

Brad Baranowski*

How to Do Things with Justice: Professor Rawls, 1962–1971

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Abstract: Understanding the social bases of what John Rawls meant by justice requires understanding a central part of Rawls’s professional life: his role as a teacher. As this essay shows, Rawls’s approach to teaching was not ancillary to his approach to heady philosophical issues like the justification of moral reasoning. Rather, there’s an ethic that runs through Rawls’s work, one focused on deliberation and consensus-seeking, and one whose strengths and weaknesses are easiest to see when you examine his teaching.

Keywords: Rawls, liberal democracy, moral philosophy, moral skepticism, pedagogy, deliberative ethics

A morality regulates our conduct towards others; choosing a morality is deciding what sort of a person to *be* in this respect.

John Rawls, Phil. 169 lecture.¹

To most who know the name, ‘John Rawls’ is synonymous with publications like *A Theory of Justice* (1971) or *Political Liberalism* (1993), concepts like justice as fairness’ or ‘the veil of ignorance’, and titles like ‘the man who revived political philosophy’ or ‘one of postwar America’s most important intellectuals’. Yet for the majority of those who actually met him, Rawls is known primarily as the professor who delivered courses like Phil. 171, his sought-after class on political philosophy. Those who knew Rawls in this way saw parts of his life that were far from tangential to the parts that gained him renown. It was behind the lectern that he modeled what his moral philosophy might look like in practice. It was on campus that he engaged with the realities of political commitment. And it was with students in mind that he cultivated an ethic that both

¹ Philosophy 169, lectures I–IV, 1970 Fall, Box 5 Folder 2, John Rawls Papers, Harvard University Archives (hereafter: “JRP”).

*Corresponding author: Brad Baranowski, Independent Scholar, Cleveland, Ohio, USA, E-mail: bbaranowski6@gmail.com

amplified and elided these aspects of his life. Moving beyond the published versions of his teaching, *Lectures on the History of Moral Philosophy* (2000) and *Lectures on the History of Political Philosophy* (2007), this essay reconstructs the social context that Rawls encountered on a daily basis, the university.

Shifting the frame of reference away from Rawls's published writings and towards his pedagogy accomplishes three ends. First, it answers a chorus of Rawls's critics. For thinkers like Alastair MacIntyre in *After Virtue* (1981), Michael Sandel in *Liberalism and the Limits of Justice* (1982), and Mary Ann Glendon in *Rights Talk: The Impoverishment of Political Discourse* (1991), Rawls is to blame for contributing to the rise of hyper individualism. The historian Helena Rosenblatt distilled this critique when she recently noted how Rawls has come to exemplify modern liberalism's tendency to trade the "promotion of the common good" for the promotion of individual rights, a shift that makes it "okay to be selfish" (Rosenblatt 2018, 273).

Perhaps that is a perspective you could have from reading Rawls's texts, but students listening to his lectures were routinely treated to discussions that emphasized self-restraint in the service of discovering shared values. One of Rawls's biggest concerns about modern democracy was its citizens' ability to overcome the travails of moral skepticism. The belief that normative values are not susceptible to reasoned inquiry, moral skepticism instilled dread in Rawls due to what he saw as its pervasiveness during liberalism's decline in the 1920s and 1930s. As elites had come to doubt that moral values were subject to rational discussion, the twentieth century's great atrocities had snowballed. Total wars like the Second World War were much more palatable when there did not appear to be objective standards with which to condemn them.

Students recognized this worry. When teaching about James Madison, for example, Rawls mused aloud about whether American democracy could handle the moral stress test of modernity. Although he agreed with the Virginian that the hallmark of modern politics was pluralism, Rawls was less sure about the statesman's solution. "I believe that M[adison]'s const[ititutional] sys[tem] is either", Rawls lectured:

- (a) "unstable, given to destructive conflict since *causes* of faction are not controlled, and *moral sentiments* cannot be effective for compliance. Or
- (b) It settles down eventually to a *facade const[ititutional] state* in which the large owners of property do have effective control behind the scenes. This control is made possible because of details of the

1. control of political process via control of campaign funds
2. control of news media
3. control of econ[omic] process, etc”.²

As a result of this arrangement, citizens might go beyond debating the *validity* of their peers’ beliefs to doubt their very *sincerity*, wondering if what one person advanced in the name of the common good was really just self-interest by another name, leading to the breakdown of moral reasoning altogether.

To overcome this “disease of ethical reasoning”, Rawls sought both to cultivate an ethic that would *show* how moral skepticism could be avoided, and to spread this ethic across American political culture.³ This points to the second end accomplished by placing Rawls back on campus: highlighting an ethical philosophy that he thought to be a necessary corollary to his moral and political philosophy. Rawls’s philosophy, as he described it in *A Theory of Justice*, was “a guiding framework designed to focus our moral sensibilities and to put before our intuitive capacities more limited and manageable questions for judgment” (Rawls 1971, 53). In practical terms, this took cultivating a deliberative ethic, one that required patient attention to competing views in order to discern shared moral truths. Although his writings would be one vehicle for the dissemination of this ethic, his teaching would prove an even more effective one. There, he worked to prepare students to navigate what he thought was the moral travails of modern politics.

Finally, there is the question of how viable Rawls’s ethic is today. Developed in the context of a highly stable set of institutions—America’s elite universities—Rawls’s ethic resembles its origins. Those conditions were the social bases that shaped both Rawls’s conception of justice and his intellectual temperament, molding his theories of politics to take a form that, as one historian has disparaged, “could not possibly involve human beings” (Kuklick 2001, 263). But Rawls’s ethic was meant for humans. It’s just that those humans tended to be students. As Western liberal democracies once again careen through an era of political polarization and instability, understanding this aspect of Rawls’s work is a prerequisite to discerning what is living and what is dead in his thought today.

² Theory of Democracy, Philosophy 171, 1971 Fall, Box 24, Folder 8, JRP.

³ Theory of Justice, [Undated], Box 7, Folder 14, JRP.

1 Moral Skepticism and the Reasonable Man

As a student, Rawls had gravitated toward philosophy to achieve a simple goal: save liberal democracy. Born on February 21, 1921, the world in which Rawls came of age intellectually was a world from which liberal democracy was disappearing. This was shocking. When Woodrow Wilson left the peace negotiations that concluded the First World War in 1919, liberal democracy was ascendant across Europe. Germany had replaced the Kaiser with a democracy and a potpourri of republics and constitutional monarchies had emerged from the fall of Austria-Hungary. The Ottoman Empire had a more mixed record initially, but the Republic of Turkey straddled the Bosphorus by the early 1920s. Liberal democracy seemed ineluctable. “Europe, west of the Soviet border”, notes the historian Eric Hobsbawm, “consisted entirely of such states” (Hobsbawm 1995, 110). Twenty years later, Europe’s liberal democracies could be counted on one hand, with fascist alternatives fast replacing them.

What happened? That was the critical question of the 1930s and 1940s. Intellectuals in America traced the roots of fascism, churning out a steady stream of titles like Calvin B. Hoover’s *Dictators and Democracy* (1938), which blamed a combination of economic downturn and irresolute leaders for weakening democracies, Erich Fromm’s *Escape from Freedom* (1941), which blamed the allure of authoritarian personalities among the middle classes for fascism’s rise, and Franz Neumann’s *Behemoth: The Structure and Practice of National Socialism* (1942), which blamed monopoly capitalism for concentrating power. Sinclair Lewis captured the anxiety well in a single title, *It Can’t Happen Here* (1935), by which he meant that it most certainly could.

When Rawls matriculated into Princeton University as an undergraduate in 1939, a different answer to the what-happened question preoccupied campus. As Harold W. Dodds, the university’s president, warned of the global situation in his Christmas address that year, “If reason and morality be not on speaking terms with each other, man’s case is hopeless” (Dodds 1939). Rawls’s senior thesis advisor, Walter Terrance Stace, exemplified this mood. An ex-British civil servant who wrote four philosophy books while rising to the rank of mayor of Colombo, capital of colonial Ceylon, Stace was adept at mixing politics and scholarship. He was unequivocal about the cause of liberalism’s woes. “The spirit of the ethical relativist”, he posited in an interview with *The Daily Princetonian*, the university’s student newspaper, “is the spirit of Fascism” (Attwood and Longcope 1939).

Stace evoked a contemporary twist on an old concern: moral skepticism. As ideas go, it has a long pedigree. In the sixteenth century, Michel de Montaigne had reflected on how the discovery of the Americas revealed the parochial nature of European morality, and, centuries before that, Pyrrho had turned skepticism

into a school. By the twentieth century, the theme was taken up by luminaries like C.K. Ogden and I.A. Richards in *The Meaning of Meaning* (1923), A.J. Ayer in *Language, Truth, and Logic* (1936), and Charles Stevenson in *Ethics and Language* (1944). Each was skeptical that morals could be objectively reasoned about. The philosopher Hans Reichenbach captured this attitude in *The Rise of Scientific Philosophy* (1951). “Truth comes from without: the observation of physical objects tells us what is true”, he noted. “But ethics comes from within: it expresses an ‘I will’, not a ‘there is’” (Reichenbach 1951, 306). The former could be reasoned about, the latter could not.

This skeptical temperament had not aged well. As air raid sirens blared across Europe, Stace cast moral skeptics as intellectual arms dealers in *The Destiny of Western Man* (1942). Specifically, skeptics’ belief “that reason is merely a tool of the will” eroded a key prerequisite to liberal democracy: that disagreements over value judgments nonetheless could be overcome through rational discussion (Stace 1942, 223). If reason was just will by another name, then what use was resorting to persuasion when compulsion was ultimately necessary? “This despair of reason”, Stace lamented, “this profound unfaith in the rationality of our ideals, this deep defeatism in regard to our values, is, in the most up-to-date intellectual circles, the fashion of the moment” (Stace 1942, viii). Such fads accounted for liberalism’s abysmal tally. As Stace later summed up, moral skepticism, once “translated from theory into action”, spawned “the creed of the Hitlers and Mussolinis and the Stalins”, who had acted in disregard to domestic and international morals (Stace 1950, 215).

Trying to understand what had pushed liberal democracy to its nadir, Rawls conducted his own investigations. In a short essay published by the student-run literary magazine, *Nassau Literary Magazine*, in the same month that Germany invaded the Soviet Union, Rawls shared Stace’s worries. He despaired at how elites doubted the existence of moral truths, turning instead to the belief that everything could be molded at will (Rawls 1941, 46–54). Against this trend, Rawls wrote a second article in which he argued that liberal democracies faced a choice. “The world crisis which we are passing through now”, he wrote, “is really a process of a great decision. This decision is whether to return to Christianity or whether to reject it” (Rawls 1942, 149). His senior thesis, ‘A Brief Inquiry into the Meaning of Sin and Faith’ (1942), left no doubt about Rawls’s decision. “Proper ethics”, he concluded there, “is not the relating of a person to some objective ‘good’ for which he should strive, but is the relating of person to person and finally to God” (Rawls 2009, 114). And then he joined the war that he had hitherto only studied.

Rawls’s service in the Second World War took him through the jungles of New Guinea to the assault on the Philippine island of Leyte. Fighting was fierce. On Leyte alone, U.S. forces would suffer over 15,000 casualties, with approximately

3500 dead, to say nothing of Japanese losses, for whom U.S. forces often exhibited unalloyed hatred (Blakeley 1955, 183–85; Dower 1987, chap. 3). Over these campaigns, Rawls's faith in what one army chaplain deemed God's power to "aim[] our bullets at the Japanese while ... protect[ing] us from theirs" waned.⁴ Rawls became instead a member of the generation for whom the words of Yossarian, main character of Joseph Heller's *Catch-22*, would resonate: "[God's] not working at all. He's playing. Or else He's forgotten all about us" (Heller 2011, 171).

But although the war claimed his faith as a casualty, Rawls's concerns about moral skepticism survived. Returning to Princeton to pursue a Ph.D. in philosophy, Rawls's anxieties continued to reflect those of Stace. Modern technologies like mass media and modern phenomenon like mass politics, which had troubled him as an undergraduate, continued to bother Rawls. Both had made the spread of moral skepticism too easy. As Rawls explained grimly in his dissertation, 'A Study in the Grounds of Ethical Knowledge' (1950), "In the face of the numerous ideological warfares, waged by means of institutionally supported propaganda machines, men are likely to doubt not only the efficacy of reasonable principles, but their existence" (Rawls 1950, 15).

If anything, his wartime experiences raised the stakes. Rawls's unit was among the first Americans to enter Hiroshima, touring the city shortly after hostilities ended. What Rawls witnessed haunted him. Reflecting on Hiroshima and Nagasaki later in life, he concluded that "just peoples by their actions and proclamations are to foreshadow during war the kind of peace they aim for and the kind of relations they seek between nations" (Rawls 1999, 567). The Allies, however, had opted to follow William Tecumseh Sherman's principle that "war is hell", casting aside morality for strategy, and ultimately bringing on the atomic age. Rawls was appalled. "There is never a time when we are free from all moral and political principles and restraints", he asserted. Beliefs to the contrary were "nihilisms" (Rawls 1999, 572). The key was to ensure that leaders and citizens modeled these principles and restraints well in advance of times of intense moral pressure, like total war. Otherwise, that way barbarism lay.

And so, Rawls returned to investigating the causes of moral skepticism after the war, detecting along the way a paradox of modern life. As he explained in a series of notes taken while on a Fulbright Fellowship at Oxford University, modern science and technology allowed people to exercise greater control over nature and each other. This had spurred progress in medicine, industry, and other fields. But it had also stymied moral development. As "men try to do more, to control larger areas of conduct and action, to look forward to longer periods of time", Rawls

4 Autobiographical Notes, Box 42, Folder 12, JRP.

believed, “their problems of choice become more difficult”. Forced to confront the exigency and multiplicity of moral choice, people were also forced to take a wider view of matters. Humanity had “unwittingly taken on the burdens of divine choice”. When making such decisions proved too complex and difficult, people simply shrugged off moral responsibility altogether, doubting whether reasoning over such matters was possible at all.⁵ Vague on their precise contours, what countless social theorists would come to call the conditions of modernity had made moral reasoning increasingly difficult in Rawls’s view—and thus made avoiding it all too easy.

To overcome this dilemma, Rawls looked away from the extraordinary as exemplified by religion, and to the ordinary as understood by a Viennese expat. Ludwig Wittgenstein had no truck with skepticism. To Wittgenstein, skeptics committed a sleight of hand. Despite their claim to the contrary, “[t]he game of doubting itself presupposes certainty” (Wittgenstein 1972, §115). Reasoning is a complex social phenomenon that depends on layers of cultural and historical meaning to function. Skeptics may think that they could doubt everything, and they could indeed doubt *many* things, but they could never doubt everything *at once*. They could not doubt the language in which they raised these doubts. Even if they did, they would have had to find a way to doubt very concept of doubt. And so on. Wittgenstein sought to avoid this angst by showing how many basic ideas remained, quite literally, beyond question when the doubter doubted. Echoing these sentiments, Rawls wrote in one of his seminar papers that “it is best to answer skeptics not by arguments, but by showing them that what they say can’t be done, has *been* done”.⁶

Paramount in these demonstrations was a certain figure, the reasonable man. “An important way in which reasonableness is manifested is in *discussion*”, Rawls would tell students during a seminar he held in 1953 while a professor at Cornell University. “A reasonable man is a man who conducts himself in a certain manner in discussion, and who wants to bring it to a certain conclusion”. The reasonable man “wants the discussion to go in an orderly way, and he wants it to end in *agreement* and understanding—both *freely* given by *all* parties”. This wasn’t always easy. The temptation to stick to one’s own views, regardless of evidence or arguments to the contrary, could be strong. But the reasonable man resists this urge. “He puts a certain value”, Rawls claimed, “perhaps a very high *value*, upon men’s *settling* their *differences by discussion*”. For this reason, the reasonable man moved beyond issues rooted in self-interest and identity and

⁵ Oxford notes, 1953 Spring, Box 7, Folder 10, JRP.

⁶ Brief Inquiry into the Nature and Function of Ethics, 1946, Box 7, Folder 3, JRP.

towards concerns shared by all, a signpost along the road to a more just society because “justice deals with the one thing men have in common”.⁷

As twentieth century figures go, the reasonable man certainly could be lonely one. After all, mass discourse on politics had hardly appeared to be reasonable during liberalism’s descent in the 1920s and 1930s. Well aware of this fact, Rawls worked to ensure that he was not the only reasonable one around.

2 Teaching Ethics: The Reasonable Man Lectures

Students would come to cherish attending Rawls’s classes, noting how his approach to lectures was a ‘model of coherence.’ His courses also solicited empathic understanding of the content, a rare feat for a large lecture course. “Invariably”, noted one student, “Rawls gains the respect of those who appreciate the route he has travelled” to his philosophy.⁸ Such admiration was rooted in a simple pedagogical belief. Rawls, thought another student, stood out for the reliability of his “attention to students’ needs”.⁹ Among those needs was for philosophy to speak to concerns beyond the lecture hall.

Meeting this demand took time and considerable effort. When Rawls arrived at Harvard to take a permanent post there in 1962, his teaching was hampered by a severe stutter. He was nervous in front of large lecture halls, particularly at the outset. Invariably his soft, nasally, Baltimore-accented voice would begin to give out, with phrases common to his lexicon like ‘social contract theory’ or even ‘theory of justice’ coming in fits and starts. Consequently, teaching assistants like Claudia Card, one of Rawls’s first graduate students at Harvard, routinely scrambled to convince their younger peers to stick through the rough beginning. “If you could just ride out the first couple weeks of the course”, Card recalled beseeching students, “you were in for a treat”.¹⁰ One particularly vexed student refused to wait and likened sitting through Rawls’s classes as listening to “the last stutter of liberalism”.¹¹

Fortunately, Card’s words proved apt and Rawls’s courses became storied, particularly Phil. 171: ‘Political and Social Philosophy’. Rawls first taught the course during the 1959–60 academic year while a visiting professor at Harvard.

7 Justice as Fairness, Cornell seminar, 1953 Fall, Box 7, Folder 11, JRP.

8 The Confidential Guide to Freshman Courses, 1969–1987 (1976), Box 2, HUA.

9 The Confidential Guide to Freshman Courses, 1969–1987 (1970), Box 2, HUA.

10 Claudia Card (Philosophy Professor, University of Wisconsin–Madison), in discussion with author, Feb. 12, 2015 (“Card Interview”).

11 The Confidential Guide to Freshman Courses, 1969–1987, (1976), Box 2, HUA.

Canonical authors that students clamored to study, like Locke, Hobbes, Mill, and Marx, were required reading on the syllabus, as were a host of less conventional texts like works by Pope Leo XIII and Jean Piaget. Rawls also structured the course around big themes of general interest like ‘The Common Good’, ‘Liberty’, ‘Equality’, and ‘Conceptions of Justice as Social Forces’. Along with introducing students to established social and political theorists, Rawls surveyed new work in the field, such as his own. Listed among the syllabus’s suggested readings was his article ‘Justice as Fairness’, which he would mimeograph for anyone who was interested.¹²

Students could also access copies of a certain manuscript on which Rawls had been laboring for years. As Rawls churned out drafts of *A Theory of Justice*, it was common to see students around Harvard poring over cheap copies of the would-be book’s chapters. Rawls appreciated any feedback and after lectures he would often find himself flanked by enthusiastic enrollees sharing their thoughts.¹³ If students were shy, then Rawls made sure that they had other opportunities to provide feedback. Routinely featured as a final exam question in Phil. 171 was this one: ‘What criticism would you care to make of justice as fairness? Explain’. Even with his book off to the printers as he taught in the spring term of 1971, Rawls continued to solicit any criticisms that students would “care to make of *A Theory of Justice*”.¹⁴ Questions like these received a range of responses. One term paper from the fall 1967 semester of Phil. 171 argued that Rawls’s concept of justice as fairness fell short of being universal. It was merely a “parochial conception”. Rawls replied with a simple, “OK”.¹⁵

Despite the topics’ allure, Rawls’s courses filled seats as much thanks to their style as to their substance. As students heard on numerous occasions, Rawls was “interested in illustrating a method; not teaching a doctrine”.¹⁶ Politics and morals were not merely topics covered on Monday, tested on Wednesday, and forgotten on Friday. “Political philosophy”, he warned, “is not an algorithm for practical and political and social issues”.¹⁷ Rather, political and moral philosophy were forms of life, temperaments to be cultivated over time. Admittedly, this meant studying doctrines like those found in John Stuart Mill or Jean Jacques Rousseau. But Rawls stressed that “the point of it mainly has been to introduce you so far as

12 Practices as Subjects of Justice, III–V, [1960–1962], Box 35, Folder 9, JRP.

13 Card interview.

14 Bibliographies and Topics for Philosophy 171, 1959–1971, Box 24, Folder 7, JRP.

15 Comments on Rawls’s Justice as Fairness, 1964–1971, Box 19, Folder 3, JRP.

16 Theory of Justice, [Undated], Box 7, Folder 14, JRP.

17 Nature of Political and Social Thought and Methodology, [1960–1964], Box 35, Folder 10, JRP.

possible to the patient sort of inquiry which I think ethical theory—the accounting of our moral reasoning—requires”.¹⁸

Cultivating patience required mastering certain practices. How students ought to read was particularly important. To this end, Rawls circulated a set of self-authored aphorisms in lectures. Students were advised to be charitable and attribute “to a man only those assumptions needed to get his argument”. If the same point could be made by a “weaker and true” assumption, then students should “point that out”. Should confusion arise over what sorts of meaning an author implied by a word or a phrase, Rawls said to consult the thinker’s context. But he warned students that when confronted with several interpretations of an idea, they should pick the one most likely to yield a cogent philosophical argument. After all, it was important to “[g]ive a man [the] benefit of the doubt!” The point of the course was to cultivate good moral reasoning and generosity was a virtue. Finally, students being students, Rawls chided everyone to “[r]ead the text!”¹⁹

Embedded in these lessons was an ethic. Maxims such as “Pay a man the respect he must deserve if you are taking your time to read him” and “Don’t condemn a man out of the mouth of his enemies; nor from the uses to which others have put him” all conveyed a broader point. Faulty understandings and fruitless debates were rooted in your approach to ideas, not in the concepts themselves. Students consequently must learn to distinguish the ‘analytical working out’ of an argument’s parts from the scope of its moral whole. “The vision”, Rawls proclaimed, was “the important thing!”²⁰ Only careful, rigorous, and, above all, generous readings of the texts could unearth this, at which point, real discussions could begin.

How Rawls expected his students to read the history of moral and political philosophy set him apart from his contemporaries. By the late 1950s and early 1960s, there were three major approaches to this history in vogue among Anglo-American academics (Smith 1998, 280). The first came from history. The Cambridge School, named so for its origins at Cambridge University, sought to deconstruct the idea of political philosophy as a timeless discussion addressing perennial concerns, emphasizing instead a thinker’s immediate context as the driving consideration (Skinner 1969). Against this view stood the Straussians (Melzer 2014, 96). Headed by Leo Strauss, this group advocated reading between the lines of thinkers, plumbing the depths of a text for its esoteric, hidden meanings as opposed to its exoteric, apparent ones (Strauss 1988).

18 Theory of Justice, [Undated], Box 7, Folder 14, JRP.

19 [Philosophy 171] Locke lectures, 1958, 1965–1966, Box 52, Folder 12, JRP.

20 Ibid.

Within the mainstream of analytic philosophy, a different attitude to the past held sway—ignoring it. It wasn't that analytic philosophers lacked any interest in history. Carl Hempel had devoted considerable attention to historical study in his widely discussed article 'The Function of General Laws in History' (1942), and thinkers such as Arthur Danto, Michael Scriven, and William Dray followed suit with their collection of essays, *Philosophical Analysis and History* (1966). It was just that the philosophy of history was one thing, and the history of philosophy quite another. Morton White, author of the influential intellectual history *Social Thought in America* (1957), pointed to W.V.O. Quine as exemplifying this attitude. Although friends and peers in Harvard's philosophy department, White bemoaned how Quine "had no sympathetic interest in the history of philosophy or the general history of ideas" (White 1999, 124). White wasn't alone in his impression, nor Quine in his. Richard McKeon, Dean of Humanities at the University of Chicago, was on point when he complained that American philosophers treated the discipline's history as little more than a "museum of errors" (McKeon 1964, 242).

White and McKeon's objections resonated with Rawls. He registered his own discontent when he reviewed the British philosopher Stephen Toulmin's *An Examination of the Place of Reason in Ethics* (1950). Toulmin's book analyzed the nature of moral reasoning, contrasting his work with what he deemed the "traditional method" of moral philosophy (Toulmin 1950, 5). What counted as 'traditional' for Toulmin, though, was of remarkably recent vintage. The philosophies of Ayer, Stevenson, and G.E. Moore were its torchbearers, the earliest work of which—Moore's *Principia Ethica* (1903)—wasn't even half a century old. Rawls thought this historical amnesia was "misinformed", even "absurd" (Rawls 1951, 579). Moral philosophy, he complained, "is not like physics: it is not a matter of ingenious discovery but of noticing lots of obvious things and keeping them all in reasonable balance at the same time". Thus, he warned, it "is just as disastrous for one age to cut itself off from the moral experiences of past ages as it is for one man to himself off from the moral experience of his fellows" (Rawls 1951, 579–80).

Rawls sought to avert such a disaster, emphasizing to his students the role that philosophy could play in strengthening moral ties. "We often become skeptical about there being such a thing as moral reasoning because we don't know how to do it", Rawls once told students. "How often one hears it said: 'But in moral discussion, everybody just expresses their opinion and that's that. You can't reason about it, for what is there to say'". Against these cries, it was "the business of a philosopher to say we can carry the discussion on further; it is partly his job to *show* how reasoning may be brought into human life—how it can play a role where previously we might have thought it impossible, or impractical". Society had much to gain because "if a philosopher (or someone else) can show us how to

reason in situations where previously we didn't know how, perhaps we will give up our various practices of verbal (and other abuse) and reason with one another instead".²¹ Emulating the practices that Rawls modeled held out the promise of how to overcome moral skepticism.

As the decade progressed, the need to master these techniques grew ever more pressing. Tensions mounted at Harvard as the Vietnam War cast longer shadows over campus. In this atmosphere, Rawls took the reasonable man out from behind the lectern and into real political debates, albeit debates centered on campus. Throughout it all, Rawls was teaching students how to do the same.

3 Drafts: The Reasonable Man Dissents

On the evening of May 15, 1968, Rawls stood before a packed Lowell Lecture Hall. The scene could have been one of many from his career: Rawls gathering his notes at the lectern, students settling into their seats, a hush falling after the philosopher's quiet, stuttering voice resonated. The topic this time, however, wasn't on the exam. "I should like to discuss the grounds", he began, "for refusing to serve in the Armed Forces at the present time".²² What followed was Rawls's case for why the Vietnam War was wrong, and why protesting it was right.

Composing this speech took Rawls away from a bigger set of edits. He completed his first draft of *A Theory of Justice* in October 1964 and continuously fiddled with it until its publication in 1971. Not even the title was immune from revision. Before it was a theory, Rawls's opus was an 'interpretation', a 'contractarian' one. Then he opted for 'Justice: A Philosophical Essay'.²³ Another time he referred to the project blandly as 'Chapters on Justice'.²⁴ He also had a smattering of epigrams he cycled through, in search of one to capture his argument's spirit. A line by the Swedish economist Knut Wicksell attracted Rawls's attention: "There can be justice only among equals. Justice from above is contemptuous; from below spiteful". So, too, did a pithy phrase by the American physicist, Josiah Willard Gibbs: "The whole is simpler than its parts".²⁵ Each lay the emphasis on a different aspect of

²¹ Theory of Goods, [undated], Box 8 Folder 2, JRP (emphasis added).

²² Just War and Conscientious Refusal, Talks to Students of Draft and Resistance, 1968, Box 34, Folder 7, JRP.

²³ Essay on Justice, First Draft of *A Theory of Justice*, 1964, Box 18, Folder 2, JRP.

²⁴ Philosophy 171, Chapters on Justice, 1965 Fall, Box 18, Folder 4, JRP.

²⁵ *A Theory of Justice*, 1967–1969, Box 10, Folder 9, JRP.

the book: the first on its content, the second on its method. The publisher decided for him—no epigrams.²⁶

Another problem bothered Rawls in the increasingly unwieldy manuscript. It would do little good to discover principles of justice too fragile to endure the realities of political and social change. But stability can spawn apathy, leaving just institutions to corrode out of sheer inertia. Governance was a game played out over a person's life. Small imbalances in justice built up over time, not necessarily through malignant motives or conspiratorial plans, but through the simple fact that different people used different strategies of play, each one of these acceptable within the bounds of the rules, yet combined could produce outcomes that threatened to change the nature of the game itself, like gross inequalities that afford one player all the power to decide how points get allotted. A means of redress was needed, one that could strengthen people's ties to society. Struggles with this issue still fresh, Rawls angrily concluded the table of contents for the third draft of *A Theory of Justice*, "DEAD END".²⁷

As Rawls wrestled with his draft, his students dealt with their own. While the U.S. military became bogged down in Vietnam over the course of the 1960s, voices of dissent grew ever louder across the country, including in Cambridge. Students for a Democratic Society ('SDS') had an active chapter at Harvard, as did other left-leaning organizations such as the Young People's Socialist League. The aims of such groups were expansive, with one flier calling for abolishing the ROTC, ending Harvard's expansions in Cambridge and Boston, and establishing a Black Studies Department.²⁸ Political unrest came to a head in April 1969 when students went on strike for two weeks, culminating in protestors seizing Harvard Hall for a brief period, kicking out administrators, and standing off with the police (Eichel et al. 1970).

Vietnam animated Harvard's philosophers, too. Departmental meetings took on the air of peace talks as faculty agreed to a detente in order to sit down to discuss course proposals, tenure decisions, and funding allocations. Among those on the conservative wing of Emerson Hall were Nelson Goodman and W.V.O. Quine, both of whom supported the war (Pogge 2007, 21–2). Quine later attacked the "widespread spirit of rebellion induced by the Vietnam War" as simply "tolerance of subversion", bemoaning that society had not enacted moral censorship against

²⁶ *A Theory of Justice*, Final Draft of Manuscript Prior to Publication, Chapter I, 1971, Box 11, Folder 1, JRP.

²⁷ *A Theory of Justice*, chapter I, 1969 December, Box 11, Folder 1, JRP.

²⁸ Dan Gilbarg, Vietnam, U.S. imperialism and Us, in Box 5, Harvard University Student Strike, 1969, HUA.

it (Quine 1987, 208). Meanwhile Hilary Putnam, who ran a local anti-war committee and gave a popular course on Marxist social thought, represented the new left (Einheuser 2005, 218).

Between these two camps sat the bulk of the department's faculty. More liberal than Quine or Goodman, less radical than Putnam, philosophers like Roderick Firth, Rogers Albritton, and Burton Dreben (close friends of Rawls) opposed the war, albeit only upon reflection. Firth had been an early supporter of Johnson's administration, going so far as to sign a public manifesto that called the president "the best chance to promote the causes of peace" in 1964 (Ad 1964). By 1967, he was inveighing in Memorial Church against those who would burn people "alive in napalm because the available evidence makes it somewhat probably that in ten or twenty of fifty years this evil would be outweighed by a greater good for all".²⁹ Albritton followed Firth and proposed that the faculty senate limit the ROTC's influence on campus (Fallows 1969). Dreben would act as a negotiator between students and administrators when strikes roiled campus (Honan 1999). Although all opposed the war, each emphasized that their actions were exceptions to, rather than rejections of, campus norms. "Debates on political matters should not become customary at our meetings", stressed Albritton to the faculty senate as he motioned to vote on his ROTC plan (Galeota 1969).

With the public more focused on what individuals owed the nation than any time since the Second World War, Rawls waded into the fray the best way he knew how: with a slew of courses on the topic. He lectured on the "moral basis of the law of nations", a topic that he claimed had been "*relatively neglected*" by philosophers for decades if not centuries.³⁰ He explored the concept of conscientious objection.³¹ He began to formulate his own approach to just war theory, one based on the social contract philosophy that he was already developing in *A Theory of Justice*. And, as in previous courses, he welcomed dissent. "No doubt the traditional just war doctrine will seem unsatisfactory; as will that of the [social contract] as we shall try to develop it", he told students. "But remember . . . [i]f you don't like what is presented (and I don't expect you to—you are not *meant* to), then construct your own alternative".³² Amusingly, he informed participants in a seminar he hosted called "Problems of War" that the subject matter was "obviously *relevant*".³³

29 Roderick Firth, Firth Papers 1960s, Roderick Firth Papers, HUA.

30 Moral Problems, Nations and War, Topic I, [1968] Box 34, Folder 8, JRP.

31 Topic V, Conscientious Objection, [1969], Box 34, Folder 12, JRP.

32 Topic III, Just War, Jus ad bellum, [1968], Box 34, Folder 10, JRP.

33 Seminar, Problems of War, Utah, [undated], Box 34, Folder 5, JRP.

Students didn't need to be told twice. Debates over philosophical topics such as political obligation were being cast in increasingly concrete terms among faculty and students. At the center of much discussion was the 2-S draft deferment. Under the Selective Service Act of 1948, men between the ages of nineteen and twenty-six could be drafted. College students, however, were spared thanks to the 2-S deferment. Students and faculty alike thought that this distinction was morally dubious. A poll conducted by the Harvard Undergraduate Council found that seventy percent of the student body found the current system to be unjust. Meanwhile, some faculty members were quick to point out the inequality wrought by a draft process that placed a heavier burden on the uneducated members of society. Soon the *Harvard Alumni Bulletin* was running stories on 'The Voices of Dissent' covering the deferment at the university.³⁴

Rawls held strong views of his own on the draft. Once, on a panel about the topic composed of John Monro (Dean of Harvard College), Barney Frank (assistant director of the Kennedy Institute and future Congressman), and Michael Walzer (professor of government and later critic of *A Theory of Justice*), Rawls staked out the most doctrinaire position, arguing that "only a present and clear threat to our free institutions" justifies conscription and that even alternative forms of service for conscientious objectors like the Peace Corps were illegitimate.³⁵ Throughout late 1966 and into 1967 he tried to garner support for a resolution that he planned to propose at the faculty senate and that deemed the 2-S deferment system 'unjust'. "There is no reason why those who are born to intelligence or wealth or whatever should be released from the burdens of military service once conscription is decided upon by Congress", Rawls elaborated.³⁶ Although the resolution ultimately failed to pass the senate, Rawls continued to channel his thoughts into campus politics.

By 1968, the situation on campus had escalated beyond faculty debates. Over four hundred undergraduates signed a pledge condemning the Vietnam War as "unjust and immoral".³⁷ Called the 'We Won't Go' statement, it committed signers to refusing to serve in the military. As one of its sponsors noted, because it committed students to "personally involve themselves" in draft resistance, the pledge signaled a ramping up of anti-war sentiment on campus (Gagarin 1968). To mark the occasion, the recently formed Harvard Draft Union, an anti-draft student organization, hosted a rally in Lowell Hall. Beyond speeches by student

34 Clippings on Draft, 1967, Box 24, Folder 4, JRP.

35 Ibid.

36 Draft Proposals, 1966 Fall, Box 24, Folder 2, JRP.

37 Ibid.

representatives, there was Nick Egleson, former president of SDS and now an organizer for RESIST, a Boston-based draft resistance group that called on students to join its “confrontation with immoral authority”, and MIT linguist-turned-activist, Noam Chomsky, who would soon publish *American Power and the New Mandarins* (1969). Rawls, too, was on the list.³⁸

Rawls’s remarks built on a talk that he had given earlier that year. In “The Grounds of Conscientious Refusal”, he tried to buoy students’ courage by informing them that their refusal to serve in the military was the “kind of civil disobedience” deserving “one’s full moral support”. But Rawls did not just rail against the injustices of the draft in this talk. He also reminded listeners that it was important that dissenter remember their audience and purpose. Civil disobedience, he explained, should be aimed primarily at “convince[ing] the American people that our cause in Vietnam is unjust”. Now, standing next to his peer from down Massachusetts Avenue, Rawls elaborated, speaking with two audiences in mind.³⁹

For the students before him, Rawls began by noting that refusing the draft is a “good thing”, an “act which compels *moral esteem* by going beyond what *ordinary* duty requires”. For the countless Americans who didn’t read *The Harvard Crimson*, Rawls stressed that the students’ refusals “do not *depend* in any way upon a *radical* critique or condemnation of our society”. Instead, Rawls called on students to evoke concepts “embedded in the theory of constitutional government”, such as fairness, reciprocity, and respect, to help Americans envision why the cause in Vietnam wasn’t worth supporting. Granted, this “argument is perhaps a *conservative* one”, but Rawls believed that appealing to the moral sentiments of the majority of Americans was the lynchpin for developing a sustainable and successful anti-draft politics.⁴⁰ Even in dissent, Rawls was still teaching.

In urging students to appeal rather than attack Americans’ sense of justice, Rawls sounded not only like Firth, Albritton, and Dreben. He also could have been reading from his soon-to-be-published article on civil disobedience, “The Justification of Civil Disobedience”. “In our system”, he noted there, “the Supreme Court, Congress, and the President often put forward rival interpretations of the Constitution”. The “final court of appeal”, however, remained “the electorate as a whole”. The “civilly disobedient appeal in effect to this body” (Rawls 1999, 188). Of course, there were numerous risks in making this case. “We may be acting

³⁸ Just War and Conscientious Refusal, Box 34, Folder 7, JRP.

³⁹ Ibid.

⁴⁰ Ibid.

within our rights but still foolishly”, wrote Rawls, if “the majority lacks a sense of justice, or if the action is poorly timed or not feel designed to make the appeal to the sense of justice effective” (Rawls 1999, 186). The majority could retaliate. And there was “no way to avoid entirely the risk of divisive strife” when protestors took to the street. “But if legitimate civil disobedience seems to threaten civil peace”, Rawls maintained, “the responsibility falls not so much on those who protest as upon those whose abuse of authority and power justifies such opposition” (Rawls 1999, 189).

By viewing civil disobedience in this light, Rawls was pointing toward values that transcended Madisonian factionalism and modern propaganda. Dissent was “an appeal to the moral basis of civic life” (Rawls 1971, 385). Conceived in this way, protest provided both a tool for opposing the state, and for providing social stability. By appealing to a shared sense of justice, the civilly disobedient works to bring the majority to its senses—to help it recall a set of values from which some policy, like a war in southeast Asia, has deviated. Although there is no guarantee that it will work, the act of civil disobedience when properly exercised provides the opportunity for a remedial course in society’s moral values. As Rawls would write later, it is “the task of the student of philosophy to look to the permanent conditions and the real interests of a just and good democratic society” (Rawls 1999, 567). ‘The Justification of Civil Disobedience’ demonstrated one reason why this task mattered.

Published in a collection called *Civil Disobedience: Theory and Practice* (1969), and reappearing as a substantial part of the sixth chapter in *A Theory of Justice*, the article garnered immediate attention. Hugo Adam Bedau, editor of the volume, offered a balanced assessment. On the one hand, wrote Bedau, Rawls’s patient examination of the types of appeals available to dissidents “enables him to offer what is by far the deepest philosophical analysis that civil disobedience has so far received”. On the other hand, Rawls’s appeal to a cultural consensus could prove elusive. Should an embattled minority and dominant majority not share similar sentiments about justice, then what protestors invoked would fall on deaf ears. “There is, therefore, no finality”, Bedau suspected, to the conditions that Rawls outlined “unless it can be shown that there is only one political ideology common to all dissenters and their opponents, in terms of which any conceivable justification must take place” (Bedau 1969, 214).

Justification would turn out to be a limitation of more than Rawls’s theory of civil disobedience. His magnum opus would largely rise or fall on this basis, which did, as Bedau perceptively noted, depend on a common sense of justice. But in envisioning such a consensus, Rawls wasn’t misreading history. He was just doing what he had done with his students for years.

4 On Justification: The Reasonable Man at His Limits

Rawls spent a lifetime in front of or behind lecterns. Although his anxiety about moral skepticism's threat to liberal democracy emerged from global events of the 1930s and 1940s, his solution emerged on college campuses and was further refined in the classrooms that he frequented. Nowhere was this context more apparent than in a facet of *A Theory of Justice*'s discussion of philosophical justification that has gone under examined: the book's style.

At first glance, this focus on style may be surprising. Even Rawls said that *A Theory of Justice* was “a long book, not only in pages”, hinting at the plodding pace to come (Rawls 1971, viii). But despite initial appearances, Rawls cared deeply about the book's writing. Some of his notes highlight the concern. On the back of the title page for his second complete draft—dated March 1965 and entitled ‘Justice: A Philosophical Essay’ at this point—Rawls scribbled some thoughts about the topic under the heading, ‘Remarks on style’.

Rawls knew what he liked in philosophical writing, and what he didn't. Although “otherwise good”, he faulted Wittgenstein's style for lapsing into an “oracular” tone. When Wittgenstein pronounced, “Uttering a word is like striking a note on the keyboard of the imagination,” Rawls must have cringed (Wittgenstein 1953, 4). Likewise, Rawls criticized Quine's prose in *Word and Object* (1960) for being “cute and contrived”. Quips like “Language is conceived in sin and science is its redemption” garnered little respect from Rawls (Quine 1974, 68). Against these figures, Rawls summoned an idol. “The model philosophical style”, he claimed, “is Frege's”.⁴¹

Despite being known for works like *The Foundations of Arithmetic* (1884), which brimmed with logical notations as it investigated the nature of numbers, Rawls thought that the style of Gottlob Frege was “to be followed, even slavishly”. “It is clear without being thin”, Rawls explained, “simple without being plain, elegant without being ornate”. Contemporary philosophers too often used jargon “where ordinary words will do”, crafting a “vocabulary which is ostentatious and designed to impress or to conceal”. This was worse than esoteric. It was “ugly”. But with Frege, “thought lucidly presented carries the burden and fixes the reader's interest”. Most importantly, Frege “never strikes a pose”. Rather, he allowed “the beauty of the thought” to speak for itself.⁴² This was how philosophers ought to

⁴¹ Justice, Part II, second typed copy of second draft, chapters V and VII only, showing new corrections to be made, 1965 March, Box 18, Folder 1, JRP.

⁴² Ibid.

communicate to the public: in the simple, clear, yet moving prose of someone who had quiet confidence in the truth of their ideas. Students would have recognized this image.

What Rawls hoped his style would move readers *towards* was another matter. Frege's work plumbed the depths of mathematics. The pristine proofs that adorned his pages were denied to Rawls. Thinkers had long desired to reduce normative questions to technical issues in logic or science. Either move, however, was invalid. Rawls stressed this to students taking his introductory course in ethics, Phil. 169, the year before *A Theory of Justice* was published. "[W]e should neither *expect* nor *want* the principles of morals to be derivable from the truths of logic (and math) alone", he lectured. Logic and mathematics don't relate to human nature. Their truths are, Rawls explained, untouched by the daily problems of human life. In contrast, ethics, morals, and politics concerned themselves with the travails of existence and needed to speak to these matters to be compelling.⁴³

Aware of this problem, Rawls investigated the nature of moral justification in *A Theory of Justice*, describing two approaches. The first was 'Cartesian'. As René Descartes had tried to do centuries before, moral philosophers sometimes searched for unshakable postulates "from which a sufficient body of standards and precepts can be derived to account for our considered judgements". The second Rawls labeled 'naturalism', which attempted "to introduce definitions of moral concepts in terms of presumptively non-moral ones", giving philosophers a wider array of experience and commonsense judgments with which to work (Rawls 1971, 577–8).

Neither of these methods were workable because both led to moral skepticism. Cartesianism rested on the faulty belief that firm postulates could be reliably identified. "Moreover", he told students, "the idea that logical truths and math are in some special sense necessary truths, or that they are securely certain, *can* be challenged".⁴⁴ Analytic philosophers like Quine and mathematicians like Kurt Gödel had done that, demonstrating how the foundations of logic and math could not justify themselves, and leading some to believe that these grounds were best understood as constructions, albeit sturdy ones that people rarely renovated. Naturalism meanwhile relied on thinkers adopting a widely accepted theory of meaning. Given that linguistic philosophy had toiled on the meaning problem for several decades and neither produced consensus nor bothered much with moral concerns, that angle was fruitless (Rawls 1971, 577–87).

Dissatisfied with existing methods of moral justification, Rawls sidestepped them altogether. He encouraged students to follow his lead. Although it was

⁴³ Philosophy 169, lectures I–IV, 1970 Fall, Box 5, Folder 2, JRP.

⁴⁴ *Ibid.*

“natural to be preoccupied with justification”, Rawls informed them that it was “in certain respects unfortunate”. Providing moral grounds took a wider view than obsessing about justification allowed. “Many things are relevant” to the problem, he explained: “the general features of morality, the function (social) of morality, the inclinations and tendencies of human nature (i.e. moral psychology), the structure and content of particular ethical doctrines, and so on”. This was because morality is “a complex of formal structure, context, feeling, and social function”. Students needed “to know something about all these (and other things), if we are to settle the question of justification—that is, to show that some principles are justified, or that none are, or whatever”.⁴⁵ Better that they don the inquisitive attitude modeled by Socrates than the hyper-focused one of modern philosophers (Rawls 1971, 578).

Whatever the faults of contemporary philosophers, though, Rawls could not deny that they were his peers. Socrates had wandered the streets of Athens. Rawls was more comfortable within the walls of Harvard Yard lecturing on moral philosophy and admiring Frege’s unadorned style. Unsurprisingly, his approach to Socratic dialogue resembled less the insistent questioning of a gadfly than it did the measured tone of a seminar discussion. Like other post-war scholar of the human sciences, Rawls found on campus many of the moral and political virtues that he cherished: informed opinions, active engagement, diligent inquiry, and open mindedness (Cohen-Cole 2014). The seminar room displayed in miniature the dynamic necessary for a stable liberal society to thrive. “Democracy does not depend . . . on a doctrine that men are always rational”, Rawls assured a seminar. Rather, “it is, in part, simply a form of government in which the means of persuasion is limited to words”.⁴⁶ Seminars, lecture halls, and office hours—this environment was dominated by the reasonable man, a figure for whom persuasion was always remained discursive.

If patient and studious attention to the deliberative process were among his virtues, then the reasonable man had his share of vices. As Bedau noted, and more recent scholars like Katrina Forrester have seconded, much in Rawls’s work depends on assuming intellectual consensus in different domains (Forrester 2019). These assumptions, however, were not just about substance. They were about form, too. In Rawls’s mode of communication, there was no room for the countless students he inspired, the battlefield horrors he witnessed, or protests against the draft. Gone, too, were the marks left by the twentieth century’s titanic clashes between liberalism and authoritarianism. Those experiences were too

⁴⁵ Philosophy 169, lectures I–IV, 1970 Fall, Box 5 Folder 2, JRP.

⁴⁶ Theory of Goods, [undated], Box 8, Folder 2, JRP.

contingent, too personal, too *willful* even for inclusion in a vision that stressed universalizability.

Instead, Rawls offered readers a stripped-down form of discussion modelled on the classroom. Akin to what his friends Firth, Albritton, and Dreben did with dissent, this deliberative ethic limited what could be discussed, focusing inquiry on where rational agreement could be had. As far as ideals go, this form of communication was about as far away as you could get from the totalitarianism of the 1930s and 1940s. To that end, it made sense that Rawls chose the model as an antidote to the disease of moral skepticism. But how palatable is this medicine today?

5 Conclusion: Reasonableness Embodied

“Liberalism”, like any other political philosophy, the legal scholar Richard Primus has written, “is a way of life” (Primus 1999, 230). Rawls’s life and the liberalism that accompanied it were constant struggles against moral skepticism and its corrosive effects on democratic governance. His philosophy was as much about self-reform as it was about reforming society. The real subject of *A Theory of Justice*, therefore, wasn’t a theoretical notion of fairness. It was a deliberative ethic, one worked out over decades and aimed at helping students to overcome the threat of moral skepticism by honing their abilities to uncover previously hidden social values.

Modeling this ethic was key. As the philosopher Charles Larmore puts it, Rawls understood “in moral argument, as in other domains, we do not reason from scratch, but rather build on beliefs that we already have and that we have (so far) no positive reason to doubt” (Larmore 1996, 150 n.36.) Or, as Rawls put it to a class, “We simply reason from reasonable and shared presumptions and see what we get”.⁴⁷ Either way, the point is the same. Society is never so fractured as to hold nothing in common, morally speaking. As Wittgenstein taught, albeit largely in regards to empirical statements, it was simply impossible to doubt everything. This insight could be used to overcome moral skepticism and restore trust among citizens in a liberal democracy.

But it took effort to make people see this. It took years of steadily instilling in others the confidence in reason needed to ward off skepticism and keep on with the often piecemeal, always unending business of making moral arguments addressed at the problems posed by modern politics. Regardless of the setbacks, Rawls worked to build his way to moral consensus, extending whichever

⁴⁷ Philosophy 169, lectures I–IV, 1970 Fall, Box 5, Folder 2, JRP.

defensible values were held in common where he could, and hoping to inspire others to give him a hand along the way.

Not that Rawls took an overly idealistic view of this process. As he explained in *A Theory of Justice*, certain conditions had to exist for one value—justice—realistically to be reached. Objectively, resources had to be neither “so abundant that schemes of cooperation become superfluous, nor [could] conditions [be] so harsh that fruitful ventures must inevitably break down” (Rawls 1971, 127). Subjectively, people had to accept that pluralism—the fact that individuals “have their own plans of life”, one that ultimately cause “conflicting claims” on resources to arise—could not be hammered out of society and instead must be dealt with in a reasonable manner (Rawls 1971, 127). These conditions provided a moral ecosystem in which values like justice could either thrive or perish.

Such realism led Rawls to his own moments of pessimism, especially near the end of his life. As others like Francis Fukuyama cheered on the demise of Soviet communism in the 1990s, Rawls was less sure than at any time since the 1940s about democracy’s prospects. “I find myself much depressed”, he wrote to Thomas Nagel, a former student. “It looks like the democratic (sort of) regime we have is collapsing like the Soviet regime after 1980—one killed by communism and the other by free-market capitalism”.⁴⁸ In a letter to his erstwhile critic, Michael Sandel, Rawls elaborated. Labelling “the trend to globalization a disaster”, Rawls worried that the economic imperative to open markets to capital was eroding the distinct “political and social institutions, historical memories, and forms and traditions of social policy” that give people “meaning to their life”.⁴⁹ Crucially, developments like these were working their way into law. As he fretted in *Political Liberalism*, a spate of laissez-faire First Amendment decisions by the United States Supreme Court in the late twentieth century risked allowing “corporate domination” of the economy to undermine “the value of promoting free political discussion” (Rawls 1993, 359 n.72). Thrive or perish indeed.

That leads us to today. The ethic that Rawls modeled is demanding: patient, careful, rigorous, open minded, erudite, and, at least facially, austere. Given its exacting nature, the centrality that Rawls’s ethic played in his defense of liberalism raises questions. If disseminating this ethic was key for democracy’s survival, how many can be expected to pick it up? How many must do so for democracy to work? Under what conditions does this ethic thrive or die? What should those who follow such an ethic do when they clash with those who steadfastly refuse

⁴⁸ Rawls to Thomas Nagel (Nov. 16, 1994), Nagel, [Thomas, 1976–1996], Box 40, Folder 16, JRP.

⁴⁹ Rawls to Michael Sandel (June 27, 1998), Sandel, Michael J., [1981–1998], Box 41, Folder 7, JRP.

to reciprocate? Are there times when the ethic must be set aside? Rawls provided no easy answers.

Contemporary politics don't lead to straightforward responses, either. The pressures on reasonable discourse that bedeviled Rawls late in life remain, and more. As countless commentators have noted, an unending set of culture wars has made American politics fraught (Hartman 2019). Although the various iterations of these conflicts are too numerous to cover in this essay, the dynamics that animate their political discourse bode ill for Rawls. Specifically, Rawls's desire to reach consensus through reasoned discourse appears somewhat naïve, if not irrelevant, amidst deep divisions that can call into question the very idea that values can be held in common. At bottom, how much success can we expect from this mode of philosophizing when the terms of political debate incentivize a sort of posture that leads naturally to moral skepticism? That is difficult to quantify.

But not impossible. Even in a century of extreme depravity like the twentieth, Rawls retained the ability to hold out hope that moral reasoning was feasible. Perhaps more than anything else, looking to his role models helped. For example, when thinking of the Prussian philosopher that he famously admired, Rawls once wrote: "One may experience Kant's ideas as so deeply moving that one seems to absorb them almost unconsciously into one's natural mode of feeling".⁵⁰

Rawls's students got the message. Although testimonials by his former students are legion, one is emblematic. Late in life, Claudia Card, then a philosopher at the University of Wisconsin–Madison, reflected on what it meant to have been mentored by Rawls. As she aged, she found herself lapsing into an odd habit. Whenever she was immersed in conversation that required deep thought, she would begin, without noticing it, to stutter. Asked why she did this, Card's response was simple: that was what philosophers do when they *really* think about something.⁵¹

Certain aspects of morality are difficult to discuss. They may be easier to teach, even if that means one student at a time.

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⁵⁰ Autobiographical Notes, Box 42, Folder 12, JRP.

⁵¹ Card interview.

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