

## ABSTRACT

From Neo-orthodox Theology to Rationalistic Deism: A Study of the Religious Influences on the Development of John Rawls's Political Philosophy

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The purpose of this dissertation is to demonstrate that John Rawls's early religious beliefs guided the development of his later political philosophy. By first analyzing *A Brief Inquiry into the Meaning of Sin & Faith*, I argue that the young Rawls's embrace of Neo-orthodoxy shaped his later philosophical view of human dignity and that the central themes of his undergraduate thesis reappear in secular forms in his philosophical development, despite his abandonment of Neo-orthodox beliefs soon after World War II. I will trace the changes of Rawls's view on his own religion through a comparison of his main works, from the young Rawls's Neo-orthodox beliefs to the later Rawls's rationalistic deism. In the mature Rawls's political philosophy, I will show that the secular Rawls still holds the Good Samaritan's ideals such as fraternity, mutual respect, love, and justice as the motivating forces behind the development of his two principles of justice and the duty of assistance. My conclusion is that even though Rawls gave up the basic beliefs of the Protestant Episcopal Church, he never abandoned the religious motivations that he held in his adolescence. Both the young Rawls's theological

work and the mature Rawls's philosophical thought share the view that there are deep inequalities and other great evils in society and human history. As a solution, while the young Rawls appeals to the restoration of community through overcoming sin by faith, through *A Theory of Justice* (1971), *Political Liberalism* (1993), and *The Law of Peoples* (1999), the later Rawls pursues the establishment of the realistic utopia of a well-ordered society that will eliminate the great evils through the establishment of just social institutions. Moreover, I show that, contrary to his declared rejection of metaphysics in his theory of justice, Rawls engaged with metaphysical themes such as human nature, theodicy, moral motivation, and the problem of evil throughout his career, from his senior thesis to his later works. In the concluding chapter, I discuss the differences between the young and the later Rawls as he transitioned from Neo-orthodoxy to Rationalistic deism, nevertheless emphasizing that Christian values continued to motivate his work until the end.

Key words: Neo-orthodox Theology, Moral Constructivism, Kantian Constructivism, Political Constructivism, International Morality, Just War, Urgent Human rights, Decency, John Rawls, Emil Brunner.

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## LIST OF ABBREVIATIONS

TJR	John Rawls, <i>A Theory of Justice</i> , Cambridge: The Belknap Press of Harvard University Press, 1971. Revised Edition 1999.
PLE	John Rawls, <i>Political Liberalism</i> , New York: Columbia University Press, 1993. Expanded Edition 2005
LoP	John Rawls, <i>The Law of Peoples</i> , Cambridge: Harvard University Press, 1999.
CP	John Rawls, <i>John Rawls: Collected Paper</i> , Samuel Freeman (ed.) Cambridge: Harvard University Press, 1999.
LHMP	John Rawls, <i>Lectures on the History of Moral Philosophy</i> , B. Herman (ed.) Cambridge: Harvard University Press, 2000.
JaF	John Rawls, <i>Justice as Fairness: a Restatement</i> , Cambridge: The Belknap Press of Harvard University Press, 2001.
LHPP	John Rawls, <i>Lectures on the History of Political Philosophy</i> , S. Freeman (ed.), Cambridge: Harvard University Press, 2007.
BISF	John Rawls, <i>A Brief Inquiry into the Meaning of Sin &amp; Faith</i> (1942), Cambridge: Harvard University Press, 2009.

## PREFACE

John Rawls's philosophical journey from Neo-orthodoxy to Rationalistic deism reflects the evolution of modern thought from orthodox theology to rationalism. About twenty years ago, I first studied *A Theory of Justice* in a contemporary ethics class in the Philosophy department at Yonsei University in Korea. Since then, because Rawls's thought is more attractive and interesting than that of the other philosophers, I have written several papers, two master theses, and finally my doctoral dissertation on Rawls.

The first time I thought about Rawls's relation with theodicy was while working on the translation of *The Law of Peoples*. In that book, Rawls mentioned the problem of evil and human nature. This interested me, but I was not able to find out any more about Rawls's views on evil until his lectures on moral philosophy and political philosophy were published. In his two lectures, Rawls's understanding of evil was heavily influenced by the philosophy of the Enlightenment including his discussion of Bishop Butler's sermons. However, these lectures still did not supply enough material to formulate my dissertation. When, in 2009, Rawls's senior thesis – *A Brief Inquiry in the Meaning of Sin and Faith* – was published, I was able to see how the main ideas in the later Rawls's political philosophy connect together and take root in Rawls's early theological background. Rawls was surprisingly Christian in his childhood and adolescence. Even though he was reluctant to reveal his youthful Christian belief to the public, the publication of his senior thesis shows that Rawls's journey – which ended in rationalistic deism – began with his early Neo-orthodox beliefs. It ignited my heart to trace his philosophical and religious journey and that passion drove me to write this dissertation.

My journey starts from the place where Rawls finished: from Rationalistic deism to Protestant beliefs. Although Christianity has had an impact on the religious landscape, Korean Christians are in a crisis today and desperately seek a solution. As Rawls states that “a society in which nobody thinks seriously about questions of metaphysics and epistemology, moral and political philosophy is really lacking as a society,” we should pursue metaphysical issues regarding morality, evil, and human nature in our postmodern and anti-metaphysical times. As a specialist of Church- State studies and Christian apologetics, I want to dedicate my whole life to making “Man with chest,” not “Man without chest” that C. S. Lewis had been seriously alarmed about since his analysis of the Green book of the United Kingdom nearly seventy years ago.

My new journey has just begun in His grace.

## ACKNOWLEDGMENTS

Praise the Lord Jesus Christ! Looking back on my life, the Lord, the good shepherd, has always has taken care of me in His grace. And I would especially like to acknowledge Dr. Francis J. Beckwith, who has served as my doctoral committee chairperson. Dr. Beckwith has been my mentor in spirituality as well as scholarly achievements in “Religion and Politics,” “Church-State Studies,” and “Evangelical Apologetics” for the past eight years. He greatly influenced my thought on these academic fields. I greatly appreciate the advice, editing, and comments he has provided as I worked through the arduous process of completing this project. Thank you, Dr. Beckwith for teaching me at Baylor and helping me to understand the importance of being a Christian scholar in this postmodern society. Also, I would like to thank Dr. Mitchell, who is a graduate director of the J.M. Dawson Church-State Institute and served as my preliminary exam chair as well as on my dissertation committee. His advice and kindness provided me the impetus for finishing this dissertation. Additionally, I would like to thank Dr. Barry Hankins for his guidance and the invaluable and fruitful challenges he provided as a member of my dissertation committee. As an historian, he helped me to elucidate the coherent concern of modern history that engages the world in which we live. And I would like to thank Dr. Darin Davis and Dr. Robyn Driskell for serving on my committee and reading the manuscript under such time constraints. Their comments have helped to clarify my thought and writing.

In addition to the Baylor faculty, I would like to express my appreciation to Rev. Youngho Kim and Rev. Kwangsung Cho for their prayers and economic support over the

past seven years. Also, my brothers and sisters as a spiritual family in the Lord also have contributed to the completion of this dissertation. Their prayers and encouragement have allowed me to keep working on this dissertation. May the grace of God be with all of them! Also, I never forgot my elderly parents who live in Korea. My educational pursuit has kept me away from them for far too long.

To my wife Hannah, I give my apologies for taking so long to complete a Ph.D. and my thanks for the sacrifices that have been assumed by her love to enable me to begin this new chapter of our life. I cannot thank Hannah enough for her love and encouragement over the past fifteen years since we married. She is my helper whom God prepared in advance in my life and the lives of our children. Without her, I could not finish this dissertation. She took care of all the domestic matters that enabled me to focus on my work. I am deeply grateful for the joy that my faithful son Jedrick who is a freshman in high school and my lovely daughter Danean have brought into my life. Above all, I would like to share this joyfulness of being a Ph.D. with my wife Hannah who loves the Lord and always supports me.

To  
My loving wife HANNAH  
and  
Our lovely children JEDRICK and DANEAN

## CHAPTER ONE

### Introduction

#### *I. Goals*

The purpose of this dissertation is to investigate the religious influences of the young Rawls on the development of the later Rawls's political philosophy from Neo-orthodoxy to Rationalistic Deism. I will first argue that John Rawls's early religious beliefs guided and formed the development of his later political thought. Rawls's undergraduate thesis, *A Brief Inquiry into the Meaning of Sin & Faith*,<sup>1</sup> shows that the young Rawls's embrace of Neo-orthodoxy shaped his philosophical emphasis on human dignity and that the central themes of his undergraduate thesis reappear in secular forms in his later thought, despite his abandonment of Neo-orthodox beliefs soon after World War II. In other words, the young Rawls's theological roots – the Neo-orthodox beliefs – reappeared partly in secular versions in his later political thought.

My second aim is to show that, despite his personal abandonment of religious faith, religious values are nevertheless one of Rawls's main philosophical concerns throughout his post-Christian writings. I think that one coherent theme of Rawls's work, from his senior thesis to his later work, is the dignity of human beings. The process of how the theological legacy of the young Rawls affected his later thoughts regarding the inalienable inviolability of a human being will be disclosed. Thus, I will trace the four periods of Rawls's transitions through the comparative analysis of his main works: from

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<sup>1</sup> John Rawls, *A Brief Inquiry into the Meaning of Sin & Faith* (Cambridge: Harvard University Press, 2009). This thesis had been submitted in December 1942 immediately before his graduation and enlistment.



Neo-orthodox beliefs to Moral and Kantian constructivism, to Political constructivism, and to universalism of minimal human rights.

Thirdly, I will demonstrate that the secular Rawls still has some remnants of Protestant beliefs in his adolescence. For Rawls, I believe that the Good Samaritan's parable plays an important role in the formulation of the difference principle and the duty of assistance. The religious remnants of Christianity, such as fraternity, mutual respect, love, and justice, mean that Rawls never abandoned the religious motivations that he held in his adolescence, notwithstanding the fact that Rawls renounced the core doctrines of Protestant beliefs in the postwar days.

Lastly, I will show that both the young Rawls and the later Rawls are concerned with certain metaphysical subjects such as human nature and the character of evil. Samuel Freeman writes that "Rawls's lifelong interest in justice developed out of his early concern with the basically religious question: Why is there evil in the world and is human existence redeemable in spite of it?"<sup>2</sup> The young Rawls, with the diagnosis that there are broken relationships originating from the sinful nature of human beings in human society, appealed the restoration of community based on Protestant beliefs. On the other hand, the later secular Rawls came to the diagnosis that the cause of the great evils throughout history—such as poverty, discrimination, unjust wars, genocide, mass murder, and religious persecution—is the deficient arrangement of social institutions. The later Rawls wants, in his major three works—*A Theory of Justice* (1971),<sup>3</sup> *Political*

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<sup>2</sup> Samuel Freeman, *Rawls* (New York: Routledge, 2007), 5.

<sup>3</sup> John Rawls, *A Theory of Justice* (Cambridge: The Belknap Press of Harvard University Press, 1971).

*Liberalism* (1993),<sup>4</sup> and *The Law of Peoples* (1999)<sup>5</sup>— to establish just institutions that eliminate political injustices, deep inequalities, the possibility of great evils like genocide, and other grave violations of human rights. The secular Rawls coherently insists throughout his works that “Laws and institutions no matter how efficient and well-arranged must be reformed or abolished if they are unjust.”<sup>6</sup> For this purpose, I will investigate the implications of Rawls’s metaphysical concerns based on his later works such as *Lectures on the History of Moral Philosophy* (2000) and *Lectures on the History of Political Philosophy* (2007). In this study, I will analyze what aspects of Rawls’s thought persisted and what changed throughout the evolution of the work of the young Rawls to that of the later Rawls.

## *II. Rawls’s Life*

John Rawls was born the second of five sons of William Lee Rawls (1883-1946) and Anna Abel Stump Rawls (1892-1954) on February 21, 1921 in Baltimore, Maryland.<sup>7</sup> His father was a prominent lawyer. The most terrible events of Rawls’s childhood were the

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<sup>4</sup> John Rawls, *Political Liberalism* (New York: Columbia University Press, 1993).

<sup>5</sup> John Rawls, *The Law of Peoples* (Cambridge: Harvard University Press, 1999).

<sup>6</sup> Rawls, *A Theory of Justice*, 3.

<sup>7</sup> For Rawls’s detailed biography, confer following books: see Ch. 1.(p.1-42) in *Rawls* (New York: Routledge, 2007) written by Samuel Freeman; see p.2-9 in *Rawls: An Introduction* written by Sebastiano Maffettone; 1-16 in *Rawls’s A Theory of Justice An Introduction* written by Jon Mandle; 1-15 of *John Rawls: an Introduction* by Percy B. Lehning (Cambridge: Cambridge University Press, 2006); Paul Graham, *Rawls*, (Oxford: Oneworld, 2007), 1-15. Paul Graham insists that we don’t need the knowledge of Rawls’s biography necessarily to understand his works. However, I believe that thorough knowledge of a person’s life and background culture are indispensable especially in understanding Rawls’s political thought even though he rarely commented on current events. Anthony Simon Laden, who is a professor at University of Illinois at Chicago, maintains that “Rawls has not written any of his books in a vacuum. He is a careful and charitable reader of others’ work and has always taken criticism seriously and constructively.” Anthony Simon Laden, “The House That Jack Built: Thirty Years of Reading Rawls,” *Ethics*, vol. 113, no.2 (Jan., 2003), 390.

deaths of his two younger brothers, Bobby and Tommy. Bobby died due to diphtheria and Tommy died of pneumonia contracted from little John.<sup>8</sup> Rawls went to the private Calvert School, and the public Roland Junior High School (1933-1935). And with an interest in philosophy, Rawls went to the Kent School, an Episcopal Boarding School for boys (1935-1939) located in western Connecticut. After graduating high school, Rawls entered Princeton University, where he earned a bachelor's degree in philosophy in 1943. There he was influenced by Norman Malcolm, one of Ludwig Wittgenstein's students. Rawls, like many others, served in the U.S. infantry from 1943 to 1946 and fought in New Guinea, the Philippines, and finally in Japan in September of 1945. His experience of the inhumane evils he encountered in World War II was pivotal in his abandonment of Christianity.

After he finished his military service in January 1946, Rawls returned to Princeton University to pursue a Ph.D. in philosophy. In 1949, the year he married Margaret Warfield Fox,<sup>9</sup> he defended his doctoral dissertation, which he wrote under the guidance of W.T. Stace. From 1950 to 1952, Rawls taught some classes as an instructor at Princeton. From 1952 to 1953, he stayed at Christ Church College at Oxford University, where he studied with H.L.A. Hart, Isaiah Berlin, and Stuart Hampshire. After returning to the United States in 1953, he began his first professorial appointment at Cornell University. In 1960, he moved to MIT where he was appointed professor of philosophy. He joined the Harvard University faculty in 1962, where he remained full-time until his

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<sup>8</sup> Thomas Pogge, *John Rawls: His Life and Theory of Justice* (Oxford: Oxford University Press, 2007), 5. Their names are "William Stowe (Bill, 1915-2004), John Bordley (Jack, 1921-2002), Robert Lee (Bobby, 1923-28), Thomas Hamilton (Tommy, 1927-1929), and Richard Howland (Dick, 1933-1967)."

<sup>9</sup> They have four children: Anne Warfield, Robert Lee, Alexander Emory, and Elizabeth Fox.

retirement in June 1991. Rawls became James Bryant Conant University Professor of Philosophy at Harvard University since 1979. He was elected as a member of the Norwegian Academy of Arts and Science and Letters on May 4, 1992. Since he unfortunately experienced his first stroke in 1995, Rawls dedicated his remaining years to the completion of his remaining works.<sup>10</sup>

For *A Theory of Justice*, he received the Phi Beta Kappa Ralph Waldo Emerson Award in 1972. Having refused numerous awards and honorary degrees during his illustrious career, in 1983 he accepted an honorary degree, Doctor of Civil Laws, from Oxford University, followed by the same degree, Doctor of Humane Letters, from Princeton (1987) and from Harvard University (1997). In 1999 Rawls accepted the Rolf Schock Prize in Logic and Philosophy as well as the National Humanities Medal, presented to him by President Bill Clinton. Rawls, the most prominent political philosopher of the last century, passed away at the age of 81 at his home on November 24, 2002. John Rawls is buried in Mt. Auburn Cemetery, Cambridge, Massachusetts. His memorial service was on December 3, at the First Parish Unitarian Universalist Church in Lexington.

### *III. Division of Rawls's Transitional Periods and Their Relation to His Religion*

In order to fulfill the purpose of this dissertation, I want to divide the distinct periods in John Rawls's political thought and their relation to his own religion. In this dissertation, I will show that Rawls's thought has evolved in four stages: that is, Neo-

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<sup>10</sup> After his stroke of 1995, Rawls wrote the Second Introduction of *Political Liberalism* and *The Law of Peoples* (1999) and supervised the publication and the compilation of his *John Rawls: Collected Papers* (1999) and *Lectures on the History of Moral Philosophy* (2000) and *Justice as Fairness: A Restatement* (2001).

orthodox belief (theistic moral realism), Moral constructivism (including Kantian constructivism), Political constructivism, and Universalism (Urgent human rights). Even though Rawls does not acknowledge it, the theological influence of the young Rawls remained in each developmental stage of his political philosophy. My main concern is to disclose the fact that even though Rawls had abandoned his Neo-orthodox belief, Rawls still has religious motivations throughout his whole life. I propose that the young Rawls's religious influence has remained and has been transmitted in the process of the development of his later thoughts. We can find an attenuated trace of his Neo-orthodox beliefs in his major works, which take as central the following concepts: the inviolability of human dignity, the hope of a just community, mutual respect, self-respect, the rejection of meritocracy, reciprocity, fraternity, love, the duty of assistance, the identification of the apostle Paul and Saul of Tarsus, and the parable of the Good Samaritan.

I want to name Rawls's writing method as "revisionism" or "modificationism,"<sup>11</sup> which shows the evolving process of his main ideas. Some of his important ideas have been continuously altered and modified. In fact, following Rawls's own retrospection, Rawls can be characterized as monomaniacal in his life-long pursuit of developing a conception of justice.<sup>12</sup> Thus, I maintain that we should examine some modifications or amendments of key ideas within Rawls's own articles and works from his senior thesis to his posthumous articles. To accomplish this aim, I intend to analyze Rawls's primary

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<sup>11</sup> Pogge, *John Rawls: His Life and Theory of Justice*, 3. According to Pogge, Rawls's books show the fact that he paid great attention to his choice of terms and phrases before a final version to be published."

<sup>12</sup> Rawls states about his writing attitude as follows: "I thought, the way things have turned out, that it would be better if I spent my time trying to state justice as fairness more convincingly and to reply to people and remove their objections. I am not sure that's the best thing to have done, but that's what I have done. *I am a monomaniac really*. I'd like to get something right." John Rawls, "John Rawls: For the Record," *The Harvard Review of Philosophy* (Spring, 1991), 44. (My emphasis in italic)

resources from his undergraduate thesis to his later work, as there are different transitional periods between his articles and his works. Rawls mentioned his attitude towards writing in the ‘introduction’ of *Political Liberalism* as follows:

The contents of this work are as follows. The first three lectures more or less cover the ground of three lectures I gave at Columbia University in April of 1980 and which appeared considerably *revised* in the Journal of Philosophy in September of that year under the title “Kantian Constructivism in Moral Theory.” *In the more than ten years since they have again been recast and further revised.* I think they are much clearer than before.<sup>13</sup>

The representative example of Rawls’s method as ‘revisionism’ is that, whereas in “Two Concepts of Rules” (1955) Rawls wanted to defend utilitarianism,<sup>14</sup> he later condemns it in *A Theory of Justice* (1971) for failing to take the separateness of persons seriously enough. Also, the content of Rawls’s two principles of justice in *A Theory of Justice* has been changed partly within *Political Liberalism* after discussion with H. L. A. Hart.<sup>15</sup> According to Paul Graham, we do not need Rawls’s biography to understand his own works because Rawls gave few comments on concrete political events.<sup>16</sup> There is no direct reflection on current events in his works except for a brief footnote reference to Martin Luther King Jr. However, because there are some differences between his articles and his main works, and even between his main works, we should analyze the amendments or modifications in Rawls’s main works instead of from his biography.

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<sup>13</sup> Rawls, *Political Liberalism*, xiii. (My emphasis in italic)

<sup>14</sup> John Rawls, *Collected Papers*, edited by Samuel Freeman (Cambridge: Harvard University Press, 1999).

<sup>15</sup> Rawls, *Political Liberalism*, 291.

<sup>16</sup> Paul Graham, *Rawls* (Oxford: One world, 2007), 2.

Because Rawls was presenting a series of articles since the publication of *A Theory of Justice*, thus, the initial question in this dissertation is “has Rawls’s view really been evolving?” According to Kukathas and Pettit, “the point of identifying distinct periods is to provide some sense of the development of Rawls’s thinking.”<sup>17</sup> Many scholars like Richard J. Arneson, Norman Daniel, and Stephen Mulhall & Adam Swift, noticed relatively early that there are certain big changes in the main ideas and methodology of Rawls’s political philosophy. Especially, Richard J. Arneson provided a brief analysis on the three shifts of Rawls’s thought after the publication of *A Theory of Justice*: “The Kantian conception of persons, hedged bets on universalism, the overlapping consensus as imperative.”<sup>18</sup> Kukathas & Pettit understood that there are two transitional periods of Rawls’s thinking: a strengthening of the Kantian interpretation and the subsequent rejection of the Kantian perspective.<sup>19</sup> Also, Mulhall and Swift wrote in the “preface” to their book, “we go to examine Rawls’s more recent restatements of his position, what is commonly called ‘the new Rawls’” that corresponds to some critics of the communitarians.<sup>20</sup> However, these relatively earlier analyses have a weakness in failing to reflect Rawls’s later work and articles. Some recent analyses after Rawls’s death, like those of Paul Graham, Percy B. Lehning, Paul Voice, and Samuel Freeman, show a tendency to divide Rawls’s thought according to his main three books: *A Theory*

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<sup>17</sup> Chandran Kukathas & Philip Pettit, *Rawls: A Theory of Justice and Its Critics* (Stanford: Stanford University Press, 1990), 121.

<sup>18</sup> Richard J. Arneson, “Introduction” of Symposium on Rawlsian Theory of Justice: Recent Developments, *Ethics*, vol. 99, no. 4 (Jul., 1989), 695-710.

<sup>19</sup> Kukathas & Pettit, *ibid.*, ch. 7.

<sup>20</sup> Stephen Mulhall & Adam Swift, *Liberals & Communitarians* (Cambridge: Blackwell Publishers, 1992), xii.

*of Justice, Political Liberalism, and The Law of Peoples*.<sup>21</sup> Also, Alan Carter saw that Rawls's political thought has evolved from his articles of the 1950s to his expanded edition of *Political Liberalism* in 1996.<sup>22</sup>

If we assume the evolution of Rawls's political thought, my concern is to investigate how many stages we can divide his development into. Is it right for us to posit four stages according to the publication of his four main books? According to Kukathas and Pettit, Rawls's political thought can be divided into two periods, before and after 1982.<sup>23</sup> Also, Samuel Freeman regarded Kantian constructivism as a transitional stage in Rawls's political thought that appeared in the 1980 Dewey lectures.<sup>24</sup> Thomas Pogge insists that Rawls's political thought can be divided by Rawls's changing relationship with Kant: "After the appearance of *TJ*, Rawls has both played up and played down his relationship to Kant.... The later version of these Dewey Lectures, published in *PL*, excises Kant's name as Rawls moves from "Kantian" to "political" constructivism."<sup>25</sup>

In this dissertation, my own account of the evolution of Rawls's main ideas and methodology is mostly consistent with the classifications of the predecessors whom I mentioned above. However, my own account differs from those previously mentioned

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<sup>21</sup> Paul Graham, *Rawls* (Oxford: Oneworld, 2007); Percy B. Lehning, *John Rawls: An Introduction* (Cambridge: Cambridge University Press, 2006); Paul Voice, *Rawls Explained: From Fairness to Utopia* (Chicago: Open Court, 2011); Samuel Freeman, *The Cambridge Companion to Rawls* (Cambridge: Cambridge University Press, 2003) and *Rawls* (New York: Routledge, 2007); Sebastiano Maffettone, *Rawls: An Introduction* (Malden: Polity Press, 2010).

<sup>22</sup> Alan Carter, "The Evolution of Rawls's Justification of Political Compliance: part 1 of The Problem of Political Compliance in Rawls's Theories of Justice," *Journal of Moral Philosophy*, vol. 3. No. 1. (2006), 7-21.

<sup>23</sup> Kukathas and Pettit, *Rawls*, confer to sec. 7.

<sup>24</sup> Samuel Freeman, *The Cambridge companion to Rawls* (Cambridge: Cambridge University Press, 2003), 28.

<sup>25</sup> Pogge, *John Rawls: His Life and Theory of Justice*, 194. Here, *TJ* indicates *A Theory of Justice* and *PL* means *Political Liberalism*.



insofar as it identifies an additional period as an adolescent stage of Rawls's thought: one I call the stage of 'neo-orthodox belief.' Thus, I argue that Rawls's thought evolved through four major periods, each corresponding with the following major publications: *A Brief Inquiry into the Meaning of Sin & Faith* (1942), *A Theory of Justice* (1971), *Political Liberalism* (1993), and *The Law of Peoples* (1999). The first period is centered around the young Rawls's "Neo-orthodoxy," which I argue will serve as a theological root for the later Rawls's political philosophy. The second period includes Rawls's "moral constructivism" in *A Theory of Justice* (1971) and "Kantian constructivism" before 1982. The third period is Rawls's "political constructivism" from 1982 to 1993, which was incorporated into *Political Liberalism* (1993), and the last period is Rawls's "universalism," which appeared in his later work on international justice and human rights: *The Law of Peoples* (1999).

#### *IV. Structure and Outline of the Chapters*

Chapter One deals with the goal, biography, methodology, and four divisions of the evolution of Rawls's political philosophy. This introductory chapter analyzes the development of the various periods of John Rawls's political theology and political philosophy into four transitional periods: (a) "Neo-orthodox beliefs" of the young Rawls, (b) "Moral constructivism" of *A Theory of Justice* and "Kantian Constructivism" before 1982, (c) "Political Constructivism" of *Political Liberalism*, and (d) "International Moral Constructivism" of *The Law of Peoples*. I argue that Rawls's philosophical journey proceeds from Neo-orthodoxy to Rationalistic Deism.

In Chapter Two, with this basic groundwork set in place, I will investigate the importance of the young Rawls's religious commitments in his later thought. First of all, I will examine the main features of Neo-orthodox Protestant theology. After I analyze the dispute between Emil Brunner and Karl Barth in 1934, I will examine the works of Brunner and his influence on Rawls. Accepting Brunner's natural theology, the young Rawls tried to understand the meaning of 'community' and 'personality,' according to my view. Later, the young Rawls's affinity for Neo-orthodoxy reappears in his emphasis on the social basic structure, fairness, and human rights in political thought. I will also diagnose the reason why the young Rawls renounced his protestant beliefs and trace, after that, how the later Rawls's own religion transitioned from Neo-orthodoxy to Rationalistic deism on the basis of his posthumous article, "On My Religion." I will show that the young Rawls's political theology influenced the root of his later political philosophy. Without his senior thesis, many readers are unaware of the religious commitments and concerns that form the basis of his political philosophy.

In Chapter Three, I will discuss the "moral constructivism" of *A Theory of Justice* and Rawls's theory of Justice as Fairness. Rawls's intention is to secure a fair procedure for everyone through the Original Position. There are some premises necessary for the original position: the veil of ignorance, and the Kantian persons who are rational and mutually disinterested. By using the veil of ignorance, Rawls asserts that a unanimous choice of two principles of justice is achieved in the original position. Rawls's moral constructivism is not a strategy to discover moral principles, but rather a strategy to construct moral principles through individuals' rationality. And Kantian constructivism was a transitional stage of Rawls's thought from the moral constructivism of *A Theory of*

*Justice* to the political constructivism found in *Political Liberalism*. The method of reflective equilibrium shows Rawls's practical view that metaphysical arguments alone cannot provide justification for moral principles. Kant's work was imbued with Christianity, and Rawls was heavily influenced by Kant, and finally Rawls's religious undercurrents derive from the religious aspects of Kant's concepts. One of my arguments is that Rawls's concept of personhood reflects Kantian personhood and, moreover, Christian personhood. Also, I will suggest the remaining traditional legacy of Christianity in Rawls's concepts of human dignity, fraternity, love, and mutual respect in *A Theory of Justice*.

In Chapter Four, I will first examine the significance of Rawls's political turn and his main ideas in *Political Liberalism*. For Rawls, because the aim of political liberalism is social stability, Political liberalism as his political thought is designed to thwart potential disasters that may result from severe conflicts between incompatible comprehensive doctrines. He believes that the political conception of justice is compatible with reasonable comprehensive doctrines, whether religious or nonreligious. Rawls's ideas of 'public reason' and 'overlapping consensus' are means to realize social stability and to reach an agreement on his political conception of justice among citizens who hold various comprehensive doctrines. In this period, Rawls's view on neutrality can be characterized as secularism. I will show that, in *Political Liberalism*, Rawls's view is to advocate the privatization of religion for the public. Even though Rawls publicly declared his rejection of the Kantian perspective, I will argue that his idea of an overlapping consensus can be interpreted as employing the reasoning of the Kantian category imperative, in connection with democratic citizens having Kantian personhood.

In Chapter Five, my concern is to expatiate on international moral universalism in Rawls's theory of universal human rights in *the Law of Peoples* (1999) as well as the influence of the Christian legacy for Rawls's theory of just war. In *The Law of Peoples*, Rawls's human rights show the way to a realistic utopianism as an alternative to political realism in international society. I will show that Rawls's thought on international politics is related to three theological points regarding human rights, just war, and the emphasis on the role of the state. His unique perspective on human rights is beyond the civil basic rights of the western-liberal society. His list of urgent human rights in international society belongs to a higher realm than the sovereignty of the outlaw state and burdened societies. Rawls's universal human rights are not limited by sovereignty and cultural relativism, but are capable of attaining universalism. I will regard Rawls's idea of 'decency' as a standard for international morality. I will expound upon the merit of Rawls's concept of 'decency' as a standard for international morality in light of the cosmopolitan objection and the relativist objection. Also, I will show that Rawls's view of just war is similar to the Christian natural law doctrine of just war. Along with informing his theory of permissible conduct in just war, Rawls's conviction of human rights limits the sovereignty of the outlaw state and offers a philosophical justification for humanitarian intervention. I will conclude that Rawls's "duty of assistance" in *The Law of Peoples* may derive from the lesson that Jesus Christ taught through the parable of the Good Samaritan.

In Chapter Six, analyzing his later works such as "On My Religion," *The Law of Peoples*, *Lectures on the History of Moral Philosophy* and *Lectures on the History of Political Philosophy*, I will analyze that Rawls was engaged with metaphysical issues

such as theodicy, human nature, the problem of evil, and moral psychology throughout his entire life, from his earlier to later years. Then, I will show that the young Rawls dealt with metaphysical issues from the perspective of Neo-orthodox theology, while the later secular Rawls tried to solve the same issues he wrestled with in his adolescence from the perspective of modern rationalistic philosophy. Even though he declared that his position is not metaphysical, his later works disclose that the later Rawls was especially influenced by the moral metaphysics of Kant, who was in turn influenced by Augustine. In my view, as a rationalistic deist, Rawls pursued a realistic utopian society which eliminates the dreadful evils by establishing just institutions. Although there was no lively discussion about Rawls's anti-theodicy until now, in this chapter I will demonstrate that his metaphysical entanglement with the problem of evil is a recurrent theme from the young Rawls to the later Rawls. Also, I will extricate Rawls's view on the relationship between human nature and social institutions through his diagnosis of the cause of the Holocaust.

In Chapter Seven, I will provide general conclusions on the Christian values such as human dignity, fraternity, love, justice, and the parable of the Good Samaritan that drove Rawls in the formative process of his later political philosophy on justice as fairness. I will also suggest five differences between the young Rawls and the later Rawls. I will show that my premise—the young Rawls's neo-orthodox belief formed and evolved into the mature Rawls's political liberalism—is right.

## CHAPTER TWO

### Rawls's Religious Transition from the Neo-orthodoxy Theology of the Young Rawls to the Rationalistic Deism of the Later Rawls

#### *I. Introduction*

Once Christian in his youth, John Rawls, decorated as the prominent political philosopher in the last century, passed away as a secularist in November 2002. Some Rawlsians are somewhat aware of the deep-rooted Christian temperament that permeates through Rawls's whole life and works, such as the notion of human dignity grounded in the image of God. However, most did not know that Rawls was once a Christian in his adolescence, until the publication of his senior thesis, *A Brief Inquiry into the Meaning of Sin & Faith* (1942 & 2009)<sup>1</sup> with his posthumous article, "On My Religion." For the first time after the publication of his undergraduate thesis, we come to know two true faces of Rawls: the young Christian Rawls and the later secular Rawls. The later secular Rawls had a strong concern for solving the conflicts between comprehensive doctrines in a well-ordered society, while the young Rawls, an Episcopalian Christian with a life goal of entering the Virginia Theological Seminary,<sup>2</sup> was concerned with investigating the meaning of sin and faith based on the notion of the community. Incidentally, this thesis surprised many scholars who were unaware of his military experience and his earlier Protestant beliefs.

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<sup>1</sup> John Rawls, *A Brief Inquiry into the Meaning of Sin & Faith* (Cambridge: Harvard University Press, 2009). Hereafter, I mark it as BISF. Rawls's undergraduate thesis was written in 1942 and published in 2009.

<sup>2</sup> Thomas Pogge, *John Rawls: His Life and Theory of Justice* (Oxford: Oxford University Press, 2007), 11.

My purpose in this chapter, focusing my analysis on Rawls's senior thesis and his posthumous article, "On My Religion," is to compare the "theism" of the young Rawls with the "rationalistic deism" of the later Rawls. Hence, I will discuss three main concerns: the first concern is to conduct the background research on the landscape of Neo-orthodoxy regarding Karl Barth and Emil Brunner. The second is to examine the young Rawls's understanding of Neo-orthodox theology in his senior thesis and, then, I will show the significance of his undergraduate thesis. The third section will treat how the later Rawls formed rationalistic deism as his religious view and how the later Rawls's religious aspect affected the formative process of the development of justice as fairness. In other words, the question that I will be exploring is "How did Neo-orthodoxy influence the theory of justice as fairness of the later Rawls?" And I will ask "what was Rawls's motivation in dedicating his life's work to the pursuit of a theory of justice as fairness, even though he renounced his Christian beliefs?" In answering this question, I would like to trace Rawls's philosophical journey from his neo-orthodox beliefs to his later Rationalistic deism through a comparative analysis of his undergraduate thesis and "On My Religion." In sum, I will insist that Rawls's political philosophy can be understood as a process that began with an initial stage influenced by his adolescent fideism and Neo-orthodox values and ended with a background view that can be characterized as rationalistic deism.

## *II. Emil Brunner and the Landscape of Neo-orthodoxy*

Considering Rawls's place in Western philosophy, it is important for us to inquire about the historical and intellectual background which he wrote the senior thesis, *A Brief Inquiry into the Meaning of Sin and Faith*. The cultural, religious, and intellectual context

of the 1930s-1940s was quite different from today in America, which is marked by secularism and religious pluralism. The young Rawls was clearly influenced by Neo-orthodox theology, which was the best-known Protestant theological movement before World War I. By the 1930s-1940s, Neo-orthodoxy dominated American theology, especially through the works of Emil Brunner and that of Reinhold Niebuhr. The young Rawls's thesis have been influenced by the works of Emil Brunner (1889-1966), who had taught as a visiting scholar at both Union Theological Seminary (1919-1920) and Princeton Theological Seminary (1937-1938). In the preface of his undergraduate thesis, Rawls clearly describes this influence as follows:

Amongst theologians I think Brunner is the person whom I have learned the most from, and I think that his work best illustrates what I mean by a theology based on the intimate and personal quality of the universe, together with a clear and unflinching recognition that the universe is a community of Creator and created.<sup>3</sup>

Therefore, I will first provide a background understanding of Neo-orthodox theology as well as present the main tenets of Neo-orthodoxy and, then, I will investigate the relationship between Neo-orthodoxy and the young Rawls's thesis. In particular, I will examine Rawls's turn from embracing Neo-orthodox theology, which criticized liberal theology's dependence on Kantian rationalism, to the later absorption of Kantian concept in his works.

### *1. Background: the Decline of Liberal Theology and the Rise of Neo-orthodoxy*

Firstly, I would like to discuss "liberal theology" insofar as it initiated Neo-orthodoxy as an alternative movement. Liberal theology arose in 1865 and began to decline after World War I, and its basic tenets of liberalism are "the immanence of God,

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<sup>3</sup> Rawls, BISF, 108.



subjective revelation, and a postmillennial future through human effort.”<sup>4</sup> As a counteraction to orthodoxy, i.e., reformed theology, liberal theology sought to understand the Bible through Plato’s philosophy, rationalism, and the philosophy of enlightenment. Representative theologians include Friedrich Schleiermacher (1768-1834), Albrecht Ritschl (1822-1889), and Adolf Von Harnack (1851-1930). Because these theologians engaged in “historical criticism,” the Bible was not regarded as a special revelation from God but rather as man-made literature. Instead of the transcendence of God, they stress divine immanence and inherent morality. Kant’s philosophy especially contributed to form liberal theology, which reconciled modernism with Christianity. However, the horrible result of World War I and the Great Depression of 1929 shattered optimism in the future of humankind and naturally led to the decline of liberal theology. Similarly, it seems to me that the reason why the young Rawls deserted his Neo-orthodox beliefs is that he chose to have an optimistic historical view of liberal theology, considering the presupposition of Protestant liberalism that “God, the living Father, immanent in history and each person, would guarantee progress toward an ideal human order on earth.”<sup>5</sup> The liberal theology that Neo-orthodox theologians strongly criticized has similar features with the insistence of the later Rawls such as human goodness and human progress. In other words, I believe that the later Rawls accepts the basic tenets of liberal theology, whereas, like other Neo-orthodox theologians, the young Rawls denied liberalism.

Now, let me consider the Neo-orthodox theology that the young Rawls was fascinated with. After the decline of liberal theology, American theologians were occupied

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<sup>4</sup> Earle E. Cairns, *Christianity through the Centuries: A History of the Christian Church* (Grand Rapids: Zondervan, 1996), 460-462.

<sup>5</sup> Ibid., 460

with Neo-orthodoxy (also known as ‘crisis theology’) between 1920s and 1950s. Neo-orthodoxy has two aims: one is to attack liberal theology and the other is to return to original Orthodoxy. Standing in opposition to the liberal movement, post World War I, Neo-orthodoxy was disillusioned at the hope of the progressive improvement of human history and appeared as a reaction against liberal Protestant theology, which had stressed accommodating the truth of Christianity to modern science and secular culture.

According to the Neo-orthodox view, the mistakes of liberal theology were to minimize the distinction and the distance between God and human beings, to lose sight of the transcendence of God, and not to recognize the prevalence of sin, which led to World War I and II. Also, the name “Neo-orthodoxy” comes from their attempt to return to the Orthodox theology of the Reformation by emphasizing the authority of the Word of God, the tradition of the Reformation, the transcendence of God, and the importance of revelation. The reason why Neo-orthodoxy is called “dialectical theology” or “crisis theology” is that it stressed the tension between God and human beings.

## *2. Basic Features of Neo-orthodox Theology*

Among the Neo-orthodox theologians, the most notable figures are Karl Barth (1886-1968), Emil Brunner (1889-1966), Paul Tillich (1886-1965),<sup>6</sup> and Reinhold Niebuhr (1892-1971).<sup>7</sup> Among them, the Swiss theologian Karl Barth was especially

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<sup>6</sup> According to González, Paul Tillich was not “a Neo-orthodox, but rather a theologian of culture who made use of existentialist philosophy in order to interpret the Gospel and its relationship to the modern world. Justo L. González, *The Story of Christianity*, vol. 2 (New York, NY: HarperCollins Publishers, 2010), 480. However, the young Rawls did not mention Paul Tillich and his works in his senior thesis.

<sup>7</sup> According to González, Reinhold Niebuhr was a parish minister in Detroit until 1928. Because he thought that unbridled capitalism was destructive, he entered in 1930 in the Fellowship of Socialist Christians. He was confident that societies are “morally worse and more self-seeking than the sum of its members.” His conviction appeared in his famous book, *Moral Man and Immoral Society*. In this book, Niebuhr criticized theological liberalism and shown the neo-orthodox view concerning human capabilities.

regarded as the originator of the Neo-orthodox theology;<sup>8</sup> some even refer to Neo-orthodoxy as ‘Barthianism.’ Therefore, I will first examine the main features in Barth’s theology.

The theological concepts that Barth reemphasized are “the sovereignty of God,” “the depravity of human beings and the result of sin,” “the salvation of Christ” and “the necessity of forgiveness.” Barth’s *Commentary on Romans* shows the deep influence of Kierkegaard on Barth’s thought. It is his position that there is “the unsurmountable gap between time and eternity, and between human achievement and divine action.”<sup>9</sup> For Barth, “the Word of God” is not synonymous with the Bible. He understands “the Word of God” in a triplicated idea: “Word Proclaimed (the preaching of the revelation of God),” “Word Written (human’s record of God’s revelation),” and “Word Revealed (God’s self-revelation in Jesus Christ).”<sup>10</sup> Even though Barth saw that the Bible was inspired by God, he did not regard the Bible itself as the infallible and inerrant Book. His position on the Bible is that it is functionally infallible that its purpose is to lead individuals to know the Person of Jesus. Barth insists that God is “Wholly Other” because human beings cannot know God unless He reveals Himself. Also, he emphasizes the sovereignty of God and

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Later he wanted to revise the title of his book a more correct title, “immoral man and even more immoral society.” Based on the understanding of human fallen nature, he wrote another book in 1941 and 1943, in two volumes on *The Nature and Destiny of Man*. Justo L. González, *The Story of Christianity*, vol. 2 (New York, NY: HarperCollins Publishers, 2010), 479.

<sup>8</sup> According to Alister E. McGrath, “Neo-orthodoxy” can be defined as “to designate the general position of Karl Barth, especially the manner in which he drew upon the theological concerns of the period of Reformed Orthodoxy.” See, Alister E. McGrath, *Christian Theology: An Introduction* (Malden: Blackwell Publishing, 2007), 491. However McCormack insists that the term “Neo-orthodox” itself is not appropriate for the theology of Karl Barth because the term shows merely the result of Anglo-American neo-orthodox understandings of Barth. Bruce McCormack, *Karl Barth’s Critically Realistic Dialectical Theology: Its Genesis and Development 1909-1936* (Oxford: Oxford University Press, 1997), pp.24-28.

<sup>9</sup> González, *ibid.*, 460.

<sup>10</sup> David L. Smith, *A Handbook of Contemporary Theology: Tracing Trends and Discerning Directions in Today’s Theological Landscape* (Grand Rapids: Baker Books, 1992), 29.

the centrality of Jesus; God revealed Himself in Christ Jesus. He stresses the “otherness” of God in the doctrine of creation. The aim of God’s creation is to make a covenant with humans through Jesus Christ. Thus Jesus became the Mediator between God and man and, through Jesus alone, human beings can be reconciled with God. Also he believes in the doctrines of the Virgin Birth and the resurrection of Jesus.

Hence, I will particularly focus on Reinhold Niebuhr (1892-1971), who founded American Neo-orthodox theology,<sup>11</sup> because the young Rawls cited Niebuhr and his book, *The Nature and Destiny of Man* (1941), and uses Niebuhr’s terms, “sensuality” and “pride,” in his senior thesis. It is important to focus on Niebuhr especially because, at that time, Neo-orthodox theology was different in America and Europe. The Neo-orthodox movement in America was less rigorous than the European Karl Barth’s theology. The American Neo-orthodox movement “did not necessarily repudiate theological liberalism as thoroughly as did the European movement.”<sup>12</sup> I think that Reinhold Niebuhr’s contribution was to adjust the Neo-orthodoxy into the American democratic traditions.

In my view, Niebuhr’s concern about society may affect both the young Rawls and the later Rawls. Just as Rawls understood evil as being within the structural levels of society, Niebuhr regarded the problem of sin as social, not spiritual. Just as Niebuhr’s aim is the conversion of society rather than individual conversion, Rawls’s aim is to establish the well-ordered society, not to advocate a particular normative moral theory. According to George M. Marsden, Reinhold’s two principal contributions are to hold Christian

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<sup>11</sup> However, Adams wrote that Niebuhr may belong to the liberal tradition, not the Neo-orthodoxy. Robert M. Adams, “Theological Ethics of the Young Rawls and Its Background,” *BISF*, 30. Adams cited the evaluation on Niebuhr from Richard Wightman Fox, *Reinhold Niebuhr: A Biography* (San Francisco: Harper & Row, 1985), 214.

<sup>12</sup> George M. Marsden, *Religion and American Culture* (Belmont: Wadsworth/Thomson Learning, 2001), 212.

realism and to revive the doctrine of Original sin.<sup>13</sup> Namely, Niebuhr insists that we cannot identify the Kingdom of God with any political society, and that human nature has essential defects after the Fall of Adam. Nevertheless, Niebuhr accepts original sin as a myth, not as a historical fact: “the whole crux of the doctrine of original sin lies in the seeming absurdity of the conception of free-will which underlies it.”<sup>14</sup> Because “Man” is “the juncture of nature and spirit,”<sup>15</sup> the duality of human nature may contribute to pulling humans down to the animal level or up to the divine level. The sinful nature of humans appears as the “sin of sensuality” in the animal aspect and the “sin of pride” in the divine aspect. He especially understands “sin” from the perspective of society. Understanding the “biblical definition of basic sin” as “pride,”<sup>16</sup> he divides sin into four types: the “pride of power,” the “pride of knowledge,” the “pride of virtue,” and the “pride of religion.”<sup>17</sup> Because he illuminates sin from the social perspective, his solution takes the form of social gospel. He accepts the idea of social progress in the grounding of a Christian culture. In my view, Niebuhr’s conception of love is very similar to Rawls’s view of love: Niebuhr writes, “the love of his family leads Man out of the original state of self-love and enables him to attain finally a sufficient measure of social love. The family

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<sup>13</sup> Ibid., 213.

<sup>14</sup> Reinhold Niebuhr, *The Nature and Destiny of Man: A Christian Interpretation* (Louisville: Westminster John Knox Press, 1996), Vol. I, 243. Niebuhr regards “the Fall” as “the myth.” See, 179 in the same book.

<sup>15</sup> Ibid., 17.

<sup>16</sup> Ibid., 186.

<sup>17</sup> According to Niebuhr, firstly, “the pride of power” derives from his character of “insecurity.” Secondly, “the intellectual pride of sin” derives from both “ignorance of the finiteness of the human mind” and “an attempt to obscure the known conditioned character of human knowledge and the taint self-interest in human truth.” Thirdly, “moral pride” is making “all self-righteous judgments.” Lastly, the ultimate sin is “the religious sin of making the self-deification.” Niebuhr, *ibid.*, 186-203.

completes the training by which nature prepares us for universal sympathy.”<sup>18</sup> The common point in the notion of “love” between the young Rawls and the later Rawls is the altruistic character of the concept. For young Rawls, “Christian love, however, is primarily communal. It refers to another person.”<sup>19</sup> For the later Rawls insists that “Friends and lovers take great chances to help each other; and members of families willingly do the same.... When we love we accept the dangers of injury and loss.... We do not think these risks so great as to cause us to cease loving.”<sup>20</sup> Niebuhr’s conviction of the social progress of man is accomplished in a paradoxical relationship between love and justice. Therefore, in this regard, Niebuhr’s Christian realism did not identify the Kingdom of God and any political systems.

### *3. The Dispute between Emil Brunner and Karl Barth in 1934*

Because the young Rawls was greatly affected by the Neo-orthodox theology of Emil Brunner, I would like to analyze the natural theology of Emil Brunner more than that of other neo-orthodox theologians. As the debate between Martin Luther and Erasmus of Rotterdam in 1524-5 was about the freedom of human will, there was a famous theological debate on natural theology between Emil Brunner and Karl Barth in 1934.<sup>21</sup> Brunner’s six counter-theses to Barth’s advocacy in the 1934 debate are very important for understanding Neo-orthodoxy. Brunner’s position is based on *Theology of*

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<sup>18</sup> Ibid., 108-109.

<sup>19</sup> Rawls, BJSF, 250.

<sup>20</sup> Rawls, *A Theory of Justice* (Cambridge: The Belknap Press of Harvard University Press, 1999), 3. Hence, I mark this book as TJR. The later Rawls’s definition of love is that “love is a sentiment, a hierarchy of dispositions to experience and to manifest these primary emotions as the occasion elicits and to act in the appropriate way.” See, Rawls, TJR, 426.

<sup>21</sup> James Edward Humphrey, *Emil Brunner* (Waco: Word Books, 1976), 47-49.

*Crisis*, published in an article entitled “Nature and Grace” in 1943.<sup>22</sup> Barth criticized Brunner as a classical precursor for compromising theology and his theology as heresy.

Rejecting Brunner’s false theology, Barth suggests his own view as follows:

The image of God in man is totally destroyed by sin. Every attempt to assert a general revelation has to be rejected. There is no grace of creation and preservation. There is no grace of creation and preservation. There are no recognizable ordinances of preservation. There is no point of contact for the redeeming action of God. The new creation is in no sense the perfection of the old but rather the replacement of the old man by the new.<sup>23</sup>

Contrary to Barth, Brunner began his argument by acknowledging Barth’s theological contribution as follows: “Barth completely changed the Protestant theological situation... To put it briefly: no longer concerning the themes of the enlightenment, but concerning the theme of the Bible itself.”<sup>24</sup> However, Brunner then started refuting Barth’s main points. Firstly, epitomizing Barth’s view as “the image of God is obliterated entirely without remnant,”<sup>25</sup> Brunner argues that, even after the Fall, human beings have God’s image (*Imago Dei*), which has two aspects: the formal aspect and the material aspect. The formal aspect is the uniqueness and superiority of human beings over the other creatures: God’s image remained within humans. However, the material aspect of the image of God is not left within humans. Because of the loss of the “Image of God,” personal correlation with God was broken. Brunner writes: “formally the *imago* is not in

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<sup>22</sup> It was published out in 1934 as his main contribution to the famous controversy with Karl Barth and introduced as the title of *Natural Theology* in 1946. Emil Brunner & Karl Barth, *Natural Theology ; Comprising “Nature and Grace” by Professor Dr. Emil Brunner and the Reply “No!” by Dr. Karl Barth* (Eugene: Wipf and Stock Publishers, 1946 and 2002).

<sup>23</sup> Ibid., 74.

<sup>24</sup> Ibid., 17.

<sup>25</sup> Ibid., 20.

the least touched-whether sinful or not, man is a subject and is responsible. Materially, the imago is completely lost, man is a sinner through and through and there is nothing in him which is not defiled by sin.”<sup>26</sup> Secondly, Barth accepts merely “the scriptural revelation” and rejects “general revelation” in nature, the conscience, and in history. However, Brunner insists that “the world is God’s creation and the creation of the world is a revelation and a self-communication of God.”<sup>27</sup> As we can know the artist within his works, the world shows some clues to God as creator. Brunner insists that rejecting the general revelation is “a queer kind of loyalty to Scripture.”<sup>28</sup> According to the apostle Paul, human beings can know God and his revelation in His creations. Thirdly, while Barth denies ‘the preserving grace of God,’ Brunner affirms it because “God does not entirely withdraw his grace of creation from the creature in spite of the latter’s sin.”<sup>29</sup> This preserving grace is the manner of God’s relation to his creatures and, through the preserving grace, the fallen human beings can live under God’s provision.

Fourthly, Barth rejects “God’s ordinances of preservation,” while Brunner regarded ‘monogamous marriage’ as an “ordinance of creation” and ‘State’ as ‘an ordinance of preservation.’<sup>30</sup> These ordinances provide constancy in a society and throughout the history of mankind. He explains that the meaning of these ordinances can be realized only in faith. Fifthly, Brunner’s unique position is that humans have a “point of contact” in recognizing God, considering that each person can receive the Word of

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<sup>26</sup> Ibid., 24.

<sup>27</sup> Ibid., 25.

<sup>28</sup> Ibid., 25.

<sup>29</sup> Ibid., 28.

<sup>30</sup> Ibid., 29.



God and the Holy Spirit for God's redemption and grace. In Brunner's view, sinners can discern divine grace and humans have a "capacity for the Word of God and responsibility." The receptivity of individuals provides "the purely formal possibility" that God can address humans. Thus, Brunner concludes that there is "a point of contact of divine grace" and humans have the capacity to receive the Word of God. However, Barth refutes that there is no "point of contact" inherent in human nature. Lastly, while Barth maintains that "the new creation means the destruction of the old" and "the replacement of the old man by the new," Brunner insists that "self-consciousness is not destroyed by the act of faith."<sup>31</sup> The self-consciousness of human beings is preserved in the act of faith because the personal God meets human beings in a personal way. Brunner writes, "the identity of the human subject is also guarded where the Spirit is spoken of."<sup>32</sup>

In sum, Barth opposed "all natural theology" but Brunner accepted it. Thus, both argued against each other because of their different understandings of the relationship between nature and grace. Gonzales provides a clear statement of this point: "while Brunner felt that there must be in humans a 'point of contact' for the action of grace, Barth insisted that this would lead to a reintroduction of natural theology, and that in any case it is grace that creates its own 'point of contact.'"<sup>33</sup> Even though there are the theological differences between Barth and Brunner, both share some similar views: they believe that "there is no salvation and true knowledge of God without Jesus Christ" and they acknowledge "the total corruption of human nature."<sup>34</sup> Moreover, they both find

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<sup>31</sup> Ibid., 33.

<sup>32</sup> Ibid., 34.

<sup>33</sup> González, *The Story of Christianity*, vol. 2., 461.

<sup>34</sup> Brunner and Barth, *Natural Theology*, 5.

over-reliance on rationalism problematic. They reject liberal theology based on rationalism and considerably accept ‘historical criticism’<sup>35</sup> regarding the authority of the Bible.

#### 4. Emil Brunner’s Neo-orthodox Theology

Here, I will expatiate on the central theological arguments of Emil Brunner, who most represents the Neo-orthodox school for Rawls. In the bibliography of his senior thesis, the young Rawls mentioned Brunner’s three works: *Man in Revolt* (1937), *The Mediator: A Study of the Central Doctrine of the Christian Faith* (1934), and *The Theology of Crisis* (1929).<sup>36</sup> Below, I will explain the basic tenets of Brunner’s Neo-orthodox theology based on these three works.

First of all, for Brunner, the word “Crisis” denotes “a turning point in the progress of an enterprise or movement.”<sup>37</sup> It means that Christianity should extricate itself from ‘the crisis of theology,’ which a secular worldview of the Bible, informed by modern science, historical science, and the theory of evolution, had been destroying. Liberal theologians of those days were committed to the removal of the uniqueness and the truth of Christianity. Especially, the biblical criticism that Schleiermacher, Ritschl, and Harnack offered brought about the collapse of the Christian faith, and, as a result, the radical view

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<sup>35</sup> Here, historical criticism regards the Bible as a document. Especially, the interpretation of historical records of the Bible depends on the reconstruction of its historical context, culture, and situation.

<sup>36</sup> Emil Brunner, *The Theology of Crisis* (New York: Charles Scribner’s Sons, 1929), ix. *The Theology of Crisis* shows the fact that Brunner is a Neo-orthodox theologian with a great reputation in America. In “foreword,” Brunner disclose that this essays were delivered as the Swander Lectures in the Theological Seminary of the Reformed Church, the Central Theological Seminary, the Western Theological Seminary, Princeton Theological Seminary, the Divinity School in Harvard University, Hartford Theological Seminary, and Union Theological Seminary. Brunner’s great book, *The Theology of Crisis* consisted of five chapters regarding ‘the theology of crisis,’ ‘revelation,’ ‘salvation,’ ‘ethics,’ and ‘progress and the Kingdom of God.’

<sup>37</sup> Ibid., 1.

of religious psychology made many Christians renounce all their “ absolute values and all objective content of faith.”<sup>38</sup> In Brunner’s view, Christian theology was passing “in a state of rapid dissolution” into both modernism and fundamentalism. He writes:

Modernism and Fundamentalism are born of the same mother, that is, of the fear of sound critical thinking.... Modernism digs itself in, before this unheard-of demand for confession of sin, behind an easy-going belief in the goodness of man and humanity; and fundamentalism finds safety behind its orthodoxy and its ecclesiasticism.<sup>39</sup>

The second feature is Brunner’s view on revelation. There are two different methods for knowing God: one is the method of “divine immanence” and the other is the method of “divine transcendence.”<sup>40</sup> The former rests on the concept of “an impersonal God and an impersonal man” as “the necessary and inevitable consequence of a religion of immanence.”<sup>41</sup> The latter emphasizes “its affirmation on a self-manifestation of God, penetrating and contradicting the world and human experience.”<sup>42</sup> The revelation of God in Jesus Christ is the core of Christianity. Brunner insists that “the revelation of God in Jesus Christ is a historical event and faith is therefore in the first place a relationship to this event which happened at that place and time.”<sup>43</sup> Only through faith, humans can see the revelation of God in Christ. According to Brunner, “the source of antagonism against faith is the pride of reason.”<sup>44</sup> Therefore, he asserts that “reason is always subordinated to

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<sup>38</sup> Ibid., 8.

<sup>39</sup> Ibid., 21-22.

<sup>40</sup> Ibid., 28.

<sup>41</sup> Ibid., 31.

<sup>42</sup> Ibid., 28.

<sup>43</sup> Emil Brunner, *The Christian Doctrine of the Church, Faith, and the Consummation*, David Cairns (trans.) (Philadelphia: The Westminster Press, 1960), 7.

<sup>44</sup> Brunner, *The Theology of Crisis*, 43.

revelation.”<sup>45</sup> He claims that “through His Word, God reveals his personality,”<sup>46</sup> and that “Christianity is either faith in the revelation of God in Jesus Christ or it is nothing.”<sup>47</sup>

The third characteristic feature of Brunner’s Neo-Orthodoxy is that humans need “Salvation” from sin and death. He didn’t accept the story of Adam in Genesis and the account of original sin as an historical fact. In other words, Adam, as “a kind of legendary figure,” is “the representative of the human race as a whole. In Adam we have all sinned; we are all sinners in Adam. Here the point to be emphasized is not the physical fact of inheritance but our solidarity in sin as act and guilt.”<sup>48</sup> Denying the historicity of Adam, Brunner did not acknowledge the doctrine of total depravity and further rejected the doctrine of the Virgin Birth of Christ. In explaining his reasons for rejecting the latter doctrine, he cites the fact that the Apostle Paul seldom mentioned the fact that Jesus Christ was born of a woman.<sup>49</sup> Nevertheless, Brunner believes that Jesus is God and Man, and the King of His people. Regarding the Bible, Brunner rejects that Scripture is an objective revelation: “through God alone can God be known.”<sup>50</sup>

Because humans are divided from God through sin, there is no way of returning to God by human effort alone. Namely, “all religion and philosophy seek righteousness by

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<sup>45</sup> Emil Brunner, *Revelation and Reason*, translated by Olive Wyon (Wake Forest: Chanticleer Publishing Company, Inc., 1946),

<sup>46</sup> Brunner, *The Theology of Crisis*, 33.

<sup>47</sup> *Ibid.*, 2.

<sup>48</sup> Brunner, *Man in Revolt*, 122.

<sup>49</sup> Brunner, *The Mediator: A Study of the Central Doctrine of the Christian Faith*, translated by Olive Wyon, (Philadelphia: The Westminster Press, 1934), 391.

<sup>50</sup> *Ibid.*, 201.

works, by human self-assertion.”<sup>51</sup> However Brunner insists that “the Gospel is the end of these efforts. It gives up or denies the possibility of every human approach to God, even the path of religion.”<sup>52</sup> Criticizing Greek philosophy, he states, “Plato welcomed death as the Deliverer. The mood of Socrates towards death is one of a superior humour. In the New Testament, on the contrary, it is regarded as the Enemy.”<sup>53</sup> Brunner thinks that “evil is therefore a lack of the divine, or separation from God.”<sup>54</sup> Only repentance and reconciliation with the living God can solve the problem of sin and evil: “the contradiction of sin and guilt can only be removed by reconciliation and redemption.”<sup>55</sup> He regards “repentance” as “the first effect of the Word of God that comes to us.”<sup>56</sup> He emphasized the process of sanctification by saying, “salvation is not at once completed but it is begun,” and “for faith is real faith only when man has given himself up and relinquished his trust in his religion and rests on God alone.”<sup>57</sup>

The fourth feature of Brunner’s theology is his evaluation of ethics. Modernism and liberal theology both deny the existence of evil. He insists that modern ethics grounded on self-esteem and self-realization fails to deal with the problem of sin and

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<sup>51</sup> Brunner, *The Theology of Crisis*, 61.

<sup>52</sup> Ibid., 61.

<sup>53</sup> Brunner, *The Mediator*, 566-567.

<sup>54</sup> Ibid., 126.

<sup>55</sup> Brunner, *The Theology of Crisis*, 62.

<sup>56</sup> Brunner, *Revelation and Reason*, 430. Brunner said further, “repentance is accomplished in an act of reason.... reason is able to do this only because it has been conquered by the Word of God.”

<sup>57</sup> Brunner, *The Theology of Crisis*, 61.

further perverted humans as “the means to an impersonal end.”<sup>58</sup> Brunner maintains that

Christians should not be fooled by Western modernism and Eastern mysticism. He writes:

The Western idea of ethical evolution is optimistic. There is a deep-rooted conviction that man at heart is good, and consequently men believe in the steady progress of civilization, culture, religion and morality. While the Eastern mystic solves the world problem by denying the reality of the temporal, sinful world, the man of the West bases his hope of deliverance from an evil world upon human activity and historical development.<sup>59</sup>

Brunner worries about the possibility that Christian faith can be endangered by social ethical idealism and pragmatism. All problems of modern Protestant ethics come from the fact that it disregards “the absolute contradiction, the eschatological gulf between the world of God and the world as it is.”<sup>60</sup> For strengthening Christian ethical activity, he insists that “faith in God’s doing is the salt of the earth which may preserve the world against decay and death. Faith in man, however, is the salt that has lost its savor.”<sup>61</sup> In *The Mediator*, he insists that the foundation of ethics is faith in God’s Word by saying “for faith is the entrance into the movement of God in Christ.”<sup>62</sup> For Christians, “faith occurs only where the word of God is preached and taught, where men can say as our Reformers said: ‘The Word alone can do it.’”<sup>63</sup> His conviction is that, to overcome the state of perpetual self-destruction, humans absolutely need God’s act and grace and

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<sup>58</sup> Brunner, *The Mediator*, 616.

<sup>59</sup> Brunner, *The Theology of Crisis*, 86.

<sup>60</sup> *Ibid.*, 88.

<sup>61</sup> *Ibid.*, 90.

<sup>62</sup> Brunner, *The Mediator*, 619.

<sup>63</sup> Brunner, *The Theology of Crisis*, 91.

cooperation with God as a courageous act of turning away from sin and returning toward God's will. For Brunner, faith in the Word of God is the foundation of Christian ethics.

The fifth feature of Brunner's theology is his view on progress. Brunner criticized that the fatal error of liberal theology replaced "the Kingdom of God" with "the rationalistic evolution and the optimistic theory of progress of the eighteenth century."<sup>64</sup> The chief accomplices of this mistaken view, according to Brunner, were Kant, Schleiermacher, Ritschl, Harnak, and Hermann. The reason why these people maintain anti-Christian optimism, anti-biblical moralism, and human's self-reliance is that they do not know the true character of the Kingdom of God and the sinful nature of man. The difference between the definition of progress from biblical teaching and the definition given by the modern view is whether progress is "God's doing" or "man's doing."<sup>65</sup> According to Brunner, the "progress" Christianity believes is not the progress of the world as heavenward but the Kingdom of God as earthward.<sup>66</sup> It means that this movement depends on God, not humans. Brunner maintains that "the anti-evolutionary optimism of Christian faith is the true basis of a really active Christian life."<sup>67</sup>

##### *5. Relationship between Brunner and the Young Rawls: Similarities and Differences*

Hence, let me state the similarities between Rawls and Brunner. Emil Brunner was a visiting professor of theology at Princeton Theological Seminary from 1938 to 1939. Before Brunner returned to Switzerland, Princeton University and Princeton Theological

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<sup>64</sup> Ibid., 111.

<sup>65</sup> Ibid., 112.

<sup>66</sup> Ibid., 111.

<sup>67</sup> Ibid., 113.

Seminary offered him a permanent position as professor.<sup>68</sup> It seems that there is no evidence of the personal encounter between Brunner and Rawls, even though Brunner's theology had affected Rawls's thesis overall. The young Rawls never mentioned the Brunner-Barth debate in his thesis. In the 1930s and 1940s, Brunner had more influence as a theologian in America than Karl Barth because the former's books had been translated into English. In addition, Brunner's works cover a wide spectrum of various topics, including theology, politics, and society, and his thought has been continuously developed and applied to issues concerning justice and the social order.<sup>69</sup>

Firstly, Brunner's theological foundation for human rights is similar to the foundational concepts of the image of God in the young Rawls and the inviolability of human dignity in Rawls's later works, especially of *A Theory of Justice*. For Rawls, human rights are based on justice and natural right. Brunner argues:

Not only equal rights, but the much more comprehensive notion of justice which claims equality for all who bear a human countenance, because equality is due to man as man — that notion is raised on a foundation of faith. The doctrine of the *imago Dei* in particular is the fundamental principle of the Protestant doctrine of justice.<sup>70</sup>

Second, the fact that Brunner discussed the limit of justice and the need for love in a peaceful order based on the notion of community might have influenced the young Rawls. In relation to justice, Brunner argues that human beings have to reject individualistic one-sided "freedom" and "self-fulfillment" and instead to reconsider the

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<sup>68</sup> Eric Gregory, "Before the Original Position: the Neo-orthodox Theology of the young John Rawls," *Journal of Religious Ethics* 35 (2007), 186.

<sup>69</sup> Brunner, *Justice and the Social Order* (London: Lutterworth Press, 1945) In this book, Brunner treated the topic of 'justice and injustice' in the dimensions of the political order, the social order, the economic order, and, the international order.

<sup>70</sup> *Ibid.*, 39.



importance of the notion of “fellowship,” which Christians regard as the essential catchword for constructing the ideal Christian community.<sup>71</sup> Emphasizing the Christian worldview based on the community, the young Rawls criticized the philosophy of individualism in Western society in his senior thesis. Brunner also denounces that “the individualism of philosophy, of mysticism, and of moralism is alien to the spirit of the faith of the Bible.”<sup>72</sup> He writes:

It lies in the very nature of justice that it cannot touch the deepest depths in man. It is concerned with the person in the institution, not with the person *qua* person.... The living force of the soul is stronger than all institutions, both for good and for evil. Therefore both things can happen - the most just of orders can be ruined and turned into evil from within, and the most unjust of orders can be used from within for good. Hence, measured by the ultimate standard, all justice is only relatively important.... Love is greater than justice.”<sup>73</sup>

Brunner’s viewpoints on love are similar to the conception of love in Rawls’s two principles. Rawls’s second principle of justice is based on the idea of fraternity: “Liberty corresponds to the first principle, equality to the idea of equality in the first principle together with equality of fair opportunity, and fraternity to the difference principle.”<sup>74</sup> Rawls explained the justification of the difference principle through the lens of fraternity, which can be understood through analogy to the members of a family: “Members of a family commonly do not wish to gain unless they can do so in ways that further the interests of the rest.”<sup>75</sup> In other words, Rawls understands that moral sentiments like love

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<sup>71</sup> Ibid., 86.

<sup>72</sup> Brunner, *The Mediator*, 587.

<sup>73</sup> Ibid., 229-230.

<sup>74</sup> Rawls, TJR, 91.

<sup>75</sup> Rawls, TJR, 90.

are regulative features of human life and play a role in keeping our own values.<sup>76</sup> Third, Brunner regards “the intention of peace” among nations as the only guarantee of peace for the future. He insists that the fulfillment of an order of peace in an international society can be rendered possible only when the sovereignty of a nation is limited in a moral and practical sense, not in a formal, legal sense.<sup>77</sup> For Rawls, *the Law of Peoples* addresses how ‘a world society of liberal and nonliberal peoples might be possible’ and that ‘peoples’ will have to take ‘fairness’ as a governing ideal in order to achieve a stable peaceful coexistence. This is similar to Brunner’s view that “if nations were willing to place what is just before their own advantage, it would be an easy matter to establish an order of peace.”<sup>78</sup>

However, there are differences between Rawls and Brunner. For example, unlike Brunner, the young and later Rawls uniformly opposed natural theology. Rawls says that “natural theology is helpless before the personality of God.”<sup>79</sup> Namely, according to Rawls, humans cannot directly know God through human reason and the proof of the existence of God cannot tell us who God is and what God’s characteristics are: “God still remains the great unknown, and before Him, man lies in blindness and ignorance.”<sup>80</sup> The objection to natural theology is coherent in both the young and later Rawls. Rawls writes,

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<sup>76</sup> Rawls, TJR, 418.

<sup>77</sup> Brunner, *Justice and the social order*, 211.

<sup>78</sup> Ibid., 210.

<sup>79</sup> Rawls, BISF, 224.

<sup>80</sup> Rawls, BISF, 224.

“The so-called proofs of God’s existence in St. Thomas and others proved nothing of religious significance in any case.”<sup>81</sup>

### *III. Rawls’s Neo-orthodox Theology: Its Features and Its Limits*

#### *1. Rawls’s Critique against Naturalism in Western Philosophy*

*Rawls’s motive in his senior thesis.* Let me first state my premise that the young Rawls’s position in his undergraduate thesis belongs to the category of “theistic moral realism.” According to Michael V. Hernandez, “theistic moral realism” can be defined as the view that “recognizes the Creator as the source of common objective values and reflects the belief that the pattern of the Creator’s purpose is revealed in creation and written on the heart of mankind.”<sup>82</sup> Following his explanation, there are two premises to theistic moral realism: one is that “God is good, and He desires to bless His creation, especially humanity,” and the other is that “as Creator, God has designed us in a specific way, and we should act in accordance with God’s inherently good design.”<sup>83</sup> The young Rawls’s motive is to disclose serious problems in the history of Western philosophy and theology and to suggest that the proper role of ethics is to form good interpersonal relationships and finally to establish good relationships between individuals and God.<sup>84</sup> For Rawls, the most important feature of theistic ethics is to grasp the relationship between human nature and the character of God. He writes, “These modern methods fail

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<sup>81</sup> Rawls, “On My Religion,” BISF, 263.

<sup>82</sup> Michael V. Hernandez, “Theistic Legal Realism and Normative principles of Law.” It is available at: <http://ssrn.com/abstract=2015388>, 703-723.

<sup>83</sup> Ibid., 704.

<sup>84</sup> Rawls, BISF, 107

to see the real difficulty because they are based on superficial anthropologies. Unless we know what man is, there is little sense in discussing the problem of his salvation.

Therefore, the first problem of ethical theory is to inquire into the nature of man himself.”<sup>85</sup> Without knowledge of humans themselves, “all discussions of the good and the right are left in the air, and hover idly detached from reality.”<sup>86</sup>

From the young Rawls’s view, there is both dualism and naturalism in the traditional line of naturalistic Western thought: naturalism distorts our relationships, regarding others as a means and God as an object; and dualism betrays an ascetic tendency in Western thought, as the great Western philosophers influenced by Plato and Aristotle regarded the physical body as inferior and a source of evils. According to Rawls, this tendency brings individualism to human history.

In sum, criticizing Western philosophy, the young Rawls intends to suggest an alternative view. He asserts that “the reconstruction of theology should take place through such concepts of community and personality.”<sup>87</sup> In his senior thesis, the purpose of ethics is “to establish community in the face of sin in the world.”<sup>88</sup> According to Nagel’s diagnosis, the core of Rawls’s senior thesis is “the moral and religious conception of community.”<sup>89</sup> The young Rawls maintains that the essential feature of human beings is a

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<sup>85</sup> Rawls, BISF, 219.

<sup>86</sup> Rawls, BISF, 219.

<sup>87</sup> Rawls, BISF, 108.

<sup>88</sup> Rawls, BISF, 128.

<sup>89</sup> Joshua Cohen and Thomas Nagel, “Introduction,” BISF, 11.

capacity to construct community and his motivation for writing the senior thesis is to pursue “a revival of communal,” not “individualism.”<sup>90</sup>

*Rawls’s critique against naturalism.* For his critique of “a certain thought scheme of naturalism,” Rawls uses the narrow meaning of the term *naturalism* rather than the general meaning of naturalism. He writes:

Naturalism is the universe in which all relations are natural and in which spiritual life is reduced to the level of desire and appetite. I believe that naturalism leads inevitably to individualism, that it cannot explain community and personality, and that it loses the inner core of the universe.<sup>91</sup>

According to Rawls, “naturalism” should not be confused with “materialism.” Naturalism is not scientific materialism but rather a worldview that constructs the cosmos in naturalistic terms by various methods. Rawls interprets that “the philosophies of Plato and Aristotle, together with the theologies of Augustine and Aquinas, are naturalistic. This statement may be a shock to some.”<sup>92</sup> The failure of Western philosophy derives from a perverted relationship of “subject and object” between persons, and between humans and God. According to Rawls, there are three types of relationships: personal, natural, and causal relationships. In his senior thesis, the young Rawls accepts only personal relationships as the basis on which to build ethics and rejects the other two natural relations. Within the naturalistic view, the purpose of ethics is to identify the proper object of human striving and desire.<sup>93</sup> The flaw of “naturalism” consists in a

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<sup>90</sup> Rawls, BISF, 108.

<sup>91</sup> Rawls, BISF, 107.

<sup>92</sup> Rawls, BISF, 119.

<sup>93</sup> Cohen and Nagel, “Introduction,” BISF, 9.

wrong interpretation of the universe in “which all relations are natural and in which spiritual life is reduced to the level of desire and appetite.”<sup>94</sup> And the concept of naturalism consists of two ideas of ‘relations’ and ‘motivations.’ The naturalism of Plato and Aristotle reduces the motivations of individuals to “desire” and “appetite.”<sup>95</sup> Rawls contrasts naturalism with a “communal” ethics of personal relationships.<sup>96</sup> Even though the naturalistic explanation of the cosmos has been prevalent in the long period in Western thought after Plato and Aristotle, it resulted in the loss of “community, personality, and the real nature of God.”<sup>97</sup> Further, the young Rawls saw that “naturalism leads inevitably to individualism, that it cannot explain community and personality, and that it loses the inner core of the universe.”<sup>98</sup>

Through the analysis of naturalism, the young Rawls also criticized the dualism of Western philosophy. Enumerating Gnosticism, Docetism, and the Gospel of Peter as examples of dualistic doctrines, the young Rawls criticizes that, despite their differences, these share the dualistic view that “the flesh is not good but evil,” and reveal a “world-denying tendency” in the case of Greek philosophy.<sup>99</sup> As a result, Greek philosophy cannot arrive at “an adequate or convincing concept of sin.”<sup>100</sup> Contrary to Hellenism, Christianity expresses the view that “the material world is good” insofar as it is the

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<sup>94</sup> Rawls, BISF, 107.

<sup>95</sup> Adams, “The Theological Ethics of the Young Rawls and Its Background,” BISF, 35.

<sup>96</sup> Ibid., BISF 34.

<sup>97</sup> Rawls, BISF, 120.

<sup>98</sup> Rawls, BISF, 107.

<sup>99</sup> Rawls, BISF, 138.

<sup>100</sup> Rawls, BISF, 152.

creation of God. The Bible says that “Then God saw everything that He had made, and indeed it was very good” (Gen.1:31). He has a positive interpretation of sex and marriage because God made them. Rawls said “the body, then, is not to be despised but praised. It is the temple of the Holy Spirit, and a most gracious gift of the Lord God who made it.”<sup>101</sup> The body of the individual is “an indispensable means of communication.”<sup>102</sup>

Rawls summarized Western thought as having five features:

The natural cosmos is marked by the following characters: (a) all relations are relations to objects; even God may be treated as an object; (b) appetitional desires are the energies of all relations, and all love is acquisitive, hence not love in the Christian sense; (c) grace (when the system is Christian) is likewise spoken of in terms of an object presented to the will as an object of desire; and (d) all natural systems lose communality, personality, and the true nature of God, and are therefore not really Christian but individualistic.<sup>103</sup>

The young Rawls’s critique of the individualism of Western philosophy may have been influenced especially by Emil Brunner and Anders Nygren.

*The Young Rawls’s aim: reconstruction of theology and revival of the communal.*

Rawls’s aim is to revive community through the lens of sin and faith, rather than through individualism. His purpose is clearly “to attack a specific Christian problem (like that of sin and faith) using the concepts which are derived from Biblical thought. I have suggested that the reconstruction of theology must take place by using such concepts as that of community and personality.”<sup>104</sup>

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<sup>101</sup> Rawls, BISF, 139.

<sup>102</sup> Rawls, BISF, 153.

<sup>103</sup> Rawls, BISF, 178.

<sup>104</sup> Rawls, BISF, 108.

Now, let me explain the meaning of community for the young Rawls. Community is not separated from the conception of personality: he believes that “communities are irreducible and unique in the sense that personality is unique.”<sup>105</sup> Community is not simply “an aggregate of individuals.”<sup>106</sup> Rawls says that “unless we have personality, we do not have community. Further, unless we have community, we do not have personality. Individuals become persons insofar as they live in community.”<sup>107</sup>

## 2. *The Young Rawls’s Theological Views: the Bible, Revelation, and God*

*Rawls’s view on the Bible.* The young Rawls’s attitude toward the Bible is dualistic. On the one hand, he fails to reach in accordance with Neo-orthodox theologians. In my view, Rawls’s conviction that “an ounce of the Bible is worth a pound (possibly a ton) of Aristotle”<sup>108</sup> belongs not to the belief of Neo-orthodox theology but to that of fundamentalism.<sup>109</sup> In the 1930s-1940s, the basic position of Neo-orthodox thought is to reject “fundamentalism” or “literalism” in the interpretation of the Bible. Barth and Brunner acknowledge “the Bible as a vehicle of God’s self-revelation” not as the infallible Revelation itself.<sup>110</sup> For them, the Bible is not the same as “the Word of God.” In this point, the young Rawls’s view of the Bible is similar to that of Orthodoxy and

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<sup>105</sup> Rawls, BISF, 112.

<sup>106</sup> Rawls, BISF, 111.

<sup>107</sup> Rawls, BISF, 112.

<sup>108</sup> Rawls, BISF 107.

<sup>109</sup> David L. Smith, *A Handbook of Contemporary Theology* (Grand Rapids: Baker Books, 1992), 22. Fundamentalism has five common features: (a) “the inerrancy and infallibility of the Bible”; (b) “the virgin birth and deity of Jesus”; (c) “the substitutionary Atonement”; (d) “the literal, physical resurrection of Jesus”; (e) “the literal, physical return of Christ.”

<sup>110</sup> Adams, *ibid.*, BISF, 26.



Fundamentalism. On the other hand, Rawls follows Neo-orthodoxy by saying that “the Bible has told us all we need to know about Him, and everyone who tries to learn more is doomed to failure.”<sup>111</sup> Because the Neo-orthodox theology that Barth and Brunner founded emphasizes the inerrancy of the role of the Scripture, in this regard, the young Rawls’s view is similar to it.

*Revelation and God.* Criticizing ‘natural theology,’ Rawls insists that “it is doubtful whether natural theology can tell us very much.”<sup>112</sup> His opposition against natural theology is not the same as Brunner’s – who advocates natural revelation – but is rather the same as Barth’s. Specifically, Brunner insists that there is a ‘point of contact’ between the reason of human beings and God’s revelation, and humans can know the existence of God through nature, while Barth maintains that there is ‘a big gulf’ between the reason of humans and the true knowledge of God through Christ alone.<sup>113</sup> However, the young Rawls’s view of ‘revelation’ is similar to that of Neo-orthodox theologians in general: Rawls writes, “Revelation is the Word of God speaking to us... Revelation is God’s action; it is His coming to us and speaking to us; it is His presence bursting into the aloneness of sin.”<sup>114</sup> The young Rawls presupposes that “there is a being whom Christians call God and who has revealed Himself in Christ Jesus.”<sup>115</sup>

Therefore, “rational theology” cannot separate itself from the Revelation of the Word. Reason cannot tell us whether God is Creator, Eternal, all-

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<sup>111</sup> Rawls, BISF, 111.

<sup>112</sup> Rawls, BISF, 111.

<sup>113</sup> George M. Marsden, *Religion and American Culture* (Belmont: Wadsworth/Thomson Learning, 2001), 212.

<sup>114</sup> Rawls, BISF, 233.

<sup>115</sup> Rawls, BISF, 111.

powerful and so forth. But He himself can tell us. By knowing His Word in its presence to us we perceive His givenness behind everything, sustaining the world, seeking the world, and we know therefrom that He is over and above the world, independent of it for His being and therefore eternal. The nature of God, insofar as it is intelligible to us, is not discovered by playing with metaphysical categories, but is rather presented to us unmistakably in the experience of His Word. If God speaks to one out of the heavens as He spoke to Paul, one will know more about Him than reason can say. Not that we want to disparage reason, but reason, unless guided by faith, is a poor leader.<sup>116</sup>

The young Rawls asserted that “natural religion cannot tell us God’s name, but revelation tells us that God’s name is Christ.”<sup>117</sup> Continuing, Rawls wrote that “God still remains the great unknown, and before Him, man lies in blindness and ignorance. Therefore man must wait for God to speak to him.”<sup>118</sup> Following Brunner’s view on the point of contact, Rawls understood that the willingness and responsibility of humans is needed for establishing a relationship between the individual and God.

*Man and the Image of God.* The young Rawls believes that humans were created in God’s image. As beings made in God’s image, Rawls interprets the human being as “a responsible being,” “a communal being,” and “a being who must answer to his Creator.”<sup>119</sup> For the young Rawls, “this capacity to answer was God’s gift to man, not a law laid upon him. It was part of the bounty of the creation that man should share in the heavenly community after first serving in the earthly community. Thus, repudiation of community is the repudiation of man’s end and of his creator. Egotism, therefore, is

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<sup>116</sup> Rawls, BISF, 242.

<sup>117</sup> Rawls, BISF 154.

<sup>118</sup> Rawls, BISF, 124.

<sup>119</sup> Rawls, BISF, 203.

sin.”<sup>120</sup> Rawls found a clue in “the *Imago Dei* as that which in man makes him capable of entering into community by virtue of likeness to God, who is in Himself community, being the Triune God.”<sup>121</sup> Because Rawls’s idea of ‘the image of God’ should be applied to and in community, he does further interpret “Imago Dei” with “man’s capacity to live in and for community.”<sup>122</sup>

Eric Gregory insists that, in this point, Michael J. Sandel’s communitarian critique of the mature Rawls’s conception of the self cannot be valid for the young Rawls’s communal understanding of the self.<sup>123</sup> But Jeremy Waldon criticized that the young Rawls committed an important error called “the communal image argument,” which takes the priority of community over the individual.<sup>124</sup> According to Waldon, there are four conditions comprising the circumstances of human community: (a) the first is “the necessity of community.” Because humans cannot live by themselves and provide necessities by their own efforts, each person needs to live in a community. (b) The second is “the psychological circumstance.” All community needs social affection. Individuals should overcome egoism or a limited altruism only for his family and support the preservation of public order for communal life. (c) The third is “a mutual agreement” about “what their community should be like.” Namely, individuals should agree on the common good. And (d) the fourth is the potential detachability between an individual and

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<sup>120</sup> Rawls, BISF, 204.

<sup>121</sup> Rawls, BISF, 113.

<sup>122</sup> Rawls, BISF, 193.

<sup>123</sup> Gregory, “Before the Original Position,” 194-195. And Michael J. Sandel, *Liberalism and the Limits of Justice* (Cambridge: Cambridge University Press, 1982)

<sup>124</sup> Jeremy Waldon, “Persons, Community, and the Image of God in Rawls’s *Brief Inquiry*,” New York University Public Law and Legal Theory Working Paper, (Jan., 2011), 2-3. It is available at <http://ssrn.com/abstract=1726128>.

a community: “Each individual’s relations to a given community are subject to instability or ‘easy transition’ from one community to another.”<sup>125</sup> His conclusion is that the communal model cannot explain (b), (c), and (d). Waldon says, “Developing a theory of community or a communitarian political philosophy would be fatuous if any of one’s normative assumptions or aspirational ideas assumed away these four circumstances of necessity, problematic motivation, disagreement, and detachability.”<sup>126</sup> Additionally, he writes:

As to the second circumstance, it is inconceivable that the persons of the Trinity should not be motivated by the goods and goodness to which God is devoted. As the third circumstance, orthodox theology, as we have seen, seems to leave no room for dissent or for bright ideas that one person of the Trinity comes up with to the exclusion of or in opposition to the others. As to the fourth circumstance, it is inconceivable, not to say heretical and blasphemous, to imagine any one of the persons of the Trinity storming off to develop his own godhead, perhaps with other persons.<sup>127</sup>

However, I think that Waldon misses the point because the young Rawls argues that “they fail to see that a person is not a person apart from community and also that true community does not absorb the individual but rather makes his personality possible.”<sup>128</sup> According to Rawls, the Image of God forms communality in the core of the human being. Rawls wrote: “God’s likeness is never destroyed, merely covered up, defaced, repudiated; and yet despite this repudiation, the image remains and man is still communal.”<sup>129</sup> Therefore, I think that, both the young and later Rawls consistently

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<sup>125</sup> Ibid., 16.

<sup>126</sup> Ibid., 17.

<sup>127</sup> Ibid., 17.

<sup>128</sup> Rawls, BISO, 127.

<sup>129</sup> Rawls, BISO, 208.

conceive the distinction of individuals within the community. In this regard, I agree with R. M. Adam's evaluation that Rawls's view of the person is dual: one is individualistic and the other is communitarian.<sup>130</sup>

### *3. Rawls's Understandings of Sin: Definition, Kinds, and Result*

In his senior thesis, Rawls tries to analyze the concepts of sin and faith through an interpretation of Christian Scripture and the major figures of modern Protestant theology through the term "relations." The young Rawls interprets Western thought, without vacillation, through great thinkers of the West such as Plato, Aristotle, Augustine, Aquinas, Ireneaus, Origen, Tertullian, Luther, Kierkegaard, Hobbes, Rousseau, Nietzsche, and Kant. His argument also includes discussion of Protestant theologians such as Anders Nygren, William Temple, Reinhold Niebuhr, and Emil Brunner. Rawls writes,

As sin is the separation from and the destruction of community and therefore of personality, so is faith the integration into and the reconstruction of community. The proper antithesis is between sin and faith. Sin is that closedness which bears the fruits of the wicked actions, whereas faith is that openness which flowers into the complete fullness of common life.<sup>131</sup>

*The two kinds of relations in Western thoughts.* In his thesis Rawls particularly divides all relations into two kinds: personal relations and natural relations. The former refers to the relationship "between two persons" and the latter to the relationship "between a person and an object." In other words, a personal relationship is an individual's "sharing of fellowship, of communion, of mutual presence" with others,

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<sup>130</sup> Adams, "The Theological Ethics of the Young Rawls and Its Background," BISF, 71

<sup>131</sup> Rawls, BISF, 214.

while the natural relationship implies individual's "desiring, wanting, and striving" for an object.<sup>132</sup>

Regarding the physical aspect of a person, Rawls insists that 'appetites' as "bodily impulse" or "bodily needs" belong to "a purely physical nature," that is, "the impulse or the striving for any object whatsoever."<sup>133</sup> The young Rawls identifies four kinds of appetitions in the canon: "concrete appetite" that experiences physical desires, "rational appetite" that seeks for the truth, "aesthetic appetite" that ardently desires beauty, and "religious appetite" that seeks God as an object.<sup>134</sup> Among them, Rawls denies the fourth, the religious appetite, and regards the first three types as being legitimate, for the fourth constitutes "the sinful extension of natural relations to a sphere where they do not apply."<sup>135</sup> According to the Christian Rawls, "sin" deforms our essential nature and destroys community. Namely, sin is "the destruction, annihilation, and repudiation of community."<sup>136</sup>

*Egoism and egotism.* For Rawls, there are three types of sin: "egotistic, egoistic, and the sin of despair," and the result of sin is "aloneness."<sup>137</sup> Here, Rawls distinguishes 'egoism' from 'egotism.'<sup>138</sup> Egoism itself is not evil when it is the result of natural

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<sup>132</sup> Rawls, BISF, 179.

<sup>133</sup> Rawls, BISF, 180.

<sup>134</sup> Rawls, BISF, 180-181.

<sup>135</sup> Adams, "The Theological Ethics of the Young Rawls and Its Background," BISF, 41. And Rawls, BISF 183.

<sup>136</sup> Rawls, BISF, 122.

<sup>137</sup> Rawls, BISF, 123.

<sup>138</sup> Rawls, BISF, 194; 203.

appetition. However, if it is combined with egotism, the result will be the destruction of the community. Also, it implies that we treat others as objects. He said that “no community can be based on egoism, because egoism is indifferent to community, either for or against,” and, further, “no community can be based upon mutual egoism or mutual advantage.”<sup>139</sup> Egotism is “perverse self-love of the spirit for itself.” The example is longing for “honor, distinction, glory, and praise.”<sup>140</sup> According to Rawls, these actions can demolish the community. It is also the great sin because it results in the annihilation of grace.<sup>141</sup> Again, Rawls subdivides five kinds of “egotism” and regards the extreme form of egotism as “repudiation, destruction, and abuse of community for the sake of the self.”<sup>142</sup>

(a) egotism refuses to share; (b) egotism seeks to develop the closed group, the ideal closed group being one’s own self....; (c) egotism can tolerate no criticism of itself, and therefore seeks to blame others; (d) egotism possesses a remarkable and insidious subtlety which enables the spirit to corrupt the best that is in it; (e) egotism in the final analysis is some sort of rebellion and negation, although its technique is often silent and cautious.<sup>143</sup>

The third type of sin is “the sin of despair,” which “seeks to escape from community into nothingness.”<sup>144</sup> However, the young Rawls did not deal with it because it is not prevalent in Western society, although it is in Eastern culture.

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<sup>139</sup> Rawls, BISF, 189.

<sup>140</sup> Rawls, BISF, 123.

<sup>141</sup> Rawls, BISF, 194.

<sup>142</sup> Rawls, BISF, 203.

<sup>143</sup> Rawls, BISF, 203.

<sup>144</sup> Rawls, BISF, 123.

*Rawls's view of Original Sin and his answers to the questions "why do we sin?" and "what does sin lead to?"* The young Rawls's view of the initial cause of sin follows Neo-orthodoxy and the Augustinian tradition.<sup>145</sup> Instead of acknowledging that original sin is a real historical event, Rawls regards the cause of sinning in humans as an internal tendency. The young Rawls writes,

There is nothing in the natural cosmos, nothing in man's nature as such to explain egotism, envy, vanity, pride, and so forth. We must say, no matter how mysterious it may seem, that the spirit depraved itself by itself; that it turned in upon itself to love itself from *no external suggestion*. The apparent inevitable tendency to do this we may term, if we care to, *Original Sin*.<sup>146</sup>

Citing the Bible and Augustine's saying, Rawls understands 'Original Sin' as an internal tendency: Augustine insists that the "evil of mutable spirits, which depraves the good of nature, arises from itself," and Jesus teaches that "Nothing that goes into a man from the outside can pollute him. It is what comes out of a man that pollutes him."<sup>147</sup> For Rawls, the most important result that sin brings is "aloneness,"<sup>148</sup> which, as "the most terrible, soul-racking state," isolates individuals from other people. Rawls prescribes the meaning of "aloneness" as "a death of the personality." In a word, "closedness is the death of spirit."<sup>149</sup> There are two kinds of aloneness: "egoistic aloneness" and "egotistic aloneness." Regarding "egoistic aloneness," Rawls claims that "the world of Plato, Aristotle, Augustine, Aquinas, Hobbes, Locke, Modern evolutionism, and psychological

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<sup>145</sup> About the later Rawls's metaphysical issues including the problem of evil, I will deal with in Chapter Six.

<sup>146</sup> Rawls, BISF, 191, my emphasis.

<sup>147</sup> Rawls, BISF, 191-192. This comes similarly from Mark 7:17. However, we do not know the version of the Bible that Rawls used.

<sup>148</sup> Rawls, BISF, 206.

<sup>149</sup> Rawls, BISF, 206.



determinism are all worlds of egoistic aloneness.”<sup>150</sup> According to the young Rawls, the history of Western thought leads to individualism and the destruction of community. And “egotistic aloneness” derives from “pride, vainglory, demonic repudiation, envy, jealousy.”<sup>151</sup> Rawls says, “egoistic aloneness is the objective, external mask of egotistic aloneness.”<sup>152</sup>

According to Adams, considering the fact that “sin” is to destroy the grounds of community, it seems that Rawls’s interpretation of sin comes from Reinhold Niebuhr’s conception of sin.<sup>153</sup> Generally, Rawls and Niebuhr agree on ‘the inevitability of sin’ but disagree about the explanation of the root of sin.<sup>154</sup> The young Rawls suggests the restoration of community as the final hope. He said: “man is man; the image remains, and God still claims him from on high and will someday burst into his aloneness, shatter his closedness, and restore him to community.”<sup>155</sup> Rawls resists the idea that sin is the result of natural desires, even egoistic natural desire: nature is good, the body is the Spirit’s temple, and the appetites are neither pro-social nor anti-social.

#### *4. The Young Rawls’s Understanding of Faith*

For Rawls’s senior thesis, “faith” is the only method of healing problems in the community. What is the meaning of “faith”? The young Rawls’s idea of “faith” is “the

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<sup>150</sup> Rawls, BISF, 209.

<sup>151</sup> Rawls, BISF, 211.

<sup>152</sup> Rawls, BISF, 211.

<sup>153</sup> Adams, “The Theological Ethics of the Young Rawls and Its Background,” BISF 74.

<sup>154</sup> Ibid., BISF, 78.

<sup>155</sup> Rawls, BISF, 209.

inner state of a person who is properly integrated and related to community.”<sup>156</sup> In other words, faith is the realization of our nature through integration into community. First of all, we have to think about the character of humans and community. According to Rawls,

Man is a personal and communal being, and this community and personality constitutes the truly distinctive thing about man as opposed to the other animals which man sees in nature. Further, human nature is not personal and communal at its outer crust, but communality forms the core of man’s being.<sup>157</sup>

In this regard, communality does not mean “a byproduct of natural forces or of agreements for mutual advantage,” but “the inner essence of man’s being.”<sup>158</sup> Thus, “grace” can be understood as “the activity on God’s part which seeks to restore the person to community.”<sup>159</sup> In his senior thesis, Rawls said: “the problem of salvation is personal and communal because man is personal communal by nature.”<sup>160</sup> According to the young Rawls, “Nazism” is a combination of eugenics theory with German mental and emotional obscurantism.<sup>161</sup> Nazism regards humans as merely biological somethings or animals, not as communal beings. According to R. M. Adams, Rawls’s unique understanding of community based on the Trinitarian view has been suggested as an alternative view to the “naturalism” of Greek philosophy. Rawls boldly criticizes great

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<sup>156</sup> Rawls, BISF, 113.

<sup>157</sup> Rawls, BISF, 215.

<sup>158</sup> Rawls, BISF, 215.

<sup>159</sup> Rawls, BISF, 113.

<sup>160</sup> Rawls, BISF, 216.

<sup>161</sup> Rawls, BISF, 217.

Christian thinkers like Augustine and Aquinas because they corrupted authentic Christianity “by mediating these pernicious forms of individualism and naturalism.”<sup>162</sup>

For Rawls, the question of salvation is “how can mankind, wrapped up within the closed circle of egotistical self-worship, be ‘torn open’ and reintegrated to community?”<sup>163</sup> However there are four obstacles preventing men from entering community. The first obstacle is “the inner state of tension which springs from knowledge of the offense.”<sup>164</sup> The reason why humans are estranged from God is that “this knowledge of offense throws the self into a state of confusion, uncertainty, and tension.”<sup>165</sup> This tension is an essential part within the sinner himself. The second obstacle is “ignorance.” The intelligence of humankind is helpless to rescue itself from this situation.<sup>166</sup> And the third barrier is “the false conception of God, the conception of Wrath or the conception of indifference.”<sup>167</sup> For example, the image of an angry God comes from the fact that humans do not know their ignorance and their fallen nature and the nature of God. Lastly, the fourth barrier is “the bargain basis,”<sup>168</sup> that is, the barrier of legalism in religion as well as in contract theory. This bargaining comes from fear, which is “the most self-centering of all emotions.”<sup>169</sup> The young Rawls insists that sin causes

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<sup>162</sup> Rawls, BISF, 183.

<sup>163</sup> Rawls, BISF, 221.

<sup>164</sup> Rawls, BISF, 222.

<sup>165</sup> Rawls, BISF, 223.

<sup>166</sup> Rawls, BISF, 224.

<sup>167</sup> Rawls, BISF, 225 and 227.

<sup>168</sup> Rawls, BISF, 227.

<sup>169</sup> Rawls, BISF, 227.

these obstacles and nullifies all attempts to overcome these four obstacles. Therefore, Rawls's conclusion is that "man alone cannot save himself... because all salvation implies community, and after sin, community can only be reestablished by God. The sinner himself is helpless."<sup>170</sup> In this regard, we need salvation from God.

##### *5. Rawls's Social Meaning of Conversion*

Rawls furthermore explains the meaning of conversion from the perspective of community. Conversion involves an "intense experience of lying in exposure before the Word of God. The experience of conversion implies that 'the Word of God' breaks into the closedness of sin and bends back its walls."<sup>171</sup> According to Rawls, the first feature of conversion is its effect of both squashing, or "flattening" sin, and prompting the believer to lay prostrate in reverence of God. Rawls says that "conversion is the intense experiences of contrast. The openness of God and the closedness of man are set side by side, and before the contrast sin dissolves into flatness."<sup>172</sup> Drawing from the record of Acts,<sup>173</sup> Rawls characterizes Paul's conversion: "it is marked by a certain bending-backness, as a penetrating feeling of exposure, a sensitive perception of lying before in

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<sup>170</sup> Rawls, BISF, 231.

<sup>171</sup> Rawls, BISF, 233.

<sup>172</sup> Rawls, BISF, 233.

<sup>173</sup> ACTS 9:3-9, "As he journeyed he came near Damascus, and suddenly a light shone around him from heaven. Then he fell to the ground, and heard a voice saying to him, 'Saul, Saul, why are you persecuting Me?'" And he said, "Who are You, Lord?" Then the Lord said, "I am Jesus, whom you are persecuting. It is hard for you to kick against the goads." So he, trembling and astonished, said, "Lord, what do You want me to do?" Then the Lord said to him, "Arise and go into the city, and you will be told what you must do." And the men who journeyed with him stood speechless, hearing a voice but seeing no one. Then Saul arose from the ground, and when his eyes were opened he saw no one. But they led him by the hand and brought him into Damascus. And he was three days without sight, and neither ate nor drank" (NKJV).

the “other” and being bowed down in remorse.”<sup>174</sup> The second feature is “an acutely intense contrast between the wickedness of the self and the bounteous mercy of God.”<sup>175</sup> Just as with the experience of Paul, we are struck down and silent before the mercy of God. And the third feature is “a condemnation of the self.” God judges us through “the revelation of the Word of God” and “by the love of mercy of God.”<sup>176</sup> Through conversion, we know the glory, the bounteous mercy, and the perfect justice of God.

In sum, Rawls insists that community and individuals are separated by sin, while the integration of community is feasible by faith: Rawls says that “Egotism bears the fruit which separates man from God and from man. Faith is the openness out of which grows Christian love, which binds the community together under God.”<sup>177</sup> Rawls insists that “conversion results in being restored as a son of God. All men have God as Father, but not all men are His sons... Conversion thus results in the restoration of sonship before God.”<sup>178</sup> Rawls insists that conversion can give us moral reasoning: “since the conversion experience has brought the sinner into the family life of God, it follows that he now leads his life in right relations to others.”<sup>179</sup> Thus conversion is a bridge for recovering community because man can know his communal obligation to others and to God: Rawls writes, “He knows his full communal obligation to men as well as to God. Therefore,

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<sup>174</sup> Rawls, BISF, 237.

<sup>175</sup> Rawls, BISF, 237.

<sup>176</sup> Rawls, BISF, 239.

<sup>177</sup> Rawls, BISF, 243.

<sup>178</sup> Rawls, BISF, 244.

<sup>179</sup> Rawls, BISF, 248.

there grow from the conversion experience those actions which restore and reconstruct community.”<sup>180</sup>

The reason why Rawls criticizes Augustine and Aquinas is that they changed the doctrine of predestination into individualism: Rawls writes that “the doctrine of election leads to the deterministic predestinarianism of Augustine and Aquinas. These views are mixed up with Greek staticism and individualism, and hence they are not correct.”<sup>181</sup>

However, R. M. Adams pointed out that there are some weaknesses in Rawls’s understanding of Augustine, because St. Augustine did not insist that “God is an object in the sense that Rawls uses.”<sup>182</sup>

Lastly, the young Rawls understood ‘openness’ as ‘the fundamental attitude of those in community.’<sup>183</sup> The fruits of faith are ‘charity, kindness, sacrifice, and love.’ Rawls defined Christian love as a ‘purely spiritual thing.’ Rawls wrote, “Faith and love bind community together. It only remains to say that faith and love have not only a temporal significance but a significance which is to endure for all ages.”<sup>184</sup> Rawls’s understanding of love is closer to Brunner’s view than to Barth’s view. According to Wolfhart Pannenberg, there is a difference between Barth and Brunner. He wrote, “while Barth insisted that the New Testament also speaks of the love of God and of that of believers for God and Jesus respectively, Brunner equated our love for God with faith, but with the twist that truly to love God is to let oneself be loved by him, the implication

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<sup>180</sup> Rawls, BISF, 248.

<sup>181</sup> Rawls, BISF, 247.

<sup>182</sup> Adams, “The Theological Ethics of the Young Rawls and Its Background,” BISF, 43.

<sup>183</sup> Rawls, BISF, 250.

<sup>184</sup> Rawls, BISF, 252.

being that God grasps us with his love and works through us. This love then finds expression in love of neighbor, for the one duty, to love God, is of itself the other, to love the neighbor.”<sup>185</sup>

In sum, from the perspective of the young Rawls, the fundamental principle of Christian ethics is to ground the relationship between man and community. The young Rawls stated: “man cannot be saved by teaching; community cannot be restored by talking about it; to restore community, man must be brought into community and restored first.”<sup>186</sup> Because he believes that the ethical problem is a social or communal problem, the young Rawls argues that we should inquire about the nature of community and personality.<sup>187</sup> And he insists that “proper ethics” is not the relating of a person to some objective “good” for which he should strive, but is the relating of a person to a person and finally to God.<sup>188</sup> Therefore, I think that the core of Rawls’s undergraduate thesis is a contrast between what Rawls calls “naturalism” based on the relation of subject and object and a “proper ethics” focused on personal relationships and community. The nascent frame of a deontological ethics of the young Rawls was developing into the political thought of the mature Rawls and his works.<sup>189</sup>

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<sup>185</sup> Wolfhart Pannenberg, *Systematic Theology*, vol. 3, trans., Geoffrey Bromiley (Grand Rapids, MI: Eerdmans, 1998), 189; also, see Emil Brunner, *The Divine Imperative* (New York, 1937), 116.

<sup>186</sup> Rawls, BISF 248

<sup>187</sup> Rawls, BISF, 113.

<sup>188</sup> Rawls, BISF, 114.

<sup>189</sup> According to David Walsh, both the young and later Rawls hold “the priority of the right over the good.” David Walsh, “Rawls before Rawls: The Centrality of the Person within Liberalism,” 15. It was presented at the American Political Science Association meeting, Washington, DC, September 2010. He insists that Rawls’s community honors the mutuality among individuals, and that Rawls’s person regards the right of the other as the same primacy like my own right. In this point, the priority of the right over the good is consistent in the two Rawls.

*6. The Significance of the young Rawls's Senior Thesis and an Evaluation of Its Relation to Neo-orthodoxy*

From now on, let me investigate the significance of Rawls's undergraduate thesis and let me evaluate its relationship with Neo-orthodox theology. First of all, in my view, there are two opposing views about the publication of Rawls's undergraduate thesis. A group of scholars maintain that the young Rawls's religious background affected his later thought, and, thus, they evaluated it as "a remarkable resource" for understanding the developmental process of Rawls's political thought, even though it was an undergraduate work.<sup>190</sup> It seems that the religious root of Rawls's political liberalism, unlike that of many liberals who know very little about religion, clearly lies in Neo-orthodoxy.<sup>191</sup> Rawls was called 'a secular saint' by many of his students.<sup>192</sup> In Neo-orthodoxy, the young Rawls sets his thought on "a vivid sense of the importance of religious faith and an understanding of the difference between genuine and merely conventional religion."<sup>193</sup> Through the lens of Neo-orthodox theology, we approach the fact that "the young Rawls's personal knowledge and experience of Christianity was important for the formation of his later views."<sup>194</sup>

However, on the other hand, there is the opposite view. For example, Paul Weithman negatively evaluated Rawls's senior thesis: he maintains that "though the ambition, systematicity and achievement of the thesis are extraordinary for someone in

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<sup>190</sup> Cohen and Nagel, "Introduction," BISF, 4.

<sup>191</sup> Peter Berkowitz, "God and John Rawls," *Policy Review*, June & July 2009, 89-90.

<sup>192</sup> William Galston, "On Rawls" *The New Republic*, April 6, 2009. Confer <http://www.tnr.com/print/blog/william-galston/rawls>. 2.

<sup>193</sup> Cohen and Nagel, "Introduction," BISF 21.

<sup>194</sup> Ibid., BISF 20-21.



his early twenties, *A Brief Inquiry* would not have been worth publishing if Rawls had not later accomplished what he did.”<sup>195</sup> In the same paper, from the philosophical perspective, he postulates that religious ethicists are glad that Rawls’s senior thesis has been published because, for them, it reveals a Christian Rawls behind the veneer of a secular Rawls.<sup>196</sup> Also, Nagel pointed out the weak point of Rawls’s undergraduate thesis: it does not include specific conditions for delivering us from the matters of sin and aloneness.<sup>197</sup>

Now, we have to examine Rawls’s senior thesis’s relationship with Neo-orthodox theology. In other words, we will evaluate the relevancy of the young Rawls’s senior thesis and Neo-orthodox theology. Eric Gregory classified Rawls’s undergraduate thesis as an essay in Neo-orthodox theology. Furthermore, he regarded Rawls as a successor of Reinhold Niebuhr as a result of their similar position.<sup>198</sup> The year that Reinhold Niebuhr died in 1971 was the same year in which Rawls’s groundbreaking work, *A Theory of Justice* was published. Gregory asserts that the common purpose of both Rawls and Niebuhr was to defend a realistic view of the liberal tradition. Specifically, both show a clear similarity in trying to sustain hope in the face of injustice. Gregory suggests:

Both chastened metaphysical pretension and religious enthusiasm. Both sought to avoid historicist and relativist conceptions of justice. Both criticized appeals to liberty that were not regulated by principles of equality. Both defended the dignity of human persons. Both expressed concern for the least well-off in a society vulnerable to natural contingencies and misfortune.<sup>199</sup>

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<sup>195</sup> Paul Weithman, “Review on *A Brief Inquiry into the Meaning of Sin & Faith*,” 3.

<sup>196</sup> Ibid., 8. It is available at <http://ndpr.nd.edu/news/24123/?id=17045>

<sup>197</sup> Cohen and Nagel, “Introduction,” BISF 13.

<sup>198</sup> Gregory, “Before the Original Position: the Neo-orthodox Theology of the young John Rawls,” 179-206.

<sup>199</sup> Ibid, 179-180.

On the contrary, Adams asserted that Rawls's thesis does not belong to the realm of Neo-orthodoxy, but should rather be classified as merely a theological ethical theory.

<sup>200</sup> Adam suggested two reasons for this view: the first reason is that Rawls's thesis was not a mirror of the famous debate between Barth and Brunner during the 1930s; the second reason is that Rawls did not develop Christology in this thesis, even though he wrote it during the heyday of Neo-orthodoxy. Adams argues that Rawls's thesis has "the unmistakably theological character of the ethical theory."<sup>201</sup>

Now, in order to evaluate Rawls's senior thesis, we need discernment and insight about the historical currents of Western intellectual thought, including the trends in philosophy and theology at the time. There are two reasons for this need: one is that, according to Paul Weithman, the young Rawls strongly aspired to write a theistic moral theory covering both theological and philosophical matters, from ancient to contemporary thinkers.<sup>202</sup> The other is that, at a glance, the young Rawls may have been confused about theological definitions, such as Neo-orthodoxy, liberalism, and fundamentalism and may have overlooked their disparities. However, in my view, this confusion did not derive from any ignorance of theological trends. Rather, Neo-orthodox theology itself did not have a coherent doctrinal orientation between Reformation theology and liberal theology.<sup>203</sup>

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<sup>200</sup> Adams, "The Theological Ethics of the Young Rawls and Its Background," BISF, 29.

<sup>201</sup> Ibid., BISF, 25.

<sup>202</sup> Weithman, "Review on *A Brief Inquiry*," 2

<sup>203</sup> Sydney E. Ablstrom (ed.) *Theology in America: The Major Protestant Voices from Puritanism to Neo-Orthodoxy* (Indianapolis: Hackett Publishing Company, Inc., 2003), 77-84. Ablstrom writes about the background as follows: "at all time, it embraced thinkers and who widely disagreed on a great many traditional issues." For example, they have different ways to interpret the authority of Church and Scripture. Also there are different views about Christology, ecclesiology, liturgics, and foreign missions within Neo-Orthodox movement.

From 1930 to 1940, during which Rawls spent his undergraduate years, Neo-orthodox theology was strongly influential in the United States. According to Sydney E. Ablstrom, the American Neo-orthodox movement has its unity not in doctrinal tenets but in five common theses: Firstly, like Reinhold Niebuhr, it rejects the liberal view of “man’s altruistic propensities”; Secondly, like Liberalism, it opposes obscurantism and fundamentalism, and accepts relativism and rationalistic moralism; Thirdly, it follows existential philosophy of Kierkegaard; Fourthly, it wants to recover the tradition of the Reformation, and the American Neo-orthodox movement seeks the rediscovery of the position of the Puritans and Jonathan Edwards; Fifthly, it agrees on the importance of the modern ecumenical movement. Against this background, the young Rawls tried to interpret the meaning of sin and faith based on the concept of community in his senior thesis. Therefore, in this point, the confusion about whether the young Rawls’s senior thesis belongs to the realm of Neo-orthodoxy or not derives from the following two problems. The first problem is that there are some differences between the European Neo-orthodoxy and the American Neo-orthodox movements. The second problem is that even though Neo-orthodox theologians criticize modernism and liberalism, at the same time they were not free from the background of Enlightenment philosophy which gave rise to modernism and liberalism. In the next section, I will begin to sketch the essential features of the later Rawls’s religious aspects in comparison to that of the young Rawls’s Neo-orthodox theology.

#### *IV. The Later Rawls's View on Religion: Rationalistic Deism*

##### *1. The Later Rawls's Memoirs on the Abandonment of Episcopalian Beliefs*

From now on, I will examine the cause of the later Rawls's religious change from Neo-orthodoxy to Rationalistic deism that appeared in his religious memoir, "On My Religion" (1997).<sup>204</sup> Rawls's brief autobiography was written several years in advance of his death. Broadly speaking, there is an interval of 55 years between 1942, during which he submitted his undergraduate thesis to the philosophy department of Princeton University, and 1997, which we estimate is the presumptive time that his brief memoir on his own religion was written. In addition, the later Rawls produced two other important articles before his death: "The Idea of Public Reason Revisited" (1997) and "Commonweal Interview with John Rawls" (1998).<sup>205</sup> In my view, the comparison of his senior thesis and his religious memoir clearly shows that the young Rawls subscribed to "Neo-orthodox beliefs" while the later Rawls accepted Rationalistic deism.

In his short memoirs, the young Rawls was an Episcopalian Christian before being in combat, but during and after the World War II, Rawls had abandoned his Neo-orthodox beliefs: he writes, "I started as a believing orthodox Episcopalian Christian, and abandoned it entirely by June of 1945. I don't profess to understand at all why my beliefs changed, or believe it is possible fully to comprehend such changes."<sup>206</sup> Tracing his dim memories, the later Rawls enumerated three incidents that he experienced in World War II: a Lutheran Pastor's sermon, a Deacon's death, and the Holocaust. First of all,

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<sup>204</sup> David Walsh insists that "without the simultaneous appearance of "On My Religion," the thesis could be given far less weight in an overall assessment of Rawls." Walsh, *ibid.*, 6.

<sup>205</sup> Rawls, "Commonweal Interview with John Rawls," *Collected Paper*, 616-622.

<sup>206</sup> Rawls, "On My Religion," BJSF, 261.

according to Rawls's own retrospection, the first reason why he came to abandon his beliefs was that he was disillusioned by the sermon of a Lutheran Pastor who preached that "God aimed our bullets at the Japanese while God protected us from theirs."<sup>207</sup> As a soldier, Rawls thought that "Christian doctrine ought not to be used for that, though I knew perfectly well it was."<sup>208</sup> Immediately, Rawls severely criticized the pastor for the falsehood of this view of the providence of God. Why did Rawls burn with indignation over that sermon? In my opinion, Rawls's anger shows the fact that Rawls himself may have been affected by the thought of Emil Brunner on the role of the Church. Brunner's view on the universality of Church was based on the doctrine of Salvation only through Jesus Christ toward all humankind. He insists that "it (Church) is not tied at all to nations and states. It is above all nations and states without any possibility of accepting from them any law or commission."<sup>209</sup> In my view, the reason why the young Rawls did not accept the Chaplain's sermon implies the influence of Neo-orthodoxy on Rawls. However, Rawls did not suggest why and how it caused him to separate from the Christian belief. The second incident was related with the death of a deacon whom he was fond of. The third incident is related to the problem of the Evil, prompted by his witness of the Holocaust, which caused devastating damage to Rawls's faith. After these three incidents, Rawls renounced his fideism and experienced a change of mind. Rawls writes:

How could I pray and ask God to help me, or my family, or my country, or any other cherished thing I cared about, when God would not save millions of Jew from Hitler? When Lincoln interprets the Civil War as God's punishment for the sin of slavery, deserved equally by North and

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<sup>207</sup> Rawls, "On My Religion," BISF, 262.

<sup>208</sup> Rawls, "On My Religion," BISF, 262.

<sup>209</sup> Brunner & Barth, *Natural Theology*, 18.

South, God is seen as acting justly. But the Holocaust can't be interpreted in that way.<sup>210</sup>

Rawls's agony is a typical feature of theodicy regarding the morality and the existence of the almighty God in the face of spreading evils. I think that his reaction on the problem of evil shows that he was no longer a Neo-orthodox Christian based on the theology of Barth and Brunner. (I will treat these issues in Chapter Six.) After the renouncement of his faith and his discharge from military service, Rawls began to reject the main doctrines of Christianity but still seems to keep 'fideism' in his heart until the middle of the 1950's.

## *2. The Later Rawls's Religious Transition: Fideism to Rationalistic Deism*

In his valuable article "Rawls's Religion and Justice as Fairness (2010)," David A. Reidy characterizes the early and later Rawls in religious terms, calling the former the period of "theism" and the later "non-theism."<sup>211</sup> The fact that the young Rawls was a Christian in boyhood and adolescence is beyond controversy because Rawls himself regarded his youth as a period in which he accepted conventional Christianity. Reidy said that "Rawls studied theology and was active in a serious Christian men's club devoted to thinking about religious issues. He contemplated the priesthood."<sup>212</sup> After he analyzed many resources held on deposit at Pusey Library, Harvard University, Reidy concluded that the later Rawls's position is "non-orthodox non-theism" and asserts that Rawls discarded key theistic doctrines by the end of the 1950s.

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<sup>210</sup> Rawls, BISF, 263.

<sup>211</sup> David A. Reidy, "Rawls's Religion and Justice as Fairness," *History of Political Thought*, Vol. 31, No. 2. 2010, 309-344. He carefully analyzed "Rawls's early theism" and "Rawls's later non-theism" in this article.

<sup>212</sup> Ibid., see, Section II.

Also he continuously maintains that the later Rawls does not have any theistic postulates like Immanuel Kant.<sup>213</sup> However, R. M. Adams asserts that the later Rawls is “a theist,” by saying that “I do not see in ‘On My Religion’ a similar disengagement or externality in relation to generic theism as distinct from Christianity.”<sup>214</sup> Following Francis J. Beckwith’s definition of “deism” as a religious view that believes in the existence of a personal God but denies the core doctrines of Christianity such as the trinity, the miracle, the resurrection of Jesus Christ<sup>215</sup> and considering the fact that, in particular, the later Rawls’s religious aspects are best characterized as agnosticism and deism,<sup>216</sup> I prescribe that the later Rawls’s religious position is one of “rationalistic deism” rather than “non-theism.” Against Reidy’s viewpoint, I believe that the later Rawls still follows Kant’s religious aspects in the last part of his life.

As a result of the traumatic events of the war, Rawls disbelieved the almighty God’s morality and providence and no longer agreed with “the doctrine of original sin, of heaven and hell, of salvation by true belief and based on accepting priestly authority, of predestination.”<sup>217</sup> He criticized that, because of these doctrines, people regard God as “a monster moved solely by God’s own power and glory.”<sup>218</sup> Nevertheless, Rawls wrote:

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<sup>213</sup> Ibid., see, Section III.

<sup>214</sup> Adams, “The Theological Ethics of the Young Rawls and Its Background,” BISF, 101.

<sup>215</sup> Francis J. Beckwith, *Politics for Christians* (Downers Grove: IVP Academic, 2010), 81 and 96. Following Beckwith’s explanation, Thomas Jefferson, one of Founding Fathers of America and the third president of the United States, is regarded as a deist, not as a Christian.

<sup>216</sup> Deist does not totally different from atheist because a deist denied any possibility that God can intervene in the natural order. 164. Francis J. Beckwith (ed.), *To Everyone an Answer: A Case for the Christian Worldview* (Downer Grove: IVP Academic, 2004), 164.

<sup>217</sup> Rawls, “On My Religion,” BISF, 263-264.

<sup>218</sup> Rawls, “On My Religion,” BISF, 264.

“my difficulties were always moral ones, since my fideism remained firm against all worries about the existence of God.”<sup>219</sup> Here, “fideism” implies the attitude of some Christians to receive the Christian doctrines only by faith, not by reason. In other words, the young Rawls who returned from World War II had still retained a kind of fideism for years, regardless of his abandonment of Neo-orthodox beliefs due to his experiences of loss in the War and as a result of hearing about the Holocaust.<sup>220</sup>

Here, the notable part that we should pay attention to is the process of how Rawls’s remnant fideism transitions into his later rationalistic deism. Let me consider Adams’s diagnosis of the later Rawls’s attitude that, “rather, he (Rawls) seems clearly to be working out what he himself, if a theist, would say about God’s practical rationality. His statement, ‘Yet God’s reason, I believe, is the same as ours in that it recognizes the same inferences as valid and the same facts that we recognize as valid and true,’ could easily be read as implying that he still considered himself a theist.... It surely is not a product of disengagement from constructive theistic thinking.”<sup>221</sup> This shows that Rawls’s concern moved to God’s reason from God’s morality. Gilbert Meilaender also supports this view: he says, Rawls’s “reflections seem to have led him away from Christianity, though not from some form of theism. What he lost in that movement, however, was a God who cares enough about us to involve himself in our life and history. Lacking such a God, we are left with our own efforts-both theoretical and practical.”<sup>222</sup>

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<sup>219</sup> Rawls, “On My Religion,” BISF, 263.

<sup>220</sup> Adams, “The Theological Ethics of the Young Rawls and Its Background,” BISF, 101.

<sup>221</sup> Ibid., BISF, 101.

<sup>222</sup> Gilbert Meilaender, “We were Believers Once, and Young,” *First Thing*, 2009. 2.



Therefore, I believe that the later Rawls's rationalistic deism originated from his change in the postwar days, during which his emphasis changed from "God's will" to "God's reason." The later Rawls's moral and political philosophy progresses on the ground of God's reason. On this transition of his viewpoint, Rawls explains in detail as follows:

If we say that God's will is the source of all being, and of moral and political values, then the denial of God's existence entails the denial of those values also. But if we say that the ground and content of those values is God's reason, or else known to God's reason, then God's will serves only a subordinate role of sanctioning the divine intentions now seen as grounded on reason. In this case, the denial of God's existence leads only to the denial of the divine sanctions but not to the denial of values. We need to consider how the relation between God's reason and moral and political values may be conceived. Perhaps we can say this: God's reason and our reason are in some ways similar and in some ways different. God's reason is different in that its powers far surpass ours: it comprehends all possible information and it can see all possible inferences.... Yet God's reason, I believe, is the same as ours in that it recognizes the same inferences as valid and the same facts as true that we recognize as valid and true. Beyond that we may suppose that God's reason is consistent with ours; so far as we can comprehend a case, God's idea of reasonableness and ours yield the same judgment.<sup>223</sup>

Considering Rawls's statement above, it is clear that the rationalistic deism of some modern philosophers serves as the foundation of Rawls's moral and political philosophy. I think that Rawls accepts Kant's combination of morality and the deistic view as his own model. Rawls writes:

The everyday values of secular life must take a secondary place. If this is right, then, what gives Kant's view a religious aspect is the dominant place he gives to the moral law in conceiving of the World itself. For it is in following the moral law as it applies to us, and in striving to fashion in ourselves a firm good will, and in shaping our social world accordingly that alone qualifies us to be the final purpose of creation. Without this, our life in the world, and the world itself, lose their meaning and point... These religious, even Pietist, aspects of Kant's moral philosophy seem

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<sup>223</sup> Rawls, "On My Religion," BISF, 267-268.

obviously; any account of it that overlooks them misses much that is essential to it.<sup>224</sup>

### *3. The Influence of the Later Rawls's Rationalistic Deism on Justice as Fairness*

From here, let me investigate what features of the later Rawls's rationalistic deism appear in his theory of "Justice as Fairness." In my view, the later Rawls's thoughts have four features such as "agnosticism," "deism," "toleration," and "epistemological relativism." First of all, I will expatiate on the agnosticism as the later Rawls's religious aspects. Like Kant, the later Rawls insists that all kinds of arguments for the existence of God are not valid. Rawls writes, "the so-called proofs of God's existence in St. Thomas and others proved nothing of religious significance in any case."<sup>225</sup> Just as Kant held to philosophical agnosticism, Rawls firmly maintained a kind of agnosticism regarding religious truth. Even though he does not state that his position was agnosticism, the later Rawls reveals an agnostic viewpoint by saying that "all theories are presumably mistaken in places,"<sup>226</sup> and "some conflicting reasonable judgments (especially important are those belonging under people's comprehensive doctrines) may be true, others false; conceivably, all may be false."<sup>227</sup> According to Stephen Shute and Susan Hurley, Rawls's view clearly consists of a combination of universalism and agnosticism. They insist that

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<sup>224</sup> John Rawls, *Lectures on the History of Moral Philosophy* (Cambridge: Harvard University Press, 2000), 160-161.

<sup>225</sup> Rawls, "On My Religion," BISF, 263.

<sup>226</sup> Rawls, TJR, 45.

<sup>227</sup> John Rawls, *Political Liberalism* (New York: Columbia University Press, 1993, 1996; expanded edition, 2005), 58. Hereafter, I mark it as PLE.

“thus Rawls offered an intriguing combination of universalism about one part of morality, on which his political theory rests, and agnosticism about the other.”<sup>228</sup>

Secondly, we can call his religious attitude “epistemological relativism,” in which there is no method to decide which comprehensive doctrine is true among competing doctrines. Rawls pointed out the irrational attitude of religious peoples: “Of course, those who do insist on their beliefs also insist that their beliefs alone are true: they impose their beliefs because, they say, their beliefs are true and not because they are their beliefs.”<sup>229</sup> According to Rawls, the religious conviction that their beliefs are true cannot make it truth. In this point, we can better understand the meaning of Rawls’s “the burdens of judgment” and “the principle of tolerance.” Rawls’s statement, in my view, implies that we need to endorse liberty of conscience and freedom of thought, because of the uncertainty of truth, even though he says, “political liberalism does not question that many political and moral judgments of certain specified kinds are correct and it views many of them as reasonable. Nor does it question the possible truth of affirmations of faith.”<sup>230</sup> On the contrary, Rawls pointed out in *A Theory of Justice* that intuitionism cannot overcome pluralism, because it cannot suggest a criterion to solve the problem of priority.<sup>231</sup> I intend to point out that Rawls’s view about “the burdens of judgment” has dual aspects: on one side, Rawls refuted the critique that his idea of “the burden of judgment” commits him to skepticism,<sup>232</sup> and on the other hand, he argued strongly that

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<sup>228</sup> Stephen Shute and Susan Hurley (eds.), *On Human Rights* (New York: Basic Books, 1993), 6.

<sup>229</sup> Rawls, PLE, 61.

<sup>230</sup> Rawls, PLE, 63.

<sup>231</sup> Rawls, TJR, 30.

<sup>232</sup> Rawls, PLE 62-63.

we should acknowledge “the practical impossibility of reaching reasonable and workable political agreement in judgment on the truth of comprehensive doctrines.”<sup>233</sup> For Rawls, the principle of tolerance can be justified not by skepticism but rather through the idea that people should be allowed to seek their own conception of the good, insofar as they are reasonable, because the preference of each citizen may be different as a result of their different background. Also, for Rawls, the burdens of judgment reflect pluralism in that each person makes different judgments regarding religious, moral, and political issues as a result of his different civic life.

However, Robert Thigpen and Lyle Downing argue that Rawls’s idea of “the burden of judgment” will promote ‘general skepticism’ about the truth in the education of public schools.<sup>234</sup> Children may be taught a kind of skepticism in doubting what their parents and religious leaders teach about goodness or truth. Rawls’s emphasis of liberal epistemology can encourage children to despise their parent’s beliefs and discredit some reasonable doctrines of the good. Contrary to Rawls’s intention, it would undermine the possibility of a freestanding overlapping consensus.<sup>235</sup> Also, this skeptic attitude appeared clearly in Rawls’s criticism of Aquinas’s justification of capital punishment for heretics. Following Rawls’s reading of Aquinas, the reason that the death penalty for heretics is justified is based on Aquinas’s view that “it is a far graver matter to corrupt the faith, which is the life of the soul, than to counterfeit money which sustains life. So if it is just

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<sup>233</sup> Rawls, PLE 63.

<sup>234</sup> Robert B. Thigpen & Lyle A. Downing, “Rawls and the Challenge of Theocracy,” *Journal of Church & State*, Autumn 98, Vol. 40, (Waco: Baylor University Press, 1998), 757. Some may object against this skeptic view and can argue, instead, that the recognition of the burdens of judgment will promote to some degree the respect of reasonable religions. For Rawls, the burdens of judgment intend to let citizens know that we should respect the fact that others may hold views that we disagree with, and that they are not necessarily irrational or unreasonable in doing so.

<sup>235</sup> *Ibid.*, 763.

to put to death forgers and other criminals, heretics may a fortiori be similarly dealt with.”<sup>236</sup> However, Rawls strongly criticizes that the theological premises of Aquinas cannot be justified in terms of public reason. The reason is because “it is a matter of dogma that faith is the life of the soul and that the suppression of heresy, that is, departures from ecclesiastical authority, is necessary for the safety of souls.”<sup>237</sup> Therefore, considering his insistence that religious truth cannot be verified whether it is a truth or not by human reasons, I think that Rawls’s viewpoint has been influenced by Kant’s attitude on the religious truth.

The third feature is that, like Kant, Rawls holds a faintly has rationalistic deistic position, considering the fact that Rawls uses some implications about the character of God in *A Theory of Justice*: Rawls said, “Thus if God is conceived (as surely he must be) as a moral being.”<sup>238</sup> Instead of focusing on the metaphysical character of evil, Rawls poured out his energy in solving some problems of social evils. Rawls’s aim in *A Theory of Justice* is to suggest the two principles of justice for removing “deep inequalities” within the basic structure of a society.<sup>239</sup> Also the later Rawls in *The Law of Peoples* (1999) insists that the great evils of human history come from political injustice. He asserts that we can remove the greatest forms of political injustice through the establishment of just basic institutions. He believes that “these great evils will eventually

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<sup>236</sup> Rawls, TJR, 189.

<sup>237</sup> Rawls, TJR, 189.

<sup>238</sup> Rawls, TJR, 485.

<sup>239</sup> Rawls, TJR, 7.

disappear.”<sup>240</sup> Thus, Rawls’s social and political understanding of evil requests the two principles of justice to reform unjust institutions. This is similar to the typical feature of deists like Thomas Jefferson and Immanuel Kant who emphasize evil as the inherent problem in social institutions.

The fourth feature of rationalistic deism is that the later Rawls denies the main doctrines of Christianity. In “Commonweal Interview with John Rawls” (1998), Rawls did not deny the fact that his idea of the dignity of the individual comes down from “the sacredness of the individual in the Bible.”<sup>241</sup> However, he did not try to restore the doctrine of the total corruption of human nature in his mature thought. Citing the content of a letter between Rawls and Paul Weithman, David A. Reidy insists that Rawls rejected the theistic doctrine of a fall in 1995.<sup>242</sup> In a draft of the revised edition of *Political Liberalism*, Rawls had included a specific sentence-“If God created a good world, then a reasonable just political order must be possible” and requested some advice about and criticism on the revised introduction from Paul Weithman. In his reply, Weithman wrote that Rawls needs “to justify the inference in the face of the Christian doctrine of the Fall like Reinhold Niebuhr.”<sup>243</sup> However, instead of accepting the suggestion, Rawls deleted the expression itself and substituted another sentence following Immanuel Kant: “If a reasonably just society... is not possible.... One might ask with Kant whether it is worth-

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<sup>240</sup> John Rawls, *The Law of Peoples* with “The Idea of Public Reason Revised” (Cambridge: Harvard University Press, 1999), 7. Hereafter, I mark it as LoP.

<sup>241</sup> Rawls, “Commonweal Interview with John Rawls,” CP, 621.

<sup>242</sup> Reidy, “Rawls’s Religion and Justice as Fairness,” 40.

<sup>243</sup> Ibid., 40.

while for human beings to live on the earth?”<sup>244</sup> It seemed that the later Rawls was reluctant to restore his earlier Neo-orthodox belief. In this point, Rawls did not follow the way of Niebuhr.

The last feature is that the later Rawls’s emphasis is toleration. The importance of toleration comes from his agnostic view on the absolute truth and the critique of the union of Church and State. Considering a historical answer, he believes that, in Europe, the unification between Church and State had brought the greatest curse to Christianity. The remarkable examples Rawls enumerated are the heretical persecution against dissenters from the times of Irenaeus and Tertullian, and the Inquisition of the Middle Ages.<sup>245</sup> Rawls states, “My view is that what happened in Europe is that the Church became deeply distrusted by people, because it sided with the monarchs. It instituted the Inquisition and became part of the repressive state apparatus.”<sup>246</sup> Acknowledging the social fact that religious beliefs are very important aspects of American culture, Rawls stated his concern as follows: “in a constitutional democracy, how can religious and secular doctrines of all kinds get on together and cooperate in running a reasonably just and effective government?”<sup>247</sup> The reason why Rawls focuses on the importance of toleration is that the later Rawls accepts “the concept of toleration” from Jean Bodin (1530-1596) who was a French jurist and political philosopher. In *Colloquium of the*

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<sup>244</sup> Rawls, LoP, 128. Rawls cited Kant’s words: “if justice perishes, then it is no longer worthwhile for men to live upon the earth.” And see Reidy, *ibid.*, 40.

<sup>245</sup> Rawls, “On My Religion,” BISF, 264.

<sup>246</sup> Rawls, “Commonweal Interview with John Rawls,” CP, 621.

<sup>247</sup> Rawls, “Commonweal Interview with John Rawls,” CP, 616.

*Seven about Secrets of the Sublime* (1588),<sup>248</sup> Bodin had deduced toleration as the injunction to “embrace each other in mutual love” through the dialogue among seven participants: the Catholic, Jew, Lutheran, Calvinist, Muslim, philosophical naturalist, and skeptic. Rawls’s readings of Bodin are as follows: (a) “toleration is an aspect and consequence of the harmony of nature as expressed in God’s creation,” (b) “it is wrong to attack a person’s religion,” and (c) “there are some bounds on what religions are admissible.”<sup>249</sup> For example “an affirming toleration” of a person’s religion should be a part of the religious doctrines. According to David Walsh, it is notable that “Bodin arrived at toleration, not on the basis of skepticism, but on the basis of faith.”<sup>250</sup> However, there are differences between Bodin and Rawls. Firstly, they have different views on atheism. Even though his emphasis is the importance of tolerance, Bodin did not support atheism and permitted some forms of tortures for witchcraft. His rejection of atheism comes from his view that “atheism” is not only the view that God does not exist but also the view that rejects the principles of right and justice.<sup>251</sup> Contradictory to Bodin’s view, Rawls asserts that “non-theism” is compatible with religious faith. Rawls writes: “even atheism is to be tolerated, for what are punishable in religion is not beliefs but deeds.”<sup>252</sup> Secondly, Rawls limited his concern on toleration from the political perspective, while

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<sup>248</sup> Jean Bodin, *Colloquium of the Seven about Secrets of the Sublimes*, trans. Marion Leathers Daniels Kuntz (Princeton: Princeton University Press, 1975). Because of this book, Bodin is regarded as one of the first proponents on religious tolerance. Rawls’s evaluation on Bodin’s view is in his article, “On my Religion,” Rawls, BISF, 266-267.

<sup>249</sup> Rawls, “On My Religion,” BISF, 266.

<sup>250</sup> David Walsh, “Rawls before Rawls,” 3. This article was presented at the American Political Science Association, Washington D. C. in September 2010.

<sup>251</sup> Rawls, “On My Religion,” BISF, 266.

<sup>252</sup> Rawls, “On My Religion,” BISF, 269.



Bodin considered toleration in “harmony” with God. The conception of harmony works as a central idea in Bodin’s religious thought.<sup>253</sup>

## V. Conclusion

So far, I have traced the transformation of Rawls’s religious thought from his undergraduate thesis, *A Brief Inquiry into the meaning of Sin & Faith*, to his posthumous article “On My Religion.” The young Rawls’s senior thesis sketches the theological foundations for an inalienable inviolability founded on “*Imago Dei*” (the image of God) that each person has,<sup>254</sup> while the later Rawls’s short reminiscences on his own religion show the process in which, little by little, he lost his episcopal beliefs during and after World War II. Before the publication of his thesis, some thought that John Rawls had no profound concerns about religious values. They indicate that, for example, Rawls’s masterwork *A Theory of Justice* (1971) and the first edition of *Political Liberalism* (1993)<sup>255</sup> do not include “religion” in the index list.<sup>256</sup> On the contrary, others argue that Rawls’s idea of justice as fairness reflects his religious aspects and deep concerns regarding religion. Furthermore, they assert that resolving the relationship between religion and

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<sup>253</sup> Marion Leathers Daniels Kuntz, “Introduction,” in Jean Bodin, *Colloquium of the Seven about Secrets of the Sublime* (Princeton: Princeton University Press, 1975), XII.

<sup>254</sup> According to Jeremy Waldron, the young Rawls’s usage of ‘the image of God’ is so different from that of modern political theology and in the religious theorist of human rights. See. his article, “Persons, Community, and the Image of God in Rawls’s Brief Inquiry,” *New York University Public Law and Legal theory Working Papers*, Paper 254. 2011.

<sup>255</sup> Rawls, PLE, 524. Rawls added “religion” in index list of the expanded edition published in 1996.

<sup>256</sup> Samuel Freeman (ed.), *John Rawls: Collected Papers* (Cambridge: Harvard University Press, 1999), 616.

politics is the central concern in John Rawls's political thought.<sup>257</sup> Considering this background, I think that the binding of Rawls's senior thesis and his brief memoir in one volume gives some clues to many who were wondering about what Rawls's beliefs were and why he has shown dubious attitudes.

Synthetically, I believe that Rawls's journey is a philosophical reflection from "Neo-orthodoxy" to "Rationalistic Deism." Considering his philosophical journey, I conclude that the later Rawls's thought was formed not simply by the product of a secular culture, but by the background of the Protestant Neo-orthodox theology. I insist that Rawls's Episcopalian upbringing was the root of the later Rawls's thought and that his confidence for the inviolability of the individual and the dignity of human beings derives from Neo-orthodox beliefs. Even in "Interview with Commonweal Magazine" (1998), Rawls had acknowledged that his idea of human dignity came from the Bible. In this regard, I conclude that Rawls's conviction of the inviolability of each person is a coherent train of thought from the early to the later Rawls.

Nevertheless, in comparison with his undergraduate thesis, it is doubtless that the later Rawls abandoned both Neo-orthodox belief and certain Christian doctrines such as double predestination, original sin, heaven and hell, salvation of true faith, and the trinity. He explained that his rejection of these doctrines is not due to the lack of evidence but, "they depict God as a monster moved solely by God's own power and glory."<sup>258</sup> On this point, the later Rawls's attitude is similar to features of Rationalistic deism that Thomas Jefferson held. Unlike Bertrand Russell's atheistic response to the problem of evil, Rawls

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<sup>257</sup> Daniel A. Dombrowski, *Rawls and Religion: The Case for Political Liberalism* (Albany: State University of New York Press, 2001), vii.

<sup>258</sup> Rawls, "On My Religion," BISF, 264.

acknowledges that these doctrines he abandoned may give some people comfort and solace for their difficulties. For Rawls, the content of religion is not an important object, but his main purpose of political philosophy is to open ways of protecting reasonable comprehensive faiths under a just constitutional democracy.<sup>259</sup> According to Nagel, Rawls's first principle of justice, "equal basic liberties," aims to "generalize the principle of religious toleration."<sup>260</sup> Rawls's ultimate position from his beginning to his ending stage can be mentioned as "a realistic utopianism," in which deep inequalities and hideous evils are eliminated by the establishment of just institutions in domestic as well as international society. However, his viewpoint is different from the Christian realism that Reinhold Niebuhr still holds in the tenets of Neo-orthodoxy. As Peter Berkowitz states, "the mature Rawls relied upon but suppressed the religious understanding of human nature that gives life to his liberalism."<sup>261</sup>

In sum, I insist that the later Rawls's religious aspect clearly has some combined features of rationalism and deism and that his journey progressed from Protestant theism to rationalistic deism. Just as the "all-pervading unity" of the works of Confucius can be attributed to his overarching concept of "the benevolent(仁),"<sup>262</sup> the unchangeable conviction of Rawls's works can be summarized as "the inviolability of each person": he

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<sup>259</sup> Rawls, "Commonweal Interview with John Rawls"(1998), CP, 616

<sup>260</sup> Cohen and Nagel, "Introduction," BISF, 5.

<sup>261</sup> Berkowitz, "God and John Rawls," 88.

<sup>262</sup> Confucius, *Confucian Analects*, Book IV. LE JIN, translated by James Legge (New York: over Publications, Inc., 1971), 1690-70. "The Master said, '...my doctrine is that of an all-pervading unity.'" His disciple explained, "The doctrine of our master is to be true to the principles of our nature and the benevolent exercise of them to others, - this and nothing more (子曰...吾道 一以貫之... 曾子曰 夫子之道 忠恕)."

declares that “Each person possesses an inviolability founded on justice that even the welfare of society as a whole cannot override.”<sup>263</sup> Rawls’s thought on human dignity is based on natural rights and justice,<sup>264</sup> and his main ideas - the two principles of justice for domestic societies and the need for humanitarian intervention against outlaw states in his international theory – appeal to the Christian values, such as fraternity, love, and the value found in the parable of the Good Samaritan. In the following Chapters, I will investigate how Rawls’s religious background influenced the thought of the later Rawls and his works from *A Theory of Justice* to *Political Liberalism*, and to *The Law of Peoples*.

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<sup>263</sup> Rawls, TJR, 3.

<sup>264</sup> Rawls, TJR, 24-25.

## CHAPTER THREE

### Rawls's Transition from Moral Constructivism to Kantian Constructivism and the Remaining Christian Values in *A Theory of Justice*

#### *I. Introduction*

With the publication of his first *magnum opus*, *A Theory of Justice*,<sup>1</sup> in 1971, John Rawls changed the landscape of political philosophy in which most moral and political philosophers had focused on the linguistic analysis of morality and on moral realism as a meta-ethical theory that may give adequate grounds for moral objectivity.<sup>2</sup> Namely, through this book, Rawls insisted on the superiority of 'moral constructivism' over 'moral realism,' 'utilitarianism,' 'intuitionism' and initiated a turning point in political philosophy from the method of focusing on linguistic analysis of 'right' and 'wrong' to the moral constructivist approach of generating principles of morality.<sup>3</sup> Rawls's moral constructivism is not a strategy to discover moral principles but rather a strategy to construct moral principles through individuals' rationality. And Kantian constructivism was a transitional stage of Rawls's thought from the moral constructivism of *A Theory of*

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<sup>1</sup> John Rawls, *A Theory of Justice* (Cambridge: The Belknap Press of Harvard University Press, 1971 and Revised 1999). Hereafter, TJR indicates "the revised edition" of *A Theory of Justice*.

<sup>2</sup> Paul Graham, *Rawls* (Oxford: Oneworld Publications, 2007), vii. Graham provides several interesting points on *A Theory of Justice*. For example, even though most people cannot easily read the book, over 300,000 copies of *A Theory of Justice* have been sold in the United States and have been translated into 27 languages. A Google search of 'John Rawls' results in more than 2 million webpages. Immanuel Kant generates 1.9 million pages and Friedrich Nietzsche 2.2 million pages. This number is suggestive of the importance and widespread influence of Rawls's work.

<sup>3</sup> T. K. Seung, *Intuition and Constructivism: The Foundation of Normative Theory* (New Haven: Yale University Press, 1993), ix-xiv.

*Justice* to the political constructivism found in *Political Liberalism*. With his Original Position, Rawls's intention is to secure a fair procedure for the selection of principles to regulate the fair terms of social cooperation. By using the veil of ignorance, Rawls asserts that a unanimous choice of two principles of justice is achieved in his original position. The method of reflective equilibrium reflects Rawls's practical view that metaphysical arguments alone cannot provide justification for moral principles.

I will argue that Rawls's *A Theory of Justice* reveals that Rawls was still influenced by traditional Christianity. Rawls's thoughts on the inviolability of human beings derives from the Bible, and his difference principle is made feasible only by the power of love, as represented through Rawls's concept of fraternity. In *A Theory of Justice*, Rawls used fundamentally Christian terms, albeit with modified content, such as the 'perspective of eternity' and 'purity of heart,' etc. In addition, Immanuel Kant's work was imbued with some religious features of Christianity, and Rawls was heavily influenced by Kant. The young Rawls learned about Kant through Neo-orthodox and Liberal theologians, and the later Rawls followed Kant through his own analysis. In this regard, I believe that Rawls's religious undercurrents come from the religious aspects of Kant's concepts. I argued that Rawls's concept of personhood in his Original Position reflects the Kantian concept of personhood as a free and equal being and the Christian concept of personhood as a responsible being.

In this chapter, therefore, I will first analyze some main ideas in Rawls's transitional period from moral constructivism to Kantian Constructivism. I will especially focus on analyzing his main hermeneutic ideas such as 'the original position,' 'the veil of ignorance,' 'two principles of justice,' 'reflective equilibrium,' and the concept of Kantian

persons who are rational and mutually disinterested. Then, I will show how the mature Rawls tries to solve a problem concerning moral objectivity, how he extracts specific moral content from his ‘two principles of justice,’ and how the traditional legacy of Christianity remains in *A Theory of Justice*. I will especially trace the remnants of the young Rawls’s prior religious concerns through the analysis of the following concepts: “inviolability,” “fraternity,” “love,” “justice,” “personhood as a free and equal being,” “rejection of merit,” and “the purity of heart.”

## *II. John Rawls’s Emerging Moral Constructivism*

### *1. The Formation of Rawls’s Moral Constructivism and Main Works in This Period*

Rawls’s first transition to moral constructivism had been progressing for roughly twenty years from his Ph. D. dissertation in 1950<sup>4</sup> until the publication of *A Theory of Justice* in 1971.<sup>5</sup> I think that, after his abandonment of Neo-orthodox belief, the mature Rawls tried to find moral principles freestanding from the existence of God. In “Outline of a Decision Procedure for Ethics” (1951), Rawls’s concern is to find “a reasonable decision procedure.” According to Rawls, the purpose of ethics is “the formulation of justifiable principles which may be used in cases wherein there are conflicting interests to determine which one of them should be given preference.”<sup>6</sup> In other words, Rawls’s

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<sup>4</sup> John Rawls, “A Study on the Grounds of Ethical Knowledge: Considered with Reference to Judgments on the Moral Worth of character,” Ph.D. Dissertation, Princeton University, 1950.

<sup>5</sup> Samuel Freeman (ed.), *Rawls* (New York: Cambridge University Press, 2003), 1. Rawls’s grand work, *A Theory of Justice*, has been translated in 30 languages and is treated as a central book in the discussions of political philosophers, legal philosophers, and ethical scholars. A bibliography of articles about Rawls summed up more than 2,500 publications during the 10 years after the book’s publication.

<sup>6</sup> John Rawls, “Outline of a Decision Procedure for Ethics,” Samuel Freeman (ed.), *John Rawls: Collected Papers* (Cambridge: Harvard University Press, 1999), 9-10. Hereafter, I mark this book as CP.

classic work, *A Theory of Justice* did not come to us in a short amount of time. Rawls said, “In presenting a theory of justice I have tried to bring together into one coherent view the ideas expressed in the papers I have written over the past dozen years or so.”<sup>7</sup> Until the publication of *A Theory of Justice*, Rawls studied only one topic – justice – and gradually developed his idea of justice as fairness. Rawls’s articles in this period are as follows: “Outline of a Decision Procedure for Ethics”(1951); “Two Concepts of Rules” (1955); “Justice as Fairness” (1958)<sup>8</sup>; “Constitutional Liberty and the Concept of Justice” (1963); “The Sense of Justice” (1963); “Distributive Justice” (1967); “Distributive Justice: Some Addenda” (1968); “The Justification of Civil Disobedience” (1969); and “Justice as Reciprocity” (1971)<sup>9</sup>

According to Robert Paul Wolff, the greatest contribution that John Rawls gave to political philosophy through the publication of *A Theory of Justice* was “the unusual extent to which scholars in fields other than philosophy have begun to comment on his theory.”<sup>10</sup> The far reaching influence of Rawls’s book was not a coincidence. Hilary Putnam, in biographical memoirs for the late John Rawls, acclaimed Rawls’s first magisterial work as follows: “One of the many unique features of the book is the wealth of knowledge that went into its writing; but also knowledge of the literature of ethics and political philosophy, but also of history and economic theory, including mathematical

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<sup>7</sup> Rawls, TJR, xvii.

<sup>8</sup> Rawls’s “Justice as Fairness” published firstly in 1957 as a short form in *The Journal of Philosophy*, vol. 54, no. 22 (1957), 653-662. And the enlarged form was presented in *The Philosophical Review*, vol. 67, no.2 (April, 1958), 164-194.

<sup>9</sup> Rawls’s “Justice as Reciprocity” written in 1958 and incorporated into Samuel Gorovitz (ed.) *Mill: Text with Critical Essays* (Indianapolis: Bobbs-Merrill, 1971), 242-268.

<sup>10</sup> Robert Paul Wolff, *Understanding Rawls: A Reconstruction and Critique of A Theory of Justice* (Princeton: Princeton University Press, 1977), 212.



economics.”<sup>11</sup> Immediately after Rawls’s *A Theory of Justice* had been published, Robert Nozick (1938-2002) commented that the masterpiece was a “powerful, deep, subtle, wide-ranging, systematic work in political and moral philosophy which has not seen its like since the writings of John Stuart Mill, if then. It is a foundation of illuminating ideas, integrated together into a lovely whole.”<sup>12</sup> Nozick maintained that contemporary moral and political philosophers should express pros and cons about Rawls’s idea in their works: in other words, they must, whether in rejection of or defense of him, respond to Rawls. Below, I will analyze moral constructivism in Rawls’s justice as fairness.

## 2. *The Basic Frame of “Justice as Fairness” and Moral Constructivism*

As a meta-ethical theory, Rawls’s moral constructivism implies that moral principles are constructed from certain fair procedures. Rawls’s constructivism consists of three kinds of constructivism: moral constructivism, Kantian constructivism, and political constructivism. The core of Rawls’s theory of justice can be summarized by the condensed phrase ‘justice as fairness.’ For many years, many thought that Rawls’s theory of justice as fairness belonged to “the tradition of utopian liberal political economy” of the late nineteenth and early twentieth centuries.<sup>13</sup> Wolff regards Rawls’s position as “a philosophical *apologia* for an equalitarian brand of liberal welfare-state capitalism.”<sup>14</sup> Regarding this, Rawls’s justice as fairness has been criticized from those on the Left to Right: those from the Right, like Robert Nozick, insist that Rawls’s theory favors the

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<sup>11</sup> Hilary Putnam, “John Rawls,” *Proceedings of the American Philosophical Society*, vol. 149, no. 1 (March, 2005), 115.

<sup>12</sup> Robert Nozick, *Anarchy, State, and Utopia* (New York: Basic Books, 1974), 183.

<sup>13</sup> Wolff, *Understanding Rawls*, 195.

<sup>14</sup> *Ibid.*, 195.

redistribution of wealth at the cost of the freedom of each individual, while critics on the Left, such as Cohen, criticizes Rawls for accepting ‘capitalist relations of production’ and assuming ‘the limited altruism’ of human nature.<sup>15</sup> It is true that whole theories, including Robert Nozick’s libertarian criticism,<sup>16</sup> Michael J. Sandel’s communitarian criticism,<sup>17</sup> T.K. Seung’s transcendental criticism,<sup>18</sup> and R.M. Hare’s criticism<sup>19</sup> began from direct critiques of Rawls’s *A Theory of Justice*.

What are the main features of justice as fairness? In *A Theory of Justice*, the most important ideas are the original position, the two principles of justice, and the rationality of each person. Rawls insists that the general conception of justice in the original position requires the distribution of all social values, using equality as a default position: “All social values – liberty and opportunity, income and wealth and the bases of self-respect – are to be distributed equally unless an unequal distribution of any, or all, of these values is to be everyone’s advantage.”<sup>20</sup> However, T. K. Seung asks us to think about what

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<sup>15</sup> Graham, *Rawls*, 65.

<sup>16</sup> Nozick, *Robert, Anarchy, State, and Utopia*, Nozick criticized Rawls’s redistribution of wealth as coming at the expense of reducing individual freedom. In this book, he tried to defend a minimal state and its function of policing by his ‘entitlement theory of justice.’

<sup>17</sup> Michael J. Sandel, *Liberalism and the Limits of Justice* (Cambridge: Cambridge University Press, 1982). I think that Sandel’s critiques against Rawls’s justice as fairness succeed partly because Rawls didn’t provide a metaphysical account of the person. However, because Rawls suggested the need of both social union and social stability, Sandel’s communitarian objection is not valid in this point.

<sup>18</sup> Seung, *Intuition and Constructivism*, See chapter 1-3. According to Seung, instead of removing intuition, Rawls decided to minimize the function and the role of intuition in the original position. However, even though intuition plays a much more limited role in Rawls’s theory, Seung insists that it is still problematic.

<sup>19</sup> R. M. Hare, “Rawls’s Theory of Justice,” *Reading Rawls: Critical Studies on Rawls’s A Theory of Justice* (New York: Basic Books, 1975) 83. Hare agrees with Seung’s critique against Rawls as follows: “Intuitionism is nearly always a form of disguised subjectivism. Rawls does not call himself an intuitionist; but he certainly is one in the usual sense.”

<sup>20</sup> Rawls, *TJR*, 54.

equality in welfare is. Does the same amount of social values truly signify equality? Seung maintains that Rawls fails to overcome ‘the indeterminacy of realization.’<sup>21</sup> In a real life, an individual’s ability to use the equally distributed social values is different according to each person. The general conception of justice, which takes equality of resources as a default position, fails to accommodate the inequalities in each individual’s ability to utilize those resources. Even if each person has the same quantity of social primary goods, it does not imply equality. Robert Paul Wolff argues that Rawls fails “to focus squarely on the structure of production in the economy rather than on alternative patterns of distribution.”<sup>22</sup>

### 3. Rawls’s *New Ideas in A Theory of Justice*

1) *The Original Position*. Rawls’s ingenious idea of the Original Position is a unique thought experiment that revived the Social Contract tradition.<sup>23</sup> The Original Position was designed to solve all opposing normative disputes and to overcome some flaws of the concept of the ‘state of nature’ in the liberal social contract tradition of Locke, Rousseau, and Kant.<sup>24</sup> Rawls’s Original Position is a kind of hypothetical device, not a

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<sup>21</sup> Seung, *Intuition and Constructivism*, 6.

<sup>22</sup> Wolff, *Understanding Rawls*, 207. According to Wolff, “there is a deep ambivalence in Rawls’s thought, running through his characterization of the bargaining game, his analysis of the difference principle, and even his moral psychology... Welfare economics, we might say, is the pure theory of the cargo cult.”

<sup>23</sup> Rawls remembers that it was about 1950-1951 when he got “the idea that eventually turned into the original position.” see “John Rawls: For the Record,” *The Harvard Review of Philosophy*, (Spring, 1991), 39.

<sup>24</sup> Seung, *Intuition and Construction*, 1.

historical fact.<sup>25</sup> The two principles of justice that are resulted from the agreement in the Original Position are not thought of as binding in virtue of any actual agreement but rather in virtue of the hypothetical agreement of the parties in the Original Position. For the two principles of justice, Rawls wants to make “the most philosophically favored interpretation of this initial choice situation.”<sup>26</sup> For justice as fairness, Rawls sets up some limits on the knowledge of each party through the veil of ignorance. Rawls suggests a new thought experiment that parallels the role of the state in traditional social contract theory. He writes: “in justice as fairness the original position of equality corresponds to the state of nature in the traditional theory of the social contract.”<sup>27</sup> The Original Position consists of the Kantian conception of a person (a free and equal being), the circumstances of Justice (moderate scarcity), epistemic constraints (the veil of ignorance), and motivational constraints (parties as rational and mutually disinterested).<sup>28</sup>

Let me expatiate on these features. Individuals in the Original Position are under the epistemic constraints of the veil of ignorance but are allowed to know general facts such as the circumstances of justice, the conception of persons as free and equal, and their possession of the two moral powers. By the veil of ignorance, rational individuals do not know any particular information about themselves and their nations. Also, individuals in the Original Position are characterized as rational and mutually

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<sup>25</sup> Freeman, *Rawls* (2007), 16. Freeman insists that Rawls’s hypothetical scenario in the original position parallels Kant’s “the Original Contract.” which is also a hypothetical contract. He writes, “Rawls’s reading, all the major proponents of the social contract tradition, from Hobbes through Locke, Rousseau, and down to Kant, regard the social contract as a hypothetical thought experiment.”

<sup>26</sup> Rawls, TJR, 16.

<sup>27</sup> Rawls, TJR, 11.

<sup>28</sup> Rawls, TJR, 15-19; Paul Voice, *Rawls Explained; From Fairness to Utopia* (Chicago: Open Court, 2011), 13-32.

disinterested; that is to say, they are neither altruistic nor envious. Rawls regards the Original Position as “a procedural interpretation of Kant’s conception of autonomy and the categorical imperative within the framework of an empirical theory.”<sup>29</sup> In other words, Rawls’s Original Position provides the backbone for a theory of justice that is an instance of “pure procedural justice.” His idea of pure procedural justice is needed “when there is no independent criterion for the right result: instead there is a correct or fair procedure such that the outcome is likewise correct or fair, whatever it is, provided that the procedure has been properly followed.”<sup>30</sup> It means that the validation of the two principles of justice comes from the procedure itself, not from some external criterion or truth. In this regard, Rawls’s constructivism is totally different from moral realism, which identifies normative truths independently of any process of rational deliberation.<sup>31</sup>

2) *The Veil of Ignorance*. The most unique feature in the Original Position is ‘the veil of ignorance,’ which distinguishes it from the ‘state of nature’ of Hobbes and Locke.<sup>32</sup> For Rawls, each party under the veil of ignorance is deprived of specific

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<sup>29</sup> Rawls, TJR, 226.

<sup>30</sup> Rawls, TJR, 75.

<sup>31</sup> In his later works, Rawls wanted to political constructivism as an alternative view of Kant’s moral constructivism and rational intuitionism as a moral realism. Rawls, PLE, 89.

<sup>32</sup> According to Rawls’s interpretation of “Hobbes’s Thesis,” “a state of nature is, essentially and for all practical purposes, a state of war.” See *Lectures on the History of Political Philosophy* (Cambridge: The Belknap Press of Harvard University Press, 2007), 41. Hereafter, I mark this book as LHPP. And Rawls writes, “Hobbes is concerned with the problem of destructive civil war, and he uses the idea of the social contract as a point of view which to argue that given our basic interests, including our transcendent religious interest in salvation, all have sufficient reasons (based on those interests) to support an effective and, in Hobbes’s view, necessarily absolute sovereign, whenever such a sovereign exists.” Rawls, LHPP, 122. And, according to Rawls, Locke’s idea of ‘the state of nature’ is a state of perfect freedom and equality. Rawls interprets Locke’s view as follows: “No one could have political authority over others unless God had so designated by a manifest declaration, or unless there were relevant differences between that person and the rest... we are born to a state of equality: that is, to a state of equal freedom and political jurisdiction over ourselves.” See Rawls, LHPP, 115-116.

information or knowledge of himself or herself, such as race, nation, class, age, income, natural gifts, religion, and gender. Rawls's assumption is that the limitation of specific knowledge guarantees that the terms of cooperation that everyone agrees to are fair. He assumes that since no one has knowledge of their particular features, no one has an unfair bargaining advantage over others. In this regard, Rawls insists that "the veil of ignorance makes possible a unanimous choice of a particular conception of justice."<sup>33</sup> The parties to the Original Position choose fair terms because they consider the possibility that they may belong to the group of the less advantaged after lifting the veil of ignorance.

According to Thomas Pogge, Rawls wants, through the veil of ignorance, to remove two kinds of knowledge from each party: one is "all particular knowledge about the individuals they represent," and the other is "any knowledge about the particular enduring conditions of their society."<sup>34</sup> By using the veil of ignorance, Rawls asserted that a unanimous choice of two principles of justice can be realized in the original position.<sup>35</sup> This moral constructivism is not a strategy to discover moral principles, but rather a strategy to construct moral principles through all parties' rational deliberations in the Original Position. However, the problem is Rawls's assumption on the relationship between the thick veil of ignorance and the indeterminacy of intuition. In the Dewey Lecture, Rawls insists that the Kantian perspective of the veil of ignorance needs the thickest veil of ignorance to reduce the indeterminacy of the intuition.<sup>36</sup> However, I agree

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<sup>33</sup> Rawls, *TJR*, 121.

<sup>34</sup> Pogge, *John Rawls*, 66.

<sup>35</sup> Pogge, *John Rawls*, 121.

<sup>36</sup> Rawls, "Kantian Constructivism in Moral Theory," *CP*, 335. Seung argues that "likewise, to increase the thickness of the veil is to expand the range of its indeterminacy. The Kantian veil delivers

that Rawls's thick veil results in enlarging the indeterminacy of intuition. Let's suppose that the thick veil of ignorance may work in the process of individual's thinking in Original Position. Does justice draws from their total ignorance about themselves and their societies?

Contrary to Rawls's veil of ignorance, Martin Luther King Jr. (1929-1968), who had particular and general information about both himself and his society, contributed to driving himself and others to do something for justice and equality. Martin Luther King Jr. could be seen as removing Rawls's two kinds of veil from himself; King knew the fact that he is a Negro; "We Negroes dreamed for so long of freedom, are still confined in a prison of segregation and discrimination."<sup>37</sup> On the other hand, he knows the fact that he lives in America. These two kinds of knowledge work as a driving force in his life for abolishing the segregation policy.<sup>38</sup> He thinks that racism and segregation are based on the immorality of treating men as means rather than ends.<sup>39</sup> He believes that to realize desegregation is to break down the legal barriers and bring men together physically and spiritually.<sup>40</sup> Martin Luther King Jr. invokes the consciousness of people's altruism: "True altruism is more than the capacity to pity; it is the capacity to empathize. Pity is feeling sorry for someone; empathy is feeling sorry with someone. Empathy is fellow feeling for

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much more indeterminate results than the Humean veil. Here lies the irony of the Kantian veil." See Seung, *Intuition and Construction*, 20.

<sup>37</sup> Martin Luther King Jr., *Where do we go from here* (Boston: Beacon, 1968), 47.

<sup>38</sup> Ibid., 74. King believes that the racism has been rooted deeply in American's culture and its' ultimate point is genocide

<sup>39</sup> Ibid., 103

<sup>40</sup> Ibid., 106

the person in need — his pain, agony and burdens.”<sup>41</sup> Dr. King’s self-knowledge of being a Negro works as a positive direction to the ideal of justice society, democratic socialism.

3) *Two Principles of Justice*. According to Rawls, “the persons in the initial situation would choose two rather different principles: the first requires equality in the assignment of basic rights and duties, while the second holds that social and economic inequalities, for example, inequalities of wealth and authority, are just only if they result in compensating benefits for everyone, and in particular for the least advantaged members of society.”<sup>42</sup> Rawls maintains that the rational parties would prefer the principles of justice to the principle of average utility: “the most appropriate conception of this situation does lead to principles of justice contrary to utilitarianism and perfectionism.”<sup>43</sup> Rawls’s two principles of justice gradually developed from Rawls’s earlier form to the later form. The final statement on the two principles of justice is as follows:

The two principles in *A Theory of Justice* (1971)

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

Second: social and economic inequalities are to be arranged so that they are both (a) reasonably expected to be to everyone’s advantage, and (b) attached to positions and offices open to all.<sup>44</sup>

The two principles in *Political Liberalism* (1993)

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<sup>41</sup> Ibid., 107.

<sup>42</sup> Rawls, TJR, 13.

<sup>43</sup> Rawls, TJR, 14.

<sup>44</sup> Rawls changed ‘First principle’ of the Original edition(1971) in the revised edition of *A Theory of Justice*(1999) as follows: “First: each person is to have an equal right to the most extensive scheme of *equal* basic liberties compatible with a similar *scheme* of liberties for others.” Rawls, TJR, 53.



- a. Each person has an equal right to a *fully adequate scheme* of equal basic liberties which is compatible with a similar *scheme* of liberties for all.
- b. Social and economic inequalities are to satisfy two conditions. First, they must be attached to offices and positions open to all under conditions of fair equality of opportunity; and second, they must be to the greatest benefit of the least advantaged members of society.<sup>45</sup>

The third form in *Justice as Fairness: A Restatement* (2001)

Each person has *the same infeasible claim* to a fully adequate scheme of equal basic liberties, which scheme is compatible with the same scheme of liberties for all; and

- (b) Social and economic inequalities are to satisfy two conditions: first, they are to be attached to offices and positions open to all under conditions of fair equality of opportunity; and second, they are to be to the greatest benefit of the least-advantaged members of society (the difference principle).<sup>46</sup>

For Rawls, there is a “lexical order” between the first and the second principle and between the first part of the second principle and the second part of the second principle.<sup>47</sup> Rawls’s two principles can be divided into three components: equal liberty, the fair equality of opportunity, and the difference principle. “The lexical order” means the priority of the first principle over the second principle, and the priority of the principle of equality of opportunity over the difference principle. Paul Graham interprets lexical ordering as an intention “to avoid problems with the two philosophical theories: intuitionism and utilitarianism.”<sup>48</sup>

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<sup>45</sup> John Rawls, *Political Liberalism*(expanded), 291. The form of the principles of Justice in the first version (1993) and the expanded version (1996) of *Political Liberalism* is same. Hereafter, PLE indicates “the expanded version” in 1996.

<sup>46</sup> Rawls, *Justice as Fairness: A Restatement*, 42-43. Rawls’s *Justice as Fairness: A Restatement* had been evolved from *Justice as Fairness: A Guided Tour* (Cambridge: Harvard University, 1989). *A Restatement* included “The Family as a Basic Institution,” and removed “A Note on Justice Between States” from *Justice as Fairness: A Guided Tour* (1989). The two principle in *Justice as Fairness: A Restatement* is important because Rawls himself had permitted the publication of this work before one year ago of his death. Henceforth, I will mark *Justice as Fairness: A Restatement* as JaF.

<sup>47</sup> Rawls, TJR, 37-38.

<sup>48</sup> Graham, *Rawls*, 50.

Let me state the content of “the first principle of justice.” What are the contents of ‘basic liberties’ in the first principle of justice? Rawls enumerates the basic liberties in the original edition of *A Theory of Justice* in 1971 as follows: “Political liberty (the right to vote and to be eligible for public office) together with freedom of speech and assembly; liberty of conscience and freedom of thought; freedom of the person along with the right to hold (personal) property; and freedom from arbitrary arrest and seizure as defined by the concept of the rule of law.”<sup>49</sup> However, in the revised edition in 1999, Rawls expatiates on the meaning of ‘freedom of person,’ “which includes freedom from psychological oppression and physical assault and dismemberment (integrity of the person).”<sup>50</sup> Also, there are different words in the expression of the first principle between *A Theory of Justice* and *Political Liberalism*. Rawls explains that the expression, “a fully adequate scheme” replaces the earlier words “the most extensive total system.”<sup>51</sup> The reason is, Rawls insists, that the most extensive total system is “purely quantitative and does not distinguish some cases as more significant than others; moreover, it does not generally apply and is not consistently followed.”<sup>52</sup>

According to Rawls, the Second principle consists of two parts: the principle of fair equality of opportunity and the difference principle. Firstly, let me state the principle of “Fair Equality of opportunity.” Rawls states the second principle of justice in *A Theory of Justice* (1971) as follows: “social and economic inequalities are to be arranged so that they are both (a) reasonably expected to be to everyone’s advantage, and (b) attached to

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<sup>49</sup> Rawls, *A Theory of Justice* (1971), 61.

<sup>50</sup> Rawls, TJR, 53.

<sup>51</sup> Rawls, PLE, 291.

<sup>52</sup> Rawls, PLE, 331.

positions and offices open to all.”<sup>53</sup> In the original edition of *A Theory of Justice*, the principle of “fair equality of opportunity” is the second part of the second principle, but later, “fair equality of opportunity” takes precedence over the difference principle without any special explanation. The difference principle is for the least advantaged: “social and economic inequalities are to be to the greatest benefit of the least advantaged members of society.”<sup>54</sup> Who are the least advantaged members of society in Rawls’s thinking? Rawls defines the range of the least advantaged by the index of primary goods. Primary goods are “various social conditions and all-purpose means,” such as liberties, opportunities, income, wealth, and the social bases of self-respect.<sup>55</sup> There are two reasons why citizens need primary goods; first, “to adequately develop and fully exercise their two moral powers,” and second, “to pursue their determinate conceptions of the good.”<sup>56</sup> Rawls suggests the general conception of primary goods in the original edition of *A Theory of Justice* as follows:

All social primary goods – liberty and opportunity, income and wealth, and the bases of self-respect – are to be distributed equally unless an unequal distribution of any or all of these goods is to the advantage of the least favored.<sup>57</sup>

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<sup>53</sup> Rawls, *A Theory of Justice* (1971), 60.

<sup>54</sup> Rawls, JaF, 42-43.

<sup>55</sup> Rawls, JaF, 57.

<sup>56</sup> Rawls, JaF, 57.

<sup>57</sup> Rawls, *A Theory of Justice* (1971), 303. Rawls deleted this original explanation of “all social primary goods” in the same section of the revised version of *A Theory of Justice*. Instead, he keeps the phrase “all social values” between the original edition and the revised edition. Rawls, TJR (1999), 54. Rawls writes that “all social values-liberty and opportunity, income and wealth, and the social bases of self-respect-are to be distributed equally unless an unequal distribution of any, or all, of these values is to everyone’s advantage.”

Thomas Pogge also understands ‘socioeconomic positions and inequalities’ by the possession of three social primary goods: “powers and prerogatives associated with professional positions, income and wealth, and the residual social bases of self-respect.”<sup>58</sup> In this point, what Rawls means is that the least advantaged is not an individual but a group sharing primary goods. Rawls regards two groups as the least advantaged: ‘the unskilled workers’ and ‘all persons who are less than half the average of income and wealth.’<sup>59</sup> Samuel Freeman thinks that they are not persons such as beggars and homeless people, and that it has a feature that some can relatively move from the least to the better or from the better to the worse. Thus, Samuel Freeman interprets Rawls’s conception of the least advantaged group:

By “least advantaged,” Rawls means the least advantaged working person, as measured by the income he/she obtains for gainful employment. So the least advantaged are, in effect, people who earn the least and whose skills are least in demand—in effect, the class of minimum-wage workers.<sup>60</sup>

Rawls insists that the difference principle is to reconcile ‘the higher expectations of the better off’ and ‘the expectations of the least advantaged members.’<sup>61</sup> According to Rawls, “the role of the principle of fair opportunity is to insure that the system of cooperation is one of pure procedural justice.”<sup>62</sup> For Rawls, the possession of natural talents and good luck is neither just nor unjust. It is merely a natural fact. The criterion to demarcate between just and unjust is ‘how social structures and institutions deal with the

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<sup>58</sup> Pogge, *John Rawls*, 107.

<sup>59</sup> Rawls, TJR, 84. However, I think that the handicapped have the lowest primary goods, not the unskilled workers.

<sup>60</sup> Freeman, *Rawls* (2007), 106.

<sup>61</sup> Rawls, TJR, 65.

<sup>62</sup> Rawls, TJR, 76.

distribution of natural facts.’<sup>63</sup> In this regard, the difference principle represents “an agreement to regard the distribution of natural talents as in some respects a common asset and to share in the greater social and economic benefits made possible by the complementarities of this distribution.”<sup>64</sup>

According to Rawls, the merit of the difference principle is to express a conception of “reciprocity”<sup>65</sup> and “fraternity.”<sup>66</sup> He explains the merit of the difference principle through the role of family: “Members of a family commonly do not wish to gain unless they can do so in ways that further the interests of the rest.”<sup>67</sup> Even though many regard Rawls’s regime as a welfare state, he reveals that the proper regime for justice as fairness is not a welfare state, but a property-owning democracy. Rawls writes,

To see the full force of the difference principle it should be taken in the context of property-owning democracy (or of a liberal socialist regime) and not a welfare state: it is a principle of reciprocity, or mutuality, for society seen as a fair system of cooperation among free and equal citizens from one generation to the next.<sup>68</sup>

In sum, Rawls connects three traditional ideas, “liberty, equality, and fraternity,” to the two principles of justice: Rawls writes that “liberty corresponds to the first principle, equality to the idea of equality in the first principle together with equality of fair opportunity, and fraternity to the difference principle.”<sup>69</sup> Rawls insists that, after

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<sup>63</sup> Rawls, TJR, 87.

<sup>64</sup> Rawls, TJR, 87.

<sup>65</sup> Rawls, TJR, 88.

<sup>66</sup> Rawls, TJR, 90.

<sup>67</sup> Rawls, TJR, 90.

<sup>68</sup> Rawls, “Preface for the Revised Edition,” TJR, xv.

<sup>69</sup> Rawls, TJR, 91.

selecting the two principles of justice as fairness, the parties have to consider ‘stability’ between these principles of justice and a society over time. Rawls argues that the two principles of justice are in harmony with the good of each citizen. Under the principles of justice, the basic structure and institution of a society affirms the freedom and equality of each citizen. Rawls’s idea of “justice as fairness” especially shows consideration for the least advantaged. The purpose of the difference principle is institutional not individual. Rawls writes, “If we resent our having less than others, it must be because we think that their being better off is the result of unjust institutions, or wrongful conduct on their part. Those who express resentment must be prepared to show why certain institutions are unjust or how others have injured them.”<sup>70</sup> In other words, Rawls’s concern is to establish just basic social institutions. He understands that resentment as a moral feeling is significant when related to unjust institutions.

4) *Reflective Equilibrium*. According to Sebastiano Maffettone, Rawls’s three different justifications are the idea of reflective equilibrium, the idea of original position, and the idea of stability.<sup>71</sup> It especially seems true that the notion of reflective equilibrium has evolved from Rawls’s Ph. D. dissertation in 1950 and reappeared in a similar but more delicate form in his *A Theory of Justice* (1971). Rawls wrote, “It is an equilibrium because at last our principles and judgments coincide; and it is reflective since we know to what principles our judgment conform and the premises of their derivation.”<sup>72</sup> According to Rawls, the aim of political philosophy is to reach justified conclusions

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<sup>70</sup> Rawls, TJR, 467.

<sup>71</sup> Sebastiano Maffettone, *Rawls: An Introduction* (Malden: Polity Press, 2010), 139.

<sup>72</sup> Rawls, TJR, 18.

about the arrangement of political institutions. Reflective equilibrium is a method to get objectivity and to overcome the flaw of subjectivity.<sup>73</sup> Rawls regards reflective equilibrium as an alternative tool against intuitionism. Paul Voice insists that Rawls's method of reflective equilibrium as a "nonfoundationalist theory of justification" seeks "coherence among our intuitions, beliefs and principles."<sup>74</sup> The reflective equilibrium means that an individual's abstract beliefs need general conviction in order to be explainable his or her specific judgments. In other words, through the process of reflective equilibrium, each person seeks coherence among his or her general convictions and specific judgments about particular cases (i.e. "genocide and slavery are wrong and unjust"). If there is a conflict between general convictions and specific judgments, he or she amends or rejects either the theory or their considered judgments. Thus, individuals can reach reflective equilibrium when their theory coheres with their considered judgments.

At this point, the reflective equilibrium privileges no specific beliefs and does not have any assumption that "there is one correct moral conception."<sup>75</sup> Thus, insisting that moral theory should be divided from epistemology, Rawls made justice as fairness "a theory of our moral sentiments as manifested by our considered judgments in reflective equilibrium."<sup>76</sup> According to Rawls's idea of "reflective equilibrium," the word "reflective" means that "we know to what principles our judgments confirm and the premises of their derivation" and "equilibrium" is achieved when "our principles and

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<sup>73</sup> Voice, *Rawls Explained: From Fairness to Utopia*, 77.

<sup>74</sup> *Ibid.*, 81.

<sup>75</sup> Rawls, "The Independence of Moral Theory," CP, 289-290.

<sup>76</sup> Rawls, TJR, 104.

judgments coincide.”<sup>77</sup> Rawls maintains that we can reach the principles of justice by reflective equilibrium. In “The Dependence of Moral theory,” Rawls prefers “wide reflective equilibrium” to “narrow reflective equilibrium.”<sup>78</sup> Following Pogge’s explanation, the “narrow reflective equilibrium” means that individuals pay their attentions merely to the reflection of their own prior conviction. On the other hand, a “wide reflective equilibrium” means that an individual allows the moral conception of others to influence his or her own conviction.<sup>79</sup> According to Kukathas and Pettit, Rawls’s method of reflective equilibrium implies that Rawls’s foundation has moved “from the analytical concerns of twentieth-century ethics to the mode of argument found in the great tradition of ethical and political philosophy.”<sup>80</sup> In sum, Percy B. Lehning maintains that the mature Rawls’s earlier thought of justice as fairness and two principles of justice can be understood as the attempt to reconcile three traditional ideas, such as ‘liberty,’ ‘equality,’ and ‘fraternity,’ in the basic structure of a well-ordered society.<sup>81</sup> However, these values are not the result of the agreement between parties behind the veil of ignorance, but the presumption derived from the traditional ideas of the French Revolution and the Bible. I will put forth a similar view in the later sections of this chapter.

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<sup>77</sup> Rawls, TJR, 18.

<sup>78</sup> Rawls, “The Independence of Moral Theory,” CP, 289.

<sup>79</sup> Pogge, *John Rawls*, 165.

<sup>80</sup> Kukathas & Pettit, *Rawls: A Theory of Justice and its Critics*, 8.

<sup>81</sup> Percy B. Lehning, *John Rawls: An Introduction* (Cambridge: Cambridge University Press, 2009), 98.



### *III. Rawls's Strengthening Kantian Constructivism*

#### *1. The Formation of Rawls's Kantian Constructivism and Main Works*

Since the appearance of *A Theory of Justice*, in a series of responding articles, Rawls had gradually strengthened the 'Kantian interpretation' on morality against many critiques raised from the Left and the Right from 1971 to 1982. During the same period, Rawls shows a deeper interpretation of the Kantian understanding regarding autonomy, morality, and the conception of personhood in his theory of justice as fairness.<sup>82</sup> Kantian constructivism is a feature of a transitional stage in a series of articles in which Rawls developed the Kantian view. But, at the same time, one can see that Rawls gradually detaches himself from a Kantian view until he transitions into the "political constructivism" of *Political Liberalism* (1993). The main articles from the publication of *A Theory of Justice* to his articles of 1982 are next: "Some Reasons for the Maximin Criterion" (1974); "Reply to Alexander and Musgrave" (1974); "A Kantian Conception of Equality" (1975); "Fairness to Goodness" (1975); "The Independence of Moral Theory" (1975); "The Basic Structure as Subject" (1978); "Kantian constructivism in Moral Theory" (1980); "Social Unity and Primary Goods" (1982); and "Basic Liberties and Their Priority" (1982). In these articles, Rawls grapples with various criticisms of the Kantian elements of *A Theory of Justice*, in some cases defending elements of his original theory and in other cases offering amendments to his theory that will eventually lead to the political constructivism of his later works.

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<sup>82</sup> Kukathas & Pettit, *ibid.*, 120.

## 2. Some Important Features of Kantian Constructivism

In defending justice as fairness until 1982, Rawls provided an interpretation that strengthened the Kantian perspective. In fact, Rawls was affected and inspired by the works of Kant's moral philosophy.<sup>83</sup> Pogge maintains that Rawls and his students brought the revival of the Kantian perspective to American philosophy<sup>84</sup> and interprets Rawls as a Kantian: "I would think that Rawls's own worldview was Kantian in a deeper and more comprehensive sense than his political philosophy."<sup>85</sup> According to T. K. Seung, Rawls's constructivism was based on the bedrock of Kantian ideals.<sup>86</sup> The mature Rawls maintains that his theory of justice as fairness reflects a deep understanding of the Kantian view but tries to overcome some inherent limits within Kant's moral philosophy.<sup>87</sup> Also, Rawls follows the Kantian perspective even to his view on international justice for an international society.<sup>88</sup>

Second, there is a clear relationship between Rawls's ideas and Kant's ideas. For example, firstly, Rawls's two principles of justice are analogous to Kant's categorical imperatives: he explains, "To act from the principles of justice is to act from categorical imperatives in the sense that they apply to us whatever in particular our aims are."<sup>89</sup>

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<sup>83</sup> Pogge, *John Rawls*, 188.

<sup>84</sup> Ibid., 24. According to Pogge, Rawls supervised and guided the dissertations of about 34 doctoral students, most of whom are now working in good universities as prominent Rawlsian scholars.

<sup>85</sup> Ibid., 195.

<sup>86</sup> Seung, *Intuition and Constructivism*, 217.

<sup>87</sup> Rawls, "Kantian constructivism in Moral Theory," CP, 339.

<sup>88</sup> Rawls writes that "the basic idea is to follow Kant's lead as sketched by him in *Perpetual Peace* (1795) and his idea of *foedus pacificum*." Rawls, *The Law of Peoples*, 10.

<sup>89</sup> Rawls, TJR, 222.

Secondly, Rawls's "motivational assumption of mutual disinterest" parallels Kant's idea of "autonomy." Rawls insists that "the principles of justice cover all persons with rational plans of life, whatever their content, and these principles represent the appropriate restrictions on freedom."<sup>90</sup> Thirdly, "Kant's main aim is to deepen and to justify Rousseau's idea that liberty is acting in accordance with a law that we give to ourselves," which leads to Rawls's "ethics of mutual respect and self-esteem."<sup>91</sup> Rawls's idea of citizens was derived from the Kantian perspective of a person as free and equal. Fourthly, Rawls's original position connects with Kant's idea of autonomy. These connections show clearly that Rawls was developing his ideas within a background of Kantian ethics.

Third, another feature of Kantian Constructivism is revealed in the relationship between the Reasonable and the Rational in Rawls's theory: "the Reasonable presupposes and subordinates the Rational."<sup>92</sup> According to Rawls, 'a well-ordered society' and 'a moral person' are the two basic model-conceptions of justice as fairness, and 'the Original Position' is the third model-conception.<sup>93</sup> Rawls writes:

The Reasonable and the Rational are unified within one scheme of practical reasoning which establishes the strict priority of the Reasonable with respect to the Rational. This priority of the right over the good is characteristic of Kantian constructivism.<sup>94</sup>

Fourth, Rawls's Kantian constructivism reflects a Kantian conventionalism. According to Seung, Kantian transcendentalism indicates that "Kantian ideals transcend

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<sup>90</sup> Rawls, TJR, 223.

<sup>91</sup> Rawls, TJR, 225.

<sup>92</sup> Rawls, "Kantian Constructivism in Moral Theory," CP, 317.

<sup>93</sup> Rawls, *ibid.*, CP, 308.

<sup>94</sup> Rawls, *ibid.*, CP, 319.

all cultural boundaries,” and Kantian conventionalism means that “Kantian ideals apply only to our conventions.”<sup>95</sup> However, in “Kantian constructivism in Moral Theory”(1980), Rawls maintains that “Kantian constructivism holds that moral objectivity is to be understood in terms of a suitably constructed social point of view that all can accept.”<sup>96</sup> Discarding the Kantian interpretation of the person, Rawls’s conception of the person is understood to be merely the conception of a member of a democratic public culture. In this point, Rawls’s moral objectivity does not mean the objectivity of the truth. Rawls’s strengthening of Kantian constructivism lies in the fact that, on Rawls’s interpretation, we do not need to be committed to the rational intuitionist view for objectivity.<sup>97</sup> Also, in this regard, Rawls tried to nullify Sandel’s critique of the non-historical person in the Original Position by uncovering that his concept of a person is not of “an unencumbered self” but rather of “an encumbered self”: an unencumbered self indicates non-historical features of individuals, and an encumbered self has historical and social features. Rawls writes that “in addressing the public culture of a democratic society, Kantian constructivism hopes to invoke a conception of the person implicitly affirmed in that culture.”<sup>98</sup>

Fifth, in *A Theory of Justice*, Rawls’s conception of a person in the Original Position is the same as that of Kant. I think that two interpretations on the Original Position are possible: one is the metaphysical interpretation, and the other is the political interpretation. Later, in “Justice as Fairness: Political not metaphysical,” Rawls denied that his justice as fairness depends on certain philosophical implications related with

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<sup>95</sup> Seung, *Intuition and Constructivism*, 40-41.

<sup>96</sup> Rawls, “Kantian Constructivism in Moral Theory,” CP, 304.

<sup>97</sup> Rawls, *ibid.*, CP, 356.

<sup>98</sup> Rawls, *ibid.*, CP, 306.

universal truth or human nature.<sup>99</sup> For Rawls's *A Theory of Justice*, the idea of the original position is merely a hypothetical situation for protecting equal liberties. As a device of representation, it is never an actual historical state of affairs. This understanding is useful to the Kantian perspective of persons. Following Sandel's view, every party behind the veil of ignorance is merely a "non-person" because Rawls's persons have no tradition, no self-knowledge, no love, and no hate. The original position shows that one can tailor the principles to the circumstances of one's own case, because of the lack of particular knowledge about themselves. Rawls's Kantian constructivism shows clearly that Rawls "tries to avoid the problem of truth and the controversy between realism and subjectivism about the status of moral and political values."<sup>100</sup> However, Rawls maintains that the Original Position is not to be interpreted as metaphysically implying an understanding about the nature of a human person. The idea of the Original Position is merely "a device of representation."<sup>101</sup> Rawls writes,

But this is an illusion caused by not seeing the original position as a device of representation. The veil of ignorance, to mention one prominent feature of that position, has no metaphysical implications concerning the nature of the self.<sup>102</sup>

In this regard, Pogge insists that Rawls's each party in the original position is merely "a rational maximizer," not a "Kantian's noumenal subject" as a free and autonomous being.<sup>103</sup> On my view, the metaphysical interpretation of the parties in the

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<sup>99</sup> Rawls, "Justice as Fairness: Political not Metaphysical," CP, 388. He explained that "justice as fairness can be understood as political and not metaphysical."

<sup>100</sup> Rawls, *ibid.*, CP, 396.

<sup>101</sup> Rawls, *ibid.*, CP, 401.

<sup>102</sup> Rawls, *ibid.*, CP, 402.

<sup>103</sup> Pogge, *John Rawls*, 190.

Original Position regards them under Kant's understanding of the person, while the political interpretation of the original position regards each party as citizens. In this way, Rawls understands 'citizens' as 'free and equal persons.' Rawls's prudential rationality of citizens is not the same as Kant's reason. In fact, Rawls presupposes that moral persons of the original position have two kinds of moral powers—"the capacity for an effective sense of justice and for pursuing a conception of the good"—and "the highest-order interests" for their realization.<sup>104</sup> Rawls's moral persons are moved "by these interests to secure the development and exercise of the moral powers."<sup>105</sup> Before 1982, Rawls believed that his conception of the original position could compensate for flaws in the Kantian perspective.<sup>106</sup> Rawls writes, "The original position may be viewed, then, as a procedural interpretation of Kant's conception of autonomy and the categorical imperative within the framework of an empirical theory."<sup>107</sup>

### *3. Differences Between Rawls's Ideas and Kant's Ideas*

Rawls's ethics and Kant's ethics are different in several regards. Rawls himself acknowledges this discrepancy between his own theory and Kant's philosophy as follows: "Although I regard justice as fairness as a Kantian view, it differs from Kant's doctrine in important respects."<sup>108</sup> Pogge also insists that "Rawls sought to offer a Kantian

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<sup>104</sup> Rawls, "Kantian Constructivism in Moral theory," CP, 312.

<sup>105</sup> Rawls, *ibid.*, CP, 312.

<sup>106</sup> Rawls, TJR, 224.

<sup>107</sup> Rawls, TJR, 226.

<sup>108</sup> Rawls, "Kantian Constructivism in Moral Theory," CP, 339.

interpretation, not an interpretation of Kant.”<sup>109</sup> The more important differences between Kant and Rawls derived from the fact that Rawls is using the idea of reflective equilibrium and abandoning the dualism of Kant. I will show how Rawls tried to develop and reinterpret Kant’s ideas into his theory of justice.

First of all, by declaring that his view is political, not metaphysical, Rawls abandoned Kant’s dualism. According to Rawls, “Kant’s view is marked by a number of deep dualisms, in particular, the dualism between the necessary and the contingent, form and content, reason and desire, and noumena and phenomena.”<sup>110</sup> The reason why Rawls did not adhere to strict Kantianism is that “Kant’s moral conception has a characteristic structure that is more clearly discernible when these dualisms are not taken in the sense he gave them but recast and their moral force reformulated within the scope of an empirical theory.”<sup>111</sup> In other words, Kant’s position is committed to substantive ethical claims but Rawls’s position is political. According to Samuel Freeman, Kantian constructivism revealed some internal inconsistencies within Rawls’s own thoughts due to the problem of the “stability of justice as fairness.”<sup>112</sup> According to Rawls, “the overlapping consensus” is different from a “*modus vivendi*.” While a *modus vivendi* is not stable because it depends on a fortuitous conjunction of contingencies and interests, an overlapping consensus is stable because it does not depend on any particular comprehensive doctrine.<sup>113</sup> Rawls’s justice as fairness considers ‘the circumstances of

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<sup>109</sup> Pogge, *John Rawls*, 194.

<sup>110</sup> Rawls, TJR, 226.

<sup>111</sup> Rawls, TJR, 227.

<sup>112</sup> Samuel Freeman, “Editor’s Preface,” in *John Rawls: Collected Papers*, xi.

<sup>113</sup> Rawls, “The Idea of an Overlapping Consensus,” CP, 446.

justice (moderate scarcity),’ while Kant concerns the freedom of pure intelligences.<sup>114</sup>

Later, Rawls’s concern on social circumstances of human life became absorbed into a form of political constructivism which is clearly different from Kant’s theory.

Second, Pogge insists that there is an important discrepancy on the matter of “motives” between Rawls’s view and Kant’s view.<sup>115</sup> Rawls focuses a considerable amount of attention on the role of “motive” in *A Theory of Justice*, whereas “Kant excludes a discussion of motives from the doctrine of right.”<sup>116</sup> L. Gregory Jones insists that “Rawls’s original position gives a weak account of the role of moral motivation.”<sup>117</sup> The reason is that Rawls excludes a form of teleology in moral motivation. Jones explains that “a person’s behavior is shaped by what she must do to flourish, not to justify that behavior to others.”<sup>118</sup> He thinks that, because Rawls rejects particular commitment of individuals, individuals’ moral motivation in the Original Position plays a limited role. Contrarily, evaluating that Part III of Rawls’s *A Theory of Justice* provides a deep treatment of the problem of psychological motives, James R. Zink maintains that “societal and political stability, then, are intimately tied to individual’s sense of self-worth. Without self-respect, attitudes such as envy will overwhelm individuals and cause them

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<sup>114</sup> Rawls, TJR, 226.

<sup>115</sup> Pogge, *John Rawls*, 192.

<sup>116</sup> *Ibid.*, 193.

<sup>117</sup> L. Gregory Jones, “Should Christian Affirm Rawls’s Justice as Fairness? A Response to Professor Beckley,” *Journal of Religious Ethics*, vol. 16, issue 2, (1988), 258.

<sup>118</sup> *Ibid.*, 258.



to view social interaction in agonistic terms.”<sup>119</sup> Namely, citizens are motivated to observe the two principles of justice for their ends of self-respect.

Third, Onora O’Neill maintains that Rawls’s view on rationality is different from Kant’s view: “Rawls identifies the principles that *would* be chosen by instrumentally rational beings to whom he ascribes certain sparsely specified ends — not the principles that *could* consistently be chosen regardless of particular ends. This produces far-ranging differences between Rawls’s work, even at its most Kantian, and Kant’s ethics.”<sup>120</sup>

Rawls’s rationality is totally economic and instrumental. In the original edition of *A Theory of Justice*, Rawls explained the rationality of persons in the Original Position as follows: “In choosing between principles each tries as best he can to advance his interest.”<sup>121</sup> According to Sandel’s understanding of Kant’s moral philosophy, “the moral worth of an action consists not in the consequences that flow from it, but in the intention from which the act is done.”<sup>122</sup> In terms of Kant’s moral philosophy, Rawls’s view of rationality has a problem in moral motive (intention).

Fourth, Kant took the transcendental perspective chiefly to avoid the problems associated with normative positivism and moral relativism. But, because Rawls had departed from Kant’s position, Seung criticizes that “Rawls’s Kantian conventionalism

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<sup>119</sup> James R. Zink, “Reconsidering the Role of Self-Respect in Rawls’s *A Theory of Justice*,” *The Journal of Politics*, vol. 73, no. 2, (April, 2011), 343. According to Zink, Rawls regarded “self-respect” as the most important social primary good.

<sup>120</sup> Onora O’Neill, “Kantian Ethics,” Peter Singer (ed.) *A Companion to Ethics* (Malden: Blackwell Publishers Ltd., 2000), 175-185.

<sup>121</sup> Rawls, *A Theory of Justice* (1971), 142. The sentence cited above was deleted in the Revised edition of *A Theory of Justice* (1999).

<sup>122</sup> Michael J. Sandel, *Justice: What’s the Right Thing to Do?* (New York: Farrar, Straus and Giroux, 2010), 111.

goes against the spirit of Kant's own philosophy."<sup>123</sup> Even though Rawls tried to solve incoherence within *A Theory of Justice* through the Kantian perspective, his abandonment of the Kantian interpretation since 1982 revealed the new problem of 'morality without metaphysics' in the political constructivism of *Political Liberalism* (1993). According to Seung, Rawls is not a moral relativist because Rawls opposed strongly utilitarianism. But when Rawls declared "justice as fairness tries to present a conception of political justice rooted in the basic intuitive ideas founded in the public culture of a constitutional democracy,"<sup>124</sup> his conception of moral individuals reflects a product of American culture. If Rawls's base is a democratic culture, and if each culture has moral originality, we cannot accept that Rawls's justice of fairness is better than the conception of justice of other culture. In the political interpretation of his theory of justice, Rawls understands morality in a democratic culture. In this regard, Rawls's justice as fairness leads to normative positivism, and, then, it inevitably leads to cultural relativism.<sup>125</sup>

#### *IV. The Remaining Traditional Legacy of Christianity in A Theory of Justice*

Henceforth, I want to search for the remaining legacy of Christianity in the mature Rawls's *A Theory of Justice*. I assert that the young Rawls's religious sentiment found in his senior thesis never disappeared from his mature and later works, even though it ceased to have any influence on his personal religiosity.

First, the most coherent theme among several obvious traces of the Neo-orthodox beliefs of the young Rawls is human dignity. His two principles of justice reflect the

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<sup>123</sup> Seung, *ibid.*, 45

<sup>124</sup> Rawls, "Justice as Fairness: Political not Metaphysical," CP, 410.

<sup>125</sup> Seung, *Intuition and Constructivism*, 45.

Christian idea of the fundamental sacredness of persons. In “Commonweal Interview with John Rawls” (1998), Bernard Prusak asked Rawls: “it sounds like really you are arguing for the dignity of the individual. I will turn it back: it almost sounds like, in another way, a religious statement.”<sup>126</sup> As a response, Rawls acknowledged the influence of Christianity forming his thought by saying, “all right. Why should I deny that? If you want to say that comes down from the sacredness of the individual in the Bible, fine, I don’t have to deny that.”<sup>127</sup> In this regard, I assert that the basic and the coherent conviction that anchored Rawls’s theory from his earlier to later works is “the dignity of human beings” or “the inviolability of the individual.” Rawls’s ideas such as the “two principles of justice,” “basic rights,” and “urgent human rights” are tools for upholding human dignity in, respectively, “a well-ordered society,” “a pluralistic society,” and “a global society.” On the inviolability of each person, Rawls maintains that “each person possesses an inviolability founded on justice that even the welfare of society as a whole cannot override.”<sup>128</sup> Namely, Rawls’s basic conviction is that “each member of society is thought to have an inviolability founded on justice or, as some say, on natural right.”<sup>129</sup> T. K. Seung also interprets Rawls’s basic idea as follows: “everyone should have an equal life prospect, without being influenced by the arbitrariness of fortune.”<sup>130</sup>

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<sup>126</sup> Rawls, “Commonweal Interview with John Rawls,” CP, 621.

<sup>127</sup> Rawls, *ibid.*, CP, 621.

<sup>128</sup> Rawls, TJR, 3.

<sup>129</sup> Rawls, TJR., 24-25.

<sup>130</sup> Seung, *Intuition and Construction*, 4. Of course, the basic idea that Seung finds in Rawls’s works is stronger than the basic idea of the inviolability of the individual. For example, one could hold that individuals are inviolable but still deny that everyone should have equal life prospects free from the arbitrariness of fortune. I think that Nozick, for example, holds this position like Seung.

In *A Theory of Justice*, Rawls's two principles of justice work within a basic social structure for protecting the inviolability of the individual. In *Political Liberalism*, Rawls's argument is that the constitutional and democratic society can maintain the stability of society and the liberty of each citizen through public reason and an overlapping consensus. And in *The Law of Peoples*, Rawls's conviction of the inviolability of individuals is expressed on a global scale through his list of human rights for an international society in which liberal peoples and non-democratic peoples can coexist peaceably. According to Rawls's view in *The Law of Peoples*, universal human rights work as a limitation on traditional sovereignty: that is, those rights show a strong limitation on state autonomy and provide an exception to the principle of non-interference on internal affairs by foreign countries. In sum, the consistent concern of both the young and the mature Rawls's constructivism can be said to be the inviolability of each person.

Second, the fact that Rawls's psychological foundation is "love" shows the remaining influence of the young Rawls's protestant beliefs. In defending the difference principle, Rawls is appealing to the power of love through his ideal of fraternity. He connects love with the difference principle and regards love as the motivation of the second principle. Without the heart of love, the second principle of justice cannot be supported in a well-ordered society. Rawls writes:

Friends and lovers take great chances to help each other; and members of families willingly do the same. Their being so disposed belongs to their attachments as much as any other inclination. Once we love we are vulnerable: there is no such thing as loving while being ready to consider whether to love, just like that. And the loves that may hurt the least are not the best loves. When we love we accept the dangers of injury and loss.<sup>131</sup>

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<sup>131</sup> Rawls, TJR, 502.

According to Charles Fried, “In this way, reciprocal love represents a kind of resolution of the paradoxes of self-interest and altruism.”<sup>132</sup> For Rawls, love and justice are two sides of a rational individual, just as love and justice are God’s dual characters. In the relationship between love and justice, there is a contrast between Kant and Rawls. Kant starts from love and invokes the right, while Rawls starts from justice and invokes love.<sup>133</sup> Also, Susan Mendus insists that Rawls’s analogy between love and justice provides moral motivations that “attempts to fill the gap between accepting the principles of justice and being motivated to act on them”<sup>134</sup> I think that Rawls’s view of love is biblical.

Third, I think that Rawls’s veil of ignorance is influenced by his reflections on the Christian perspective of human beings. Rawls’s justice as fairness needs the veil of ignorance as an indispensable element in the original position. In my view, enough knowledge of the self as well as others, including God, may work as a driving force for justice. For example, Martin Luther King Jr. has the full knowledge about both himself and his society in order to reform the policy of segregation.<sup>135</sup> For all that, the reason why Rawls thinks some limitations of information about the self can bring fairness is his assumption about human motivation. Rawls believes that “a person’s lesser position as

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<sup>132</sup> Charles Fried, *An Anatomy of Values: Problems of Personal and Social Choice* (Cambridge: Harvard University Press, 1970), 79. I recited it from Susan Mendus, “The Importance of Love in Rawls’s theory of Justice,” *British Journal of Political Science*, vol., 29, no.1, (January, 1999), 67.

<sup>133</sup> Susan Mendus, “The Importance of Love in Rawls’s theory of Justice,” *British Journal of Political Science*, vol., 29, no.1, January 1999, p.68.

<sup>134</sup> *Ibid.*, 74.

<sup>135</sup> Another example on the relationship between the knowledge of a self and God is John Calvin (1509-1564), a French Reformer and theologian. He insists that “without knowledge of self, there is no knowledge of God” and “without knowledge of God, there is no knowledge of self.” John Calvin, *Institutes of the Christians Religion*, vol. I. John T. McNeill (ed.) (Louisville: Westminster John Knox Press, 1960/2006 Reissued), 35; 37.

measured by the index of objective primary goods may be so great as to wound his self-respect.”<sup>136</sup> Also, he thinks that the knowledge about self-possession can cause “envy” as “one of the vices of hating mankind.”<sup>137</sup> We may sometimes be disappointed by envy and shame. Rawls says that “we are downcast by their good fortune and no longer value as highly what we have; this sense of hurt and loss arouses our rancor and hostility.”<sup>138</sup>

Rawls divided envy into two kinds: ‘benign envy’ and ‘emulative envy’: the former is that “we are affirming the value of certain things that other have” and the latter is that “it leads us to try to achieve what others have.”<sup>139</sup> Thus, one of the most important things is to solve the problem of envy and spite. Rawls writes, “after all, if the disposing conditions for envy are removed, so probably are those for jealousy, grudgingness, and spite, the converses of envy. When the less fortunate segments of society lack the one, the more fortunate will lack the other.”<sup>140</sup> According to James R. Zink, self-respect has a close relationship with social stability. He understands that, because Rawls’s society can secure enough individuals’ self-respect in reliable ways, each person is motivated to uphold the two principles for their sense of self-respect. If there is no self-respect, “attitudes such as envy will overwhelm individuals and cause them to view social interaction in agonistic terms.”<sup>141</sup>

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<sup>136</sup> Rawls, TJR, 468.

<sup>137</sup> Rawls, TJR, 466.

<sup>138</sup> Rawls, TJR, 467.

<sup>139</sup> Rawls, TJR, 467.

<sup>140</sup> Rawls, TJR, 470-471.

<sup>141</sup> Zink, “Reconsidering the Role of Self-Respect in Rawls’s *A Theory of Justice*,” 344.

In my view, Rawls's idea of envy is dualistic: one comes from unjust institutions and the other derives from human nature. Envy is one psychological feature of children: Rawls insists that "certainly children are often envious and jealous; and no doubt their moral notions are so primitive that the necessary distinctions are not grasped by them."<sup>142</sup> In this regard, I think that Rawls's view belongs to a realm of 'partial depravity' or 'total depravity.'<sup>143</sup> Rawls's rational person is not a just human being who can act justly without just institutions, nor an unjust human being who cannot think justice at all.

Fourth, even though Rawls ceases to have Christian beliefs, he still insists that "the equal liberty of conscience" should protect religious interests. He writes, "Their aim is not merely to be permitted to practice some religion or other, but to practice some definite religion, that is, their religion, whatever it turns out to be."<sup>144</sup> His principle of justice guarantees "a secure protection for the equal liberties" regarding the practice of religion. Rawls's persons in the original position "regard themselves as having moral or religious obligations which they must keep themselves free to honor," and also, they do not regard themselves as "single isolated individuals."<sup>145</sup> The reason why he maintains that "the state can favor no particular religion and no penalties or disabilities may be attached to any religious affiliation or lack thereof" is to protect religious liberty.<sup>146</sup>

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<sup>142</sup> Rawls, TJR, 473.

<sup>143</sup> "Total depravity means that "the consequences of sin are such that all of humanity is depraved and capable of no purely good action, intention, or thought, for sin obscures and corrupts every human faculty. This does not mean that there is no good left in humans after sin." But, instead of total depravity, Arminianism holds the partial depravity. Justo L. Gonzalez, *Essential Theological Terms* (Louisville: Westminster John Knox Press, 2005), 44-45.

<sup>144</sup> Rawls, TJR, 475.

<sup>145</sup> Rawls, TJR, 180-181.

<sup>146</sup> Rawls, TJR, 186.

Last, Rawls surprisingly emphasizes two Christian terms such as “the perspective of eternity” and “purity of heart” in the last sentences of *A Theory of Justice*. Even if the phrase itself, the perspective of eternity, is implying an atmosphere of Christianity, Rawls did not use the term transcendentally as Christianity uses the phrase from the viewpoint of a transcendental being. Rawls explains that “the perspective of eternity is not a perspective from a certain place beyond the world, nor the point of view of a transcendent being; rather it is a certain form of thought and feeling that rational persons can adopt within the world.”<sup>147</sup> Rawls means that distributive justice between generations is possible through the perspective of eternity. His idea of ‘the perspective of eternity’ can work as the foundation of ‘the morality of political citizens’ and be understood as a secular version of natural law. For Rawls, the meaning of “purity of heart” is “to see clearly and to act with grace and self-command from this point of view.”<sup>148</sup> However, Rawls does not suggest how and why we can attain the purity of heart. Therefore, considering these remnants of Christianity in *A Theory of Justice*, if Rawls accepted metaphysical assumptions or religious premises about human nature from Christianity, I think that his theory of justice may have much more plentiful intellectual legacy.

## V. Conclusion

In sum, for Rawls, the purpose of moral constructivism is “to show how moral principles of justice are constructed from these and other relevant ideas of reason and

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<sup>147</sup> Rawls, TJR, 514.

<sup>148</sup> Rawls, TJR, 514. Martha Nussbaum insists Rawls’s idea of the “purity of heart” can be understood as the character of persons behind the veil of ignorance in Rawls’s original position. See her article, “The Enduring significance of John Rawls.”



principles of practical reasons.”<sup>149</sup> Thus, his moral constructivism is regarded as an alternative view against moral realism,<sup>150</sup> moral skepticism, and moral relativism.<sup>151</sup> However, my view is that Rawls’s constructivism cannot succeed in setting up the moral principles without metaphysics. First of all, considering Rawls’s justice as fairness and its main critiques, it seems that Rawls’s bedrock of justice as fairness was reflecting the conventional idea of “the modern, Western, liberal, individual men.”<sup>152</sup> According to Kukathas and Pettit, a fundamental concept in Rawls’s *A Theory of Justice* is ‘moral individualism,’ not metaphysical individualism. Moral individualism means that an individual is “a creature of quite a different stamp” and only individual agents are the most important beings capable of forming socio-political institutions. Contrarily, metaphysical individualism means that a human being does not depend on his relationships with others.<sup>153</sup> If Rawls’s idea of a ‘mutually disinterested person’ represents the moral individualistic feature, and if their rationality is economical, there is no reason that rational parties who have an egoistic disposition can motivate to help others.

Second, even though Rawls’s moral constructivism is designed to overcome an epistemological relativism denying the universality of moral principle for all human beings, it seems that Rawls’s attempts failed to surmount relativism. The reason is that

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<sup>149</sup> Pogge, *Rawls*, 293.

<sup>150</sup> Michael Smith, “Realism,” in Peter Singer (ed.), *A Companion to Ethics* (Malden: Blackwell Publishers Ltd., 2000), 402. Here, moral realism implies that “the metaphysical or ontological view exist as moral facts.”

<sup>151</sup> Pogge, *Rawls*, 291.

<sup>152</sup> Steven Lukes, *Essays in Social theory* (New York: Columbia University Press, 1977), 189.

<sup>153</sup> Kukathas & Pettit, *Rawls: A Theory of Justice and its Critics*, 11. According to Kukathas & Pettit, there are two kinds of individualism: metaphysical individualism and moral individualism.

Rawls's construction of principles depends on intuition. As T. K. Seung and R. M. Hare criticize Rawls's dependence on intuition, John A. Edgren also insists that "the original position is specified as it is, not because it is 'realistic,' not for any a priori reason, but precisely because it leads logically to conclusions about ethics that are, for Rawls, intuitively justifiable."<sup>154</sup> Without the acknowledgement of metaphysics, Rawls argued that it is possible for rational beings to construct the moral principle or the principles of justice. The task of normative ethics is to solve the problem of cultural or epistemological relativism. But if not, the limit of human reasons can bring forth an anarchical situation of moral principles. Rawls's moral constructivism is to construct the moral principles by rational parties in the original position and his reflective equilibrium is to provide the priority of objectivity over the subjectivity. In Kantian constructivism, Rawls uses the conception of a person for the sole purpose of demonstrating the fairness of the two principles as resulting from an initial decision procedure in which all parties are both equal and free. T.K. Seung explained the problem in Rawls's Kantian constructivism as follows:

The methodological advantage of Kantian constructivism is to deliver the principles of justice without getting bogged down in metaphysical problems. Kantian constructivism can do it, according to Rawls, because it constructs the principles instead of discovering them in an independent moral order. But the construction cannot begin without presupposing the conception of moral persons as being free and equal, which are none other than the Kantian ideals of liberty and equality. And those ideals are in their own right moral principles, which raise the metaphysical question of their truths.<sup>155</sup>

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<sup>154</sup> John A. Edgren, "On the Relevance of John Rawls's Theory of Justice to Welfare Economics," *Review of Social Economy*, vol. LIII, no. 3. (Fall, 1995), 340.

<sup>155</sup> Seung, *ibid.*, 44.

Rawls tried to avoid the problem of metaphysics by taking anti-metaphysical view of a person. However, Rawls's anti-metaphysical assumption leads to a normative positivist position that morality is a social or cultural fact, and, finally, into the trap of cultural relativism. Rawls's rational individuals in the original position cannot be understood as metaphysical persons, but as cultural persons. In *A Theory of Justice*, even though Rawls tries to deny moral realism and suggests the two principles of justice, I argue that Rawls's attempt to do this by ridding his theory of substantive metaphysical views ultimately failed. Rawls's well-ordered society may not be the society that he had desired in an interview: "But a society in which nobody thinks seriously about questions of metaphysics and epistemology, moral and political philosophy is really lacking as a society."<sup>156</sup> I conclude that Rawls's removal of metaphysical assumptions produces discrepancies within his system of justice as fairness. In this transitional period, Rawls grapples with various criticisms of the Kantian elements of *A Theory of Justice*, in some cases defending elements of his original theory and in other cases offering amendments to his theory that will eventually lead to the political constructivism in his later work, *Political Liberalism* (1993).

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<sup>156</sup> Rawls, "John Rawls: For the Record," *The Harvard Review of Philosophy* (Spring, 1991), 46-47.

## CHAPTER FOUR

### Rawls's Second Transition to Political Constructivism and Rawls's Religious Aspects in *Political Liberalism*

#### *I. Introduction to Rawls's Political Turn*

On the basis of the philosophy of Kant, Rawls's moral and Kantian constructivism had clearly contributed to the revival of normative ethics from the linguistic analysis of morality. However, since 1982, Rawls's position transitioned from Kantian constructivism to a new method, Political Constructivism. It seems that there are two reasons for Rawls's sudden transition to Political Liberalism: an external and internal cause. The external cause comes from many critics from the Left and Right against Rawls's theory of Justice as fairness in *A Theory of Justice*.<sup>1</sup> For example, communitarians criticize that Rawls's individualism strengthened the relativizing tendency in modern culture and undermined community,<sup>2</sup> while libertarians insist that Rawls's position is to reduce individual rights for society as a whole. The other cause of Rawls's political turn is internal. According to Rawls himself, his transition is due to the unrealistic features of Justice as Fairness in *A Theory of Justice*. Especially, he regards

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<sup>1</sup> Representative critics against Rawls's theory of justice are Robert Nozick's entitlement theory and minimal state, Kukathas and Pettit's moral individualism, R. M. Hare's moral subjectivism, T.K. Seung's transcendental criticism, and Michael Sandel's communitarianism based on the idea of the encumbered self.

<sup>2</sup> Brian C. Anderson, "The Antipolitical Philosophy of John Rawls," *Public Interest*, no. 151, (Spring, 2003), 45

the idea of “a well-ordered society of justice as fairness” as unrealistic.<sup>3</sup> In refuting his critics, Rawls takes, in his *Political Liberalism*, a different and new method called Political Constructivism, which is designed to solve reasonable disagreements in a plural society.<sup>4</sup>

In this chapter, I want to analyze the significance of John Rawls’ political turn and main ideas of political constructivism: “public reason,” “overlapping consensus,” and “stability.” Also, I will explicate Rawls’s view on the meaning of neutrality, the principles of separation of between state and church, and the civil religion. After that, I will argue that his view on neutrality is bound to secularism. My analysis will be that, in *Political Liberalism*, Rawls’s view advocates the privatization of religion from the public square. In this regard, therefore, I will show that the Christian perspective cannot unconditionally accept Rawls’s political liberalism. Lastly, I will search out Rawls’s religious aspects in this period through the analysis of Rawls’s overlapping consensus, which can be understood in terms of the Kantian Imperative.

## *II. The Main Features of Rawls’s Political Constructivism and Political Liberalism*

### *1. The Main Works and Rawls’s Religious Aspects in This Period*

Most scholars regard the year 1982 as a watershed between Rawls’s Kantian perspective and his new Political Constructivism. After 1982, Rawls’s view moved continuously and gradually transformed into his new method, the Political

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<sup>3</sup> John Rawls, *Political Liberalism* (New York: Columbia University Press, 2005), xvii. Hereafter I mark it as PLE. However, Weithman maintains that Rawls’s own evaluation that Rawls’s justice of the well-ordered society can be undermined by the prisoner’s dilemma is wrong. Paul Weithman, *Why Political Liberalism? On John Rawls’s Political Turn* (Oxford: Oxford University Press, 2010).

<sup>4</sup> Rawls, PLE, 93.

Constructivism of *Political Liberalism*. Rawls had weakened the color of the Kantian interpretation of morality in a series of articles as follows:<sup>5</sup> “Justice as Fairness: Political not Metaphysical” (1985); “Preface for the French Edition of *A Theory of Justice*” (1987); “The Idea of an Overlapping Consensus” (1987); “The priority of Rights and Ideas of the Good” (1988); “The Domain of the Political and Overlapping Consensus” (1989); *Justice as Fairness: A Guided Tour* (1989); “Themes in Kant’s Moral Philosophy” (1989). Finally, Rawls incorporated into *Political Liberalism* (1993) many of the ideas he developed in his response to criticisms of *A Theory of Justice*. His main concern in these latter works was finding a way to solve the conflicts among comprehensive doctrines in a pluralistic society. Later, in the revised paperback edition of *Political Liberalism* (1996), he includes “Reply to Habermas” (1995) and the 2005 expanded edition includes “The Idea of Public Reason Revisited” (1997).

What remnants of Christianity remain in this period? I think that Rawls’s rationalistic view on religion in this period may be characterized by typical “secularism” and the defense of “reasonable faith.” Rawls defines the task of political philosophy as the defense of reasonable faith by saying, “in trying to do these things political philosophy assumes the role Kant gave to philosophy generally: the defense of reasonable faith. As I said then, in our case this becomes the defense of reasonable faith in the

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<sup>5</sup> The sources of these articles are as follows: “Justice as Fairness: Political not Metaphysical”, *Philosophy and Public Affairs*, vol.14, 1985, pp.223-251; “The Idea of an Overlapping Consensus,” *Oxford Journal for Legal Studies* 7, 1987, pp.1-25; “The priority of Rights and Ideas of the Good” *Philosophy and Public Affairs* 17, 1988, pp.251-276; “The Domain of the Political and Overlapping Consensus,” *New York University Law Review*, 64, 1989, pp.233-255; *Justice as Fairness: A Guided Tour* (1989); “Themes in Kant’s Moral Philosophy,” *Kant’s Transcendental Deductions*, E. Forster (ed.) (Stanford: Stanford University Press, 1989), pp.81-113.. Among them, Samuel Freeman ed. *John Rawls: Collected Papers* includes next articles: “Justice as Fairness: Political not Metaphysical” (1985), “Preface for the French Edition of *A Theory of Justice*” (1987), “The Idea of an Overlapping Consensus” (1987), “The priority of Rights and Ideas of the Good” (1988), “The Domain of the Political and Overlapping Consensus” (1989), and “Themes in Kant’s Moral Philosophy” (1989).

possibility of a just constitutional regime.”<sup>6</sup> Here, Rawls excludes the extreme type of fundamentalism from the category of reasonable comprehensive doctrine. However, I think that Rawls still holds remnants of Christianity in the conception of the overlapping consensus as reflecting the Kantian imperative. Especially, according to Richard J. Arneson, Rawls’s idea of the overlapping consensus depends on “the intuitive rationale in the Kantian conception of the person.”<sup>7</sup> It means that Rawls did not entirely discard Kant’s religious aspect at least, even in *Political Liberalism* and in a series of articles to “The Idea of Public Reason Revisited” (1997).<sup>8</sup> In Rawls’s view, Kant’s categorical imperatives depend on the natural law: Rawls writes, “even in Kant’s doctrine, as it applies to human beings, the content of particular categorical imperatives is adjusted to the laws of nature, as any suitable rendering of the procedure for applying the categorical imperative would show.”<sup>9</sup> If we interpret Rawls’s ideas of public reason and an overlapping consensus through a lens of the Kantian religious view, we come to know that, even though the Kantian conception of the person is not obviously a religious conception, Kant’s person can be characterized as a religious man. Rawls writes, “I conclude by observing that the significance Kant gives to the moral law and our acting from it has an obvious religious aspect, and that his text occasionally has a devotional character... These religious, even Pietist, aspects of Kant’s moral philosophy seem

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<sup>6</sup> Rawls, PLE, 172.

<sup>7</sup> Richard J. Arneson, “Introduction,” *Ethics*, vol. 99, no. 4 (Jul., 1999), 698.

<sup>8</sup> Rawls, “The Idea of Public Reason Revisited” (1997), *John Rawls: Collected Papers*, 573-615. Henceforth, I mark *Collected Papers* as CP.

<sup>9</sup> Rawls, PLE, 171.

obvious; any account of it that overlooks them misses much that is essential to it.”<sup>10</sup>

Rawls revised partly and continually some of the contents of this lecture in 1979, 1987, and 1991.<sup>11</sup> Thence, I believe that the remnants of Rawls’s religious background still affected the formation of political constructivism in *Political Liberalism*.

## *2. The Aim of Political Constructivism: Addressing Disagreements that Result from Reasonable Pluralism*

In his later years, Rawls adopts the new method of political constructivism. According to Hilary Putnam, Rawls in *Political Liberalism* (1993) was inspired by Abraham Lincoln and suggested a new method: political constructivism, which is centered around the concepts of public reason and an overlapping consensus.<sup>12</sup> According to Rawls’s explanation, “political constructivism” is contrasted with both Kant’s moral constructivism and rational intuitionism: he writes, “In this lecture I discuss political constructivism in contrast with Kant’s moral constructivism on the one hand and with rational intuitionism as a form of moral realism on the other.”<sup>13</sup> Then, what are the main features of ‘political constructivism’? Political constructivism deals with “the structure and content of a political conception” and its scope is limited within “the political values.”<sup>14</sup> He explains four features of political constructivism as follows: (a) “the

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<sup>10</sup> John Rawls, *Lectures on the History of Moral Philosophy* (Cambridge: Harvard University Press, 2000), 160-161. Hereafter, I mark this book as LHMP.

<sup>11</sup> Rawls, LHMP, XIII.

<sup>12</sup> Hilary Putnam, “John Rawls,” *Proceeding of the American Philosophical Society*, vol. 149, no. 1 (March, 2005), 117. Putnam writes that “Rawls was also a voracious reader, and an enormous admirer of Abraham Lincoln- I believe that he read everything published by or about Lincoln that he was able to find. In many ways, I suspect, the idea of an “overlapping consensus,” which assumed such importance in *Political Liberalism*, was inspired by the thought and, even more, the practical politics of Lincoln.”

<sup>13</sup> Rawls, PLE, 89.

<sup>14</sup> Rawls, PLE, 89 and 125.



principles of political justice may be represented as the outcome of a procedure of construction”; (b) “the procedure of construction is based essentially on practical reason”; (c) “political constructivism uses a rather complex conception of person and society”; and (d) “political constructivism specifies an idea of the reasonable.”<sup>15</sup> Now criticizing Kant’s concept of autonomy as belonging to a comprehensive moral view, Rawls declares that his political constructivism rejects Kant’s constructive autonomy as part of a theory of justice meant to achieve an overlapping consensus.<sup>16</sup>

According to Rawls, the fact that various comprehensive doctrines exist in our society is a basic and permanent character of the public culture.<sup>17</sup> The reason that Rawls distinguishes “reasonable pluralism” from “pluralism” is that both an extreme form of pluralism and cultural relativism do not admit a universal principle. For example, how could the basic human rights work as a universal value that accommodates the entire range of pluralism in a society and of cultural relativism in an international society? You might think that it would be impossible to find a principle that is acceptable to both atheists and Islamic Jihadists, because the two groups will never be able to have common terms by which the state should be regulated. Hence, the principles of justice need only to recognize reasonable pluralism of comprehensive doctrines and need not try to accommodate unreasonable comprehensive doctrines. For Rawls, reasonable “pluralism” is a permanent feature of democratic cultures. Therefore, we cannot help facing “a reasonable disagreement” that derives from diversity among reasonable persons insofar

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<sup>15</sup> Rawls, PLE, 93-94.

<sup>16</sup> Rawls, PLE, 100

<sup>17</sup> Rawls, PLE, 136.

as we live in a society.<sup>18</sup> Rawls's "reasonable individuals" have two moral powers and the persistent desire to comply with fair terms of cooperation, provided that others are similarly willing. The main cause of disagreement between reasonable individuals is, as Rawls says, "the burdens of judgment." Because, in many cases, we cannot reach the same conclusion after free debates on hot issues, the conception of tolerance is required in a democratic society. Rawls maintains that the fact of reasonable pluralism arises out of the burdens of judgment.<sup>19</sup> Considering the burdens of judgment and reasonable disagreement, Rawls argues that, by "public reason" and "overlapping consensus," Citizens can reach an agreement on political principles of justice, which can secure the stability of a society.<sup>20</sup>

### *3. Three Ideas: Public Reason, Overlapping Consensus, and Stability*

Now, I would like to define the meanings of 'Public Reason' and 'Overlapping Consensus' and to analyze the relationship between them. First of all, I think that Immanuel Kant also has a similar concept to Rawls's idea of public reason. Kant divided the "public use of reason" and the "private use of reason," and also contrasted "the unenlightened people, who submit to other's authority and opinions" and "the enlightened persons, who can speak publicly in their own voice."<sup>21</sup> The public use of reason is intended to address the entire public, while the private use of reason is appropriate for cases in which an individual uses his reason in some particular civil

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<sup>18</sup> Rawls, PLE, 55.

<sup>19</sup> Rawls, *Justice as Fairness, A Restatement* (Cambridge: The Belknap Press of Harvard University Press, 2001), 36. Hereafter, JaF indicates this Book.

<sup>20</sup> Rawls, PLE, 145-148.

<sup>21</sup> Onora O'Neill, "Vindicating Reason," Paul Guyer (ed.) *The Cambridge Companion to Kant* (New York: Cambridge University Press, 1992), 298.

office. In this regard, Kant's public use of reason became a precedent for Rawls's public reason. In my view, these two conceptions are related in his method of realizing "social stability." I believe that the aim of Rawls' political constructivism is finally to secure social stability. Below, I want to examine in detail the conceptions of public reason and overlapping consensus.

1) *Public reason and non-public reason.* Public reason, one of Rawls's unique terms, is "characteristic of democratic peoples" and "the reason of the citizen qua citizen."<sup>22</sup> According to Charles Larmore, public reason is simply not one of the political values because it governs "the political relationship" among citizens for the ideal of constitutional democracy.<sup>23</sup> It can be always regarded as the core of Rawls's political philosophy. Rawls devoted himself to elaborating the concept of public reason after the publication of *Political Liberalism* until "The Idea of Public Reason Revisited" in 1997.

First, where does the idea of "public reason" come from in the periods of Rawls's thought? The first appearance of "public reason" was in Rawls's article, "Justice as fairness: political not metaphysical" (1985).<sup>24</sup> Thereafter, he elaborated this idea in the Meldon Lecture in 1990 and revised its meaning in "The Idea of Public Reason Revisited" (1997). Even though the word "Public reason" has emerged after his transition period from *A Theory of Justice* to *Political Liberalism*, it is always in the core of his philosophy in the guise of the idea of 'publicity.'<sup>25</sup> Larmore evaluated that it is an

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<sup>22</sup> Rawls, PLE, 213.

<sup>23</sup> Charles Larmore, "Public Reason", Samuel Freeman (ed.), *Rawls*, 368.

<sup>24</sup> Rawls, "Justice as Fairness: Political not Metaphysical," CP, 395. And Rawls's "Commonweal Interview with John Rawls (1998)" also explains public reason in detail.

<sup>25</sup> Larmore, "Public Reason," 380.

indispensable element in the frame of justice as fairness.<sup>26</sup> Of course, Rawls did not treat it adequately in *A Theory of Justice* adequately but simply mentioned it as: “the condition of publicity for principles of justice is also connoted by the contract phraseology.”<sup>27</sup> Because of it, the two principles of justice have to be based in a shared point of view. The original position premises the appropriate reciprocity among the parties. Rawls insists that publicity is a natural condition for a social union.

If we take seriously the idea of a social union and of society as a social union of such unions, then surely publicity is a natural condition.... Society is not portioned with respect to the mutual recognition of its first principle.<sup>28</sup>

Mutual acknowledgement and affirmation of the two principles of justice is an essential part of Rawls’s conception of Justice as Fairness. Without both publicity and the natural duty of mutual respect, ‘fairness’ may become meaningless in his conception of the original position. According to Larmore, the idea of ‘mutual respect’ in the frame of Rawls’s theory of justice has two roles as follows: (a) it is for the inviolability of the individual and (b) it is a demand that individuals should treat each other justly.<sup>29</sup> According to Larmore, for Rawls, fairness and respect are important notions at the deepest level of Rawls’s thought.<sup>30</sup> Mutual recognition among citizens is an essential part of well-ordered society and public reason is a tool to make it a reality. Rawls explains the content of public reason in this way: “the content of public reason is not given by

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<sup>26</sup> Ibid., 368.

<sup>27</sup> John Rawls, *A Theory of Justice* (Cambridge: The Belknap Press of Harvard University Press, 1999), 15, Hereafter, I mark it as TJR.

<sup>28</sup> Rawls, TJR, 510.

<sup>29</sup> Larmore, “Public Reason,” 375.

<sup>30</sup> Ibid., 391.

political morality as such, but only by a political conception suitable for a constitutional regime.”<sup>31</sup> In other words, the idea of “public reason” of *Political Liberalism* developed from the idea of “publicity” in *A Theory of Justice*. Rawls thought that “the form and content of public reason” is derived from the idea of democracy.<sup>32</sup>

Second, let me analyze the meaning of public reason. Public reason plays a role in reaching agreement on the political conception among democratic citizens who have comprehensive doctrines as their conception of good, and the overlapping consensus works as a method for acquiring social stability. Rawls provides the definition of public reason in *Justice as Fairness: A Restatement* as follows: “public reason is the form of reasoning appropriate to equal citizens who as a corporate body impose rules on one another backed by sanctions of state power.”<sup>33</sup> Also, his definition of public reason in “The Idea of Public Reason Revisited” is stated in this way:

Public reason is a way of reasoning about political values shared by free and equal citizens that does not trespass on citizens’ comprehensive doctrines so long as those doctrines are consistent with a democratic polity.<sup>34</sup>

For Rawls, because public reason is an ideal for citizens in a democratic society, it needs support from both the ideal of “reciprocity” and “the duty of civility.” He maintains that the role of the ideal of reciprocity is to specify the nature of the political relations between citizens who live in a constitutional democracy. Rawls’s citizens have the same

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<sup>31</sup> Rawls, PLE, 254.

<sup>32</sup> Rawls, PLE, 441.

<sup>33</sup> Rawls, JaF, 92.

<sup>34</sup> Rawls, PLE, 490.

expectation that everyone should endorse and observe the two principles of justice.<sup>35</sup>

Because of the role of reciprocity, all citizens have “the duty of civility,” which specifies that citizens have a moral duty to justify their supporting laws or policies to other citizens.<sup>36</sup> Also, equal citizens can seek for the good of the public through their public reason.

Third, Rawls regards human reason as “an intellectual and moral power, rooted in the capacities of its human members”<sup>37</sup> and divides all reasons into two reasons: “public reason” and “nonpublic reason.” He maintains that any reason cannot belong to private reason because the private reason does not exist.<sup>38</sup> For example, Rawls classifies Churches, universities, and associations as appropriately employing “nonpublic reason,” not private reason.<sup>39</sup> For Rawls, there are many nonpublic reasons and only one public reason in a democratic society.<sup>40</sup> In Rawls’s view, “nonpublic reasons” belong to the “background culture” of a democratic society, while “public reason” is related to a political conception of justice. The nonpublic reason is “the reason appropriate to individuals and associations within society: it guides how they quite properly deliberate in making their personal and associational decisions.”<sup>41</sup> The aim of political constructivism is to support the compatibility of public reason and religious views.

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<sup>35</sup> Rawls, PLE, 253.

<sup>36</sup> Rawls, PLE, 217 and 444.

<sup>37</sup> Rawls, PLE, 213.

<sup>38</sup> Rawls, PLE, 220.

<sup>39</sup> Rawls, PLE, 213.

<sup>40</sup> Rawls, PLE, 220.

<sup>41</sup> Rawls, JaF, 92.

Political liberalism recognized the importance of religion. Rawls explains why public reason is public in the following three points:

As the reason of citizens as such, it is the reason of the public; its subject is the good of the public and matters of fundamental justice; and its nature and content is public, being given by the ideals and principles expressed by society's conception of political justice, and conducted open to view on that basis.<sup>42</sup>

Fourth, what is the central point in the idea of public reason? Public reason neither criticizes nor attacks any comprehensive doctrines unless they are incompatible with a democratic policy.<sup>43</sup> Public reason is related to both “constitutional essentials” and “the question of basic justice.”<sup>44</sup> According to Freeman, “constitutional essentials include questions of basic rights and liberties as well as constitutional powers and procedures of government. Basic justice includes matters relating to equality of opportunity, the social minimum, and other all-purpose means for effectively exercising basic liberties and fair opportunity.”<sup>45</sup>

2) *Overlapping Consensus*. Why does Rawls need the idea of an overlapping consensus in his political constructivism and political liberalism? For Samuel Freeman, Rawls's idea of an overlapping consensus can be easily misinterpreted.<sup>46</sup> The most important role of the overlapping consensus is related to stability in the democratic society, while public reason is to establish the fair terms of cooperation among citizens

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<sup>42</sup> Rawls, PLE, 213.

<sup>43</sup> Rawls, PLE, 441.

<sup>44</sup> Rawls, PLE, 214.

<sup>45</sup> Freeman, *Rawls*, 466.

<sup>46</sup> *Ibid.*, 369.

who believe in various comprehensive doctrines.<sup>47</sup> The reason that Rawls had introduced the idea of an overlapping consensus in his political constructivism was for the purpose of making ‘the idea of well-ordered society’ more feasible.<sup>48</sup> It means that Rawls’s argument of the priority of the right over the good is almost a political creed in the well-ordered society. The overlapping consensus, one of the central ideas for Rawls’s political liberalism, appeared in his article, “Justice as Fairness: Political not Metaphysical” (1985) and was then elaborated in “The Idea of an Overlapping Consensus” (1987). After that the conception was incorporated in the Lecture IV of *Political Liberalism* (1993). However, Rawls already had shown an incipient usage of the idea of “overlapping” in *A Theory of Justice*, even though he did not include it in the index. He writes,

In this case, there exists what we may refer to as **overlapping** rather strict consensus. In general, **the overlapping** of professional conceptions of justice suffices for civil disobedience to be a reasonable and prudent form of political dissent.<sup>49</sup>

Charles Larmore understands the function of “the overlapping consensus” as follows: “the notion of overlapping consensus serves therefore to connect a conception of justice already arrived at, and already marked by a more fundamental kind of consensus, to the question of its stability.”<sup>50</sup> Rawls maintains that social stability is possible because the two principles of justice work as the core of an overlapping consensus among reasonable comprehensive doctrines. Let me consider the overlapping consensus, the most important implication of the later Rawls’s political philosophy. Rawls explains the

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<sup>47</sup> Ibid., 366.

<sup>48</sup> Rawls, JaF, 32.

<sup>49</sup> Rawls, TJR, 388, my emphasis.

<sup>50</sup> Larmore, “Public Reason,” 377.



importance of the overlapping consensus in “Reply to Habermas”: he says that “a reasonable overlapping consensus” does not place any obstacles “in the path of all reasonable doctrines endorsing a political conception.”<sup>51</sup> By the overlapping consensus, the political conception of justice can work as a freestanding view, whatever comprehensive doctrines citizens hold. For Rawls, the overlapping consensus is a method of public justification. Rawls writes,

Public justification happens when all the reasonable members of political society carry out a justification of the shared political conception by embedding it in their several reasonable comprehensive views.... A crucial point here is that while the public justification of the political conception for political society depends on reasonable comprehensive doctrines, this justification does so only in an indirect way. That is, the express contents of these doctrines have no normative role in public justification.<sup>52</sup>

Rawls’s citizens are indifferent to the content of others’ doctrines and always remain “within the bounds of the political” and stress “the fact—the existence— of the reasonable overlapping consensus itself.”<sup>53</sup> For Rawls, the conception of justice as fairness should have three features for gaining the overlapping consensus: firstly, “**its requirements** are limited to society’s basic structure,” secondly, “**its acceptance** presupposes no particular comprehensive view,” and thirdly, “**its fundamental ideas** are familiar and drawn from the public political culture.”<sup>54</sup> Rawls’s theory of justice as fairness is a freestanding view regarding the basic structure of society, which affects every member of society profoundly: he declares, “Justice is the first virtue of social

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<sup>51</sup> Rawls, PLE, 389.

<sup>52</sup> Rawls, PLE, 387.

<sup>53</sup> Rawls, PLE, 387.

<sup>54</sup> Rawls, JaF, 33, my emphasis.

institutions.”<sup>55</sup> In this regard, I will examine the steps to the overlapping consensus in connection with stability, *modus vivendi*, and constitutional consensus.

3) *Stability*. According to Rawls, his political liberalism assumes that “there are many conflicting reasonable comprehensive doctrines with their conceptions of the good,” while Greek philosophy presupposes that “there is but one reasonable and rational conception of good.”<sup>56</sup> Thus, the durability and stability of political society are related to the good and the right. Rawls tries to grasp matters of stability through the next two questions. Rawls writes:

The first is whether people who grow up under just institutions (as the political conception defines them) acquire a normally sufficient sense of justice so that they generally comply with those institutions. The second question is that whether in view of the general facts that characterize a democracy’s public political culture, and in particular the fact of reasonable pluralism, the political conception can be the focus of an overlapping consensus. I assume this consensus to consist of reasonable comprehensive doctrines likely to persist and gain adherents over time within a just basic structure (as the political conception defines it).<sup>57</sup>

The first question is to understand stability in terms of morality and the second question is to grasp the problem of stability through the lens of the sense of justice and the two principles of justice. The basic feature of a constitutional democracy is related with “stability” and “persistency” of the regime. Rawls explains stability as follows: “the political culture of a democratic society that has worked reasonably well over a considerable period of time normally contains, at least implicitly, certain fundamental ideas from which it is possible to work up a political conception of justice suitable for a

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<sup>55</sup> Rawls, TJR, 3.

<sup>56</sup> Rawls, PLE, 135.

<sup>57</sup> Rawls, PLE, 141.

constitutional regime.”<sup>58</sup> Connecting the burdens of judgment with the fact of reasonable pluralism, Rawls insists that because we cannot eliminate the burdens of judgment, “pluralism is a permanent feature of a free democratic culture.”<sup>59</sup> The idea of an overlapping consensus is an extension of Rawls’s earlier project of showing how the principles of justice can persist and achieve durability over time in a pluralistic society. Rawls already had the idea of stability in *A Theory of Justice*: “The stability of a conception depends upon a balance of motives: the sense of justice that it cultivates and the aims that it encourages must normally win out against propensities toward injustice. To estimate the stability of a conception of justice (and well-ordered society that it defines), one must examine the relative strength of these opposing tendencies.”<sup>60</sup>

There are two roles of the overlapping consensus: one is to justify the principles and the other is to provide the motivational base for citizens to abide by the principles they agree to.<sup>61</sup> According to Samuel Freeman, there is a misunderstanding about the idea of an overlapping consensus. For example, some think that an “overlapping consensus is a kind of compromise among different and conflicting reasonable comprehensive doctrines.”<sup>62</sup> This kind of concept is not the idea of an overlapping consensus but rather is of a *modus vivendi*. Rawls’s idea of an overlapping consensus is thought of as the best solution for grounding the stability of a conception of justice, while

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<sup>58</sup> Rawls, JaF, 35.

<sup>59</sup> Rawls, JaF, 36.

<sup>60</sup> Rawls, TJR, 398.

<sup>61</sup> Voice, *Rawls Explained: From Fairness to Utopia*, 127.

<sup>62</sup> Freeman, *Rawls*, 369.

a *modus vivendi* indicates “a kind of the second-best solution for everyone to controversial political issues.”<sup>63</sup>

4) *Process from ‘modus vivendi’ to ‘overlapping consensus.’* Now, I will first expatiate upon the idea of a “*modus vivendi*.” Rawls thinks that the oppressive use of state power cannot truly accomplish stability because it cannot affect with “social concord and the moral quality of public life.”<sup>64</sup> The adjustment of conflicting interests cannot form an overlapping consensus. And the compromise of important interests may appear as a byproduct of political negotiations for many cases. However, Rawls insists that the overlapping consensus is not a “compromise compelled by circumstance.”<sup>65</sup> His argument is that “no one accepts the political conception driven by political compromise” and “a doctrine’s adjusting its requirements to conditions such as these is not political compromise, or giving in to brute force or unreason on the world.”<sup>66</sup>

As the next stage, we should elucidate the idea of a “constitutional consensus.” The aim of a constitutional consensus is to make possible “democratic electoral procedures,” that is, to reconcile between competing political rivalries in a society and reach a certain agreement on the basic rights of citizens.<sup>67</sup> However, because as is a disagreement about the exact contents of the basic rights and liberties and its constitutional means of protection, Rawls strongly criticizes the constitutional consensus

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<sup>63</sup> Ibid., 370.

<sup>64</sup> Rawls, PLE, 146-147.

<sup>65</sup> Rawls, PLE, 168.

<sup>66</sup> Rawls, PLE, 171.

<sup>67</sup> Rawls, PLE, 159.

because “it is not deep and it is also not wide: it is narrow in scope, not including the basic structure but only the political procedures of democratic government.”<sup>68</sup>

Nevertheless, Rawls does not deny the possibility evolving agreement from the constitutional consensus to an overlapping consensus. He is concerned with the question “how might it happen that over time the initial acquiescence in a constitution satisfying these liberal principles of justice develops into a constitutional consensus in which those principles themselves are affirmed?”<sup>69</sup> I think that the possibility of an initial acquiescence in a constitution developing into a constitutional consensus can give us insight into how, from there, a constitutional consensus can develop into an overlapping consensus. Rawls maintains that “gradually, as the success of political cooperation continues, citizens gain increasing trust and confidence in one another. This is all we need say in reply to the objection that the idea of overlapping consensus is utopian.”<sup>70</sup> In my view, Rawls understands the political as an evolving process, in which every reasonable citizen takes part in public reasoning. Rawls says, “Public reasoning aims for public justification. We appeal to political conceptions of justice, and to ascertainable evidence and facts open to public view, in order to reach conclusion about what we think are the most reasonable political institutions and policies. Public justification is not simply valid reasoning, but argument addressed to others.”<sup>71</sup> Democratic reasonable citizens should participate in the public forum to mediate their disagreements. This is the duty of civility that Rawls emphasized in political liberalism.

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<sup>68</sup> Rawls, PLE, 159.

<sup>69</sup> Rawls, PLE, 159.

<sup>70</sup> Rawls, PLE, 168.

<sup>71</sup> Rawls, “The Idea of Public Reason Revisited,” CP, 593-594.

### *III. Rawls's View on Neutrality, the Separation Principle of Church and State and Civil Religion*

#### *1. Rawls's View on Neutrality*

Rawls's central thought of "the priority of the right over the good" in *Political Liberalism* comes from Rawls earlier thought, *A Theory of Justice*: he insists that "we should therefore reverse the relation between the right and the good proposed by teleological doctrines and view **the right as prior.**"<sup>72</sup> In Rawls's justice as fairness, the priority of the right implies that "the principles of political justice impose limits on permissible ways of life."<sup>73</sup> Also, even though the idea of "neutrality" most received attention in "the Priority of Rights and Ideas of the Good" (1988)<sup>74</sup> and in Lecture V of *Political Liberalism* (1993), Rawls had already been developing the content of "neutrality" in *A Theory of Justice* (1971): he states that "the state can favor no particular religion and no penalties or disabilities may be attached to any religious affiliation or lack thereof."<sup>75</sup> Rejecting the notion of a Christian nation or a confessional state, he established religious liberty as a central example of neutrality: "The Law protects the rights of sanctuary in the sense that apostasy is not recognized, much less penalized, as a legal offense, any more than is having no religion at all."<sup>76</sup> According to Rawls, the government has no authority to render associations either legitimate or illegitimate. Rawls's position is understood as "a neutrality of state" in terms of fair procedure.

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<sup>72</sup> Rawls, TJR, 491, my emphasis.

<sup>73</sup> Rawls, PLE, 174.

<sup>74</sup> Rawls, "The Priority of Right and Ideas of the Good," CP, 457-458.

<sup>75</sup> Rawls, *A Theory of Justice* (1971), 212; TJR, 186.

<sup>76</sup> Rawls, TJR, 186.

Since “the Priority of Rights and Ideas of the Good” (1988) was presented, Rawls stated that there are two kinds of neutrality in *Political Liberalism* (1996): “neutrality of procedure” and “neutrality of aim.” His theory of “Justice as fairness” is based not on “a neutrality of aim” but “a neutrality of procedure.”<sup>77</sup> For Rawls, the neutrality of aim indicates that “the state is to ensure for all citizens equal opportunity to advance any conception of the good they freely affirm.”<sup>78</sup> As the priority of right excludes this meaning, Rawls suggests amending it as follows: “the state is to secure equal opportunity to advance any permissible conception.”<sup>79</sup> For example, the state does not try to impede the advancement of any particular religious group and allows each an equal opportunity to flourish. According to Rawls, “the neutrality of procedure” means that “the State is not to do anything intended to favor or promote any particular comprehensive doctrine rather than another, or to give greater assistance to those who pursue it.”<sup>80</sup> The neutrality of aim is possible only by the neutrality of procedure. The reason why Rawls’s political liberalism denied the neutrality of effect or influence is that they are impracticable. In Rawls’s justice as fairness, neutrality works only in the case that basic social institutions and public policies are not to be designed to favor any comprehensive doctrine.<sup>81</sup> The

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<sup>77</sup> According to Ronald Pierik and Wibren van der Burg, there are four types of neutrality: Exclusive Neutrality, Inclusive Neutrality, Proportional Neutrality, and Compensatory Neutrality. They regard Rawls’s view as “exclusive neutrality,” means that “religions should be excluded from the public sphere.” “Inclusive Neutrality” means that “citizens are free to express themselves in the public realm on a religious basis and the state can support religious activities.” Proportional neutrality is that “state should support religions proportional to their size.” And compensatory neutrality is that “state takes care of minority religions.” See, Ronald Pierik and Wibren van der Burg’s article, “What is Neutrality.” Electronic copy available at: <http://ssrn.com/abstract=1917392>.

<sup>78</sup> Rawls, PLE, 192.

<sup>79</sup> Rawls, PLE, 193.

<sup>80</sup> Rawls, PLE, 193.

<sup>81</sup> Rawls, PLE, 194.

core of political liberalism is that free and equal citizens affirm their comprehensive doctrines and a political conception through the overlapping consensus by using public reason. Therefore, a political stability can be realized in a well-ordered democratic society because there is “no war between religion and democracy.”<sup>82</sup>

## *2. Rawls's View of the Separation of Church and State*

Now, let me consider Rawls's purpose for the separation of church and state. His rationale is that the policy of separation protects “religion from the state” and “the state from religion” and protects “citizens from their churches and citizens from one another.”<sup>83</sup> He insists that everyone has a right to choose either a religion or non-religion. Thus, heresy and apostasy cannot be regarded as crimes in Rawls's “well-ordered society.” For example, Rawls insists that the apostle Paul and Saul of Tarsus are the same person in the eyes of the state: in other words, he remains a citizen despite his religious transformation from Judaism to Christianity. He writes, “I assume that for the purpose of public life, Saul of Tarsus and St. Paul the Apostle are the same person. Conversion is irrelevant to our public, or institutional, identity.”<sup>84</sup> In “the Idea of Public Reason Revisited,” Rawls maintains the same conviction that “heresy and apostasy are not crimes.”<sup>85</sup> In *A Theory of Justice*, Rawls's conception of “equal liberty of conscience” includes the right of apostasy. Apostasy should not be punished in any case. He criticized the sternness of Thomas Aquinas against the heretics as follows:

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<sup>82</sup> Rawls, PLE, 486.

<sup>83</sup> Rawls, PLE, 476.

<sup>84</sup> Rawls, PLE, 32n.

<sup>85</sup> Rawls, “The Idea of Public Reason Revisited,” CP, 603n.



Thus, for example, Aquinas justified the death penalty for heretics on the ground that it is a far graver matter to corrupt the faith, which is the life of the soul, than to counterfeit money which sustains life. So if it is just to put to death forgers and other criminals, heretics may a fortiori be similarly dealt with. But the premises on which Aquinas relies cannot be established by modes of reasoning commonly recognized. It is a matter of dogma that faith is the life of the soul and that the suppression of heresy, that is, departures from ecclesiastical authority, is necessary for the safety of souls.<sup>86</sup>

For the protection of “equal liberty of conscience” Rawls supports the separation of Church and State. Agreeing with the opinion of Tocqueville, Rawls argues that the strength of American democracy emerges from the separation of Church and State.<sup>87</sup> Considering the separation principle of the United States, he concludes that the main cause of the decline of European churches is the lack of the separation of church and state. Using the power of the state, Churches in Europe instituted the Inquisition and degenerated into a repressive state apparatus. Thus, the state and the church best function separately. Rawls criticizes those who oppose the principle of separation of church and state as follows:

Some citizens of faith have felt that this separation is hostile to religion and have sought to change it. In doing this, I believe they fail to grasp a main cause of the strength of religion in this country and, as Tocqueville says, seem ready to jeopardize it for temporary gains in political power.<sup>88</sup>

### *3. Rawls's View on Civil Religion*

Rawls finds features of civil religion in ancient Greek democracy. For him, ancient Greek religion was “a civic religion of public social practice, of civic festivals

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<sup>86</sup> Rawls, TJR, 189.

<sup>87</sup> Rawls, PLE, 477.

<sup>88</sup> Rawls, PLE, 478.

and public celebrations.”<sup>89</sup> Rawls enumerates some distinct features of a civil religion as follows: (a) “this civic religious culture was not based on a sacred work like the Bible, or the Koran, or the Vedas of Hinduism”; (b) “It was not a religion of salvation in the Christian sense”; (c) “there was no class of priests who dispensed the necessary means of grace”; (d) there was no doctrine regarding “the ideas of immortality and eternal salvation did not have a central place in classical culture.”<sup>90</sup> Comparing Medieval Christianity with Greek civil religion, Rawls criticizes Medieval Christianity such as “an authoritarian religion,” “a religion of salvation,” “a doctrinal religion with a creed,” “a religion of priests,” and “an expansionist religion of conversion.”<sup>91</sup>

Robert N. Bellah said that “by civil religion, I refer to that religious dimension, found I think in the life of every people, through which it interprets its historical experience in the light of transcendent reality.”<sup>92</sup> According to Samuel Huntington, there are four features in the American civil religion:<sup>93</sup> The first feature is that “the American system of government rests on a religious base”; the second feature is that the American civil religion contains “the belief that Americans are the new Israel as God’s chosen people”; the third feature is that “American political culture uses religious allusions and symbols in the public realm”; and the last feature is that “national ceremonies and activities themselves takes on a religious aura and perform religious functions.” In sum,

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<sup>89</sup> Rawls, PLE, xxi.

<sup>90</sup> Rawls, PLE, xxi.

<sup>91</sup> Rawls, PLE, xxiii.

<sup>92</sup> Robert N. Bellah, *The Broken Covenant: American Civil Religion in Time of Trial* (Chicago: The University of Chicago Press, 1975, 1992), 3.

<sup>93</sup> Samuel P. Huntington, *Who Are We?* (New York: Simon & Schuster Paperbacks, 2004), 103.

Huntington defines the basic feature of American civil religion through his claim: “While the American Creed is Protestantism without God, the American civil religion is Christianity without Christ.”<sup>94</sup>

In my view, Rawls’s view is secular on several points. Insofar as Rawls’s Political Liberalism excludes any metaphysical premises, his position in this later works is secularism. According to Peter Berkowitz, Rawls’s anti-metaphysical attitude in *Political Liberalism* exacerbated “the confusion about the relation between reason and morality inhering in *A Theory of Justice*.”<sup>95</sup> Also, Rawls’s position is secular insofar as Rawls’s normative ethics attempts to provide moral objectivity rather than metaphysical truth. Of course, supporting Rawls’s view, Richard Rorty argues that “the goal of social progress is not Truth but Freedom, and that the objectivity of truth is merely the unusable legacy of the theistic age” and “the historicist turn has helped free us, gradually but steadily, from theology and metaphysics.”<sup>96</sup> Rawls discarded the metaphysical interpretation of his theory of justice and turned to a political interpretation.<sup>97</sup> However, criticizing Rawls’s method of non-metaphysical justification, Jean Hampton insists that “the activity of philosophy is itself based upon substantive metaphysical beliefs about the nature of human beings.”<sup>98</sup> Arthur F. Holmes also maintains that “the claim that values are

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<sup>94</sup> Ibid., 106.

<sup>95</sup> Peter Berkowitz, “John Rawls and the Liberal Faith,” *The Wilson Quarterly*, vol. 26, no. 2 (Spring, 2002), 65.

<sup>96</sup> Richard Rorty, *Contingency, Irony, and solidarity* (Cambridge: Cambridge University Press, 1989), xiii-xvi. He said that “more important, it would regard the realization of utopias, and the envisaging of still further utopias, as an endless process-an endless, proliferating realization of Freedom, rather than a convergence toward an already existing Truth.”

<sup>97</sup> Rawls, “Justice as Fairness: Political not metaphysical,” CP.

<sup>98</sup> Jean Hampton, “Should Political Philosophy be done Without Metaphysics,” *Ethics*, vol. 99, no. 4 (Jul., 1989), 791-814.

somehow objective, ‘out there,’ is the legacy on which we still need to draw” and worries over contemporary moral philosophy without metaphysics.<sup>99</sup> Insofar as Rawls’s view holds the strict separation of Church and State, his position belongs to a typical secularism according to the definition of the Encyclopedia of Religious Freedom.<sup>100</sup>

#### *IV. Conservative Christians’ Position between the Priority of Faith and the Priority of Democracy in Rawls’s Political Liberalism*

Even though the later Rawls’s main ideals is fundamentally motivated by Christian legacy, such as human dignity, love, mutual respect, and reciprocity in *Political Liberalism*, I think that conservative Christians cannot accept some particular details of his secular theory. However, it does not mean that Rawls has completely abandoned religious concerns or motivations. Rather, it only shows that while conservative Christians can accept the general idea of justice as fairness, there are certain features of Rawls’s theory that they would have to amend.

What is the priority between a faith or a democracy? Rawls provides the priority of democracy as follows: “A democracy necessarily requires that, as one equal citizen among others, each of us accepts the obligations of legitimate law.... We must each give up forever the hope of changing the constitution so as to establish our religion’s hegemony.”<sup>101</sup> This is the duty of political citizens. Specifically, he regards a democratic society as one in which “people are cooperating as free and equal citizens and what their cooperation achieves (in the ideal case) is a just basic structure with background institutions realizing principles of justice and providing citizens with the all-purpose

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<sup>99</sup> Arthur F. Holmes, *Fact, Value, and God* (Grand Rapids: William B. Eerdmans Publishing Company, 1997), Vii.

<sup>100</sup> Catharine Cookson (ed.), *Encyclopedia of Religious Freedom*, 2003, 433.

<sup>101</sup> Rawls, PLE, 460.

means to meet their needs as citizens.”<sup>102</sup> Rawls writes that “The final court of appeal is not the court, nor the executive, nor the legislature, but the electorate as a whole. The civilly disobedient appeal in a special way to this body.”<sup>103</sup> However, this is a complex problem. The reason is that “the electorate as a whole” consists of citizens who belong to various interest groups and hold their own religious or nonreligious doctrines. Also, in American democratic society, general citizens do not have the suffrage to directly choose nine Justices of the Supreme Court.<sup>104</sup>

Rawls argues that political liberalism is compatible with reasonable faiths because there is no contradiction between the conception of political justice and comprehensive doctrines. Further, Rawls asserts that a well-ordered society is stable because of the overlapping consensus. However, in my view, insofar as reasonable fundamentalists (or conservative believers) are members of a democratic society, their reasonable fundamentalism can challenge and expose some weak points in Rawls’s political thought. For example, fundamental or conservative Christians can only show partial agreement with Rawls’s priority of the right over the good, instead of fully supporting Rawls’s priority of the right. Let us consider that some faithful Christian citizens may request some adjustment of the stipulations in Rawls’s theoretical frame, including the original position, the veil of ignorance, and the priority of right over good.

First, conservative Christians can endorse and affirm the thought of Rawls’s equality from the biblical worldview. God pronounces that everyone is equal regardless of wealth, health, appearance, natural talent, and social contingencies: Romans 2:11 says

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<sup>102</sup> Rawls, PLE, 42n.

<sup>103</sup> Rawls, TJR, 342.

<sup>104</sup> Robert A. Dahl, *How Democracy is the American Constitution?* (New Haven: Yale University Press, 2001).

that “For there is no partiality with God,” and Romans 3:22 says that “even the righteousness of God, through faith in Jesus Christ, to all and on all who believe. For there is no difference.” For Christians, the two principles of justice may become useful tools to realize Jesus’s lesson, “love your neighbor as yourself” (Luke 10: 27), in our real life. At this point, it is natural that Christianity can affirm the two principles of justice of *A Theory of Justice* and Rawls’s two principles of justice can be better understood from the Christian perspective. However, Christians should not be sympathetic to Rawls’s changed view in both *Political Liberalism* and “The Idea of Public Reason Revisited.” According to the later Rawls, a political conception of justice has room for permitting some particular types of the homosexual family. Rawls does not exclude particular types of the family like the monogamous and homosexual family. Further, according to Rawls, the conception of political justice can accept homosexual families “if these rights and duties are consistent with orderly family life and the education of children.”<sup>105</sup> However, conservative Christians, according to the authority of the Bible, regard homosexuality as one of the results of a fallen human nature and, thereby, cannot fully support Rawls’s position.<sup>106</sup>

Second, considering the fact that there are metaphysical or political interpretations of the original position, Christians cannot accept Rawls’s metaphysical interpretation on the person within the original position. For Christians, because belief in the existence of

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<sup>105</sup> Rawls, PLE, 467n.

<sup>106</sup> In this dissertation, I did not deal with the debate over homosexuality. Conservative Christians that I mentioned here have the traditional and biblical viewpoint about homosexuality. Namely, the traditional position regards homosexuality as a character of the sinful nature. However, some Christians and non-Christians advocate homosexuality on the ground of “a genetic predisposition.” The traditional conservative Christians insist that homosexuality is not a genetic predisposition. According to them, homosexuality is prohibited in the Mosaic Law (Lev. 18:22; 20:13), God’s judgment on Sodom and Gomorrah (Gen.19), and in the New Testament (Romans 1:24-27).

God and the redemption of Christ are not objects of negotiation or compromise, the metaphysical interpretation of the original position could never be accepted by Christians. Considering Rawls's political conception of a citizen has a conception of the good as well as the two moral powers Robert B. Thigpen and Lyle A. Downing insist that Rawls's citizens are forced to choose a confessional country because of their conception of the good.<sup>107</sup> They write,

A religious person in the original position might still choose theocracy, that knowledge about whether her religion will be state-enforced or persecuted would not be decisive in her deliberations. She would choose principles that permit the best case scenario (a theocracy dominated by her church) because she would be willing to endure the worst case (she might be a member of a persecuted minority); she could accept persecution because she might be martyred and thus be assured of salvation.<sup>108</sup>

However, in my view, Christians would reject participating in the Original Position with the veil of ignorance, because the veil of ignorance forces Christians to abandon their transcendental values. The two principles are meant to be justified as fair because it would be chosen from the Original Position. However, I think that Christians would not be able to accept the two principles of justice for the same reasons that Rawls accepts them. If Christians accept the two principles, it would be for their own reasons and justifications, which would not necessarily be public political reasons. Rawls intends the Original Position to be a hypothetical device for representing the fairness of the two principles of justice. The original position ensures that the chosen peoples will not depend on any particular religion. But Christians may not wish to find principles that are not biased toward any particular religion. In other words, they want precisely to find

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<sup>107</sup> Robert B. Thigpen and Lyle A. Downing, "Rawls and The Challenge of Theocracy to Freedom," *Journal of Church & State*, vol. 40, issue 4, (Autumn 1998), 757.

<sup>108</sup> *Ibid.*, 764.

principles that do favor their own particular religion. So they will not share Rawls's motivation in finding principles that are unbiased. Because of this, they will not accept the original position as justifying the two principles of justice. If the political conception of the person in the original position is to acquire support from Christianity, and if Christianity is to take part in the original position simultaneously, the only condition is that Rawls's idea of the veil of ignorance should be only interpreted as a "thin veil." In other words, I think that Christians can participate in the discussion of the original position only under a "thin" veil of ignorance, in which they know their religious identity.

Third, for reasonable faiths, Rawls's idea of the overlapping consensus is unstable and is still not different from a *modus vivendi*, contrary to his expectation. Patrick Neal supported this interpretation of the relation between Rawls's political liberalism and comprehensive doctrines. Neal writes, "A citizen of faith will at best be able to establish something of a *modus vivendi* agreement with comprehensive liberals to abide by the Rawlsian account of political liberalism."<sup>109</sup> Because of the integrative function of religious belief, religious doctrines do not permit believers to follow the duty of civility in conflicts between their religious beliefs and the duty of civility. For example, for Christianity, because homosexuality is not an inborn psychological tendency but derives from the sinful nature of human beings, it is never to be permitted in the scope of Christianity. In this point, the relationship of religion and politics belongs to a *modus vivendi*.

In sum, I believe that the reason Christians accept "the priority of Right over Good" is, in fact, because of their true "priority of the Good over the Right" on the basis

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<sup>109</sup> Robert P. George and Christopher Wolfe (eds.), *Natural Law and Public Reason* (Washington, D.C.: Georgetown University Press, 2000), 198.



of integrative function of religion. Religions form a worldview for their believers. Because of the integrative function of religion, Christians keep supporting the priority of the good over the right. After that, Christians may accept, in the political arena, the priority of the right over the good. Thus, there is considerable room for a Christian's idea of the good disagreeing with what justice requires of us.<sup>110</sup> Thereby, it seems difficult to conclude that Rawls's idea of the public reason can inform a political morality that is compatible with a Christian's beliefs. Rawls's hope for an overlapping consensus faces considerable more challenges than he had anticipated. Rawls's political liberalism cannot contend with the challenge of fundamental believers who regard their religious beliefs as truth. There is not a shadow of doubt that Rawls's stability of a well-ordered society may be still merely a *modus vivendi*.

## V. Conclusion

In sum, I dealt with Rawls's transition to political constructivism and analyzed the religious aspects of the main ideas of *Political Liberalism*, such as "public reason," "overlapping consensus," and "stability." For Rawls, the aim of political liberalism is to pursue social stability and to thwart the potential disasters that may result from severe conflicts between incompatible comprehensive doctrines. Rawls's political conception of justice is compatible with reasonable comprehensive doctrines, whether religious or nonreligious. Rawls's ideas of "public reason" and the "overlapping consensus" are means to realize social stability and to reach an agreement on his political conception of justice among citizens with various comprehensive doctrines. These main ideas depend on Rawls's position that all citizens can identify themselves as having in common with

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<sup>110</sup> Rawls, PLE, 179.

each other their status as political beings, even when they have multiple identifications such as their citizenship, their religions, their living regions, and their political party. Among these various identities that each citizen may have, the common identity that they all share is their identity as members of a democratic society engaged in social cooperation.

In *Political Liberalism*, Rawls's view can be characterized as secularism because he excludes any metaphysical implications and provides moral objectivity without reliance on any religious doctrines. Also, Rawls's view of the strict separation of church and state is a typical feature of secularism. I think that Rawls's political liberalism can be supported partially from the conservative perspective of Christianity. For example, some Christians who believe the divine authority of the Bible reject homosexuality as irrelevant to civil rights. Also, those Christians will refuse to participate in Rawls's original position because the requirement of a thick veil of ignorance means that Christians must suspend their identity as Christians. It is also because, following Jesus's teaching, Christians hold the priority of the Kingdom of God over this world. In other words, Christians can embrace the fundamental ideals that remain in Rawls's political liberalism: such as reciprocity and the respect for human dignity that underlies his development of the idea of stability as achieved through an overlapping consensus. However, even though conservative Christians embrace the fundamental ideals underlying Rawls's political conception of justice as fairness, there are certain details of the later theory that they cannot fully embrace. In sum, regarding the remnant values of Christianity, I maintain that, granting that the later Rawls publicly declared his rejection of the Kantian perspective in *Political Constructivism* and *Political Liberalism*, his conception of an

overlapping consensus can be understood better in connection with democratic citizens having Kantian religious personhood.

## CHAPTER FIVE

### John Rawls's Transition to International Morality and Its Theological Implications

#### *I. Introduction*

Rawls's thought on international politics in *The Law of Peoples* (1999) deals with the moral foundations of international law regarding the relationship between human rights and the state and the permissible conduct of just war. This chapter will deal with what I identify as Rawls's fourth transition: "universalism of urgent human rights." Rawls explains that his theory of justice has a universal aspect: "by indicating how justice as fairness may be extended to this case, its sole aim is to explain the way in which, even though justice as fairness does not apply directly to all societies, it is nevertheless, as a practical political conception, neither relativist nor historicist, but appropriately **universal**."<sup>1</sup> Rawls promotes his theory of justice as fairness, not just for liberal democracies, but for the governance of an international society including five kinds of societies in *The Law of Peoples*. Freeman explains that the Law of Peoples is a part of political liberalism, and "its role is to guide the foreign policy of liberal societies."<sup>2</sup> Rawls's law of peoples consists of principles concerning "urgent human rights," "just war," and the "duty of assistance."

In my view, some Christian values are retained in Rawls's theory of international justice and, in fact, gain a clearer expression than in his *A Theory of Justice* and *Political*

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<sup>1</sup> Rawls, *Justice as Fairness: A Guided Tour* (Cambridge: Harvard University Press, 1989), 167, my emphasis.

<sup>2</sup> Samuel Freeman, *Rawls* (New York: Routledge Taylor & Francis Group, 2007), 474.

*Liberalism*. In other words, the three core themes that Rawls emphasizes in *The Law of Peoples*, such as human rights, just war, and the role of the state, show an affinity to Christian values. First of all, Rawls's emphasis on respect for human dignity, a continuing concern from his senior thesis, continues to inform the concrete methods of the Law of Peoples. His theory of the conduct of just war is similar to the Christian conception of just war, and his duty of assistance can be explained as the moral motivation that the Good Samaritan has. Unlike cosmopolitanism, Rawls's emphasis on the proper role of state, in my view, reflects Brunner's theological view of the state as a tool for the preservation of God's grace in this world. Rawls's engagement with these metaphysical themes reappears in *The Law of Peoples*, which I will further deal with in Chapter Six.

For the purposes of this chapter, the structure will be as follows. First of all, I will examine Rawls's theory of human rights as moral universalism. One coherent theme in Rawls's entire career is his concern for human dignity. *The Law of Peoples* shows how Rawls's specific methods work for protecting and fulfilling human dignity in the international society. Rawls suggests a minimal list of urgent human rights that justify humanitarian intervention. Next, I will show that Rawls's international thought focuses on the role of the state while Beitz's cosmopolitanism emphasizes the role of individuals. I think that Rawls's preservation of the role of the state as retaining limited sovereignty stems from his earlier influence under Brunner, who saw the state as serving the function of preserving the grace of God. In comparing three perspectives – Moral Skepticism, State Moralism, Cosmopolitanism – I conclude that the reason Rawls choose the law of peoples is that it maintains some Christian values that are lacking in the other three perspectives. Third, I will disclose the remaining Christian values in Rawls's just war

theory. As Rawls himself acknowledged, his ‘law of peoples’ has several similarities to the Christian natural law doctrine of just war. Lastly, I will expatiate on how the parable of the Good Samaritan provides us a deeper understanding of Rawls’s ideas, such as the duty of assistance and the justification for humanitarian intervention in response to human rights violations committed by an outlaw state. I insist that one of the important keys to interpreting Rawls’s ideas in his international theory of justice is the parable of “the Good Samaritan.” With it, we can better understand why Rawls maintains the need for the duty of assistance and of humanitarian intervention.

## *II. Rawls’s Expansion to Universal Moralism in International Society*

### *1. Rawls’s Main Works dealing with International Justice*

Rawls’s thought on international justice had continuously developed from his senior thesis, *A Brief Inquiry into the Meaning of Sin and Faith* (1942),<sup>3</sup> to *A Theory of Justice*, to *Justice as Fairness: A Guided Tour* (1989),<sup>4</sup> in which it appeared in a fragmented form, and finally to *The Law of Peoples* (1999)<sup>5</sup> into which Rawls

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<sup>3</sup> John Rawls, *A Brief Inquiry into the Meaning of Sin & Faith* (Cambridge: Harvard University Press, 2009), 197. Even though the Holocaust had not occurred yet, the young Rawls, in his senior thesis, shrewdly criticized the Nazi as “the most demonic form.”

<sup>4</sup> Rawls, *Justice as Fairness: A Guided Tour*, 165-167. Rawls provided two reasons; “first, its basic ideas and procedures extend to the society of states and yields principles that are binding on all its members; and second, insofar as certain of a state’s domestic institutions and policies are likely to lead to war or to encourage expansionist aims, or render a people unreliable and untrustworthy as partners in a loose confederation of states, or in a cooperative arrangements between them, those institutions and policies of justice are open to censure and sanctions of varying degrees of severity by the principles of justice among states. This edition was absorbed into *Justice as Fairness: A Restatement* (Cambridge: The Belknap Press of Harvard University press, 2001). There are no big different points between the 1989 version and the 2001 version with except of adding “the Family as a basic Institution.”

<sup>5</sup> John Rawls, *The Law of Peoples* (Cambridge: Harvard University Press, 1999), v. Rawls, in “Preface” of *The Law of Peoples*, Rawls said that he was developing the thought of “The Law of Peoples” after the late 1980s. But I think Rawls’s thought of international politics evolved *from* the time of being as a college student *to* the publication of *the Law of peoples* in 1990s. Hereafter I will mark *The Law of Peoples* as LoP.

incorporated his short article, “the Law of Peoples,”<sup>6</sup> which was originally presented in The Oxford Amnesty Lectures of 1993.

Regarding ‘the moral basis of the law of nations’ in *A Theory of Justice*, Rawls insists that “this original position is fair between nations; it nullifies the contingencies and biases of historical fate.”<sup>7</sup> In *Justice as Fairness: A Guided Tour*, Rawls regarded his theory of justice as fairness as “universal.” In the Oxford Amnesty Lectures of 1993, Rawls presented “the law of peoples,” which is a more delicate form than earlier fragmentary thoughts. After retiring from Harvard University, he published *The Law of Peoples* with “The Idea of Public Reason Revised” in 1999, which includes his idea of a realistic global utopia and was developed from his Amnesty Lectures article, “The Law of Peoples” (1993). In addition, “Fifty Years after Hiroshima” (1995) was also incorporated into his *The Law of Peoples* (1999). In my view, Rawls’s thoughts on international justice can be characterized as ‘universalism of human rights.’

## 2. *The Remaining Christian Values in Rawls’s International Morality*

First of all, I think that Rawls’s realistic utopian society reflects the optimistic view of human progress based on the progressive trajectory of history that is prevalent in the philosophy of the Enlightenment period and liberal protestant theology. For Rawls, “*The Law of Peoples* hopes to say how ‘a world Society of liberal and decent Peoples’ might be possible.’<sup>8</sup> In other words, Rawls’s realistic utopianism, in which the great evils including wars are eliminated, is similar to the vision presented in Isaiah 2:4, “They shall

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<sup>6</sup> John Rawls, “The Law of Peoples,” Stephen Shute and Susan Hurley (eds.), *On Human Rights* (New York: Basic Books, 1993), 41-82.

<sup>7</sup> John Rawls, *A Theory of Justice* (Harvard University Press, 1971 & 1999), 332. Hereafter, I mark it as TJR.

<sup>8</sup> Rawls, LoP, 6.

beat their swords into plowshares, And their spears into pruning hooks; Nation shall not lift up sword against nation, Neither shall they learn war anymore.”

Second, the parable of the Good Samaritan, which Rawls cited, shows that Christian values still underlie the basis of Rawls’s international morality. The moral duty to help burdened countries derives from the Gospel parable that Rawls may have learned from his childhood. Just as he formulated the difference principle based on the ideal of fostering fraternity toward the least advantaged, Rawls’s *The Law of Peoples* similarly articulates the need for a duty of assistance in support of the least advantaged countries, specifically the burdened society. Why did Rawls include this duty in his international theory of justice? We can begin with the supposition that Rawls gave priority to the national interests of well-ordered societies. In general, because burdened societies are politically and economically unstable, they may threaten the stability of the international society. In other words, terrorists groups can arise as a result of the tumultuous political and economic situations of burdened societies and, as a result, negatively impact the stability of the international society. However, this explanation cannot be completely satisfactory, because regardless of whether terrorist groups arise, Rawls regards international aid to help burdened societies as a moral duty of well-ordered societies. Moreover, he even justifies humanitarian intervention for rescuing persecuted individuals within outlaw states on the grounds of their inherent dignity and freedom as human beings. Therefore, in this regard, I maintain that Rawls’s idea of the duty of assistance cannot be grounded in any arguments about the self-interest or national interests of well-ordered societies but rather finds its grounds in moral and religious considerations. I believe that we can better understand Rawls’s motivation in finding a moral or a religious



foundation for the duty of assistance by recognizing the influence of the Good Samaritan parable in the formative process of *The Law of Peoples*.

Third, Rawls's argument of international morality as a plausible alternative is made to recover the proper role of the state and its leader and to secure the protection of conscientious objectors against unjust wars. In *A Theory of Justice*, Rawls's most important concern is to suggest "the moral basis of the law of nations" and "the justification of conscientious refusal to engage in certain acts of war, or to serve in the armed forces."<sup>9</sup> In other words, for Rawls, finding a justification for conscientious refusal is an important inquiry in his international morality. In my view, the justification of conscientious refusal comes from Rawls's own experience. The young Rawls participated in World War II as an American soldier. Rawls insisted that the nuclear bombing of the two cities of Japan in 1945 could not be justified morally.<sup>10</sup>

Therefore, Rawls's important transition in *The Law of Peoples* is that Rawls restored moral universalism to international politics. He suggests the new idea of "decency" for the fulfillment of human rights in a global realm. Rawls states the difference between his earlier thought and his later thought as follows: "Both *A Theory of Justice* and *Political Liberalism* try to say how a liberal society might be possible. *The Law of Peoples* hopes to say how 'a world Society of liberal and decent Peoples' might

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<sup>9</sup> Rawls, TJR, 331. According to Martin and Reidy, Rawls taught a course about "Problem of War" in the spring term, 1969 at Harvard University and the lecture may belong to section 58 of *A Theory of Justice*. Rex Martin and David A. Reidy (eds.), *Rawls's Law of Peoples: A Realistic Utopia?* (Malden: Blackwell Publishing, 2006), 5.

<sup>10</sup> John Rawls, "Fifty Years after Hiroshima (1995)," Samuel Freeman (ed.), *John Rawls: Collected Papers* (Cambridge: Harvard University Press, 1999), 565-572. I mark *Collected Papers* as CP.

be possible.”<sup>11</sup> The aim of *The Law of Peoples* is to provide an account of how stability for the right reasons could be achieved at an international level.

### *III. Rawls's Thought on International Human Rights*

From the image of God in his senior thesis to his later political work on international morality, Rawls demonstrated a continuing concern for human dignity. Also, one of Rawls's major contributions for international politics and international relations theory is to stress the importance of human rights and the superiority of human rights over sovereignty. In general, it seems that Rawls's position is one of moral universalism. In my view, Rawls's key terms in his international politics are *universal human rights*, *the duty of assistance*, and *the stability of international society*. Especially, Rawls divided human rights into two kinds: civilian rights and universal human rights. I suggest that, to understand Rawls's political thought, we have to distinguish three important ideas as follows: “rationality”, “reasonableness”, and “decency.” For Rawls, the idea of “decency” works as an essential ideal in international politics, since it is a sufficient condition for each people to reject unjust interferences and to keep their right to self-determination.<sup>12</sup> According to Rawls, these three ideas are not deduced from practical reason but are novel additions to practical reason. And the scope of “decency” is narrower than “reasonableness.” I will explain this in more detail.

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<sup>11</sup> Rawls, LoP, 6.

<sup>12</sup> Samuel Freeman, “Introduction: John Rawls-An Overview,” Samuel Freeman (ed.), *The Cambridge Companion to Rawls* (Cambridge: Cambridge University Press, 2003), 47.

## *1. Basic Rights of Citizens in a Liberal Society*

Rawls says that human rights are politically neutral values and the range of human rights is universal. Rawls divides human rights into two kinds.<sup>13</sup> One refers to the basic civilian rights and the other to the minimum standard of human rights. The former applies only in liberal societies of the western tradition and the latter applies to international society as a whole. According to Rawls, human rights are different from civil rights. Human rights are applicable worldwide. But civil rights have a conventional limitation to liberal democracy. Thus, the civil rights of western liberal societies cannot develop as the universal norm in international societies. According to Rawls's *A Theory of Justice*, the basic rights that the first principle of justice guarantees are as follows:

(a) political liberty (the right to vote and to hold public office) and freedom of speech and assembly; (b) liberty of conscience and freedom of thought; (c) freedom of Person, which includes freedom from psychological oppression and physical assault and dismemberment (integrity of the person); (d) the right to hold personal property and freedom from arbitrary arrest and seizure as defined by the concept of the rule of law.<sup>14</sup>

In *Political Liberalism*, Rawls regards the basic rights of citizens as follows:

(a) freedom of movement, (b) fair equality of opportunity, (c) the right of personal property, (d) the protection of the rule of law.<sup>15</sup>

## *2. Urgent Human Rights in International Society*

While the basic civil rights of citizens can be deduced from democratic cultures, universal human rights in *the Law of Peoples* are common to various regimes and cultures. The reason is because those rights do not depend on any particular

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<sup>13</sup> Rawls, LoP, 79.

<sup>14</sup> Rawls, TJR, 53.

<sup>15</sup> Rawls, *Political Liberalism* (New York: Columbia University Press, 2005), xxviii. Hereafter I mark it as PLE.

comprehensive doctrine. Thus, if we accept Rawls's position, it is possible for us to conclude that the minimal list of Human Rights can transcend sovereignty and cultures. The thought of human respect is reflected in Rawls' two principles of justice. The two principles of justice are based on three fundamental democratic ideas: "liberty," "equality," and "fraternity." Liberty consists of the first principle of justice. Equality and fraternity are represented by the second principle of justice. According to Rawls, all individuals are essentially free and equal beings who cannot be sacrificed for the development of the welfare of society as a whole. Nevertheless, the two principles of justice for democratic societies are not regarded as appropriate for the foundation for international law. This is because the two principles of justice are rooted in western liberal, democratic cultures. Instead of imposing democratic civil rights as the international standard, Rawls suggests universal human rights. In *Law of Peoples* (1999), Rawls regards the preservation of human rights as a duty of each nation. Securing the minimum standards of human rights is a requisite condition of all regimes. Therefore, a duty of all nations is to preserve human dignity.<sup>16</sup> The lists of human rights are as follows: "the right to life and safety, to owning private-property, rule of law, freedom of conscientiousness, freedom of assembly and freedom of emigration."<sup>17</sup>

Those are the minimum standards of human rights as well as the requisite conditions of a regime. In other words, the minimum-rights should be protected under any regime. Human rights imply that everyone has to respect each other as a human being with inherent dignity and freedom. Therefore, human rights clearly specify the external

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<sup>16</sup> Rawls, LoP, 80.

<sup>17</sup> Rawls, "The Law of Peoples" (1993), Shute and Hurley (eds.), *On Human Rights*, 68.

limitations of the sovereignty of a nation and of domestic law.<sup>18</sup> Rawls argues for three roles of human rights as follows:

1. Their fulfillment is a necessary condition of the decency of a society's political institutions and of its legal order. 2. Their fulfillment is sufficient to exclude justified and forceful intervention by other peoples, for example, by diplomatic and economic sanctions, or in grave cases by military force. 3. They set a limit to the pluralism among peoples.<sup>19</sup>

In his article, "The Law of Peoples" (1993), Rawls argues that some basic human rights should be protected in "a well-ordered hierarchical state" with its consultation hierarchy. These rights are (a) rights to "life and security," (b) rights to "personal property and the elements of the rule of the law," (c) rights to a certain "freedom of conscience," and (d) "freedom of association."<sup>20</sup> Because these human rights are based on a universal morality, no nations should reject any of them.

According to Rawls's *The Law of Peoples* (1999), there is a special class of urgent rights to justify the intervention of international society, both by reasonable liberal peoples and the decent hierarchical peoples. These urgent rights are regarded as a universal norm of international morality in my opinion. He states it clearly as follows:

Human rights in the Law of Peoples, by contrast, express a special class of urgent rights, such as (a) freedom from slavery and serfdom, (b) liberty (but not equal liberty) of conscience, and (c) security of ethnic groups from mass murder and genocide.<sup>21</sup>

Rawls's understanding of human rights derives from the knowledge such as American democratic values, French democratic ideals, and Human rights international

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<sup>18</sup> Rawls, LoP, 80.

<sup>19</sup> Rawls, LoP, 80.

<sup>20</sup> Rawls, "The Law of Peoples" (1993), CP, 553.

<sup>21</sup> Rawls, LoP, 79.

conventions.<sup>22</sup> The later Rawls thinks that human rights are not natural, but conventions which are forms of recognition produced by human agreement for the peaceful coexistence of human beings. The intention of Rawls, I believe, is to reframe human rights through the enumeration of the most significant wrongs of the last century.

### *3. Rawls's Idea on Decency*

For Rawls, the idea of “decency” works as an effective tool for human rights in international society. The conception of decency is a sufficient condition for every nation holding to noninterference and self-determination.<sup>23</sup> For the promotion of human rights, we should acknowledge each individual’s difference. He said that “without conflating all persons into one but recognizing them as distinct and separate, it enables us to be impartial, even between persons who are not contemporaries but who belong to many generations.”<sup>24</sup> Thus, we have to see our place through the perspective of eternity, which is “a certain form of thought and feeling that rational persons can adopt within the world.”<sup>25</sup> Rawls’s confidence of the dignity of human beings is a self-evident truth; we do not need any proof of it. Therefore, human rights clearly specify the external limitations of the sovereignty of a nation and of domestic law.<sup>26</sup> As I examined above, Rawls suggested a set of special rights that justify humanitarian interventions in international

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<sup>22</sup> Hannah Arendt, *On Revolution* (New York: Penguin Books, 1965), 69. Arendt evaluated the American Revolution as a success, while the French Revolution was a failure. Also see, *On Revolution*, 69. Arendt explained the reason why the French Revolution failed as follows: “It was necessity, the urgent needs of the people, that unleashed the terror and sent the Revolution to its doom.” In other words, she said that “freedom had to be surrendered to necessity, to the urgency of the life process itself.”

<sup>23</sup> Freeman, “Introduction: John Rawls-An Overview,” *The Cambridge Companion to Rawls*, 47.

<sup>24</sup> Rawls, TJR, 514.

<sup>25</sup> Rawls, TJR, 514.

<sup>26</sup> Rawls, LoP, 80.

society, both reasonable liberal peoples and the decent hierarchical peoples should accept. These urgent rights are regarded as a universal norm of international morality. In this regard, Rawls's conception of decency indicates a perspective of "you and me" and "here and there," if we can expect common sense from normal persons. I think that Rawls's base of human rights is rooted in our decency; that is, common sense.

#### *IV. Rawls's View on the Role of State in the Duty of Assistance*

##### *1. Background: Three Views on Morality in International Politics*

According to Joseph S. Nye, Jr., a professor of Harvard University, it is very difficult for us to apply morality in international politics because international politics is different from domestic politics. He writes that "we cannot honestly ignore morality in international politics... The enduring logic of international conflict does not remove the responsibility for moral choices."<sup>27</sup> In general, three main perspectives, such as moral skepticism, state moralism, and cosmopolitanism, have different understandings about the role and the character of international morality.<sup>28</sup> The claim of moral skepticism is that we cannot find a certain morality that works as a dominating principle in this world. It seems true that 'no one is an eternal enemy or friend in international society.' State moralism emphasizes the sovereignty of each state with the rejection of intervention. However, considering current reports about severe tragedies in international society, state

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<sup>27</sup> Joseph S. Nye Jr. *Understanding International Conflicts: an Introduction to Theory and History* (New York: Longman, 2000), 26.

<sup>28</sup> Charles P. Schlicher, *International Relation: Cooperation and Conflict* (Englewood Cliffs: Prentice-hall, Inc., 1962), 391. Also, about three perspectives of 'moral skepticism,' 'state moralism,' and 'cosmopolitanism,' I followed the classification of Joseph S. Nye, Jr. and Charles R. Beitz. See Joseph S. Nye Jr. *Understanding International Conflicts: an Introduction to Theory and History* (New York: Longman, 2000), 19-26.; Charles R. Beitz, *Political Theory and International Relations* (Princeton: Princeton University Press, 1999).

moralism does not prove satisfactory. In many cases, nations were and are the principal offenders of war crimes. Charles R. Beitz's cosmopolitanism seems an attractive theory to us because it emphasizes the role and responsibility of individuals. But we still need good nations rather than good individuals for human dignity and distributive justice. Criticizing Beitz's cosmopolitanism based on the role of individuals,<sup>29</sup> Rawls emphasizes the proper role of a government or a state for protecting their peoples. In my view, this reflects the remaining Neo-orthodox influences on Rawls. Just as Brunner's view regards the state as the tool for preserving the grace of God, Rawls's view regards the state as a tool for preserving human rights and dignity. Below, I will briefly examine three views and compare them with Rawls's view.

1) *Moral skepticism*. According to George F. Kennan, morality does not exist in the International society.<sup>30</sup> International moral skepticism is the core of "realism" in international politics. Beitz divided political realism into three types: skeptical realism, analytical realism, and heuristic realism. Skeptical realism is a position opposite to the natural law tradition, which holds "that states are members of a larger moral order whose principles define and limit their prerogatives."<sup>31</sup> International skepticism can be identified with the philosophy of Hume. Analytical realism is opposed to the view of international institutionalism, that is, "institutional structures of the international order plays an

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<sup>29</sup> Rawls, LoP, 119.

<sup>30</sup> George F. Kennan, *Realities of American Foreign Policy* (Princeton: Princeton University Press, 1954), 49.

<sup>31</sup> Charles R. Beitz, *Political Theory and International Relation* (Princeton: Princeton University Press, 1999), 186.



independent causal role.”<sup>32</sup> It means that the strategic interaction of self-interested nations can bring about cooperation among nations. According to this view, seeking national interest works as a moral motivation. Heuristic realism presupposes the importance of normative considerations regarding international affairs. Also, this view never admits to what Carr described as “utopianism.”<sup>33</sup> The difference between skeptical realism and heuristic realism is that the former is a philosophical doctrine regarding moral consideration in international conduct, and the latter is “casuistical, that is, concerned with the application of principles to practice.”<sup>34</sup> In searching for an international morality, I would like to analyze the above three traditional views of international relations. International moral skepticism says that moral principles have no meaning in international relations because of the absence of international institutions that provide international order.<sup>35</sup> It says that international society is a kind of anarchist state in virtue of lacking a common government, and that there can be no transnational moral rights and duties over all nations. It insists that, in international society, justice and rightness come from power, not morality.

2) *State moralism*. State moralists argue that international politics needs an international society which governs by certain moral rules. The important rules of this view are ‘state sovereignty or nonintervention’ and ‘territorial integrity or autonomous

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<sup>32</sup> Ibid., 186. According to Beitz, analytical realism is similar to the Hobbesian thought, while skeptical realism can be found in Hume.

<sup>33</sup> Ibid., 186-187.

<sup>34</sup> Ibid., 187.

<sup>35</sup> Nye, *Understanding International Conflicts: an Introduction to Theory and History*, 22.

entity.<sup>36</sup> According to Beitz, state autonomy consists of two principles, one negative and the other positive: the negative is the principle of nonintervention and the positive is the principle of self-determination.<sup>37</sup> These principles request the prohibition of intervention in order to preserve an international order in global society. The nonintervention principle derives from the idea of ‘state autonomy,’ which is expressed as the principle of “nonintervention and autonomous entity.” This nonintervention principle that regards nations as autonomous entities derives from the parallel analogies between ‘state and person’ and of ‘nonintervention and equal liberty.’<sup>38</sup> The broad interpretation of principles of nonintervention is that foreign countries should not interfere with the domestic affairs of a sovereign nation. State moralism assumes that “Nations are regarded as individual free persons living in a state of nature.”<sup>39</sup>

3) *Moral cosmopolitanism.* For moral cosmopolitanism, international politics is not just as “a society of states,” but as “a society of individuals.”<sup>40</sup> In this regard, the existing boundary between nations does not have any moral status. In considering terrible violations of human rights, they insist that national boundaries should be abolished because they continually deteriorate human dignity in the name of sovereignty.<sup>41</sup> According to the cosmopolitan outlook, moral subjects in international justice are not the

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<sup>36</sup> Ibid., 24.

<sup>37</sup> Beitz, *Political Theory and International Relation*, 92.

<sup>38</sup> Ibid., 71.

<sup>39</sup> Ibid., 75. From Beitz’s Book, I recited the phrase in Christian Wolff, *Jus gentium method scientifica pertractatum* [1749], sec.2, p.9.

<sup>40</sup> Nye, *Understanding International Conflicts: an Introduction to Theory and History*, 25.

<sup>41</sup> Ibid., 25.

states but rather the individual persons. Everyone, as an equal human being, has a moral duty to assist the basic human needs of people in the poorer countries, regardless of their nationality. In other words, the cosmopolitan view can be summarized as ‘justice is only justice for individuals.

Beitz criticizes that international politics cannot provide certain solutions for international distributive justice. In general, the obligation of charity requires relatively wealthy societies to help those who are about to die without the help of others. But, instead of merely the obligation of charity, Beitz argues that justice requires even “greater sacrifices of the more advantaged society,” and explains that “obligations of justice, unlike those of mutual aid, might also require efforts at large-scale institutional reform.”<sup>42</sup> Beitz strongly argues that the foundation of international distributive obligation is justice, not mutual aid. Furthermore, he insists that the social contract theory should be enlarged to include every individual in international society. Given the augmentation of international distributive inequalities, Beitz criticizes, “It is wrong to limit the application of the contractarian principles of social justice to the nation-state; instead, these principles ought to apply globally.”<sup>43</sup>

Beitz argues for what he calls the “the resource redistribution principle”: he writes, “In the case of natural resources, the parties to the international original position would know that resources are unevenly distributed with respect to the population, that adequate access to resources is a prerequisite for successful operation of (domestic) cooperative

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<sup>42</sup> Beitz, *Political Theory and International Relation*, 127.

<sup>43</sup> Ibid., 128.

schemes, and that resources are scarce.”<sup>44</sup> Beitz expects that his resource redistribution principle will have the same function as the difference principle in domestic society. He writes, “it provides assurance to persons in resource-poor societies that their adverse fate will not prevent them from realizing economic conditions sufficient to support just social institutions and to protect human rights guaranteed by the principles for individuals. In the absence of this assurance, these nations might resort to war as a means of securing the resources necessary to establish domestic justice, and it is not obvious that wars fought for this purpose would be unjust.”<sup>45</sup>

Up to now, I have briefly evaluated these three views of morality in international society: moral skepticism, state moralism, and cosmopolitanism. First of all, even though the skeptical view regards order as a necessary condition for justice, it fails to set up a trade-off between order and justice. Next, the strong point of state moralism is its prohibition of wrongful interventions from other countries, but it fails to provide clear criteria by which to judge whether some interventions might be justified. Lastly, even though cosmopolitanism stresses the love for humanity, it may run the risk of fostering enormous disorder in international society because there is no organization in place of a state, which can efficiently perform national policies regarding distributive justice, welfare, and human rights for its citizens at the international level.

## 2. *The Main Ideas in The Law of Peoples* (1999)

In *The Law of Peoples*, Rawls’s aim is to construct “a particular political conception of right and justice that applies to the principles and norms of international

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<sup>44</sup> Ibid., 141.

<sup>45</sup> Ibid., 142.

law and practice.”<sup>46</sup> He suggests some renewed conceptions of ‘decency,’ ‘peoples,’ and ‘the minimum human rights’ and applies new interpretations for the original position and public reason to international politics. Here, I would like to expand on the definitions of “Peoples,” Realistic Utopia,” and “Public Reason revised.” Rawls regards “peoples” as “the actors in the Society of Peoples, just as citizens are the actors in domestic society.”<sup>47</sup> According to Paul Graham, the difference between Rawls’s ‘peoples’ and ‘states’ is that ‘peoples’ have moral features, but ‘states’ have narrowly rational characters.<sup>48</sup> Rawls expatiates on three distinctive features in ‘liberal peoples.’ The first feature is institutional. Liberal peoples have “a reasonably just constitutional democratic government that serves their fundamental interests.” The second feature is cultural. Citizens in ‘a liberal people’ are united by Mill’s ‘common sympathies.’ The last feature has a moral nature, which “requires a firm attachment to a political (moral) conception of right and justice.”<sup>49</sup> For Rawls, ‘the law of peoples’ means “a particular political conception of right and justice that applies to the principles and norms of international law and practice”<sup>50</sup> and “society of Peoples” means “all those peoples who follow the ideals and principles of the Law of Peoples in their mutual relations.”<sup>51</sup> In *The Law of Peoples*, Rawls’s concern is to think

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<sup>46</sup> Rawls, LoP, 3.

<sup>47</sup> Rawls, LoP, 23.

<sup>48</sup> Graham, *Rawls*, 152.

<sup>49</sup> Rawls, LoP, 23-24.

<sup>50</sup> Rawls, LoP, 3.

<sup>51</sup> Rawls, LoP, 3.

about “how the content of the Law of Peoples might be developed out of a liberal idea of justice similar to, but more general than, the idea I called justice as fairness.”<sup>52</sup>

Next, what is the meaning of the term “realistic utopia”? For Rawls, “realistic” means the possibility of practice, that “it could and may exist,” and the meaning of “utopian” is that “it joins reasonableness and justice with conditions enabling citizens to realize their fundamental interests.”<sup>53</sup> I think that Rawls’s idea of ‘realistic utopia’ is reflected in his optimism: Rawls writes, “the fact of the Holocaust and our now knowing that human society admits this demonic possibility, however, should not affect our hopes as expressed by the idea of a realistic utopia and Kant’s *foedus pacificum*.”<sup>54</sup> Also, the reason why Rawls revises the idea of public reason is that it “extends the idea of a social contract to the Society of Peoples, and lays out the general principles that can and should be accepted by both liberal and nonliberal (but decent) societies as the standard for regulating their behavior toward one another.”<sup>55</sup>

### *3. Rawls’s Principle of Toleration and the Duty of Assistance*

(a) *Rawls’s principle of toleration.* According to Rawls, the principle of toleration serves to regulate the relationship between Reasonable liberal peoples and Decent nonliberal peoples. The principle of tolerance principle is based on reciprocity, an ideal that Rawls retains from his early Christian influences. Rawls writes; “Provided a nonliberal society’s basic institutions meet certain specified conditions of political right

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<sup>52</sup> Rawls, LoP, 3.

<sup>53</sup> Rawls, LoP, 7.

<sup>54</sup> Rawls, LoP, 21.

<sup>55</sup> Rawls, LoP, vi.

and justice and lead its people to honour a reasonable and just law for the Society of Peoples, a liberal people is to tolerate and accept that society.”<sup>56</sup> For Rawls, the principle of toleration indicates religious toleration as a political virtue. In this statement, Rawls’s intention is to stress the responsibility of individuals to formulate their own life plans and conceptions of the good. Rawls writes, “to apply the principles of toleration to philosophy itself is to leave to citizens themselves to settle down the questions of religion, philosophy, and morals in according with views they freely affirms.”<sup>57</sup> Also, toleration at the international level means that any state should refuse coercive sanctions for the purpose of changing other peoples and their political cultures. Rawls acknowledges decent non-liberal peoples as good members of the Society of Peoples.<sup>58</sup> Further, Rawls maintains that decent countries should permit the right of emigration for religious liberty. He writes,

Although the established religion may have various privileges, it is essential to the society’s being decent that no religion be persecuted, or denied civic and social conditions permitting its practice in peace and without fear. Moreover, in view of the possible inequality of religious freedom, if for no other reason, it is essential that a hierarchical society allow and provide assistance for the right of emigration.<sup>59</sup>

According to Rawls, tolerance depends on the “the fact of reasonable pluralism.” What Rawls means by this is that “a plurality of conflicting reasonable comprehensive doctrines, both religious and nonreligious (or secular), is the normal result of the culture

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<sup>56</sup> Rawls, LoP, 59-60.

<sup>57</sup> Rawls, PLE, 154.

<sup>58</sup> Rawls, LoP, 59.

<sup>59</sup> Rawls, LoP, 74.

of its free institutions.”<sup>60</sup> He maintains that “decent societies should have the opportunity to decide their future for themselves.”<sup>61</sup>

(b) *Rawls’s principle of a duty of assistance.* Here, let us compare the differences between cosmopolitanism and Rawls’s law of peoples. Rawls explains the difference between cosmopolitanism and his law of peoples.<sup>62</sup> The former concerns the problem of the original distribution and redistribution and its ultimate purpose is “the well-being of individuals and the justice of societies.”<sup>63</sup> However, the latter regards its ultimate concern as “justice as stability for the right reasons of liberal and decent societies, living as members of a Society of well-ordered Peoples.”<sup>64</sup> For Rawls, this duty of assistance is a duty of well-ordered societies to aid burdened societies that suffer unfavorable conditions. However, it does not mean the principle of transfer for natural resources. Rawls opposed extending the difference principle to international justice, as Pogge and Beitz had insisted. Rawls instead maintains that the purpose of distribution is for political autonomy, not for equal distribution of natural resources. Opposing Beitz’s idea of cosmopolitan citizenship, Rawls stresses the fact that international agents are not individual persons but rather peoples. Criticizing Beitz’s “resource redistribution principle,” Rawls maintains the importance of political culture over the redistribution of natural resources: he writes,

The crucial element in how a country fares is its political culture—its member’s political and civic virtues—and not the level of its resources,

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<sup>60</sup> Rawls, LoP, 124.

<sup>61</sup> Rawls, LoP, 85.

<sup>62</sup> Rawls, LoP, 82-85; 113-120.

<sup>63</sup> Rawls, LoP, 119.

<sup>64</sup> Rawls, LoP, 120.



the arbitrariness of the distribution of natural resources causes no difficulty. I therefore feel we need not discuss Beitz's resource redistribution principle.<sup>65</sup>

In this regard, Rawls's three guidelines for the duty of assistance highlight the unique features of Rawls's law of peoples. First is that "a well-ordered society need not be a wealthy society."<sup>66</sup> Rawls says that the duty of assistance and the duty of 'just savings' have the same general aim. The aim is to establish just institutions. Second is that "the duty of assistance is to realize that the political culture of a burdened society is all-important."<sup>67</sup> Rawls believes that national wealth depends on the political culture and the diligence of their members. Natural resources alone cannot decide the degree of natural wealth.<sup>68</sup> Third is that the aim of the duty of assistance is "to help burdened societies to be able to manage their own affairs reasonably and rationally and eventually to become members of the Society of well-ordered Peoples."<sup>69</sup> If the target of this duty is achieved, the assistance is no longer required once it has reached a "target and cut-off point."<sup>70</sup> In other words, the final target of the duty of assistance is to establish just institutions, not the welfare of individuals.

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<sup>65</sup> Rawls, LoP, 117.

<sup>66</sup> Rawls, LoP, 106.

<sup>67</sup> Rawls, LoP, 108.

<sup>68</sup> Rawls, LoP, 108. Rawls mentions Japan as an example of a resource-poor country and Argentina as an example of a resource-rich country. But I doubt that Japan belongs to the category of resource-poor country. Rather, I think that South Korea and Taiwan are more proper examples of resource-poor countries.

<sup>69</sup> Rawls, LoP, 111.

<sup>70</sup> Rawls, LoP, 119.

#### 4. Rawls's View on the Role of the State

Why do the wealthier peoples have a duty to assist poorer peoples? If he was motivated by the parable of the Good Samaritan, we wonder why Rawls does not choose the cosmopolitan view emphasizing the role of individuals such as charity and relief. In my view, the reason Rawls holds “the Law of Peoples” as an alternative instead of the three views above is that his theory reflects Christian values. Rawls’s unique contribution is in his emphasis on the role of the state. For all nations, the principle of self-determination depends on the preservation of minimum list of human rights in their territory. In *The Law of Peoples*, Rawls suggests five kinds of societies: (a) Reasonable liberal peoples, (b) Decent Peoples, (c) Societies burdened by unfavorable conditions, (d) Benevolent absolutisms, and (e) Outlaw states.<sup>71</sup> When Rawls attempts to extend the original position to generate the Law of Peoples, I suppose that representatives of these five regimes attend in the international Original Position. Liberal peoples and nonliberal peoples are agents in the international Original Position. It seems that Rawls regards a people as a human being: “we view peoples as conceiving themselves as free and equal peoples in the Society of Peoples.”<sup>72</sup> In this regard, as individuals do, representatives of each people in the international Original Position have to consider fair conditions after

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<sup>71</sup> Rawls, LoP, 4-5. For example, some insist, according to Rawls’s classification, that North Korea belongs to “the outlaw state” and has “state socialism with a command economy.” In Rawls’s thought, the direction of development is from the outlaw state to the decent people, that is, toward a well-ordered hierarchical society, and from state socialism with a command economy to liberal socialism. While Rawls supports democratic peace theory, he opposes the policy of proliferation of democracy because each people has a right to choose and decide their political culture. Rawls’s thoughts on international politics offer alternative views to the political, economic, and religious problems of North Korea. On the other side, an outlaw state, North Korea is also a burdened society as a result of the failure of dictatorship over the long term.

<sup>72</sup> Rawls, LoP, 34.

lifting their veil of ignorance and should require both the duty of assistance and the request of just war rescuing the suffering people in outlaw states.

## *V. Rawls's Theory of Just War and the Christian Legacy*

### *1. Rawls's View of the Principles of Just War and Its Limits*

1) *The right to war for self-defense and its principles.* For Rawls, the subject and the actor in international society are peoples. Thus, Rawls enumerates the following eight principles for conduct amongst free and democratic peoples:

(a) Peoples are free and independent, and their freedom and independence are to be respected by other peoples; (b) Peoples are to observe treaties and undertakings; (c) Peoples are equal and are parties to the agreements that bind them; (d) Peoples are to observe a duty of non-intervention; (e) Peoples have the right of self-defense but no right to instigate war for reasons other than self-defense; (f) Peoples are to honor human rights; (g) Peoples are to observe certain specified restrictions in the conduct of war; (h) Peoples have a duty to assist other peoples living under unfavorable conditions that prevent their having a just or decent political and social regime.<sup>73</sup>

Among the above eight principles, the fifth principle, (e), mentions the right to war for self-defense. Rawls' argument is that "well-ordered peoples, both liberal and decent, do not initiate war against another; they go to war only when they sincerely and reasonably believe that their safety and security are seriously endangered by the expansionist policies of outlaw states,"<sup>74</sup> while "the democratic peace theory"<sup>75</sup> insists

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<sup>73</sup> Rawls, LoP, 37.

<sup>74</sup> Rawls, LoP, 90-91.

<sup>75</sup> According to Michael Doyle, even though democratic states have sometimes been involved in war against non-democratic states, mature liberal states have not been in war with one another since 1800. Doyle argues that democratic regimes tend to be rich countries, and the rich tend to be involved trade. In the idea of "trade liberalism," he maintains that they are not to wage war on each other. See, Michael W. Doyle, *Ways of War and Peace* (New York: W.W. Norton & Company, 1997), 277-284. However,

that democratic governments do not war with each other. In other words, when a liberal state engages in wars of self-defense, the purpose of the war is to protect and preserve the basic freedoms of its citizens and its constitutionally democratic political institutions. And the right to war for self-defense normally includes the right to help to defend one's allies. Also, even though a benevolent absolutism is not a democratic regime, it also has the right to war for self-defense. The right to war for self-defense requests "non-aggressiveness" and keeps "the honor of human rights" as minimal standards to any society.<sup>76</sup> However, according to Rawls, the four kinds of war are never 'just war.' These are wars to gain economic wealth, to acquire natural resources, to win power, and to acquire empire.<sup>77</sup> Rawls suggests six principles for just war as follows:

- (i) the aim of a just war is a just and lasting peace among peoples; (ii) well-ordered peoples do not wage war against each other; (iii) well-ordered peoples should distinguish three groups of the outlaw states: leaders and high-ranking officials, soldiers, and civilian population. Except for the upper ranks of an officer class, soldiers and civilians are not responsible for the war; (iv) well-ordered peoples should respect the human rights of civilians and soldiers in their warring countries; (v) well-ordered peoples must proclaim their aim and means in the war for self-defense; (vi) practical means-end reasoning ought to be subordinate to the appropriateness of an action or policy of the war. In this point, the norms of the conduct of war limit war plans and strategies, and the conduct of battles.<sup>78</sup>

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democratic peace theory is not the only theory to predict that there would be no war between democratic regimes. According to Christopher Layne, realism is superior to "the democratic peace theory" for predicting of the international outcomes of no war between democratic regimes. By some counterexamples, he explains that there is no causal relation between "no war" and "democracy." See, Christopher Layne, "Kant or Cant: the Myth of the democratic peace," Andrew Linklater (ed.), *International Relation* (New York: Routledge, 2000), 962.

<sup>76</sup> Rawls, LoP, 92.

<sup>77</sup> Rawls, LoP, 91.

<sup>78</sup> Rawls, LoP, 94-97.

2) *Failure of statesmanship and unjustified conduct in war*: According to Rawls, the politician is different from the statesman: “the former (politician) looks to the next election, the latter (statesman) looks to the next generation.”<sup>79</sup> The ideal character of a statesman should include moral elements, as the statesman is not to make citizens of enemy nations his or her slaves.<sup>80</sup> First of all, in his article “Fifty Years after Hiroshima,” Rawls criticized that the United States’ nuclear bombing of two Japanese cities toward the end of World War II was never justified.<sup>81</sup> This bombing is a symbol of the failure of statesmanship. During the discussion among allied leaders in June and July of 1945, before using the atomic bomb on Hiroshima and Nagasaki, the practical means-end reasoning they obscured the moral implications of their actions during the war.<sup>82</sup> Second, the US government could have negotiated with the emperor of Japan. In fact, the Japanese government and military had been instructed by the emperor on June 26, 1945 to seek a way to end the war.<sup>83</sup> Rawls’s principle of just war is that normal citizens should not be directly attacked in any case.

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<sup>79</sup> Rawls, LoP, 97.

<sup>80</sup> Rawls, LoP, 98.

<sup>81</sup> John Rawls, “Fifty Years after Hiroshima,” CP, 565-572. Most Koreans disagree with Rawls’s evaluation of the nuclear bombing on two cities of Japan, because the only national hope for Korea at that time was to be free from the forceful Japanese occupation. For 36 years, the Japan military forced millions of citizens of Korea into forced labor and many young women as sex slaves for their army in the name of the “Great East Asia Co-Prosperity” policy. Japan had illegally and forcefully annexed Korea in 1910 and ruled for about 35 years. To Koreans, the end of World War II meant the independence of Korea from being a colony of Japan. While Rawls could not justify the nuclear bombing of the two cities of Japan, Koreans understood it as retribution for the wrongness of Japan towards Korea. Donald Stone Macdonald, *The Koreans: Contemporary Politics and Society* (Boulder: WestviewPress, 1996), 36-48.

<sup>82</sup> Rawls, LoP, 100.

<sup>83</sup> Barton Bernstein, “Atomic Bombings Reconsidered,” *Foreign Affairs*, 74:1, January-February 1995.

3) *Rawls's three strategies regarding the outlaw state.* Now, let me explain Rawls's classification of societies. According to Rawls, there are five kinds of domestic societies: "(a) reasonable liberal peoples, (b) decent peoples, (c) outlaw states, (d) societies burdened by unfavorable conditions, and (e) benevolent absolutisms."<sup>84</sup> I want to expand on some important features of each society mentioned above. Rawls regards both (a) and (b) as regimes belonging to "well-ordered peoples." But, (e) societies of "benevolent absolutisms" are not part of a well-ordered society. This is because, while they honor human rights, their members are not permitted to take a meaningful role in making political decisions. From the perspective of John Rawls, it is true that North Korea belongs to the category of "outlaw states," which refuse to comply with a reasonable Law of Peoples.<sup>85</sup> Rawls's definition of outlaw states is as follows. Rawls writes,

Outlaw states are aggressive and dangerous; all peoples are safer and more secure if such states change, or are forced to change, their ways. Otherwise, they deeply affect the international climate of power and violence.<sup>86</sup>

Rawls suggested three solutions for dealing with outlaw states. First of all, he asserted that well-ordered peoples ought to possess nuclear weapons as a means of restraint against outlaw states. Well-ordered peoples have the right to wage war in self-defense and the right to help to defend their allies.<sup>87</sup> Second, well-ordered peoples have to exercise efficient foreign policy, such as putting pressure on the egregious human rights

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<sup>84</sup> Rawls, LoP, 5.

<sup>85</sup> Rawls, LoP, 90.

<sup>86</sup> Rawls, LoP, 81.

<sup>87</sup> Rawls, LoP, 91.

abuses of outlaw states by creating a confederative center and public forum such as the U.N. Rawls asserts that well-ordered peoples should pressure outlaw states to change their ways. To do so, well-ordered peoples should have a strategy of economic sanctions and should refuse to admit outlaw regimes as good members of international society.<sup>88</sup> The long-term aim of well-ordered peoples should be to bring burdened societies as well as outlaw states into the society of well-ordered peoples.<sup>89</sup> Third, Rawls argues that humanitarian intervention has to be exercised against the outlaw state including diplomatic and economic sanctions, and, in grave cases, military forces.

In sum, Rawls's view on outlaw states is to lead outlaw states to become open to and gradually join in the society of peoples. The purpose of just wars is to seek for a lasting peace in international society. And a just war is the last resort for keeping international peace. Rawls suggests two important ends for international peace: one is to respect non-democratic political cultures, which do not violate the minimal standard of human rights. Three kinds of sanctions —diplomatic, economical, and military — can be realized step by step. The final goal is to lead to the transformation of the outlaw states into good members of international society. Rawls says that “it may need to be backed up by the firm denial of economic and other assistance, or the refusal to admit outlaw regimes as members in good standing in mutually beneficial cooperative practices.”<sup>90</sup> The other is to provide international aid for the burdened countries. Decent regimes have a duty to provide international aid to the society burdened by unfavorable conditions.<sup>91</sup>

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<sup>88</sup> Rawls, LoP, 93.

<sup>89</sup> Rawls, LoP, 106.

<sup>90</sup> Rawls, LoP, 93.

<sup>91</sup> Rawls, LoP, 106.

## 2. Christian Natural Law Doctrine on Just War

Because Rawls's view of just war theory is influenced by the Christian natural law doctrine of just war, I will expatiate on the doctrine of just war of the Roman Catholic Church and of Protestantism, which can be traced back to St. Augustine.<sup>92</sup> The historical background in Augustine's last years was the time that Rome was under fire from opposing forces and facing imminent collapse. In forming a theory of just war, Augustine's most significant contribution is to permit the limited use of military power by saying, "Christian precepts of peace do not absolutely preclude the use of force against wrongdoers," and he maintains through an analysis of the Bible passages that "it is possible for Christians to engage in war as long as they were acting under the authority of a legitimate ruler, their goal was peace, and their wills were animated by love for another."<sup>93</sup> Through a hermeneutical approach, Augustine interprets "turn the other cheek" in Matthew 5:38 as follows: "one did not have to literally turn one's left cheek to an assailant after being struck on the right but rather that one must above all else be careful so that patience, which is more valuable than everything an enemy can take from us, is not itself lost to the desire for vengeance."<sup>94</sup> Also, in his interpretation of the phrase "blessed be the peacemakers" in Matthew 5:9, Augustine insists that the meaning of being a peacemaker implies that the purpose of war is only for the protection of peace, even if we should fight as a means toward that end.<sup>95</sup>

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<sup>92</sup> David D. Corey and J. Daryl Charles, *The Just War Tradition: An Introduction* (Wilmington: ISI Books, 2012), 53. According to authors, the first theologian on just war was St. Ambrose, not Augustine.

<sup>93</sup> *Ibid.*, 10-11.

<sup>94</sup> *Ibid.*, 56.

<sup>95</sup> *Ibid.*, 57.



According to Augustine, the just war doctrine consists of two parts: *jus ad bellum* (Justice for war) and *jus in bello* (justice in war). In “justice for war (*jus ad bellum*),” Augustine suggests important principles. Firstly, he regards “a just cause” and “the righteous intention” as the requirements for “a just war.” Here, he divides ‘wars of necessity’ and ‘wars of desire’: the former is related to wars that are necessary to correct wrongs that have been committed, and the latter indicates unjust wars to conquer others. In other words, for Augustine, a just war is a defensive war to secure peace and is permissible only as a last resort. In this regard, the basic feature of just wars is reactive action rather than proactive action. Secondly, Augustine requires a just war to be approved by the “proper authority,” in other words, the war must be declared by a legitimate authority and have morally justifiable ends.<sup>96</sup> He believes all authority ultimately comes from God. His emphasis on the proper authority means that war should be a public action, not a private action. Moreover, Augustine sets forth the additional requirement of just war that “the states in going to war when doing so constitutes the best available remedy for righting injustices.”<sup>97</sup> Augustine’s third principle is related to the principle of “justice in war (*jus in bello*),” which consists of two components: a rule of proportionality and a rule of discrimination. “The principle of Proportionality” allows merely the use of the most minimal force necessary to prevail, and “the principle of discrimination” means that any nation cannot attack noncombatants like civilians directly.<sup>98</sup> The most important motivation driving the just war theory is the protection of

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<sup>96</sup> Stephen L. Carter, *God’s Name in Vain* (New York: Basic Books, 2000), 133.

<sup>97</sup> John Mark Mattox, *Saint Augustine and the Theory of Just War* (New York: Continuum, 2006), 51.

<sup>98</sup> *Ibid.*, 133-134.

civilians. In addition, Augustine requests mercy toward the defeated peoples in post war periods. Like Augustine, Aquinas also summarizes three preconditions of just war from the perspective of Christianity as follows: authority, just cause and just intention.<sup>99</sup> In sum, Augustine's criteria of just wars theory include "just cause and intention," "proper authority," and "moral conduct in and after a war." In addition, he thought that war may occur as a result of fallen human nature, and God may use the war as a tool to correct wrongness.

### *3. Comparison of Rawls's Just War and Christian Doctrines*

It is noteworthy that Rawls acknowledges the close relationship between his law of Peoples and the traditional legacy of Christianity by saying, "The Law of Peoples is both similar to and different from the familiar Christian natural law doctrine of just war."<sup>100</sup> Furthermore, he declared that his law of peoples is not secular: Rawls writes that "By this, I mean that it does not deny religious or other values, say through some 'non-theistic' or 'non-metaphysical' [social or natural theory]. It is for citizens and statesman to decide, in the light of their comprehensive doctrines, the weight of political values."<sup>101</sup>

Rawls stresses that the possibility of universal peace among all nations depends on their compliance with the Christian natural law doctrine or the law of peoples.<sup>102</sup> Here, Rawls maintains that his law of peoples "does not preclude the natural law or any other

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<sup>99</sup> John Finnis, "The Ethics of War and Peace in the Catholic Natural Law," John A. Coleman (ed.) *Christian Political Ethics* (Princeton: Princeton University Press, 2008), 95.

<sup>100</sup> Rawls, LoP, 103

<sup>101</sup> Rawls, LoP, 104n.

<sup>102</sup> Rawls, LoP, 103.

reasonable comprehensive doctrine.”<sup>103</sup> According to Rawls, “the Law of Peoples” and the “Christian doctrine of natural law” have similar views about “the right to war in self-defense” and the requirement that “civilians are not to be directly attacked.”<sup>104</sup> However, there are some differences between Rawls’s view and the doctrine of double effect of Catholicism. First of all, Rawls acknowledges “the supreme emergency exemption,” while the doctrine of double effect forbids attacks on civilians except with the unintended and indirect result of a legitimate attack on military targets.<sup>105</sup> The second difference is that “the natural law is thought to be part of the law of God,” while Rawls’s “the law of peoples falls within the domain of the political as a political conception.”<sup>106</sup> In my view, the most important difference between Rawls’s view and the Christian view is that Rawls insists that we should discard the doctrine that we are all guilty, while the Christian tradition holds that “war occurs because of the fallen nature of man, because of human sin.”<sup>107</sup> In sum, Rawls’s denial of the nihilist doctrine of war that “war is hell” shows that the later Rawls holds the optimistic view of human nature of the philosophy of the Enlightenment: Rawls asks back: “certainly war is a kind of hell; but why should that mean that normative distinctions cease to hold?”<sup>108</sup>

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<sup>103</sup> Rawls, LoP, 105.

<sup>104</sup> Rawls, LoP, 104. However, in our real world, the principle, “citizens are not to be attacked,” has not been observed in wars. For example, in the gulf war, about eighty-eight thousand, five hundred tons of bombs were dropped on the land of Iraq and Kuwait. About 70 percent of these bombings did not attack military targets, but fell on civilian areas. Helen Caldicott, *The New Nuclear Danger: George W. Bush’s Military-Industrial Complex*, (New York: The New Press, 2002), 145-146.

<sup>105</sup> Rawls, LoP, 104.

<sup>106</sup> Rawls, LoP, 104.

<sup>107</sup> Corey and Charles, *The Just War Tradition: An Introduction*, 54.

<sup>108</sup> Rawls, LoP, 103.

#### 4. Evaluation of Rawls's Theory of Just War.

What are the merits in Rawls's theory of Just War? The first merit is Rawls's justification of the conscientious refusal against the immoral conducts of an unjust war. For Rawls's international politics, the most important element is that an individual's conscientious refusal works as the morality of the law of nations.<sup>109</sup> Especially, the reason why Rawls tries to put some limitations on conduct in war is that nuclear weapons make it impossible to avoid the sacrifice of innocent citizens and to preserve moral restraints on conduct in war. The theology of war, by the Catholic bishops' pastoral letter on nuclear deterrence, declared three important principles on the morality of war:

- (1) That morality did not permit the use of nuclear weapons at any times;
- (2) that morality did permit their possession for purposes of deterrence; (3) but that morality did not allow their permanent possession, so that even while existing for deterrence, they must be phased out.<sup>110</sup>

In my view, the reason why Rawls criticizes the nuclear bombing comes from his experience of destructive power of nuclear weapons as an American soldier. The nuclear weapon can destruct innocent citizens and humankind as a whole. The fact that we should acknowledge is that nuclear weapons can decimate the human population and that we are the first generation that may totally demolish the earth made by God.

The second merit is Rawls's list of universal human rights.<sup>111</sup> The minimum human rights should be applied to all nations regardless of whether they agree to the law of peoples. Rawls argues that a humanitarian intervention is permitted only for the protection of universal human rights, not for the civil rights of Western society. Of course,

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<sup>109</sup> Rawls, TJR, 331.

<sup>110</sup> Carter, *God's Name in Vain*, 136.

<sup>111</sup> David A. Reidy, "Political Authority and Human Rights," Rex Martin and David A. Reidy (eds.), *Rawls's Law of Peoples: A Realistic Utopia?* (Malden: Blackwell Publishing, 2006), 174.

Amartya Sen argues that democracy has been especially successful in preventing poverty and food crises.<sup>112</sup> Especially, Rawls says that the empowerment of women that can be acquired in democracy has a very strong effect in reducing fertility rates in most developing countries. Women's empowerment brings the growth of female education and female employment opportunities.

The third merit is Rawls's acknowledgement of the importance of political culture and identity. Because of it, Rawls opposes a world-state or a world government, which is "a unified regime with the legal powers normally exercised by central governments."<sup>113</sup> In "Three letters on *The Law of Peoples* and the European Union," Rawls opposed the unification of European countries. Rawls accepts Mill's idea of the stationary state and does not support globalization. He writes:

It seems to me that much would be lost if the European union became a federal union like the United States.... Isn't there a conflict between a large free and open market comprising all of Europe and the individual nation-states, each with its separate political and social institutions, historical memories, and forms and traditions of social policy. Surely these are great value to the citizens of these countries and give meaning to their life. The large open market including all of Europe is aim of the large banks and the capitalist business class whose main goal is simply larger profit.... The long-term result of this — which we already have in the United States — is a civil society awash in a meaningless consumerism of some kind. I can't believe that that is what you want.<sup>114</sup>

Even though Rawls agrees with Sen about the merits of democracy, they differ on whether democratic regimes are a necessary or sufficient condition for preventing poverty. Rawls believes a democratic government is a sufficient condition, but not a necessary

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<sup>112</sup> Amartya Sen, *Development as Freedom* (New York: Anchor Books, 1999), 178.

<sup>113</sup> Rawls, LoP, 36. Rawls regards a world-government as a global despotism and opposes it.

<sup>114</sup> John Rawls and Philippe Van Parijs, "Three letters on *The Law of Peoples* and the European Union," Rawls wrote this letter in June 23, 1998.

condition; therefore, Rawls asks us to acknowledge the different political cultures in the world. The combination of democracy and economic interdependence has both advantages and disadvantages. It is important to note that economic interdependence does not ensure economic equality between nations nor an equal position among them in the era of the digital economy.

In sum, there are two reasons why Rawls opposes cosmopolitanism in *The Law of Peoples*: one is that the cosmopolitan view lacks national identity, that is, the importance of the role of state. Rawls writes, “The ultimate concern of a cosmopolitan view is the well-being of individuals and not the justice of societies.”<sup>115</sup> And Rawls’s second reason is that the cosmopolitan view shows an extreme individualism that reduces the importance of the basic structure of a society. Also, Leif Wenar criticizes cosmopolitanism on the grounds that “it cannot become a complete theory of a legitimate and stable world order. Rawls’s law of peoples, though often surprising and perhaps in place flawed, represents a liberal statism that is the only realized approach to global political morality that we have.”<sup>116</sup> I believe that Rawls’s position of “realistic utopianism” makes it possible to realize the preservation of minimum human rights, international distributive justice, and international stability in this world.

#### *VI. Conclusion: Biblical Implications of the Good Samaritan in Rawls’s International Morality*

Rawls explained the relationship between the Law of Peoples and the Christian Doctrine, as there are clear similarities between the two: He writes, “The Law of Peoples

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<sup>115</sup> Rawls, LoP, 119.

<sup>116</sup> Leif Wenar, “Why Rawls is not a Cosmopolitan Equalitarian,” Martin and Reidy (eds.) *Rawls’s Law of peoples: A Realistic Utopia?*, 111.

is both similar to and different from the familiar Christian natural law doctrine of just war.”<sup>117</sup> Also, in “The Idea of Public Reason Revisited,” Rawls exceptionally cites one passage of the Bible known as the story of the Good Samaritan. Rawls’s statement about the parable is as follows:

On the wide view, citizens of faith who cite the Gospel parable of the Good Samaritan do not stop there, but go on to give a public justification for this parable’s conclusions in terms of political values. In this way citizens who hold different doctrines are reassured, and this strengthens the ties of civic friendship.<sup>118</sup>

Of course, Rawls’s basic intention is to explain how Christians or religious persons may come to affirm the political conception of justice. Through the same parable, Kant also insists that “we must be able to will that a maxim of our action become a universal law; this is the canon for morally estimating any of our actions.”<sup>119</sup> Rawls’s methods for establishing international justice consist of economic assistance and military intervention. Namely, international society has a duty of assistance for helping peoples in the burdened societies and a duty justified by just war theory for humanitarian military intervention for the protection of human rights in outlaw states. Let us examine “the parable of the Good Samaritan” in the Gospel according to St. Luke 10:29-37.

But he, wanting to justify himself, said to Jesus, “And who is my neighbor?” Then Jesus answered and said: “A certain man went down from Jerusalem to Jericho, and fell among thieves, who stripped him of his clothing, wounded him, and departed, leaving him half dead. Now by chance a certain priest came down that road. And when he saw him, he passed by on the other side. Likewise a Levite, when he arrived at the place, came and looked, and passed by on the other side. But a certain Samaritan, as he journeyed, came where he was. And when he saw him, he

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<sup>117</sup> Rawls, LoP, 103.

<sup>118</sup> Rawls, “The idea of Public Reason Revisited,” LoP, 155, and CP, 554.

<sup>119</sup> Immanuel Kant, *Grounding for the Metaphysics of Morals*, 424. in *Ethical Philosophy*, trans. James W. Ellington (Indianapolis: Hackett Publishing Company, 1994). 32.

had compassion. So he went to him and bandaged his wounds, pouring on oil and wine; and he set him on his own animal, brought him to an inn, and took care of him. On the next day, when he departed, he took out two denarii, gave them to the innkeeper, and said to him, 'Take care of him; and whatever more you spend, when I come again, I will repay you.' So which of these three do you think was neighbor to him who fell among the thieves?" And he said, "He who showed mercy on him." Then Jesus said to him, "Go and do likewise"(NKJV).

Here, the core of Jesus's teaching on "the parable of the Good Samaritan" is that we should act morally, considering the possibility that we are the victims, not others. If we find ourselves to be the wounded person on the road, we will need help from others. In this regard, the parable of "the Good Samaritan" gives us strong indications of our moral duty towards suffering peoples when we apply Rawls's Original Position to international society.<sup>120</sup> If we suppose that our nation will be a burdened society or a people under attack from an outlaw state, we will desperately require aid from other peoples and humanitarian intervention to protect our decency as humans. In my view, the excellence of the story of the Good Samaritan is to explain Rawls's fundamental motivation for positing the duty of assistance and the necessity of humanitarian intervention in the form of a just war, which helps others who are suffering severe violations of human rights. I assert that Rawls's international morality for securing urgent

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<sup>120</sup> John Hare, "Is there an Evolutionary Foundation for Human Morality?" Philip and Jeffrey Schloss (eds.), *Evolution and Ethics: Human Morality in Biological and Religious Perspective* (Grand Rapids: Eerdmans, 2004), 187-203. According to John Hare, considering the case of the Good Samaritan, the affection for justice demands that I should act for someone who is not related to my bloodline. As a Kantian, Hare insists that there is "the gap between the demands of morality on us and our natural capacities to meet those demands." He sorted two kinds of affections: "the affection of justice" and "the affection for advantage" and explained the conflicts of two affections as a theory of "the gap picture" which "describes a gap between the moral demand and the capacities we are born with and naturally develop." According to Kant, we are all born with the wrong ranking of two and the moral demand requests the priority of the affection for justice over the one for advantages. Hare also believes that human beings have the affection for justice and that, in human morality, there is something unique "that is not found in nonhuman animals" and "that cannot be explained by locating its source in natural selection." In my view, following Hare's interpretation, Rawls's introducing of the parable of the Good Samaritan should be understood in the Kantian perspective regarding the moral gap and radical evil.



human rights and the duty of economic assistance is founded on the biblical influence that stems from his adolescent years.

It is possible that Rawls's desire of realizing his realistic utopia may reflect the prediction of the prophet Isaiah, "He shall judge between the nations, And rebuke many people; They shall beat their swords into plowshares, And their spears into pruning hooks; Nation shall not lift up sword against nation, Neither shall they learn war anymore" (Isa. 2:4). Isaiah's message is related to the realization of universal peace. However, according to the young Rawls's Neo-orthodox theology, universal peace depends not on human ability but the Lord Himself. Also in Matthew, remembering that Jesus warned his disciples of the signs of His return with his prediction that "you will be hearing of wars and rumors of wars" (Matt. 24:6), the lesson that we can get from the Bible is that many wars and injustices in this world are unavoidable historical facts before the Second Advent of Christ. Contrarily, even though the later Rawls's view still retains, to some degree, Christian values, he seeks the establishment of a realistic utopian society through the creation of just international institutions that will remove internal injustice and adhere to the conditions of his theory of just war and the duty of assistance. In other words, Rawls's realistic utopian society can be fulfilled when the outlaw states finally turn into decent regimes that regard the ultimate priority of the state as the happiness or well-being of their citizens.

In sum, I think that, unlike cosmopolitanism, Rawls's emphasis on urgent human rights and the proper role of state are influenced by Neo-orthodox theology of Emil Brunner, who insists that states are tools for the preservation of God's grace. Also, I conclude that Rawls's moral motivation of developing a theory of just war can be

explained from the Good Samaritan perspective, the influence of the Augustinian doctrine of just war, and Kant's theory of peace, which was in turn also influenced by Augustine. Through this perspective we can better understand why and how Rawls constructs his foundation for international morality and its specific methods, even though he does not confess protestant beliefs, and we can see that there remains a Christian legacy in his international political thought.

## CHAPTER SIX

Rawls's Engagement with Metaphysical Issues such as anti-Theodicy, the Great Evils, and the Goodness of Human Nature in "On My Religion," *The Law of Peoples* and His two *Lectures*

### *I. Introduction: Rawls's Political Philosophy and anti-Theodicy*

According to Susan Neiman, "the reemergence of the problem of evil in Rawls's work, despite his own best efforts to avoid metaphysical pitfalls, may account for some of the resonance of the work as a whole."<sup>1</sup> In this chapter, I will argue that the young Rawls and the later Rawls both always had a strong interest in the problem of evil which he engaged with consistently from his senior thesis to his later works such as "On My Religion" (1997), "Commonweal Interview with John Rawls" (1998), *The Law of Peoples* (1999), *Lectures on the History of Moral Philosophy* (2000),<sup>2</sup> and *Lectures on the History of Political Philosophy* (2007).<sup>3</sup> I think that these works show the later Rawls's metaphysical engagement, his transition to anti-theodicy, and his view on human nature as goodness. Therefore, without a deep analysis of these works, we might misread the religious aspects of Rawls's works. The young Rawls expatiated on the problem of evil from the view point of theological ethics, while, rather than concerning himself with

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<sup>1</sup> Susan Neiman, *Evil in Modern Thought: An Alternative History of Philosophy* (Princeton: Princeton University Press, 2002), 314.

<sup>2</sup> John Rawls, *Lectures on the History of Moral Philosophy* (Cambridge: Harvard University Press, 2000). Hereafter, I mark this book as LHMP.

<sup>3</sup> John Rawls, *Lectures on the History of Political Philosophy* (Cambridge: The Belknap Press of Harvard University Press, 2007). Hereafter, I mark this book as LHPP.

theodicy, the later Rawls instead focuses on the character of evil from a political, social, and economic standpoint.

In this Chapter, my aim is to explicate Rawls's view of "the great evils," including social evils, through his reflections on the Holocaust. Many think that, with the exception of his senior thesis, Rawls did not engage in theology and is neither considered a theologian nor a philosopher of religion. Nevertheless, the reason why I approach his later thought from the viewpoint of religious philosophy is that Rawls's renouncement of religion does not invalidate what I take to be Rawls's continuing concern with the problem of evil, albeit from a "secular" perspective, and Rawls's two *Lectures* include a discussion of great modern philosophers who have grappled with the problem of theodicy in the tradition of Western intellectual thought. For modern philosophers, theodicy is a serious issue not to be overlooked.

Therefore, based on the analysis of these works, I will first articulate the fact that the young Rawls and the later Rawls consistently had a concern about the subject of theodicy. And in next section, I will disclose my view that the young Rawls followed the Augustinian tradition and Neo-orthodox theology of Brunner in the tradition of theodicy. Third, I will analyze the later Rawls's view of the great evils and unjust social institutions, human nature as inherently good, and the occurrence of the Holocaust. Especially, I will argue that Rawls's moral psychology was influenced by the Kantian and Augustinian understanding of human nature.<sup>4</sup> In this regard, the Christian values underlying the young Rawls's thesis remained in the works of the later Rawls as well.

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<sup>4</sup> Richard J. Bernstein, *Radical Evil: A Philosophical Interrogation* (Cambridge: Polity Press, 2002), 19. According to Bernstein, Kant's view of human nature is that "we are neither angels nor evils. He rejected the idea that we are born morally good and become corrupted, as well as the idea that we are intrinsically morally evil, that we are born sinners, and consequently cannot escape from actually sinning."

Lastly, I will explicate Rawls's view of human nature as essentially good, and I will explain Rawls's diagnosis of the cause of the Holocaust.

## *II. The Young and Later Rawls's Coherent Theme: The Problem of Evil*

In my view, one common concern between the young and later Rawls is the issue of "theodicy." In his senior thesis, the young Rawls examined the relations between human nature and bad institutions, and between evils and God. Also, after being discharged from his military service after the war, Rawls had raised a serious doubt about the existence of divine providence in light of the Holocaust in his article "On My Religion." In this article, Rawls concludes the existence of evil cannot compatible with the existence of an omnibenevolent, omniscient, and omnipotent God. As a result of his experiences during World War II, Rawls came to answer this question in the negative. The evils of the Holocaust prompted him to reflect negatively on the problem of theodicy and lead to serious doubts about the Christian doctrine of heaven and hell. As theodicy is traditionally the study of the problem of evil – namely, the question of the compatibility of the existence of evil and of God – it is natural that we may characterize Rawls's position as one of "anti-theodicy." According to Kenneth Surin, "the real test for theodicy – and in a profound sense, the only test – is: how can we answer that Jew?"<sup>5</sup> In this regard, Rawls's attempt to analyze the causes of the Holocaust belongs properly to the realm of "theodicy." But considering the fact that the traditional meaning of theodicy is to reconcile the tension between the existence of God and the existence of evil, I think that, through his reflections on the Holocaust, Rawls's denial of "the supremacy of the divine" will can be characterized as a position I call "anti-theodicy." Rather than concerning

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<sup>5</sup> Kenneth Surin, "Theodicy?" *The Harvard Theological Review*, vol. 76, no. 2 (April, 1983), 225-226.

himself with traditional theodicy in his later works, Rawls instead focuses on the character of evil from a political, social, and economic standpoint.

In *The Law of Peoples*, Rawls centers his work on the problem of evil as a feature of social, economic, and political institutions. For example, Rawls thinks that the Holocaust occurred as a result of institutional failures in preventing the spreading dominance of Nazi power. Rawls's overall position is that if we remove the evils inherent in unjust social institutions, the great evils of history, such as genocide, poverty and war, will disappear. Hence, we might consider the later Rawls to be concerned with a kind of *social* rather than religious theodicy: instead of trying to reconcile the existence of evil with God, Rawls turned his concerns to the question of whether we can eliminate the great evils of history through the transformation of our social institutions. Also, in *Lectures on the History of Moral Philosophy* (2000) and *Lectures on the History of Political Philosophy* (2007), Rawls emphasizes the role of reason as the foundation of modern philosophers including Kant and “stresses Kant’s view that the moral law only achieves its full significance and justification in the spirit of religious faith.”<sup>6</sup> Rawls emphasizes the role that reason plays in enabling us to achieve “a realistic utopia,” which should remove the great evils by the establishment of just social institutions. In the last paragraph of *The Law of Peoples*, Rawls describes Kant’s optimistic expectations of the role of human reason as the core of the philosophy of the Enlightenment:

If a reasonably just Society of Peoples whose members subordinate their power to reasonable aim is not possible, and human beings are largely

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<sup>6</sup> Peter Berkowitz, “John Rawls and the Liberal Faith,” *The Wilson Quarterly*, vol. 26, no. 2 (Spring, 2002), 67.

amoral, if not incurably cynical and self-centered, one might ask, with Kant, whether it is worthwhile for human beings to live on the earth.<sup>7</sup>

### *III. The Young Rawls's Theological Landscape of Theodicy*

#### *1. The Meaning of Theodicy and Types of Evils*

Let me, first of all, state the origin of the word “theodicy.” The German philosopher Gottfried Wilhelm Leibniz (1646-1716) first coined the term “theodicy,” which means “the defense of the justice and righteousness of God in face of the fact of evil.”<sup>8</sup> According to Rawls, the aim of Leibniz is to vindicate “God’s justice in the Theodicy.”<sup>9</sup> Also, what Leibniz seeks is an account in which God’s freedom and Man’s freedom should be the “fundamental cause both in the world and in our life.”<sup>10</sup> Kenneth Surin insists that “theodicy, in its classical form, requires the adherent of a theistic faith to reconcile the existence of an omnipotent, omniscient, and morally perfect God with the existence of evil.”<sup>11</sup> For Alvin Plantinga, the aim of theodicy is “to provide an account of why God actually permits the evils in the world.”<sup>12</sup> In this regard, we think that central to theodicy is the argument commonly known as ‘the theistic defense.’ Richard Swinburne

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<sup>7</sup> John Rawls, *The Law of Peoples* (Cambridge: Harvard University Press, 1999), 128. Hereafter, I mark this book as LoP.

<sup>8</sup> John Hick, *Evil and the God* (New York: Harper & Row, Publishers, 1966), 6. According to Hick, Karl Barth criticized Leibniz don’t have any sincere concern about the problem of evil. Also, Hick insists that Leibniz’s the best world implies that he does not consider the life of the less fortunate at all. See, 154.

<sup>9</sup> Rawls, LHMP, 106.

<sup>10</sup> Rawls, LHMP, 134.

<sup>11</sup> Surin, “Theodicy?” See 225 about the definition of theodicy.

<sup>12</sup> J.P. Moreland and William Lane Craig, *Philosophical Foundations for a Christian Worldview* (Downers Grove: InterVarsity Press, 2003), 538.

explains this defense as follows: “the theistic defense is usually put as the defense that many evils are logically necessary conditions of greater goods, and hence a perfectly good being may allow them to occur in order to bring about the greater good; so a perfectly good being may well allow some evils to occur.”<sup>13</sup>

In general, theodicy involves a division of evil into three types: moral evils, non-moral evils, and metaphysical evils.<sup>14</sup> “Moral evil” originates from human beings and signifies vices or defects in human nature and action. Examples of moral evil include fraud, cruelty, viciousness, murder, etc. “Non-moral evil” is natural evil that derives from Nature, such as earthquakes, storms, droughts, tornadoes, etc. Lastly, “metaphysical evil” is related to the fact of the created universe. J.P Moreland and William Lane Craig, for example, characterize moral and natural evils as follows: the former is the result of interpersonal relationships and the latter the result of natural disasters. “Metaphysical evil” is related to the fact of the created universe: it is related to both “the existence of energies and structures of evil transcending individual human minds” and “the basic fact of finitude and limitation within the created universe.”<sup>15</sup> A representative example of “metaphysical evil” comes from the Augustinian view, which traces the source of all kinds of evils – moral and natural – to transcendental beings: Augustine writes, “we must distinguish, then, between two kinds of things that can be seen. One originates in the will of a being who persuades – for example, the devil, through whose persuasion and man’s

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<sup>13</sup> Richard Swinburne, “Does theism need a Theodicy?” *Canadian Journal of Philosophy*, vol. 18, no. 2 (June, 1988), 287.

<sup>14</sup> Hick, *Evil and the God*, 12-13. On the problem of evil, Hick’s conclusion is that the Creator has the ultimate responsibility for existence of evil. His view is opposed to “the free-will defense” of Alvin Plantinga. Plantinga insists that it is impossible that God created this world in both “the existence of free will of human beings” and “the non-existence of evil.”

<sup>15</sup> *Ibid.*, 13.



consent, man sinned. The Second arises out of the influence of his surroundings, the spirit's intention, or the bodily sense."<sup>16</sup>

## *2. The Young Rawls's View and Augustine's Tradition of Theodicy*

Unlike the later Rawls's understanding of the relationship between moral man and immoral institutions, the young Rawls's view can be summarized as "bad institutions are a sure sign of sinful man."<sup>17</sup> His emphasis on the human responsibility involved in making bad institution is similar to that of the later Rawls. The young Rawls accepts Augustine's view of evil as the deficiency of goodness. His own reading of Augustine's view on evil shows the fact that the young Rawls does not acknowledge the transcendental being as a cause of evil. The young Rawls writes,

We must agree with Augustine that "the evil of mutable spirits, which depraves the good of nature, arises from itself"... Thus we reject any Manichean tendency to blame evil or sin on something outside the spirit.<sup>18</sup>

However, the young Rawls's interpretation emphasized one side of Augustine's two views of evil. First of all, Augustinian theodicy attributes all kinds of evils including moral and natural evils, to the ultimate cause or transcendental being but does not regard "the unavoidable imperfection of creatures" as an evil.<sup>19</sup> According to Augustine, original sin has been transmitted by a sexual action from parents to offspring since the Fall of

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<sup>16</sup> Saint Augustine, *On Free Choice of the Will* (New York: The Bobbs-Merrill Company, Inc., 1964), 147. It also depends on the Bible: "For we do not wrestle against flesh and blood, but against principalities, against powers, against the rulers of the darkness of this age, against spiritual hosts of wickedness in the heavenly places. Therefore take up the whole armor of God, that you may be able to withstand in the evil day, and having done all, to stand. Ephesians 6:12-13, NKJV.

<sup>17</sup> Rawls, *A Brief Inquiry into the Meaning of Sin and Faith* (Cambridge: Harvard University Press, 2009), 190. Hereafter, I mark it as BISF.

<sup>18</sup> Rawls, BISF, 192.

<sup>19</sup> Joshua Cohen and Thomas Nagel, "Introduction," Rawls, BISF, 14.

Adam and Eve. He understood that because sin is a state, humans are born sinful and incapable of any good by themselves. For Augustine, evil is the ‘privation of good.’ The privation of good indicates that it is neither a reality nor a substance. Augustine insists that “every good is from God. There is nothing of any kind that is not from God. Therefore, since the movement of turning away from good, which we admit to be sin, is a defective movement [*defectivus motus*] and since, moreover, every defect comes from nothing, see where this movement belongs: you may be sure that it does not belong to God.”<sup>20</sup> The core doctrines of his theodicy are that all things that God created are good, and the misuse of human freedom had caused us to fall from God’s grace. Augustine writes,

What, after all, is anything we call evil except the privation of good? In animal bodies, for instance, sickness and wounds are nothing but the privation of health. When a cure is effected, the evils which were present (i.e. the sickness and the wounds) do not retreat and go elsewhere. Rather, they simply do not exist anymore. For such evil is not a substance; the wound or the disease is a defect of the bodily substance which, as a substance, is good.<sup>21</sup>

The second point in Augustine’s theodicy that the young Rawls accepted is to stress “the wrong choices” of individuals. Augustine argues that all evils come from an evil will of the individual: “although there are two sources of sin, one from man’s unprompted thinking and the other by persuasion from outside, both indeed are voluntary.”<sup>22</sup> This is the second core of Augustine’s argument of theodicy. In this regard, the young Rawls follows Augustine’s second view; the young Rawls writes, “Man by sin made institutions necessary. Laws were to preserve the order of nature and to limit the

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<sup>20</sup> Augustine, *On Free Choice of the Will*, 83-84.

<sup>21</sup> Hick, *ibid.*, 48. I quoted the content of Augustine’s original text from Hick’s book.

<sup>22</sup> Augustine, *ibid.*, 110.

extent of man's rebellion."<sup>23</sup> The Augustinian understanding of evil is a metaphysical and theological claim that God did not create evil.<sup>24</sup>

### 3. *The Young Rawls and the Neo-orthodox Theology of Evil: Barth and Brunner*

The young Rawls follows Barth and Brunner in the point that Adam's original sin was not a historical fact. According to Barth, there is a severe weakness in the notion of the omnipotence of God for theodicy. Namely, some think that if God is truly omnipotent and omnibenevolent, then he would have the ability to create a world with no evil in it, and if God were omnibenevolent then he would only create a world that was good or the best world. They also insist that if God is almighty, he should not permit the existence of evils. However, Barth insists that the omnipotence of God should be illuminated from the point of view of God's self-revelation in Jesus Christ. Let me examine the meaning of evil, *das Nichtige*, in Barth. According to him, *das Nichtige* implies the opposition and resistance to God's world-dominion. Even though *Das Nichtige* does not exist in the same way that God and His creatures exist, it is not "non-existence." John Hick explains that Barth's term *das Nichtige* (nothingness) can be understood as not as "nothing" but as

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<sup>23</sup> Rawls, BISF, 190.

<sup>24</sup> Hick, *Evil and the God*, 211-212. Contrary to the Augustinian view of evil, a Bishop of Lyons, Irenaeus (130-202) believed that because Adam and Eve were the head of all human beings, in them all human beings sinned literally. Because he regards Adam and Eve in the Garden of Eden as children, the first sin of humans is not "a damnable revolt" but "calling forth God's compassion on account of their weakness and vulnerability." On this view, humans were created as immature beings. According to him, "the image of God" indicates "his nature as an intelligent creature capable of fellowship with his Maker." And "the likeness" implies "man's final perfecting by the Holy Spirit." Even though humans already are made in the image of God, they don't have the likeness of God in this world. In contrast with the Augustine's view, Irenaeus maintains that this world is mixed with good and evil, and that humans are in the middle of a process toward the perfection of God. This is what he envisions when he says that "Adam and Eve in the Garden of Eden as children and their sin is accordingly not presented as a damnable revolt, but rather as calling forth God's compassion on account of their weakness and vulnerability."

“something” of which God seriously takes into account for the glory of His deity.<sup>25</sup>

According to Hick, a strong point in Barth’s view of evil is that he distinguished “the shadowside of creaturely existence” from “evil in the much stronger sense of enmity against God.”<sup>26</sup> His notion of ‘shadowside’ can be understood as a notion invoking metaphysical evil, such as “finitude, imperfection, impermanence, and the fact of having been created *ex nihilo* and being thus ever on the verge of collapsing back into non-existence.”<sup>27</sup> We should not confound *das Nichtige* with the shadowside. Barth insists that, in general, humans are under the fatal delusion that *das Nichtige* is a special case of the shadow of God’s creation and regards it as “a necessary and tolerable part of creaturely existence.”<sup>28</sup> In other words, because this interpretation attributes the existence of evil to God’s responsibility, it is a wrong view and a fatal delusion. In Barth’s view of ‘*das Nichtige*,’ it includes human sin, pain, suffering, and death.<sup>29</sup>

Now, let me expatiate on Brunner’s view of evil that the young Rawls adopts. In my view, the most important fact is that Brunner partly accepts Kant’s view of evil. According to Brunner’s understanding of Kant’s view, Kant regarded the origin of evil lies in personal wrong decisions, instead of the finiteness of man. Namely, Kant regards “radical evil” as a problem of the human will. In fact, the later Rawls deals with Kant’s view on “radical evil” in his *Lectures on the History of Moral Philosophy*.<sup>30</sup> According to

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<sup>25</sup> Ibid., 128.

<sup>26</sup> Ibid., 144.

<sup>27</sup> Ibid., 129.

<sup>28</sup> Ibid., 130.

<sup>29</sup> Ibid., 132.

<sup>30</sup> Rawls, LHMP, 298-303.

Rawls, Kant's moral psychology follows the Augustinian tradition, not the Manichean.<sup>31</sup> Thus, Kant stresses the responsibility of individuals in making personal decisions rather than the metaphysical constitution of any impersonal being. According to Brunner, the paradox of Kant is that he interprets the origin of evil as 'the tendency to evil.' Kant's view of radical evil cannot provide a satisfactory account because he does not take into account the original relations between God and human. Objecting to Kant's view, Brunner insists,

Sin and responsibility are inseparably connected, and there is no ascription of responsibility, no verdict of guilt, without accusation and proof of responsibility, that is no one is pronounced guilty for something which he has not done. This is the postulate which clearly emerges from our survey the history of the problem.<sup>32</sup>

According to Brunner, the assumption that evil comes from our lower nature, i.e., the faculties having to do with our physical body, is wrong. The reason is that evil, sin, and unbelief are connected to the spirit of the individual. Thus, the problem of modernism is that it denies the existence of evil. His viewpoint is that evil is beyond "a crooked will" and "the willful deed"<sup>33</sup> and that, further, he insists, "the fact that man does evil" implies that humans are evil because "evil is lodged in the very center of his will."<sup>34</sup> Brunner regards both "the collective deed" and "the collective guilt of man" as evil. He thinks that "evil merely clings to man's heart, as the barnacles to the ship's hull"<sup>35</sup> and,

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<sup>31</sup> Rawls, LHMP, 303.

<sup>32</sup> Emil Brunner, *Man in Revolt* (London: Lutter Worth Press, 1939 and Sixth impression, 1962) 128-129.

<sup>33</sup> Emil Brunner, *The Theology of Crisis* (New York: Charles Scribner's Sons, 1930), 52.

<sup>34</sup> *Ibid.*, 54.

<sup>35</sup> *Ibid.*, 17.

thus, “evil is therefore a lack of the divine, or separation from God.”<sup>36</sup> In this point, he criticized the moral idealism of modernity in failing to remove “the source of evil.”<sup>37</sup> Sin does not belong only to ‘human flesh.’ The Bible implies, he writes, that “evil and sin are certainly connected with the flesh; but the Bible means something quite different from the capacity for base desire,’ the sense nature, the instinctive forces turned towards the ‘lower,’ that is, the material sphere.”<sup>38</sup> For Brunner, only repentance and reconciliation with the living God can solve the problem of sin and evil. Brunner regarded “repentance” as “the first effect of the Word of God that comes to us.”<sup>39</sup>

#### *IV. The Later Rawls’s View of the Great Evils and Human Nature as Goodness from the Perspective of Enlightenment Philosophy*

##### *1. The Later Rawls’s Moral Psychology in Kantian and Augustinian Views*

Was the later Rawls influenced by the Christian legacy? My answer is “yes.” First of all, the later Rawls’s moral psychology was influenced by Kant and Kant was influenced by Augustine. Rawls draws a division between the Manichean view and the Augustinian view. The former is that “we have two selves: one is the good self we have as intelligences belonging to the intelligible world; and the other is the bad self we have

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<sup>36</sup> Ibid., 126.

<sup>37</sup> Ibid., 74.

<sup>38</sup> Brunner, *Man in Revolt*, 253-254.

<sup>39</sup> Emil Brunner, *Revelation and Reason* (West Forest: Chanticleer Publishing Company, Inc., 1946), 430. Brunner said further, “repentance is accomplished in an act of reason...reason is able to do this only because it has been conquered by the Word of God.”

as natural beings belonging to the sensible world.”<sup>40</sup> Considering his Pietistic

background, Kant’s position is analogous to the Augustinian view. Rawls writes,

The Augustinian moral psychology overcomes these defects by attributing to the self a free power of choice and enough complexity for a satisfactory account of responsibility. There is no longer a dualism between a good self and a bad self.<sup>41</sup>

The later Rawls’s view of evil is indirectly treated through the basic structure of society. Rawls writes that “many different kinds of things are said to be just and unjust: not only laws, institutions, and social systems, but also particular actions of many kinds, including decisions, judgments, and imputations. We also call the attitudes and dispositions of persons, and persons themselves, just and unjust. Our topic, however, is that of social justice.”<sup>42</sup>

The reason why the later Rawls focuses on the social structure is “because its effects are so profound and present from the start.”<sup>43</sup> In *The Law of Peoples*, Rawls enumerates the examples of the great evils from political injustice as follows: “unjust war and oppression, religious persecution and the denial of liberty of conscience, starvation and poverty, not to mention genocide and mass murder.”<sup>44</sup> In light of the Holocaust and the atrocious crimes committed by the Nazis, Rawls thought that “the morality of God made no sense to him.”<sup>45</sup> Rawls compares the case of the American civil war

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<sup>40</sup> Rawls, LHMP, 303.

<sup>41</sup> Rawls, LHMP, 305.

<sup>42</sup> John Rawls, *A Theory of Justice* (Cambridge: The Belknap Press of Harvard University Press, 1999), 6. Hereafter, I mark it as TJR.

<sup>43</sup> Rawls, TJR, 7.

<sup>44</sup> Rawls, LoP, 7.

<sup>45</sup> Samuel Freeman, *Rawls* (New York: Routledge, 2007), 9.

emphasizing the role of Lincoln and the Holocaust. For Lincoln, the Civil War between South and North was God's punishment for the national sin of slavery. He believes that God seems to act according to justice. However, Rawls insists that "the Holocaust can't be interpreted in that way, and all attempts to do so that I have read of are hideous and evil."<sup>46</sup> Rawls then comes to identify the great evils as problems of social institutions, that is to say, as arising out of the unjust uses of "the coercive powers of the state," not as arising from some fundamental, metaphysical flaw in human nature. In other words, even though his later thought seems to be stripped of a religious view, the later Rawls still retains the Christian legacy left by Kant and Augustine.

## *2. The Later Rawls's View on the Relation between Evils and Institutions*

What motivated Rawls to develop ideas such as the "well-ordered society," "constitutional democracy," and the "society of peoples as a realistic utopia"? In *The Law of Peoples*, Rawls states that there are two philosophical assumptions about the relationship between the great evils of human history and unjust institutions. Rawls's first assumption is that "the great evils of human history follow from political injustice, with its own cruelties and callousness."<sup>47</sup> His second assumption is that "once the gravest forms of political injustice are eliminated by following just (or at least decent) social policies and establishing just (or at least decent) basic institutions, these great evils will eventually disappear."<sup>48</sup> Thence, Rawls tried to solve his own question regarding "how

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<sup>46</sup> Rawls, "On My Religion," BISF, 263.

<sup>47</sup> Rawls, LoP, 6.

<sup>48</sup> Rawls, LoP, 7.



reasonable citizens and peoples might live together peacefully in a just world.”<sup>49</sup> Rawls’s reflection on peaceful coexistence reflects his philosophical premise concerning human nature. Rawls’s third assumption is that human nature is good. He writes,

To say that human nature is good is to say that citizens who grow up under reasonable and just institutions-institutions that satisfy any of a family of reasonable liberal political conceptions of justice-will affirm those institutions and act to make sure their social world endures.<sup>50</sup>

Below, I will reconstruct Rawls’s three assumptions regarding the relationship between the great evils and social institutions as follows:

- (a) Many great evils in human history come from political injustice.
- (b) If we can reform unjust institutions and remove the evils in them, these evils will disappear.
- (c) The reconstruction of institutions is feasible because human nature is capable of being good.

Considering Rawls’s main works, we can know that he has a deep understanding of human nature based on the Kantian perspective. Rawls’s rational parties in the original position and citizens in a democratic society have the common feature that they are free and equal beings with both the sense of justice and the sense of morality. Samuel Freeman insists that “one of the main ideas of behind Rawls’s work is that justice and morality are not contrary to human nature, but rather are part of our nature and indeed are, or at least can be, essential to the human good.”<sup>51</sup> In the next section, I would like to investigate the grounds for Rawls’s view of human nature as good.

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<sup>49</sup> Rawls, LoP, “Preface,” vi.

<sup>50</sup> Rawls, LoP, 7.

<sup>51</sup> Rawls, LHPP, xii.

### 3. *The Later Rawls's View of the Goodness of Human Nature*

At a glance, it is ironic that Rawls maintained the view that human nature is essentially good, even though he faced the hideous evils of World War II and the Holocaust, which caused him to reject his religious beliefs. In *The Law of Peoples*, Rawls's notion of the "dreadful evils" has two aspects: one is related to institutional evil and the other is related to the sinful nature of humans. After Rawls had examined the theological ethics of the sinful nature of humans and of community in his senior thesis, the secular Rawls is greatly concerned about the establishment of social, political, and economic institutions that can prevent and remove the great evils. Rawls conjectured that there are two reasons why the greatest evils of human history have continually persisted: one is "the injustice of social institutions" and the other is "the union of church and state." In *A Theory of Justice*, Rawls writes about the unjust institution as follows:

The Natural distribution is neither just nor unjust; nor is it unjust that persons are born into society at some particular position. These are simply natural facts. What is just and unjust is the way that institutions deal with these facts. Aristocratic and caste societies are unjust because they make these contingencies the ascriptive basis for belonging to more or less enclosed and privileged social classes. The basic structure of these societies incorporates the arbitrariness found in nature.<sup>52</sup>

In other words, Rawls insists that inequality among persons begins at birth and that social institutions should deal with these contingencies of life. For Rawls, "no one deserves his greater natural capacity nor merits a more favorable starting place in society... Instead, the basic structure can be arranged so that these contingencies work for

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<sup>52</sup> Rawls, TJR, 87-88.

the good of the least fortunate.”<sup>53</sup> Ultimately, Rawls regards the two principles of justice as “a fair way of meeting the arbitrariness of fortune.”<sup>54</sup> In the original edition of *A Theory of Justice*, Rawls maintained that “in justice as fairness men agree to share one another’s fate. In designing institutions they undertake to avail themselves of the accidents of nature and social circumstance only when doing so is for the common benefit.”<sup>55</sup> On the other hand, in *The Law of Peoples*, Rawls suggests the second reason, namely, the union of Church and State, as the cause of the great evils including the Holocaust.

Dreadful evils have long persisted. Since the time of the Emperor Constantine in the fourth century, Christianity punished heresy and tried to stamp out by persecution and religious wars what it regarded as false doctrine. To do so required the coercive powers of the state.<sup>56</sup>

If Rawls’s opinion is true, the origin of the great evils comes from “unjust social institutions,” which cannot deal with the contingencies of life justly and can be used as tools to persecute heresy. Here, we should return to the problem of human nature. The reason why we must be concerned with human nature when discussing the role of social institutions in reproducing or eliminating evil is that institutions, after all, are social artifacts—they are made by humans and maintained and perpetuated by them. Because we need to include a view of metaphysical evil and of the sinful human nature in the construction of a theory of justice, Rawls’s mention of evil and human nature in *The Law*

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<sup>53</sup> Rawls, TJR, 87.

<sup>54</sup> Rawls, TJR, 88.

<sup>55</sup> Rawls, *A Theory of Justice* (1971), 102. This citation from the original edition omitted in the Revised Edition of *A Theory of Justice* (1999).

<sup>56</sup> Rawls, LoP, 21.

*of Peoples* and *Lectures on the History of Moral Philosophy* and *Lectures on the History of Political Philosophy* is like the North Star to guide us.

David A. Reidy introduced an exchange of letters between Rawls and Paul Weithman. Once, Rawls sent a draft of an introduction to Paul Weithman for the purpose of getting some comments about the revised paperback edition of *Political Liberalism*. Reidy writes,

In response to the following phrase – “if God created a good world, then a reasonably just political order must be possible”- Weithman pressed Rawls to justify the inference in the face of the Christian doctrine of the Fall... Rawls’s response was to delete the phrase.<sup>57</sup>

Of course, Rawls’s deleting the phrase itself does not necessarily mean that he rejects any Christian doctrine regarding original sin; rather, he may simply have deleted the phrase because he didn’t want to stir up any complex theological discussion nor alienate any non- theistic readers. However, I think that this anecdote shows that Rawls was no longer interested in appealing to the possibility of a just social order by reference to God. Considering Rawls’s memoirs of his own religion, which state that “I was born into a conventionally religious family.... I too was only conventionally religious *until my last two years* at Princeton.” emphasis),<sup>58</sup> it seems natural to suppose that he might have learned of the doctrine of original sin in a conventional way. However, Weithman accepts, through the deleted phrase, that the later Rawls reaffirmed his rejection of the doctrine of original sin, which he had originally come to disbelieve in his earlier years

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<sup>57</sup> David A. Reidy, “Rawls’s Religion and Justice as Fairness,” *History of Political Thought*, vol. 31, no. 2, 2010, 309-344. It is available at: <http://ssrn.com/abstract=1352607>.

<sup>58</sup> Rawls, “On My Religion,” BISF, 261, my emphasis.

during and after the war. In next section, I will examine the foundation of Rawls's view of human nature and evil in his two *Lectures*.

#### *4. The Later Rawls's Resource of Human Nature in Enlightenment Philosophy*

In my view, Rawls's two *Lectures* imply that Rawls's political philosophy is based on the background of modern philosophy regarding the concepts of human nature, the problem of evil, and the foundation of morality. From now on, I would like to investigate the source of Rawls's view of human nature as good. First of all, let me examine the philosophy of Rousseau. According to Rawls, "Rousseau seeks to diagnose what he sees as the deep-rooted evils of contemporary society and depicts the vices and miseries it arouses in its members. He hopes to explain why these evils and vices come about, and to describe the basic framework of a political and social world in which they would not be present."<sup>59</sup> In Rawls's view, Rousseau's assumption is that "man is naturally good" and that "it is through social institutions that we became bad."<sup>60</sup> The difference between human beings and animals is that humans possesses free will and perfectibility: the former means that humans do not act only by instinct and the latter means that humans have "the opportunity for self-improvement" in their cultures and history; in other words, "the particular realization of our nature depends on the culture of the society in which we live."<sup>61</sup> Through his premise that man's inborn nature is good, Rousseau intends to promote two points: one is that he rejects the Augustinian doctrine of original sin and the other is that he denies Hobbes's view of human nature as inborn with the vices of "pride,"

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<sup>59</sup> Rawls, LHPP, 192.

<sup>60</sup> Rawls, LHPP, 197.

<sup>61</sup> Rawls, LHPP, 198.

“vanity,” and “the will to dominate.” Rather, these vices come from society. For Rousseau, it is natural that humans treat each other with mutual recognition and reciprocity.<sup>62</sup> Especially, Rousseau criticized the orthodox doctrine of original sin in five points as follows:

(a) The natural state (State of Nature) is not one of natural perfection but a primitive state in which our potentialities for perfection and our reason and moral sensibilities are undeveloped. They are realized only in society via many changes over time. (b) Human misery and present vices and false values are not rooted in free choices but come about as the consequence of unfortunate historical accidents and social trends. (c) Rousseau denies the first pair could have acted from pride and self-will, for these motives are found only in society. (d) Vice and false values are propagated by social institutions as each generation responds to them. (e) The way out lies in our own hand.<sup>63</sup>

In my view, there are some close connections between Rousseau and Rawls: Rousseau’s position that “vice and false values” derives from social institutions is reflected within Rawls’s view on the cause of the Holocaust. In other words, Rawls’s analysis is that human society admits the demonic genocide of the Holocaust. Also, Rousseau’s conviction that “the way out lies in our own hand” is reproduced in Rawls’s conviction that only if we make just institutions will the great evils disappear. It is Rawls’s realistic utopia that protects “religious freedom, and liberty of conscience, political freedom and constitutional liberties, and equal justice for women” as “fundamental aspects of sound social policy.”<sup>64</sup> Thus, Rawls’s political philosophy asserts that the two principles of justice are designed to prevent citizens from wrongly treating each other out of envy. In other words, Rawls’s own opinion can be expressed as the view

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<sup>62</sup> Rawls, LHPP, 205.

<sup>63</sup> Rawls, LHPP, 209.

<sup>64</sup> Rawls, LoP, 9.

that “heaven helps those who help the least-advantaged.”<sup>65</sup> Lastly, Rousseau’s view of human nature affected Rawls’s philosophical assumption that human nature is fundamentally good. In sum, it seems to me that Rawls accepts Rousseau’s conception of human nature as well as Kantian personhood.

Now, let me consider Joseph Butler (1692-1752). Rawls’s reading of the sermons of Joseph Butler is a noteworthy event because Butler was a bishop, a theologian, and a preacher. Of course, Rawls’s Butler was a moral and religious philosopher who criticized Thomas Hobbes, John Locke and utilitarianism and was concerned with the moral constitution of human nature. According to Freeman, Rawls regarded Butler as a great moral philosopher. For Rawls, Butler provided a good answer to the philosophy of Hobbes, and his doctrine of conscience is analogous to that of Kant’s philosophy. Compared with Butler, Rawls believes that “Kant’s non-naturalistic, non-intuitionistic account of morality was not peculiar to German idealist philosophy.”<sup>66</sup>

Butler’s rejection of utilitarianism has two aspects: one is “the appeal to our common-sense moral judgment,” that means the judgment of those who are fair-minded, and the other is “the moral constitution of human nature,”<sup>67</sup> from which persons act from the principle of benevolence. According to Rawls, Butler presupposes that, “as reasonable and rational beings, we are capable of being a law unto ourselves and of taking part in the

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<sup>65</sup> Benjamin Franklin, one of the Founding Fathers, cited an Aesop’s fable, “Heaven helps those who help themselves.” In my view, the reason is that it reflects a deistic view of God that, because God does not intervene in human affairs, humans should improve their fate by themselves. However, Rawls’s viewpoint is more altruistic than this saying.

<sup>66</sup> Rawls, LHPP, “Editor’s Foreword,” xii.

<sup>67</sup> Rawls, LHPP, 423.

life of society.”<sup>68</sup> In other word, citing the text of Butler’s sermon, Rawls emphasizes that Butler maintains that human nature has a social character: “For as we have many members in one body, and all members have not the same office: so we, beings many, are one body in Christ, and every one members one of another” (Romans 12:4-5, KJV). By this biblical foundation, Butler opposes “Hobbes’s doctrine of man as unfit for society.”<sup>69</sup> Also, Butler maintains that human nature has “the fear of disgrace and the desire for esteem.”<sup>70</sup>

There are some important ideas in Butler: self-love, benevolence, appetites, passion, affections, and conscience. According to Butler, our moral constitution is “sacred and the voice of God.” Especially, Butler deduced the goodness of human nature from his “deistic assumption,” which is that “God exists with the familiar theistic properties; that God created the world; that... God is also benevolent and just and therefore intends the good of living things and of humans in particular.”<sup>71</sup> Because “none of the passions are in themselves evil,” Butler maintains that “what is a wicked and bad character is the disorder of our moral constitution; and the abuse and lack of control of its several elements, once this disorder occurs.”<sup>72</sup> Also, according to him, compassion plays a role in our social nature: “compassion is an affection for the good of our fellow creatures and delight from the affections being gratified.”<sup>73</sup>

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<sup>68</sup> Rawls, LHPP, 428.

<sup>69</sup> Rawls, LHPP, 433.

<sup>70</sup> Rawls, LHPP, 433.

<sup>71</sup> Rawls, LHPP, 434.

<sup>72</sup> Rawls, LHPP, 436.

<sup>73</sup> Rawls, LHPP, 438.



According to Freeman, Butler's view of a "reasonable moral psychology" especially had an effect on Rawls's conception of moral and political philosophy,<sup>74</sup> and "Butler's reconciliation of moral virtue and "self-love" parallels Rawls's own argument for the congruence of the "Right and the Good."<sup>75</sup> For Rawls, the unique point in Butler's moral psychology is that Butler explains "the love of our neighbor and the love of God in such a way that these loves are most congruent with our real happiness and hence with the highest form of self-love."<sup>76</sup> In sum, Butler insists that "reasonable self-love and conscience are, it seems, co-equal and superior principles in human nature."<sup>77</sup> Considering Rawls's reading of modern philosophers, I believe that his view of human nature was influenced from the philosophy of the Enlightenment and the deistic view. With his two *Lectures*, we recognize that Rawls wrestled with several metaphysical issues, such as the goodness of human nature, the problem of evil, and the deistic argument throughout his entire life.

##### 5. Rawls's Analysis of the Nazis and the Holocaust

In his undergraduate thesis, the young Rawls identifies four closed groups: the religious, the cultural, the economical, and the biological. The young Rawls regards 'the biological closed group like Nazism' as 'the most demonic form'<sup>78</sup> of evil and analyzes that "Nazism is profound, but profound in the sense that the devil is profound. It is

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<sup>74</sup> Rawls, LHPP, xi-xii.

<sup>75</sup> Rawls, LHPP, xii.

<sup>76</sup> Rawls, LHPP, 447.

<sup>77</sup> Rawls, LHPP, 448.

<sup>78</sup> Rawls, BISF, 197.

conscious of spirituality, but knows only the spirituality of egotism which leads to destruction.”<sup>79</sup> Alfred Rosenberg, the official Nazi philosopher, insisted that “all history is the war of the race soul. Each race has its own soul, and each member of the race is an expression of that soul. The race soul is the absolute self of German idealism. The Aryan race soul is superior to all the others.”<sup>80</sup> According to the young Rawls, the main features of “the closed group” are “egotism” that gives each member the illusion of superiority, egotistic satisfaction, the identification of himself/herself with the group, and a ‘pride’ that seeks to blame others.<sup>81</sup>

The young Rawls argues that the reason why egotism is a sin is that it leads to the destruction of the spiritual community made for human beings.<sup>82</sup> Rawls said that “Nazism thrives on the fact that there is sin in the world. Its appeal is to egotism.”<sup>83</sup> The young Rawls evaluated that the ideology of the Nazis ultimately leads to self-destruction because it is based on sin, which brings with it aloneness and annihilation.<sup>84</sup> Rawls’s view of the ultimate self-destruction of the Nazi ideology impacts his later concern in *The Law of Peoples* to provide workable principles for the regulation of international society and to work toward a stable and lasting peace. The later Rawls suggests that “we must

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<sup>79</sup> Rawls, BISF, 218.

<sup>80</sup> Rawls, BISF, 198.

<sup>81</sup> Rawls, BISF, 199.

<sup>82</sup> Rawls, BISF, 203.

<sup>83</sup> Rawls, BISF, 218.

<sup>84</sup> Rawls, BISF, 218.

support and strengthen our hope by developing a reasonable and workable conception of political right and justice applying to the relations between peoples.”<sup>85</sup>

#### *6. Rawls's Analysis of the Causes of the Holocaust*

According to Rawls, one of things that made the Holocaust possible was the Nazis' perverted combination of religion and politics. Hitler had a “demonic conception of the world,” which worked as a perverted religious view offering its own doctrine of salvation and redemption.<sup>86</sup> Nazism's final aim was to achieve a “German-occupied Europe.” In a 1926 speech, Hitler deceived many people by saying that ‘national socialism’ is a tool to fulfill Christ's teaching.<sup>87</sup>

Rawls's emphasis is that Hitler's worldview is religious: Hitler said, “Today I believe that I am acting in accordance with the will of the Almighty Creator: by defending myself against the Jew I am fighting for the work of the Lord.”<sup>88</sup> Here, Rawls's diagnosis of the Holocaust is that it rose out of a “Christian anti-semitism.”<sup>89</sup> In the end, Rawls attributes the Holocaust to the inherent violence to be found in the history of Christianity: he writes, “Christianity punished heresy and tried to stamp out by persecution.”<sup>90</sup> Rawls denied the possible explanation that Daniel Goldhagen suggested

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<sup>85</sup> Rawls, LoP, 22.

<sup>86</sup> Rawls, LoP, 20.

<sup>87</sup> Rawls, LoP, 20.

<sup>88</sup> Rawls, LoP, 21.

<sup>89</sup> Rawls, LoP, 22.

<sup>90</sup> Rawls, LoP, 21.

in his book, *Hitler's Willing Executioners: Ordinary Germans and the Holocaust*.<sup>91</sup>

Goldhagen argued that the Holocaust derives from “a cognitive mind-set of German political culture.” However, rejecting Goldhagen’s view, Rawls suggested its causes in both a “church policy of anti-semitism” and “the combination of totalitarian state and a charismatic leader.”<sup>92</sup> Rawls strongly criticizes Goldhagen for providing the wrong view of the cause of the Holocaust: Rawls insists,

It did not originate as he claims in a cognitive mind-set peculiar to German political culture that had existed for centuries and to which the Nazis simply gave expression. While anti-semitism had been present in Germany, it had also been present throughout most of Europe—in France (witness the Dreyfus case in the late nineteenth century) as well as pogroms in Poland and Russia, and it became church policy to isolate Jews in ghettos during the Counter Reformation in the late sixteenth century. The lesson of the Holocaust is, rather, that a charismatic leader of a powerful totalitarian and militaristic state can, with incessant and rabid propaganda, incite a sufficient number of the population to carry out even enormously and hideously evil plans. The Holocaust might have happened anywhere such a state came to be. Moreover, not all Germans succumbed to Hitler’s invective, and why some people did cannot be explained simply by native anti-semitism.<sup>93</sup>

## *V. Conclusion*

In sum, considering Rawls’s disinclination to metaphysics during his public career, the mature Rawls’s works – “On My Religion,” *The Law of Peoples*, *Lectures on the History of Moral Philosophy*, and *Lectures on the History of Political Philosophy* – are notable for his engagement with metaphysical issues such as the concept of evil, human nature, and theodicy within modern philosophy. The young Rawls had theological viewpoints on sin and evil that stemmed from a generally Neo-orthodox theology, while

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<sup>91</sup> Rawls, LoP, 100, and see Daniel Goldhagen, *Hitler's Willing Executioners: Ordinary Germans and the Holocaust* (New York: Knopf, 1996).

<sup>92</sup> Rawls, LoP, 100

<sup>93</sup> Rawls, LoP, 100-101n.

the later Rawls focused on evil as the basic injustice of social institutions in the lens of the rationalistic philosophy. In other words, even though the later Rawls abandoned his Neo-orthodox beliefs, he still holds a rationalistic understanding of the problem of evil and the deistic argument during his entire life. In general, Enlightenment philosophy and liberal protestant theology have common points such as the denial of “original sin,” “depravity of human nature.” and “optimistic view on the role of human reason.” In my view, it is ironic that the young Rawls lost his Episcopalian beliefs during and after World War II and still adhered to the remnant of the philosophy of the Enlightenment in emphasizing the role of reason and the innate goodness of human nature.

Rawls’s two *Lectures* on moral and political philosophy written on the basis of lectures given at Harvard University between the middle of 1960s and his retirement show the deep influence that the philosophers of the Enlightenment had on Rawls. These lectures obviously show Rawls’s deep attachment to modern philosophers. Namely, Rawls’s emphasis on the great evils in his later works shows that he was concerned with the same issues that modern philosophers wrestled with. Putting various clues in Rawls’s works together, therefore, it is natural to conclude that he is a rationalistic deist, following some modern philosophers who are dealt with in his two *Lectures*. Moreover, I assert that Rawls’s two *Lectures* show his deep engagement with metaphysical issues, including the problem of evil, theodicy, human nature as goodness, and the source of morality, throughout his whole life.

## CHAPTER SEVEN

### General Conclusion

Now, it is time to conclude “From Neo-orthodoxy to Rationalistic deism: A Study of the Religious Influences on the Development of John Rawls’s Political Philosophy” with a brief survey of both the persisting themes and the major changes and shifts throughout the work of the young and later Rawls, during which I will emphasize the remaining religious influences that persist in the works of the later Rawls. My conclusion is that the religious influences of the young Rawls remained throughout his whole life and that his religious core commitments and concerns infiltrated the works of his later period.

#### *1. Some Enduring Christian Legacies Throughout Rawls’s Entire Work*

In this dissertation, I argued that the religious atmosphere of Rawls’s youth—that is to say, the Neo-Orthodox beliefs he was concerned with and his Episcopalian upbringing—influenced the fundamental ideals that took shape in Rawls’s lifetime work on justice, even in his later “political” conception of justice that takes root in the inviolability of the individual and the dignity of a human being. Traditional Christian virtues, such as human dignity, reciprocity, mutual respect, the motivation of love, fraternity, justice, and the parable of the Good Samaritan, form the undercurrent of Rawls’s four transitions from his senior thesis to his later works. Even though the mature

Rawls kept silent on the existence of his undergraduate thesis, his participation in World War II, and the renunciation of his Christian beliefs, his undergraduate thesis illuminates the theological ethics of the young Rawls that continued to influence the formation of his domestic as well as international justice.

First of all, I distinguished four stages of the developmental process of Rawls's political thought and their relations to his religious roots. I analyzed the evolution of the various periods of John Rawls's political theology and political philosophy into four transitional periods: (a) The "Neo-orthodox beliefs" of the young Rawls of *A Brief Inquiry into the Meaning of Sin and Faith* (1942), (b) the "Moral constructivism" of *A Theory of Justice* (1971) and "Kantian Constructivism" up until 1982, and (c) the "Political Constructivism" of *Political Liberalism* (1993), and (d) the "International Moral Constructivism" of *The Law of Peoples* (1999). In this dissertation, I treated the Neo-orthodox theology of the young Rawls as the initial stage toward the development of his later thought. Metaphorically speaking, I view Rawls's adolescent Christian beliefs as analogous to the hidden roots of a giant tree. Each stage in the development of Rawls's political thought can be understood against the background of his early religious influences and his acceptance of the conventional doctrines of Christianity in his youth.

Second is the comparison of Rawls's undergraduate thesis and his posthumous article, *A Brief Inquiry into the Meaning of Sin & Faith* (1942) with "On My Religion" (1997). The most prominent political philosopher of the last half century, John Rawls began his career studying Neo-orthodox protestant belief. Considering the fact that until now, full-scale research about the theological roots of the young Rawls has not been done, I believe it is important to set this basic groundwork in place and to investigate the

influence of Rawls's religious commitments in his later works. Neo-orthodox protestant theology appeared as a reaction against liberalism and as a movement returning to the spirit of the Orthodox theology of the Reformation in which Calvin and Luther played a leading part. Neo-orthodoxy exposed its limits, however, in ultimately being little removed from liberalism and in failing to return to the theological tenets of the Reformation. For example, Protestants of the Reformation era regarded the Bible as the divine revelation itself but Neo-orthodox theologians regarded the Bible as a human-made sacred document. For Barth and Brunner, the Word of God is not synonymous with the Bible. The young Rawls was highly influenced by this uncertainty of Neo-orthodoxy and revealed, through his senior thesis, the mingled tenets of fundamentalism, liberalism, and neo-orthodox theology.

However, we find a vastly different Rawls in "On My Religion." After World War II, the newly discharged Rawls was no longer an Episcopalian; he had, as a result of the Holocaust and his experiences during the war, renounced the main doctrines of Christianity such as original sin, heaven and hell, double predestination, the salvation of true faith, and the trinity. Nevertheless, Rawls classified his religious attitude as that of fideism, which Kant also held. Following Kant, Rawls also pursued the hope of justice and morality in human nature like the North Star in the dark sky. He never abandoned the idea of human responsibility in achieving justice.

I argued that the young Rawls's Neo-orthodox theology influenced the root of his later political philosophy. Without his senior thesis, we cannot accurately understand Rawls's true character. Accepting Brunner's natural theology, the young Rawls understood the relationship between 'community' and the 'individual' through the



theological perspective of sin and faith. The young Rawls's profound engagement with the Christian tradition contributed to his rejection of meritocracy. The rejection of merit as the basis on which citizens can make greater claims on society persists from the earlier framework of the young Rawls to Rawls's later stages. The young Rawls insists that all Christians should not seek to enter into community on the basis of merit because "the reward-merit scheme is just another barrier which man constructs between himself and God, and between himself and other men"<sup>1</sup> and "there is no merit before God. Nor should there be merit before Him. True community does not count the merits of its member. Merit is a concept rooted in sin, and well disposed of."<sup>2</sup> Even if Rawls is no longer interested in the notion of merit in terms of our relationship with God, he still discusses merit in terms of the interpersonal relations between members of a society. Just as the young Rawls rejected the notion of merit as earning our community with God, the later Rawls also rejects merit as the basis on which to determine the life prospects that citizens of a well-ordered society can expect through his major publications, *A Theory of Justice* and *Political Liberalism*. I think that the young Rawls's affinity for Neo-orthodoxy reappears in his emphasis on the need for justice in the basic structure of society, the primacy of the ideal of fairness, and the universal establishment of a minimum set of basic human rights. Rawls began his philosophical journey with Neo-orthodox beliefs and ended as a rationalistic deist.

Thirdly, I analyzed the "moral constructivism" of *A Theory of Justice* and his theory of "justice as fairness." With the Original Position, Rawls's intention is to secure a

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<sup>1</sup> John Rawls, *A Brief Inquiry Meaning of the Sin and Faith* (Cambridge: Harvard University, 2009), 229. I mark is as BISF.

<sup>2</sup> Rawls, BISF, 241.

fair procedure for the selection of principles to regulate the fair terms of social cooperation. I explained the essential aspects of the Original Position, such as the concept of the veil of ignorance and of Kantian persons who are rational and mutually disinterested. By using the veil of ignorance, Rawls asserts, a unanimous choice of two principles of justice is achieved in the Original Position. Rawls's moral constructivism is not a strategy to discover moral principles, but rather a strategy to construct moral principles through individuals' rationality. Kantian constructivism was a transitional stage of Rawls's thought from the moral constructivism of *A Theory of Justice* to the political constructivism found in *Political Liberalism*. The method of reflective equilibrium reflects Rawls's practical view that metaphysical arguments alone cannot provide justification for moral principles.

Immanuel Kant's work was imbued with some religious features of Christianity, and Rawls was heavily influenced by Kant. The young Rawls learned about Kant through Neo-orthodox and Liberal theologians, and the later Rawls followed Kant through his own analysis. In this regard, I believe that Rawls's religious undercurrents come from the religious aspects of Kant's concepts. I argued that Rawls's concept of personhood in the Original Position reflects the Kantian concept of personhood as a free and equal being and the Christian concept of personhood as a responsible being. I insisted that Rawls's *A Theory of Justice* still reveals some remaining influences of traditional Christianity. Rawls's thought about the inviolability of human beings derives from the Bible and his difference principle is made feasible only by the power of love, as represented through Rawls's concept of fraternity. In his first magnum opus, Rawls used fundamentally

Christian terms, albeit with modified content, such as the ‘perspective of eternity’ and ‘purity of heart’, etc.

Fourthly, in Rawls’s transition to political constructivism, I analyzed the religious aspects of the main ideas of *Political Liberalism*. For Rawls, the aim of political liberalism is to pursue social stability and to thwart the potential disasters that may result from severe conflicts between incompatible comprehensive doctrines. Rawls’s political conception of justice is compatible with reasonable comprehensive doctrines, whether religious or nonreligious. Rawls’s ideas of “public reason” and the “overlapping consensus” are means to realize social stability and to reach an agreement on his political conception of justice among citizens with various comprehensive doctrines. These main ideas depend on Rawls’s position that everyone can identify themselves as having in common with each other their status as political beings, whether they have multiple identifications such as their citizenship, their religions, their living regions, and their political party. Among these various identities each citizen may have, the common identity they all share is their identity as members of a democratic society engaged in social cooperation.

Rawls’s *Political Liberalism* can be characterized as secularism. The reason for this is that Rawls’s political liberalism excludes any metaphysical implications and provides moral objectivity without reliance on any religious doctrines. Also, Rawls’s view of the strict separation of church and state is a typical feature of secularism. I think that Rawls’s political liberalism can be supported partially from the Christian perspective. For example, some Christians who believe the divine authority of the Bible reject homosexuality as irrelevant to civil rights. Also, those Christians would reject

participation in Rawls's Original Position because the requirement of a thick veil of ignorance means that Christians must suspend their identity as Christians. It is also because, following Jesus's teaching, Christians hold the priority of the Kingdom of God over this world. Regarding the remnant values of Christianity, we can find that, even though Rawls publicly declared his rejection of the Kantian perspective, Rawls's conception of an overlapping consensus can be understood better in connection with democratic citizens having Kantian Pietistic beliefs. The fact that Rawls's viewpoints connected to Kant's idea of "the reasonable of faith" and Bodin's idea of "toleration" show that the later Rawls is indirectly based on the Christian tradition.

Fifthly, I emphasized the Christian influences on the fundamental concepts in Rawls's theory of international justice, such as human right, just war, and the role of the state. His philosophical justification of just war is similar to the Christian doctrine of just war based on the Augustinian tradition. Also, enlarging his original position to international society, Rawls permitted the theological implication of the Good Samaritan parable as the foundation for the moral motives that make the duty of assistance feasible. Also, unlike cosmopolitanism, Rawls's theory of universal human rights emphasized the proper role of state, as Brunner stressed the state as a tool for the preservation of God toward His creatures. In this regard, I concluded that his international morality is superior to moral skepticism, state moralism, and cosmopolitanism. His unique perspective on human rights is beyond the idea of the basic civil rights of the western-liberal society. His list of urgent human rights in international society takes priority over the sovereignty of outlaw states and burdened societies. I argued that Rawls's concept of "decency" as a minimal international standard provides him powerful grounds for replying to the

cosmopolitan and relativist objections. In *the Law of Peoples*, Rawls's idea of international justice limits the sovereignty of the outlaw state and offers philosophical justifications for humanitarian intervention. Rawls's moral universalism comes from his list of urgent human rights, which should be applied to international society as a whole. Specifically, Rawls's three kinds of urgent rights — freedom from slavery and serfdom, liberty of conscience, and security of ethnic groups from mass murder and genocide — works as a decisive standard for humanitarian intervention in international society. Therefore, Rawls's duty of assistance in the *Law of Peoples* comes from the lesson that Jesus Christ provided through the parable of the Good Samaritan. The later Rawls's use of the Good Samaritan parable reveals that he continued to hold some remaining Christian values from his adolescent years, and we can conjecture that this explains his emphasis on the moral duty to assist the peoples of burdened societies.

Lastly, in this dissertation, I re-illuminated Rawls's engagement with metaphysical issues throughout his entire life, even though he was reluctant to reveal it to the public. The reemergence of metaphysical issues regarding human nature and evil may provide enough resources for his political philosophy. The young Rawls had theological viewpoints on sin and evil that stemmed from a generally Neo-orthodox background, while the later Rawls focuses on evil from the perspective of the Enlightenment philosophers. Even though he abandoned his Christian commitments after World War II because of the Holocaust and his traumatic experiences in the war, Rawls wants to eliminate social evil by establishing a just basic structure. In my view, Rawls accepts Brunner's view of evils while he pursues Niebuhr's methods. Also, he insists that human nature is inherently good. The later Rawls participated in the discussion of modern

philosophers who had grappled with evil and human nature. In my view, his viewpoint is connected with the Christian tradition through Kant, Butler, and Augustine. The evil of the Nazis and the Holocaust is the best example of Rawls's view that evil is the injustice of social institutions, and that we can prevent great evil by reforming unjust social institutions. I concluded that the young and later Rawls consistently engaged in the issues of metaphysics and theodicy, contrary to his public disinclination to include these metaphysical subjects in his political theory of justice.

## *2. Five Differences between the Young Rawls and the Later Rawls*

It seems that there are five differences between the young Rawls's theological ethics and the later Rawls's philosophical ethics. The first difference between the two Rawls is that the young Rawls has a communitarian tendency based on the Bible, while the later Rawls emphasizes individualism. Namely, the young Rawls insists that individuals have personality only when they are in community, while the later Rawls maintains that the inviolability of the individual cannot be sacrificed for the welfare of society. It is notable that the young Rawls criticized the doctrine of election and salvation of Augustine and Aquinas because it results in the fostering of individualism. Election for Rawls should mean instead, "a communal process moving towards a communal end" in Jesus Christ.<sup>3</sup> The second discontinuity is that the later Rawls held a kind of rationalistic deism and the agnosticism of Kant. In comparing his senior thesis and his religious memoirs, I examined Rawls's dramatic change from being a theological opponent of the social contract tradition to its secular defender, reflected in his renouncement of Christian doctrine. Although he ceased devoting his studies to religious concerns, Rawls continued

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<sup>3</sup> Rawls, BISF, 246.

to walk the religious way, just as Kant had done. Connecting morality with God's reason, Rawls transitioned from Neo-orthodoxy to rationalistic deism.

The third difference is that the young Rawls was strongly concerned with the divine community, while the later Rawls was only concerned with the political conception of society as a constitutional democracy, which plays no role within the young Rawls's groundbreaking thesis. The theological idea of community in the thesis is different from the concept of "the well-ordered society" in his theory of "justice as fairness." For the young Rawls, community must be integrated in faith under God,<sup>4</sup> and conversion is an important method in restoring the community. However, in his political liberalism, the idea of "conversion" should not play any such role; rather, apostasy is not a crime. The young Rawls's true community can be accomplished by the advent of Jesus Christ, while the later Rawls's realistic utopian society can be realized by eliminating social injustice through the establishment of just institutions. The fourth change in Rawls's thought concerns his interpretation of the social contract theory. The young and old Rawls took opposing attitudes regarding social contract theory. The young Rawls criticizes that social contract liberalism fails to recognize that "individuals become persons insofar as they live in community" and maintains that any contract theory of society is wrong and must be rejected.<sup>5</sup> Contrarily, the mature Rawls ingeniously reinvents some parts of the traditional social contract theory and, thereby, revives the tradition. He said, "Intuitionism is not constructive, perfectionism is unacceptable. My conjecture is that the contract doctrine properly worked out can fill this gap. I think

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<sup>4</sup> Rawls, BISF 127.

<sup>5</sup> Rawls, BISF 126.

justice as fairness an endeavor in this direction.”<sup>6</sup> Fifthly, there is a great gulf in Rawls’s concept of human nature between his senior thesis and his later works. In my view, Rawls views of human nature in his adolescence and in his late years were diametrically opposed. The young Rawls held the Neo-orthodox theological understanding of human nature as depraved, while the later Rawls was influenced by the rationalistic view of the Enlightenment philosophy, in which human nature was regarded as essentially good.

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<sup>6</sup> Rawls, *A Theory of Justice* (Revised Edition), 46.



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