thin, conception of justice" (ibid.). This 'normative impact' requirement, however, collides with the assumption of 'reasonable and inevitable pluralism' and of the damaging disagreements on issues of basic social and economic justice. Fornaroli boldly claims that this assumption should not be considered as concerning as most political liberals suggest. In the end, disagreement between citizens about whether the state is legitimate or not is not bound to end in 'calamitous consequences', since all it means is that (some) people do not believe they have 'to obey the law simply because the state says so', and that, 'as long as the injustices they feel the state or their co-citizens perpetrate are not too grave', it will be possible for citizens to peacefully coexist and not to resist state norms, as there are several other reasons that can recommend compliance with laws. In the end, if state legitimacy is to be grounded 'on what real citizens think' that must be grounded on actual 'unanimous consent' which is something non-anarchists like Rawls cannot offer and for which 'justifiability' in Rawlsian terms would be a poor replacement.

References

Nozick, Robert (1974). *Anarchy, State and Utopia*. Basic Books.

Pogge, Thomas (2007). *John Rawls: His Life and Theory of Justice*. Oxford University Press.

Rawls, John (1971). *A Theory of Justice*. Belknap Press.

Rawls, John (1993). *Political Liberalism*. Columbia University Press.

Rawls, John (1999). *The Law of Peoples*: *with "The Idea of Public Reason Revisited."* Harvard University Press.

Rawls, John (1999). *Collected Papers*. Harvard University Press.

Rawls, John (2000). *Lectures on the History of Moral Philosophy*. Harvard University Press.

Rawls, John (2001). *Justice as Fairness: A Restatement*. Belknap Press.

Rawls, John (2007). *Lectures on the History of Political Philosophy*. Harvard University Press.

Rawls, John (2009). *A Brief Inquiry into the Meaning of Sin & Faith with "On My Religion"*. Harvard University Press.

Sandel, Michael (1982). *Liberalism and the Limits of Justice*. Cambridge University Press.