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Introduction[1]

I.

The year 2021 has had special relevance for the Rawlsian community of political philosophers. It coincided with two important anniversaries related to the philosopher's life and career, namely 100 years from his birth and 50 years after the publication of A *Theory of Justice* (hereafter *TJ*). Dozens of conferences and workshops were organised across the world gathering "new" and "old" generations of political philosophers, who in different ways, had been influenced by Rawls' paradigm. A series of journal articles, edited books and other publications appeared in the last year celebrating Rawls' career and debating about his legacy. In line with this trend, this special issue, is intended to pay tribute to Rawls' scholarship, broadly understood.

In December 16-17 2021, an international conference, gathering together Italian and international Rawlsian scholars, was held at LUISS

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University of Rome to assess Rawls' legacy for contemporary political philosophy and for the Italian academic community, in particular. This special issue is the result of that conference. In turn, *BdL* is the appropriate venue for publishing such a collection, as it was here that the two seminal Rawls' articles "Justice as fairness" and "Distributive Justice" firstly appeared in Italian translation in 1977.

The role played by Rawls' work in reshaping the approach to political philosophy in the Italian academic community has been crucial and long-lasting. The two above-mentioned articles, published in 1977 in *BdL* led to a first 'discovery' of Rawls in Italy. In the same period, the publisher Feltrinelli in Milan started considering a translation of *TJ*, while a group of young scholars (among whom two contributors of this issue: Elisabetta Galeotti and Sebastiano Maffettone) coordinated by Salvatore Veca at the Feltrinelli Foundation started reading, studying and discussing this important and massive book. It was a time when the Italian philosophical community had to face the breakdown of Marxism as the prevalent theoretical framework until then. In Italy, Rawls' theory contributed to a change of paradigm, in three important ways. First, methodologically, his argumentative style as well as his way of reasoning represented a novelty in our academic culture, until then dominated by continental philosophy. Second, Rawls' theory led to a return of normative theory that had been pushed aside in the territory of ideological or personal convictions. Rawls disclosed the possibility for scholars to present and discuss alternative views of distributive justice in a rigorous way. His approach opened the possibility to prospect social change and reform outside the lens of any philosophy of history, and that was very refreshing and empowering. Finally, his work contributed to a rediscovery of liberalism in a historical moment when political terrorism (and, especially, the experience of the Red Brigades) was demonstrating that dismissing liberal values and rights unavoidably brings to unacceptable political and moral wrongs. The translation of *TJ*, published in 1981, represented a turning point of Italian political philosophy in all three respects above mentioned, whose main effect has been to sensibly reduce the distance between the Italian and the international community of political philosophers.

II.

John Rawls' work, and especially *TJ*, has profoundly shaped the contemporary debate in political philosophy. Indeed, after the publication of *TJ* philosophers were faced with the alternative of either speculating within that paradigm or, as Nozick put it, to "explain why not" (1974, 183). In that sense, Rawls' *TJ* has been the pillar on which contemporary political philosophy has been re-founded. Our special issue is precisely aimed at exploring the ways Rawls' legacy, more broadly understood, is still alive in contemporary political philosophical debate.

Rawls' theory, also known as justice as fairness, is based on the exceptionally simple and widely shared moral ideal according to which "each person possesses an inviolability founded on justice that even the welfare of society as a whole cannot override" (Rawls 1971, 3). Starting from this basic idea, justice as fairness was meant to challenge utilitarianism, then a predominant paradigm in both moral and political philosophy. In Rawls' view, the utilitarian attempt to maximize social welfare was not only practically problematic – due to the difficulty to determine the social good – but also and, most importantly, profoundly unjust as the priority of maximizing social welfare could (and often did) violate this basic moral ideal. In contrast with this view, Rawls believed that just institutions should guarantee all people's access to a plurality of social goods, including rights and opportunities, wealth and the social basis for self-respect, to make effective use of their freedoms. Therefore, what counts from the point of view of justice is that social institutions can satisfy those principles which accord with this moral idea, namely his two principles of justice. The two principles of justice – the first concerning liberties and their priority, the second, the difference principle, properly representing the distributive criterion, offer what is perhaps the most sophisticated philosophical synthesis between "rights-based liberal individualism and social democratic wealth redistribution" (Laborde 2002, 133).

At the heart of Rawls' theory, there is an ideal of social cooperation based on reciprocity. In this sense, the two principles are required to mediate among people's conflicting interests which might unfairly influence the division of both advantages and burdens deriving from social cooperation. Rawls believed that such ideal of social cooperation would be endorsed by rational individuals under circumstances of uncertainty,

such as those characterizing his original position, and under the related constraint of the veil of ignorance, compelling self-interested individuals to reason as moral agents. Yet, he was also aware that the stability of such a conception could not be guaranteed only out of these hypothetical circumstances. In other words, if the original position shows that the two principles are "collectively rational" (Rawls 1971, 497), it cannot grant that the view of social cooperation regulated by the two principles will be stable over time. Stability requires that people acquire certain moral psychological predispositions leading to the internalization of the two principles. A theory of stability, which was meant to complement the philosophical justification of the principles, was therefore presented in the third part of *TJ* (see also McClennen 1989, 3-4).

The problem of the stability became a crucial theme of Rawls' second book, *Political Liberalism* (hereafter *PL*, 1996). Here, Rawls realized that people are not only motivated by the desire of gaining more from social cooperation, for they also have interests deriving from their ethical, philosophical and religious views which might conflict with each other and therefore destabilize a fair system of social cooperation. This second problem introduces the issue of pluralism and the idea that the stability of a political conception of justice as fairness cannot be uniquely based on citizens' inner adherence to this view. In *PL*, citizens' adherence to a sophisticated view of toleration and to the liberal principle of legitimacy secure a stability "for the right reasons", which is compatible with the circumstances of persistent disagreement about the good life (Rawls 1996, xxxix and xl). Stability was thus entrusted not only to citizens' internalization of the principles of justice, but also to an intersubjective dimension that was absent in the first formulation, namely the 'overlapping consensus' (see on this also Gentile and Foster 2022).

The recognition of the fact of reasonable pluralism requires a rethinking of justice as fairness in terms of a political conception understood as distinct and yet still compatible with a plurality of liberal and non-liberal conceptions of the good life or, as Rawls calls them, reasonable comprehensive doctrines. Ideas such as "overlapping consensus" and "public reason" play a key role in this context to foster the compatibility between the political conception and the domain of the ethical, philosophical and religious, views. Thus, stability now depends on whether reasonable

citizens, endorsing different ethical worldviews, are able to honor the criterion of reciprocity and mutually recognize their equal role in the construction of a shared political liberal horizon.

The ideal of just relationships envisaged in *PL*, and the criterion of reciprocity attached to it, was then further developed in Rawls' third work, T*he Law of Peoples* (hereafter *LoP*, Rawls 1999). Here, Rawls' paradigm is extended to the international domain of sovereign states, characterized by a form of pluralism even more pronounced than that of a domestic society. According to this project, both liberal peoples and non-liberal, yet decent regimes – together comprising well-ordered peoples – might come to endorse the principles of international justice that ought to govern the relations among them. Once again, the justificatory device adopted in this work is an amended version of the domestic original position. Rawls thought that representatives of both liberal and non-liberal regimes could come to endorse eight principles that are based on generally recognized norms in international law, including self-determination, *pacta sunt servanda*, non-aggression and respect for what is seen as a minimal conception of human rights (e.g. Beitz 2001).

III.

As mentioned above, Rawls' theory has had an unprecedented and huge influence on political philosophy both in the US and in the rest of the world. Yet, the scholarly debates inspired by Rawls' theory have unsurprisingly deeply changed over the years. Since the appearance of *TJ* and for all the seventies and early eighties, the scholarly debate was mainly focused to the first part of *TJ* and concentrated on the discussion about the plausibility of two principles of justice and on the distributive principle, the difference principle especially. In the subsequent two decades, the discussion was extended to other issues presented in *PL* questioning the very ideal of stability underpinning an overlapping consensus over a purely political liberal conception of authority in contemporary democracies marked by a profound pluralism of ethical views and identities. In the last two decades, the interest in Rawls's work has further expanded beyond the perimeter of competing conceptions of distributive justice and rival theorizations of toleration, questioning rather features of his

sophisticated framework that were previously seen either as background assumptions or as peripheral aspects of this construction.

The outcome is a Neo-Rawlsian political philosophy, a theoretical context where both critics and supporters of justice as fairness are critically rethinking not only its background assumptions but also its plausibility in light of the complex political reality contemporary democracies are facing.[2] In our view, Neo-Rawlsian political philosophy includes, yet it is not limited to, issues such as: the proper role of normativity, the relationship between the ideal and non-ideal theory and the so-called "methodological turn" (Erman and Moller 2015; Valentini 2012), the place for empirical and historical considerations in this framework, as well as the plausibility of property-owing democracy and the ideal of progressivism implicit in such an institutional model. All the contributions included in this special issue deal with some of these topics and this introduction is meant to provide the readers with a guidance to navigate such a Neo-Rawlsian horizon motivated by the conviction that this paradigm (or some extended version of it) still represents a crucial methodological and theoretical reference for contemporary political philosophy.

IV.

Within the contemporary discussion of the Neo-Rawlsian political philosophy we identified three important streams which have been discussed in the articles included in this collection: 1) Justice as fairness and its context; 2) Justice as fairness and non-ideal theory; 3) Justice as fairness and the future of normative philosophy.

1. **Justice as fairness and its context.** In contrast with a prevalent reading which considers justice as fairness as both ideologically and institutionally connected to the mid-century, post-war, American Consensus (see, especially, Forrester 2019), David Reidy

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[2] 'Neo-Rawlsian philosophy' should not be confused with 'neo-Rawlsianism', an expression coined by Forrester (2022) aimed at encompassing the several different forms of egalitarian liberalism emerged in the second post-war era which, in various ways according to Forrester (2022, 4), have been influenced both ideologically and methodologically by Rawls' theory.

proposes an alternative fascinating historical contextualization of Rawls' progressivism. He shows that Rawls' theory should be better understood as an attempt to revive the political ideals animating early progressive republican liberal democrats such as Herbert Croly, Woodrow Wilson, and Theodore Roosevelt. Central to Reidy's argument is the claim that Rawls' ideal of a property-owning democracy, the institutional economic model favored by justice as fairness is compatible with such an early republican democratic ethos, while fundamentally differs from the welfare state capitalism as emerged in the post-war era. This was so not only with reference to its fundamental socio-economic structure, but also and, perhaps most importantly, with reference to the political values, including Rawls' commitment to international peace and cooperation as well as his firm resistance to all forms of capitalism, which this institutional ideal was meant to reveal.

2. **Justice as fairness and non-ideal theory.** For many scholars, contemporary political philosophy is facing a methodological turn (see Valentini 2012; Erman and Moller 2015). Issues such as the proper relation between extant social practices and normative principles, the relationship between ideal and non-ideal theory, as well as the role of morality and moral judgements in political theorizing are dominating this debate and Rawls' theory is often the target of these critiques. As well-known, in *TJ* Rawls drew a fundamental distinction between the ideal and the non-ideal theory, so that justice as fairness was developed within a set of idealised assumptions, such as strict compliance and historical and economic favourable conditions (Rawls 1971, 8, 245ff). Such idealization has been strongly criticised by supporters of a non-ideal approach to justice (see, for example, Sen 2006 and Mills 2005). In her paper, Elisabetta Galeotti provides a fresh contribution to this debate by showing that, if we should resist to Mills' charge of ideology to Rawls' ideal theory, it is nonetheless necessary to rethink critically the ideal and non-ideal theory nexus. Recovering Kymlica's idea of societal culture, Galeotti argues that this is the context where asymmetries of power and several forms of inequality linked to status emerge. In her view, the societal culture is the proper object of the non-ideal

theory which is needed to supplement Rawls' ideal theory. The discussion shows how the very ideal of reasonableness might help in (re)shaping just relations among citizens in real-word circumstances, characterized by unequal epistemic relationships. Yet, Galeotti warns us, this is possible only if ideal and non-ideal theory are both parts of the same theoretical enterprise.

3. **Justice as fairness and the future of normative philosophy.** Still related to the methodological debate discussed above is the role of normative theory in contemporary political philosophy. In a philosophical context dominated by positivism in both law and social sciences, Rawls' theory introduced a novel way to understand the relationship between normative thinking and political philosophy. Justice as fairness provided a powerful normative enterprise aimed at critically evaluating and justifying liberal democratic institutions. Yet, if it is widely recognized that Rawls' theory stimulated a new normative turn in political philosophy, several works are increasingly questioning the overall plausibility of this normative project.

The two articles concluding this collection, written by Alessandro Ferrara and by Sebastiano Maffettone, contribute to a better understanding of Rawls' normative project while providing two powerful defenses of normative theorizing in political philosophy. Alessandro Ferrara presents a sophisticated reconstruction of the normative project of justice as fairness, with special emphasis on the transition from *TJ* to *PL*. According to Ferrara, there is a fundamental discontinuity between what might be considered a still Platonic normative framework, the one presented in *TJ*, and the view of post-foundationalist normativity emerging in Rawls' political turn. In this second work, Ferrara argues, the recognition of the problems associated with the early formulation of view of stability brings Rawls to recast normativity as fundamentally associated to the ideal of public reason and the two standards of the reasonable and the most reasonable.

In his article, Sebastiano Maffettone presents a thought-provoking reconstruction of the anti-utopian political realist critique of Rawls' normative project. In the attempt to identify the reasons of the decline of faith in normative theory, Maffettone identifies

two important facts: the current crisis of democracy and the recent postmodern turn in philosophy, which he calls new metaphysics. Deeply influenced by these two important facts, political realists are skeptical about the strict moralism of Rawls' model of normativity. The concerns raised by these scholars are important ones for Maffettone, who envisages a compromise between realist and moralist desiderata. In conclusion, the author presents a solution aimed at combining two important aspects of any good normative theory, namely descriptive plausibility and normative adequacy.

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