THANK YOU, JOHN!
THREE PERSISTENT INFLUENCES OF RAWLS

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Abstract. Reading political philosophy in the 1970s, the *Theory of Justice* loomed. It seemed the most significant English language book of political philosophy since Hobbes' *Leviathan*. I had many disagreements with both Rawls and Hobbes, but both were unavoidable bumps in the road. In the USA, a bump in the road – intended to slow traffic down – is called a *thank-you-ma'am*. That is because, as you drive over the bump, you nod your head, as if saying 'thank-you-ma'am'. Rawls, like Hobbes, created a *thank-you-ma'am* that cannot be avoided. Now, in the 2020s, the bump is still there, and is still just as unavoidable. During my life, there have been other bumps in the road, politically. Some have been the writings of political philosophers, some have been specific political issues. In this article, I will consider three of these bumps, and explain as best I can how each of them relate to Rawls' work. The first 'bump' is provided by Aristotle, and especially by Aristotle's view of the political role of friendship. The second bump is also friendship-related, being the communitarian politics of Macmurray. And the third bump is provided by Naess, challenging the humanist focus of all ethical and political philosophy, and looking at long-term issues of sustainability too. However, I will conclude with my account of how and why Rawls himself brings me back down to earth with a bump, not only with the substantive theory of justice he promotes, but also with the way in which he promotes his theory. For all of these reasons, I have much to be grateful for: thank you, John.

Keywords: John Rawls, friendship, Aristotle, John Macmurray, community, Arne Naess, humanism, personalism.

1. INTRODUCTION

Reading political philosophy in the 1970s, the *Theory of Justice* loomed. It seemed the most significant English language book of political philosophy since Hobbes' *Leviathan*. I had many disagreements with both Rawls and Hobbes, but both were unavoidable bumps in the road. In the USA, a bump in the road – intended to slow traffic down – is called a *thank-you-ma'am*. That is because, as you drive over the bump, you nod your head, as if saying 'thank-you-ma'am'. Rawls, like Hobbes, created a *thank-you-ma'am* that cannot be avoided. Now, in the 2020s, the bump is still there, and is still just as unavoidable.

During my life, there have been other bumps in the road, in terms of political philosophy. In this article, I will consider three of these bumps, and explain as best I can how each of them relate to Rawls's work. The first 'bump' is provided by Aristotle, especially by Aristotle's view of the political role of friendship, his view of the appropriate size of a viable city-state, and his accounts of other philosophers. The second bump is also friendship-related, being the communitarian politics of Macmurray and his view of the state and justice as a 'technology'. And the third bump is provided by Naess, drawing on Spinoza, challenging the humanist/ anthropocentric focus of all ethical and political philosophy, and looking at long-term issues of sustainability too – the sustainability of human life and that of the planet. However, I will conclude with my account of how and why Rawls himself brings me back down to earth with a bump, not only with the substantive theory of justice he promotes, but also with the way in which he promotes his theory. For all of these reasons, Rawls has a persistent influence on philosophy and on politics. I have much to be grateful for: thank you, John.

2. THE FIRST BUMP: ARISTOTLE, FRIENDSHIP, AND METHOD

There are many bumps in the road created by Aristotle. These include the idea of the scale of a political system, as for Aristotle (who wrote of city states), '[y]ou cannot make a city of ten men, and if there are a hundred thousand it is a city no longer'[1]. That begs the question: what size of state is it appropriate to consider, by Rawls or other state theorists? This is not a trivial question, as Rawls explicitly rules out a global state[2] – *rather* as Aristotle rules out a state of over 100 000 people (citizens?) – as unviable. Is this an empirical/technical matter, or a matter of principle? Why is a 'state' in the modern sense needed at all? Clearly Aristotle was thinking of a form of government that differed in many ways from Rawls's state or 'people', but what are the differences – other than, of course, Aristotle being unconcerned with Rawlsian liberal democracy? Aristotle's state is of a size that might today be referred to as a self-governing community, while Rawls refers to 'peoples', as in the *Law of Peoples*[3] that 'endorses the independence and autonomy of different peoples'[4]. Debates on 'community' and 'people' occur throughout Rawls's writings. Aristotle's distinct view of the scale of states is, helpfully I feel, a bump. in the road that reminds us to explore the justification of 'statehood'/'people-hood' in Rawls. Scale is not an insignificant issue, and having

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[1] Aristotle, *Nicomachean Ethics*, in Aristotle, *Complete Works*, Princeton University Press, Princeton, New Jersey, 1984, p. 1850.
[2] Samuel Freeman, in Samuel Freeman (ed.), *The Cambridge Companion to Rawls*, Cambridge University Press, Cambridge, 2003, p. 44.
[3] John Rawls, *Law of Peoples*, Harvard University Press, Cambridge, Massachusetts, 1999.
[4] Samuel Freeman, *op. cit*., p. 44.

expected – as a young political scientist – to be living my later life in a United States of Europe, I now find myself Brexited out of an already weakening European political alliance. In recent decades, political debates on 'nationhood', 'statehood', and 'people-hood', and on the appropriate scale of such entities, have become even more significant. For example, there have been significant debates in the Global North on (amongst many others) First Nations people in Canada, Sami people in Norway, Sweden and Finland, and the unity or independence of nations and regions currently within the UK. Debates in the Global South are even more fraught, in part as a result of the impact of (more recent) colonialism.

Another Aristotelian bump, and one that links to my second big bump, is the role of friendship. Aristotle's account of friendship is rather underplayed in modern accounts and applications of his political theory. Yet Aristotle links justice and friendship as intertwined, with friendship having the upper hand. Here is Aristotle on friendship and justice being related, and in some situations, such as within an association (as in the crew of a ship), the 'term' of friendship and of the association are identical: "Friendship and justice seem … to be exhibited in the same sphere of conduct and between the same persons; because in every community there is supposed to be some kind of justice and also some friendly feeling. But the term of the friendship is that of the association, for so also is the term of their form of justice [on a ship]."[5]

Aristotle's friendship is just as 'political' as is justice. '[I]n a tyranny', he says, 'there is little or no friendship'[6]. '[W]here there is nothing in common between ruler and ruled there is no friendship. …, just as there is no justice', he continues, as in such situations '[t]heir relation is like that ... of master to slave'[7]. It is explicitly friendship, not justice that holds political communities together, with friendship making justice unnecessary: "Friendship also seems to be the bond that holds communities together, and lawgivers seem to attach more importance to it than to justice; because concord seems to be something like friendship, and concord is their primary object – that and eliminating faction, which is enmity. Between friends there is no need for justice, but people who are just still need the quality of friendship; and indeed friendliness is considered to be justice in the fullest sense. It is not only a necessary thing but a splendid one."[8]

The scale of the community (i.e., the size of the state) is itself potentially (empirically) limited by this dependence on friendship and the need for 'concord'[9]. And Aristotle also addresses the egalitarianism that is so important to (and problematic for) Rawls. Of course, they have different forms of egalitarianism. Aristotle allows

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[5] Aristotle, *Nicomachean Ethics*, London, Penguin, 1976, p. 273.

[6] *Ibid*., p. 278.

[7] *Ibid*., p. 278

[8] *Ibid*., pp. 258–259.

[9] See John Rawls, *Political Liberalism*, New York, Columbia University Press, 2005, p. xxiv, and *Lectures on the History of Political Philosophy*, Cambridge, Massachusetts, Belknap Press, 2007, p. 11, on the Reformation leading to discord requiring a move to justice.

friendship involving inequality, 'e.g. the affection of father for son (and generally of the older for the younger) … and of every person in authority for his subordinates'[10], but in each it is friendship that equalizes: 'the result is a kind of equality'[11].

Reading Aristotle and Rawls alongside each other, they feed each other, challenging ideas on politics, the state, justice, and friendship – amongst many other things. Although Rawls's theory of justice is an 'ideal theory'[12], he recognises that this ideal theory is merely 'the basis for the systematic grasp of … more pressing problems'[13]. Aristotle, likewise, appreciates the complexity of 'pressing problems' and notes that 'the equitable man … is no stickler for justice in a bad sense but tends to take less than his share though he has the law on his side'[14]. Rawls says of Aristotle that 'it is a peculiarity of men that they possess a sense of the just and the unjust and that their sharing a common understanding of justice makes a polis'[15], although Aristotle – less concerned with justice if friendship. (*i.e.* 'justice in the fullest sense', quoted above) can do the job – emphasises the necessity of friendship for a polis, ahead of justice. Both Rawls and Aristotle appreciate the complexity of everyday life, and recognise that grand generalisations butt up against quotidian exigencies – more pressing problems about which one should not be a stickler (to combine the terms used by Rawls and Aristotle, respectively). (A side note, related to bump. 3: both Aristotle and Rawls consider their theories as applying only to citizens, a sub-set of the human beings living within a society – albeit with Aristotle excluding far more people than Rawls excludes.)

I also see a similarity in method between Aristotle and Rawls. Not in the social contract method, but in their method of discussing other philosophers. Both were superb examples of scholars who took care to represent the views of others fully and fairly, and both presented other views from their best perspective, gradually building up a picture of the field before coming to a tentative yet powerful conclusion. Neither set out to 'beat' other philosophers, nor seemed to go into an argument with the aim of winning for its own sake. Rawls wanted to 'present each writer's thought in what I took to be its strongest form'[16], and in

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[10] Aristotle, *Nicomachean Ethics*, London, Penguin, 1976, p. 269.

[11] *Ibid.*, p. 270.

[12] John Rawls, *A Theory of Justice*, Oxford, Oxford University Press, 1972, p. 9.

[13] *Ibid.*., p. 9. Rawls – like Aristotle – is more realist than idealist. Even when he describes himself as promoting a 'realistic utopia' (John Rawls, *The Law of Peoples*, Cambridge, Massachusetts, Harvard University Press, 1999, p. 6), the emphasis is more on the realism than the utopianism. However, it is worth noting that Rawls is conscious of idea that 'The Law of Peoples' and 'reasonably just constitutional democratic peoples' *do not exist in the current world*, at least '[i]f we set the standards very high' (Rawls, *The Law of Peoples*, Cambridge, Massachusetts, Harvard University Press, 1999, p. 75), so perhaps his realism is less dominant than that of Aristotle. There is a sense that Rawls description of liberal democracy is drifting further away from contemporary political arguments, in the last 20 years. That does not mean that his account is less *relevant*.

[14] Aristotle, *Complete Works*, Princeton, New Jersey, Princeton University Press, 1984, p. 1796.

[15] John Rawls, *A Theory of Justice*, Oxford, Oxford University Press, 1972, p. 243.

[16] John Rawls, *Lectures on the History of Political Philosophy*, Cambridge, Massachusetts, Belknap Press, 2007, p. xiii.

teaching about other philosophers 'always assumed … that the writers we were studying were always much smarter than I was'[17]. To see Aristotle write in a similar way, there are many examples, with my own favourite being his account of previous philosophical writing on 'the soul' (in *On the Soul*). There, a number of authors, including Democritus, Leucippus, Pythagoras, Anaxagoras, Empedocles, Thales, Diogenes, Heraclitus, Alcmaeon, Hippo, Critias, and even Plato, have their various views on 'soul' carefully described (in their 'strongest form', I would suggest), as we should 'call into council the views of those of our predecessors who have declared any opinion on this subject, in order that we may profit by whatever is sound in their suggestions and avoid their errors'[18]. This is followed in book II by Aristotle's suggestion 'let us now make as it were a completely fresh start, endeavouring to answer the question: What is soul? *i.e.* to formulate the most general possible account of it'[19]. Those who read Rawls's *Theory of Justice* will recognise his 'most general possible account', which Rawls wrote having previously taught and written on other people's political philosophies.[20] Both authors left the 'echoes' of earlier scholars in their own 'fresh' philosophies.[21]

In such ways – and more – Aristotle and Rawls are two of the best examples of good scholarship, genuinely curious and caring in their approaches[22]. This is one of the surprising 'bumps' generated by Rawls and by Aristotle: it means that when considering those who wish to dominate an argument (Plato? Wittgenstein, early in his career?), the reader (and writer) is reminded that there *is* another way, another method of writing philosophy.

3. THE SECOND BUMP: MACMURRAY, FRIENDSHIP AND COMMUNITY

John Macmurray (1891–1976) was a Scottish philosopher, much involved in social and political debates through the middle of the twentieth century. I cannot find any links or conversations between them, but their political work can be

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[17] *Ibid.*, pp. xiii–xiv.

[18] Aristotle *On the Soul*, in *Complete Works*, Princeton, New Jersey, Princeton University Press, 1984, p. 643.

[19] *Ibid.*, p. 656.

[20] As in John Rawls, *Lectures on the History of Political Philosophy*, Cambridge, Massachusetts, Belknap Press, 2007.

[21] I would add Hegel to the list of philosophers who demonstrate a keen appreciation of other authors, in the process of coming to a distinctive (and distinctively new) philosophy. However, people have very different views of Hegel's work.

[22] One of the 'other ways' they are similar is in their concern to explain themselves carefully, rather than attempting simply to be stylish or 'impressive' in their writing. Aristotle – whose books, like those of Rawls, derived from lecture notes – attempted clarity more than style, whilst Plato increasingly attempted to beguile with his style. Rawls noted that his book chapters, based on earlier lectures, were 'much clearer than before, which is not to say they are now clear' (Rawls, *Political Liberalism*, New York, Columbia University Press, 2005, p. xiii).

brought into conversation. Like Aristotle, Macmurray puts friendship in the centre of his moral-political theory, as '[a]ll meaningful knowledge is for the sake of action and all meaningful action for the sake of friendship'[23]. Unlike Aristotle, Macmurray describes freedom as vital to his moral-political system, but freedom and friendship are tied together: "Self-realization is the true moral ideal. But to realize ourselves we have to be ourselves, to make ourselves real. That means thinking and feeling really, for ourselves, and expressing our own reality in word and action. And this is freedom, and the secret of it lies in our capacity for friendship."[24]

The centrality of friendship to Macmurray's philosophy is also echoed in that of Sandel. Sandel's criticism of Rawls is the meaninglessness of regarding oneself without attachments. In the 'original position', we would need '[t]o imagine a person incapable of constitutive attachments' and this is not 'an ideally free and rational agent, but … a person wholly without character, without moral depth'[25]. He continues, saying that 'to have character is to know that I move in a history I neither summon nor command, which carries consequences none the less for my choices and conduct'[26]. For Sandel, as for Macmurray, friendship and knowing are tied together: "For persons encumbered in part by a history they share with others ... knowing oneself is a more complicated thing. It is also a less strictly private thing. Where seeking my good is bound up with exploring my identity and interpreting my life history, the knowledge I seek is less transparent to me and less opaque to others. Friendship becomes a way of knowing as well as liking."[27]

In such ways, Macmurray and Sandel disagree with Rawls. However, somewhat surprisingly, the communitarian Macmurray and Rawls seem to be working together in describing some of the limits of the state. It is an error, Macmurray says, to "assign … religious functions to the State; in looking to political organization to create community amongst men"[28]: "Liberty, equality and fraternity do, as we have recognized, constitute community. For this very reason they cannot be achieved by organization; yet the democratic revolutions proclaimed them as the goal of politics. To create community is to make friendship the form of all personal relations. This is a religious task, which can only be performed through the transformation of the motives of our behaviour."[29]

So, for Macmurray, "[l]aw … is a technological device, and the State is a set of technical devices for the development and maintenance of law', and 'the value

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[23] John Macmurray, *The Self as Agent*, London, Faber, 1991 [1957], p. 15.

[24] John Macmurray, *Freedom in the Modern World*, Atlantic Highlands, New Jersey, Humanities Press, 1992 [1932], p. 150.

[25] Michael Sandel, *Liberalism and the Limits of Justice*, Cambridge, Cambridge University Press, 1982, p. 179.

[26] *Ibid.*, p. 179.

[27] *Ibid.*, p. 181.

[28] John Macmurray, *Persons in Relation*, London, Faber, 1991 [1961], p. 198.

[29] *Ibid.*, p. 198.

of any device lies wholly in its efficiency"[30]: "To personalize the State, to assign it the religious function of creating community, to make it an end in itself and ascribe to it an intrinsic value, is, in fact, to value efficiency for its own sake. It is to make power the supreme good and personal life a struggle for power. This is the height of unreason. … The accumulation of wealth, the accumulation of knowledge, the accumulation of territory and many other general means of action can be pursued for their own sake, simply by postponing the question of the use to be made of them in the long run. But if the question is not postponed but ignored, there arises a conception of power as an absolute end, and corresponding to it a way of life which consists in the exploitation of power for its own sake."[31]

Seeing the state and law as technological devices is precisely – I think – what Rawls also recommends. McIntosh notes that Macmurray "acknowledg[es] that justice is essentially a moral concept", albeit "the lower limit of moral behaviour"[32]. This, she says, "bears some similarity to Rawls's concept of fairness"[33]. She quotes Macmurray saying that "[j]ustice is that negative aspect of morality which is necessary to the constitution of the positive, though subordinate within it"[34]. Those who "moralise" Rawls are missing his point: he is talking about justice as it applies to a particular kind of state, one that is neutral on fundamental moral principles *precisely* so that (different) fundamental moral principles can flourish. He stresses this in – indeed makes this central to the whole argument of – *Political Liberalism*[35], with the Reformation marking the embedding of fundamental disagreement, needing an appropriate form of justice. (Whether this is a reasonable position is still open to question, and is indeed questioned by Taylor – with respect to *A Theory of Justice* – for whom the "neutrality" on "discussions about the good life" results in "an extraordinary inarticulacy about one of the constitutive ideals of modern culture"[36].) So Macmurray's communitarian politics complements Rawls's theory of justice and the state. It's just that the overlap (i.e., where they agree) is rather small and Rawls puts his effort into the 'technology' of the state, whilst Macmurray puts his effort into the substantive morality and politics of communities.

One interesting difference between them, however, is that Macmurray – remarkably – believed in the possibility, if not likelihood, of a universal community of all humanity – which would be the "final vindication" of religion in "its ability to solve the problem of a universal community"[37], "a universal community of persons

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[30] *Ibid.*, p. 198.

[31] *Ibid.*, pp. 198–199.

[32] Esther McIntosh, *John Macmurray's Religious Philosophy*, Ashgate, Farnham, 2011, p. 119.

[33] *Ibid.*, p. 119.

[34] *Ibid.*, p. 119, quoting John Macmurray, *Persons in Relation*, London, Faber, 1991 [1961].

[35] John Rawls, *Political Liberalism*, New York, Columbia University Press, 2005.

[36] Charles Taylor, *The Ethics of Authenticity*, Cambridge, Massachusetts, Harvard University Press, 1991, p. 18.

[37] John Macmurray, *Search for a Faith*, London, BBC, 1945, p. 32.

in which each cares for all the others and no one for himself"[38]. (A colleague of Macmurray's, Jonathan Cohen, argued for "world citizenship", which was a more legalistic version of Macmurray's "universal community"[39].) "This ideal of the personal, Macmurray concludes, is also the condition of freedom – that is, of a full realization of his capacity to act – for every person"[40]. The bump in the road provided by Aristotle and echoed in Rawls – related to the limit on the scale of a state – seems to be contradicted by Macmurray, notwithstanding Macmurray's communitarianism[41].

Rawls, Aristotle and Macmurray frequently bump into each other: they agree and disagree with each other in interesting ways. One agreement between all three is on constructing a political and ethical philosophy as a humanist or anthropocentric venture. But that brings me to my third bump in the road.

4. THE THIRD BUMP: NAESS, SPINOZA AND DEEP ECOLOGY

A third bump in the road as I have travelled through political philosophy was provided by Arne Næss (1912–2009), a Norwegian philosopher who drew on Spinoza to create a philosophy of what he called deep ecology. Naess used Spinoza's metaphysics to explain why human beings, other animals and plants and non-living things all existed as imperfect, with joy consisting in moving from a lesser to a greater perfection. Human beings are more perfect than stones, and more able to experience joy, as they are also more able to become more perfect, but all are on a single spectrum:

Spinoza makes use of the following short, crisp, and paradoxical definition of joy (*laetitia*): "Joy is man's transition from lesser to greater perfection." Somewhat less categorically, he sometimes says that joy is the affect by which, or through which, we make the transition to greater perfection. Instead of "perfection," we may say "integrity" or "wholeness." … Joy is linked intrinsically to an increase in many things: perfection, power and virtue, freedom and rationality, activeness, the

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[38] John Macmurray, *Persons in Relation*, London, Faber, 1991 [1961], p. 159. There is some ambiguity in the phrase 'no one for himself'. Does it imply a lack of self-care, or does it mean that no one cares *only* for himself? 'Self-realisation' is central to Macmurray's philosophy, so it might simply draw on the sense of care also found in Noddings, as an essentially interpersonal activity.

[39] Jonathan Cohen, *The Principles of World Citizenship*, Oxford, Blackwell, 1954.

[40] John Macmurray, *Persons in Relation*, London, Faber, 1991 [1961], p. 159.

[41] It is worth pointing out that Rawls's conception of community differs from that of Macmurray. For Rawls, a community is 'united by a comprehensive doctrine' (John Rawls, *Political Liberalism*, New York, Columbia University Press, 2005, p. 40). For Macmurray, a community is one where each person treats other people as ends in themselves, and not as means to other ends. For Macmurray, the pluralism that Rawls attributes to liberal democratic societies is a characteristic of each community, even a family. There may be a value of seeing how Macmurray's 'universal community' has some similarities with Rawls's liberal democratic society.

degree to which we are the cause of our own actions, and the degree to which our actions are understandable by reference to ourselves.[42]

This, for Naess as for his interpretation of Spinoza[43], is an ethical as well as political metaphysics, related to power as well as freedom and joy. Such a philosophy challenges the humanism of many philosophers, including Rawls, and Aristotle, and Macmurray. I refer to 'humanism' not as a non-religious ethical theory (e.g. as promoted by humanism.org.uk), but as a human-centred (i.e., anthropocentric) philosophy such as those developing in and since the Renaissance in Europe.

Rawls was fundamentally humanist or anthropocentric, and this may seem to be a straightforward claim. However, he is challenged in two ways: the limits of humanity, and the ethical/political role of the non-human. When it comes to the limits of humanity, only "rational" and "reasonable" human beings who are "citizens" are considered as relevant to his case for justice as fairness. (The limitation to citizens is a bump. in the road provided by Aristotle, as mentioned above, with Ancient Greece having a much more restrictive approach than Rawls's contemporaries to citizenship.) Of course, these human beings should be fair *to* others – to children for example (especially those with life-limiting conditions that mean they will never reach a "rational and reasonable" adulthood), and to those of any age mentally unable to engage as rational and reasonable actors, along with non-citizens (refugees, asylum-seekers, the undocumented, those stripped of their citizenship). But the *Theory of Justice* talks of the priority of the rational and reasonable citizens, and does not include the rest. It is reasonable to treat Rawls as aspirational – in treating children and those adults with limited understanding as rational and reasonable, we are being appropriately generous and aspirational. His is a Kantian universalism of people as "ends in themselves" (also held by

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[42] Arne Naess, *Ecology of Wisdom*, London, Penguin, 2008, p. 128. Pethick notes that 'Spinoza … suggest[s] that due to the difference in affectivity of non-human bodies, we should concentrate on reinforcing human relations and not withhold from utilising other bodies or aspects of our environment as is conducive to this process', which 'is to the disappointment of deep. ecologists … [such as] Næss' (Stuart Pethick, *Affectivity and Philosophy After Spinoza and Nietzsche*, Basingstoke, Hampshire, Palgrave Macmillan, , 2015, p. 64). Spinoza himself says '[t]he reason for our seeking what is useful to us teaches us the necessity of unity ourselves with our fellow-men, but not with brutes or things whose nature is different from human nature', so 'we have over them the same right as they over us', or rather 'as every one's right is defined by his virtue or power, men have far more right over beasts than beasts over men' (Baruch Spinoza, *Ethics*, Oxford, Oxford University Press, 2000 [1677], pp. 166–167, book 4, proposition 37, note 1). Pethick continues, saying that Spinoza's view is that 'a more potent understanding of the wider relations in which we live will result in greater care for these [brutes and things], but this can only come about through augmenting human relations … [so Spinoza] does not mean that we should indiscriminately use other bodies, but rather that we should not denigrate ourselves in favour of some moral prohibition that overrides the affectivity of our relations before these even get to be understood' (Stuart Pethick, *Affectivity and Philosophy After Spinoza and Nietzsche*, Basingstoke, Hampshire, Palgrave Macmillan, 2015, p. 64).

[43] My view is that Spinoza's position is closer to that of Naess, and further from anthropocentric humanism, than Pethick suggests. But that is a complex debate worthy of a separate article.

Macmurray), with "reasonableness" supporting an empathy for all (that is, for all human beings) notwithstanding inequalities in capacity in those people. It would be implausible (if not entirely impossible) to create a "graduated" theory of justice, at the level of Rawls's theory of justice. But it is precisely the limitations of such a high-level theory of justice that leads some to prioritise the personal and communal, with even Aristotle referring to "equity" as a nuanced and therefore "higher level" of justice (referred to above). Arguments for universal human rights, and for all people being made 'in the image of God', are similarly aspirational. It is a fine aspiration, and I hope that, if a time comes when I have significantly diminished capacity, people will treat me as if I have a fuller capacity. (I am most convinced of this with respect to Rawls himself, as he had an impressively generous and humble approach to his academic work that, I imagine, was also reflected in his non-academic life.) Yet there is still a problem when a theory of justice assumes a capacity that does not apply to all human beings.

If we allow Rawls a comprehensive humanism (i.e., applying egalitarianism to *all* human beings), that is, if Rawls is inclusive and therefore includes those who are not rational and reasonable, then the argument against allowing non-human beings to be considered in the equation is weakened. And if Rawls is exclusive, and therefore only allows for a sub-set of human beings to be relevant to the calculations, we have a different problem, *i.e.* that of justifying treating those other human beings (let alone other animals) as worthy of dignity and respect. Nussbaum describes the situation in this way:

The citizens in Rawls's well-ordered society are "fully cooperating members of society over a complete life". Real people, by contrast, begin their lives as helpless infants and remain in a state of extreme dependency, both physical and mental, for anywhere from ten to twenty years. At the other end of life, those who are lucky enough to live on into old age are likely to encounter another period of extreme dependency. During the middle years of life, many people encounter periods of extreme dependency, some involving mental powers and some the bodily powers only, but all of which may put them in need of daily, even hourly, care by others. Finally, many citizens never acquire the physical and/or mental powers requisite for independence. Any real society must therefore be a care-giving and care-receiving society and must discover non-exploitative ways to cope with these facts of human neediness. These are central issues for feminism because women traditionally provide the bulk of care for dependents, and this asymmetry is a major source of their more general social inequality.[44]

This feminist critique, she continues, "discourages [Rawls] from thinking that justice obtains at all in relations that are seriously asymmetrical on the mental and moral side", which is why "he refuses to grant that we have any duties of justice to [non-human] animals on the grounds that they are not capable of reciprocity [and so]

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[44] Martha Nussbaum, in Samuel Freeman (ed.), *The Cambridge Companion to Rawls*, Cambridge, Cambridge University Press, 2003, p. 511–512.

are outside the scope of the theory of justice"[45]. Nussbaum's conclusion is that "[i]f we see citizens as both capable of cooperation and also in need of periods of care, we will naturally include care for extreme bodily and mental needs among the primary goods that are requisite for living a complete life … [which] will lead to complicated thinking about how to shape basic institutions so that care-giving will not be exploitative and care-receiving will be compatible with self-respect"[46].

An "asymmetrical" view of humanity is discomforting but necessary. Sennett provides a bracing account of the issues in his influential book *Respect in a World of Inequality*[47]. Naess takes inclusivity to its logical Spinozist conclusion[48]. For him, all things – animal, vegetable and mineral – are to be included in the moral and political theory. This complements the positions of ecological "holistic" theories such as Gaia hypothesis of Lovelock[49], but also speaks with conventional utilitarian ethicists who go beyond the human, such as Singer[50], and those closer to Rawls who consider (non-human) animal political theory, like Donaldson and Kymlicka[51]. Debates on these issues are also tied to other issues of sustainability – related not just to the environment but also to future generations – an issue Rawls considered and responded to, at least in part. It is also linked to the specific role of humanity on Earth, as explained by the character Klaatu, played by Keanu Reeves, in the film *The Day The Earth Stood Still*[52]. Klaatu explains that he is visiting the earth in order to save the planet, and it gradually dawns on the human being to

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[45] *Ibid.*, p. 514, and see also Martha Nussbaum, in Cass Sunstein and Martha Nussbaum (eds.), Animal Rights: Current Debates and New Directions, Oxford, Oxford University Press, 2004, chapter 14).

[46] Martha Nussbaum, in Samuel Freeman (ed.), *The Cambridge Companion to Rawls*, p. 514.

[47] Richard Sennett, *Respect in a World of Ine quality*, London, Norton, 2003.

[48] Naess uses Spinoza's metaphysics, from the *Ethics* (Baruch Spinoza, *Ethics*, 2000 [1677]) to develop his philosophy of deep. ecology. Spinoza himself wrote extensively of political philosophy, and was remarkably elitist in his position, saying that his theological-political treatise is written only for the 'philosophical reader' as the 'multitude' are driven by 'superstition' and 'fear', and 'their constancy is mere obstinacy, and … they are led to praise or blame by impulse rather than reason' (Baruch Spinoza, *A Theological-Political Treatise*, New York, Dover, 1951 [1670], p. 11), and so should avoid his book. Naess realises that 'Spinoza does not write about the beauty of wild nature' and his writing on non-human animals 'does not suggest that he had any wide or deep. sense of identification with any of them' (Arne Naess, *Ecology of Wisdom*, London, Penguin, 2008, p. 233). It is Spinoza's '*kind of* philosophy of life, its structure' that 'is such that he inspires many supporters of the deep. ecology movement' (Arne Naess, *Ecology of Wisdom*, London, Penguin, 2008, p. 233).

[49] James Lovelock, *Gaia: A New Look at Life on Earth*, Oxford, Oxford University Press, 2000 [1979].

[50] Peter Singer, *The Expanding Circle: Ethics, Evolution, and Moral Progress*, Princeton, Princeton University Press, 2000.

[51] Sue Donaldson and Will Kymlicka, *Zoopolis: A Political Theory of Animal Rights*, Oxford University Press, Oxford, 2011. Rawls rather briefly addresses non-human animals and the rest of nature (in John Rawls, *Political Liberalism*, New York, Columbia University Press, 2005, pp. 245–246), but sets the issues aside as not relevant to justice as he defines/describes it. I think it remains a substantial problem – either in the substantial theory of justice, or in the relevance of justice to how we (human beings and others) are to live.

[52] Scott Derrickson (director), David Scarpa and Edmund North (writers), *The Day The Earth Stood Still*, 20th Century Fox, Los Angeles, 2008.

whom he is talking that his way of saving the earth is to kill off all human beings (*i.e.* to save the earth *from* human beings).

If the Earth dies, you die. If you die, the Earth survives. There are only a handful of planets in the cosmos that are capable of supporting complex life. … We'll undo the damage you've done and give the Earth a chance to begin again.[53]

I am certainly not recommending Klaatu as a great moralist: his is a cruel and unreasonable solution. The example is given as an entertaining – almost Nietzschean – example of a possible reaction to treating the sustainability of the planet as a prime good[54]. Once sustainability – the sustainability of the human race, or, as Naess and many others would frame it, the sustainability of the planet (including human beings) – is in the debate, many issues are raised. For example, what is the significance of future generations? In Rawls's *Theory of Justice*, he said that "it is best to take the present time of entry interpretations" of the original position[55], a situation in which they care (as heads of household) for their immediate successors, but little more. Nussbaum notes that feminist critics of Rawls have highlighted the challenge posed by the "heads of household" assumption and the related challenge of the "present time of entry" interpretation. She says that "Jane English … is troubled by the provision that the parties in the original position are heads of households … [and] proposes that the parties assume that other generations (past and future) save according to just principles too"[56]. Rawls – with characteristic humility – accepted this proposal[57]. What remains is a problematic calculus, as making a judgement about savings depends on exactly how many future generations are to be considered. Thinking three generations ahead (i.e., to one's great grandchildren) is the typical scale used in everyday contexts. At least, that is the scale that I am familiar with for myself and my friends and relatives. (Current debates on global warming have a greater chance of leading to action because the estimates of disasters ahead are for the 21st century – during the lifespan of three generations.) But the amount of saving needed for those three generations ahead is modest in comparison with the saving needed for ten, or a hundred, or a thousand generations.

The bump in the road provided by Naess and others highlights Rawls's emphasis on a particularly form of humanity – a form common to most liberal political philosophy. It is a position that Rawls defends, rather than simply assuming it (as many other political philosophers do), and so it reminds us again of

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[53] *Ibid.*, with quotations from http://www.imdb.com/title/tt0970416/quotes.

[54] Although this is described as Nietzschean, there is something in Rawls that has the same endpoint. He approvingly refers to Kant's view that 'If justice perishes, then it is no longer worthwhile for men to live upon the earth' (Rawls *Political Liberalism*, New York, Columbia University Press, 2005, p. lx footnote, quoting Kant from *Rechtslehre*).

[55] John Rawls, *Theory of Justice*, Oxford, Oxford University Press, 1972, p. 292.

[56] Martha Nussbaum, in Samuel Freeman, *The Cambridge Companion to Rawls*, pp. 506–507.

[57] John Rawls, *Political Liberalism*, New York, Columbia University Press, 2005, p. 18, and reported in Martha Nussbaum, in Samuel Freeman, *The Cambridge Companion to Rawls*, p. 507.

the clarity and generosity of Rawls's writings. But it remains – for me – a problematic bump in the road.

5. CONCLUSION: CELEBRATING RAWLS

I would like to be as respectful and as generous as Rawls managed to be, in all his work. I would like to be normative, whilst showing what the foundations are of my arguments, as Rawls achieved in all his work. And I would like to live and work in a culture of well-framed fundamental disagreements, as Rawls hoped to live[58]. In these and many other ways, I am an admirer of Rawls. I find that reading and re-reading his work bumps me into considering how best to be normative, transparent, and allow for respectful disagreements. I differ from Rawls in not being a humanist but a personalist (in a post-humanist way)[59], and yet Rawls teaches me what a rigorous humanism looks like. I differ from Rawls in that I do not centre politics on a democratic-liberal state, as I am more committed to a radical subsidiarity, starting at the global level and working inwards from that. But Rawls teaches me what I am missing. I am, politically, a mutualist care-ethicist, not an egalitarian in Rawls's sense, but I see from Rawls why a liberal egalitarianism might be valuable. And so, in all these ways, I must go over Rawls's bumps in the road. And in all, I'm as uncertain as he is, and uncertainty is a virtue all too rarely practiced by philosophers[60]. Thank you, John, for your persistent influence.

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[58] Much of my work and research is involved with religious education in schools. In England and Wales since the mid-1970s, religious education has typically involved learning about a wide range of religions and non-religious ways of life. Each statutory syllabus is determined by a local committee, and there are 150 local areas each of which determines the syllabus, and each of which revises the syllabus every five years. On each committee (the SACRE: Standing Advisory Council on Religious Education, see https://nasacre.org.uk/) there are representatives of a range of different religious communities, along with a local government representative and a representative of the teachers' union. They meet regularly and, as I say, agree a syllabus. It is only now that I realise this is a perfect example of a Rawlsian 'technology' for enabling those with fundamental disagreements to work together and find sufficient workable agreement on what public policy should be. As yet, I have not heard of anyone making the link with Rawls.

[59] Julian Stern, *Personalism and the Personal in Higher Education Research*, in Jean McNiff (ed.), *Values and Virtues in Higher Education Research: Critical Perspectives*, Routledge, 2016, pp. 64–77; Julian Stern, *Missing Solitude: Macmurray, Buber and the Edges of Personalism*, in Anna Castriota and Simon Smith (eds.), *Looking at the Sun: New Writings in Modern Personalism*, Wilmington, Vernon Press, 2018. See also Bennett Gilbert, *A Personalist Philosophy of History*, London, Routledge, 2019.

[60] Rawls describes his limited understanding of Kant (which I share) as applying to much of philosophy (which I also share), giving him the motto 'Never did get it right' (John Rawls, *Lectures on the History of Political Philosophy*, 2007, Belknap Press, Cambridge, Massachusetts, p. xvi).