Catherine Galko Campbell

Persons, Identity, and Political Theory

A Defense of Rawlsian Political Identity

Springer

Persons, Identity, and Political Theory

Catherine Galko Campbell

Persons, Identity, and Political Theory

A Defense of Rawlsian Political Identity

Catherine Galko Campbell
Department of Philosophy
Georgetown University
Washington DC
USA

ISBN 978-94-007-7916-7 ISBN 978-94-007-7917-4 (eBook)
DOI 10.1007/978-94-007-7917-4
Springer Dordrecht Heidelberg London New York

Library of Congress Control Number: 2013953326

© Springer Science+Business Media Dordrecht 2014
This work is subject to copyright. All rights are reserved by the Publisher, whether the whole or part of the material is concerned, specifically the rights of translation, reprinting, reuse of illustrations, recitation, broadcasting, reproduction on microfilms or in any other physical way, and transmission or information storage and retrieval, electronic adaptation, computer software, or by similar or dissimilar methodology now known or hereafter developed. Exempted from this legal reservation are brief excerpts in connection with reviews or scholarly analysis or material supplied specifically for the purpose of being entered and executed on a computer system, for exclusive use by the purchaser of the work. Duplication of this publication or parts thereof is permitted only under the provisions of the Copyright Law of the Publisher's location, in its current version, and permission for use must always be obtained from Springer. Permissions for use may be obtained through RightsLink at the Copyright Clearance Center. Violations are liable to prosecution under the respective Copyright Law.
The use of general descriptive names, registered names, trademarks, service marks, etc. in this publication does not imply, even in the absence of a specific statement, that such names are exempt from the relevant protective laws and regulations and therefore free for general use.
While the advice and information in this book are believed to be true and accurate at the date of publication, neither the authors nor the editors nor the publisher can accept any legal responsibility for any errors or omissions that may be made. The publisher makes no warranty, express or implied, with respect to the material contained herein.

Printed on acid-free paper

Springer is part of Springer Science+Business Media (www.springer.com)

For my husband David, without whom not,
and because of whom everything

Acknowledgments

This book started as a part of my PhD dissertation at the University of Florida. I thank each member of my dissertation committee, and my colleagues and friends at University of Florida. I thank my family and friends whose support made it possible for me finish this manuscript. Special thanks are owed to Henry S. Richardson for his guidance on Rawls scholarship, and Marina Oshana for sparking my interest in identity and for providing the support I needed to finish my dissertation. Very special thanks are owed to David Copp for his guidance in developing this project. David's challenges and encouragement have made me a better writer and a better philosopher. Finally, most of all, I thank my husband, David Campbell, for caring for me, believing in me, and supporting my work on this manuscript.

Contents

1 Political Identity, Perfectionism, and Neutrality 1
Introduction 1
Perfectionism, Neutrality, and the Aims of Government 4
Personal Identity and Political Identity 10
Overview of the Structure of the Book 11
References 13

2 Personal Identity and Liberal Political Theory 15
Introduction to Communitarian Objections to Liberal Political Theory . . . 15
Liberal Theory and Individualism 19
Metaphysical Individualism 20
Normative Individualism 21
Liberals, Communitarians, and Individualism 21
Communitarian Objections to Rawls 28
Objections to the Original Position 28
Objections to the Political Conception of the Person 31
Priority of the Right and Objections to the Political Conception of the Person 34
References 36

3 Clarification of the Liberal/Communitarian Debate and Metaphysical Objections to Rawls's Conception of the Person 39
Taylor on the Liberal/Communitarian Debate 39
Priority of the Right over the Good and Unencumbered Selves 43
Objections to Normative Individualism 50
Conclusion 55
References 56

4 Taylor's Conception of Persons and His Theory of Personal Identity 57
Introduction 57
Taylor's Objection to Atomistic Conceptions of Persons 58
Taylor's Conception of Persons 63

Taylor on Language and Persons' Identities 66
Frameworks and Strong Evaluation 69
Taylor's Conception of Personal Identity 72
Conclusion 78
References 78

5 Defense of the Original Position 81
Two Purposes of the Original Position 81
Intermediate Goal: Support for C 82
Ultimate Goal: Connecting C with Justice 83
Argument Interpretation of the Original Position 85
Evidence in Favor of the Argument Interpretation 86
Argument Interpretation 87
Translation of the Conditions of the Original Position 88
Sample Argument 92
Two Possible Objections to the Argument Interpretation and Responses 93
Refutation of the Objections to the Original Position 94
Identity Objection 95
Personhood Objection 96
From Metaphysical to Normative Identity 98
References 102

6 Objections to Rawls's Political Conception of Persons 103
Metaphysical Objections to Rawls's Political Conception of the Person .. 104
Normative Objections to Rawls's Political Conception of the Person 111
Objection on the Grounds of Valuing the Capacity for Choice 112
Citizenship Objections to Rawls's Political Conception of the Person 114
Empirical Objections to Rawls's Political Conception of the Person 120
Conclusion 124
References 125

7 Defense of Rawls's Political Conception of the Person 127
Metaphysical Commitments and Rawls's Political Conception of the Person 127
Rawls's Political Conception of the Person Versus Nonpublic or Moral Identity 131
Details of Rawls's Political Conception of the Person 133
Responses to Metaphysical Objections to Rawls's Political Conception of the Person 140
Response to Normative Objections to Rawls's Political Conception of the Person 145
Response to the Objection on the Grounds of Valuing the Capacity for Choice 145

Response to Citizenship Objections 148
Response to Empirical Objections 152
Conclusion 156
References 156

8 Rawlsian Political Identity 159
Why does Political Identity Matter? 160
Schechtman on Personal Identity 161
The Reidentification Question 161
The Characterization Question 162
The Characteristics that Matter for Political Identity 164
The Rawlsian Conception of Political Identity 166
Why Rawlsian Political Identity? 166
The Details of the Rawlsian Conception of Political Identity 167
Assessing and Modifying the Rawlsian Conception of Political Identity . . 172
Perfectionism and Rawlsian Political Identity 176
Conclusion 183
References 184

Index 185

Chapter 1
Political Identity, Perfectionism, and Neutrality

This is book about who we are, what is valuable to us, and how those two things relate to political theory. Every person has certain values, aims, and attachments that inform her conception of who she is and impact her identity. Those values, aims, and attachments are sometimes furthered and sometimes frustrated by the government and legislation. There are times when the frustration of one's values and aims seems justified, such as cases when the frustration is for the sake of a political goal the person supports. Other times, however, the frustration seems unfair because the person does not accept the justification for the political principles or legislation. In such cases, there is a tension between what the person holds most valuable, which indeed partially makes up that person's identity, and the way the government treats the person. This tension is the topic of this book.

Introduction

The purpose of this book is to examine a cluster of intuitively-plausible claims that prima facie seem to be in tension. My goal is to provide reason to think each claim is true and to show that the claims are jointly consistent, without doing violence to the intuitions that gave the claims their initial appeal. As one expects from claims that are stated in an intuitive, rough-and-ready way, these claims will need refining and clarifying along the way, and that is one of the primary aims of the book. I introduce the three claims in turn.

The first claim concerns the nature of personhood or personal identity. The claim is that characteristics that are essential to personhood or personal identity are, at least to some extent, embedded in or partially constituted by persons' societies or values.[1] Call this *Embedded Essential Characteristics* (or *EEC*). The idea is straightforward. Persons' experiences and social attachments, among other things, make up who they are. If you were to remove certain facts about a person, for example, that she is an

[1] This claim, in particular, is one that needs refining. The way I've stated it here allows for a number of interpretations. It is so stated because a number of interpretations of it are found, but not adequately distinguished, in the literature.

C. G. Campbell, *Persons, Identity, and Political Theory*,
DOI 10.1007/978-94-007-7917-4_1, © Springer Science+Business Media Dordrecht 2014

attorney, has a spouse, and was raised in a Catholic household, then in an important sense s*he* would no longer be herself. She would be someone who looks like her and perhaps has some of the same character traits, but it would not be *her* in the relevant sense. This claim is important because it gives reason to think, at least for some people, that characteristics such as their values may be part of their identities, such as people who are devout followers of a religion. It is not unusual for people to hold their religion or even deep secular commitments so close to their self definition that those commitments could rise to the level of being a part of their identities. Some people claim, plausibly, that our communities and social attachments help shape our identities because people gain their values in virtue of being raised in a community manifesting certain values. In this way, we begin to see a picture of persons as essentially embedded in their communities and having identities that are at least partially determined by their society, values and experiences.

Every political theory at least implicitly relies on a conception of the nature of persons and personal identity. Because every political theory concerns justifying a government to people, it seems unavoidable that such theories will include assumptions about persons. One such assumption has to do with the sorts of reasons that persons will accept. The second claim concerns the justification for the coercive power of the government. That is, the coercive power of the government must be justified to the people subject to the coercion by reasons they accept. Call this requirement *public justification*. [2] The requirement of public justification again seems plausible. In order for people to submit to the coercive power of the government, the government should be able to justify its coercion with reasons that the people would accept.

Finally, the third claim is what has come to be called "the fact of disagreement." The fact of disagreement is used to describe the fact that liberal democratic societies, such as the United States, are characterized by intractable disagreement on fundamental values. In a society which prizes individual liberty and gives citizens various freedoms—for example, freedom to practice whatever religion they want, including none at all—there will be disagreement about what the citizens take to be intrinsically valuable.

It may not yet be clear why there is a tension between these claims. The problem is this: from *public justification* it follows that there must be reasons that *each person* would accept for the government's coercive force to be legitimate. At least in some cases, the reasons for agreeing to be subject to political authority would be rooted in a person's values. This is as we might expect, given *EEC*. If a person's values partially constitute who the person is, then it is unsurprising that her reasons for agreeing to be subject to political authority would be reasons that are grounded in her values. Indeed, if a person's values constitute the person's very identity and the reasons for agreeing are grounded in those values, then it seems that the agreement

---

[2] Here I follow Quong (2011, p. 3). The commitment to public justification has been called the liberals' "moral lodestar." See, for example, Lister (2010); citing Waldron (1987); Macedo (1991, p. 78).

of *that person* cannot but appeal to her values because without appealing to those values, it would not be that person who is agreeing.

Because *political* authority applies to all citizens, we need all citizens in a society to agree to be subject to the same authority. Here is where the trouble begins. Given that people disagree on fundamental values, it is not clear whether all citizens will have reason to agree to the same political authority. It seems obvious, given that people do not agree on fundamental values, that people may not have the same reasons to agree to political authority. How are we to reach agreement then? One standard way that liberal political philosophers have sought to establish agreement is by introducing a conception of a citizen into their theory, a conception that shows that all people *would* agree to be subject to the political authority in a certain situation. On such a view, one adopts a conception of a citizen, perhaps by appealing to features which are taken to be essential to being a member of the polity, and argues that that theoretical citizen would agree to be subject to the political authority. Given that a theoretical citizen would be subject to the authority, and that the citizen so-modeled is based on those features which are essential to being a citizen, therefore, so the story goes, we have all the agreement we need.

Indeed, some argue, this kind of agreement is better than *actual* agreement because the agreement is based on the "right" reasons, reasons that are not subject to the vicissitudes or biases of individual people. Reasons premised on people's vicissitudes or biases would yield unstable an agreement, since people's changes in attitude could make it the case that they withdraw their consent or individual biases could prevent people from being able to reach an agreement at all. The hope of reaching a stable agreement supports the idea that we want people to agree for the same, shared reasons, so that political authority is justified by agreement of all citizens. Basing the agreement on reasons that all people share results in stable agreement and political authority. This is a very appealing story until we recall the force of *public justification*, the claim that the coercive force must be justified to each person based on reasons that person accepts. Agreement premised on the agreement of a theoretical citizen fails to match intuitive force of the idea that individuals are only subject to the authority of the government if they have reasons to be so subject. Indeed, when this fact is combined not only with the fact that the people, as they are, have not agreed, but also that the characterization of the agreeing citizens does not include the values that constitute their very identities, the intuitive force of the agreement—and with it the justification for coercion—seems lost.

I will argue that a proper understanding of the claims explained above shows that they can be jointly consistent without undercutting the idea of public justification within a liberal political framework. The pressure points concern the kinds of reasons people can appeal to in political justification, the relation those reasons have to persons' identities, and the extent to which agreement by individuals so characterized supports the kinds of arguments that liberal political theorists, most notably John Rawls, argue they can.

Perfectionism, Neutrality, and the Aims of Government

As I write this, an influential segment of a political party in the United States is pressing for a particular view of the proper aims of government. For example, at recent political event, Gopal Krishna said, "We are concerned that a country that was founded on European-style Christian moral values has now become a multi-cultural haven for every weird and kinky lifestyle,"[3] and Tim Pawlenty claimed that "We need to remember this and always remember it, the Constitution was designed to protect people of faith from government. Not to protect government from people of faith."[4] Setting aside whether these claims are true, the claims and others like them are echoed and supported by a large number of American politicians and citizens. These claims are rooted in a particular view of our government and what it ought to be doing. In their view, the government ought to be governing based on a Christian conception of morality and what is good in life.

The debate in which these individuals are engaged relates to important questions about the kinds of reasons that are appropriate for public debate, the justifications that can or should be given for particular political policies or institutions, and even the kinds of ends for the government to promote. The answers people give to these questions largely, if not entirely, depend on the foundational notions of the purpose and justification of government that they accept. Unfortunately, people do not agree on these foundational notions.

In the last few decades, some political theorists, led by Rawls, have defended a particular, view about the purpose and justification for the government, political principles and legislative action. The view, as will be discussed and defended throughout the book, is called "political liberalism." As with many broad theoretical concepts, there is much variation in the views that go by that term, but one of the central features is that the government support some form of neutrality. Just what neutrality comes to and how properly to understand it has been the topic of many articles and books.[5] I will explain some of the central issues in that debate in later chapters. Roughly, neutrality is the view that the government ought not to take a stand on conceptions of value which are not agreed upon by the citizens. There are two ways in which a theory can be neutral. First, a theory can be foundationally neutral in that it does not allow conceptions of what is intrinsically valuable to serve as the justification for the theory. Second, a theory can be neutral with respect to the particular policies or legislation allowed by the government. These ways of being neutral are independent. For example, perfectionist theories can be perfectionist by rejecting neutrality in one or the other ways, or both. A liberal theory can neutral in one or the other ways, or—as in the case of Rawls—both ways. Some liberal theories are justified by a particular view of what is intrinsically valuable, but hold that the government must not adopt policies that promote one conception of what is intrinsically valuable

[3] "5 GOP Presidential Maybes Share Iowa Stage" (2011)

[4] *Ibid*.

[5] For a useful overview, see Gaus (2009).

over another. Other theories hold that a conception of what is intrinsically valuable isn't necessary to justify the theory, but that the government is justified in passing legislation that promotes a particular conception of what is intrinsically valuable.

The liberal tradition gives primacy of place to the value of freedom of its citizens. Because governments inherently limit the freedom of their citizens and wield coercive force over them, neutrality is importantly related to the liberal justification of political principles and legislative action in virtue of political coercion's being justified by the fact that each person has reasons to accept it. And, as I have said, a person's reasons are importantly related to her values, which, in turn, are partially constitutive of her identity. Thus, a conception of persons is central to the issue of perfectionism versus neutrality.

In what follows, I defend a conception of the cluster of characteristics of persons that are relevant for political theorizing. I use the term 'political identity' to refer to this cluster of characteristics.[6] This conception is based on Rawls's "political conception of the person" and is derived, in part, from the characterization of the parties in the original position. [7] There is interplay between political identity, on one hand, and the justification and goals of political theory, on the other. Concerning the latter, certain political conceptions implicitly or explicitly rely on a particular conception of political identity in order to justify their theories, and the goals of people supporting those theories bear on the kinds of characteristics of persons that are taken to be relevant or irrelevant to political theorizing. The relationship is not one-sided: the way in which one thinks of political identity has far-reaching influence for the justification and goals of political arrangements. Political identity has that influence as an extension of public justification. If we require that governments or political legislation be justifiable to those who are subject to it, then there must be some notion of persons at work, and the content of that notion impacts the kinds of government or legislation that will be so justifiable.

The discussion of political identity and its relation to questions of the goals and justification of political theory may call to mind the debate between liberals and communitarians in the 1990s, with good reason. I'll discuss that debate and its connection with current discussion of perfectionism and neutrality in Chaps. 2 and 3. For those unfamiliar with the debate, here is a rough overview. Liberals, Rawls in particular, rely on a conception of persons to justify their theories. That conception of persons includes only features that the theorists take to be relevant to the task of justifying political theories, thus omitting a great many features of persons which are arguably essential to personhood or personal identity and indeed are essential to much of what is intuitively true about social life. Some critics claim that in so

[6] My purpose is not to argue that this is the best definition for the term 'political identity' which is used to refer to the general characteristics of a nation, or a political group, or to the essence of what it is to be a citizen, and so on. I think this use of the term is fair, and if someone objects I urge them to take the term 'political identity' as shorthand for the unwieldy phrase "cluster of characteristics of a person that are relevant for political theorizing."

[7] Rawls never articulates a conception of political identity per se. He relies on a conception of persons in the original position, and on a political conception of the person. In the final chapter, I use these two elements as the basis for a *Rawlsian* conception of political identity.

doing liberals—again, especially Rawls—commit themselves to a false view of personal identity or personhood and overlook much that is essential to our ordinary understanding of who we are. Thus, they claim, liberalism rests on a false view of personal identity or personhood, and due to the justificatory role that conception of persons plays in the theory, it follows that the viability of the theory itself or political principles so justified are undermined.

That debate laid the groundwork for thinking through a cluster of political concepts that are closely related by way of political identity: personal identity, autonomy, neutrality, political justification, and the goals of political theory. Although large segments of the literature on that debate rest on outright misunderstandings, that literature offers a wealth of material for thinking through the relation between the above-mentioned concepts. Indeed, in a number of cases the misunderstandings or misreadings are at least as fruitful as the writings that are not so marred. The misunderstandings are fruitful because they stem from particular assumptions about (i) the goals and justifications of political theory, and (ii) the relationship between metaphysical commitments and normative commitments. The objections that were based on misunderstandings were often the result of theorists or their critics implicitly relying on views concerning (i) or (ii). This forced those engaged in the debate to state and explain their theories more carefully and to examine their views to evaluate whether their theories implicitly relied on positions that they disavowed.

In my view, interest in that debate waned too soon. Evidence for this is that some standard sorts of misunderstanding persist. More broadly, however, I claim that the important implications of that debate were never brought out and fully articulated. The implications have to do with concerns as broad as those I mentioned above: the characteristics of persons that are relevant for political theorizing and the goals and justification of political theory.[8]

One important case in which the material from the liberal/communitarian debate could inform and benefit a more recent discussion is the current debate over perfectionism versus neutrality in moral and political philosophy.[9] Perfectionist political theories hold that the state has an obligation to help its citizens live a good and valuable life. The important mark of these theories is that the state specifies what is intrinsically valuable—the state does not just help people live lives that the people think are valuable, but the state helps people live lives that *actually* are valuable, even if the citizens do not agree with the conception the state supports. The connection to political identity is rather straightforward. As explained above, political identity concerns the features of persons that are relevant for political purposes. Since perfectionist theories are concerned with what is intrinsically valuable in persons' lives,

---

[8] It is worth noting that Taylor (2007), whose work will be discussed in depth in the following chapters was originally engaged in the debate regarding the (purportedly negative) implications liberal political theory has for the nature of personhood and personal identity, but has recently been focusing on issues connected with those I discuss in this manuscript—issues having to do with how living in a "secular age" relates to political justification and people's developing their personal and political identities, see, e.g., Taylor (2007, pp. 453–59).

[9] See, for example, Quong (2011), *Op cit.*; Lecce (2008); Wall (2009, 2010); Wall and Klosko (2003); Ballamy and Hollis (1999).

the theory of political identity that is apt for perfectionist theories is one that makes reference to a specific conception (or, perhaps certain specific conceptions) of value in persons, and those conceptions of value can play a role in justifying the theory.[10]

Those opposing perfectionist theories of government endorse *neutrality*, which, as mentioned above, is roughly the view that the government ought to be neutral with respect to those issues that are not agreed upon in the polity. As indicated in the above quotations, people do not agree about what is a good and worthwhile life. What some people think valuable others think "weird and kinky." According to theorists who support neutrality, the fact of disagreement means that the government ought not to have policies which promote or hinder one view or another. That is the rough view, which is complicated in a number of ways that will be discussed in later chapters. For now, though, one pressing complication should be addressed.

Even neutral political theories do not hold that *all* ways of life are to be respected and allowed. There must be some justification for the ways of life which are respected and those which are not. For example, drawing again on the example above, Pawlenty seems to be arguing for a perfectionist form of government according to which the Christian conception of what is valuable in life is promoted by the government, even in the lives of those people who do not accept it as valuable. Someone supporting political neutrality would hold that the Christian conception of a valuable life is just one of many that ought to be respected by the government. Such a person could hold that, for example, the conception of a valuable life that is endorsed by a gay person who wishes to marry his same-sex partner is also a conception of value which should be respected by the government. In their view, it is not the government's business to try to get the gay person to live a life that is valuable according to the Christian conception. So far, so good. What is the person who supports neutrality to say about a sociopath who believes that what is valuable in his life is killing and dismembering people? It seems obvious that this conception of value is one that would not be allowed, but why? Wouldn't the government's taking a stand on what is valuable in the sociopath's life but not the gay person's life be a case of failing to be neutral? In a way, yes. Even a neutral government does take a stand on the ways of life which are valuable by taking a stand on the range of ways of life that are allowable in the society. What justifies the inclusion of a certain way of life does rely on certain values, and they may be values about which people disagree (given that there are sociopaths).

The important difference between the case of a gay lifestyle and the lifestyle of the sociopath is that the former arguably is not harming anyone, while the life of that sociopath who kills people quite obviously does. So, put more carefully, the government has an obligation to allow people to pursue what they believe to be a good and worthwhile life, but only insofar as that life will not harm others and will

[10] I say 'certain specific conceptions' rather because some perfectionist theories are *pluralists* about what is intrinsically valuable. By this I mean, such theorists hold that a particular conception of what is intrinsically valuable is objectively true, but that the conception may allow for more than one "good." For example, one could hold that living an excellent life is objectively intrinsically valuable, but that there is more than one way that a person could live an excellent life.

allow others the same freedom. The reference to freedom here shows how this view connects to liberal political theory, the core value of which is *liberty*. For a liberal, the core value is individual freedom to the fullest extent allowable for others to have the same right. I return to this point in Chap. 2.

It should now be clear how the issues discussed in the liberal/communitarian debate relate to the current discussion of perfectionism versus neutrality. In each case, the concern centers around the nature of persons and the ways in which the government can and ought to treat them on that basis. As with the liberals and communitarians, those supporting neutrality and perfectionism (respectively), endorse different views on the role that individuals' conceptions of value ought to play in political theorizing. Given the importance of these implications, the purpose of this book is to clarify the liberal/communitarian debate, then present an argument for a particular view of political identity which is rooted in the arguments from that debate. Along the way, I will show how these issues relate to the more recent debate concerning perfectionism in political theory.

So, while much of the discussion that follows concerns the liberal/communitarian debate, which played out some 20 years ago, the topic of the book is not that particular debate. Rather, it is about how political theories ought to think about persons and how the conceptions of political identity employed by different theories impact the theories' conclusions on the role of government in shaping the lives of persons and the society in which those people live. The purpose is not to review the voluminous literature on the debate, nor to examine the various positions held by the members of the liberal and communitarian camps. The focus will be on the positions that were dominant in the debate, or those writings which provided the most fully worked out expression of the positions. Doing so, will, of course, mean omitting some important books or articles, but, because the purpose of this book is not to rehash the older debate, but, rather, to look at what the debate can tell us about political identity, I have relied on a specific subset of the literature on the debate.

Because the liberal view of political identity that I endorse is one that is derived from the work of Rawls, it will be no surprise that the debate from two decades ago provides a useful vehicle for discussing the issues of how political theories ought to think about people, and for the primary kinds of consideration involved in endorsing and objecting to various conceptions of political identity. Similarly, that debate provides a wealth of objections to Rawlsian political identity, though at the time the concerns weren't phrased as being about political identity. I use this debate as a vehicle for thinking through what I take to be the most important considerations having to do with accepting a particular view of political identity.

In the discussion that follows, I discuss the work of Charles Taylor and Michael Sandel who are generally included under the "communitarian" umbrella, though neither has accepted the label. Indeed, in the preface to the second edition of the seminal text which galvanized Sandel's being labeled as a "communitarian," he explicitly disavowed the label and suggested that his view is better characterized as

perfectionist.[11] My concern in the following discussion is not with the *labels* for the adherents of these views, but with the particular conceptions of personal and political identity that they support, and their view regarding the general aims of the government. At issue is the relationship between persons' conceptions of what is intrinsically valuable and their identities, on one hand, and the relationship between conceptions of what is intrinsically valuable and the political justification, on the other.

Evidence for the fact that the labels aren't what is at issue is the fact that the two opposing views at issue don't neatly divide into liberals and communitarians. There is an important political view, liberal perfectionism, which I argue against. Liberal perfectionism is a liberal view, but it holds that the government ought *not* to be neutral with respect to conceptions of what is intrinsically valuable, and that it ought to help its citizens live a life that is intrinsically valuable.[12] Although the essential tenets of that view and those of communitarians differ in important ways, for our purposes, we can treat them together as a view that is in competition with the view I support regarding the nature of political identity and the associated aims of the government. The kernel that communitarians and perfectionists have in common is this: The government has an obligation to promote the "Good" for its people and society, despite the desires of the people being governed. In the terminology of Isaiah Berlin, both hold that the government should promote *positive* rather than *negative* liberty. For Berlin, negative liberty was freedom as non-interference. People should be free to make the choices they want about their lives without governmental interference. Positive liberty, on the other hand, is premised on a value judgment regarding the good way to live one's life and the claim that a life so lived is required for someone to be truly free. Those supporting positive freedom claim that governmental coercion is allowable to help people live their lives well, so that they may be fully free.[13]

The main difference between communitarianism and liberal perfectionism comes in the reasons for supporting this view. These reasons will be discussed in later chapters. To put it roughly, communitarians support positive liberty because they believe that aspects of persons' social circumstances are essential to persons' identities, and that certain kinds of social attachments and interactions are intrinsically valuable. Given the value of those social factors and their relation to persons' identities, communitarians hold that the government should promote certain forms of social interaction and discourage others. For liberal perfectionists the reason is roughly that the government has an obligation to help its citizens live a life that is valuable, and that government should intervene because people may fail to make the correct choices, which could result in their not being a free as they could otherwise be. Indeed, if the government does not intervene, then certain valuable choices would likely cease to be available, so the government has an obligation not just to help people make the

[11] Sandel (1984, p. xi) claims that his view "is not, strictly speaking, communitarian ... it is better described as teleological, or (in the jargon of contemporary philosophy) perfectionist" *Liberalism and the Limits of Justice*.

[12] I discuss liberal perfectionism in more detail in Chap. 8.

[13] Isaiah Berlin (1969).

correct choices, but also to create the social circumstances in which those choices can be made.[14] These ideas regarding the proper purpose of government run counter to neutrality. As will become clear in later chapters, it is not clear what governmental neutrality comes to, but the basic idea at issue between those who support or criticize neutrality is whether the government ought to endorse and promote certain values or whether the government ought simply to create the conditions of maximal negative liberty so that people can pursue whatever they believe to be valuable.

Personal Identity and Political Identity

It has become commonplace in writing on personal identity that authors devote attention to clarifying the kinds of question at work in discussions about personal identity and which of those questions they aim to address.[15] This shows that, while progress has been made in discussions of "identity," it is still a burgeoning topic, fraught with misunderstandings and lacking standardized terminology for many of the central questions and concepts. I will be no exception to contributors to this literature in that I too will explain the questions concerning identity that I am trying to answer. I aim to provide a defense of the claim that the questions with which I am concerned are the questions that are most salient to thinking about political identity, though not *all* questions of identity. If I am right, then I will have paved the way for thinking through questions of political identity, and, hopefully, provided a framework for those who are interested in how political theories conceive of identity.

What I aim to show is that different notions of identity each concern a different set of considerations, which, in turn, lead to different kinds of objection to the conception of political identity I endorse. Because I am concerned with *political* identity the considerations and characteristics relevant to the discussion differ from those that are relevant to personal identity. I argue that a particular set of considerations are the ones that are salient when thinking about people for political purposes.

As I've said, there is not *one* question of personal identity, and different conceptions aim to answer different questions and are responsive to different considerations. It is also the case that there is not just one question of political identity. There are various ways in which a "conception of the person" is used in political theories. I focus on the way political identity relates to the justification of political principles and legislation. Getting clear on this relation requires first getting clear on the extent to which political identity relies on a conception of personal identity. For example, I need to assess whether political identity needs to be consistent with the metaphysics of personal identity and whether there are certain kinds of consideration that are relevant to personal identity in the political domain.

One important difference between personal identity and political identity is that it seems that the former will be fixed independently of our desires about it. Arguably,

[14] For elaboration on this point, see the discussion of empirical objections in Chap. 6, p. 115 ff.

[15] See, for example, Schechtman (1996); DeGrazia (2005); Shoemaker (1996, 2007); Olson (2007).

once we have identified the correct metaphysical criteria for personal identity, it seems possible that we would be able to articulate the conception of personal identity without referring to any normative concepts. Political identity is at bottom normative: It is a conception of identity that is constructed for a particular purpose within a political theory. The relevant considerations and the purpose of the conception determine the facts about that notion of identity. Thus, in assessing political identity the primary points of contention are precisely the normative considerations, the purpose of the conception of political identity within the theory, and indeed even the political theory itself.

Overview of the Structure of the Book

The purpose of Chaps. 2 and 3 is to introduce and clarify objections to Rawls on the grounds that he is committed to a false conception of personal identity. First, in Chap. 2, I offer examples of critics who claim that this conception of personal identity makes trouble for Rawls, and I explain in more detail why they claim he is committed to that false conception of personal identity. These critics and their objections are generally referred to as "communitarian," although, as I've suggested, their concerns are more generally characterized as perfectionist. In Chap. 3, I clarify the debate between Rawls and his communitarian critics. I argue that communitarians present their objections in a way that obscures the real point of contention between them and Rawls.

In Chap. 4, with a clearer view of the issue between Rawls and his critics in hand, I explain the conception of personal identity that communitarians seem to endorse. I provide this explanation because communitarians generally fail fully to explain the conception of personal identity they endorse, the conception that serves as the basis for their criticisms of Rawls. Because communitarians fail to provide a clear account of the conception of personal identity underlying their objections, it is possible (and perhaps likely) that there is not just one such conception. Rather than surveying candidates for the conception of personal identity communitarians accept, I explain a conception that seems to be the one underlying at least some of the communitarian objections. I suggest that the conception I explain is a seemingly plausible basis for objections to Rawls's political conception of the person. Basically, the conception of personal identity I have in mind is one according to which persons' conceptions of what is intrinsically valuable are essential to their identities. To explain this, I focus on writings of Charles Taylor. Also, to a lesser extent, I draw on writings of Michael Sandel and Alasdair MacIntyre. This conception of identity is supposed to be problematic for Rawls in two ways: metaphysically and normatively.

In Chap. 5, I argue that metaphysical objections to Rawls's characterization of the person in the "original position" are unsuccessful. The original position is a hypothetical decision procedure in which a person who is subject to certain unusual constraints is asked to select the principles she would like to govern her society. The unusual constraints are that, on the one hand, the person is deprived of almost all

knowledge of herself, such as knowledge of her gender, race, and socio-economic status and, on the other hand, the person is supposed to have knowledge that people may not have, such as knowledge about the laws of psychology, the basis of social organization, and principles of economic theory. Critics have taken this characterization of the person to implicitly rely on a metaphysical conception of personal identity that is inconsistent with a conception of persons as socially constituted, such as the conception explained in Chap. 4. I argue that it is false that the characterization of the person in the original position relies on any metaphysical conception of personal identity, and, for this reason, these objections fail.

My discussion of the original position will bring Rawls's political conception of the person into sharper relief. Rawls claims that his conception is a *normative* conception of identity. For this reason, a clearer understanding of Rawls's conception of political identity paves the way for understanding the normative criticisms of that conception. Basically, Rawls intends his political conception of the person to pick out the features of persons that are important from the point of view of political theorizing. For Rawls, the features that are important are those that characterize persons as having the rights and capacities required to participate in political life.

Critics object that Rawls's political conception of the person is problematic in two ways. First, critics claim that Rawls has failed to identify the features of persons that are politically-relevant. Second, independently of whether Rawls has correctly identified the features that are politically-relevant, critics argue that Rawls's *characterization* of the features is problematic. For example, Rawls claims that one of the politically-relevant features of persons is that they are free. Critics object both that freedom is not a politically-relevant feature of persons' identities *and* that Rawls's characterization of freedom is implausible.

I call objections of this type "normative objections. " The normative objections are often grounded in an alternative conception of political identity. Interestingly, according to the conception of political identity grounding these objections, one of the most important facts about persons from a political point of view is that they are socially constituted. One implication of this fact, critics argue, is that the government should be arranged in such a way as to foster a political climate that promotes the proper development of its citizens. They claim that the way for a government to foster the proper political climate is, *inter alia*, to adopt policies that take the fact persons' identities are partially constituted by their social circumstances to be both fundamental and valuable.

In these critics' writing, it is not at all clear how governmental policies can take these facts about personal identity to be fundamental and valuable. The critics' idea seems to be that persons need certain social interactions in order to develop full moral autonomy, and they claim that the government has an obligation to help its citizens develop full moral autonomy. So, perfectionists conclude that the government has an obligation to ensure that persons are able to enter into the social interactions they need. In Chapter 6, I explain and clarify these objections, and attempt to explain why these critics think their conception of political identity is preferable to Rawls's.

In Chap. 7, I refute normative objections to Rawls's political conception of the person. I argue that, first, as with the metaphysical objections to the original position,

some of the normative objections to Rawls's political conception of the person fail because they are based on a misunderstanding. I argue that the other normative objections are unsuccessful because they rely on a false dichotomy between the individual and the political. These objections, I argue, fail to undermine Rawls's political conception of the person because social factors can help persons develop their identities without the government taking an active role in ensuring that persons engage in social activities. Rawls grants that social factors partially constitute individuals' identities. Indeed, it is his view that persons will naturally engage in the social activities that help them to constitute their identities and develop full moral autonomy.

In the final chapter, I explain a Rawlsian conception of political identity that is rooted in the characterization of the person in the original position discussed in Chap. 5 and the political conception of the person discussed in Chap. 7. I suggest a few modifications to the Rawls's own view that make the Rawlsian conception of political identity I defend more defensible. While the conception I argue for is stronger than Rawls's own view, it is more limited in scope.

I have two main goals: to show (i) that objections to Rawls's political conception of the person fail and (ii) that the Rawlsian conception of political identity is defensible conception. En route to achieving the two main goals, I aim to accomplish several subsidiary goals. They are the following. I aim to show that the debate between liberals and communitarians is relevant to the current debate regarding perfectionism and neutrality in politics. I hope to clarify the debate between Rawls and communitarians in a way that will promote fruitful discussion on the issue of political identity. I aim to provide a clearer account of a conception of personal identity according to which persons are socially constituted. Also, I hope to provide reason to think such a conception is viable and plausible. I would like to show that objections to the characterization of the person in the original position fail because they are based on a misunderstanding. I seek to clarify normative objections to Rawls's political conception of the person and explain why communitarian critics claim their conception of political identity is better than Rawls's. I aim to show both that the normative objections do not undermine Rawls's political conception of the person, and that the communitarian conception of political identity is unacceptable. Finally, I claim that the Rawlsian conception of political identity is a defensible conception of political identity and is stronger than Rawls's own view, given the modifications I suggest.

References

"5 GOP Presidential Maybes Share Iowa Stage" Last modified March 8, 2011 (http://www.npr.org/2011/03/08/134354471/5-gop-presidential-maybes-share-iowa-stage)

Ballamy, Richard., and Martin Hollis, eds. 1999. *Pluralism and liberal neutrality*. Portland: Frank Cass.

DeGrazia, David. 2005. *Human identity and bioethics*. Cambridge: Cambridge University Press.

Gaus, Gerald F. 2009. The moral foundations of liberal neutrality. In *Contemporary debates in political philosophy*, ed. Thomas Christiano and John Christman, 81–98. Malden: Wiley-Blackwell.

Isaiah Berlin. 1969. *Two concepts of liberty in Isaiah Berlin. Four essays on liberty*. London: Oxford University Press.

Lecce, Steven. 2008. *Against perfectionism: Defending liberal neutrality*. Toronto: University of Toronto Press.

Lister, Andrew. 2010. Public justification and the limits of State Action. *Politics, Philosophy and Economics* 9:151–175.

Macedo, Stephen. 1991. *Liberal virtues: Citizenship, virtue, and community in liberal constitutionalism*. Oxford: Oxford University Press.

Olson, Eric T. 2007. *What are we? A study in personal ontology*. Oxford: Oxford University Press.

Quong, Jonathan. 2011. *Liberalism without perfection*. Oxford: Oxford University Press.

Sandel, Michael. 1998. *Liberalism and the limits of justice*. 2nd ed. New York: Cambridge University Press.

Schechtman, Marya. 1996. *The constitution of selves*. Ithaca: Cornell University Press.

Shoemaker, David W. 1996. Theoretical persons and practical agents. *Philosophy and Public Affairs* 25:318–332.

Shoemaker, David W. 2007. Personal identity and practical concerns. *Mind* 116:317–357.

Taylor, Charles. 2007. *A secular age*. Cambridge: Belknap.

Waldron, Jeremy. 1987. Theoretical foundations of liberalism. *Philosophical Quarterly* 147:127–150.

Wall, Steven. 2009. Perfectionism in politics: A defense. In *Contemporary debates in political philosophy,* ed. Thomas Christiano and John Christman, 99–117. Malden: Wiley-Blackwell.

Wall, Steven. 2010. Neutralism for perfectionists: The case of restricted state neutrality. *Ethics* 120:232–256.

Wall, Steven., and George Klosko, eds. 2003. *Perfectionism and Neutrality*. Lanham: Rowman & Littlefield.

Chapter 2
Personal Identity and Liberal Political Theory

Introduction to Communitarian Objections to Liberal Political Theory

The purpose of this book is to defend a Rawlsian conception of political identity. As explained in Chap. 1, I focus on objections to Rawls's liberal political theory according to which it relies on an unacceptable conception of personal identity. My concerns are broader than merely defending Rawls, but looking at this kind of objection to Rawls and his responses helps to bring into sharper relief the considerations that are essential to assessing and defending a conception of political identity and to showing how the debate over Rawls's conception of the person is related to the more recent debate concerning perfectionism and neutrality in political theory.

While the debate over Rawls's conception of personal identity is esoteric, a debate over his "political conception" of identity is pertinent in virtue of its relevance to a more general and familiar political debate. Before turning to communitarian objections to Rawls—or even to communitarian objections to liberals in general—I explain the nature of this more general debate, in order to show how the debate over Rawls's conception of political identity is related to it. I use an example to introduce the general debate and explain the political views supported by the two camps in the debate. As explained in Chap. 1, an important feature of the liberal/communitarian and the perfectionism/neutrality debates is whether the government ought to endorse or promote a particular conception of what is valuable in life.

In our society, pornography—or, more precisely, regulation of it—is a complicated issue because competing considerations support different conclusions on whether pornography should be allowed and, if so, in what forms. On the one hand, there are personal freedoms, such as the freedom of expression or the freedom to engage in activities one enjoys, that speak in favor of allowing individuals the freedom to produce and consume any pornography they like. Doing so promotes individual freedom, which, intuitively, is good. On the other hand, though, there are moral and religious norms that suggest that pornography is immoral, and there is evidence that pornography causes harms—not only to individuals engaged with it, but also to

C. G. Campbell, *Persons, Identity, and Political Theory*,
DOI 10.1007/978-94-007-7917-4_2, © Springer Science+Business Media Dordrecht 2014

women in general because of pornography's social-psychological impact.[1] If it were true that pornography is immoral or that pornography does indeed cause harms, then both of those "facts" would give reason for the government to prevent people from producing and consuming pornography.

The tension between these competing interests makes regulation of pornography an intractable issue. Allowing pornography and limiting pornography each have reasons in their favor. If the government were to allow individuals unlimited access to pornography, it would be promoting individual freedom, but it would be doing so at the expense of allowing its citizens to engage in immoral behavior and allegedly to or potentially to harm other citizens. Supposing that pornography is morally wrong, if the government were to prohibit the production and consumption of pornography, it would be helping its citizens live morally good lives. Also, supposing that pornography causes harms, governmental prohibition of it would help keep citizens safe from the harms of pornography. Those benefits, though, would come at the expense of limiting individuals' freedoms. Of course, there are any number of positions between the two extremes: the government could allow some types of pornography but prohibit others. Deciding which policy is right is difficult because it requires weighing concerns that are supported by different ideals.

For our purposes, those supporting these different ideals can be placed into two camps. These respect in which these two camps differ can be brought out by Berlin's famous distinction between positive versus negative liberty that I discussed briefly in Chap. 1. Roughly, those who give primacy of place to individual freedoms and would allow pornography insofar as it does not harm others or infringe on their freedoms, can be taken to support negative liberty. Those who hold the view that the government ought to limit pornography because doing so would help its citizens live more valuable lives support positive liberty. In the discussion that follows, I'll use 'liberal' to refer to the political theorists who endorse negative liberty.[2] I'll use 'perfectionist' to refer to those who endorse positive liberty. Much of the discussion that follows concerns communitarians. As I'm defining things, communitarians can be thought of as a variety of perfectionist theorist because they believe that the government ought to take a stand on a conception of what is valuable in life; the particular conception they endorse is one that has to do with the good of the community. In the discussion that follows, my concern is more broadly with the views characterized by positive versus negative liberty, but I discuss the debate regarding liberals and communitarians because that ground is well-trodden and provides useful background for understanding the broader issue over perfectionism and anti-perfectionism, particularly as it relates the nature of persons, personal identity, and political identity.

---

[1] I am thinking, for example, for the facts presented in MacKinnon's (1985) famous argument in "Pornography, Civil Rights, and Speech." For a more recent overview of literature on pornography see Watson (2010).

[2] Some liberal political theorists, for example Raz (1986), as I'll discuss later, actually fall in the other camp, so, strictly speaking, the label "liberal" is does not apply only to those who support negative liberty. But, for ease of discussion here, I'll use liberal to mean only non-perfectionist liberals.

To return to the example of pornography, these views of government, in turn, support different judgments about how the government should deal with pornography. As explained in the previous chapter, liberals argue that one of the primary purposes of the government is to protect individuals' freedoms to the largest extent possible, consistent with the same freedom for others. Because they believe that the government should promote freedom, it seems that they would take the view that the government should allow individuals to make and consume pornography as they wish. It only seems that liberals would take that view because they believe that the government should promote freedom only to the extent it is consistent with the same freedom for others. Above, I mentioned that one reason in favor of limiting pornography is that it causes harm. If one person's exercise of her freedoms causes harm to another person, then the second person's freedom has been infringed upon. For this reason, presumably, liberals would argue that the government has an obligation to limit pornography, but only to the extent necessary to prevent harms that infringe on individuals' freedoms. This idea is rooted in what is commonly referred to as John Stuart Mill' s "Harm Principle," which is roughly the idea that the government can only limit the freedom of one person in cases when the exercise of that freedom causes harm to another person. It follows from this principle that the government may not limit a person's freedom for her own sake, for example, in order to help the person live a life that is more valuable.

Perfectionists, on the other hand, believe that the government ought to ensure that its citizens are living a life that is actually good. If producing or consuming pornography is actually bad, then perfectionists would likely argue that, despite the fact that some people might think that consuming pornography is good (or even neutral) in their lives, the government should intervene and regulate or outlaw pornography, to increase the worth of the lives of the people who would otherwise be involved with pornography.[3] Communitarians, specifically, believe that one of the primary perfectionist goods the government should promote is the continuity of the community's culture in order to ensure that the community is thriving. The government can do this by promoting a "common good." It is not clear exactly what a "common good" is. For the moment, take promoting the common good to consist in part in promoting social cohesion. The purpose of the government then, communitarians argue, is to foster a society that promotes a common good. One way the government fosters such a society may be by preventing people from engaging in immoral activities. If we assume that pornography is immoral, then communitarians might claim that the government has an obligation to prevent its citizens from producing or consuming it.

In this example, we see important features of the liberal and perfectionist positions that underwrite the debate between the two camps. Liberals take individual liberty to be of the utmost importance. They believe that the government's obligation

[3] I say things like the government ought to "ensure" and "intervene," which are somewhat vague, because there are a great many questions here concerning how to properly characterize governmental action on perfectionist grounds. These issues will be dealt with in greater detail in the discussion of liberal neutrality in Chap. 3 and 7.

is to protect and promote personal freedom. As with the example of pornography above, this liberal commitment to individual freedoms has the consequence that the government does not limit individuals' freedoms unless it is necessary to prevent individuals' freedoms from being infringed upon, as, for example, to prevent people from harming others. Liberals argue that it is wrong for governments to limit individuals' freedoms on the grounds of morality as such. Perfectionists, though, think it is acceptable for the government to limit individual freedom on moral grounds when doing so is necessary to promote the true conception of what is valuable—whether it is the communitarian common good, or some other conception. Communitarians argue that governments ought to foster the common good in a way that will help individuals live good lives. Again, in the example above, communitarians may argue that the government ought to limit pornography in order to help individuals live good lives and to promote the common good of society.

The general debate between liberals and perfectionists consists in this disagreement over the purpose of government and the extent to which individual freedom is to be weighed against a particular conception of what is intrinsically valuable. The more particular debate over a Rawlsian conception of political identity seems to be a far cry from this debate, but, in fact, as shown by the debate between liberals and communitarians, it is quite central to the debate. Here's why.

Rawls is a liberal political theorist. A Rawlsian conception of political identity is one that is supported by political values that are manifest in our society, the most important of which are freedom and equality. The emphasis on freedom and equality should be unsurprising in light of the description of liberalism above: liberals believe that individuals each should have as much freedom possible, consistent with equal liberty with others. A Rawlsian characterization of political identity gives primacy of place to those two values—he characterizes persons as free and equal. For communitarians, what a Rawlsian characterization of political identity leaves out is just as important as is included. Rawlsian political identity characterizes persons without their conceptions of what is intrinsically valuable—such conceptions are not essential to persons' political identities.

It should be clear, then, why communitarians object to the Rawlsian conception. Communitarians claim that individuals' fundamental interest is in living a life that is morally good, that the government ought to help individuals live such a life, and the way it should do so is by promoting a common good. Communitarians think that the government has an obligation to promote a common good partly because of the view of personal identity they accept. Communitarians argue that a conception of what is intrinsically valuable is essential to a person's identity. Communitarians also claim that, in order for an individual to live a good life and be a fully functioning person, she must have a conception of what is intrinsically valuable. Finally, communitarians claim that people gain their conceptions of what is intrinsically valuable from the society in which they live. The idea seems to be that living in a society that promotes a common good plays an important part in helping individuals form their identities. This is the reason that the government's primary responsibility is to promote a common good: promoting the common good helps individuals become fully developed persons. Once this view is on the table, it is clear how to this objection connects

to perfectionism. Communitarians claim that the government's support for a certain conception of the good is necessary either for people to become fully developed persons or in order to create the social conditions necessary for people to do so. Perfectionists' concern is that the good or what is valuable in people's lives ought to be promoted, however it needs to be promoted (by promoting the community or fostering individual development) so that people can achieve the good, according to the perfectionist theory they endorse.

As mentioned above, Rawlsian political identity does not include persons' conceptions of what is intrinsically valuable. This omission, communitarians argue, shows that Rawls fundamentally misunderstands the nature of personal identity. They think this because they think that accepting the Rawlsian conception of political identity commits one to the view that a conception of what is intrinsically valuable is not essential to a person's identity. Critics claim that there is a second problem. The Rawlsian conception is used to justify political principles that promote individual freedom over the common good. Critics argue that because of this Rawls's political principles again commit him to the same false view of personal identity—the view that conceptions of what is intrinsically valuable are not essential to personal identity.

From the foregoing, we can see that liberals and perfectionists support different political views, and that the differences in their political views yield different policy decisions, such as the difference in the case of pornography. The different political views, it seems, are supported by different conceptions of persons. Perfectionists support certain views about how persons develop their identities and argue that the government has an obligation to foster the conditions required for individual development. Liberals focus on individual freedom and equality, and this commitment supports their view that the government ought to promote individual freedoms. Communitarian critics argue that the liberal commitment to freedom and equality shows an implicit commitment to a conception of identity according to which individuals' identities are formed independently of society. I now turn to those communitarian arguments.

Liberal Theory and Individualism

Conceptions of political identity are, obviously, closely related to conceptions of personal identity. Rawls's political conception of the person has been faced with a number of objections from critics due to its purported inconsistency with the metaphysical nature of persons and with the features which are most salient in persons. In this section, I explain critics' arguments that liberals are committed to an unacceptable metaphysical view of personal identity. The metaphysical view with which they saddle liberals is the one I referred to at the end of the previous section, the view that persons' identities are developed independently of society. The conception of personal identity that is attributed to liberals is often called "abstract individualism." For example, Kymlicka claims that "it has become a part of the accepted wisdom that

liberalism involves abstract individualism. . . ."[4] The problem with the liberal commitment to abstract individualism, according to many critics, is that it is inconsistent with the view that persons are partially constituted by their social circumstances. Critics claim that liberalism fails to account for "the inescapably social nature of the individual, the sense in which the individual is 'embedded in' and 'constituted' through social practices and social roles."[5] The problem, as I explain below, is both metaphysical and normative.

Metaphysical Individualism

Abstract individualism is generally taken to be a metaphysical conception of persons. For example, Jaggar offers the following account of individuals she claims is central to liberal theory.

> The assumption in this case is that human individuals are ontologically prior to society; in other words, human individuals are the basic constituents out of which social groups are composed. Logically, if not empirically, human individuals could exist outside a social context; their essential characteristics, their needs and interests, their capacities and desires, are given independently of their social context and are not created or even fundamentally altered by that context. This metaphysical assumption is sometimes called abstract individualism because it conceives of human individuals in abstraction from any social circumstances.[6]

Jaggar offers a cluster of related ideas. The important claim is that persons' *essential* characteristics are given independently of social context. This claim is important because it can be taken in two different ways, and, as I argue below, critics' failure to distinguish them has muddled the debate over liberal individualism.

In short, the two notions of "essential" features are, first, the features that are essential to personhood and, second, the features that are essential to persons' identities (in the sense that without them a person would cease to be the very person he or she is).[7] To clarify, I call the view that relies on the first notion of essential features "personhood individualism." According to personhood individualism, there are some features that an organism must have in order to be a person and those features are independent of any social context. The second view, which I call "identity

---

[4] Kymlicka (1988), cf. Kymlicka (1989, p. 13).

[5] Carse (1994, p. 184).

[6] Jaggar (1983, p. 29).

[7] In what follows, I use the term 'personhood' to refer to the set of features, capacities or properties that are essential to being a person. In some cases, I take what others say about *human nature* to be about *personhood*. Human nature has been defined as "a quality or group of qualities belonging to all and only humans" (Schneewind 1995, p. 341). *Personhood* is defined as the set of qualities that underwrite beings' moral status has having rights (Johnson 1995 p. 513.). While a theory of human nature is broader than a conception of personhood, for my purposes, I suggest that it is acceptable to use them interchangeably because other writers on this topic seem to use the term 'human nature' to refer to those features that are essential to beings' moral status, and those are the features that are relevant to my project.

individualism," is the view that the features that are essential to each person's identity are independent of any social context. I defend Rawlsian political identity from objections that it relies on either personhood individualism or identity individualism.

Normative Individualism

Liberalism's commitment to individualism is also taken to be normative. For example, Nancy Rosenblum claims that "in some cases abstract individualism *is* prescriptive; it is a normative concept of the person that values and promotes impersonal relations."[8] She writes that, "Abstract individualism is meant to serve a particular kind of sociability."[9] Critics have objected to liberalism's normative commitment to individualism on the grounds that *inter alia* the "sociability" liberalism promotes is problematic. Kymlicka writes,

> It is a commonplace amongst communitarians, socialists and feminists alike that liberalism is to be rejected for its excessive 'individualism' or 'atomism,' for ignoring the manifest ways in which we are 'embedded' or 'situated' in various social roles and communal relationships. The effect of these theoretical flaws is that liberalism, in a misguided attempt to protect and promote the dignity and autonomy of the individual, has undermined the associations and communities which alone can nurture human flourishing.[10]

The idea is that, as a normative view, the liberal individualist view of persons is unacceptable because it promotes only "impersonal" relations. Moreover, the fact that liberalism promotes only individualistic relations has negative consequences for society.

Liberals, Communitarians, and Individualism

Although perfectionists and communitarians have similar concerns about the nature of persons and the proper aims of government, objections to the liberal conception of political identity come primarily from communitarians. It is for this reason that I claim that revisiting communitarian objections to the liberal conception of persons can inform the perfectionism/neutrality debate.

Kymlicka explains two main types of communitarian criticisms of liberalism. From the discussion in the previous section, these criticisms should be familiar. The first, coming from Sandel is that "liberals exaggerate our capacity to distance and abstract ourselves from [our] social relationships, and hence exaggerate our capacity for, and the value of, individual choice."[11] The second type of objection comes from

---

[8] Rosenblum (1987, p. 161).

[9] Ibid., p. 162.

[10] Kymlicka (1988, p. 181).

[11] Kymlicka (1989, p. 1).

Charles Taylor; this objection is that liberals fail to appreciate that our capacity for choice "can only be developed and exercised in a certain kind of social and cultural context."[12] As I explain below, Sandel and Taylor's objections concern personhood individualism, identity individualism and normative individualism.

Kymlicka writes that these two objections,

> if sound, pose a serious challenge to liberal beliefs about culture and community. . . . They suggest that liberalism is *obviously* inadequate in these matters, that liberals are denying the undeniable, neglecting the most readily apparent facts of the human condition. And this neglect is exacting a high price: liberals, in a misguided attempt to promote the dignity and autonomy of the individual have undermined the very communities and associations which alone can nurture human flourishing and freedom. Any theory which hopes to respect these facts about the way in which we are socially constructed and culturally situated will have to abandon the 'atomistic' and 'individualistic; premises and principles of liberal theories of justice.[13]

As is clear from this quotation, objections from the likes of Sandel and Taylor must be taken seriously by liberal political theorists. In the chapters that follow, I look at arguments from Sandel and Taylor in detail. I defend Rawls, the liberal torch-bearer, from their objections. Ultimately, I aim to articulate a Rawlsian conception of political identity and show that it does not fall prey to these objections.

The view that persons are socially constituted, and objections to Rawlsian political identity on the grounds that it is inconsistent with that view, have been labeled "communitarian." Like 'liberal', the term 'communitarian' does not pick out one particular view, but a cluster of views. While these views (and objections) have come to be called "communitarian," one thing they have in common is the idea that a viable political theory must be supported by a theory of personhood or personal identity that takes into account the ways in which personhood and identity is influenced by social circumstances.

While this intuition is most often supported by communitarians, similar claims are voiced by feminists (as we have seen) and multi-culturalists. For example, Kwame Appiah, while discussing communitarian objections to Rawls's conception of the person, says that "One needn't be a card-carrying communitarian to accept that these considerations aren't without substance. . . ."[14] What he is getting at is that, while these objections liberal political identity have traditionally come from those of communitarian ilk, the intuitions motivating them concern not only the communitarian idea that individuals are influenced by their community, but general concerns regarding personal identity. Communitarians suggest that any conception of the person as independent of the community leaves out something essential to personhood,

[12] Ibid., p. 2. I note again that, though commentators have given Sandel and Taylor the communitarian label, neither explicitly accepts that label. As explained above, though, the concern here is not with the labels, rather, we are concerned with the extent to which their view exhibits the perfectionist view that the government ought to promote a particular conception of what is intrinsically valuable, and the fact that the reason for endorsing that view connects with personhood or personal identity.

[13] Ibid.

[14] Appiah (2005, p. 47).

namely, as we will see, the "fact" that persons are "partially constituted by their community."

So, just what is the objection to the liberal conception of personal identity? Sandel claims that the debate between liberals and communitarians is rooted in different views of selves. As explained above, liberals are committed to the view that persons can be characterized independently of their particularities. Sandel says communitarians object to liberalism for just this reason. He writes

> we cannot conceive ourselves as wholly independent in this way, as bearers of selves wholly detached from our aims and attachments. They [communitarians] say that certain of our roles are partly constitutive of the persons we are—as citizens of a country, or members of a movement, or partisans of a cause.[15]

In this quotation, Sandel offers the central claim motivating communitarian objections to liberals' metaphysical conception of personal identity: persons' identities are fixed by their social circumstances. His concern seems to be metaphysical because he claims that some of our particularities, "our aims and attachments," party *constitute*, the persons we are. Sandel's concern seems to be with what I called "identity individualism" because he is concerned not with the features that are essential to being a person, but the features that constitute persons' identities.

Sandel is not alone is claiming that persons' identities are partially constituted by their aims and attachments. For example, MacIntyre argues that persons' identities are not independent of their roles. Moreover, for MacIntyre, what is valuable in persons' lives is not chosen but is a product of their social circumstances. MacIntyre writes,

> In what does the unity of an individual life consist? The answer is that its unity is the unity of a narrative embodied in a single life. To ask 'What is the good for me?' is to ask how best I might live out that unity [of a life] and bring it to completion. To ask 'What is the good for man?' is to ask what all answers to the former question must have in common.[16]

MacIntyre's answer to the question he poses is this:

> the good for me has to be the good for one who inhabits these roles. As such, I inherit from the past of my family, my city, my tribe, my nation, a variety of debts, inheritances, rightful expectations and obligations. These constitute the given of my life, my moral starting point. This is in part what gives my life its own moral particularity.[17]

MacIntyre claims that his view is in contrast to the "modern individualist" view. MacIntyre characterizes the individualist view as the view according to which "I am what I myself choose to be. I can always, if I wish to, put in question what are taken to be the merely contingent social features of my existence."[18]

MacIntyre objects to the liberal individualist view because he claims that social features of individuals' lives are not merely contingent in that they are the result

---

[15] Sandel (1984, pp. 5-6).

[16] MacIntyre (1984, p. 218).

[17] Ibid., p. 220.

[18] Ibid.

of individuals' choices. He claims that social features partially define individuals' identities. MacIntyre characterizes his view of a life as a narrative unity as follows:

> the story of my life is always embedded in the story of those communities from which I derive my identity. I am born with a past; and to try to cut myself off from that past, in the individualist mode, is to deform my present relationships. The possessions of an historical identity and the possession of a social identity coincide. Notice that rebellion against my identity is always one possible mode of expressing it.[19]

It not entirely clear what MacIntyre has in mind here. The idea seems to be that persons' lives and identities are like narratives in that they are intrinsically tied to their social circumstances and histories.[20] Moreover, even when persons are rejecting socially-given ends, they are expressing them.

MacIntyre's view may seem prima facie implausible, but some ways of viewing both our own lives and the lives of others do seem best expressed by a narrative. Consider the fact that biographies generally tell the story of their subjects starting by explaining where they were born, then discussing how they were raised, then recounting their college years, and so on. After reading a biography there is a sense in which the reason knows the "identity" of the person the biography was about—in some sense, the reader knows *who the subject is*. My explanation of MacIntyre's conception is admittedly speculative, but I hope it gives a rough idea of what his view is and why someone might accept it. Happily, though, the details of MacIntyre's conception of personal identity as a narrative unity are not my concern. The purpose in mentioning his view is merely to provide an example of a conception of persons as socially constituted.

Sandel explains that the conception of persons as socially constituted underwrites the communitarian criticism of modern liberalism. Communitarians object to liberalism on the grounds of

> the picture of the freely-choosing individual it embodies. Following Aristotle, they [communitarians] argue that we cannot justify political arrangements without reference to common purposes and ends, and that we cannot conceive our personhood without reference to our role as citizens and as participants in common life.[21]

From this quotation, we can see that objections to normative individualism are both metaphysical and normative. By this I mean, Sandel claims that communitarian objections to the liberal commitment to normative individualism take as their starting point the fact that liberals are committed to a false metaphysical conception of persons. Also, communitarians object to normative individualism on the grounds that the correct normative conception of persons—a conception that justifies political arrangements—takes into account the importance of social circumstances to our political life. From the foregoing, we have a clearer idea of the reasons Sandel would give for objecting to what he takes to be the liberal conception of the person. I now turn to Taylor's objection.

---

[19] Ibid.

[20] For discussion of narrative identity and its relation to political theory, see Whitebrook (2001).

[21] Sandel (1984, p. 5).

Taylor claims that "the free individual or autonomous moral agent can only achieve and maintain his identity in a certain type of culture. . . ."[22] This claim grounds the above-mentioned social constitution thesis. He explains the thesis as the view that

> men cannot develop the fullness of moral autonomy—that is, the capacity to form independent moral convictions—outside a political culture sustained by institutions of political participation and guarantees of personal independence.[23]

According to Taylor, this fact about persons makes it the case that people must be concerned not merely about themselves, but also about their society. Taylor writes,

> The crucial point is this: since the free individual can only maintain his identity within a society/culture of a certain kind, he has to be concerned about the shape of this society/culture as a whole. He cannot . . . be concerned purely with his individual choices and the associations formed from such choices to the neglect of the matrix in which such choices can be open or closed, rich or meager.[24]

The social constitution thesis is a thesis about personal identity— the thesis that persons depend on society to develop their identities. Taylor argues that people must be concerned about society because people need society to develop the capacities that are constitutive of identity in fully developed, morally autonomous persons. Taylor's claim should call to mind Jaggar's claim that a problem with liberalism is that it conceives of individuals' desires as essentially solitary.[25] In later chapters, I explain Taylor's arguments regarding the capacities that are constitutive of identity and his arguments that people need society to develop those capacities.

Although Taylor uses the term 'identity' in this discussion, the fact that he links this discussion with general facts about persons—claims about how persons develop moral autonomy and the capacity to form moral convictions—provides initial evidence for a claim I will support below: While Taylor makes claims about the relation various features and capacities have to identity, his real concern seems to be the relation those features have to personhood. As will become clear in later chapters, Taylor objects to liberalism because of its purported commitment to the view I called "personhood individualism." I support this claim in Chap. 4.

Taylor argues that the social constitution thesis and the facts about personhood and personal identity have normative implications for political theory. He argues that, if the social constitution thesis is true, then political theorists who value certain rights, on pain of inconsistency, must also support a particular type of society. The type of society they must support, Taylor argues, is a society that, first and foremost, promotes a common good. I explain this argument in detail in Chap. 6. Taylor is taken to be a communitarian because he endorses the social constitution thesis and because of the normative conclusions he draws from it, e.g. the conclusion that government ought to promote a common good.

---

[22] Taylor (1985, p. 205).

[23] Ibid., p. 198.

[24] Ibid., p. 207.

[25] Jaggar (1983, p. 40).

Taylor's communitarian position opposes the liberal view, which he characterizes as follows:

> It sees society as an association of individuals, each of whom has his or her conception of a good or worthwhile life, and correspondingly, his or her life plan. The function of society ought to be to facilitate these life plans, as much as possible, and following some principle of equality. . . . The principle of equality would be breached if society itself espoused one or other conception of the good life. This would amount to discrimination, because we assume that in a modern pluralist society, there is a wide gamut of views about what makes a good life. Any view endorsed by society as a whole would be that of some citizens and not others. . . . Thus, it is argued, a liberal society should not be founded on any particular notion of the good life. The ethic central to a liberal society is an ethic of the right, rather than the good.[26]

The feature of the liberal position Taylor's quotation emphasizes has come to be called the "priority of the right over the good." The thesis of the priority of the right over the good is, roughly, the idea that individual rights and freedoms may not be sacrificed for the sake of some social goal or benefit. The liberal commitment to the priority thesis can be seen in the above discussion of pornography. In that example, I suggested that liberals argue that the government should not limit individuals' freedom to produce and consume pornography, for the sake of promoting a common good. To save words, I call this thesis "priority of the right." Liberals' commitment to the priority of the right supports their claim that the government should be neutral so that each individual can pursue his or her own conception of what is intrinsically valuable.[27] It should be clear here that the distinction between negative and positive liberty roughly maps onto the distinction between the priority of the right over the good and vice versa. Those who endorse negative liberty give the right priority; those who endorse positive liberty, give priority to the good. I explain this in more detail below.

Liberals argue that the priority of the right is merely a normative thesis; it is a claim about how governments should treat persons. Liberals claim that the normative thesis need not be supported by a metaphysical theory of persons. Taylor and other communitarians argue, though, that the priority of the right does rely on a theory of personal identity. Like Sandel, Taylor argues that individualism (or "atomism," as he calls it) is a metaphysical theory of personal identity, and that metaphysical theory is the reason liberals support the priority of the right. Taylor claims

> Atomism represents a view about human nature and of the human condition which (among other things) makes a doctrine of the primacy of rights plausible; or to put it negatively, it is a view in the absence of which this doctrine is suspect to the point of being virtually untenable.[28]

---

[26] Taylor (1989, p. 164).

[27] In the literature on this topic, the phrase 'conception of the good' is used to refer to individuals' conceptions of what is intrinsically valuable. Because these discussions also make reference to "the good," by which they mean the common good of society. I will refer to conceptions of the good as 'conceptions of what is intrinsically valuable', or sometimes 'conceptions of value' for short.

[28] Taylor (1985, p. 189).

Taylor argues that the priority of the right only seems plausible if it is paired with an atomistic theory of personal identity. Given that the priority of the right is taken to be one of the primary issues in the liberal/communitarian debate and Taylor claims that it is supported by a metaphysical theory of identity, he claims that a resolution to the liberal/communitarian debate will be found by "opening up questions about the nature of man. . . ."[29]

Perfectionists believe that certain facts about persons give the government a reason to treat them in certain ways. For example, if, according to the perfectionist theory, a person needs certain opportunities or experiences in order to develop into a fully-autonomous person, then the perfectionist would say that the government has an obligation to promote or foster the conditions which make those opportunities or experiences available to people. Similarly, Taylor claims that, at bottom, communitarians' concern is with the relation certain human capacities have to social conditions. He writes,

> the issue between the atomists and their opponents therefore goes deep; it touches the nature of freedom, and beyond this what it is to be a human subject; what is human identity, and how it is defined and sustained.[30]

In Chap. 6, I discuss the perfectionist view mentioned above according to which individuals need certain opportunities or experiences to become a fully-autonomous moral person. These views make trouble for what I called "normative individualism," which, it is argued, is committed to individuals being able to develop full moral autonomy independently of certain conditions. It also makes trouble for the view that the government ought not to foster a particular view on what is most valuable in a human life, given that the government's promoting certain opportunities and experiences just is its promoting a certain conception of what makes for a valuable life.

In Chap. 4, I explain Taylor's view on personhood and personal identity. These views, he argues, show that the views that I have been calling "personhood individualism" and "identity individualism" are fundamentally flawed. In particular, in Chap. 4, I explain Taylor's arguments for (i) the social constitution thesis, the thesis that persons' identities are partially constituted by their social circumstances, and (ii) his theory of personal identity, which leads him to accept the social constitution thesis. In Chap. 6, I explain Taylor's argument that (i) and (ii) support the claim that political theories cannot be wholly independent of metaphysical commitments regarding personal identity. These arguments provide needed substance to communitarian arguments against liberal theories. Thus far, I have been explaining liberalism and communitarian and perfectionist objections to it on the grounds of its purported commitment to metaphysical or normative individualism. I now explain how these claims link up with Rawls in particular.

---

[29] Ibid., p. 209.

[30] Ibid.

Communitarian Objections to Rawls

Rawls certainly appears to accept the political elements of liberalism. For example, the first, and lexically prior, of his two principles of justice is the principle of equal liberty. According to it, each person is to have an equal right to the most extensive basic liberty compatible with a similar liberty for others. The emphasis on the enhancement of individual liberty correlates well with liberalism's political emphasis on the individual discussed earlier.

However, critics who accuse Rawls of a commitment to abstract individualism do not do so because of his principles of justice. Rather, they focus on the ways he argues for those principles, viz. via "the original position," and on his "political conception of the person." The way he argues for his principles is taken to commit him to particular views of personhood or personal identity. Rawls's conception of the person has been taken to be vulnerable to communitarian criticism. For example, it has been claimed that

> In general, then, Rawls's conception of the self as antecedently individuated excludes any understanding of the relation between the self and its ends and circumstances that implies that the boundaries of the self might be disrupted, whether by personal commitment, by intra-subjective conflict or by intersubjective relationships. But moral and political life abounds with examples that can only be described in these ways.[31]

In this quotation we see that Rawlsian political identity has been taken to be objectionable for the very reasons that communitarians have objected to liberal conceptions of persons I have been discussing. Communitarians have objected to Rawls's conception of the person due to his use of the original position and the political conception of the person. I discuss them in turn.

Objections to the Original Position

Rawls's use of the original position has been taken to commit him to abstract individualism. Sparing all but essentials, the original position is a hypothetical decision procedure in which Rawls asks us to imagine someone in a very peculiar situation, a situation in which she is fully rational, almost entirely ignorant about features of herself, and confronted with a list of principles from which she must select the one she wants to govern her society. (This is a rough description; later I explain the original position in more detail.) According to Rawls, we can learn something deep about justice by considering the principles such an individual would select. It is reflection on the role of such an abstractly characterized individual, one denuded of many of the features had by real people, that has caused critics to accuse Rawls of being committed to abstract individualism. Rawls himself says that the description of the parties in the original position may

[31] Mulhall and Swift (1996, pp. 51-52).

> tempt us to think that a metaphysical doctrine of the person is presupposed. While I said that this interpretation is mistaken, it is not enough simply to disavow reliance on metaphysical doctrines, for despite one's intent they may still be involved. To rebut claims of this nature requires discussing them in detail and showing that they have no foothold.[32]

While Rawls acknowledges that rebutting these objections requires discussing them in detail, he does not provide this discussion. The purpose of the fourth chapter is to draw on Rawls's writings to provide the detailed discussion needed to flesh out his conception of political identity and to use it in later chapters to refute these objections.

Critics have taken the original position to be objectionable on metaphysical grounds for a variety of reasons. For example, critics have charged that the original position is flawed because it makes individuation of the agents in the original position impossible. This is because "they are identical as agents of choice... their capacity to choose exhausts their identity."[33] A number of critics claim that the original position does rely on *some* metaphysical conception in its construction, if not abstract individualism in particular. For example, Norman Daniels claims that there are several "background" theories Rawls uses to justify the construction of the original position, one of which is a "theory of the person." He claims the original position "will not be acceptable if competing theories of the person ... are preferable to the [theory] Rawls advances."[34] Amy Gutmann claims that the characterization of Rawlsian liberalism as independent of metaphysics is misleading.[35] She writes, "although Rawlsian justice does not presuppose only one metaphysical view, it is not compatible with all such views."[36] She claims that "Rawls must admit this much metaphysics—that we are not radically situated selves...."[37] The notion of "radically situated selves" is not entirely clear. Gutmann seems to be referring to a conception of the individual as bearing metaphysically essential relations to her social circumstances. I attempt to clarify this in Chap. 4. As is typical in the literature on this debate, Gutmann has not explained the metaphysical view she attributes to Rawls, or why she takes that view to be incompatible with "radically situated selves."

Steven Lukes objects to Rawls on the grounds that he relies on abstract individualism. Lukes claims that, in general, liberalism relies on the notion of the abstract individual, on the idea that individuals' features are given independently of social context. Lukes says that this notion of the abstract individual has been "revived in our own day in the work of John Rawls."[38] Another critic of Rawls is Terry Hall, who implicitly accuses Rawls of a reliance on abstract individualism in his exposition of the debate between Sandel and Rawls (I attend to this debate in later chapters). In his discussion of this debate, Hall claims that Rawls is committed to

---

[32] Rawls (1985, pp. 239–40, 1996, p. 29).

[33] Hall (1994, p. 84).

[34] Daniels (1979, p. 261).

[35] Gutmann (1985, p. 313).

[36] Ibid.

[37] Ibid., p. 314.

[38] Lukes (1973, p. 75).

> a conception of the self as essentially autonomous. This ... conviction is not political in nature but metaphysical (or ontological), because it involves an understanding of how the self, or the human agent *qua* agent, is constituted. It is a view about what the self necessarily is. Essentially the self is not constituted by the ends it in fact chooses, the attachments it makes, or the goods it desires.[39]

Given Hall's claim that Rawls's commitment is ontological, he clearly claims that Rawls is committed to a metaphysical conception of persons. While he does not explicitly say so, he seems to take Rawls to be committed to abstract individualism, because, as he sees it, Rawls is committed to the view that persons' identities are independent of their particularities.

Richard Rorty also argues that Rawls is committed to abstract individualism. Rorty takes Rawls to be so committed because of what Rorty takes to be Rawls's conception of the moral agent. Rorty's understanding of Rawls's conception of the moral agent is derived from his understanding of the original position (which I show later is a *misunderstanding*) and the agent therein. Rorty claims that Rawls's conception of the moral agent is given by his account of the individual in the original position, who can "distinguish her self from her talents and interests and views about the good."[40] Rorty thinks that Rawls relies on a conception of the person that has a "substrate behind the attributes."[41] Rorty thinks that Rawls is committed to a conception of persons as having an essential nature that is independent of social context and shared by everyone. Thus, Rorty takes Rawls to ascribe to personhood individualism.

Critics argue that the original position conceptually entails or relies on abstract individualism because it is inconsistent with the theories of personal identity or personhood supported by Sandel and Taylor. It seems that Gutmann's claim that Rawls's view is inconsistent with the view that persons are "radically situated selves" is an example of such an objection. The reason Rawls is supposed to be committed to personhood individualism or identity individualism is that, so the objections go, the original position describes a procedure that is impossible unless one or both of those theories is true.

Others have argued that Rawls relies on either personhood individualism or identity individualism in order to justify the details of the construction of the decision procedure. That is, critics claim that Rawls's justification for the features had by individuals in the original position is that those features are metaphysically essential to personhood or personal identity. Since the original position disallows features that make reference to social circumstances, critics argue that Rawls must be committed to the claim that the features that are essential to personal identity or personhood are independent of social circumstances.

---

[39] Hall (1994, p. 79).

[40] Rorty (1985, p. 217).

[41] Ibid.

Objections to the Political Conception of the Person

In his later work, Rawls makes use of a "political conception of the person" that, he claims, is an understanding of persons' political or public identities. What I am calling "Rawlsian political identity" is a more fully elaborated and modified account of this political conception of the person. As noted above, Rawls does not explain the details of the political conception of the person in depth. Rather, his focus is more on the role such a conception plays in the theory and the fact that it need not commit him to an unacceptable view about the nature of persons or personal identity.

Rawls's political conception of the person, roughly, is an account of the features of persons that are relevant from the point of view of justifying political arrangements. The political conception of the person that Rawls appeals to in his later work is closely related to the conception of the person in the original position. He claims that the political conception of the person was "drawn on in setting up the original position."[42] Rawls claims that the political conception of the person is a characterization that picks out the features of persons that characterize them as having the rights and capacities required to participate in political life.

He claims that the conception is derived from ideas that are latent in our political culture, in particular, the ideas that people are free and equal and that society is a fair system of cooperation for mutual benefit. To characterize persons as free and equal, Rawls endows them with two "moral powers," which are the "capacity for an effective sense of justice," and "the capacity to form, to revise, and rationally pursue a conception of the good."[43] He also claims that the political conception of the person is motivated by "two highest-order interests to realize and exercise these powers."[44] I explain the political conception of the person along with the two moral powers in more detail in Chap. 7.

In his later work, Rawls is supposed to be committed normative individualism due to his use of the political conception of the person. Sandel writes that, after *A Theory of Justice*,[45] Rawls does not defend

> the Kantian conception of the person as a moral ideal, he argues that liberalism as he conceives it does not depend on that conception of the person after all. The priority of the right over the good does not presuppose any particular conception of the person—not even the one advanced in Part III of *A Theory of Justice*.[46]

To understand Sandel's argument, we do not need to know exactly how to understand what he is calling the "Kantian conception." What is important about the Kantian conception of the person—and Sandel's claim that Rawls was committed to it—is that it is a conception of persons as having identities that are independent of social circumstances. Sandel argues that Rawls was, indeed, committed to the Kantian

---

[42] Rawls (1996, p. 29).

[43] Ibid., p. 93.

[44] Ibid.

[45] Hereafter, I refer to *A Theory of Justice* as '*Theory*'.

[46] Sandel (1998, p. 189).

conception in *Theory*, and that this commitment haunts Rawls's later work, albeit in a more limited way.

Rawls claims that the political conception of the person is strictly normative, and that it does not rely on a metaphysical conception of personal identity. Rawls's use of the political conception of the person does not ward off all of Sandel's objections. Sandel argues that the political conception of the person

> closely parallels the Kantian conception of the person with the important difference that its scope is limited to our public identity, our identity as citizens. Thus, for example, our freedom as citizens means that our public identity is not claimed or defined by the ends we espouse at any given time. As free persons, citizens view themselves 'as independent from and not identified with any particular such conception with its scheme of final ends.'[47]

It is important that the *only* important difference Sandel mentions between the Kantian conception of the person and Rawls's political conception of the person is that the latter has a more limited scope. Presumably, as indicated by this quote and others, Sandel thinks that the political conception of the person is just as Kantian and just as metaphysical as the theory of unencumbered selves which he argues Rawls is committed in *Theory.* Here, according to Sandel, the difference is that Rawls only means for it to be a conception of citizens, rather than a more general conception of persons. While the difference Sandel acknowledges is significant, he claims that it does not save Rawls from the metaphysical commitments that he criticizes.

While Sandel is correct that Rawls's political conception of the person does rely on a distinction between personal identity and political identity, I argue that Rawls does not intend—nor does he need—the political conception of the person to be supported by a metaphysical view. I aim to support Rawls's claim that

> a conception of the person in a political view, for example, the conception of citizens as free and equal persons, need not involve, so I believe, questions of philosophical psychology or a metaphysical doctrine about the nature of the self.[48]

Rawls claims that the political conception of the person, like the original position need not be based on a metaphysical conception of personhood or personal identity. I aim to show that one can accept a Rawlsian conception of political identity without thereby committing oneself to any objectionable metaphysical views.

Sandel's objection to Rawls's political conception of the person does not stop with his claim that it commits Rawls to the false view of persons as unencumbered selves. The political conception of the person is also subject to what I call "normative objections." Sandel claims that political conception of the person is *normatively* deficient due to Rawls's commitment to the priority of the right. Because Sandel does not clearly state his objection, providing even a rough and ready account of the objection requires quite a bit of exegesis. This exegesis comes in the next chapter. The normative objections, when fully articulated, are more difficult for Rawlsian political identity to deal with, though I ultimately argue that they fail to undermine the Rawlsian conception of political identity that I defend.

---

[47] Ibid., p. 192, quoting Rawls (1996, p. 30).

[48] Rawls (1985, pp. 230–1).

Rawls's political conception of the person is faced with objections that aim to show that it is conceptually incoherent. Rawls's political conception of the person is supposed to be conceptually incoherent because it is inconsistent with the "fact" that persons are constituted by their social circumstances. For example, as mentioned above, Rawls's political conception of the person characterizes persons as free in the sense of being able to choose a conception of what is intrinsically valuable. Critics have claimed that the political conception of the person is untenable on the grounds that persons' conceptions of what is intrinsically valuable are not *chosen*, but are gained from society and a part of their very identities.

If it is true that persons' identities are partially constituted by their values, then, so the objection goes, Rawls's political conception of the person is incoherent, even if it is only supposed to be a conception of persons as citizens. The idea is that, if it is true that we cannot separate persons from their values, then, even if it is just for political purposes, a person cannot simply *bracket* her values because they are a part of who she is. The mere idea, critics claim, is fundamentally confused. In Chap. 4, I present a metaphysical view of persons that I hope clarifies what it means for personhood or personal identity to be constituted by social circumstances.

Normative objections purport to show that we have normative reasons not to adopt the political conception of the person. This sort of objection takes as its starting point the idea that motivates questions like the following asked by Sandel

> Why should we adopt the standpoint of the political conception of the person in the first place? Why should our political identities not express the moral and religious and communal convictions we affirm in our personal lives? Why insist on the separation between our identity as citizens and our identity as moral persons more broadly conceived? Why, in deliberating about justice, should we set aside the moral judgments that inform the rest of our lives?[49]

The idea motivating these questions seems to be that, since we do not view ourselves as fitting Rawls's political conception of the person, it is unclear why we would want to adopt that conception. Moreover, it seems false that such an alien point of view is the right one for justifying political theories. Sandel is not alone in thinking that the disconnect between the political conception of the person and our ordinary conception of ourselves could be problematic. For example, Alisa Carse claims that, metaphysical issues aside,

> Clearly, we do want the moral point of view to be a point of view we can in principle take. We want our conception of the moral subject to hook up in some way with our conception of ourselves.[50]

This claim is echoed by communitarians, who argue that the liberal point of view fails in this respect. These arguments are subtle. I aim to explain them in the next chapter by looking more closely at Sandel's arguments and in Chap. 6 by explaining other normative conceptions of citizens. I now turn to the priority of the right and explain why it has been taken to commit Rawls to normative individualism.

---

[49] Sandel (1998, p. 193).

[50] Carse (1994, p. 196).

Priority of the Right and Objections to the Political Conception of the Person

Critics argue that Rawls's political conception of the person commits him to a particular view of persons due to his commitment to the priority of the right. In this section, I briefly explain the objection to the priority of the right that is the starting point for communitarian objections to Rawls's political conception of the person. I explain this argument in more detail in the next chapter. Rawls explains the idea that the right is prior to the good as follows:

> Social unity and the allegiance of citizens to their common institutions are not founded on their all affirming the same conception of the good, but on their publicly accepting a political conception of justice to regulate the basic structure of society. The concept of justice is independent from and prior to the concept of goodness in the sense that its principles limit the conceptions of the good which are permissible. A just basic structure and its background institutions establish a framework within which permissible conceptions can be advanced. Elsewhere I have called this relation between a conception of justice and conceptions of the good the priority of right (since the just falls under the right).[51]

The idea Rawls explains in this quotation is what I have been calling "the priority of the right." For the sake of simplicity we can take "the right" to be a conception of justice because, as Rawls mentions, "the just falls under the right."

Regarding Rawls's commitment to the priority of the right, Kymlicka writes,

> Rawls, of course, argued that it is a great virtue of his theory that it gives priority to the right over the good. Critics, however, have argued that this is liberalism's foundational flaw. The criticism is found not just among the old-style utilitarians Rawls was chiefly arguing against, but also among socialists and conservatives, communitarians and feminists. The desire to give priority to the right over the good is said to reflect unattractive or even incoherent assumptions about human interests and human community.[52]

The idea is that, for Rawls, the priority of the right is a normative position, one that requires a particular conception of persons. As we have seen, this conception is sometimes taken to be strictly normative, and, in other cases, it is taken to be both normative and metaphysical. This latter view, that the priority of the right is both normative and metaphysical, is argued for by Sandel.

In *Liberalism and the Limits of Justice*, Sandel argues that Rawls is committed to a view of persons as metaphysically independent of their ends. He argues not only that this view is embodied in the original position (because the original position requires persons' identities to be independent of their particularities), but also that Rawls's commitment to this conception runs deeper. Rawls's commitment to unencumbered selves, according to Sandel, is rooted in Rawls's commitment to the priority of the right. It seems that, in fact, this deeper commitment that is supposed to result from the priority of the right may be what motivated Sandel's objections to the original position in the first place. That is not to say that Sandel does not *also* have problems

---

[51] Rawls (1985, pp. 249–50).

[52] Kymlicka (1988, p. 173, 1989, p. 21).

with the construction of the original position and the supposed conception of the person therein, but that he took the original position to be the tip of the iceberg, so-to-speak—the tip that offered up Rawls's purported metaphysical view of persons on a platter. Rawls's supposed deeper commitment to the unencumbered self has led Sandel and other critics to object to Rawls's use of the political conception of the person in his later work. Sandel argues that, due to the priority of the right, even Rawls's political conception of the person commits him to personhood individualism and identity individualism. I explain this in more detail in the next chapter.

As I hope this chapter has shown, the charge that Rawls's original position or the political conception of the person relies on personhood individualism and identity individualism is common. Interestingly, arguments supporting these charges are rare. Indeed, the only philosopher I know of who has actually argued for these claims is Sandel. Sadly, though, as will become clear in the next chapter, his arguments fail to provide a clear account of the metaphysical view to which Rawls is supposed to be committed or what the alternative, more plausible view, is supposed to be. Similarly, the normative objections consist primarily in the charge that Rawls's political conception of the person is normatively deficient without explaining why that is the case.

Taylor's positive view of personal identity, the "practical-moral" conception, emerges in his criticism of the types of view that are often attributed to Rawls. Given that the views Taylor criticizes are similar to those that Sandel and others attribute to Rawls, looking at Taylor's discussion helps to clarify both (i) Sandel's conception of personal identity, and (ii) why someone who accepts it would object to Rawls. In Chap. 4, I hope it will become clear that Taylor's account of persons provides a more explicit account of how to understand Sandel's idea of the encumbered self.

To conclude, it is worth mentioning that an explicit definition of 'metaphysical' is hard to come by in this literature. Rawls himself is guilty of this; Jean Hampton writes, "Rawls gives us no precise definition of what he means by 'metaphysical'."[53] Carse suggests that a "'metaphysical' conception of the individual person is a conception of the person *qua* person, that is, a conception of the essential features of individual persons or selves as such."[54] Similarly, in all of this discussion regarding conceptions of persons, personal identity, the nature of selves, human nature, and so on, one rarely finds a clear statement of what these terms actually mean.

Implicit in some discussion is the idea that there is a difference between persons and selves, or what is constitutive of being a person as opposed to an agent, or what constitutes personhood versus citizenship, and so on. Liberalisms' critics and adherents alike discuss theories of human nature, conceptions of persons and personal identity interchangeably, as if these theories all give an account of the same phenomena. While it is likely that the theories are related, it is clear that they are distinct. Among writers on this topic, Unger is unusual in offering the following speculative account of how to understand these terms, theories, and their relation. He writes,

[53] Hampton (1989, p. 794).

[54] Carse (1994, p. 203, n. 3).

> The common origin of the ideas of personality and society is a certain notion of what men are in their relationship with nature, to others, and to themselves. When we think of this notion as a quality, we call it human nature or humanity. When we think of it as a substance or subject of which qualities are predicated, we might call it the self. The self is the individual person. But to the extent individuals share common attributes, including a similar relation to the species, the self is the personification of mankind.[55]

While Unger is to be commended for making an effort to define these notions, his definition is far from clear. In the following chapters, I aim, wherever possible, to clarify these terms. As will become clear below, clarifying these theories, how they are related and how they bear on political theory will clear the way for more productive discussion on political identity. This clarification, I suggest, will show the implausibility of many objections to Rawls's original position and the political conception of the person.

References

Appiah, Kwame. 2005. *The ethics of identity*. Princeton: Princeton University Press.

Carse, Alisa L. 1994. The liberal individual: A metaphysical or moral embarrassment? *Noûs* 28: 184–209.

Daniels, Norman. 1979. Wide reflective equilibrium and theory acceptance in ethics. *The Journal of Philosophy* 76:256–282.

Gutmann, Amy. 1985. Communitarian critics of liberalism. *Philosophy and Public Affairs* 14: 308–322.

Hall, Terry. 1994. Beyond the procedural republic: The communitarian liberalism of Michael Sandel. In *Liberalism at the Crossroads,* ed. Christopher Wolfe, and John Hittinger, 75–96. Lanham: Rowman and Littlefield Publishers.

Hampton, Jean. 1989. Should political philosophy be done without metaphysics? *Ethics* 99: 791–814.

Jaggar, Alison. 1983. *Feminist politics and human nature*. Totowa: Rowman and Allanheld.

Johnson, Edward. 1995. Moral Status. In *Cambridge dictionary of philosophy,* ed. Robert Audi, 512–513. Cambridge: Cambridge University Press.

Kymlicka, Will. 1988. Liberalism and communitarianism. *Canadian Journal of Philosophy* 18: 181–204.

Kymlicka, Will. 1988. Rawls on teleology and deontology. *Philosophy and Public Affairs* 17: 173–190.

Kymlicka, Will. 1989. *Liberalism, community, and culture*. New York: Oxford University Press.

Lukes, Steven. 1973. *Individualism*. Oxford: Basil Blackwell.

MacIntyre, Alasdair. 1984. *After virtue*. Notre Dame: University of Notre Dame Press.

MacKinnon, Catharine. 1985. Pornography, civil rights, and speech. *Harvard Civil Rights—Civil Liberties Law Review* 20:10–68.

Mulhall, Stephen, and Adam Swift. 1996. *Liberals and communitarians*. Oxford: Blackwell.

Rawls, John. 1985. Justice as fairness: Political not metaphysical. *Philosophy and Public Affairs* 14:223–251.

Rawls, John. 1996. *Political liberalism*. New York: Columbia University Press.

Raz, Joseph. 1986. *The morality of freedom*. Oxford: Clarendon Press.

Rorty, Richard. 1985. Postmodernist Bourgeois liberalism. In *Hermeneutics and praxis,* ed. Robert Hollinger, 214–221. Notre Dame: University of Notre Dame Press.

[55] Unger (1975, p. 193).

Rosenblum, Nancy. 1987. *Another liberalism*. Cambridge: Harvard University Press.
Sandel, Michael. 1984. Introduction. In *Liberalism and its critics,* ed. Michael Sandel, 1–13. New York: New York University Press.
Sandel, Michael. 1998. *Liberalism and the limits of justice*. 2nd ed. New York: Cambridge University Press.
Schneewind, Jerome B. 1995. Human nature. In *Cambridge dictionary of philosophy,* ed. Robert Audi, 341. Cambridge: Cambridge University Press.
Taylor, Charles. 1989. Cross–purposes: The liberal–communitarian debate. In *Liberalism and the moral life,* ed. Nancy L. Rosenblum, 159–182. Cambridge: Harvard University Press.
Taylor, Charles. 1985. *Atomism. In Philosophy and the human sciences: Philosophical papers, Vol. 2,* 187–210. Cambridge: Cambridge University Press.
Unger, Roberto. 1975. *Knowledge and Politics*. New York: The Free Press.
Watson, Lori. 2010. Pornography. *Philosophy Compass* 5: 535–550.
Whitebrook, Maureen. 2001. *Identity, Narrative, and Politics*. New York: Routledge.

Chapter 3
Clarification of the Liberal/Communitarian Debate and Metaphysical Objections to Rawls's Conception of the Person

As explained in Chap. 2, I argue that the liberal/communitarian debate provides a wealth of objections and responses that are useful when thinking through issues concerning whether Rawlsian political identity is defensible and whether it is the best conception of political identity. On both counts, I argue that it is. As I've categorized things, the communitarian position is just a species of perfectionist theory, which focuses on a particular, community-based, view of what is intrinsically valuable. Getting clear on the objections to one particular perfectionist theory helps lead the way towards showing that the Rawlsian view can be defended not only from that particular view, but also from other perfectionist objections. In what follows I'll be sticking rather closely to the communitarian objections and debate, but remember as we go along (and I'll remind you when it's particularly salient) that my concern is broader and that the aim is to defend Rawlsian political identity from perfectionist objections in general.

Taylor on the Liberal/Communitarian Debate

In the discussion of the liberal and communitarian positions in the previous chapter, several important claims were mentioned. One was the normative claim concerning the priority of the right. Another was the claim that the priority of the right requires metaphysical commitments. Yet another was Taylor's social constitution thesis, which he argues shows that the priority of the right is fundamentally flawed, just because the priority of the right carries metaphysical commitments that its adherents fail to recognize. It seems, then, that the liberalism/communitarian debate concerns two primary types of claim: normative claims about the priority of the right, and descriptive claims about the metaphysics of personal identity. I suggest that there is a secondary debate concerning the relation these two types of claim have to each other. In his discussion of the liberal/communitarian debate Taylor focuses on the two types of claim just mentioned, and argues that the two types of claim bear a particular relation to each other. Since Taylor is the focus of Chap. 4, looking at his discussion of the debate is a good point of departure.

C. G. Campbell, *Persons, Identity, and Political Theory,*
DOI 10.1007/978-94-007-7917-4_3, © Springer Science+Business Media Dordrecht 2014

Taylor claims that *the* debate between liberals and communitarians is not one debate, but two. He claims that a failure to distinguish between the two debates has impeded progress in resolving the debate between the two camps. He suggests that the debate concerns two types of issue: "ontological" and "advocacy."[1] There are liberal and communitarian positions on both ontological issues and advocacy issues. Confusion in the debate stems from the fact that supporters and critics of views on these issues use the terms 'liberal' and 'communitarian' to apply to more than one type of issue. As is clear from the previous paragraph, I think Taylor is right that there is more than one type of issue separating liberals and communitarians. The primary issues are, as I called them in Chap. 2, metaphysical and normative. I suggested that a secondary issue concerns the way in which the two are related.

Metaphysical issues, Taylor writes, "concern the terms you accept as ultimate in the order of explanation."[2] While the two metaphysical views are generally referred to as communitarian and liberal, to help clarify the debate, rather than continuing to use the standard, ambiguous labels, Taylor calls the former "holists," and the latter "methodological individualists" or "atomists."[3] As Taylor characterizes it, atomists are committed to two claims:

> that in (a), the order of explanation, you can and ought to account for social actions, structures, and conditions, in terms of properties of the constituent individuals; and in (b), the order of deliberation, you can and ought to account for social goods in terms of concatenations of individual goods.[4]

Although Taylor does not explicitly explain the holists' position, it seems he takes it to be simply the denial of those two claims. The idea is that, for atomists, society is merely an aggregate of its members. Atomists claim that we can understand people independently of society. The holist position, on the other hand, seems to be the view that we cannot understand persons independently of society; society is more than an aggregation of its members.[5]

The other set of issues separating liberals and communitarians are, "advocacy issues," which, Taylor says, "concern the moral stand or policy one adopts."[6] Taylor calls the positions on this second debate "individualist" and "collectivist." He claims, unlike the metaphysical issues, the positions on advocacy issues lie on a continuum—views "on one end give primacy to individual rights and freedom, and at the other give higher priority to community life or the good of collectives."[7] I call these issues "normative." The liberal view is taken to be individualistic because of the priority

---

[1] Taylor (1989, p. 159).

[2] Ibid.

[3] Ibid.

[4] Ibid.

[5] While Taylor seems to think that these two claims are either accepted or rejected together, there are plausible views that affirm one claim and deny the other. For example, a coherent view could be that (a) is true, but (b) is false. I thank David Copp for discussion on this point.

[6] Ibid.

[7] Ibid., pp. 159–160.

of the right over the good. The idea is supposed to be that, by giving priority to the right, the liberal has adopted a normative stance according to which individual rights are more important than the common good. On the other hand, to put it roughly, communitarians such as Sandel endorse collectivist views according to which the common good of society can take priority over the rights of individuals. How to understand this claim or what it comes to will be discussed in more detail below.

Taylor claims that it is not clear exactly how these two types of issue are related, but he does claim that the two issues

> are distinct, in the sense that taking a position on one does not force your hand on the other. On the other hand, they are not completely independent, in that the stand one takes on the ontological level can be part of the essential background of the view one advocates.[8]

What Taylor seems to be getting at is that, while it is important to understand that metaphysical theories and normative theories are distinct, the theories are not utterly independent of one another in that there are certain combinations of view that cannot be consistently held or plausibly combined. Similarly, an ontological view could *support* a normative view without entailing it. I explain this claim in more detail at the end of the chapter.

While the two types of issue are related, Taylor explains that a metaphysical claim on its own does not support any particular normative claim. He writes,

> Taking an ontological position does not amount to advocating something; but at the same time, the ontological does help to define the options which it is meaningful to support by advocacy. This latter connection explains how ontological theses can be far from innocent. Your ontological proposition, if true, can show that your neighbor's favorite social order is an impossibility, or carries a price that he or she did not count with.[9]

The idea is that the two types of issue are distinct in that one is purely descriptive and the other normative. As will be explained in more detail later, Taylor takes it that a metaphysical claim alone does not support or entail any particular normative view, but certain normative views do carry metaphysical commitments.

Taylor explains that Sandel's arguments in *Liberalism and the Limits of Justice* concern ontological (metaphysical) issues, but the liberals have taken it to be concerned with advocacy (normative) issues.[10] He explains how he understands Sandel's view as follows:

> Sandel tries to show how the different models of the way we live together in society—atomist and holist—are linked with different understandings of self and identity: 'unencumbered' versus situated selves. This is a contribution to social ontology, which could be developed in a number of directions. It could be used to argue that because a totally unencumbered self is a human impossibility, the extreme atomist model of society is a chimaera. . . .[11]

While Sandel's ontological claims could support an argument for a normative view, according to Taylor, the primary point of Sandel's work is ontological. Taylor explains

---

[8] Ibid., p. 160.

[9] Ibid., p. 161.

[10] Ibid., p. 160.

[11] Ibid.

that Sandel's claims about the identity of persons are "purely ontological. They don't amount to an advocacy of anything."[12] According to Taylor, Sandel, who is taken to be the communitarian torchbearer, is concerned merely with what I have been calling metaphysical issues.

Taylor acknowledges, rightly, that liberals' reaction to Sandel's work is that "to obtrude issues about identity and community into the debate on justice was an irrelevancy."[13] Liberals in general, and Rawls in particular, have claimed that their normative positions are independent of metaphysical commitments. Thus, objections to their positions on metaphysical grounds have seemed to be based on "an irrelevancy." Taylor argues, though, that

> these matters are highly relevant, and the only alternative to discussing them is relying on an implicit and unexamined view of them.... The result is that an ontologically disinterested liberalism tends to be blind to certain important questions."[14]

Below I will explain the unexamined view of identity to which Taylor claims the liberal is committed, and I will explain the sorts of questions he claims liberalism is blind to.

Much of Taylor's account of the liberal/communitarian debate(s) seems accurate. Liberals do seem to think that their position is one of advocacy—they aim to support the normative claim that the right, or justice, is normatively prior to the collective good. Liberals also seem to be united in support of the claim that their normative stance does not commit them to any metaphysical view. In addition, liberals have taken communitarians, such as Sandel, to be addressing normative issues. Taylor seems to be right that communitarians are concerned with metaphysical issues. Presumably they are concerned with metaphysical issues because they think that their metaphysical claims undermine liberal normative claims. It remains to be seen whether communitarians are not also concerned with normative issues.

If Taylor is right that normative issues cannot be wholly independent of metaphysical issues, then communitarians are right to object to liberal normative views, given that they believe that the liberal normative claims are inconsistent with their preferred metaphysical view. It may be, however, that Rawls's normative claims are independent of metaphysics to the extent necessary for the success of his project. As I explain in more detail in Chap. 7, Rawls does not claim that his normative view is utterly without metaphysical commitment. He claims that his metaphysical commitments are so minimal that his normative claims are consistent with a range of metaphysical theories. The question, assuming Rawls is right, is whether the communitarian metaphysical view is within the range of views that are consistent with his normative view.

Getting clear on the relation metaphysical theories have to normative theories requires, first, understanding these metaphysical theories. In particular, we must understand the communitarian metaphysical theory that is supposed to be inconsistent with liberal normative theories. To that end, in the next chapter, I explain Taylor's arguments against atomistic theories of personal identity and his argument in favor of

---

[12] Ibid., pp. 160–161.

[13] Ibid., p. 164

[14] Ibid.

his theory of identity, which he calls the "practical-moral" conception. I now continue my discussion of the liberal/communitarian debate by turning to Sandel's claim that the liberal normative view commits the liberal to an unacceptable metaphysical view.

Priority of the Right over the Good and Unencumbered Selves

Sandel distinguishes two ways in which liberals think the right is prior to the good. First, the right is established and justified independently of any particular conception of what is intrinsically valuable. Sandel calls this "foundational" priority.[15] Second, in cases of a conflict between a person's pursuit of his conception of what is intrinsically valuable and justice, justice prevails. For example, if person A's pursuit of her conception of what is intrinsically valuable infringes on person B's rights, then person B's rights "win out" so-to-speak. Sandel calls this the "moral priority" of the right. The moral priority of the right amounts to the claim that "the demands of justice outweigh other moral and political interests."[16] Sandel argues, correctly, that Rawls is committed to these two ways in which the right is prior to the good. Sandel argues that Rawls's commitment to the priority of the right over the good commits him to the view that persons are unencumbered selves. At this point two questions arise: What *exactly* is the metaphysical view that underlies the idea of unencumbered selves? Why does the priority of the right commit Rawls to the view of persons as unencumbered selves?

In critics' writing, and Sandel is no exception, a clear answer to these two questions cannot be found. Critics' objections to Rawls due to his supposed commitment to unencumbered selves get a foothold by appealing to the contrast between, on the one hand, metaphysically queer, abstract, unencumbered selves and, on the other, warm, socially-embedded, encumbered selves. Because we surely are not (and don't want to think of ourselves as) the former, Rawls's critics are off to the races. Because Sandel, as with many of Rawls's critics, makes use of these ideas without actually explaining the metaphysical view underlying his objections we are left, at best, with an intuitive idea of what his view is supposed to be. As noted by Terry Hall,

> Sandel offers an account of just how selves are communally constituted that, although enticing, is also incomplete. His hint (it is hardly more than this) that language plays a prominent role in establishing one's identity is worth exploring at greater length.[17]

Later in the chapter, I explain Sandel's arguments in more detail. In the Chap. 4, I explain an account of encumbered selves that provides more substance to the view than is given by Sandel himself; this account comes from Charles Taylor. My main goal in that chapter is to provide more than just a hint at why we should think that persons are communally constituted. I also provide a sketch of the hint mentioned in the quotation—that language plays a role in establishing identity.

---

[15] This "foundational priority" is similar to what I called "foundational neutrality" in Chap. 1 (p. 4).

[16] Sandel (1989, p. 2)

[17] Hall (1994, p. 89).

Sandel writes that the core of deontological liberalism is the following:

> society, being composed of a plurality of persons, each with his own aims, interests, and conceptions of the good, is best arranged when it is governed by principles that do not *themselves* presuppose any particular conception of the good; what justifies these regulative principles above all is not that they maximize the social welfare or otherwise promote the good, but that they conform to the concept of the right, a moral category given prior to and independent of it.[18]

In this quotation, Sandel emphasizes the foundational priority of justice. The foundational priority of justice is the idea that the principles are not justified by and themselves do not presuppose any conception of what is intrinsically valuable. According to Sandel, the foundational priority differentiates deontological liberalism from other forms of liberalism, such as consequentialist liberalism.

As Sandel explains it, the moral priority of justice means that "justice is primary in that the demands of justice outweigh other moral and political interests, however pressing these others may be."[19] Both consequentialist and deontological liberals support the *moral* priority of the right. For example, Sandel quotes Mill as saying that justice is "the chief part, and incomparably the most sacred and binding part, of all morality."[20] So, while consequentialists may allow that, in cases of conflict between rights and social welfare, rights may be more important, they hold that social welfare provides *justification* for rights. For Sandel the problem with deontological liberalism rests in just this feature, which distinguishes it from consequentialist liberalism. The issue is not the moral priority of the right, but the foundational priority of the right.

Justice has foundational priority in that it is not derived from a conception of the good; its justification is on independent grounds. The justification, Sandel argues, must be the conception of the person, and the only conception that will serve the proper justificatory role is the "unencumbered subject," a person that is utterly independent of his conception of the good.[21] For Sandel, then, the nub of the issue between him and Rawls is that the *foundational* priority of the right requires the conception of persons as unencumbered selves. The conception of unencumbered selves is metaphysical. For example, Mulhall and Swift claim that Sandel takes the moral priority of the self to be explained by the metaphysical priority of the self. They write,

> Sandel claims that, for Rawls, the essential unity or identity of the self is also something given prior to the ends that it chooses; and it is the absoluteness of this metaphysical priority that accounts for the absoluteness of the moral priority.[22]

Norman Care also takes Sandel's objections to Rawls to concern metaphysical issues. For example, Care writes that Sandel "proposes to take issue with Rawls about, in effect, the logical make up of human nature [with] his development of the view that the self is *constituted* by 'community'. . . "[23]

---

[18] Sandel (1998, p. 1).

[19] Ibid., p. 2.

[20] Ibid., quoting Mill (1973, p. 465).

[21] Ibid., p. 6.

[22] Mulhall and Swift (1996, p. 46).

[23] Care (1985, p. 460).

As explained in Chap. 2, it is commonly accepted that a conception of the person is central to liberalism. For example, while discussing the debate between Rawls and Sandel, Hall says, "we should be mindful that many of the strands of contemporary liberalism come together around a central idea: the notion of the autonomous individual, who chooses his own good, his own 'life plan'."[24] This statement foreshadows the discussion to come. It provides an initial look at *why* Sandel thinks Rawls must be committed to unencumbered selves and *what* is problematic about the conception of persons as unencumbered selves. As I explain below, Sandel argues that the priority of the right commits Rawls to the conception of persons as unencumbered selves because the priority of the right requires that persons *choose* their conceptions of what is intrinsically valuable. Sandel seems to think that if those conceptions must be chosen, then they cannot be part of persons' identities.

Rawls's commitment to the priority of the right and its relation to his (purported) commitment to a conception of personhood is summed up by the following claim that his critics suppose he endorses:

> What most fundamentally deserves respect in human beings is their capacity to choose their aims and ends rather than the specific choices they make; since that capacity must be given prior to its exercise, the locus of moral worth in a human being must be seen as prior to its ends.[25]

This idea has been echoed by other critics. For example, Hall claims that Rawls's notion of "the self as essentially autonomous" amounts to the claim that all individuals are essentially choosing beings. While it is not clear what he means by "essentially choosing beings," it is clear that this is one reason Hall believes that Rawls's theory relies on a conception of individuals as all having the same essential nature. Moreover, Hall believes that this nature is given independently of social circumstances.[26] Sandel argues that this "voluntaristic" account of persons' relations to their ends is false; moreover, he claims that, if we adopt a voluntaristic account of this relation, then we then respect rights for the wrong reasons.

On the face of it, it is not clear why the priority of the right—in either sense—is connected to a particular conception of persons. Amy Gutmann has suggested that Sandel's main argument in *Liberalism and the Limits of Justice* is summarized as follows:

> (1) To accept politics based on right entails believing that justice should have absolute priority over all our particular ends (our conception of the good); (2) To accept the priority of justice over our conception of the good entails believing that our identities can be established prior to the good (otherwise our conception of the good will enter into our conception of justice); (3) Since our identities are constituted by our conception of the good, justice cannot be prior.[27]

---

[24] Hall (1994, p. 75)

[25] Mulhall and Swift (1996, p. 45).

[26] Ibid., pp. 78–79.

[27] Gutmann (1985, p. 311, n. 14).

Gutmann seems to be right that this is (roughly) a general statement of Sandel's main argument. Although, when the argument is laid bare, a host of questions arise. The most important of which is whether the second premise it true. It seems that, as Rawls understands the priority of the right, it does not entail anything about our identities. At first blush, it seems that the priority of the right does not commit us to the conception of persons as unencumbered selves without additional assumptions. It is not clear in Gutmann or Sandel's exposition why we should think premise (2) is true. In this section, I aim to draw out Sandel's reason for thinking the second premise is true.

The following quotation from Sandel provides evidence that he supports the first premise Gutmann attributes to him:

> justice is more than just another value, because its principles are independently derived. Unlike other practical principles, the moral law is not implicated in advance in various contingent interests and ends; it does not presuppose any particular conception of the good. Given its basis prior to all merely empirical ends, justice stands privileged with respect to the good, and sets its bounds.[28]

What Sandel means by the claim that the principles are independently derived is that the principles of justice are not justified by the fact that they promote any particular conception of what is intrinsically valuable; their justification must be independent of any such conception.

Since a theory of the right cannot be justified by a conception of what is intrinsically valuable, Sandel queries "what the basis of the right could possibly be."[29] Sandel's answer is that "the basis of the moral law is found in *the subject* not the object of practical reason."[30] He claims that

> If the claim for the primacy of justice is to succeed, if the right is to be prior to the good in the interlocking moral and foundational senses we have distinguished, then some version of the claim for the primacy of the subject must succeed as well.[31]

This claim begins to show why Sandel thinks premise (1) is related to premise (2). Sandel thinks that the priority of the right requires a particular conception of persons. The idea seems to be that there must be some justification for the theory of the right, and, for Rawls, it cannot be justified by an appeal to a conception of what is intrinsically valuable. The only other option, Sandel seems to think, is a conception of the person, and, in particular, a conception of the person as independent of her conception of what is intrinsically valuable. While Sandel's belief is mistaken, the idea that Rawls is committed to a conception of persons as independent of their particularities is fostered by Rawls's use of the original position.

As explained in Chap. 2, Rawls justifies his principles by appeal to a person in a situation in which she is abstracted from her particularities. This justification, then, does not rely on a conception of what is intrinsically valuable. This method of

---

[28] Sandel (1989, p. 6).

[29] Ibid.

[30] Ibid., emphasis mine.

[31] Ibid., p. 7.

justification may be why Sandel claims the "primacy of the subject" must succeed. Sandel's claim has been echoed by others. For example, Larmore writes,

> The political order can maintain a neutrality toward different conceptions of the good life, it seems, only if we understand ourselves as having a certain distance toward them. . . . the priority of the right over the good seems no longer simply the fundamental feature of the political order; it should be equally fundamental, Rawls seems to be saying, in our general ideal of the person.[32]

The conception of persons to which Sandel, Larmore and others claim Rawls is committed is sometimes referred to as a Kantian conception of persons, which I discussed briefly in Chap. 2.

Sandel argues that Rawls is committed to the Kantian conception of persons as

> wholly independent of our social and psychological interactions. And only this thoroughgoing independence can afford us the detachment we need if we are ever freely to choose for ourselves, unconditioned by the contingencies of circumstance. On the deontological view, what matters above all is not the ends we choose but our capacity to choose them. And this capacity, being prior to any particular end it may affirm, resides in the subject. . . . As the right is prior to the good, so the subject is prior to its ends.[33]

The Kantian conception of persons is metaphysical, and it would provide a foundation independent of any particular conception of the good. It is this reasoning that leads Sandel to think that the priority of the right commits Rawls to a metaphysical view of persons. Sandel thinks that, because the right cannot be justified by any particular conception of what is intrinsically valuable, it must be justified by a conception of the person. He claims that the only conception of the person that would provide the proper justification is the Kantian conception explained in the preceding quotation. It is not clear, though, why Sandel thinks the only two options are thinking that the theory of right must be justified by either a conception of what is intrinsically valuable or a conception of the person. Presumably, there are other options available. It seems that this false dichotomy that leads Sandel to claim that Rawls must be committed to a particular conception of persons.

I must admit that it is not clear to me how the priority of the right is supposed to be related to a Kantian conception of persons. Sandel seems to appeal to Kantian metaphysics primarily to demonstrate the implausibility of Rawls's view. For this reason it is more important to get clear on the view of persons, as unencumbered selves (Kantian or otherwise) to which Rawls is supposed to be committed, than it is to understand why Sandel thinks the priority of the right depends on the Kantian conception. I aim to explain the reason that Rawls is supposed to be committed to this conception, which I suggest is thought to be one of the two metaphysical conceptions of persons I explained in the previous chapter: identity individualism or personhood individualism. In what follows, I give a rough overview of what I take to be the essentials of Sandel's arguments that will highlight why Rawls is supposed to be committed to a pernicious form of individualism. In the following chapters, I

[32] Larmore (1987, p. 120).

[33] Sandel (1998, pp. 6–7).

aim to clarify the views of persons which are supposed to be problematic for Rawls, and indeed for the Rawlsian conception of political identity that I defend.

The main point of contention between Rawls and Sandel is brought out by the metaphysical view of persons that Sandel holds; Sandel claims that persons are "encumbered selves." Sandel never clearly explains what "encumbered selves" are. In the next chapter, I explain Taylor's view that, I argue, is a plausible account of what Sandel has in mind. For the moment, simply take the idea of "encumbered selves" to be the view that individuals must bear essential relations to their roles and commitments—the view that, of all of the features that are essential to a person's identity, at least some are essential relations to her social circumstances. It is this conception of persons which leads Sandel to take issue with the original position. The original position, Sandel writes,

> [puts] the self itself beyond the reach of experience, to secure its identity once and for all. . . . It rules out the possibility of what we might call constitutive ends. No role or commitment could define me so completely that I could not understand myself without it. No project could be so essential that turning away from it would call into question the person I am.[34]

The idea is supposed to be that the original position describes a decision procedure that you or I are supposed to be able to engage in, but the procedure requires us to lose all of our idiosyncratic features, some of which are our relations to our social circumstances. Given this fact, Sandel argues that Rawls must be committed to a conception of personal identity according to which the idiosyncratic features that are not included in the characterization of the person in the original position are not essential to our identities. To foreshadow, the objection seems to be the following: If Rawls did not accept such a conception of personal identity he would have to see the decision procedure as impossible—if *I* am to go into the original position, then the original position must not require that I lose features that are essential to my personal identity, otherwise *I* could not go into the original position (or, perhaps, I would cease to be myself once I got there).

The original position disallows appeal to social roles or commitments, because those roles and commitments are not shared by all people. Sandel claims that this fact about the original position "rules out the possibility of. . . constitutive ends."[35] By "constitutive ends," Sandel means goals or commitments that are essential to individuals' identities. Sandel claims that the constraints of the original position are such that they require, at minimum, that individuals have identities that are independent of their social roles and commitments. Sandel claims that, since Rawls uses the original position and the original position requires that individuals have identities that are independent of their roles and commitments, then Rawls must be committed to the view that persons' identities are independent of their roles and commitments. For this reason, according to Sandel, Rawls holds that the features that are constitutive of personal identity must be independent of social circumstances.

Sandel claims that the construction of the original position does not allow for a conception of persons as essentially related to their social circumstances. While Sandel doesn't provide a clear statement of his argument, the formalization below

[34] Sandel (1984, p. 86).

[35] Ibid., p. 86.

seems to be what he is getting at. If sound, this argument would show that Rawls is committed to identity individualism. Call this the "identity objection."

1. If persons can exist in the original position as the very persons they are, then the features that are removed in the original position are not essential to personal identity. [assumption]
2. Persons can exist in the original position as they very persons they are. [assumption (allegedly) needed by Rawls's argument from the original position]
3. Therefore, the features that are removed in the original position are not essential to personal identity. [1, 2]
4. The original position removes features of persons that are related to their social circumstances. [by def. of the original position]
5. Therefore, features of persons that are related to their social circumstances are not essential to personal identity. [3, 4]
6. But, features of persons that are related to their social circumstances *are*essential to personal identity. [Sandel]
7. Therefore, premise two is false.

In the next chapter, I explain Taylor's conception of persons that makes clear why Sandel thinks premise 5 is false. In Chap. 5, I explain that a proper understanding of the original position shows that premises 1 and 2 are false, and, for that reason, the original position does not commit Rawls to identity individualism.

Sandel presents another objection to the conception of the person in the original position. He argues that Rawls must be committed to personhood individualism to justify the features that are included in the construction of the original position. By this I mean, Sandel takes the features had by parties in the original position to be the features that are essential to personhood. Sandel seems to assume that Rawls's justification for including features in the original position is that those features are essential to personhood. The argument that follows is gleaned from the first chapter of *Liberalism and the Limits of Justice.* This objection is that the original position relies on a conception of personhood in order to justify the features included in the original position. In this objection, Sandel assumes that personhood individualism both underlies and justifies the construction of the original position. Sandel claims that Rawls is committed to personhood individualism to justify the original position because he thinks that the original position is intended to model what is essential to personhood. The following is a formalization of the argument that I call the "personhood objection."

1. A feature can be had by a person in the original position if and only if it is relevant.[36] [by def. of the original position]

---

[36] I am bracketing the issue of what it is for a feature to be "relevant." By saying a feature is "relevant," I simply mean that the feature meets whatever criteria has been set forth for it to be used in one's deliberations about principles to govern social arrangements. In fact, it is precisely what this relevance comes to that is at issue between Sandel and Rawls in this argument. For this reason, I use the term "relevant" in this vague way in order to demonstrate the misunderstanding between the two.

2. A feature is relevant if and only if it is essential to personhood. [assumption]
3. Therefore, a feature can be used in one's deliberation in the original position if and only if that feature is essential to personhood. [1, 2]
4. Only features that are independent of social circumstances can be had by a person in the original position. [Sandel's assumption about the original position]
5. Therefore, all features that are essential to personhood are independent of social circumstances. [3, 4]

Sandel presents an argument against Rawls on the grounds that Rawls is committed to the truth of these premises, but the conclusion of this argument is quite obviously false. In Chap. 5, I explain that we can agree that the conclusion is false, but because the argument is unsound, Sandel's objection fails to undermine Rawls's use of the original position. The foregoing has been intended to clarify Sandel's arguments against Rawls on the grounds that his use of the original position commits Rawls to identity individualism or abstract individualism. I now turn to an objection to Rawls's commitment to normative individualism, a commitment that allegedly stems from his commitment to the priority of the right.

Objections to Normative Individualism

As mentioned above, I take this set of objections to Rawlsian political identity to be more pressing than the objections to metaphysical individualism. One reason for this is that these objections aren't simply rooted in misunderstandings of Rawls's theory or the commitments that come along with adopting a Rawlsian view. Beyond that, though I think the objections fail, I think a Rawlsian would be remiss not to take pause to consider their full import.

Objections to normative individualism coming from Sandel and other communitarians seem to be rooted in the fact that Rawls's support of the priority of the right requires that conceptions of what is intrinsically valuable not be used to justify a theory of the right. Critics think that Rawls's commitment to the priority of the right requires a commitment to the view that persons' political identities are independent of their conceptions of what is intrinsically valuable. Correspondingly, they argue that the priority of the right requires that we think of *our identities*, albeit only for political purposes, as independent of our conceptions of what is intrinsically valuable. According to one of Sandel's arguments against Rawls's conception of the "unencumbered self," the problem is that that conception of the self is counter-intuitive—it simply does not match up with how we think of ourselves or our experiences. Sandel writes,

> As bearers of rights, where rights are trumps, we think of ourselves as freely choosing, individual selves, unbound by obligations antecedent to rights, or to the agreements we make. And yet, as citizens of the procedural republic that secures these rights, we find ourselves increasingly implicated willy-nilly in a formidable array of dependencies and expectations we did not choose and increasingly reject.[37]

[37] Sandel (1984, p. 94)

Sandel claims that, according to Rawls, from a political point of view, we should think of ourselves fundamentally as bearers of rights. Sandel takes this to be problematic because in our lives, even merely in our political lives, it is simply false that all of our obligations and attachments are chosen and that we are *merely* bearers of rights. It is not clear how this amounts to an objection to Rawls, but the idea seems to be that Rawls's political conception of the person is so disparate from our experience that it seems unlikely that it is the proper normative stance from which to justify a political conception of justice.

Sandel's problem with Rawls's normative individualism is not merely theoretical, it is also empirical, as it were. Sandel argues that Rawls's normative individualism will prevent certain conceptions of what is intrinsically valuable from being adopted. Moreover, he claims, Rawls's conception will yield conditions that prevent certain important human capacities from developing. This kind of claim is not specific to Sandel. As explained in the previous chapter, Mill discusses how various factors bear on the choices one makes. This kind of claim is echoed by Kymlicka, Raz and Appiah. I explain these objections in more detail in Chap. 6. There, I discuss what I call "empirical objections" to the normative conception of the person. Sandel's objection on this count has been summed up as follows,

> Rawlsian liberalism is subject to a sort of metaphysical myopia. A certain range of conceptions of the good will be unable to flourish in a truly liberal society because the individualist and asocial metaphysical foundations of liberal principles of justice generate an inability to perceive or acknowledge the varieties of human moral excellence around which those conceptions of human good are crystallized and their true worth displayed.[38]

The idea is that Rawls's normative individualism commits him to an unacceptable metaphysical view of persons. Moreover, the objection continues, adopting the normative individualist position will have undesirable consequences.

Writing from Kymlicka helps to clarify Sandel's objections to Rawls's normative individualism. As we will see, it turns out that Sandel's focus on the priority of the right is misleading, and it is not clear that the "unencumbered self" is inconsistent with the "encumbered self."

Kymlicka distinguishes two importantly different concerns that can be found in Rawls's support of the priority of the right over the good. The first is that "each person's good should be given equal weight. . . . The second is that people's legitimate entitlements shouldn't be tied to any particular conception of the good life."[39] While these ideas are not clearly distinguished in the writing we have been considering, the bulk of the criticisms with which I am concerned unsurprisingly have to do with, roughly, the second concern. It is unsurprising because the second claim is, in effect, the requirement of neutrality. Kymlicka notes that, as Rawls understands the priority of the right, there cannot be any real debate about it. That is, "Rawls treats the right as a spelling-out of the requirement that each person's good be given equal consideration."[40]

---

[38] Mulhall and Swift (1996, p. 55).

[39] Kymlicka (1989, p. 36).

[40] Ibid., p. 40.

Kymlicka claims that Rawls's argument for the priority of the right over the good confuses two issues, neither of which actually has to do with the priority of the right. He argues that the fact that Rawls confuses these issues is partially responsible for various criticisms and misunderstandings of his view. He claims that we "can get a clearer picture of what really separates critics and defenders of contemporary liberalism when we drop the misleading language of the priority of the right over the good."[41] While Kymlicka may be right that Rawls is mistaken to think that the debate concerns the priority of the right over the good, Sandel and communitarian critics—confused though they may be—have taken that claim of Rawls's as their starting point, so, in what follows, at times, I will discuss the debate over the priority of the right in order to draw out what I take to be the real point of contention underlying the objections concerning Rawls's commitment to the priority of the right. For the moment, though, I attempt to get clear on what the real problem is supposed to be. In short, the problem seems to be that communitarians, and perfectionists more generally, would prefer to have a society premised on a conception of what is intrinsically valuable in lieu of a society premised on the liberal ideal of neutrality.

Kymlicka explains that Taylor argues that, if we accept his social constitution thesis, we need to reject the priority of the right, "the moral view that individual rights have primacy over other moral notions like individual duties or virtue, or collective good."[42] Kymlicka explains that Taylor's focus on "the primacy of rights" is misleading. The concern is actually, "whether there are *particular* rights, goals, virtues, or duties which are inadequately recognized or affirmed in liberalism."[43] As may be clear by now, communitarians think that the liberal conception fails to properly promote certain sorts of social goods and conceptions of what is intrinsically valuable.

Kymlicka claims that, "According to Taylor (and Sandel), such a politics of neutral concern should be abandoned for what they call a 'politics of the common good'."[44] Kymlicka suggests that what is really at issue between Rawls, Taylor and Sandel is not whether or not the state should promote a good, but how to understand the good the state should promote. By this I mean, for Rawls, the "common good" is respecting individuals' rights so that they are free to form and revise their conceptions of what is intrinsically valuable so that they may live lives they think are valuable. For Taylor and Sandel, on the other hand,

> the common good is conceived as a substantive conception of the good which defines the community's 'way of life'. This common good, rather than adjusting itself to the pattern of people's preferences, provides a standard by which those preferences are evaluated.[45]

When Kymlicka says that communitarians want the common good to be a "substantive conception of the good," he means that communitarians believe that society

---

[41] Ibid., p. 22.

[42] Ibid., p. 75.

[43] Ibid., p. 76.

[44] Ibid.

[45] Ibid., p. 77.

should be premised on a conception of what is intrinsically valuable. Thus, this view of society is perfectionist.

While much of the debate between Rawls and his communitarian critics is couched as a debate concerning the priority of the right over the good, the primary concern is Rawls's argument against (and communitarian support of) perfectionist theories. Kymlicka provides the following succinct definition of perfectionist theories:

> A perfectionist theory includes a particular view, or range of views, about what dispositions and attributes define human perfection, and it views the development of these as our essential interest. Perfectionists demand that resources should be distributed so as to encourage such development. . . . People make mistakes about the good life, and the state has a responsibility to teach its citizens about a virtuous life.[46]

Recall that the idea motivating perfectionist theories is that, first, there are certain facts about what is intrinsically valuable and which ways of life are better and worse. A government has a responsibility to ensure that its citizens are pursuing lives that are, in fact, valuable, not merely lives citizens' believe are valuable. Thus, what is most important for citizens is not that they have the right to choose their own way of life, but that they live a valuable life.

Why have Rawls and his critics come to think that debate over perfectionism actually concerns the priority of the right? Kymlicka says it has to do with how we think of people's essential interests. For perfectionists, people's essential interest is in living a life of a particular type that is *the* good or virtuous life. For liberals, people's essential interest is in being able to adhere to their conceptions of what is intrinsically valuable so that each person may live a life that he or she believes to be good. Kymlicka claims that these differing views on people's essential interests are manifested in the way governments distribute goods. If a government is premised on the former, a perfectionist view, then it will distribute goods in such a way as to promote the particular good, as the government sees it. If a government is premised on the latter, the liberal view, it will distribute goods in such a way as to allow people to be able to form and revise their conceptions of what is intrinsically valuable so that each person will have the opportunity to live a life that he or she believes is good.[47] The liberal view, then, is that the government's distribution of goods should be neutral with respect to conceptions of the good. I discuss this issue in more detail in Chaps. 6 and 7.

The claim that the government's distribution of goods should be neutral with respect to individuals' conceptions of what is intrinsically valuable should be familiar from the discussion of neutrality in Chap. 1. Richard Kraut characterizes liberal neutrality as the view that "the actions of the state must not be based on assumptions about what is ultimately good or bad for human beings."[48] Kraut mentions that the thesis of neutrality should be distinguished from the view that freedom, itself, is intrinsically valuable or the greatest good. The idea underlying the neutrality that

[46] Ibid., p. 33.

[47] Ibid., p. 35.

[48] Kraut (1999, p. 317).

contemporary liberals endorse concerns what the state is morally justified in doing, rather than what is morally valuable.[49]

Kymlicka neatly sums up both the reason that Rawls supports the priority of the right, and the reason Sandel is mistaken to claim that this priority is supported by abstract individualism. He writes that Rawls argues

> for a right of moral independence not because our goals in life are fixed, or are arbitrary, but precisely because our goals can be wrong, and because we can revise and improve them. Not only is the received wisdom [that liberalism relies on abstract individualism] a misinterpretation of modern liberalism, but modern liberalism couldn't be based on it. If 'abstract individualism' . . . were the fundamental premise, there'd be no reason to let people revise their beliefs about value—there'd be no reason to suppose that people are being made worse off by being denied the social conditions necessary to freely and rationally questions their commitments.[50]

Kymlicka's account seems right. Rawls does not support individuals' right to choose their conceptions of what is intrinsically valuable on the grounds of abstract individualism. His support of the view is rooted in his more general view about the proper aims of political theory.

Kymlicka argues that standard communitarian objections fail to undermine the liberal position. Communitarian objections can be given more than one reading because it is not clear what the communitarian arguments are. He explains that the objections can be given both strong and weak readings. In short, the claims supporting the weak reading of the objections are claims liberals acknowledge, claims that do not conflict with the liberal position. The strong versions of the objections, though, are implausible and "contain the potential to justify repressive politics."[51] In Chaps. 5 and 7, I offer arguments that support Kymlicka's claims.

My particular interest is in the conception of the person communitarians accept, the conception with which Rawls's theory is supposed to be inconsistent. But, as I have explained, it is not clear what that view is supposed to be. I am not alone in this feeling, for example, in his review of *Liberalism and the Limits of Justice* Norman Care writes, "my main difficulty remains one about what it is for the self to be "constituted" by community."[52]

In addition, Nancy Rosenblum explains that Taylor and Sandel are concerned with "giving content to contentless personalities or making thin individualism rich and 'thick'."[53] She notes, rightly, that

> These seem like abstractions themselves, though; what is the content of 'richness'? Charles Taylor and Michael Sandel accuse liberals of assuming that men and women are disembodied freely choosing agents, and envision instead a community that is constitutive of personality. Yet even these strong advocates of a "socially constituted self" claim only that we are "partly defined by the communities we inhabit." This claim is surprisingly modest, in light of their severe attacks on abstract personhood. To propose that identities are only partly constituted by

---

[49] Ibid., p. 318.

[50] Kymlicka (1988, p. 185).

[51] Ibid. p. 2.

[52] Care (1985, p. 465).

[53] Rosenblum (1987, p. 163), quoting Sandel (1984, p. 17).

> membership is to allow that not all attributes are intrinsic and inalienable—as they must. . . . Once this is admitted, their picture of an 'embedded' and 'radically situated' self gives way to the paler image of individuals encumbered to an indeterminate extent by an indeterminate number of social ties. Then ties may appear as creations of individual choices.[54]

Rosenblum points out, rightly, that we are left in the dark by Taylor and Sandel as to just what the conception of persons as "encumbered" really comes to. She also explains that, given what they actually say, (i) their view seems far weaker than what one might expect, given their criticisms, and (ii) their view seems consistent with the view they criticize, one according to which people choose their ends.

Given (i) and (ii) one might wonder why the communitarian objections persist if their view really isn't so different. What is really at issue? I believe that to a large extent the concerns motivating the metaphysical objections are ultimately rooted in normative concerns, in particular with the fact that Rawlsian political identity is a normative conception of persons which the critics believe is either incorrect or unjustified given facts about persons or facts about the sort of governmental actions that are required or justified.

As we have seen, the "encumbered self" is supposed to be "socially constituted," and the idea that individuals are "socially constituted" is often referred to, but just what that comes to is not often explained. Indeed, Carse notes, "little attention has been given to what might be meant by the 'social constitution of the individual' and the implications of the social constitution thesis, if accepted, could have for the viability of liberalism."[55] In the next chapter, I aim to clarify the metaphysical conception of person underlying the communitarian objection.

Conclusion

From the foregoing we have seen just what is and is not at issue between liberals and communitarians. *The* debate between liberals and communitarians is not one, but two. There is a metaphysical debate and a normative debate. The first concerns personal identity and the second concerns political principles. Communitarians, like Taylor, argue that these two debates are related: certain political principles cannot plausibly be combined with certain metaphysical theories of personal identity. Rawls, on the other hand, argues that the plausibility of his political principles is independent of his theory of personal identity. Sandel argues that Rawls's argument from the original position commits him to both of the metaphysical conceptions of persons I explained in Chap. 2, identity individualism and personhood individualism.

Sandel also argues that Rawls's normative individualism, due to his commitment to the priority of the right, implicitly relies on a false metaphysical view of personal identity. While much of the communitarian literature takes issue with the liberal commitment to the priority of the right, I explained that the priority of the right

---

[54] Ibid.

[55] Carse (1994, p. 184).

is irrelevant. As I hope the next chapter makes clear, the debate is clarified by a more explicit account of the "encumbered self." I explain Taylor's practical-moral conception of persons and show that it actually offers two distinct theories: a theory of personhood and a theory of personal identity. By teasing these two theories apart, we will have come some way to refuting objections to the original position. The rest of the way toward refuting these objections is found in the clarification of the original position in Chap. 5. In that chapter, I also begin to provide a more explicit articulation of how to understand the Rawlsian conception of political identity that I defend, which can be brought out in rough outline from the characterization of persons in the original position.

References

Care, Norman S. 1985. Review, Michael J. Sandel, *Liberalism and the limits of justice. Noûs* 19:459–467.

Carse, Alisa L. 1994. The liberal individual: A metaphysical or moral embarrassment?. *Noûs* 28:184–209.

Gutmann, Amy. 1985. Communitarian critics of liberalism. *Philosophy and Public Affairs* 14:308–322.

Hall, Terry. 1994. Beyond the procedural republic: The communitarian liberalism of Michael Sandel. In *Liberalism at the crossroads*, ed. Christopher Wolfe and John Hittinger, 75–96. Lanham: Rowman and Littlefield Publishers.

Kraut, Richard. 1999. Politics, neutrality, and the good. *Social Philosophy & Policy* 16:315–332.

Kymlicka, Will. 1988. Liberalism and communitarianism. *Canadian Journal of Philosophy* 18:181–204.

Kymlicka, Will. 1989. *Liberalism, community, and culture*. New York: Oxford University Press.

Larmore, Charles. 1987. *Patterns of moral complexity*. New York: Cambridge University Press.

Mill, J. S. 1973. *Utilitarianism.* In *The utilitarians*. Garden City: Doubleday.

Mulhall, Stephen., and Adam Swift. 1996. *Liberals and communitarians*. Oxford: Blackwell Publishers.

Rosenblum, Nancy. 1987. *Another liberalism*. Cambridge: Harvard University Press.

Sandel, Michael. 1984. Morality and the liberal Ideal. *The New Republic* 190:15–17.

Sandel, Michael. 1984. The procedural republic and the unencumbered self. *Political Theory* 12:81–96.

Sandel, Michael. 1998. *Liberalism and the limits of justice*. 2nd ed. New York: Cambridge University Press.

Taylor, Charles. 1989. Cross-purposes: The liberal-communitarian debate. In *Liberalism and the moral life,* ed. Nancy L. Rosenblum, 159–182. Cambridge: Harvard University Press.

Chapter 4
Taylor's Conception of Persons and His Theory of Personal Identity

Introduction

Recall *Embedded Essential Characteristics* (*EEC*) from Chap. 1, which concerned the purported fact that persons' essential characteristics are, at least to some extent, partially constituted by their society, experiences, or values. *EEC* was intentionally vague so as to allow for the three different ways in which critics have interpreted claims about persons to be problematic for a Rawlsian conception of political identity. The charge from critics is that Rawlsian political identity goes afoul on three counts: identity individualism, personhood individualism, and normative individualism. Each of these kinds of individualism can be taken to conflict with the intuitively plausible claim that persons' identities are socially constituted. I take the three kinds of individualism in turn.

First, personhood individualism, the claim that the features which are essential to personhood are independent of any social context would conflict with *EEC* if we take the 'essential characteristics' to which it refers to be characteristics which are metaphysically essential to personhood. Second, identity individualism, which holds that the features that are metaphysically essential to identity are fixed independently of any social context, conflicts with *EEC* if we take the essential characteristics to be those that are essential to an individual's identity. Finally, for normative individualism, the view that most salient characteristics for political purposes are those that are independent of social context, the conflict with *EEC* would be rooted in the fact that someone supporting the normative interpretation of the claim would hold that the normatively most important features of persons are established independently of social context.

It remains to be seen whether Rawlsian political identity does conflict with *EEC*, and in order to assess whether it does we need a clearer sense of what that claim about identity comes to, and what reason we have to think *EEC* is true, on any of the three interpretations just discussed. Charles Taylor's "practical-moral" conception of persons provides an account of all three interpretations of the claim, though he does not distinguish them. In what follows, I will explain Taylor's practical moral conception of persons and show the ways in which it supports the three interpretations

C. G. Campbell, *Persons, Identity, and Political Theory*,
DOI 10.1007/978-94-007-7917-4_4, © Springer Science+Business Media Dordrecht 2014

of essential characteristics.[1] In particular, I will be presenting Taylor's argument for the following two claims.

Embedded Personhood: Personhood is a moral conception that presupposes a community and requires the capacity to make qualitative distinctions.

Embedded Identity: Persons' identities are partially constituted by their social relations and the particular qualitative distinctions a person makes partially constitute that person's identity.

There is no third, specifically "normative" claim to match up with the objection to normative individualism because, for Taylor, personhood *is* a normative concept, and there is no metaphysical conception of personhood which is not normative. For Taylor being a person is to have certain capacities which one gains from his society. Those capacities are required in order to be a moral agent, and they allow a person to be a cooperating member of society. The capacity Taylor is most concerned with is the capacity to make qualitative distinctions. That capacity requires a conception of what is intrinsically valuable, which he argues is, in turn, partially constituted by language and requires a society to be acquired. Our society partially determines our conceptions of what is intrinsically valuable, which are required for one to be able to act as an autonomous moral agent and partially determine our identity.

Once I've fleshed out Taylor's view, it should at least be clearer just what the conception of persons as socially constituted comes to, and what reasons we have to think such a conception is plausible. While I don't endorse Taylor's view, in part because many questions remain regarding its specific details, I think it does provide one of the most fully worked out conception of persons as socially constituted in the literature, and it has the virtue that he is concerned with the questions which are connected with political identity.

Taylor's Objection to Atomistic Conceptions of Persons

Taylor endorses a Hegelian theory of personal identity according to which "individuals only are what they are by their inherence in the community,"[2] and "everything that man is he owes to the state; only in it can he find his essence."[3] This view should

[1] Honneth's (1995) conception of persons was influenced by Taylor, and, as with Taylor, by Hegel. According to Honneth, three kinds of recognition are required in order for a person to develop and maintain her identity. In short these three kinds of recognition are rooted in three kinds of relationships: interpersonal relationships of love and friendship; political and legal relationships founded on autonomy and equality; and relationships with people that are founded on shared values with members of a community. In short, as Honneth puts it "love, rights, and esteem" (Honneth 1995, p. 1). Honneth's view is rich and suggestive. Because Honneth's focus is more psychological and sociological, being concerned with the way in which the three kinds of recognition serve to create and foster persons' identities, discussing it here would take me too far afield. My present purpose is not the conditions for developing identity, according to one account, but trying to make sense of and to disambiguate the different notions of identity and personhood at work in communitarian arguments regarding conceptions of persons as socially embedded and constituted. I thank an anonymous reviewer for suggesting the connection between this chapter and Honneth's writing.

[2] Taylor (1984, p. 181).

[3] Ibid., quoting Hegel (1955, p. 111).

call to mind the holist position explained at the beginning of the previous chapter. According to this theory, we cannot understand persons independently of society, and people rely on society for their identities. Taylor explains that Hegel's theory of personal identity is complicated and relies on several contentious claims. He sums up Hegel's view as follows,

> If man achieves his true identity as a vehicle of cosmic spirit, and if one of the indispensable media in which this identity is expressed is the public life of his political society, then evidently, it is essential that he come to identify himself in relation to this public life. He must transcend the alienation of a private or sectarian identity. . . .[4]

While it is not clear how to understand the Hegelian view Taylor explains in this quotation, the idea seems to be that a person's identity consists in his engagement with his political society and abstracting from his "public identity" is damaging to his "true identity." Thankfully, the precise details of Hegel's theory of personal identity are not our concern. Rather, our interest is Taylor's *Hegelian* theory of personal identity according to which we cannot abstract individuals from society. Taylor's Hegelian theory is of interest because, as explained in the previous chapter, communitarians object to Rawls on both normative and metaphysical grounds due to the generally-accepted belief that his theory requires conceiving of persons independently of their society.

Clearly, Hegel's notion of personal identity is at odds with contemporary views, and *prima facie* it seems implausible. Taylor claims, though, that its seeming implausibility is unsurprising, because we all (perhaps unknowingly) have atomistic prejudices. He writes

> These ideas only appear mysterious because of the powerful hold on us of atomistic prejudices, which have been very important in modern political thought and culture. We can think that the individual is what he is in abstraction from his community only if we are thinking of him *qua* organism. But when we think of a human being, we do not simply mean a living organism, but a being who can enter into relations with others; and all this implies a language, a related set of ways of experiencing the world, of interpreting his feelings, understanding his relation to others, to the past, the future, the absolute, and so on. It is in the particular way he situates himself within this cultural world that we call his identity.[5]

In this quotation, Taylor claims that there are two ways of thinking of individuals: as persons or as mere "organisms." His criticism of atomistic theories is that they conceive of individuals as organisms, and thinking of individuals in that way leaves out facts that he believes are essential to human beings or persons.

As emphasized by the earlier quote from Hegel, Taylor claims that an essential part of our understanding of human beings relies on our understanding of their relation to society. So, when we think of individuals atomistically, as abstracted from society, we are not thinking of *persons*. Rather, when abstracting individuals from society we are thinking of them as "organisms." Taylor argues that the correct understanding of human beings is as beings that are "essentially socially related." Human beings' social relations yield their identities.

---

[4] Ibid., pp. 188–189.

[5] Ibid., p. 182.

Taylor argues that we think of human beings in more robust and complex ways than we think of non-human organisms. We think of human beings as having a language and being embedded in a culture. The fact that we think of human beings in this way is a problem for atomist theories because, Taylor claims, our mere conception of human beings requires a community. He writes,

> a language, and the related set of distinctions underlying our experience and interpretation, is something that can only grow in and be sustained by a community. In that sense, what we are as human beings, we are only in a cultural community. . . . The life of a language and culture is one whose locus is larger than that of the individual. It happens in the community. The individual possesses this culture, and hence his identity, by participating in this larger life.[6]

The idea is that our concept of human beings relies on notions that presuppose the existence of a community. For this reason, Taylor claims that the idea that we can truly abstract human beings from their community is fundamentally flawed. Taylor's view, as will be explained shortly, is that the capacity to make qualitative distinctions—what he calls "strong evaluation"—is essential to personhood. In order for a person to have the capacity for strong evaluation, the person must have what he calls a "framework," which is (roughly) a set of distinctions by which individuals determine what is of value in their lives. People need society to have frameworks, according to Taylor, because persons' values are partially constituted by language, and society is necessary for language. I explain this argument in more detail below.

On the view of identity Taylor accepts, to understand the identity of a person we must look "outward" rather than "inward," as it were. By this I mean, he takes a person's identity to be intrinsically connected to that person's society, community, and world view. This view of identity differs from the "modern view"—the view he attributes to Descartes, for example—according to which identity is understood as internal to the person. Taylor writes,

> For the modern I am a natural being, I am characterized by a set of inner drives, or goals, or desires and aspirations. Knowing what I am really about is getting clear about these. If I enquire after my identity, ask seriously who I am, it is here that I have to look for an answer.[7]

On the modern view, personal identity can be understood independently of a person's relation to society. Taylor claims that liberal theories, like Rawls's, are supported by a modern view of personal identity, a view that conceives of persons and their identities independently of society.

Taylor endorses a different view of identity, which he explains as follows,

> to define my identity is to define what I must be in contact with in order to function fully as a human agent, and specifically to be able to judge and discriminate and recognize what is really of importance, both in general and for me, to say that something is part of my identity is to say that without it I should be at a loss in making those descriptions which are characteristically human. . . .[8]

These quotations yield three related elements of Taylor's conception of persons. First, as mentioned above, for Taylor, persons' identities are (at least partially) constituted

[6] Ibid., p. 183.

[7] Taylor (1985h, p. 258).

[8] Ibid.

by persons' relations to their communities. Second, persons' identities advert to their ability to exercise certain "characteristically human" capacities. Third, the exercise of these "characteristically human" capacities is a distinctive feature of being human. Each of these elements will be clarified and explained in more detail below. To put it roughly, Taylor's central claim seems to be that the very concept of personhood makes it impossible to divorce personal identity from society. For Taylor, being a person consists in having certain capacities and, as mentioned above, he claims that people cannot have those capacities without society.

The view Taylor seeks to refute is the scientific or atomistic view of identity that he calls "modern identity." Taylor explains modern identity and its problems as follows.

> One of the most negative of [its] features is atomism. The disengaged identity and its attendant notion of freedom tend to generate an understanding of the individual as metaphysically independent of society. Of course, it can allow for views which see the individual as shaped by his social environment; and these are the views generally espoused today. . . . What it hides from view is the way in which an individual is constituted by the language and culture which can only be maintained and renewed in the communities he is a part of. The community is not simply an aggregation of individuals; nor is there simply a causal interaction between the two. The community is constitutive of the individual, in the sense that the self-interpretations which define him are drawn from the interchange which the community carries on. A human being alone is an impossibility, not just *de facto*, but as it were *de jure*. Outside the continuing conversation of a community, which provides the language by which we draw our background distinctions, human agency of the kind I describe above would be not just impossible, but inconceivable.[9]

At this point it is not clear whether Taylor is concerned with personal identity or personhood. As mentioned in Chap. 2, I use the term 'personhood' to refer to the status conferred on a being in virtue of having a set of features, capacities or properties that are essential to being a person. Personal identity, on the other hand, concerns the features that make a person the particular person she is. While Taylor mentions 'identity' in the quotation, the latter part seems to concern personhood. What is clear, though, is that Taylor is concerned with a metaphysical view. This is clear because he claims that a problem with modern identity is that it only allows that people are *shaped* by society, but not constituted by it. He claims that persons are *constituted* by their society. Note that the *extent* to which persons are supposed to be so constituted is not explicitly stated.

The conception of modern identity Taylor criticizes is a form of atomism that was first supported by social contract theorists in the seventeenth century. Atomists of that time supported "a vision of society as in some sense constituted by individuals for the fulfillment of ends which were primarily individual."[10] The atomism of the seventeenth century was a stronger type of atomism than the atomism that Taylor claims is accepted today. In Taylor's view, the weaker type of atomism implicitly underlies contemporary views of identity and of selves. He claims that this weaker type of atomism is prevalent because it acts as an unchallenged assumption underlying commonly-accepted conceptions of identity, conceptions that Taylor argues fail

[9] Taylor (1985b, p. 8).

[10] Taylor (1985f, p. 187).

to account for significant, intuitively plausible features of personhood. Taylor claims that our very normative notions such as freedom, justice and rights have "atomist distortions."[11]

While Taylor concedes that the term 'atomism' is used almost exclusively by critics of the view, and suggests that 'individualism' is a less offensive term for the view, he persists in calling the view "atomism."[12] To characterize the atomist view, Taylor highlights how it differs from what he takes to be the opposing view, the view that "man is a social animal, indeed a political animal, because he is not self-sufficient alone, and in an important sense is not self-sufficient outside a polis."[13] Taylor claims that, unlike those supporting this "social" view, atomists claim that individuals can be self-sufficient. Feminists have criticized liberalism on grounds similar to those on which Taylor criticizes atomism. Some feminists claim that liberals assume that

> human individuals are essentially self-sufficient entities. Individual self-sufficiency, however, is an unrealistic assumption even if one conceived of all human beings as healthy adults, which most social contract theories have done. As soon as one takes into account the facts of human biology, it becomes obvious that the assumption of individual self-sufficiency is impossible.[14]

Feminists and communitarians alike criticize liberalism on the grounds that it is committed to a view of persons as "self-sufficient." This view of persons is supposed to come as part and parcel of liberal theory, and Rawls's theory in particular. It is worth noting here that the feminist critique of individualism, or of the liberal conceptions persons, shows that this debate reaches beyond the bounds of the liberal/communitarian debate and, indeed, beyond the anti-perfectionist/perfectionist debate which is the focus of this book.

While feminists are concerned with self-sufficiency merely as the ability to survive, the self-sufficiency with which Taylor is concerned is not merely whether men can *survive* alone, but whether, outside of society, men can "develop their characteristically human capacities."[15] Taylor's concern with persons' abilities to develop "characteristically human capacities" should call to mind his earlier discussion concerning the fact that the ability to exercise certain capacities is constitutive of identity. Atomism conflicts with Taylor's view that "living in a society is a necessary condition of ... becoming a moral agent in the full sense of the term, or of becoming fully responsible, autonomous being."[16]

To take stock: Taylor thinks people are (to some extent) constituted by society and one reason for this is that people need society to develop characteristically human capacities, which are a part of a person's identity. Taylor takes having these characteristically human capacities to be a necessary condition for an individual to

---

[11] Taylor (1985b, p. 9).

[12] Taylor (1985f, p. 187).

[13] Ibid., p. 189.

[14] Jaggar (1983, p. 40–41).

[15] Taylor (1985f, p. 190).

[16] Ibid., p. 191.

be an autonomous moral agent. The idea is that, if one accepts the social constitution thesis, as Taylor does, then atomistic theories of personal identity are quite obviously unacceptable because a person cannot possibly develop the capacities required for both having an identity and being an autonomous moral agent independently of society. As may already be clear, the bulk of Taylor's arguments for his positive views on personal identity and society consist in showing that his view is preferable to the theories that he attributes to liberal theorists like Rawls—theories that are atomistic, naturalistic, or scientific, as just explained. For this reason, in what follows, I continue to explain both Taylor's positive view and his criticism of liberal views together.

Taylor argues for what he calls the "practical-moral" view of persons. This view is complex, but it can be summed up with the two following claims. First, the society in which we live at least partially determines various morally relevant aspects of our lives, like our conceptions of what is intrinsically valuable, and our capacity to act as autonomous moral agents. Second, the aspects of our lives that are partially determined by society are a part of our identity. Taylor's essential claim concerning personal identity is that "Selfhood and the good . . . turn out to be inextricably intertwined. . . ."[17] The idea is that a proper conception of persons is one according to which persons are (to some extent) socially constituted and that the social forces that are constitutive of persons allow people to develop the capacities that are essential for being autonomous moral agents. With a rough overview of Taylor's view in hand, I now turn to his conception of persons and his conception of personal identity.

Taylor's Conception of Persons

Taylor's theory of personal identity is an outgrowth of his theory of what makes an organism a person—what I call his "conception of persons." I begin by explaining his conception of persons. Then, in the next section, I explain his theory of personal identity. Taylor's own discussion does not distinguish the two types of theory, but I suggest that they can be distinguished. It is useful to discuss them separately because, as we saw in the previous chapter, theories of personhood and theories of personal identity support different types of objections to Rawls—the former is the basis for the personhood objection and the latter is the basis for the identity objection. Prima facie, it is not clear how to distinguish a conception of persons from a theory of personal identity. For the moment, it seems that we can take the former to be a theory purporting to pick out those features, capacities and properties an organism must possess in order to be a person. The latter concerns the features, properties or capacities that make persons the particular persons they are. It seems to be an open question how (or whether) these two types of theory are related. Intuitively, it seems they are likely to bear some relation to each other, but it is not clear what that relation is.

[17] Taylor (1989, p. 3).

Taylor explains that there are two conceptions of persons. Both views of persons

> start off with our ordinary notion of a person, defined by certain capacities: a person is an agent who has a sense of self, of his/her own life, who can evaluate it, and make choices about it. This is the basis of respect we owe persons. . . . The central import of all this for our moral thinking is reflected in the fact that these capacities form an important part of what we should respect and nourish in human beings.[18]

According to Taylor, the two conceptions of persons are similar in that each gives an account of certain capacities that are taken to be morally valuable. The difference between the two notions, Taylor claims, comes in the account each notion gives of the capacities. The scientific view understands persons merely as agents—'merely' because the account it offers of persons does not, so Taylor argues, differentiate persons from other animals that are agents. It takes as given the capacity for agency, the having of ends, and the evaluating of those ends.

The other view, Taylor's "practical-moral" view, takes a person to be "a being with a certain moral status, or a bearer of rights."[19] He argues that this latter conception is supported by a different view of the capacities organisms must have to be persons. Taylor writes that the "practical-moral" view that he endorses,

> starts off quite differently. It raises the question of agency, and understands agents as in principle distinct from other things. Agents are beings for whom things matter, who are subjects of significance. This is what gives them a point of view on the world. . . . What distinguishes persons from other agents . . . is that persons have qualitatively different concerns.[20]

The idea is that mere agents are concerned with simply calculating how to satisfy the desires they have, but *persons*, on the other hand, are concerned with assessing the desires they have. Persons, on the practical-moral view, have desires and ends that mere agents do not have, desires to live a certain kind of life, as I will explain below.

Taylor says these two conceptions of persons "ramify into very different views in both the sciences of man and the practical deliberations of how we ought to live."[21] By "the sciences of man," Taylor means, among other things, political theory. Taylor suggests that the rise of the scientific worldview gave reason to adopt the scientific view of persons because that view fit more easily into scientific explanation. He argues that it leads, though, to an inadequate explanation of our reality—we simply cannot understand our reality in this neutral, objective way.[22] Taylor also claims that this view of persons leads to a false view of persons' moral status and moral deliberation.

Taylor argues that our moral status is supported by certain capacities for which a naturalistic view cannot account. He explains these capacities as follows:

> underlying the moral status, as its condition, are certain capacities. A person is a being who has a sense of self, has a notion of the future and the past, can hold values, make choices; in short, can adopt life plans. . . . Running through all this we can identify a necessary (but not sufficient) condition. A person must be a being with his own point of view on things. The

[18] Taylor (1985a, p. 100).

[19] Ibid., p. 97.

[20] Ibid., p. 104.

[21] Ibid., p. 105.

[22] Ibid., pp. 110–112.

> life-plan, the choices, the sense of self must be attributable to him as in some sense their point of origin. A person is a being who can be addressed, and who can reply. Let us call a being of this kind a 'respondent'. Any philosophical theory of the person must address the question of what it is to be a respondent.[23]

According to Taylor's practical-moral view of persons, it is necessary that persons have the ability to be a respondent. The notion of being a respondent is important for Taylor because, he claims, it underwrites our ability to ascribe moral responsibility, and, as I will explain later, it supports his view that language partially constitutes identity. For Taylor, the ability to make certain types of evaluations is necessary for an agent to be a respondent.

Taylor argues that personhood is bound up with a notion of self-understanding, in particular, understanding one's own values. He writes,

> to be a full human agent, to be a person or a self in the ordinary meaning, is to exist in a space defined by distinctions of worth. A self is a being for whom certain questions of categoric value have arisen, and received at least partial answers.[24]

On Taylor's account, persons or selves are beings who are able to be respondents and who have the ability to make qualitative judgments, judgments of value. So, being a respondent requires the ability to make qualitative distinctions. This is important because, as I explain below, Taylor argues that the capacities that make us persons are the same capacities that constitute our identity—our identity is given by our evaluations, and our personhood consists in our ability to make such evaluations. The evaluations he refers to are what he calls "strong evaluations."

Taylor argues that the ability to make judgments about our world and our experiences is the ability that makes moral agency possible. He claims that making these judgments begins with the ability to make qualitative distinctions between kinds of desires. The ability to make these qualitative distinctions underwrites the ability for the "strong evaluation" I have been discussing. Strong evaluation is distinguishing desires on the basis of their worth.[25] Strong evaluation differs from weak evaluation in that weak evaluation is not qualitative, it is simply a matter of trying to make different desires "compossible."[26] The notion of strong evaluation is important for Taylor because he thinks that it requires a particular notion of the self: a strong evaluator.

A strong evaluator is a person for whom desires are characterized qualitatively as "higher and lower, noble and base."[27] Taylor seems to think that the ability to be a strong weigher requires language. He writes, "the strong evaluator can articulate superiority just because he has a language of contrastive characterization."[28] A strong evaluator, according to Taylor, is someone who is "capable of a reflection

---

[23] Ibid., p. 97.

[24] Taylor (1985b, p. 3).

[25] Taylor (1985e, p. 18).

[26] Ibid., p. 22.

[27] Ibid., p. 23.

[28] Ibid., p. 24.

which is more articulate."[29] In this discussion, Taylor's emphasis on language and of strong evaluators' capacity for "more articulate" reflection is not metaphorical. He is committed to two related claims. First, Taylor takes the capacity for language to be an essential component of personhood. Second, he claims that the values people express through language partially constitute their identities. A strong evaluator is concerned not just with the maximization of desires, but with "different possible modes of being of the agent," and of "the kind of life and kind of subject these desires properly belong to."[30] Taylor claims that the notion of a strong evaluator has valuable import for our notion of what it is to be a human subject. He writes,

> the capacity for strong evaluation in particular is essential to our notion of the human subject; that without it an agent would lack a kind of depth we consider essential to humanity, without which we would find human communication impossible.[31]

Here, Taylor emphasizes that strong evaluation is essential to being a person. In addition we see that being a strong evaluator relates to Taylor's previously-discussed notion of being a respondent. The ability for strong evaluation is part of what makes a person a respondent.

Taylor on Language and Persons' Identities

Taylor argues that language is the connection, as it were, between conceptions of what is intrinsically valuable and the process of living a life. In what follows, I quote Taylor extensively because the view he endorses is unlike common views in philosophy of language. To begin, Taylor writes,

> I define who I am by defining where I speak from, in the family tree, in the social space, in the geography of social statuses and functions, in my intimate relations with the ones I love, and also crucially in the space of moral and spiritual orientation within which my most important defining relations are lived out. This obviously cannot be just a contingent matter. There is no way we could be inducted into personhood except by being initiated into a language.[32]

The idea seems to be that, because we develop and become persons in families and societies that rely on language, our having language is a result of our development in those families and societies, and the having of language is necessary for personhood. Language is important, according to Taylor, because certain relations depend on language and some relations may be partially constituted by language. For example, Taylor argues that the culture in Quebec, which presumably is composed of various social relations, is partially constituted by the French language.

[29] Ibid., p. 25.

[30] Ibid.

[31] Ibid., p. 28.

[32] Taylor (1989, p. 35).

The idea is that we develop as a part of a community that gives our language meaning, our learning the language consists, in part, in our acceptance of that meaning. Since part of who we are is where we speak from—our family, society, etc.—there is a sense in which our identities are constituted by these meanings. Among these meanings are values.

Here it may seem that Taylor is equivocating, but his use of the term 'meaning' differs from the use in contemporary philosophy of language. Although he accepts a different view of language, that different view is not what motivates his different use of the term. To explain this other notion of meaning, he writes

> a certain notion of meaning has an essential place in the characterization of human behaviour. This is the sense in which we speak of a situation, an action, a demand, a prospect having a certain meaning for a person. . . . Now it is frequently thought that 'meaning' is used here in a sense which is a kind of illegitimate extension from the notion of linguistic meaning. Whether it can be considered an extension or not is another matter; it certainly differs from linguistic meaning. But it would be very hard to argue that it is an illegitimate use of the term.[33]

Taylor claims that this special notion of meaning, the notion he calls 'expressivist', is essential to the way that we understand and characterize our actions and our experiences.[34] Taylor argues that there are certain concepts people understand only in virtue of their experience. He writes,

> to understand these concepts we have to be in on a certain experience, we have to understand a certain language, not just of words, but also a certain language of mutual actions and communication, by which we blame, exhort, admire, esteem each other. In the end we are in on this because we grow up in the ambit of certain common meanings. . . . if we look at human behaviour as action done out of a background of desire, feeling, and emotion, then we are looking at a reality which must be characterized in terms of meaning.[35]

The idea is that, when we attempt to understand and interpret persons in a way that captures features that are real and common to our experience, we must, at least implicitly, appeal to Taylor's notion of "meaning."

Taylor argues that persons' identities are partially constituted by language. Taylor explains that the notion of language with which he is concerned is not one according to which language merely represents the world, but one that is "expressive constitutive" of our social reality. According to the view of language he supports, Taylor writes,

> If we are partly constituted by our self understanding, and this in turn can be very different according to the various languages which articulate for us a background of distinctions of worth, then language does not only serve to *depict* ourselves and the world, it also helps to *constitute* our lives.[36]

Similarly, in his discussion of meaning, Taylor claims that meaning "not only depicts, but also articulates and makes things manifest, and in so doing helps shape our form

[33] Taylor (1985g, p. 21–22).

[34] Ibid., p. 23.

[35] Ibid., p. 24.

[36] Taylor (1985b, p. 10).

of life."[37] What is important about Taylor's conception of language is that he argues that it *constitutes* peoples' lives. This is important because the talk of constitution indicates that Taylor's concern is metaphysical—he seems to be giving a metaphysical account of personhood. Because this account of personhood is metaphysical, it is, plausibly, the sort of conception Sandel has in mind with the encumbered self that is partially constituted through language.

Taylor explains in more detail how it is that language constitutes us as persons. He writes that his concern is with

> a view of language as a range of activities in which we express/realize a certain way of being in the world. And this way of being has many facets. It is not just the reflective awareness by which we recognize things as —, and describe our surroundings; but also that by which we come to have the properly human emotions, and constitute our human relations, including those of the language community within which language grows.[38]

Taylor claims that language, in his expressivist sense, provides us with distinctively human emotions and shapes who we are and how we interact as persons. These various quotes make vivid that Taylor thinks that language has a "constitutive dimension."[39]

Explaining this constitutive dimension, Taylor writes,

> language does not only serve to describe or represent things. Rather there are some phenomena, central to human life, which are partly constituted by language. Thus the kind of explicit awareness which we call consciousness in the full sense is constituted by our articulations. The public space between us is founded on and shaped by our language; the fact that there is such a thing is due to our being language animals. And our typically human concerns only exist through articulation and expression. . . . Thus the nature of some of our feelings, those which touch the essentially human concerns, is partly shaped by the way we articulate them.[40]

Despite the extensive quotations from Taylor, it is not exactly clear how to understand the "constitutive dimension" of language. What is clear is that he seems to think that language *metaphysically* constitutes and shapes persons, emotions, communities and relationships. Some such language is the language that we use to express our values. Values are required for a person to be a strong evaluator, and the language we use to express our values is supposed to partially constitute both our values and our identities.

While it is not clear whether Taylor's view that language constitutes reality is true, the view is not uncommon. Consider, for example, the common, though debatable claim that certain types of human thought require language. Donald Davidson, for example, argues that a being cannot have a belief without having the concept of a belief, and a person cannot have the concept of belief without having linguistic abilities. He writes,

---

[37] Ibid.

[38] Taylor (1985c, p. 234).

[39] Taylor (1985d, p. 270).

[40] Ibid.

> A creature must be a member of a speech community if it is to have the conception of belief. And given the dependence of other attitudes on belief, we can say more generally that only a creature that can interpret speech can have the concept of a thought. Can a creature have a belief if it does not have the concept of belief? It seems to me that it cannot, and for this reason. Someone cannot have a belief unless he understands the possibility of being mistaken, and this requires grasping the contrast between truth and error—true belief and false belief. But this contrast, I have argued, can emerge only in the context of interpretation. . . .[41]

While this quotation is complicated, the general point is clear—Davidson argues that persons cannot have certain capacities without having language, and some of those capacities, such as belief, are intuitively required for a being to be a person. Taylor is not alone in supporting the view that certain types of thought are impossible without language. Similarly, it is commonly believed that languages are essentially social; they cannot exist in an individual alone. So, if Taylor is right that certain types of thought are essential to personal identity, and if he is right that those types of thought require language, then he would be right that our identities are partially constituted by our social interactions, by way of language. While it is not clear whether Taylor is right that person's identities are partially constituted by language, I hope the foregoing discussion has helped clarify the way in which language could constitute identity, and I hope I have given a rough outline of the reasons that a person would endorse such a view.

Frameworks and Strong Evaluation

In later works, Taylor makes use of the notion of a "framework," which is what people use to understand and evaluate the world. It is not entirely clear what these frameworks are, but, at an initial pass, it seems that frameworks are merely persons' conceptions of what is intrinsically valuable, their system of values that they use to evaluate their world. He says

> a framework incorporates a crucial set of qualitative distinctions. To think, feel, judge within such a framework is to function with the sense that some action, or mode of life, or mode of feeling is incomparably higher than the other. . . .[42]

Taylor offers religions as examples of what he calls frameworks. He claims that frameworks provide the distinctions or valuing necessary for persons to judge their desires and choices. While it is not altogether clear how frameworks are related to strong evaluation, from what Taylor says, it seems that having a framework allows people to engage in strong evaluation; having a conception of what is intrinsically valuable is required for a person to be able to make qualitative distinctions.

Taylor criticizes those who deny that frameworks are an intrinsic part of human life. Taylor claims that the idea that fully functioning persons can exist without frameworks is fundamentally confused, if not outright incoherent. Taylor writes

---

[41] Davidson (1975, p. 170).

[42] Taylor (1989, p. 19).

> I want to defend the strong thesis that doing without frameworks is utterly impossible for us; otherwise put, that the horizons within which we live our lives and which make sense of them have to include these strong qualitative discriminations. Moreover this is not meant as a contingently true psychological fact about human beings, which could perhaps turn out one day not to hold for some exceptional individual . . . . Rather the claim is that living within such strongly qualified horizons is constitutive of human agency, that stepping outside these limits would be tantamount to stepping outside what we would recognize as integral, that is, undamaged personhood.[43]

In this quotation and others, it is not clear whether Taylor thinks that living without a framework is impossible for an organism that we would consider a person, or whether a person without a framework would be "damaged." I return to the notion of frameworks below when I explain Taylor's claims about the relation frameworks have to personal identity. For the moment, though, I can say that Taylor's conception of personhood seems to be normative in that it is premised on the judgment that certain features of persons are valuable, the features that are essential to being an autonomous agent. Taylor claims that an organism is only a person if it has certain capacities that he takes to be valuable—such as the capacity for strong evaluation—and a person cannot have these capacities unless that person has a framework.

Taylor calls the conception of persons he criticizes "naturalism." One problem for naturalism, according to Taylor, is that it is unable to account for frameworks or the capacity for strong evaluation, which, he claims, are necessary for self-understanding. He claims that what naturalism "fails to recognize is a crucial feature of our ordinary understanding of human agency, of a person or self."[44] Describing this ordinary understanding of persons, he writes,

> A fully competent human agent not only has some understanding (which may be also more or less *mis*understanding) of himself, but is partly constituted by this understanding. . . . our self-understanding essentially incorporates our seeing ourselves against a background of what I have called 'strong evaluation'. I mean by that a background of distinctions between things which are recognized as of categoric of unconditioned or higher importance or worth, and things which lack this or are of lesser value.[45]

The fact that the capacity for strong evaluation is necessary for self-understanding and personhood is a problem for naturalism because, according to Taylor, a naturalistic explanation of persons cannot explain the importance of self-definition. The naturalistic view can't explain self-definition because it seeks to describe persons independently of the values they hold, which, for Taylor, are essential to self-definition.

Taylor claims that his view supports a more plausible conception of agency than the naturalistic view he criticizes. Taylor argues that the "naturalistic" way of looking at people is one that is highly counter-intuitive and implausible, and that it "takes a very powerful metaphysical set of preconceptions for one to ignore or override so much that is so intuitively obvious about human life, for no valid scientific or

[43] Ibid., p. 27.

[44] Taylor (1985b, p. 3).

[45] Ibid.

explanatory reason."[46] The intuitively obvious "facts" about life, presumably, are the claims Taylor endorses that I have been explaining—the fact that full moral agents are respondents, beings for whom things matter.

Taylor claims that the naturalistic view of persons, which he argues against, focuses not on the ability to make evaluative judgments, but on the ability to "frame representations."[47] How to understand representations involves complicated questions in philosophy of mind, and Taylor does not explain how he understands them. It seems that, for our purposes, it is acceptable to simply take them to be mental states about the world that can be assessed, for example, for veracity or appropriateness. His view of persons, the "practical-moral" view, focuses on the nature of agency, and he claims that "what is crucial about agents is that things matter to them."[48] He thinks that things matter to agents in that "we can attribute purposes, desires, aversions to them in a strong, original sense."[49] Taylor argues that the distinction between the two concepts of person mentioned above—the naturalistic and the practical-moral—hinges on the fact that we can attribute "original" purpose to agents.[50]

Taylor's claim that agents have purposes in a way that "things" do not helps to clarify what it is to be a respondent.[51] Taylor argues that having "original purpose" amounts, roughly, to the ability to make judgments of value. The idea is that an agent that has purposes does not merely exercise its ability to form representations, but also assesses those representations. The ability to assess representations is what separates persons from animals—it is this ability that makes a creature a respondent, an agent with the ability to make qualitative judgments, judgments of value.

Taylor suggests that our ability not only to form, but to assess our representations shows why the naturalistic conception of persons is inadequate. Because the naturalistic view of persons focuses merely on the ability to form representations, it cannot capture the important difference between persons and animals: persons can evaluate representations and animals cannot. The ability to evaluate representations underlies the ability to be a strong evaluator.

Taylor claims that his practical-moral view of persons, allows us to understand moral agency in a way that the scientific view cannot because, on his account, the ability to make judgments about our representations is essential to personhood. According to Taylor, making judgments about our representations helps to explain moral agency because moral agency

> requires some kind of reflexive awareness of the standards one is living by (or failing to life by). . . . And so when we ask what distinguishes persons from other agents, consciousness in some sense is unquestionably part of the answer. But not consciousness understood as just representation. . . .[52]

---

[46] Ibid., p. 5.

[47] Taylor (1985a, p. 98).

[48] Ibid., p. 98.

[49] Taylor (Ibid. p. 99) notes that we can attribute desires to machines, but, when we do so, it is only in a derivative sense—one that relies on the purpose for which the person designed the machine.

[50] Ibid.

[51] Ibid.

[52] Ibid., p. 103.

The consciousness he has in mind is a consciousness that is "as it were the medium within which [representations] first arise as concerns for us."[53] While it is not clear what Taylor means by this, given what he says elsewhere, the idea seems to be that the consciousness that is relevant to personhood is consciousness that is not merely the ability to form representations, but the ability we have been discussing, the ability to evaluate representations on the basis of understanding how our judgments of value are connected with them. This reading seems to be supported by the following claim:

> To be a moral agent it to be sensitive to certain standards. But 'sensitive' here must have a strong sense: not just that one's behaviour follow a certain standard, but also that one in some sense recognize or acknowledge the standard.... Morality requires some recognition that there are higher demands on one, and hence the recognition of some distinction between kinds of goal.[54]

Taylor argues that the proper conception of persons begins with their ability not merely to frame representations, but to be able to evaluate them—or in Taylor's terms, the ability for strong evaluation. The capacity for strong evaluation is important, according to Taylor, because it grounds our ordinary notion of moral responsibility. That is, if we could not make sense of persons as able to make distinctions about what is more or less valuable, then we would not be able to criticize them and hold them responsible for the desires they do or do not act on.[55]

It is worth noting that it is not clear whether the naturalistic view of persons Taylor criticizes is one that anyone supports *as a view that competes with his practical-moral view*. By this I mean, it is likely that, if someone supported the naturalistic view of persons, it would only be for limited purposes, such as decision theory or economics, rather than as a comprehensive theory of personhood. It is not clear that accepting a naturalistic view of persons for the purposes of decision theory is inconsistent with accepting Taylor's practical-moral conception of persons as a general account of what personhood consists in.

From the foregoing, we can glean Taylor's account of personhood, what I called "embedded personhood" at the beginning of the chapter. To begin, persons are agents with capacities that give them moral status. The most important capacity is the capacity to make qualitative distinctions, distinctions of worth. This capacity is developed through and partially constituted by language, which means that an organism cannot truly be a person without a society. The ability to make distinctions of worth is required to be a strong evaluator. The ability to be a strong evaluator is required to be a moral agent, and we take persons to be moral agents.

Taylor's Conception of Personal Identity

As mentioned above, it is not clear how theories of personhood are related to theories of personal identity. Taylor claims that the features that make an organism a person, such as the ability to be a respondent, support a particular notion of personal identity.

---

[53] Ibid., p. 100.

[54] Ibid., p. 102.

[55] Taylor (1985e, p. 28).

The notion of personal identity he is concerned with is the one in which the question "Who am I?" cannot be answered by "giving a name and a genealogy. What *does* answer this question for us is an understanding of what is of crucial importance to us. To know who I am is a species of knowing where I stand."[56] According to this conception of personal identity, persons' identities are fixed by facts about what they value.

Taylor explains the conception of identity he is working with as follows: "By 'identity' I mean that use of the term where we talk about 'finding one's identity', or going through an 'identity crisis'."[57] He claims that this type of identity is "defined by our fundamental evaluations,"[58] and by 'fundamental evaluations' he means the strong evaluations discussed above. Taylor claims that our self understandings also constitute our identities. I explain this notion of identity in more detail below. First, I explain some of Taylor's important claims about it.

Taylor writes,

> As men we are self-defining beings, and we are partly what we are in virtue of the self-definitions which we have accepted, however we have come by them. What self-definitions we understand and what ones we do not, is closely linked with the self-definitions which help to constitute what we are.[59]

Taylor claims that his conception of personal identity is preferable to atomistic conceptions because it can account for the two capacities that partially constitute identity: strong evaluation and self-understanding. These two capacities are related to his notion of what it is to be a respondent because, as explained above, a respondent is a being for whom things matter; respondents have values and a sense of self understanding. According to Taylor, as explained in the previous section, the notion of being a respondent provides a plausible account of moral agents and moral agency.

Taylor explains in more detail why he thinks persons' values are constitutive of their identities as follows.

> The answer to the question 'What is my identity?' cannot be given by any list of properties of other ranges, about my physical description, provenance, background, capacities and so on. All these can figure in my identity, but only as assumed in a certain way. If my being of a certain lineage is to me of central importance, if I am proud of it, and see it as conferring on me membership in a certain class of people whom I see as marked off by certain qualities I value in myself as an agent and which come to me from this background, then it will be part of my identity. . . . The concept of identity is bound up with that of certain strong evaluations which are inseparable from myself. This is either because I identify myself by my strong evaluations, as someone who essentially has these convictions; or else because I see certain of my other properties as admitting of only one kind of strong evaluation by myself, because these properties so centrally touch what I am as an agent, that is, as a strong evaluator, that I cannot fully repudiate them in the full sense."[60]

Here, Taylor explains his conception of personal identity, which is only concerned with a person's properties insofar as those properties are related to the person's strong

---

[56] Taylor (1989, p. 27).

[57] Taylor (1985e, p. 34).

[58] Ibid., p. 34.

[59] Taylor (1985g, p. 54).

[60] Taylor (1985e, p. 34).

evaluations. This gives an initial indication that Taylor's conception of identity is not the conception that is common to metaphysics; it is a conception of a different kind of thing.

In metaphysics, very often, a person's identity is supposed to consist in the having of certain characteristics. Discussions of identity that are common in metaphysics literature on personal identity do not concern Taylor's "identity crisis" notion of identity, but the notion of identity that John Locke used in his theory of personal identity. Call this notion of identity "Lockean identity." Lockean identity can be used to answer what has come to be referred to as the "reidentification question." The reidentification question is (roughly): "Under what conditions are person-stages stages of the same person?"[61] A "person-stage" is "a set of simultaneous experiences all of which belong to one person."[62] While talk of "reidentification" and "person-stages" may seem complicated, the idea is rather straightforward. Glossing over subtleties, the question seems to simply be, what makes it the case that two experiences are had by the same person? Lockean identity concerns what makes it the case that a person at one time is the one and the same as a person at another time. Lockean identity concerns *numerical* identity.

Conceptions of Lockean identity generally pick out the properties that are *metaphysically* essential to identity. The features a person must retain over time to be the same person later as she is now. One of Taylor's important claims is that persons' strong evaluations are part of their identities. Traditional Lockean theories of personal identity generally do not take evaluative judgments to be features of persons that are constituents of identity. One reason that Lockean theories do not include evaluative judgments as constituents of personal identity is that it is not clear how persons could have evaluations "essentially." For this reason, Taylor's conception of personal identity does not seem naturally categorized as a Lockean conception.

As mentioned above, Taylor is concerned with the "identity crisis" conception of identity. Consider the phenomena we call an "identity crisis." A person experiencing an identity crisis questions her fundamental values, her sense of purpose, her commitments, etc. In some cases a person who has an identity crisis renounces values that were once foundational, values which provided the basis for her judgments, decisions, and so on. In this case, the person ceases to have the strong evaluations she once had. According to Taylor's "identity crisis" conception of identity, she has undergone a change in identity. There is an important sense in which she is no longer the person she once was. Yet, on a standard understanding of the Lockean notion of identity it seems that the woman's identity is the same; the woman who underwent the identity crisis is *numerically* identical with the woman prior to the identity crisis.[63] The woman who had a person-stage in which, for example, she was a devout

[61] Perry (1975, p. 15).

[62] Ibid.

[63] Conceptions of the Lockean notion of identity are importantly different, and, of course, there could be some according to which a person's change of religion, for example, does yield a change in identity. In this example, I simply assume for the sake of argument that religion is not essential to Lockean identity, to highlight the difference between the two notions of identity.

Catholic, is numerically the same as the woman who had a person-stage in which she renounced her faith.

In what sense is the woman who renounces her faith no longer the same person? In what respect has she changed? I suggest that she is numerically the same, but obviously she is *qualitatively* different. The particular quality that differs is her religion. For Taylor, religion, presumably, would be one of the qualities of a person that is essential to her identity. The qualities that are essential to identity for Taylor seem to be those that play a central role in guiding persons' lives, such as their values, social attachments, and fundamental aims. These are the features that persons use not only to make evaluative judgments, but also to make the many decisions that are required for them to live their lives. This is precisely why having an identity crisis is so traumatic. In an identity crisis, a person questions her foundational beliefs.

If it were true that the features that are essential to the identity crisis notion of identity are required for persons to be able to perform the activities that are constitutive of normal human agency (and it is plausible that they are), then that fact would explain why Taylor elides the distinction between conceptions of identity and personhood. As explained in Chap. 2, I take a conception of personhood to be conception of the set of features, capacities or properties that are essential to being a person. For Taylor, the features that are essential to identity are the *same* features that are required for "undamaged" personhood. Taylor's conception of personal identity seems to be supported by his notion of personhood. Having some values or other makes an organism a person, and a person's having the particular values she does makes her the particular person she is.[64]

If we take Taylor's conception of personal identity not to be a conception of numerical identity, this helps to clarify some of his claims. Taylor claims that there is a sense in which persons do *survive* the loss of their frameworks. Taylor writes,

> People may see their identity as defined partly by some moral or spiritual commitment, say as a Catholic, or an anarchist. Or they may define it in part by the nation or tradition that they belong to, as an Armenian, say, or a Québecois. What they are saying by this is not just that they are strongly attached to this spiritual view or background; rather it is that this provides the frame within which they can determine where they stand on questions of what is good, or worthwhile, or admirable, or of value. Put counterfactually, they are saying that were they to loose this commitment or identification, they would be at sea, as it were; they wouldn't know anymore, for an important range of questions, what the significance of things was for them.[65]

The idea seems to be that, while persons can be numerically the same after the loss of their frameworks, their identity (on his "identity crisis" notion) has changed. This provides more evidence that Taylor cannot be concerned with the Lockean notion of identity. If a person loses a feature that is essential to identity, according to the Lockean notion of identity, that person ceases to be numerically the same person. If

---

[64] The idea that having *some* values is required to be a person and that having particular values makes someone the person she is tracks the idea of how to understand persons' features, values and desires in the conception of political identity I describe in Chap. 8.

[65] Ibid., p. 27.

Taylor were offering a Lockean notion of identity, it simply would not make sense to say that persons who lost their framework "wouldn't know anymore ... what the significance of things was for them."[66] It would not make sense because Taylor claims that frameworks are essential to identity, which would mean that persons who lost their frameworks would not exist anymore. In their place would be people who do not have those frameworks.

Since Taylor allows that persons can suffer identity crises and in some sense remain the same persons, it seems that he is not concerned with the Lockean notion of identity. His identity crisis notion is a different notion of identity altogether. The Lockean notion of identity concerns *numerical* identity, and a person can have only *one* numerical identity. But on Taylor's notion of identity a person can survive the loss of her identity or can have more than one identity. After an identity crisis, a person could have a new "identity-crisis" identity.

On the Lockean notion of identity, if a person loses something essential to her identity, then she ceases to be the same person. For Taylor, though, if a person loses something essential to her identity, such as her framework, what is called into question is not whether she is the same person, but whether she can be a fully-functioning person. Taylor writes,

> the portrait of an agent free from all frameworks rather spells for us a person in the grip of an appalling identity crisis. Such a person would not know where he stood on issues of fundamental importance, would have no orientation in these issues of fundamental importance, would have no orientation in these issues whatever, wouldn't be able to answer for himself on them.[67]

Similarly, elsewhere, he writes,

> if I were forced by torture or brainwashing to abandon these convictions by which I define my identity, I would be shattered, I would no longer be a subject capable of knowing where I stood and what the meanings of things were for me, I would suffer a terrifying breakdown of precisely those capacities which define a human agent. . . . I would be crippled as a person.[68]

If a person loses a framework, then that person would be "damaged." For example, Taylor claims that, "a person without a framework altogether would be outside our space of interlocution; he wouldn't have a stand in the space where the rest of us are. We would see this as pathological."[69]

In these quotations Taylor explains the importance of frameworks to the capacity to make certain types of evaluation, evaluations that are essential to undamaged personhood. Since personal identity is bound up with these evaluations, if a person loses her framework, she will not be able to make the judgments that define her identity. While she may be numerically the same, she would be qualitatively different and may not be able to make the strong evaluations that Taylor claims are essential to personhood. In support of this claim, he writes,

---

[66] Ibid..

[67] Taylor (1989, p. 31).

[68] Taylor (1985e, p. 35).

[69] Taylor (1989, p. 31).

> Our identity is therefore defined by certain evaluations which are inseparable from ourselves as agents. Shorn of these we would cease to be ourselves, by which we do not mean trivially that we would be different in the sense of having some properties other than those we now have—which would indeed be the case after any change, however minor—but that shorn of these we would lose the very possibility of being an agent who evaluates; that our existence as persons, and hence our ability to adhere as persons to certain evaluations, would be impossible outside the horizon of these essential evaluations, that we would break down as persons, be incapable of being persons in the full sense.[70]

From the foregoing discussion of Lockean identity, this quotation should make clear that Taylor cannot be working with a standard metaphysical account of personal identity. He says explicitly that he is concerned with the evaluations he takes to be central to personhood.

Taylor claims that when persons have an "identity crisis" what they are missing is precisely the stable perspective from which to make strong evaluations provided by the frameworks discussed in the previous section. He suggests that this fact about identity crises shows

> the essential link between identity and a kind of orientation. To know who you are is to be oriented in moral space, a space in which questions arise about what is good or bad, ... what has meaning and importance for you and what is trivial and secondary.[71]

What Taylor is emphasizing, and what the foregoing has been intended to bring out, is the link between his claim that part of what it is to be a person is to make qualitative distinctions and his views of personal identity. Frameworks are explicitly or implicitly the bases on which people make qualitative distinctions. Taylor argues that having some framework or other is a necessary part of being a fully functioning person. Moreover, a person's having the particular framework she does is a part of her identity. Thus we see Taylor's support for what I called "embedded identity" at the start of the chapter.

It is worth noting that Taylor's conception of identity does not hold a person's identity fixed—since people's judgments and values can change, and with that change, persons' identities will change. Thus, it does allow for persons to have more than one identity, but the different identities are possessed by persons *diachronically*, a person may have one identity at one time, and another identity at another time. It's an important question how to understand, on Taylor's view, whether it is possible for persons to have more than one identity *synchronically*, whether they can have more than one identity at the same time. I return to this possibility in my discussion of Rawls's conception of political identity in Chap. 7.[72]

Taylor's understanding of frameworks as complexes of (or the bases of) evaluative judgments that partially constitute our identities seems much like Sandel's notion of constitutive ends. As we have seen, Taylor claims that our frameworks are—to some extent—constitutive of our identities, and that we come to have our frameworks, at least in part, as a result of our society. This claim too is similar to Sandel's

---

[70] Ibid., pp. 34–5.

[71] Ibid., p. 28.

[72] See p. 130.

view that culture partially determines our identity. Taylor's criticism of atomistic or naturalistic theories is similar to Sandel's criticism of Rawls's conception of political identity. Taylor claims that atomistic theories fail to account for the various ways that social conditions are required for people to gain the capacities that are essential to personhood and the important link social conditions have to personal identity. Sandel claims that Rawls's individualistic conception of persons commits him to the false view that persons can voluntarily choose or create their identities.[73] Sandel's criticism of Rawls's conception of political identity is similar to Taylor's criticism of atomistic and naturalistic theories because Sandel claims that Rawls's conception of persons fails to account for the extent to which our social circumstances partially constitute who we are. Sandel claims that Rawls's conception relies on the false view that we *choose* who we are and what we value. This idea, in turn, leads to a false, overly-individualistic view about what it is to be a person.

Conclusion

In this chapter, I explained Taylor's conception of personhood and personal identity. My aim was to clarify and flesh out Sandel's claim that persons are "encumbered selves." Because Taylor's positive view emerges from his criticisms of atomistic and naturalistic theories of the sort that are often attributed to Rawls, my hope is that explaining Taylor's accounts of personhood and personal identity helped to clarify why Sandel's view is supposed to be inconsistent with Rawls's conception of persons. In the next chapter, I defend Rawls from objections that the original position is inconsistent with a metaphysical conception of persons as encumbered selves.

References

Davidson, Donald. 1975. Radical interpretation. *In Truth and interpretation,* 125–139. Oxford: Clarendon Press.
Hegel, Georg Wilhelm Friedrich. 1955. *Die Vernunft in der Gerchichte*, ed. J. Hoffmeister. Hamburg: Verlag Felix Meiner.
Honneth, Axel. 1995. *The struggle for recognition*. Cambridge: Polity.
Jaggar, Alison. 1983. *Feminist politics and human nature*. Totowa: Rowman and Allanheld.
Perry, John. 1975. The problem of personal identity. In *Personal identity,* ed. John Perry, 3–30. Berkeley: University of California Press.
Taylor, Charles. 1984. Hegel: History and politics. In *Liberalism and its critics,* ed. Michael Sandel, 177–197. New York: New York University Press.
Taylor, Charles. 1985a. The concept of a person. In *Human agency and language: Philosophical papers*, Vol. 1, 97–114. Cambridge: Cambridge University Press.
Taylor, Charles. 1985b. Introduction. In *Human agency and language: Philosophical papers*, Vol. 1, 1–12. Cambridge: Cambridge University Press.

[73] Ibid., p. 36.

Taylor, Charles. 1985c. Language and human nature. In *Human agency and language: Philosophical papers*, Vol. 1, 215–247. Cambridge: Cambridge University Press.

Taylor, Charles. 1985d. Theories of meaning. In *Human agency and language: Philosophical papers*, Vol. 1, 248–291. Cambridge: Cambridge University Press.

Taylor, Charles. 1985e. What Is human agency?. In *Human agency and language: Philosophical papers*, Vol. 1, 15–44. Cambridge: Cambridge University Press.

Taylor, Charles. 1985f. Atomism. In *Philosophy and the human sciences: Philosophical papers*, Vol. 2, 187–210. Cambridge: Cambridge University Press.

Taylor, Charles. 1985g. Interpretation and the sciences of man. In *Philosophy and the human sciences: Philosophical papers*, Vol. 2, 15–57. Cambridge: Cambridge University Press.

Taylor, Charles. 1985h. Legitimation crisis? In *Philosophy and the human sciences: Philosophical papers,* Vol. 2, 248–288. Cambridge: Cambridge University Press.

Taylor, Charles. 1989. *Sources of the self*. Cambridge: Harvard University Press.

Chapter 5
Defense of the Original Position

In this chapter, I explain Rawls's interpretation of the original position as a hypothetical decision procedure. I begin by explaining Rawls's two main goals in *Theory*. After describing these two goals, I explain common ways in which critics misunderstand the conditions of the original position. These misunderstandings lead to the sorts of criticisms explained in Chap. 3. I then explain what I call the "argument interpretation." This interpretation consists in a translation of the "conditions of the original position" into a deductive argument. I explain and respond to two objections to the argument interpretation. I then use the argument interpretation to show that objections to Rawls's original position on the grounds that it is inconsistent with Sandel's conception of persons as unencumbered selves quite obviously fail.

I have two main purposes for rehashing the well-known details of the original position in this chapter. The first is to show that the conditions of the original position can be translated into an argument, which makes clear that any metaphysical objections to the original position are simply wrong-headed. The second, related goal is to show how the conditions of the original position can be used as the foundation for the details for a Rawlsian conception of political identity. In his later work, Rawls relies on a political conception of the person, but never fills out the details of that conception. This discussion of the conditions of the original position can be used as the groundwork for providing needed substance to that account in order to fill-out a *Rawlsian* conception of political identity, though it is a view that Rawls never articulated himself. The particular task of filling out the Rawlsian conception of political identity comes later, but this chapter provides an initial look at the more important considerations and assumptions underlying the Rawlsian conception.

Two Purposes of the Original Position

As mentioned in the second chapter, the original position is a decision procedure in which individuals subject to the "conditions of the original position" are asked to select the principles to govern their society. A full understanding of the original position requires knowing Rawls's two goals in *Theory*: an intermediate goal and an ultimate goal. Rawls uses the original position to achieve the intermediate goal. I

C. G. Campbell, *Persons, Identity, and Political Theory,*

DOI 10.1007/978-94-007-7917-4_5, © Springer Science+Business Media Dordrecht 2014

suggest that people commonly misinterpret the constraints on individuals in the original position because they do not understand Rawls's purpose for using the original position. I begin by discussing Rawls's two goals in abstract terms.

Rawls uses the original position to achieve the intermediate goal, which is to support the claim (call it '**C**') that any rational citizen taking into account only reasons that are reasons for any rational citizen would choose to live in a society governed by Rawls's two principles of justice. Rawls's ultimate goal in *Theory* is to justify the conclusion that his two principles are the principles of justice by way of combining **C** and a procedural assumption. I first explain how the original position supports **C**. Secondly, I explain briefly how Rawls intends **C** and his procedural assumption to relate to justice.

The original position plays two specific roles in Rawls's main argument in *Theory*. The upshot of the main argument is that Rawls's two principles are the principles of justice. Rawls reaches the conclusion that his two principles are the principles of justice from **C** via his procedural assumption, namely, the assumption that the requirements of justice can be determined by way of a procedure constructed in a certain way. In this section, I explain why Rawls thinks the original position yields a conclusion that is generalizable to **C**. Then, I explain how Rawls intends the combination of **C** and the procedural assumption to justify principles for governing social arrangements. I argue that the use of the original position to support **C** serves the additional purpose of showing the sorts of reasons Rawls's thinks are relevant when deliberating about principles to govern social arrangements.

Intermediate Goal: Support for C

As mentioned above, the original position is a decision procedure. The procedure is one in which an individual is subject to the "conditions of the original position." For now, I bracket the issue of what these "conditions of the original position" amount to, and call them simply 'constraints'. I bracket what the constraints amount to because understanding what they amount to requires understanding the role Rawls intends them to play. In the original position, an individual, subject to certain constraints, chooses for her society to be governed by Rawls's two principles. Rawls intends that individual's choice to be one that is generalizable to **C**. This choice is generalizable because of two features of the constraints on individuals in the original position.

The first feature of the constraints is that they limit the sorts of considerations available for use in deliberation in such a way that there is only one possible conclusion that every individual in the original position will reach. The second feature of the constraints is that they only allow individuals in the original position to use reasons in their deliberation that are appropriate for use as reasons by all rational citizens. Of these reasons, some are considerations individuals know before engaging in the deliberative process, and others are considerations individuals are given for the purposes of the deliberative process. In this way, each individual is able to make

use of the *same* considerations in his deliberation. A choice of Rawls's two principles made by an individual subject to the constraints of the original position, due to the nature of the constraints is the only choice that is rationally possible. Moreover, according to Rawls, that choice is the choice that any fully rational citizen would make if subject to those constraints.

The fact that the choice is the choice of any fully rational citizen subject to those constraints makes the choice generalizable to **C**. This intermediate purpose of the original position is an important part of Rawls's main argument because, he argues, the principles that rational citizens subject to those constraints would all agree upon are the principles of justice for that society. Roughly, this is Rawls's procedural assumption. I explain this assumption in more detail in the next section. The idea that a procedure can yield a fair outcome is commonly accepted in our society. For example, the coin-toss that starts most major sports games is based on the idea that if the individual choosing "heads or tails" is correct his team goes first, and if he is wrong, then the other team goes first.

Ultimate Goal: Connecting C with Justice

As mentioned above, Rawls believes that the principles of justice for societies in which the priority of liberty obtains are those which would be unanimously agreed to under appropriate circumstances; this is his procedural assumption. Rawls thinks that the principles that would be unanimously agreed to under appropriate circumstances are fair principles. Additionally, Rawls believes that fair principles are the principles of justice. The constraints on the parties in the original position are intended to model the appropriate circumstances for deliberating about justice. Thus, Rawls argues, because his principles would be unanimously chosen in the original position, and because the original position models the appropriate circumstances for deliberating about justice, then his two principles are fair; in virtue of their fairness they are the principles of justice.

In the tradition of contractarian theories, Rawls justifies his principles by the fact that they would be chosen in a hypothetical choice situation, the original position. The original position constrains individuals' choices in order to ensure that the principles chosen will be fair. But what constraints are the right ones? According to Rawls, there are two features of the constraints that make them the right ones. The first is that the constraints must make any possible agent in the situation symmetrically placed with respect to every other agent in the situation. For example, the constraints only allow agents to know about features of themselves that are features that all persons have. If agents were allowed knowledge of their idiosyncratic features, that knowledge would likely lead them to select different principles. But, secondly, not just any symmetry-making constraints will do. Only certain sorts of symmetry between agents would make the individual selection model a fair agreement because, for example, individuals can be symmetrically situated in such a way that their individual selection could model a coerced agreement; individuals could be symmetrically situated in that

each is subject to a tyrant, and, thus, each would be symmetrically oppressed. For this reason, the constraints must capture the features of the choice situation that make the individual selection model a fair agreement between such symmetrically-situated agents. The role of the original position is to model a situation which is constrained in just these two ways.

The hypothetical situation in which the principles are selected models a situation in which fair agreement would be made, and, for this reason, according to Rawls, the principles selected are the principles of justice. He claims that the principles are the principles of justice because his procedural assumption, which is the following: If we can characterize a situation in which principles are selected and if the characterization reveals that the situation is fair, then the normative power of the fairness will get transmitted, as it were, to the principles selected. Thus, the constraints on the parties in the original position are intended to ensure that the deliberative process is fair. It is beyond the scope of this book to explain how Rawls intends the fairness of the procedure to be "transmitted" to the conclusion. For our purposes, what is relevant is that Rawls takes the constraints on the parties' deliberation to be sufficient to ensure the fairness of the procedure. This fairness, in turn, makes the principles that are selected the principles of justice for governing their societies.[1]

The original position is an integral part of Rawls's procedural argument for his principles of justice. By this I mean, for Rawls, the appropriate principles for governing social arrangements are the principles that all rational citizens, taking into account only what could be reasons for all rational citizens, would want to govern their society. In such a situation there is no independent criterion for the just outcome.[2] The idea is that, "the fairness of the circumstances under which agreement is reached, transfers to the principles of justice agreed to."[3] This captures Rawls's idea that the principles of justice are the principles that would be selected in a fair agreement.

Many of the objections to the argument from the original position that claim that it relies on abstract individualism result from misunderstandings. One common misunderstanding consists in taking the veil of ignorance too literally. For example, critics have taken the veil to be a metaphysical screen, as it were, that removes features that are not shared by all citizens. Critics who misunderstand the veil in this way think that the veil ensures the fairness of the decision procedure because it makes individuals symmetrically situated by *removing* features that are not shared by any

---

[1] It is worth noting, also, that quite a lot is riding on the fairness-making of the constraints. Namely, the constraints ensure the outcome of the deliberative process *and* justify the two principles to which the parties agree. Again, it is beyond the scope of this project to evaluate why it is that these particular constraints are supposed to ensure fairness. My interest in the constraints only goes as far as necessary to establish how Rawls wanted them to be understood, as well as to provide a reinterpretation of the constraints which, as I explain below, coheres with Rawls own interpretation of them, as well as his intended goals of the original position argument.

[2] Rawls intends the original position to be a case in which there is no independent criterion of the just outcome. It seems debatable whether this is the case. This is because of the justifications for the construction of the original position is that it meets reflective equilibrium. For this reason, it seems that there is some independent criterion for the just outcome. Namely, that Rawls's principles would be accepted in reflective equilibrium.

[3] Rawls (1980, p. 522).

other citizens. For this reason, they argue that the original position is only possible if idiosyncratic features are not essential to personal identity. In Chap. 3, I called this the "identity objection." Similarly, critics also commonly misunderstand Rawls's reason for including the constraints on parties in the original position. Critics have also taken the description of the original position to yield a list of the features that, they argue, Rawls is committed to being the features that are essential to personhood. In Chap. 3, I called this the "personhood objection." I argue that these two types of objection are due to critics' belief that the constraints on the parties in the original position have metaphysical underpinnings. This belief underlies most, if not all, of the objections that Rawls is committed to abstract individualism. I argue that Rawls need not be committed to any particular metaphysical view as a consequence of the original position.

To support the claim that the original position does not commit Rawls to abstract individualism, in the next section, I provide the "argument interpretation," which is a reinterpretation of talk about the conditions of the original position that clarifies the part of the main argument for which the original position goes proxy. This interpretation makes clear that the original position does not rely on a metaphysical view of personal identity or personhood.

Argument Interpretation of the Original Position

In this section, I argue for a reinterpretation of the original position in Rawls's main argument in *Theory*.[4] The conclusion of Rawls's main argument is that any society should be governed by his two principles of justice. Rawls argues that his two principles are the principles that would be chosen by individuals engaging in the decision procedure in the original position. I call this reinterpretation the "argument interpretation." I suggest this reinterpretation because Rawls own explanation of the original position led to the two types of misunderstandings just mentioned. These misunderstandings, in turn, have helped objections of the sort discussed in Chap. 3 to persist. My reinterpretation of the conditions of the original position clarifies the role that the original position is intended to play in Rawls's main argument in *Theory*. This reinterpretation wards off misunderstandings underlying common objections to the original position.

This reinterpretation clarifies the fact that the account of the hypothetical decision procedure in the original position is merely a colorful account intended to make vivid reasons that are legitimate for use in arguments for principles that are the principles of justice for governing social arrangements—if that argument respects the guiding ideal of justice as fairness explained above. The hypothetical decision procedure is better understood, I suggest, as an argument[5] with **C** as its conclusion, any rational

[4] Because the essential details of Rawls's Original Position are well-known, in what follows I explain only those details that are required for my explanation of the argument interpretation.

[5] It is important to note that I speak of *an* argument, rather than *arguments*. This is because, as Rawls says, every agent engaging in the original position procedure (on either interpretation) will

citizen taking into account only reasons that are reasons for any rational citizen would choose to live in a society governed by Rawls's two principles of justice.

I suggest that the constraints on the parties' reasoning in the original position are analogous to restrictions on the rules of inference one can use in a natural deduction system. If this interpretation is viable, then it ought to be possible to make explicit the premises in an argument for Rawls's two principles that correspond to the constraints in the original position. To demonstrate the viability of such an interpretation, I first lay out general considerations in favor of my interpretation, then I translate talk of constraints on an individual's deliberation in the original position into the premises of an argument. I attempt to give an explicit reconstruction of part of the argument for which talk of the decision procedure in the original position goes proxy. I conclude with a discussion of two possible objections to the argument interpretation.

Evidence in Favor of the Argument Interpretation

As mentioned above, a large number of the objections to the original position result from critics taking the role of the original position as a heuristic device too literally. The original position is a heuristic device Rawls uses in order to make an intuitive idea clearer. He says some ways of thinking of the original position "stretch fantasy too far," and in these cases it "ceases to be a natural guide to intuition."[6] Rawls does not intend the original position to have any metaphysical implications. The hypothetical decision procedure is intended to elucidate an intuition about how to justify political principles, the intuition that it is possible to give an argument for **C**.

Prima facie evidence for my view is that the title of first section of the chapter on the original position in *Theory* is titled: "The Nature of the *Argument* for Conceptions of Justice."[7] It is clear not only that Rawls's intends to be giving an argument for his two principles of justice, but also that the original position is an important part of that argument.[8] Rawls explicitly supports this claim in the following quotation:

> Ideally anyway, I should like to show that acknowledgment [of the two principles] is the only choice consistent with the full description of the original position. The argument aims to be strictly deductive. . . .[9]

be engaging in the same procedure. For this reason, on the argument interpretation, all of the agents are using the same premises and will arrive at the same conclusion. Thus, it is one and the same argument that would be given by all citizens.

[6] Rawls (1971, p. 139).

[7] Ibid., p. 118, italics mine.

[8] Before the publication of *Theory of Justice*, and indeed even before Rawls's use of the original position, Wolff (1966) argues in "A Refutation of Rawls' Theorem on Justice" that Rawls's two principles of justice could be made a part of a deductive argument. Wolff's focus is not to reconstruct the argument, but to show that the argument for the principles is unsound. In what follows, my goal is to show that the *fact* that the conditions of the original position can be translated into an argument shows that objections concerning Rawls's purported reliance on metaphysical claims about the nature of persons are misguided. I allow that Rawls's argument may be unsound.

[9] Ibid., p. 121.

Rawls claims that the original position is standing in for an argument that is supposed to be deductive. He also claims that the argument could be formalized. For example, he writes:

> To say that a certain conception of justice would be chosen in the original position is equivalent to saying that rational deliberation satisfying certain conditions and restrictions would reach a certain conclusion. If necessary, the argument to this result could be set out more formally.[10]

This is what I intend to do with the argument interpretation. I intend to extract the formal argument that can be given in lieu of the decision procedure. I want to demonstrate that the procedure in the original position is simply a colorful explanation of an argument that could be formalized.

When discussing the original position Rawls says that "what these individuals will do is then derived by strictly deductive reasoning from [the] assumptions about their beliefs and interests, their situation and the options open to them."[11] As discussed earlier in the chapter, Rawls constructed the original position in order to achieve the desired result. Rawls endowed the parties in the original position with certain beliefs and desires to be used as considerations in their decision-making process. For this reason, there is only one conclusion that parties in the original position can reach. Since we can determine the outcome of the decision procedure "by strictly deductive reasoning," it is plausible that the decision procedure in the original position is simply standing proxy for Rawls's argument for the same conclusion. For this reason, it seems that the "argument interpretation" coheres with Rawls's view of the original position.

Argument Interpretation

The original position, the hypothetical decision procedure, is intended to model an inferential system. The restrictions on reasoning in the original position are analogous to restrictions on the rules of inference one can use in a natural deduction system. In a natural deduction system, one is constrained to use only certain rules in doing derivations, with the aim that the end result will be true, if all the premises are. This defines a valid deductive inference. In the domain of arguments for principles to govern just social arrangements, as in deductive inference, not just anything goes, and, in particular, not just any sort of interests or facts can be taken into account in deliberation about principles to govern society. As the rules of a natural deduction system can be thought of as a filter through which only deductively valid arguments can pass, so too can the constraints on information available in the original position be thought of as a filter through which only information relevant to just deliberation about social arrangements can pass. The hypothetical decision procedure is also intended to limit the conclusions that can be drawn to one conclusion: Rawls's two

[10] Ibid., p. 138.

[11] Ibid., p. 119.

principles. Thus, it is possible for one to draw an analogy between the decision procedure in the original position and an argument in an inferential system.

As explained above, the conditions of the original position provide a list of the sorts of considerations that are available for use in one's deliberation if that deliberation is to be appropriate. In virtue of the fact that the deliberation in the decision procedure is constrained in such a way that an individual choice can be generalized to **C**, the list of constraints on the individual's deliberation can be translated into premises in an argument with **C** as its conclusion. Since the constraints on deliberation are such that they ensure that any individual's choice is the choice of all rational citizens, those constraints can be translated into premises of an argument with the same conclusion.

As Rawls says, the "original position is defined in such a way that ... any of the agreements reached are fair."[12] According the heuristic-device interpretation, the fairness of the constraints on individuals in the decision procedure ensure that the principles chosen will be fair. So, similarly, on the argument interpretation, the premises in the argument ensure that the principles selected are the principles any rational citizen would choose. For this reason, the fact that any rational citizen would choose the principles makes the individual conclusion model a fair agreement.

The premises in the argument are about facts citizens know or features citizens have solely in virtue of their citizenship. For example, one premise in the argument is that any rational citizen has a conception of what is intrinsically valuable, but the content of any such conception would not be included as a premise. The content of a particular conception of what is intrinsically valuable would not be shared by all citizens, but the fact of having such a conception is. On the heuristic-device interpretation, restrictions on deliberation ensure that the only considerations that can be used are considerations that would be accepted by all citizens. Even though Rawls does not list the premises of the argument specifically, we can determine what the premises are by looking at the considerations available in the original position.

Translation of the Conditions of the Original Position

In this section, I discuss the four categories of premises in the argument. My categorization of the premises comes, in part, from the categorization of the conditions characterizing the original position. These conditions are: the circumstances of justice, the formal constraints of the concept of the right, the veil of ignorance, and the rationality of the parties.[13] I divide the four types of premises into two main groups each consisting of two types of premises. The two types composing the first main group are what I call the "general premises"; this group consists of the two categories (i) premises about society and (ii) premises about principles. These two types of premises concern general facts about society and principles of justice. The two categories composing the second main group are the "citizen premises." These premises specifically concern the notion of the citizen. The citizen premises consist

[12] Ibid., p. 120.

[13] Ibid., p. 118.

of (i) premises about citizens' features and (ii) premises about citizens' desires and rationality. These four types of premises exhaust the types of premises in the argument. As may be clear, the premises I translate from the conditions are the premises which correspond directly with Rawls's characterization of the original position.

The "society premises" are the first category of premises. These premises are gleaned from the first category of the conditions characterizing the original position, the circumstances of justice. These are general premises about society.[14] A translation of this condition of the original position yields premises like the following:

1. Any citizen is roughly similar to her peers in physical and mental powers.
2. Societies are characterized by the conditions of moderate scarcity.

The "principle premises" are the premises in the second category. These premises correspond to the "formal constraints of the concept of the right," and concern principles which can be used to organize social arrangements. There are two sub-categories of this category of premises. They are premises containing general facts about either (i) the nature of the principles which are available for use in governing society, or (ii) what citizens want or require of their principles of justice.

I call the first sub-category of these premises the "nature of the principles premises." These premises are derived from the list of alternatives from which individuals in the original position select the principles they want to govern their society. For this reason, there is a premise corresponding to each of the traditional principles. Examples of premises which would be included in this sub-category are the following:

1. The principle of average utility is the principle according to which the right action is the one that produces the greatest average utility.
2. The free-rider conception of justice is based on the principle that "everyone should act justly except myself, if I choose not to."[15]

I call the second sub-category of the principle premises the "role of principles premises." This sub-category consists of premises that are derived from what citizens should expect of principles that govern their social arrangements, namely, universality, publicity, generality and finality. Since it is possible to determine what the requirements ensure about the principles, there are premises that explain what is required of a principle in order for it to meet the four requirements. Examples of premises in this sub-category are the following:

1. In order for a principle to be selected by a rational citizen (subject to the appropriate constraints),[16] it must meet the conditions of universality, publicity, generality, and finality.

---

[14] For a more in depth account of the conditions of the original position to which each of these groups of premises correspond, see *Theory,* Chapter 3.

[15] Ibid., p. 124.

[16] I am using "subject to the appropriate constraints" as shorthand for "taking into account only reasons that are reasons for any rational citizen." The idea of reasons that are reasons for any rational citizen is connected with Rawls's later use of the idea of public reason which will be discussed in the following chapters.

2. In order for a principle to meet the universality condition it must not be self-contradictory or self-defeating.

We now move to the two categories under the second main heading of premises, the citizen premises. These categories concern citizens' features and preferences. These premises correspond not to features or preferences of any particular person, but, rather, to features and preferences had by all citizens. This is because the premises must be at the same level of generality as the conclusion they are to support. Just as in the decision procedure on the heuristic-device interpretation individuals are not allowed to use their actual knowledge or features as considerations because such use would suffice to make the decision situation unfair, so too are such premises not appropriate for use in this sort of argument.

Premises about citizens' features or preferences must pick out features or preferences that are so sufficiently general that they are had by all citizens. The "feature premises" are gleaned from the veil of ignorance condition of the original position. It is worth noting here that these premises directly relate to the conception of political identity that I defend later. This category of premises is supposed to ensure that the principles argued for will, in fact, be fair principles. These premises prevent peoples' personal interests or desires entering into the argument. As explained above, people behind the veil of ignorance do not know their race, class position, social status, natural abilities, etc.; but they do know the basis of social organization and understand political affairs, etc.[17] For this reason, the feature premises include reference to features that all citizens have, and premises containing knowledge that any rational citizen would benefit from knowing when deliberating about questions of justice that would not bias that deliberation.

A person constrained by the veil of ignorance is able to use in his deliberation, for example, "the laws of human psychology," rather than "the special features of his psychology,"[18] Yet, on the argument interpretation, all of the premises concern not any particular individual or citizen, but facts about all citizens. The facts that are represented are only facts about all citizens. Some examples of premises that are included in this category are:

1. All rational citizens (subject to the appropriate constraints) know that they have a rational plan of life.
2. All citizens know that they are either male or female.
3. All citizens (subject to the appropriate constraints) know that they have a class position.
4. All rational citizens (subject to the appropriate constraints) would only want to live in a society that does not treat them unfairly for the benefit of another citizen.[19]

---

[17] Ibid., p. 137.

[18] Ibid., p. 137.

[19] As with the consideration to which this premise corresponds, this premise is intended to correspond to a basic law of psychology which would be knowledge that any citizen would want as a part of the justificatory process for the principles which govern her society. Thus, I take this premise is one that would be included by virtue of the fact that it represents one of the basic laws of psychology.

I call the second category of personal premises the "preferences premises." They correspond to the conditions of the original position which characterize the rationality of the parties. As with the previous category, this category also has two sub-categories. These are the premises that (i) describe agents' desires for primary goods and (ii) place restrictions on what is supposed to be rational in the original position.

The first sub-category of the rationality premises are the "primary goods premises." These premises are gleaned from the desire for the primary goods with which Rawls endows every individual in the original position. Since the "primary goods" are things that "it is supposed a rational man wants whatever else he wants,"[20] a desire for each is directly translated into a premise in the argument. The Rawlsian conception of political identity discussed in Chap. 8 draws on the desire for primary goods as a way to distinguish those desires that are relevant to political identity as opposed to those which are relevant to persons' private lives. Examples of premises in the primary goods premises sub-category are:

1. Any rational citizen (subject to the appropriate constraints) has a desire for liberty and equality.
2. Any rational citizen (subject to the appropriate constraints) has a desire for the bases of self-respect.

The second sub-category, the "restrictions to rational patterns premises," consists, roughly, in premises that pick out the preferences individuals have for options that are available to them. These premises concern not what is rational for citizens to desire, but what rationality itself consists in, premises about rational beliefs or preferences for individuals. It is a part of what it is for a citizen to be rational that she is able to weigh his desires, rank options, take the best means to his ends, etc. Examples of the fourth sort of premises are the following:

1. Any rational citizen (subject to the appropriate constraints) prefers options that are a more efficient means to his ends.
2. No rational citizen (subject to the appropriate constraints) is envious.[21]

This sub-category concludes my translation of the "conditions of the original position" into premises. I hope that the foregoing discussion makes clear the possibility of accounting for all of the features of the original position with the argument interpretation, but does so in a way that resists the misunderstandings that Rawls's own explanation does not. The foregoing discussion also gives a rough outline of the Rawlsian conception of political identity. The conception of political identity will can be brought out by looking at these premises which are supposed to be true for all rational citizens in a liberal democratic society.

[20] Ibid., p. 92.

[21] While, on the face of it, envy does not seem irrational, but Rawls thinks that it would be irrational for any citizen not to want others to be better off than she is, if he too would benefit from others' prosperity. He says "envy tends to make everyone worse off. In this sense it is collectively disadvantageous," and for this reason it is irrational. Ibid., p. 144.

Sample Argument

I now provide a sample of the argument with the conclusion **C**. It is beyond the scope of this project to provide a complete formulation of the argument, so it will suffice to give some important premises and demonstrate how the argument is supposed to work. For the sake of simplicity, I characterize the argument as an argument by elimination. Characterizing Rawls's argument as an argument by elimination leaves out the important role played by the maximin principle. The maximin principle is the principle according to which persons weigh their choice of principles by looking at the "worst possible outcomes." Rawls claims that it is rational for individuals in the original position "to adopt the alternative the worst outcome of which is superior to the worst outcomes of the others."[22] It is rational for individuals reasoning in the original position to choose Rawls's two principles rather than the principle of utility, for example, because their reasoning is constrained by the maximin principle. To rationally choose the principle of utility a person would need to be concerned with maximizing the *average* outcome, rather than the worst outcome. While the maximin principle plays an important role in Rawls's argument, for my purposes I simply take the argument to be an argument by elimination. It is acceptable to conceive of the argument in this way because my purpose is merely to show that Rawls's assumptions do not rely on metaphysical assumptions about personhood or personal identity.[23]

In parentheses after each premise I will indicate which category or sub-category that premise comes from. The notation will be as follows: "SP" for the society premises category, "NP" for the nature of the principles sub-category, "RP" for the role of the principles sub-category, "CF" for the citizens' features category, "PG" for the desire for the primary goods sub-category, and "RRP" for the restrictions to rational patterns sub-category. For the sake of brevity, I shorten some of the premises from the form in which they would appear in the actual argument.

1. A society must be governed by principles from one of the following five options: (A) the two principles of justice, (B) a mixed conceptions of justice, (C) a classical teleological conception of justice, (D) an intuitionistic conception of justice, or (E) an egoistic conception of justice. [SP]
2. Egoistic conceptions of justice are the first-person dictatorship conception, the free-rider conception, and the general egoistic conception. [NP]
3. The first-person dictatorship conception is that everyone should serve my interests. [NP]
4. The free-rider conception is that everyone should act justly except myself, if I choose not to. [NP]

[22] Ibid., p. 153.

[23] I assume that the maximin principle does not itself rest on metaphysical assumptions about personhood or personal identity. I suggest that my assumption is justified because there does not seem to be any reason to think the maximin principle relies on metaphysical assumptions, and it is not clear how it *could* rely on metaphysical assumptions.

5. The general egoistic conception is that everyone is permitted to advance his interests as he pleases. [NP]
6. Any rational citizen (subject to the appropriate constraints) does not want to live in a society governed by a principle that conflicts with her desires. [RRP]
7. Any rational citizen (subject to the appropriate constraints) does not want to live in a society that is governed by principles which unfairly disadvantage her. [PG][24]
8. A society governed by a principle that fails to meet the conditions of universality, publicity, generality, and finality will not treat all citizens fairly. [RP]
9. Any rational citizen (subject to the appropriate constraints) does not want to live in a society governed by principles that fail to meet the conditions of universality, publicity, generality, and finality. [RRP]
10. In order for a principle to meet the universality condition it must not be self-contradictory or self-defeating, and it must be possible for everyone to act on it. [RP]
11. It is not possible for everyone to act according to the egoistic conceptions. [SP]
12. Any rational citizen (subject to the appropriate constraints) does not want to live in a society governed by any of the egoistic conceptions. [2–11]

This is a sample of the argument yielded by the argument interpretation. I suggest that the argument would proceed by eliminating each of the traditional conceptions of justice because each would conflict with one of the desires of any rational citizen. In this way, the argument supports the conclusion "Any rational citizen (subject to the appropriate constraints) would choose to live in a society governed by Rawls's two principles of justice." This argument supports **C** because Rawls's two principles of justice are the only principles remaining after all of the traditional conceptions have been eliminated. While the example is only a small part of the complete argument, it is sufficient to demonstrate the nature of the argument.

Two Possible Objections to the Argument Interpretation and Responses

I now discuss two possible objections to the argument interpretation. The first is an objection that the argument interpretation itself relies on abstract individualism. The second is that—whether or not the argument relies on abstract individualism—the argument is unsound. I explain each of these two objections and respond to each.

The first objection is based on the following reasoning: The argument interpretation is intended to demonstrate that the original position does not require a reliance on abstract individualism, yet, it seems, abstract individualism must be the justification for the premises in the argument. In other words, the justification for the premises is

[24] While it is not immediately clear why this premise would be derived from the desire for primary goods, it is derived from the desire from the primary goods generally, i.e. the desire for more rather than less "rights and liberties, opportunities and powers, income and wealth." Ibid., p. 92.

that they pick out the features that are metaphysically essential to personal identity or to personhood. Thus, so the objection goes, in my effort to demonstrate that the original position does not rely on abstract individualism, I have simply moved the problem rather than solving it. That is, if the premises are justified because they pick out essential features of agents, then the reliance on abstract individualism has been moved from the construction of the original position to the justification of the premises in the argument interpretation.

This objection is similar to the objections explained above, the identity objection and the personhood objection. For this reason, my full response will come when I refute those objections. To anticipate, my response is that the original position does not rely on abstract individualism but on the political conception of the person, on a conception of what reasons would be common to all citizens. This is also the case with the argument interpretation. The premises in the argument are premises about what any citizen (subject to appropriate constraints) would choose. Thus, the argument is an argument about a deliberative process. For this reason, the premises which are included are justified by the normative conception of the citizen. Their inclusion in the argument follows from the fact that they represent the considerations that are allowed to be used in deliberation in the original position. Thus, the justification of the premises in the argument is not abstract individualism, but the political conception of the person which Rawls uses to justify certain details in his account of deliberation in the original position.

The second objection is that, regardless of whether or not the premises in the argument rely on abstract individualism, some of them are false, and, for that reason, the argument is unsound. I grant that, on the face of it, it seems plausible that some of the premises in the argument are false. For this reason, it seems that Rawls's main argument in *Theory* may fail. While this response may seem wanting, the objection is not directed toward the argument interpretation itself, but toward the assumptions that Rawls has made about the nature of citizens, societies, rationality, etc. For this reason, this objection points to another virtue of the argument interpretation. The virtue is that, by clearly laying out the elusive premises in Rawls's main argument, the argument interpretation shows Rawls's assumptions. While this may be problematic for Rawls, it seems to (potentially) point to an easy solution. By this I mean, if one gets empirical evidence that one of the premises is false, it does not doom Rawls's argument to failure. This is because one could change the problematic premise to see if Rawls's argument still works. It could be that the change in the premise is innocuous, and Rawls's argument could then have empirical support for its conclusion.

Refutation of the Objections to the Original Position

In this section, I use the argument interpretation to show that Sandel is mistaken to think that the original position requires identity individualism or personhood individualism. Specifically, I defend Rawls from Sandel's claim that he "recreates in the

original position the disembodied subject it resolves to avoid."[25] Sandel's arguments fail because they rest on misunderstandings of the original position.

Identity Objection

To begin, as explained in Chap. 3, some critics clearly take issue with the original position on metaphysical grounds. The sort of metaphysical view of personal identity with which the original position is supposed to be inconsistent is the practical-moral conception explained in the previous chapter. The identity objection explained in Chap. 3 was that

1. If persons can exist in the original position as the very persons they are, then the features that are removed in the original position are not essential to personal identity. [assumption]
2. Persons can exist in the original position as they very persons they are. [assumption (allegedly) needed by Rawls's argument from the original position]
3. Therefore, the features that are removed in the original position are not essential to personal identity. [1, 2]
4. The original position removes features of persons that are related to their social circumstances. [by def. of the original position]
5. Therefore, features of persons that are related to their social circumstances are not essential to personal identity. [3, 4]
6. But, features of persons that are related to their social circumstances *are* essential to personal identity. [Sandel]
7. Therefore, premise two is false.

This objection fails because the assumptions supporting premises one and two are false, and the fourth premise rests on a misunderstanding of the original position. The original position does not *remove* features that are not had by all citizens, nor is it an appropriate understanding of the veil of ignorance that it removes features that agents do not share with other citizens.

As explained in Chap. 3, Sandel claims that Rawls intends the original position to model the features that are metaphysically essential to personal identity. Thus, Sandel thinks that the veil of ignorance removes all features except those features which are common to all persons. Sandel claims the original position conceptually requires identity individualism because persons in the original position are stripped of the features they have in virtue of their social circumstances.

I argue that Sandel thinks that the original position commits Rawls to identity individualism because, according to Sandel, the original position commits Rawls to a metaphysical conception of personal identity according to which the features that constitute a person's identity are features shared by all persons. Sandel claims that Rawls is so committed because he misunderstands the veil of ignorance and

[25] Sandel (1998, p. 14).

the role Rawls intends it to play. Sandel thinks the original position conceptually entails a theory of personal identity because he believes that the veil requires that individuals in the original position actually be able to exist, as they very persons they are, without the features that are not shared with all other citizens. My aim in presenting the argument interpretation was to show that the original position is not intended to model what is essential to personal identity, but rather it is intended to model the deliberation of any rational citizen subject to certain constraints.

As explained above, the veil of ignorance does not require that individuals actually lack the features which are excluded from being considerations in deliberation in the original position. As emphasized by the argument interpretation, the original position *does* rely on Rawls's assumptions about the types of reasons that are appropriate for use in an argument for principles to govern social arrangements. As Rawls says, "[w]e can, as it were, enter this position any time simply by reasoning for principles of justice in accordance with the enumerated restrictions."[26] The idea is that the original position is not something that individuals are required to "enter" in the sense of existing and having only those features that all citizens share. It is this way of speaking about the original position, as a place which someone "goes into," is only appropriate insofar as it is helpful for one to understand it. This talk about the original position is merely intended to serve as a heuristic device. It is only a way of speaking about it to make clear the intuitive idea which is intended to underlie the hypothetical decision situation.

The idea is that the hypothetical decision procedure in the original position is intended to clarify the types of reasons that are appropriate for use in an argument with a conclusion about what any rational citizen would choose. On Rawls's heuristic-device interpretation, the conditions of the original position simply amount to constraints on the sorts of considerations which can be used in one's deliberation. In the argument interpretation the constraints yield premises that can be used in an argument for political principles. It should be clear, then, that the original position does not rely on identity individualism or any other metaphysical theory of personal identity. The original position simply emphasizes that certain features cannot factor into deliberation for choosing principles if the conclusion is to be generalizable to claim **C**.

Personhood Objection

This personhood objection is that the original position relies on the notion of essential features of agents in order to justify its construction. Critics making this objection assume that a certain metaphysical view of personhood, what I called "personhood individualism," underlies the construction of the original position. Recall the objection from Chap. 3:

[26] Rawls (1985, p. 239).

1. A feature can be had a person in the original position if and only if it is relevant. [by def. of the original position]
2. A feature is relevant if and only if it is essential to personhood [assumption]
3. Therefore, a feature can be used in one's deliberation in the original position if and only if that feature is essential to personhood. [1, 2]
4. Only features that are independent of social circumstances can be had by a person in the original position. [Sandel's assumption about the original position]
5. Therefore, all features that are essential to personhood are independent of social circumstances. [3, 4]

The personhood objection fails because the third premise is false. The features that are allowed in deliberation in the original position are not meant to pick out the features that are metaphysically essential to personhood. What makes features relevant is not a theory of personhood, but the fact that the features allow individuals' conclusions to be generalizable to **C**. As explained above, the argument interpretation makes clear that what justifies the construction of the original position are Rawls's assumptions about the type of reasons that are appropriate for use in deliberation about principles to govern social arrangements.

There are different features of the person which are relevant for different purposes. For example, when discussing an agent "for the purposes of ballistics she is a point-mass, or for the purposes of chemistry a linkage of molecules."[27] The idea is that Rawls has selected a set of features that he thinks is relevant for use in deliberation about principles to govern social arrangements, but it does not follow that Rawls must take this set of features to be metaphysically essential features.

Rawls does not intend the construction of original position to commit him to any conception of personhood; it is not intended to rely on personhood individualism. The original position does not rely on a theory of personhood or personal identity. It is simply a way of arguing for political principles and does not require any particular metaphysical view. To reiterate, the goal of the construction of the original position is to ensure the choice made by any individual as a result of using the hypothetical decision procedure represents the choice of any rational citizen so-constrained. Thus, the position is intended to model what is relevant for the purpose of deliberating about principles of justice. The original position is a procedure used to determine political principles, which, according to Rawls, means that the features that are relevant are the features that all agents share qua citizen. They need not be the features that are essential to personhood. In Chap. 7, I discuss Rawls's reasoning regarding the features had by all citizens and the justification of political principles. It is that reasoning which serves as the basis for the Rawlsian conception of political identity that I defend in the last chapter.

The original position is premised on a conception of persons which is appropriate for use in deliberating about political principles. It does not follow that the conception has any implications about the metaphysical nature of citizens. The idea is simply, that there are certain conceptions of persons which are more apt for certain activities

[27] Rorty (1985, p. 217).

than others. Just as we speak "homo politicus, homo oeconomicus, homo faber, and the like,"[28] we use certain conceptions of the persons for different purposes. Due to this fact, there should be no reason to think that the original position would require for its justification a metaphysical conception of the self.

For example, if I wanted to determine the best means for improving eyesight, I would likely select a certain set of features of persons which deal specifically with vision. Thus, my procedure could use those features to develop the best means for improving eyesight. Yet, it would not follow that I was committed to those being the most important features of persons qua persons, only persons qua persons with eyesight. Thus, Rawls is committed to the claim that the considerations he selects are the relevant ones for his project, not that those are the essential features of persons, full stop. He is not committed to anything about the nature of personhood as a consequence of the constraints he selects. For this reason, the personhood objection is unsuccessful.

From Metaphysical to Normative Identity

This chapter had two main purposes. The first was to demonstrate that Rawls's interpretation of the original position, as a heuristic-device can be reinterpreted as laying out the premises of a deductive argument. I argued that this reinterpretation showed the failure of objections that the original position relies on identity individualism or personhood individualism. As support for my claim that the original position does not rely on metaphysical theories, Jan Narveson claims that the original position does not require a bizarre theory of personal identity to be possible. He writes that accepting Rawls view

> does not mean that in order to be just, I must jump out of my skin, as it were, or that there has to be a ghostly abstract self which is neither you nor me. What we need are *principles*, principles not simply fronting for the interests of one of us, but rather principles with mutual appeal, principles that form a reasonable basis for mutual interaction.[29]

While Rawls's original position does not require a metaphysical view, Narveson suggests another objection, the objection that is the topic of the following chapters. He writes,

> Rawls knows perfectly well that no actual person can literally [go behind a veil of ignorance]. He explains quite clearly, it seems to me, that this is an exercise in *reasoning*, wherein certain premises (viz., about one's particular situation) are disallowed. The question to address to Rawls is not whether the condition is logically coherent, but why we should pay any attention to what we get by doing so. . . .[30]

What Narveson is getting at is that, as I have emphasized, the original position is supported by Rawls's assumptions that certain types of reasons are relevant and that

[28] Rawls (1985, p. 232).

[29] Narveson (1987, p. 229).

[30] Ibid., p. 228–229.

others are irrelevant from the political point of view. The metaphysical objections to the original position were unsuccessful, but, it seems, they are supported by the intuition that the persons "in the original position" are too different from how we think of people to provide the proper perspective for justifying political principles.

In this chapter, I have been explaining that Rawls intends the original position to model a particular deliberative stance, as it were, one that relies on a normative conception of the citizen—a political conception of persons or a conception of political identity. As explained in the first chapter, in his later work, Rawls makes use of a political conception of the person, a conception that allows us to understand ourselves in light of our political identities. Carse sums up the idea supporting this conception and the deliberative stance it is supposed to support as follows.

> In choosing morally, I am not, on this conception, to choose *as* Herbert Hoover; rather, I am to choose by exercising certain capacities I have, which I share with all other persons from a point of view all other people can take up, too. To say that the conception of the liberal individual is a moral conception in this sense is not to say that our conception of moral subjectivity and our conceptions of ourselves are utterly unrelated. . . . The characterization of the liberal individual is not a characterization of us as particular moral subjects; it is a characterization of *moral subjectivity*, of those features of us, which we as determinate individuals have, in virtue of which we are (to be understood as) moral subjects.[31]

So, while Rawls has been shown not to be committed to abstract individualism, we now see that he is committed to a normative conception of personal identity. That commitment, though, is not necessarily problematic, although, communitarians seem to think it is. Carse explains that for the communitarian to win the day,

> what needs to be shown is not that the liberal conception *fails* to reflect the importance to us of our particular commitments and attachments, but rather *why* an adequate conception of morality *should* reflect the importance to us of our particular features. The real dispute, that is, must concern whether independence *ought* to characterize the moral point of view, and *if so*, how it is best to be construed.[32]

The idea is that, even granting a conception of personhood or personal identity like Taylor' s, Rawls's normative conception is not necessarily problematic. It could be problematic, though, if we have reason to think that our normative conceptions of ourselves need to line up with our metaphysical conceptions of ourselves. Another problem arises if the normative conception fails to include all the features that are politically relevant. I'll discuss this point in some detail later, but for now I'll simply note that this objection seems to be the most challenging to a Rawlsian conception of political identity.

As Carse claims,

> If we want to argue against liberal individualism—against the normative priority of the individual to the community, and the voluntaristic and independent conception of the individual to whom the priority is given—it will not be enough simply to endorse a metaphysical thesis about the social constitution of persons.[33]

[31] Carse (1994, p. 197).

[32] Ibid.

[33] Ibid., p. 201.

In an endnote, Carse claims that this debate can take place solely on a normative level, that metaphysics need not be invoked to answer this question. She writes, "this can be an argument that take place at the *normative* (or even, more narrowly, *moral*) level, and thus need not necessarily be one concerning the metaphysics of the self."[34] In the next chapter, I explain why Taylor thinks that claims like Carse's are false—they are false because, he argues, advocating certain normative positions does yield commitments to certain metaphysical positions. In particular, Taylor argues that the liberal commitment to normative individualism commits the liberal to unrecognized and objectionable metaphysical presumptions.

One reason to think that the debate is independent of metaphysics is that, at the end of the day, it is not clear whether there is actually a distinction between Rawls's purported conception of identity (even taken metaphysically) and that of the communitarians. Indeed, as Kymlicka points out, both Sandel and MacIntyre allow that people can revise their roles. For this reason, it seems that even those presenting the "social constitution thesis" do not accept it—or, at least, do not accept it in the strong form needed to undermine Rawls's normative individualism. For example, Sandel claims that persons have a "capacity for reflection" they use to seek self understanding. He writes, "the capacity for reflection enables the self to turn its light inward upon itself, to inquire into its constituent nature, to survey its various claims ... to participate in the constitution of its identity."[35] This is important because Sandel accepts the very claim he must deny to for his argument against Rawls to succeed: people must have the ability to stand back and critically assess their attachments, even those they gained from society.

Kymlicka argues (rightly, it seems) that, if Sandel allows that people can revise their ends and can play a role in constituting their identities, then it seems that the distinction between his view and Rawls's collapses. Or, at least, the presumption underlying his argument against Rawls is undermined because he does not accept the central premise, which is that our social roles are given to us and not open to revision.[36] Kymlicka says

> perhaps [communitarians'] idea of our 'embeddedness' isn't incompatible with our rejecting the attachments we find ourselves in. But then the advertised contrast with the liberal view is a deception, for the sense in which communitarians view us as 'embedded' in communal roles incorporates the sense in which liberals view us as independent of them, and the way communitarians view the process of 'self-discovery' incorporates the sense in which liberals view moral reasoning as a process of judgment and choice. The difference would be merely semantic.[37]

One thing that seems notable is that, at times, it seems that Sandel's claim that we are "constituted by our ends" is metaphysical. At other times, though, because Sandel allows that our constitutive ends are open to revision (without a change in identity), it seems that he may be concerned with normative rather than metaphysical identity.

---

[34] Ibid., p. 207, n. 47.

[35] Sandel (1998, p. 153).

[36] Kymlicka (1988, p. 192).

[37] Ibid., (Kymlicka 1989, p. 58, 194–195).

Kymlicka claims that it turns out that Sandel and Rawls agree that "the *person* is prior to her ends." The disagreement, he suggests, is not over how the self is related to its ends, but "over where, within the person, to draw the boundaries of the 'self'"[38] Kymlicka goes on to say that "this question, if it is a meaningful question, is one for the philosophy of mind, with no direct relevance to political philosophy."[39] I agree that, if it is true that Sandel allows that persons can revise their ends, then it is not clear what the point of distinction is between him and Rawls, but I disagree with—or at least would state differently—two of Kymlicka's claims. I disagree that the question ends up being where within the person to "draw the boundaries of the 'self'."[40] Indeed, given Kymlicka's acknowledgement that this question may be incoherent, it seems that it may not really be the point of contention between the two camps. I myself am not sure whether the question of where within the person to draw the boundaries of the self is coherent. I do not have any clear idea of what the distinction between *selves* and *persons* would be.[41]

It seems to me that what is really at issue here is not a question about selves and persons, but a question about personal identity. This brings me to my second point of disagreement with Kymlicka's analysis. Again, I think that Kymlicka is correct to point out that the question *seems* to be one that is appropriate to philosophy of mind, but I suggest that certain questions of personal identity are not distinct from those of moral and political philosophy. The question of personal identity that is relevant, though, is not the standard question of what makes one time-slice of a person a part of the same person as another time slice—the question, rather, has to do with conceptions of personhood, and how those conceptions fulfill (or fail to fulfill) the purposes for which we draw on theories of personal identity in political theory.[42]

I aim to show that there is a notion of personal identity that is, in fact, quite relevant to political philosophy. If I am right about this, then it gives merit to the "received wisdom" that political theories do embed a theory of the person, and to the persistent communitarian, feminist, Marxist, etc. objections to liberal political theories on the grounds of their purported conception of the person. I will argue that, although certain questions of personal identity *are* relevant to political philosophy—which makes these objections not completely wrong-headed—these objections to Rawls do, in fact, fail. I aim to show that Rawls's political conception of the person does not rely on or compete with the metaphysical conceptions of personal identity.

---

[38] Ibid., p. 192.

[39] Ibid.

[40] Ibid.

[41] While I do not have a clear, pre-philosophical idea of what the distinction between persons and selves would be, Rorty (1976), in "A Literary Postscript: Characters, Persons, Selves, Individuals" provides an account of the similarities and differences of persons and selves, among other notions that we use to refer to human beings.

[42] Investigating what conception of persons or personal identity is most important for use within a normative domain is an interesting and complicated question. For insightful analysis on the question of what conception of persons is most appropriate for moral theory, see, for example, David Shoemaker's work (1996, 1999, 2007).

I also aim to show that my Rawlsian conception of political identity is plausible and defensible.

References

Carse, Alisa L. 1994. The liberal individual: A metaphysical or moral embarrassment? *Noûs* 28:184–209.

Kymlicka, Will. 1988. Liberalism and communitarianism. *Canadian Journal of Philosophy* 18:181–204.

Kymlicka, Will. 1989. *Liberalism, community, and culture*. New York: Oxford University Press.

Narveson, Jan. 1987. Critical notice of Michael Sandel *Liberalism and the limits of justice*. *Canadian Journal of Philosophy* 17:227–234.

Rawls, John. 1971. *A theory of justice*. Cambridge: Harvard University Press.

Rawls, John. 1980. Kantian constructivism in Moral Theory. *The Journal of Philosophy* 77:515–572.

Rawls, John. 1985. Justice as fairness: Political not metaphysical. *Philosophy and Public Affairs* 14:223–251.

Rawls, John. 1996. *Political liberalism*. New York: Columbia University Press.

Rorty, A. O. 1976. A literary postscript: Characters, persons, selves, individuals. In *Identities of persons,* ed. Rorty Amélie Oksenberg, 301–323. Berkeley: University of California Press.

Rorty, Richard. 1985. Postmodernist Bourgeois Liberalism. In *Hermeneutics and Praxis,* ed. Robert Hollinger, 214–221. Notre Dame: University of Notre Dame Press.

Sandel, Michael. 1998. *Liberalism and the limits of justice*. 2nd ed. New York: Cambridge University Press.

Shoemaker, David W. 1996. Theoretical persons and practical agents. *Philosophy and Public Affairs* 25:318–332.

Shoemaker, David W. 1999. Selves and moral units. *Pacific Philosophical Quarterly* 80:391–419.

Shoemaker, David W. 2007. Personal identity and practical concerns. *Mind* 116:317–357.

Shoemaker, David W. 2008. Personal identity and ethics. *The Stanford Encyclopedia of Philosophy*. (Winter 2005 Edition), ed. Edward N. Zalta. URL: http://plato.stanford.edu/entries/identity-ethics/

Wolff, Robert Paul. 1966. A refutation of Rawls' theorem on justice. *the Journal of Philosophy* 63:179–190.

Chapter 6
Objections to Rawls's Political Conception of Persons

In the previous chapter, I focused on objections to the metaphysical conception of personal identity critics argue comes as part and parcel of the original position. Although Rawls warns against taking the description of the original position literally, objections from critics who do just that have persisted. The aim of the previous chapter was to lay those objections to rest. The argument interpretation presented in the previous chapter reinterpreted Rawls's description of the conditions of the original position into premises in a deductive argument. I hope to have shown that avoiding talk of "parties in the original position"—which seems to require that actual persons have the ability to "go into the original position" (whatever that would mean)—clarifies the fact that the original position does not rely on a metaphysical conception of personal identity. The argument interpretation makes clear that the original position is merely a heuristic that makes vivid the sorts of reasons that can legitimately be used when arguing for political principles. Some of the premises in the argument interpretation concern persons. While those premises are not supported by personhood individualism or identity individualism, they are supported by Rawls's view that only certain facts about persons are politically relevant. As I suggested in the last chapter, these facts about persons that are politically relevant can be used to derive a more detailed statement of Rawls's political conception of the person than he provides, which I use as the basis for the Rawlsian conception of political identity that I defend in the final chapter.

The purpose of this chapter is to explain objections to Rawls's political conception of the person. The purpose of the next chapter is to show that, contra Taylor and Sandel, Rawls's political conception of the person (i) does not rely on contentious metaphysical views, and (ii) is a defensible political conception of persons. I argue that, as with metaphysical objections to the characterization of the person in the original position, metaphysical objections to Rawls's political conception of the person fail because they are based on misunderstandings. Rawls's conception is also criticized on normative grounds, on the grounds that it is an unacceptable political conception of the person. I argue that the normative objections, while not based on misunderstandings, fail for other reasons.

C. G. Campbell, *Persons, Identity, and Political Theory,*
DOI 10.1007/978-94-007-7917-4_6, © Springer Science+Business Media Dordrecht 2014

Metaphysical Objections to Rawls's Political Conception of the Person

Like many objections to Rawls, metaphysical objections to his political conception of the person consist primarily of the *claim* that it implicitly relies on a metaphysical conception. For example, as mentioned in Chap. 3, Gutmann claims that "although Rawlsian justice does not presuppose only one metaphysical view, it is not compatible with all such views."[1] She claims that "Rawls must admit this much metaphysics—that we are not radically situated selves. . . ."[2] Metaphysical objections to Rawls's political conception of the person take as their starting point the purported fact that his conception is inaccurate to the metaphysical nature of persons. Rawls explicitly claims that his conception of the person is "political not metaphysical," yet critics argue that the conception is inconsistent with certain metaphysical views, such as Sandel's view that persons are partially constituted by their ends. The idea is that, while Rawls has not assumed any *particular* metaphysical theory to support his conception of the person, his conception is not consistent with *all* theories—most notably, the above-discussed communitarian theories that motivated the objections to the original position.

Critics take Rawls's political conception of the person to be supported by (and unacceptable because of) his commitment to the priority of the right. Rawls's commitment to the priority of the right is supposed to be problematic because it is inconsistent with conceptions of persons as "encumbered selves." It is supposed to be inconsistent with such conceptions of persons because his political conception of the person characterizes persons as free to choose their conception of what is intrinsically valuable.

Recall Sandel's claim that the political conception of the person

> . . . closely parallels the Kantian conception of the person with the important difference that its scope is limited to our public identity, our identity as citizens. Thus, for example, our freedom as citizens means that our public identity is not claimed or defined by the ends we espouse at any given time. As free persons, citizens view themselves 'as independent from and not identified with any particular such conception with its scheme of final ends.'[3]

The Kantian conception of the person is a metaphysical conception of the person. Here, Sandel argues that Rawls's political conception of the person is a metaphysical conception. If Sandel is right that the political conception of the person is metaphysical, it is supposed to make trouble for Rawls because it is inconsistent with the conception of personal identity that Sandel accepts—the conception of persons as socially constituted. Why, though, should we think that Rawls's political conception of the person relies on a metaphysical conception of personal identity? While Sandel seems to simply assume it must, the following argument from Taylor, if successful, would show that Rawls's political conception of the person does require metaphysical

[1] Gutmann (1985, p. 313).

[2] Ibid., p. 314.

[3] Sandel (1994, p. 192, 30).

commitments. Moreover, Taylor argues that Rawls's political conception of the person requires normative commitments that are inconsistent with Rawls's other liberal commitments.

Taylor argues that Rawls's political conception of the person requires metaphysical commitments. The idea is this: Rawls's political conception of the person (at least implicitly) relies on the claim that certain features and capacities are valuable. The claim that certain features and capacities are valuable *does* require a metaphysical commitment—a commitment to the claim that people do, in fact, have those features. Moreover, Taylor argues, the normative conception and its attendant (perhaps unrecognized) metaphysical commitments yield additional normative commitments that are inconsistent with liberals' other commitments. The most important commitment yielded by the political conception of the person, as Taylor sees it, is the commitment to foster those features and capacities that a political conception of the person takes to be valuable.[4] Taylor argues that commitment is inconsistent with the liberal commitment to neutrality.

Taylor argues that the priority of the right relies on metaphysical views. As explained in Chap. 3, the priority of the right is an irrelevancy in this debate. For the moment, though, it is worth looking at Taylor's argument to see whether the priority of the right does require metaphysical commitments. Taylor argues that liberals, such as Rawls, are wrong to think that the question of the development of human capacities is independent of the priority of the right. He claims that people who support the priority of the right claim that it is

> independent of any thesis about the conditions of development of human potential, whatever this is, as it is of the conditions of survival in the wilderness. The argument simply affirms that justification of political authority ought to start from a foundation of individual rights.[5]

In this quotation, the claim Taylor attributes to liberals seems consistent with Rawls's claims about his political conception of the person: Rawls claims that his political conception of the person does not rely on claims about the metaphysics of personal identity, and it is similarly not supposed to rely on claims about the development of human capacities.

One of the most important features of Rawls's political conception of the person, from critics' point of view, is that he characterizes persons as free to choose a conception of value. Taylor claims that it is false that people have citizens' capacity to choose their conception of what is intrinsically valuable. Taylor claims that people would only be free to make such choices if people were completely free from influence by their social circumstances. Taylor seems to think that, if we conceive of people as having the ability to choose their conceptions of what is intrinsically valuable, then we must understand persons' identities, capacities, and conceptions of value as fundamentally independent of society.

---

[4] In Appiah (2005, pp. 161–162) makes similar claims regarding the fact that, though liberals claim that they do not promote any particular way of life, they do promote civic virtues required for liberal society.

[5] Taylor (1985, p. 191).

While the details of this argument are not clear, looking at the way in which Taylor's practical-moral conception of identity differs from Rawls's political conception of the person helps to show what he has in mind. For Taylor, people are not free to choose their conceptions of what is intrinsically valuable, their "frameworks," because frameworks are gained from society and having them is not a matter of choice. Moreover, because personal identity is bound up with frameworks (to some extent), we cannot conceive of frameworks as chosen. Taylor explains that some liberal views, such as Rawls's, take one of the most important rights to be the right to choose one's own conception of what is intrinsically valuable. He writes,

> Those who hold this ultra-liberal view are chary about allowing that the assertion of right involves any affirmation about realizing certain potentialities; for they fear that the affirming of any obligations will offer a pretext for the restriction of freedom.[6]

Taylor's explanation of the "ultra-liberal view," so far as it goes, seems more or less to get at the liberal view. Liberals, as explained in Chap. 3, do not think the government should promote any conception of what is intrinsically valuable. If the government were to do so, it would infringe on some people's freedoms by preventing them from pursuing their conception of what is intrinsically valuable.

The problem with the liberal view, Taylor argues, is that it requires that freedom of choice be "absolute." As explained above, Taylor does not think people are free in this way; people do not *choose* their conception of what is intrinsically valuable. Taylor claims that the liberal view

> carries with it the demand that we become beings capable of choice, that we rise to the level of self-consciousness and autonomy where we can exercise choice. . . . Ultra-liberalism can only appear unconnected with any affirmation of worth and hence obligation of self-fulfillment, where people have come to accept the utterly facile moral psychology . . . according to which human agents possess the full capacity of choice as a given rather than as a potential which has to be developed.[7]

As Taylor explains it, liberal views such as Rawls's require that people are able to choose their conceptions of what is intrinsically valuable. This requirement is a problem, Taylor argues, if it turns out that (i) people need to develop the capacity for choice, and (ii) people need society in order to be able to develop that capacity. Taylor claims that (i) and (ii) are true, and, for this reason, the liberals' normative commitment to individualism *does* rely on a false metaphysical view.

As we have seen, Taylor characterizes this point of disagreement between him and liberals in terms of "freedom." Taylor argues that there are two conceptions of freedom: Kantian and Aristotelian. Only the Kantian conception allows us to make sense of liberal claims concerning our freedom to choose what is intrinsically valuable. The Kantian conception defines freedom as "self-dependence," which Taylor explains as "the idea that human nature is not simply a given, but is to be made over. To be integrally free man must reshape his own nature."[8] Taylor argues that the

---

[6] Ibid., p. 196.

[7] Ibid., p. 197.

[8] Taylor (1979, p. 156).

Kantian conception is implausible because it fails to account for the ways in which people are constrained by their social reality. The constraints he has in mind are those explained in Chap. 4, the social dimensions that partially constitute identity. He writes that the Kantian conception

> is defined in such a way that complete freedom would mean the abolition of all situation. . . . Complete freedom would be a void in which nothing would be worth doing, nothing would deserve to count for anything. The self which has arrived at freedom by setting aside all external obstacles and impingements is characterless, and hence without defined purpose, however much this is hidden by seemingly positive terms such as 'rationality' or 'creativity'.[9]

Recall that Taylor claims that persons are beings for whom things matter, beings who have the capacity for making qualitative distinctions. According to Taylor, the idea of freedom, understood as the capacity to choose a conception of what is intrinsically valuable, is metaphysically false. He claims that people are partially constituted by their conceptions of what is intrinsically valuable; they do not choose those conceptions. Moreover, as we will see below, Taylor thinks this notion of freedom is normatively problematic as well.

Taylor claims that people make use of their conceptions of what is intrinsically valuable to understand themselves; these conceptions are essential to who they are. Taylor accepts a conception of personal identity according to which persons gain their conceptions of what is intrinsically valuable from society and those conceptions are part of their identities. To sum up, Taylor's argument against the liberal political theories is this:

> If we cannot ascribe natural rights without affirming the worth of certain human capacities, and if this affirmation has other normative consequences (i.e., that we should foster and nurture these capacities in ourselves and others), then any proof that these capacities can only develop in society or in a society of a certain kind is a proof that we ought to belong to or sustain society or this kind of society.[10]

To tie this claim into the foregoing discussion, the thrust of Taylor's argument seems to be the following: Liberals are committed to the view that the right to choose a conception of what is intrinsically valuable is one of the most important rights a person can have. The government must respect this right or it will be unjustly infringing on people's freedoms. Taylor claims that it is false that people are free to choose their conceptions of what is intrinsically valuable because those conceptions are gained from society and a part of personal identity. He claims that even if people were free to choose their conceptions of what is intrinsically valuable, the very capacity for that choice could not be developed independently of society. Taylor argues that, if we need society to develop one of the most important capacities—since the right to exercise it is one of the most important rights—then we must be committed to promoting society. This is a sketch of Taylor's argument that normative conceptions require metaphysical and normative commitments. I now turn to Taylor's argument that a normative commitment results from liberals' metaphysical commitment.

---

[9] Ibid., p. 157.

[10] Taylor (1985, p. 197).

Taylor argues that the liberal conception of the person requires a commitment to furthering citizens' capacity to choose their conceptions of value. Taylor argues that rights are ascribed on the basis of the value of the capacities the rights protect. In Taylor's argument it is not clear how the value of a right is related to the value of the capacity that right protects. The question of the relation between rights and capacities is a complicated one for which I don't have an answer. It seems clear, though, that Taylor is was not right to simply *assert* that rights are given based on capacities. He claims that a commitment to the value of certain capacities must be supported by a metaphysical view. Taylor argues that the "rights of man . . . are ascribed in virtue of a capacity which also helps to determine their shape. . . ."[11] What Taylor means by this is that the very idea that people have rights that are worthy of respect only makes sense with a certain view of personhood in the background. Similarly, as I explain below, Taylor argues that our moral intuitions are supported by a metaphysical theory of personhood. It seems that Taylor may be right that valuing certain rights may carry a commitment to some metaphysical theory or other, but he has not supported the additional claim that the metaphysical theory must be the implausible, atomistic theory he attributes to liberals. We can concede that people have certain capacities in virtue of which we think they have rights, but it does not follow that we are committed to that (implausible) metaphysical view.

Taylor argues that

> there would be something incoherent and incomprehensible in a position which claimed to ascribe rights to men but which disclaimed any conviction about the special moral status of any capacities whatever and which denied that they had any value or worth.[12]

Taylor seems to think that the liberal is faced with a dilemma. Either liberals can make the implausible claim that the value of persons' capacities is irrelevant to the ascription of rights, or liberals can accept that the value of capacities is relevant to the ascription of rights, in which case, liberals have normative commitments they do not realize. In that latter case, the idea is supposed to be that, when liberals accept that there are distinctively human capacities that underwrite our ideas of human rights, then they are also have a commitment to "further and foster them."[13]

Taylor suggests one way out of the dilemma. He claims that there is one view that is available to the liberal that would avoid the normative commitment: the view that freedom is merely instrumental for desire fulfillment. Taylor claims that liberals are concerned with rights that protect various freedoms.[14] He argues people have freedoms because those freedoms protect capacities we take to be characteristically human. The characteristically human capacities connect to freedoms such as the freedom to choose life plans, to make value judgments and act on them. Taylor writes,

---

[11] Ibid., p. 193.

[12] Ibid.

[13] Ibid., p. 194.

[14] Ibid., p. 202.

> the intuition that men have the rights to life, to freedom, to unmolested professions of their own convictions, to the exercise of their moral or religious beliefs, is but another facet of the intuition that the life-form characterized by these specifically human capacities commands our respect.[15]

Taylor claims that we value freedoms precisely because they protect distinctively human capacities; we do not value freedom merely instrumentally. It is this claim that leads him to reject the view that we value freedom merely instrumentally, as a means for desire fulfillment.

Prima facie, it is not clear why the liberal commitment to the view that people have rights in virtue of having certain capacities requires a commitment to furthering those capacities. Taylor argues that thinking these capacities have value yields more than just

> the negative injunction that we ought not to invade or impair the exercise of these capacities in others. We also affirm that it is good that such capacities be developed, that under certain circumstances we ought to help and foster their development, and we ought to realize them in ourselves.[16]

Taylor argues that those who support the primacy of rights are committed to fostering the development of the capacities that rights protect. The reason for this commitment, Taylor writes, is that

> our position would be incomprehensible and incoherent, if we ascribed rights to human beings in respect of the specifically human capacities (such as the right to one's own convictions or to the free choice of one's life-style or profession) while at the same time denying that these capacities ought to be developed, or if we thought it a matter of indifference whether they were realized or stifled in ourselves or others.[17]

Sadly, Taylor does not support this claim. It seems that he has simply assumed that ascribing a right requires (on pain of inconsistency) a commitment to develop the capacities those rights protect. It seems that Taylor's argument relies on two unsupported assumptions: (i) that the value of a right is derived from the value of the capacity it protects, and (ii) that a commitment to the value of a capacity entails a commitment to fostering that capacity. With respect to (ii), it is plausible that valuing a capacity would commit one to, perhaps, certain ways of treating the capacity.[18] It is not clear, though, why the *particular* way of treating the capacity would be to foster it. Perhaps the commitment would simply be to protect that capacity from harm. Taylor also fails to support assumption (i), that the value of a right is derived from the value of the capacity the right protects. Without support for those two assumptions, it is not clear that Taylor's claims amount to an objection to Rawls's political conception of the person.

The problem is that it is not clear why the acknowledgement that a capacity has value yields a *positive* commitment to promote that capacity. It seems that this

---

[15] Ibid., p. 193.

[16] Ibid.

[17] Ibid., p. 195.

[18] I thank David Copp for discussion on this point.

question, the question of whether valuing a capacity requires a commitment to foster that capacity, rather than the issue of whether a political theory of justice should be founded on individual rights is what separates Taylor from those supporting the primacy of rights, such as Rawls. If I am right, then Taylor has not provided an argument for his important claim; rather, he has provided an argument for a claim that liberals accept—the claim certain rights are important—and simply asserted that the claim requires support of a metaphysical theory of personhood and other normative commitments that liberals reject.

To shed some light on why Taylor makes these assumptions, it is useful to look at his views on moral intuitions. Taylor argues that our moral intuitions themselves carry metaphysical commitments; they depend on a conception of the person. Taylor argues that our values are given different "shape" depending on culture. He writes,

> this shape is inseparable from an account of what it is that commands our respect. The account seems to articulate the intuition. It tells us, for instance, that human beings are creatures of God and made in his image, or that they are immoral souls, or that they are all emanations of divine fire, or that they are all rational agents, and thus have a dignity that transcends any other being, or some other such characterization; and that *therefore* we owe them respect.[19]

The idea is that our moral intuitions are shaped by a theory about the object of that intuition and the reason (according to that theory) that the object is valuable. What Taylor means by this is not altogether clear. It seems that what he has in mind is that, for example, if we have the intuition that human life is valuable, we have that intuition due to a metaphysical theory regarding the value of human beings—for example, the view that God made people in his image.

Taylor's discussion of moral intuitions helps to clarify his claim that valuing rights requires a commitment to the value of the capacities the rights protect. Taylor seems to think that, just as our moral intuitions are supported by a metaphysical view, so too are our normative commitments supported by a commitment to the value of certain capacities. To sum up, Taylor argues that rights rely on a view of personhood, and this view of personhood is what gives rights value. Rights protect the capacities that are essential to personhood. Taylor claims that valuing rights commits us to valuing the capacities that we take to be essentially human. Some of these capacities, he argues, cannot be developed outside of society. It seems that Taylor has raised an interesting question: what normative commitments does a commitment to the value of certain human capacities bring with it? It seems, though, that the answer he gives—a commitment to further those capacities—is not the only answer available to those who support the primacy of rights.

Other answers may be available because we can identify three distinct questions that each bear on this issue. First, there is the question of why we respect the rights we do, which may or may not have anything to do with taking certain capacities to be valuable. The question of why rights are valuable is a secondary question, and one answer among others is that they protect capacities that we take to be valuable in themselves. There also is the question of where the capacities come from or how they

[19] Ibid.

are developed. Liberals would claim that each of these questions, at least in principle, can be asked and answered independently. Taylor, on the other hand, seems to think that all of these questions and their answers are connected in a particular way. In the next chapter, I argue that the answer to the first question is the reason that Rawls's political conception of the person does not require other normative commitments.

The foregoing has been an explanation of and an elaboration on Taylor's argument that our normative commitments implicitly require metaphysical commitments and commitments to further certain capacities. While the details of his argument are not entirely clear, it should be clear that the general thrust of his argument does pose a problem for Rawls's political conception of the person. The reason it poses a problem is that Rawls claims that his political conception of the person is independent of metaphysical commitments—or, at least, relies on such minimal metaphysical commitments that the political conception of the person is consistent with any candidate metaphysical view. In addition, Taylor's argument presents a problem for Rawls because, as explained above, Rawls is committed to *neutrality*. Rawls is committed to the view that the government should be neutral with respect to conceptions of what is intrinsically valuable. In the next chapter, I aim to refute this objection. First, I aim to show that Rawls's political conception of the person does not rely on a metaphysical conception of persons. I also argue that Rawls's commitment to the political conception of the person does not require a commitment to foster certain "essentially" human capacities. I now turn to another type of objection to the political conception of the person.

Normative Objections to Rawls's Political Conception of the Person

The viability of Rawls's political conception of the person does not hinge only on metaphysical grounds, his conception is also objected to on the grounds that it is not the correct conception of the person for political purposes. The following question motivates such objections:

> even if ... we had those capacities the individualist conception has identified as those essential to our moral subjectivity, this would not suffice to show us why we *should* accept the liberal conception of our moral nature. The crucial question is, after all, whether we ought to accept it, whether we *ought* to view ourselves as moral beings, in the way liberalism recommends we do.[20]

The communitarian answer to this question, as we have seen, is "no." Sandel and Taylor object that the liberal normative conception of identity is problematic for various reasons. First, as discussed in the previous section, Taylor argues that liberals' conception of the person relies on problematic metaphysical assumptions and requires normative commitments that are inconsistent with liberals' other commitments.

Normative objections to the political conception of the person come in three main types. The first objection again takes issue with Rawls's characterization of freedom.

[20] Carse (1994, p. 202).

In this case, though, the problem is supposed to be normative rather than metaphysical. The second is simply that the normative conception fails to match up with our best political conception of the person—I call these "citizenship" objections. Citizenship objections are based on competing conceptions of citizenship. Critics making these objections to Rawls's political conception of the person do so because they accept a different conception of citizenship. The third type of normative objection concerns (roughly) purported negative consequences that follow from a liberal conception of the person. I call this type of objection "empirical." I explain each type of objection in turn.

Objection on the Grounds of Valuing the Capacity for Choice

Critics argue that Rawls's political conception of the person commits him to the implausible view that what is valuable are not the choices persons make, but their capacities for choice. Carse claims that the liberal conception of "independence," independence in the sense of being free to choose a conception of value, leads the liberal to value not the object of persons' choices, but their capacity to choose. She writes,

> reflecting on the idea of the moral self that is central to liberalism, we see that moral emphasis is placed on our capacity as individuals, to question and appraise ends and thereby to choose them, rather than on the ends we appraise and ultimately choose. It is not our particular choices, but our capacity for choice, not our particular conception of the good, but our capacity rationally to pursue a conception of the good, that the liberal deems essential to the self as such. Thus, the liberal sees the individual as, in an important sense, *independent* of her ends. The impartiality constraint on justification *characterizes* the independence of the individual as a moral self from her particular ends.[21]

In this quotation, Carse is careful to emphasize that the liberal does not claim that we *are* independent of our ends. She explains, rightly, that the liberal normative conception of the person *characterizes* persons as independent of their ends. Carse's objection is that the liberal conception of the person is characterized as independent of his ends leads to a conception that is normatively deficient because the conception supports the false view that what is valuable from a political point of view is not what people value, but people's ability to choose what they value.

Recall that Rawls claims that the political conception of the person has a "highest order interest" in forming and revising a conception of the value. Kymlicka objects to Rawls on grounds similar to those just mentioned. Kymlicka claims that Rawls is wrong to claim that our highest-order interest is in exercising the *capacity* to form and revise conceptions of the good, our highest-order interest, he argues, is in actually "leading a life that is good."[22]

---

[21] Carse (1994, p. 186) "The Liberal Individual," p. 186.

[22] Kymlicka (1989a, p. 12).

As explained in Chap. 3, Sandel argues that it follows from Rawls's emphasis on freedom and individual choice that the value in people's choices consists solely in the act of choosing. In other words, according to Sandel, because Rawls claims that one of the most important freedoms persons can have is the freedom to choose their conception of value, then what is valuable about persons' conceptions of value must be the fact that they are chosen.

Each of these critics claims that Rawls is guilty of valuing the capacity for choice rather than what is chosen because he characterizes persons as free to choose a conception of what is intrinsically valuable. Kymlicka claims, though, that liberal theories need not be committed to such a view. He explains that it is false that liberals must think that choice is valuable for its own sake. Kymlicka explains that the easiest or most obvious liberal defense of the freedom to choose a conception of value is to claim that choice is intrinsically valuable, but Kymlicka suggests that claiming that choice is intrinsically valuable is not a plausible way to defend freedom. Kymlicka writes,

> The best liberal defense of individual freedoms is not necessarily the most direct one. The best defense is the one which best accords with the way that people on reflection understand the value of their lives. And if we look at the value of freedom in this way, then it seems that freedom of choice, while central to a valuable life, is not the value which is centrally pursued in such a life.[23]

Kymlicka's claim that freedom is not the value people pursue supports his objection to Rawls's political conception of the person. He argues that Rawls's characterization of persons as having a highest-order interest in exercising their capacity to choose a conception of value commits him to the unacceptable view that what is most valuable in our lives (from a political point of view) is exercising our capacity for choice. Kymlicka argues that, even from a political point of view, it is simply false that what is most valuable in persons' lives is exercising their capacity to choose a conception of value. Kymlicka explains that if we accept Rawls's view, then it follows that "the more we exercise our capacity for choice, the freer we are, and hence the more valuable our lives are."[24] Kymlicka thinks that this claim is not only false, but "perverse." He argues that "a valuable life, for most of us, will be a life filled with commitments and relationships."[25]

We can sum up these objections as follows: Rawls characterizes persons as having a highest-order interest in forming and revising a conception of value. While Rawls's political conception of the person is not meant to give an account of what is valuable in persons' nonpolitical identities, it seems that even in our political identities what is valuable is not our capacity for choice, but the choices we make. For this reason, the political conception of the person is taken to be normatively deficient because it relies on the absurd view that what matters from a political point of view is the capacity to choose rather than the objects of choice.

[23] Ibid., p. 50.

[24] Ibid., p. 49.

[25] Ibid.

Citizenship Objections to Rawls's Political Conception of the Person

In this section, I discuss objections that competing conceptions of political identity and of citizenship are more apt for political purposes. The essential idea is that normative conceptions of identity are necessary for a variety of reasons, and, so the argument goes, Rawls's political conception fails to account for important normative considerations. I explain these objections by discussing other conceptions of citizenship. While these theories are conceptions of *citizenship* and not political conceptions of persons or conceptions of *political identity*, with a little work, the former could be worked into the latter and vice versa. Also, at times, Rawls claims that the political conception of the person is a conception of citizenship. It is useful to look at conceptions of citizenship as a starting point for assessing conceptions of political identity because there is more writing on citizenship than there is on political identity, and, plausibly, the two types of conception are motivated by similar concerns.

Some argue that a conception of citizenship is a moral ideal. For example, William Sullivan supports what he calls a "classical notion of citizenship." According to this notion, citizenship is closely tied to "a whole understanding of human nature, of the good life, of authority, of man's place in the world."[26] Sullivan explains that this view of citizenship, which he attributes to Aristotle and Plato, among others, is one that takes citizenship to be a *moral* ideal.[27] He claims that his conception of citizenship is premised on an ideal of the person that is connected with a conception of the state, and derives its legitimacy from its connection with "social, economic, psychological, and religious realms."[28]

Sullivan claims that the classical notion of citizenship is better because "the notion of *citizen* is unintelligible apart from that of *commonwealth*, and both terms derive their sense from the idea that we are by nature political beings.[29] Sullivan claims that individualistic notions of citizenship, such Rawls's, are unacceptable because

> even the working out of personal identity and a sense of orientation in the world depend upon a communal enterprise. This shared process is the civic life, and its root is involvement with others: other generations, other sorts of persons whose differences are significant because they contribute to the whole upon which our particular sense of self depends. Thus mutual interdependency is the foundational notion of citizenship.[30]

This claim helps to show why Sullivan's preferred conception of citizenship may be the conception that underwrites communitarian criticisms of the liberal view. He claims that our identities are shaped by our society and our interactions with others.

[26] Sullivan (1982, p. 156).

[27] Ibid., p. 157.

[28] Ibid.

[29] Ibid.

[30] Ibid., p. 158.

In a similar vein, Stephen Macedo writes that,

> Liberal political institutions and public policies should be concerned to promote not simply freedom, order, and prosperity, but the preconditions of active citizenship: the capacities and dispositions conducive to thoughtful participation in the activities of modern politics and civil society. A commitment to individual freedom as a paramount virtue is no warrant for neglecting the civic dimension of our lives: the character and capacities of free citizens are shaped by social and political institutions of various sorts.[31]

The idea is that the focus of *citizenship* should be on not merely allowing freedoms and aiming for distributive justice, but also on fostering the interaction, activities, and education required for the people to develop in a way that makes them able to be a fully participating *citizen*. He writes that, "although liberals too often forget it, the health of the liberal public order depends on our ability to constitute not only political institutions and limits on power, but appropriate patterns of social life and citizen character. Liberal character traits and political virtues do not, after all, come about 'naturally' or by the deliverance of an 'invisible hand.'"[32] What Macedo and others are concerned with here is the fact that liberals are guilty of focusing too much on individual freedoms—a fact that is seen in their conception of the citizen—and that focus leaves out some features that are part of what make citizenship worthwhile.

As explained in Chap. 2, the liberal conception of the state is traditionally characterized, as being derived from an abstract conception of persons. On these views, the conception of the person, or "the citizen," is taken to be fundamental. The classical conception of the citizen, on the other hand, begins with a view of the state and draws out the notion of the citizen. Sullivan writes,

> while the modern individualistic notion of the state of nature has regarded generation of social ties as an instrumental process, the classical view begins from the *telos* of social life. Outside a linguistic community of shared practices, there would be biological *homo sapiens* as a logical abstraction, but there could not be human beings. This is the meaning of the Greek and medieval dictum that the political community is ontologically *prior* to the individual. The *polis* is, literally, that which makes man, as human being, possible. It is therefore, as an association of justice and fellowship, the fullest expression of human nature.[33]

Sullivan's account of how the classical conception of the citizen is derived should call to mind Taylor's claims about personhood. Taylor claims that people need society in order to develop the features and capacities that are essentially human. Sullivan claims that without society, human beings as we know them would not be possible. Both Taylor and Sullivan hold the view that society shapes who we are, and, as Sullivan explains here, the conception of citizenship is also an account of what is essential to personhood.

It seems plausible that we can distinguish notions of citizenship and theories of personhood or personal identity. Sullivan claims that political life is the fullest expression of personhood, and, on that basis, he derives a conception of citizenship. It seems, though, that while he claims that citizenship is a *moral ideal*, his concern is,

---

[31] Macedo (2000, p. 10).

[32] Macedo (1996, p. 240). See also the discussion of empirical objections below.

[33] Ibid., p. 173.

at least partially, metaphysical. By this I mean, he is concerned with the (purported) fact that society helps individuals develop certain features and capacities. If this is his concern, then it seems his concern is not with citizenship merely as a normative conception, but also as a metaphysical conception. As discussed in Chap. 3, failing to distinguish metaphysical conceptions and normative conceptions leads to trouble. At least for Rawls, citizenship, as a normative conception, is merely conception of the person that is used for a particular purpose within a political theory. This conception need not follow from a conception of personhood or personal identity.

Sullivan is not alone in thinking (i) that individuals are dependent on society to develop their identities, and (ii) that a proper conception of citizenship should take (i) into account. For example, Ronald Beiner, writes, "It is through rational dialogue, and especially through political dialogue, that we clarify, even to ourselves, who we are and what we want."[34] Beiner claims that the essence of citizenship is speech and deliberation. This conception of citizenship is one that has been taken to support, and perhaps require, a particular sort of society: a society that promotes a common good. For example, Crowley claims that

> It was this [observation about citizenship] which led Aristotle to conceive of politics as a civilised and a civilising activity: the pursuit of the common good as a collective social project requires men to be convinced of the moral worth of putting chains on their particular appetites, rising above their individual place in life, and striving to see the larger pattern of relationships and goods on which their particular goods depend.[35]

In light of the communitarian arguments explained in earlier chapters, this claim about citizenship should seem rote. The idea that society should be organized around promoting a common good is supposed to be precisely the problem with Rawls's support of the priority of the right. Communitarians claim that society should be organized such that the good is prior to the right.

Some argue not only that a political society that aims to promote a common good is most appropriate, but that it is the only sort of political society that is, in fact, possible. For example, Crowley argues for the stronger claim that

> Unless some fairly direct connection ... exists between individual opinions on the common good and the determination of the obligatory rules of social behavior, political society is impossible. This public aspect of men's lives, that aspect which is bound up with the search for the overarching interest of all men in a particular society, can be thought of as citizenship. It is when men act together in their common capacity as citizens in search of the common good that politics in its narrow, neo-Aristotelian sense, is encountered. And this kind of active citizenship... makes possible a society in which the autonomy of each as a social being is given its fullest possible scope and expression.[36]

Crowley's view seems to be that, in order for society to be possible, it must be a perfectionist society of just the sort Rawls criticizes. In contrast to Rawls's political conception of the person, it seems that the conception of the citizen supported by Crowley would be a conception like that supported by communitarians. While

---

[34] Beiner (1983, p. 152).

[35] Crowley (1987, pp. 6–7).

[36] Ibid., pp. 7–8.

Sandel's objections to Rawls do not offer an alternative conception of the person, it is plausible that he too would support something like this classical conception of citizenship. Sandel is likely to support this conception of citizenship because it is supported by a perfectionist ideal of society of the type that Sandel argues for.

Crowley, like Sullivan, seems to draw metaphysical conclusions from his normative conception of citizenship. In the quote above, he claims that people need a perfectionist society in order to be a fully functioning "social being." He concludes that our society shapes who we are. He writes,

> To the extent that I belong to such communities of meaning, such communications communities, in which many social roles and practices have goods internal to them, then what is good for me is intimately bound up with collective standards of what is good not only for me but for all who occupy those particular roles.... There cannot be a self that has no 'inside' other than pure rationality, and consequently any plausible political theory must concede that men are thickly constituted, and that the roles they play in a particular concrete society help to define who they are. This means that what is good for them cannot be purely private; subjective, and separate from society. What is good for me depends on who I am, and that will depend on the boundaries of the self. If I define myself as not merely a universal and abstract rational essence, but as e.g. a parent, a scholar, a trade unionist, a professional, a citizen, and so on, then my good will be intimately bound up with the goods that attach to each of these roles. Such goods are not defined privately by me, but by all those who share the community of meaning and the traditions that constitute a practice.[37]

Here again we see claims similar to Sandel's and Taylor's discussed in Chapters 2 and 3. Crowley claims that persons are partially constituted by their social roles and attachments. It is interesting that Sandel and Taylor, so far as I understand them, begin with the metaphysical conception of persons as partially constituted by society and derive claims how the metaphysical conception impacts political theory. For Sullivan and Crowley, though, the metaphysical conception of persons as partially constituted by their social roles and attachments seems to come from the normative conception of the citizen that, in turn, is derived from the conception of the state. The difference in emphasis here helps to show why, in discussing normative objections, we have, again, run into metaphysical conceptions. The metaphysical conception Sullivan and Crowley support, though, is virtually the same as the one supported by Taylor and Sandel.

Crowley seems to think that the proper view of politics—like the one endorsed by Taylor— helps people develop their sense of self. This view of politics

> is an affirmation of the notion that men living in a community of shared experiences and language is the only context in which the individual and society can discover and test their values through the essentially political activities of discussion, criticism, example, and emulation. It is through the existence of organised public spaces, in which men offer and test ideas with one another... that men come to understand part of who they are.[38]

In this quotation, Crowley explains the way he thinks political activity impacts our identities. Seen in this light, it seems that Crowley arrives at a conception of persons like Taylor's because he concludes that persons' identities are shaped by their political

---

[37] Ibid., pp. 238–39.

[38] Ibid., p. 282.

activities. As the reader should recall, Taylor claims that people need society to develop their essentially human capacities, and that people are partially constituted by their society. Crowley, though, claims that persons rely on "political activities," rather than society, for developing these capacities and defining their identities.

In support of Taylor's idea that our understanding of the state and society can only happen from within a framework, Crowley writes,

> the rational evaluation and persuasion of politics takes place against an articulable background of traditions and practices (arising from accumulated experience) directed towards the realisation of the good life for man. It is against this background only that we can come to an understanding of our values and that we can be said to exercise our choosing faculty in a morally significant way.[39]

This discussion yields two important claims, the first is similar to Taylor's claim that we are always evaluating from some perspective or other. The other claim is that we cannot make judgments that have moral value unless we are evaluating from a particular type of perspective, a perspective that is concerned with what is good for man—not the "neutral" framework endorsed by liberals.

A related objection to Rawls's political conception of the person starts from the fact that we are always evaluating from some perspective or other, like Crowley, but interestingly presses in the opposite direction, as it were. While the critics just discussed were critical of the liberal conception of political identity on the grounds that it tries to be free from any moral framework, this objection rests on the claim that the liberal conception of persons, while trying to be neutral with respect to conceptions of what is intrinsically valuable, unavoidably reifies the values of the current social order.

Consider this claim from William E. Connolly,

> Rawls says a thin conception of the person allows concrete persons to develop rich, individual selves, but the very formality of this permission obscures how dense *cultural differentiations* and *rankings of types of self* (identities) precede and configure the *operative practice of justice*. It therefore deflects ethical attention from thick cultural demarcations of what is inside, marginal to, and excluded from personhood *before* justice as fairness arrives on the scene.[40]

This quote is admittedly obscure, but it is representative of objections to Rawls from the neo-Nietzschean and critical theory camps. The idea seems to be that by fixing the political conception of the person first, then using it in the justification for the political theory, it makes the political conception of the person, which supports and justifies justice as fairness, exempt from criticism and analysis by justice.

Exempting the political conception of the person from critical evaluation leads to a conception of justice that is justified by and a product of the current social order. The problem with this, it is argued, is that doing so precludes the possibility of

[39] Ibid., p. 294.

[40] Connolly (2000, p. 158).

correcting injustices that exist within the current social order.[41] It is not just neo-Nietzscheans that take issue with the Rawlsian conception of the person on this count. For example, Axel Honneth has been taken to be of the mind that Rawlsian liberalism "is premised on the idea that social reality is deep-down already just."[42] In other words, the objection is that Rawls's two principles are justified by a normative conception of persons that, despite aiming to remove contentious presuppositions, ends up relying on the liberal values that it seeks to justify.

Beyond this, these critics further argue that in placing these values beyond the reach of critical examination, Rawls's theory gives us the wrong account of the problem is social injustice. In explaining this objection, Jean-Philippe Deranty writes,

> Rawls' and other egalitarian solutions explicitly attempt to respond to the charge that liberal liberties are only "formal", by integrating a strong reference to social and economic equality. But the main premise of liberalism is maintained even in these egalitarian versions of liberalism, to wit, the primacy of liberty over equality, of rights of liberty over social rights. The ethics of recognition, by contrast, puts a very different emphasis on inequality, because it takes a very different view of the impact of inequality on social individuals. The primacy of rights, of negative freedoms in liberalism is coherent from a normative perspective only if one agrees with the assumption that an unequal distribution of "social values" remains external to the subject's identity. The inequality counts as an injustice only when the distribution is not fair (when, for example, in Rawls' model, it is not "to the advantage of all"). The fact that inequality is treated in quantitative terms, as something to be distributed, means that it cannot be seen as the possible source of a moral injury. The "social bases of self-respect" accordingly are themselves "distributed" together with the other primary goods, like money. On that model, it is unacceptable to be deprived of those bases, not because it actually harms the individual, but because one lacks a resource that is otherwise given to others.[43]

The idea is that, if we take the existing social order as a given and use its norms to justify a political order, so the objection goes, we end up being unable to properly account for certain kinds of injustices. Deranty argues that Rawlsian liberalism ends up needing to account for social injustices—the kinds of injustices that prevent the formation of personal identity according to Honneth— in terms of an *injustice* where the real problem is not a matter of justice at all. It is a moral issue.[44]

Thus, it is argued that the problem of taking the current social conditions as a "given" as part of the normative conception of persons is two-stage. First, it reifies the current social inequalities, then, once it has reified those problems, it fails to provide the correct vocabulary or grounds on which to criticize them: the only way that they can be explained or addressed is in terms of justice. So, according to this objection, the moral problems are smuggled into the theory with the liberal conception of the person and, once they are there, they cannot be dealt with as *moral* problems, merely as political ones.

The foregoing are the citizenship objections to the liberal conception of the citizen. These objections all consist, roughly, in the claim that Rawls's normative conception

---

[41] Ibid., pp. 164–65.

[42] Deranty (2009, p. 395).

[43] Ibid., pp. 400–401

[44] For Honneth's critique see, for example, Axel Honneth (1995) Fraser and Honneth (2003).

of the citizen is not the proper normative conception for the purposes of political theorizing. These critics favor a perfectionist conception which includes a conception of what is intrinsically valuable. I now turn to the empirical objections.

Empirical Objections to Rawls's Political Conception of the Person

Objection that the Liberal Conception of Freedom is Self-Undermining

Communitarians object to Rawls on the grounds that the liberal emphasis on individual rights and the ability to choose one's own values actually undermines those rights and values. The idea is that liberals value individuals' freedom to choose their own ways of life, and community support of the value of freedom cannot be maintained by the sort of society and government that liberal theories prescribe. In particular, liberals support neutrality. Liberal neutrality is the view that the government should be neutral with respect to conceptions of what is intrinsically valuable. The purpose for this, as I have discussed, is to prevent the state from being unjustly biased for or against certain forms of life. The justification for neutrality, as we have seen, is the fact of pluralism. Some claim that the value of individuals' freedom to choose their own ways of life is (at least partially) supported by pluralism, because pluralism ensures that there is a valuable range of ways of life to choose. John Stuart Mill, the liberal champion of autonomy, thought that the ability to develop full autonomy required a valuable range of choices.[45] If Mill is right, then this requirement leads to the following problem.

The justification for neutrality is pluralism, but, critics charge, neutrality cannot guarantee pluralism or meaningful choice. Some critics of neutrality claim that, in order to maintain the existence of certain ways of life, the state will need to promote them. The problem is supposed to be this: "liberal neutrality is incapable of guaranteeing the existence of a pluralistic culture which provides people with the range of options necessary for meaningful individual choice. Autonomy requires pluralism. . . ."[46] The neutrality of the state means that the state cannot promote pluralism. The fact that the state cannot promote pluralism is a problem because, critics claim, "if the cultural marketplace proceeds on its own it will eventually undermine the cultural structure which supports pluralism."[47] Jospeh Raz objects to liberal neutrality for similar reasons. He writes,

> Supporting valuable ways of life is a social rather than an individual matter. . . perfectionist ideals require public action for their viability. Anti-perfectionism in practice would lead not merely to a political stand-off from support for valuable conceptions of the good. It would undermine the chances of survival of many cherished aspects of our culture.[48]

---

[45] For an interesting discussion on this point see Appiah (2005, p. 5, pp. 151–154).

[46] Kymlicka (1989b, p. 898).

[47] Ibid.

[48] Ibid., p. 894, quoting Raz (1986, p. 162).

Kymlicka and Raz both claim that liberal neutrality will have the unacceptable consequence of limiting the ways of life from which people can choose.

Kymlicka explains that this "fact" undermines "the very conditions under which it is a worthwhile aim."[49] Kymlicka assumes that liberal neutrality is justified by the value of available ways of life. For this reason, he claims that, if neutrality limits available ways of life, it is self-undermining. Kymlicka argues that this "fact" about liberal neutrality presents the liberal with a dilemma.

The first way out of the dilemma is for the liberal to "deny that the value of autonomous choice depends on a viable and flourishing culture."[50] Kymlicka says that this option is criticized by Taylor because it relies on the false view that "an individual's capacity for meaningful choice is self-sufficient outside of society and culture."[51] As explained above, Taylor claims that the liberal view of freedom—the view that people can choose their conceptions of what is intrinsically valuable—is false. Moreover, Taylor argues that people need society to develop the capacity for meaningful choice and that liberalism values people's freedom to choose their conceptions of what is intrinsically valuable. Taylor argues that these claims, taken together, yield a commitment to foster the capacity for choice. Taylor argues that the commitment to foster the capacity for choice, though, undermines liberal neutrality. As explained above, it is not clear that the liberal commitment to the value of freedom of choice does commit the liberal to valuing the capacity or to fostering the capacity.

The second way out of the dilemma is for the liberal to claim that valuable ways of life will, in fact, be maintained without the state's interference to make sure they are maintained. Kymlicka takes issue with this option on the grounds that it is false. He argues that, even if we grant that the "cultural marketplace" will ensure that people will have *the ability to make autonomous choice*, it will not ensure that people will have a valuable range of options from which to choose.[52] The idea is that, while it may be plausible to suppose that governmental intervention is not required to guarantee the conditions necessary for people to develop the capacity for choice, governmental intervention *is* required to ensure the existence of a valuable range of options of ways of life from which to choose. Without a valuable range of options, critics claim that the freedom of choice prized by liberals is not valuable.

While this dilemma seems to pose a problem for the liberal position, Kymlicka suggests that the dilemma is merely apparent. Consider what liberal neutrality requires. Kymlicka suggests that we can accept that the state should intervene to support certain ways of life, but that acceptance does not conflict with neutrality. Kymlicka argues that the state's ensuring that a valuable range of ways of life are available in the "cultural marketplace" is consistent with liberal neutrality. Liberal neutrality merely requires that the state not be engaged in the process of evaluating ways of life. In short, Kymlicka's idea is that the state can provide incentives for individuals

---

[49] Ibid.

[50] Ibid.

[51] Ibid.

[52] Ibid.

to maintain culture, even if the incentives are for people to promote their own perfectionist ideals. In so doing, the state promotes pluralism in the cultural marketplace, but individuals, rather than the government, are involved in evaluating the ways of life in the cultural marketplace. The state's goal should be to maintain the cultural marketplace, and promoting this goal, Kymlicka claims, does not conflict with liberal neutrality.[53] Thus, it seems that this objection does not actually pose a problem for Rawls political conception of the person. Rawls can claim that choice is valuable from the political point of view without this claim being in conflict with his claim that the state should be neutral. I now turn to an objection that Rawls's support of neutrality will lead to a society that cannot be sustained.

Objection that a Common Good is Required for Society to Function Properly

Taylor presents an argument that, in order for society to function properly, there must be a common good that provides cohesion. He claims that people need to "identify" with a common good, and that common good is necessary to make the government stable. In recent work Taylor has argued that people need "political identity," which he says "is extremely important in modern democratic states. And this identity is usually defined partly in terms of certain basic principles (democracy, human rights, equality), and partly in terms of their historical, or linguistic, or religious traditions."[54] But, in a pluralistic society, not all people share these traditions. Hence, the only common good that is available to liberal societies is "patriotism." He argues, however, that liberalism's commitment to neutrality means that it cannot endorse patriotism. He writes,

> In the case of the United States, there is a widespread identification with "the American way of life," a sense of Americans sharing a common identity and history, defined by a commitment to certain ideals, articulated famously by the Declaration of Independence, Lincoln's Gettysburg Address, and such documents, which in turn derive their importance from their connection to certain climactic transitions of this shared history. It is this sense of identity, and the pride and attachment which accompanies it, that is outraged by the shady doings of Watergate. . . .[55]

Taylor suggests that patriotism is a common good that could support this "common identity," but he claims it is the type of good that liberals claim the state should not support. He argues that society cannot function properly without patriotism, and that the only way a liberal theory could accommodate it would be for each person to endorse it for self-interested reasons—otherwise the state would be promoting

[53] Ibid., p. 895. Whether Kymlicka (1989b) is right that the state's maintaining the cultural marketplace does not conflict with liberal neutrality is a difficult question, which would require a close examination of just what liberal neutrality requires. That examination is beyond the scope of this book. It does seem, though, at least prima facie plausible that a liberal state could promote a cultural marketplace without flouting the requirement of neutrality.

[54] Taylor (2011, p. 317).

[55] Taylor (1989, p. 174).

a common good, and, hence, would not be neutral toward conceptions of what is intrinsically valuable.

Taylor claims that, if people are patriotic for self-interested reasons, then their patriotism will be unable to properly sustain society. On these grounds, he argues that liberal society cannot truly be neutral to all conceptions of what is intrinsically valuable. In order for liberal society to exist, Taylor argues, it must have patriotism. In order for patriotism to support and sustain society, it must be a common goal that is not based on self-interest. For this reason, patriotism must be promoted by the state, and Taylor argues that it must be promoted in a way that may conflict with individuals' rights. He claims that promoting patriotism could trump individual rights, and, for this reason, shows that liberalism cannot be neutral with respect to all goods. Taylor argues that a liberal society cannot be sustained without a common good, even if that good is merely patriotism. For this reason, he argues, liberalism cannot be neutral with respect to conceptions of what is intrinsically valuable.

How does this amount to an objection to the political conception of the person? Taylor's reasoning seems to be the following. First, Rawls's political conception of the person does not include people's idiosyncratic desires. So, whether or not self-interested support of patriotism would provide adequate stability, persons' political identities do not include their personal desires to support patriotism. In addition, since Rawls's political conception of the person is supposed to be neutral with respect to conceptions of what is intrinsically valuable, persons could not pursue patriotism (assuming it is a conception of what is intrinsically valuable) as a common good. The idea seems to be that Rawls's political conception of the person disallows either of the two ways in which one could promote the sort of patriotism that is required for society to function.

Another purported problem is that a government justified by Rawls's political conception of the person would yield a society that is not as good as the society that would follow from a government justified by the communitarian conception of persons. Crowley argues that the normative perspective adopted by liberals is more likely to be damaging to society than the one in which people are working toward a common good. He writes,

> The dogma of rigid principle which will not allow its contours to be softened by the experiences that mark men's lives, by knowledge of the strengths and weaknesses of real, human, three-dimensional characters is more likely to be destructive of men and their lives than a politics which sets out to create opportunities for men to give voice to what they have discovered about themselves and the world and to persuade others of its worth.[56]

The idea is that Rawls's goal of neutrality, as manifested in the fact that the political conception of the person does not include individuals' particular values, will yield an unacceptable political system.

As explained above, Rawls argues against perfectionist theories, claiming that the government should be neutral with respect to questions of value. As mentioned above, Raz argues that neutrality "would undermine the chances of survival of many

---

[56] Crowley (1987, p. 295).

cherished aspects of our culture."[57] The idea is that the liberal attempt at neutrality makes pursuit of the good inherently individual. The problem, these critics claim, is that individual (rather than social) pursuit of the good is doomed to failure.

In their own ways each of these empirical objections get at a similar idea: because liberal society does not promote a common good, if it is viable at all—which it may not be—it will less preferable than a society that is supported by a common good. The reasons supporting this claim differ for each objection. Taylor claims that, in order for a society to have the cohesion necessary for it to exist over time, it must be supported by patriotism. Crowley and Raz each seem to be arguing that a society that is not organized around a common good will fail to sustain elements of our political lives that we take to be valuable and that give our lives meaning.

Conclusion

In this chapter, I explained several objections to Rawls's political conception of the person. I hope that my discussion has made clear that some of them do not really pose a problem for Rawls. In Chap. 7, I argue that the objections to Rawls's political conception of the person that seem to pose a problem also fail. The upshot of the foregoing discussion of these objections is the following. One of the primary points of contention between Rawls and his critics is the claim that the individual is free to choose his conception of what is intrinsically valuable. The claim that persons are free to choose their conceptions of what is valuable is supposed to be inconsistent with metaphysical views of persons as unencumbered selves. This is the reason that critics have argued that, while Rawls does not rely on any particular metaphysical conception of the person, his political conception of the person is inconsistent with conceptions of persons as encumbered selves. In the next chapter, I explain that this objection is based on a misunderstanding of the political conception of the person.

Similarly, Taylor argues that Rawls's valuing of persons' rights to choose their conceptions of value requires a metaphysical commitment to persons actually having the capacity to choose their conception of value and a normative commitment to foster that capacity. In Chapter 7, I look closely at Rawls's understanding of freedom, and the way in which he characterizes persons as free. I argue that Rawls need not be committed to persons actually being free to choose their conceptions of value nor need he be committed to the government's fostering the capacity to make such choices.

The idea that persons are free to choose their conceptions of what is intrinsically valuable also supports the normative objections to the political conception of the person. As I explained, the citizenship objections take citizenship to be a normative ideal, one that includes a view about what is intrinsically valuable. Because Rawls's political conception of the person is supposed to rely on a view according to which persons are free to choose their conceptions of what is valuable, critics making these

[57] Raz (1986, p. 162).

sorts of objections claim that Rawls political conception of the person is flawed because it fails to match up with their preferred conception of citizenship. Finally, some have claimed that adopting Rawls's political conception of the person leads to unacceptable consequences because a stable and flourishing government must promote a conception of what is valuable that people believe to be for the common good. The idea is that, according to these critics, Rawls's political conception of the person is part of his faulty attempt at neutrality, an attempt that prevents society from promoting a conception of value of the sort that is required for a successful government.

In the next chapter, I argue that Rawls's political conception of the person provides a justifiable conception of citizenship, and is the proper conception to justify a stable government. I argue that, contrary to communitarians' claims, due to the pluralistic nature of a society such as ours, a government should not promote any particular conception of what is intrinsically valuable. Hence, Rawls's political conception of the person, while differing in some important ways from how we conceive of ourselves in our personal lives, is a defensible political conception of persons. In the final chapter, I use that conception as the foundation for a Rawlsian conception of political identity and show how that conception connects to current issues in perfectionism and anti-perfectionism in political theory.

References

Appiah, Kwame. 2005. *The Ethics of Identity*. Princeton: Princeton University Press.

Beiner, Ronald. 1983. *Political Judgment*. Chicago: University of Chicago Press.

Carse, Alisa L. 1994. The liberal individual: A metaphysical or moral embarrassment?. *Noûs* 28:184–209.

Connolly, William E. 2000. Secularism, partisanship, and the ambiguity of justice. In *Political theory and partisan politics,* ed. Adolf Gundersen Edward Portis and Ruth Shively, 149–172. Albany: SUNY Press.

Crowley, Brian Lee. 1987. *The self, the individual, and the community*. Oxford: Clarendon Press.

Deranty, Jean-Philippe. 2009. Beyond communication. A critical study of Axel Honneth's Social Philosophy. In *Social and Critical Theory*, vol. 7. Boston, Brill.

Fraser, Nancy, and Axel Honneth. 2003. *Redistribution or Recognition? A political-philosophical exchange*. London: Verso.

Gutmann, Amy. 1985. Communitarian critics of liberalism. *Philosophy and Public Affairs* 14:308–322.

Honneth, Axel. 1995. The limits of liberalism: On the political-ethical discussion concerning communitarianism. In *The fragmented world of the social: Essays in social and political philosophy,* ed. Charles W. Wright, 231–246. Albany: SUNY Press.

Kymlicka, Will. 1989a. *Liberalism, community, and culture*. New York: Oxford University Press.

Kymlicka, Will. 1989b. Liberal individualism and liberal neutrality. *Ethics* 99:883–905.

Macedo, Stephen. 1996. Community, diversity, and civic education: Toward a liberal political science of group life. *Social Philosophy and Policy* 13:240–268.

Macedo, Stephen. 2000. *Diversity and distrust: Civic education in a multicultural democracy*. Cambridge: Harvard University Press.

Raz, Joseph. 1986. *The morality of freedom*. Oxford: Clarendon Press.

Sandel, Michael. 1994. Political liberalism by John Rawls. *Harvard Law Review* 107:1765–1794.

Sandel, Michael. 1998. *Liberalism and the limits of justice*. 2nd ed. New York: Cambridge University Press.

Sullivan, William. 1982. *Reconstructing public philosophy*. Berkeley: University of California Press.

Taylor, Charles. 1979. *Hegel and modern society*. Cambridge: Cambridge University Press.

Taylor, Charles. 1985. Atomism. In *Philosophy and the human sciences: Philosophical papers*, vol. 2, 187–210. Cambridge: Cambridge University Press.

Taylor, Charles. 1989. Cross-purposes: The liberal-communitarian debate. In *Liberalism and the moral life,* ed. Nancy L. Rosenblum, 159–182. Cambridge: Harvard University Press.

Taylor, Charles. 2011. What does secularism mean? In *Dilemmas and connections: Selected essays*, 303–325. Cambridge: Belknap.

Chapter 7
Defense of Rawls's Political Conception of the Person

Rawls does not intend for his political conception of the person to rely on a metaphysical conception of personal identity. Yet, as explained in Chap. 6, critics have objected to Rawls's political conception of the person on metaphysical grounds, in particular, on the grounds that Rawls characterizes persons as free to choose a conception of what is intrinsically valuable. I argue that, as with the original position, a correct understanding of Rawls's political conception of the person shows that metaphysical objections to it are quite obviously unsuccessful. In this chapter, I also argue that normative objections to that conception fail. I conclude with an argument against the communitarian alternative to Rawls's conception.

Metaphysical Commitments and Rawls's Political Conception of the Person

Rawls claims that it *seems* that his theory may "depend on philosophical claims [he] should wish to avoid, for example, claims to universal truth, or claims about the essential nature or identity of persons."[1] While Rawls claims that his political conception of the person is not intended to rely on a conception of personal identity, he acknowledges that metaphysical theories do impact the viability of his theory. He writes, "it must be possible for people to honor it sufficiently closely; and hence the feasible ideals of the person are limited by the capacities of human nature and the requirements of social life."[2] Rawls's political conception of the person is supposed to be consistent with our theories of personal identity and the facts about our social situation. Rawls says "the ideal presupposes a theory of human nature, and social theory generally, but the task of a moral doctrine is to specify an appropriate conception of the person that general facts about human nature and society allow."[3] Rawls acknowledges that his political conception of the person is not *utterly* independent

[1] Rawls (1985, p. 223).

[2] Ibid., p. 534.

[3] Ibid.

C. G. Campbell, *Persons, Identity, and Political Theory*,
DOI 10.1007/978-94-007-7917-4_7, © Springer Science+Business Media Dordrecht 2014

of metaphysics, it is merely supposed to be consistent with plausible metaphysical theories of personal identity.

The metaphysical theories with which it is supposed to be consistent are what I called "Lockean conceptions" in Chap. 4. Recall that Lockean conceptions of personal identity concern the features or properties that make two "person-stages" belong to the same person. The notion of 'identity' at work in Lockean conceptions is *numerical* identity. Because Lockean conceptions concern numerical identity, on those conceptions, a person can have just one identity.

Rawls acknowledges that the claim that his political conception of the person is consistent with plausible metaphysical conceptions requires presuppositions not just about the metaphysics of personal identity, but the extent to which political theories must rely on metaphysical theories. He writes,

> to develop a political conception of justice without presupposing, or explicitly using, a metaphysical doctrine, for example, some particular metaphysical conception of the person, is already to presuppose a metaphysical thesis: namely, that no particular metaphysical doctrine is required for this purpose. One might also say that our everyday conception of persons as the basic units of deliberation and responsibility presupposes, or in some way involves, certain metaphysical theses about the nature of persons as moral or political agents. Following the method of avoidance, I should not want to deny these claims.[4]

In this quotation, Rawls clearly grants that his political conception of the person *does* involve certain metaphysical commitments. Recall Taylor's argument that normative conceptions require metaphysical commitments, which I explained in the previous chapter. Taylor claims that normative conceptions of persons require metaphysical commitments in virtue of the fact that normative conceptions of persons take it that persons are composed of features that are supposed to be valuable. The idea is that, because normative conceptions identify certain features as valuable, someone supporting a normative conception must be committed to persons actually having the features that the normative conception deems valuable. Rawls clearly grants that his normative conception does implicitly rely on metaphysical theses, and, for this reason, it is not clear that he would disagree with Taylor's claim.[5]

While Rawls acknowledges that his political conception of the person *does* have metaphysical underpinnings, he claims that his reliance on metaphysics so minimal that it is benign. He writes,

> If we look at the presentation of justice as fairness and note how it is set up, and note the ideas and conceptions it uses, no particular metaphysical doctrine about the nature of persons, distinctive and opposed to other metaphysical doctrines, appears among its premises, or seems required by its argument. If metaphysical presuppositions are involved, perhaps they are so general that they would not distinguish between the distinctive metaphysical views—Cartesian, Leibnizian, or Kantian; realist, idealist, or materialist—with which philosophy

[4] Rawls (1996, p. 29), n. 31.

[5] Indeed, I suggest that Rawls need not be committed to people actually possessing the features. As I will suggest in the Rawlsian conception of political identity explained in Chap. 8, it could be that the normative conception is constructed in such a way as to yield a particular outcome, not just say which features are important. In this way, the political conception of the person is similar to the characterization of the parties in the original position.

> traditionally has been concerned. In this case, they would not appear to be relevant for the structure and content of a political conception of justice one way or the other.[6]

Rawls's important claim is that his metaphysical commitments should be consistent with a range of acceptable metaphysical conceptions of personal identity. As explained in the previous chapter, Sandel and Taylor claim that Rawls's political conception of the person is inconsistent with their preferred metaphysical theory of personal identity. I now turn to a discussion of Rawls's political conception of the person to get clearer on why it is not inconsistent with the metaphysical view supported by Sandel and Taylor.

Rawls explains that his political conception of the person

> must be distinguished from specifications of the concept of the self as knower, used in epistemology and metaphysics, or the concept of the self as the continuant carrier of psychological states: the self as substance or soul. These are prima facie distinct notions, and questions of identity, say, may well be different for each; for these notions arise in connection with different problems. This much is perhaps obvious. The consequence is that there are numerous conceptions of the person as the basic unit of agency and responsibility in social life, and of its requisite intellectual, moral, and active powers.[7]

Rawls claims that his conception of the person is not the same conception of the person that would be used in metaphysics. As he says, different conceptions of persons are "distinct notions," and the conception of the person that is used in metaphysics is not the one he is using. In this quotation, Rawls claims that he is not using what I called a "Lockean conception" of identity.

Just what conception is Rawls using? He explains how he understands his conception of the person as follows:

> It should be emphasized that a conception of the person, as I understand it here, is a normative conception, whether legal, political, or moral, or indeed also philosophical or religious depending on the overall view to which it belongs. In this case the conception of the person is a moral conception, one that begins from our everyday conception of persons as the basic units of thought, deliberation and responsibility, and adapted to a political conception of justice and not to a comprehensive moral doctrine. It is in effect a conception of political identity and given the aims of justice as fairness, a conception of citizens. Thus, a conception of the person is to be distinguished from an account of human nature given by natural science or social theory.[8]

In this quotation, Rawls supports the view I have been attributing to him. His political conception of the person does not rely on a Lockean, metaphysical conception of personal identity. It is a normative conception that gives an account of persons for use by a political conception of justice. The political conception of the person is a conception of citizens.

In the preceding quotation Rawls claims that his conception is not part of a "comprehensive moral doctrine." It is not clear exactly how to understand Rawls's idea of comprehensive moral doctrines, but such doctrines can, roughly, be understood

---

[6] Ibid.

[7] Rawls (1980, p. 571).

[8] Rawls (1996, p. 18), n. 20.

as what Taylor called "frameworks" —persons' conceptions of what is intrinsically valuable. The fact that Rawls claims that the political conception of the person is not derived from a comprehensive moral doctrine is one of the reasons that communitarians have objected to it. For example, Taylor claims that persons' frameworks are essential to personhood and to personal identity. Because Rawls's political conception of the person is independent of comprehensive moral doctrines, the political conception of the person is independent of features that Taylor claims are essential to personhood and identity, features that Taylor claims we cannot understand persons without taking into account.

Rawls claims that different conceptions of persons are appropriate for different purposes. This claim is similar to Taylor's claim supporting his "identity crisis" conception of personal identity. Taylor claims that certain questions are better answered by the identity crisis conception of personal identity and his practical-moral conception of persons. Unlike Taylor who aims to give a full explanation of his conception of persons, Rawls claims it is not necessary to specify the precise details of his conception of persons because

> the context of the problem guides us in removing vagueness and ambiguity in the conception of the person, and tells us how precise we need to be. There is no such thing as absolute clarity or exactness; we have to be only clear or exact enough for the task at hand. Thus the structure defined by the original position may enable us to crystallize with sufficient sharpness the appropriate characterization of free and equal moral personality."[9]

The idea is that Rawls aims to give an account of the person that is only specific enough for his purposes. Rawls appeals to a conception of persons only to the extent necessary to achieve his goal of characterizing people as free and equal. Thus, we see here why we can have more than one identity *synchronically*, not just *diachronically*. Our political identities simply pick out certain features of our identities which are relevant for political purposes, and they do so without changing our values, which would lead to a (diachronic) change in identity in Taylor's sense of the term.

To sum up, Rawls's political conception of the person is a conception that has been adopted and defined specifically for the purposes of a political theory of justice. For this reason, the conception differs from the conception of the person that would be used, for example, in metaphysics or epistemology. Rawls claims that different features of persons are relevant for different purposes, and the features included in his political conception of the person are the features that are relevant for the purposes of a political conception of justice—in particular he appeals only to those features that allow him to characterize persons as free and equal.

The theory does have metaphysical presuppositions, but those presuppositions are intended to be consistent with any metaphysical view of persons one might accept. Critics such as Taylor and Sandel, though, have argued that (i) his view is not consistent with all metaphysical theories, and (ii) the conception he has adopted is not the proper conception for the purposes of political theorizing. As explained in the previous chapter, Rawls's characterization of persons as free to form and revise

---

[9] Rawls (1980, p. 572).

their conceptions of what is intrinsically valuable underlies both of these objections. I now turn to the distinction between political identity and personal identity.

Rawls's Political Conception of the Person Versus Nonpublic or Moral Identity

Rawls distinguishes persons' nonpublic (or moral) identities and their political (or public) identities. Rawls seems to think that persons have some features, commitments, values, capacities, etc. that are *politically* relevant and some that are *personally* relevant, as it were. The distinction between political and moral identity suggests a sort "fragmentation" in persons' lives—certain features, commitments, etc. are central to individuals' personal identities while others are central to their political identities. If this distinction between the two notions of identity can be maintained, it supports Rawls's claim that his conception is consistent with metaphysical conceptions of persons.

Rawls emphasizes the distinction between these two conceptions of identity in the following quotation. He writes,

> I am more explicit on the distinction between what I call here our "public" versus our "nonpublic or moral identity." The point of the term "moral" in the latter phrase is to indicate that persons' conceptions of the (complete) good are normally an essential element in characterizing their nonpublic (or nonpolitical) identity, and these conceptions are understood as normally containing important moral elements, although they include other elements as well, philosophical and religious. The term "moral" should be thought of as a stand-in for all these possibilities.[10]

Here, Rawls grants the claim for which Taylor and Sandel argue: certain features of persons, such as their conceptions of what is intrinsically valuable, partially constitute their identities. Rawls claims, though, that the identities of persons that are partially constituted by their conceptions of what is intrinsically valuable are persons' *nonpublic* or *moral* identities. Rawls is concerned with political identity, which is a type of identity that is not partially constituted by persons' conceptions of what is intrinsically valuable. For the sake of simplicity, in what follows, I will refer to persons' "moral" or "nonpublic" identities as their "nonpolitical" identities.

It is not clear how Rawls's notions of political identity and nonpolitical identity link up with personal identity more generally. Rawls does not offer any detailed explanation on this point. In a lengthy footnote he explains the notion of personal identity that he takes to be at work in philosophy of mind, which is not the notion at work in political identity. We can extrapolate from this quotation to make some headway toward getting clear on Rawls understands his political conception of the person to be related to personal identity. He writes,

> Here I assume that an answer to the problem of personal identity tries to specify the various criteria (for example, psychological continuity of memories and physical continuity of body,

[10] Rawls (1985, p. 240), n. 22.

> or some part thereof) in accordance with which two different psychological states, or actions (or whatever), which occur at two different times may be said to be states or actions of the same person who endures over time; and it also tries to specify how this enduring person is to be conceived, whether as a Cartesian or a Leibnizian substance, or as a Kantian transcendental ego, or as a continuant of some other kind, for example, bodily or physical. . . . Sometimes in discussions of this problem, continuity of fundamental aims and aspirations is largely ignored. . . . Of course, once continuity of fundamental aims and aspirations is brought in, as in Derek Parfit's *Reasons and Persons* . . . , there is no sharp distinction between the problem of persons' nonpublic or moral identity and the problem of their personal identity. This latter problem raises profound questions on which past and current philosophical views widely differ, and surely will continue to differ. For this reason it is important to try to develop a political conception of justice which avoids this problem as far as possible.[11]

In this quotation, Rawls makes several important claims. First, he seems to offer what he takes to be a standard account of the question theories of personal identity have to answer, what is sometimes referred to as the "reidentification question." As explained in Chap. 4, the reidentification question is, roughly, the question of what makes a person the same person at two different times. Second, Rawls claims that certain types of answers to the reidentification question—answers that appeal to fundamental aims and aspirations—appeal to a conception of personal identity that, in Rawls's view, is a conception of nonpolitical identity. Implicit in this claim is Rawls's acknowledgement that persons' "aims and aspirations" are essential to persons' nonpolitical identities. At the end of the quotation Rawls importantly notes that the two notions of identity may not be so distinct, once persons' "fundamental aims and aspirations" are included. This raises interesting and difficult questions concerning the relationship these two kinds of identity have to one another.[12] Thankfully, for my purposes, I need not answer these difficult questions.

Rawls's acknowledgement that certain aims and aspirations are essential to nonpolitical identity is important because critics, like Taylor and Sandel, have claimed that Rawls's conception is inconsistent with metaphysical views according to which idiosyncratic features, such as aims and aspirations, partially constitute identity. In this quotation, Rawls implicitly accepts Taylor and Sandel's conception of personal identity— but he accepts it as a conception of nonpolitical identity. Recall that according to Taylor's "identity crisis" conception of identity, persons can have more than one identity because the "identity crisis" conception of personal identity is not a conception of numerical identity, it is a conception of a different kind of thing. If Taylor's conception of identity allows that persons have more than one identity, it seems that Rawls's characterization of political identity could be consistent with Taylor's characterization of his "identity crisis" conception of identity.

In *Political Liberalism*, Rawls explains that his use of the term 'identity' has misled critics and caused them to object to his political conception of the person. He writes,

---

[11] Ibid. p. 242, n. 24, and (1996, pp. 31–32), n. 34.

[12] See Shoemaker's (2007) "Personal Identity and Practical Concerns" for a particularly illuminating discussion of various these two notions of identity and their relation to practical and moral concerns.

> Though I have used the term *identity* in the text it would, I think, cause less misunderstanding to use the phrase "our conception of ourselves," or "the kind of person we want to be." Doing so would distinguish the question with important moral elements from the question of the sameness, or identity, of a substance, continuant, or thing, through different changes in space and time.[13]

Rawls's claim that his use of the term 'identity' is misleading helps to show that his concern with "identity" is not metaphysical. Rawls claims that he wants to distinguish his question "with important moral elements" from metaphysical questions about identity. Taylor also seems to think that his conception is more appropriate for questions with "moral elements." Taylor claims that his practical-moral conception of persons yields a more plausible account of moral agency, moral deliberation, and so on.

Taylor and Rawls are both using a conception of identity that is not concerned with numerical identity, and they both claim that their conception is appropriate to answer questions with moral elements. The distinction between the two theories comes in the questions they want to answer. Taylor offers an account of personal identity that can be used to answer questions about moral agency and deliberation. Rawls is concerned with a particular conception of persons that is relevant for the purposes of political theory.

Rawls claims that his political conception of the person is not unusual. He writes,

> Since Greek times, both in philosophy and law, the concept of the person has been understood as the concept of someone who can take part in, or who can play a role in, social life, and hence exercise and respect its various rights and duties.[14]

Rawls thinks that his idea of the political conception of the person is latent in the way we think about persons in our society. His conception of the person characterizes persons as having the features that allow them to participate in social life. I now explain Rawls's political conception of the person in more detail.

Details of Rawls's Political Conception of the Person

As with many of Rawls's central concepts, the details of the political conception of the person are not altogether clear. In what follows, I piece together an account of Rawls's political conception of the person from his claims in "Kantian Constructivism in Moral Theory," "Justice as Fairness: Political not Metaphysical," *Political Liberalism*, and *Justice as Fairness: A Restatement*. I hope that this explanation clarifies the political conception of the person and helps to show why some common objections to it are unsuccessful.

Rawls adopts a political conception of the person because his theory is a constructivist theory. What makes a theory constructivist is complicated, but for our purposes, what is important about Rawls's constructivist theory is that he aims to

---

[13] Rawls (1996, p. 31–32), n. 34.

[14] Rawls (1985, p. 233).

support a conception of justice that is justified by the fact that it follows from ideas that are latent in our culture, not because it is consistent with an independent moral order. The fact that Rawls's theory is constructivist is the reason he claims that his method

> replaces the search for moral truth interpreted as fixed by a prior and independent order of objects and relations, whether natural or divine, an order apart and distinct from how we conceive of ourselves. The task is to articulate a public conception of justice that all can live with who regard their person and their relation to society in a certain way.... What justifies a conception of justice is not its being true to an order antecedent to and given to us, but its congruence with our deeper understanding of ourselves and our aspirations, and our realization that, given our history and the traditions embedded in our public life, it is the most reasonable doctrine for us.[15]

Rawls sees the task of political theory as justifying a political theory to persons on the basis of ideas that are latent in their culture.

Rawls claims the ideas that people are free and equal are the most important for his purposes. In Chap. 2, I discussed the example of governmental regulation of pornography, and used that to explain the liberal commitment to the idea that (roughly) the government ought to promote the freedom and equality of its citizens—the government ought to promote individual freedom (consistent with the same freedom for others) and protect individuals from harm. It seems that idea, more or less, is what Rawls is trying to capture with his conception of persons as free an equal. He thinks these notions of "freedom" and "equality" are at least implicitly supported in our culture.

Rawls aims to characterize persons as free and equal in virtue of their having two "moral powers, " which he explains as follows:

> The first power is the capacity for an effective sense of justice, that is, the capacity to understand and to apply and to act from (and not merely in accordance with) the principles of justice. The second moral power is the capacity to form, to revise, and rationally pursue a conception of the good. Corresponding to the moral powers, moral persons are said to be moved by two highest-order interests to realize and exercise these powers.[16]

These "moral powers" are capacities that Rawls characterizes persons as having: the capacity for a sense of justice and the capacity for a conception of value. Because Rawls claims that he characterizes persons as having the capacities required to participate in social life, it seems that he thinks the capacities he calls "moral powers" are simply those required for persons to participate in social life. There is an analogy between Rawls's characterization of persons and Taylor' s. Taylor characterizes persons as having the capacity for strong evaluation, and he claims that capacity is required for full moral autonomy. Rawls characterizes persons as having the capacity for a sense of justice, and claims this capacity is required to be a fully cooperating member of society.

Rawls claims that he characterizes persons as free in two ways, but it is not clear how to understand his characterization. Consider his claims. First, he claims

---

[15] Rawls (1980, p. 519).

[16] Ibid., p. 525, cf. Rawls (1996, p. 93).

persons are free in the sense that they have "the capacity to form, to revise, and rationally pursue a conception of one's rational advantage, or good."[17] Second he claims that persons are free in that they are "self-originating sources of claims."[18] Seeing how Rawls's characterization differs from Taylor's helps to clarify Rawls's characterization of freedom.

First, unlike Taylor's "identity crisis" conception of identity according to which persons' conceptions of what is intrinsically valuable are essential to their identities, Rawls characterizes persons' identities as independent of those conceptions. Second, because Taylor believes that persons get their conceptions of what is intrinsically valuable from their society, there is a sense in which the "source" of a person's claims is at least partially the person's society. Rawls, on the other hand, claims that persons are "self-originating sources of claims," by which he means persons' claims come from themselves rather than their society.[19] For example, Rawls writes,

> People are self-originating sources of claims in the sense that their claims carry weight on their own without being derived from prior duties or obligations owed to society or to other persons, or, finally, as derived from, or assigned to, their particular social role.[20]

It seems that Rawls's goal is to characterize persons as free in the sense that their conceptions of what is intrinsically valuable and the value of their claims are independent of their society. Persons are characterized as free to choose their conception of what is intrinsically valuable, and the value of persons' claims is derived simply from the fact that persons make those claims. From this explanation, it should be clear why critics have taken Rawls's political conception of the person to commit him to a conception of persons as independent of their social circumstances.

Rawls says little about his characterization of equality. He writes, "everyone is equally capable of understanding and complying with the public conception of justice; therefore all are capable of honoring the principles of justice and of being full participants in social cooperation throughout their lives."[21] As with Rawls's claims about his characterization of freedom, it is not clear how to understand his claims about his characterization equality. The idea seems to be that he characterizes equality merely in terms of capacities: persons have capacities that make them "equally capable" of participating in social life. Above, I suggested that Rawls aims to characterize persons as having the capacities required to participate in social life, and it seems that is the idea motivating his characterization conception of equality—he simply wants to characterize people as being equally able to participate in social life. This conception of equality is unsatisfying, but, as mentioned above, Rawls claims that his political conception of the person needs to be "only clear or exact enough for the task at hand."[22] It is not clear whether his characterization of equality *is* clear

---

[17] Ibid.

[18] Ibid., p. 242.

[19] Rawls (2001, p. 23).

[20] Rawls (1980, p. 543).

[21] Ibid., p. 546.

[22] Ibid. p. 572.

enough, but critics have not taken issue with that characterization. Their concern has been with his characterization of freedom.

At this point, we have a clearer idea of how to understand Rawls's political conception of the person: it is an *ideal* that models the most important features of persons for the purposes of a theory that aims to justify principles of justice. Rawls conceives of liberal society *ideally* as a system of cooperation among free and equal moral beings. Thus, he adopts a conception of persons that is supposed to *model* persons as free and equal. Rawls writes that the purpose of the political conception of the person is

> to achieve a clear and uncluttered view of what for us is the fundamental question of political justice: namely, what is the most appropriate conception of justice for specifying the terms of social cooperation between citizens regarded as free and equal persons, and as normal and fully cooperating members of society over a complete life.[23]

To achieve this goal, he develops a political conception of the person such that persons are taken to have the above-mentioned moral powers. But the purpose of doing so is not that he thinks that people actually have these powers in precisely the way that the model conception does. Rawls models people in this way because, he argues, "in specifying the central organizing idea of society as a fair system of cooperation, we use the companion idea of free and equal persons as those who can play the role of fully cooperating members."[24] The idea is that so characterizing citizens is part of the argument that provides the proper justification for political principles.

So, Rawls's political conception of the person is just that: *political*. Rawls explains that

> the conception of the person is a political one.... persons can accept this conception of themselves as citizens and use it when discussing questions of political justice without being committed in other parts of their life to comprehensive moral ideals often associated with liberalism, for example, the ideals of autonomy and individuality. The absence of commitment to these ideals, and indeed to any particular comprehensive ideal, is essential to liberalism as a political doctrine. The reason is that any such ideal, when pursued as a comprehensive ideal, is incompatible with other conceptions of the good, with forms of personal, moral, and religious life consistent with justice and which, therefore, have a proper place in a democratic society. As comprehensive moral ideals, autonomy and individuality are unsuited for a political conception of justice.[25]

As I have emphasized, Rawls's political conception of the person, including its characterizing persons as having the two moral powers and highest order interest in exercising them, does not commit him to a conception of personal identity. Rawls says the ideals of "autonomy and individuality" play a particular role in a theory of political justice, but need not play the same role in individuals' personal lives. Critics note that Rawls makes this claim, but they argue that it is not true.[26]

---

[23] Rawls (1985, p. 235).

[24] Rawls (2001, p. 24).

[25] Rawls (1985, pp. 245–246).

[26] I thank David Copp for pointing this out to me.

Rawls explains that it is important to "distinguish between the roles of a conception of the person and of a theory of human nature."[27] Rawls characterizes persons as having a capacity to form and revise their conceptions of value. As explained in the previous chapter, some have objected that it is simply false that people are free to choose their conceptions of what is valuable. Rawls claims that he does not mean to be giving an account of what persons are actually like, but, if not, what is the justification for so conceiving of citizens? By this I mean, if it is true that people are not able to *choose* their conceptions of value, then what reason is there for conceiving of persons as free in that way?

Rawls models persons as free to choose their conceptions of value because he takes pluralism about conceptions of value to be an essential feature of a liberal society such as ours. The fact of pluralism results from what Rawls calls the "subjective circumstances of justice," the fact that people have different conceptions of value. He writes "persons and associations have contrary conceptions of the good as well as of how to realize them, and these differences set them at odds, and lead them to make conflicting claims on their institutions. . . ."[28] Because people do not all share the same conception of value, then, from a political point of view, Rawls claims, we must adopt a conception of persons that does not appeal to any particular conception of value. Not appealing to any particular conception of value is supposed to prevent the principles adopted from being unfairly biased in favor of a particular conception of value.

As explained in the first chapter, the fact of disagreement, or pluralism, is one motivation for Rawls's characterization of persons and for my Rawlsian conception of political identity. Rawls conceives of persons as independent of their conceptions of value because justifying principles to persons so-characterized yields principles that will not be biased in favor of or against certain conceptions of value. This characterization of persons, Rawls writes, "generalizes the idea of religious liberty, it assigns to people's conception of the good a public status analogous to that of religion."[29] The idea is that characterizing persons as independent of their conceptions of value has the consequence that the principles that turn out to be justified by the Rawlsian argument that uses this conception of the person—the principles that, if Rawls is right, ought to govern the basic structure of society—do not embed a conception of value that could infringe on individuals' freedoms to pursue their own conceptions of value, whatever they may be. Rawls writes,

> Thus, as free persons, citizens claim the right to view their persons as independent from and as not identified with any particular conception of the good, or scheme of final ends. Given their moral power to form, to revise, and rationally to pursue a conception of the good, their public identity as free persons is not affected by changes over time in their conception of the good.[30]

[27] Rawls (1980, p. 534).

[28] Ibid., p. 536.

[29] Ibid., p. 540.

[30] Rawls (2001, p. 21).

It is not clear how to understand Rawls's claim that *citizens as free persons claim the right to view themselves as independent of their ends*. Rawls could be making an empirical claim about persons, but it is unlikely because he has claimed that he is modeling persons. The important point seems to be that he is characterizing persons as citizens. Rawls seems to think that persons can view their identities as independent of their conceptions of value as citizens, but "in their personal lives," as it were, they may take their identities to be partially constituted by their conceptions of value. He also does not claim that persons *are* independent of their ends, but simply that they *claim the right* to view themselves as if they are. This way of conceiving of citizens is supposed to be merely in light of their public identity.

As mentioned above, the goal of neutrality is one reason for conceiving of persons independently of their conceptions of value. A conception of persons as independent of their conceptions of value, when plugged into Rawls's argument, should yield principles that are not biased in favor of one or another such conception. For this reason, there is a greater chance that persons will have the freedom to pursue their conceptions of value—at least that freedom will not be ruled out by the very principles adopted. Rawls's general goal of political agreement is to

> sustain the goods of all persons and associations within a just democratic regime. To secure this agreement we try, so far as we can, to avoid disputed philosophical, as well as disputed moral and religious, questions. We do this not because these questions are unimportant or regarded with indifference, but because we think them too important and recognize that there is no way to resolve them politically. . . . Given the profound difference in belief and conceptions of the good at least since the Reformation, we must recognize that, just as on questions of religious and moral doctrine, public agreement on the basic questions of philosophy cannot be obtained without the state's infringement of basic liberties.[31]

The idea is that Rawls conceives of persons, from the political point of view, as independent of their conceptions of value because those conceptions are highly important to individuals, and each person should have the freedom to pursue his conception. Rawls does not think that persons' identities, in fact, are independent of their conceptions of value.

Sandel claims that persons' conceptions of value partially constitute their (nonpolitical) identities. Rawls conceives of political identity as independent of conceptions of value. What justifies the distinction between political identity and nonpolitical identity? Rawls argues that, in fact, the notion of political identity at work in our society is one according to which identity is independent of conceptions of value. He writes,

> For example, when citizens convert from one religion to another, or no longer affirm an established religious faith, they do not cease to be, for questions of political justice, the same persons they were before. There is no loss of what we may call their public identity, their identity as a matter of basic law. In general, they still have the same basic rights and duties; they own the same property and can make the same claims as before, except insofar as these claims were connected with their previous religious affiliation. We can imagine a society (indeed, history offers numerous examples) in which basic rights and recognized claims depend on religious affiliation, social class, and so on. Such a society has a different

[31] Rawls (1985, p. 230).

> conception of political identity. It may not have a conception of citizenship at all; for this conception, as we are using it, goes with the conception of society as a fair system of cooperation for reciprocal advantage between free and equal persons.[32]

It seems right that, in our society we do not take people's rights to be tied to their religious affiliation. Similarly, from a political point of view, we do not think a person's identity is tied to his religion.

Communitarians seem to be correct that, at least for some people, their conception of value, such as their religion, is essential to their identities. Can we square the fact that some people conceive of their identities as constituted by their conception of value with Rawls's claim that our political identities are independent of our conceptions of value, and, moreover, that in our political identities we conceive of those conceptions as a matter of choice? The resolution to this apparent tension is found in the distinction between political and non-public identity. On this point, I quote Rawls at length.

> These two aspects of their moral identity citizens must adjust and reconcile. It can happen that in their personal affairs, or in the internal life of their associations, citizens may regard their final ends and attachments very differently from the way the political conception supposes. They may have, and often do have at any given time, affections, devotions, and loyalties that they believe they would not, indeed could and should not, stand apart from and evaluate objectively. They may regard it as simply unthinkable to view themselves apart from certain religious, philosophical, and moral convictions, or from certain enduring attachments and loyalties. These two kinds of commitments and attachments—political and nonpolitical—specify moral identity and give shape to a person's way of life, what one sees oneself as doing and trying to accomplish in one's social world. If we suddenly lost them, we would be disoriented and unable to carry on. In fact, there would be, we might think, no point in carrying on. Our conceptions of the good may and often do change over time, usually slowly but sometimes rather suddenly. When these changes are sudden, we are particularly likely to say that we are no longer the same person. We know what this means: we refer to a profound and pervasive shift, or reversal, in our final ends and commitments; we refer to our different moral (which includes our religious) identity. On the road to Damascus Saul of Tarsus becomes Paul the Apostle. Yet such a conversion implies no change in our public or legal identity, nor in our personal identity as this concept is understood by some writers in the philosophy of mind.[33]

Here, Rawls grants the claim that motivates the bulk of Sandel's criticisms of the original position and Rawls's political conception of the person : persons are partially constituted by their ends. His statement that without our "convictions" we may feel "disoriented and unable to carry on" should call to mind Taylor's claims about a person in the grips of an identity crisis. Taylor claims that such a person would be "at sea."

The similarity between Rawls's claims about non-public identity and Sandel and Taylor's claims about personal identity is notable. It is notable because Rawls has claimed that, while his political conception of the person does have some metaphysical commitments, it is consistent with any plausible metaphysical view that one may want to adopt. Critics (not just Sandel and Taylor) have claimed that, while Rawls

[32] Rawls (2001, p. 21–22).

[33] Ibid., pp. 22–23.

has not assumed any *particular* metaphysical conception, his view is inconsistent with views like those accepted by Sandel and Taylor. So, we have seen at least prima facie evidence that the first metaphysical objection to the political conception of the person—the objection that the conception is inconsistent with conceptions of persons as encumbered selves—is simply based on a misunderstanding of the political conception of the person. Far from being inconsistent with the political conception of the person, Rawls explicitly grants that persons may be "encumbered" in their non-public identities. His claim is simply that conceiving of persons, in light of their political identities, as unencumbered serves a role in his argument justifying principles that, if implemented, would protect important freedoms and guarantee fairness.

Recall the distinction between Lockean conceptions of personal identity and the conceptions used by Taylor and Rawls. In contrast to the Lockean conceptions, Rawls's conception of identity allows that persons can have more than one identity because his conception of identity is a conception of a different kind of thing. In fact, Rawls claims that persons have both political identities and nonpolitical identities, and his characterization of persons' nonpolitical identities is similar in important respects to Taylor's practical-moral conception of persons. Rawls believes that his political conception of the person is consistent with Taylor's conception of identity. Because the notion of identity at work in both Taylor and Rawls's theories is not Lockean and does not concern numerical identity, their conceptions each allow that persons can have more than one identity. Critics have not given reason to think the views are inconsistent because they have not shown what is problematic about Rawls's distinction between political and nonpolitical identities. In the next section, I aim to show that the two conceptions are consistent and that the distinction between political and nonpolitical identity can be maintained.

Responses to Metaphysical Objections to Rawls's Political Conception of the Person

Rawls allows that, in our nonpolitical identity, we can have constitutive ends, including our conceptions of what is intrinsically valuable. Yet, Rawls claims that people must be able to conceive of their political identity as independent of these conceptions. So, what is required to be able to accept a political conception of identity without them?

Rawls characterizes persons as being free to choose a conception of value. From this characterization, critics have taken Rawls to be committed to the view that persons' capacities to choose their conceptions of value are independent of social circumstances. As explained in the previous chapter, Taylor argues that people are not utterly free to choose their conceptions of value. If Taylor is right that people cannot *choose* their conceptions of value, that fact is supposed to undermine the viability of Rawls's political conception of the person because, so the objection goes, that conception relies on a false view of both persons' capacities and the extent

to which their values are socially constituted. Rawls's political conception of the person requires that people conceive of themselves, even if only in light of their political identities, as bearing a voluntary relation to their conceptions of what is intrinsically valuable. The problem is supposed to be that, because, in fact, people do not bear a voluntary relation to their conceptions of value, then it is not clear how persons can *conceive* of themselves as bearing such a relation to their conceptions of value.

The reader should recall that Sandel and Taylor argue that Rawls's claim that we choose our conceptions of the good relies on a false view of freedom. The idea is that, because Rawls's political conception of the person characterizes people as free to choose their conception of what is intrinsically valuable, then Rawls must think that persons' choices of their conceptions of value are completely independent of their social circumstances. Sandel and Taylor think this is a problem because "someone who is nothing but a free rational being would have no reason to choose one way of life over another."[34] Sandel and Taylor claim that decisions about what is valuable in life require taking something as "given," as it were. They think that Rawls's characterization of freedom requires people to be able to make choices without a "given." Kymlicka provides an apt response to this objection. Kymlicka explains that it is clear that when we make judgments we must take something as "given."[35] Kymlicka argues that, in order for people to make choices about conceptions of value, we need not take "the given" to be the same for all individuals at all times. He writes,

> If at one time we make choices about what's valuable given our commitment to a certain religious life, we could later come to question that commitment, and ask what's valuable given our commitment to our family, etc. The question then is not whether we must take something as given—but rather whether an individual can substitute what is in 'the given,' or whether on the contrary the given has to be 'set for us' by the community's values.[36]

Kymlicka rightly argues that neither the communitarian objection to Rawls's political conception of the person, nor the claim that we cannot make choices without taking features of our "situated" lives as a given, show that liberalism is committed to a false view of identity and of how we make judgments about value in our lives. We can, at different times in our lives, assess our values and commitments. Given that we can assess these values and commitments, the idea seems to be that we are able to *conceive* of ourselves as bearing a voluntary relation to those values or commitments, even if they were not chosen to begin with.

Further developing this response, I appeal also to Kymlicka's claim that the liberal view that "the self is prior to its ends" is not a metaphysical claim, but the claim that "no end or goal is exempt from possible re-examination."[37] To make sense of Rawls's claim that the political conception of the person is one according to which

---

[34] This is Kymlicka's (1988, p. 189) gloss of Sandel and Taylor's objection.

[35] Kymlicka (1988, p. 189).

[36] Ibid.

[37] Ibid., p. 190.

a person is free to choose his conception of value, Kymlicka explains, we need not be able to conceive of a self as existing without *any* ends. What we must be able to do is

> envisage our self without its *present* ends. But this doesn't require that we can ever perceive a self totally unencumbered by any ends—the process of ethical reasoning is always one of comparing one 'encumbered' potential self with another 'encumbered' potential self.[38]

Kymlicka explains the claim that the self is prior to its ends means that "we reserve the right to question and reappraise even our most deeply held convictions about the nature of the good life"[39] Kymlicka thinks the idea that we cannot conceive of ourselves as independent of our particular commitments runs afoul of our "deepest self-understandings." He says

> We don't consider ourselves trapped by our present attachments, incapable of judging the worth of goals we inherited (or ourselves chose earlier). No matter how deeply implicated we find ourselves in a social practice or tradition we feel capable of questioning whether the practice is a valuable one. . . .[40]

Kymlicka's response is plausible. It seems true that we can *conceive* of ourselves independently of commitments or values that we may believe to be essential to our non-political identities. We can scrutinize even our most deeply held commitments.

Norman Care offers a similar response to Sandel and Taylor's objection to the political conception of the person. Care writes,

> the view Sandel proposes makes us 'participants in a common identity, be it a family or community or class or people or nation'. . . . But there is a question, I think, about whether, logically, the community-constitutive conception can really be *in competition with* the Rawlsian conception of a 'distancing self'. Rawls can, after all, agree that people understand themselves in ways that incorporate community ties.[41]

Care supports precisely the claim I have been arguing for: Rawls's political conception of the person is simply a conception of a different kind of thing than the metaphysical conception of identity is a conception of, even though they are both said to be conceptions of the "identity of persons." For this reason, Rawls's notion of political identity is consistent with the notion of personal identity supported by Sandel and Taylor.

Care argues that the features of persons that Sandel calls "constitutive ends," are features of individuals that it would be implausible to think that people could not imagine themselves without. He writes,

> So, despite my efforts to do so, I am unable to keep the community-constitutive model of self in competition with the Rawlsian model of self such that theoretically I must select between them. Each candidate 'constituent' of my identity, each community tie, I find I *can* slip away from *enough* to place it before me as an object of evaluation and, perhaps, criticism. . . . What

[38] Ibid.

[39] Ibid., p. 189.

[40] Ibid., p. 191.

[41] Care (1985, p. 465).

> is deeply important to me ('central to my identity,' I might say) may still be evaluated by me, even though it might in some cases be strange, painful, funny, or frightening to conduct the evaluation.[42]

What Care is getting at is that even if we are socially constituted in our personal lives, in our "political identities" we can conceive of ourselves as independent of those social features that constitute our non-political identity in the sense that we can conceive of ourselves as evaluating them.

Care suggests that, if we can evaluate the "constituents" of our identities, then

> the community-constitutive conception of self which Sandel labors to show is ruled out by the Rawlsian view does not finally conflict with it at all. The community-constituted self is simply logically posterior to the distancing self. And, accordingly, we may proceed to evaluate our community ties to determine what they are worth.[43]

The idea is simply that, as I hope my account of the political conception of the person in the previous section showed, Rawls's political conception of the person does not require persons to be "unencumbered selves. " Rawls merely requires that people be able to conceive of themselves, in their political identities, as independent of the sorts of values and attachments that Sandel and Taylor have claimed constitute identity. Care explains, rightly, that we are able to conceive of ourselves an independent of these values and attachments, even if we grant that they are a part of our identities.

Sandel objects that Rawls's conception of persons as self-originating sources of claims means that Rawls must conceive of persons as only having duties that are voluntary. That is, Rawls must conceive of persons as not having duties and attachments that are a matter of obligation. This argument fails for same reasons that the preceding argument failed: Rawls's political conception of the person is not supposed to be a characterization of persons in their nonpolitical identities. Rawls does not think that people have only voluntary obligations, nor does he think that a political conception of justice should not take them into account. Rawls writes,

> Claims that citizens regard as founded on duties and obligations based on their conception of the good and the moral doctrine they affirm in their own life are also, for our purposes here, to be counted as self-authenticating. Doing this is reasonable in a political conception of justice for a constitutional democracy, for provided the conceptions of the good and the moral doctrines citizens affirm are compatible with the public conception of justice, these duties and obligations are self-authenticating from the political point of view.[44]

It seems that Sandel's objection to Rawls fails simply in virtue of the fact that it misunderstands the role that the idea that persons are "self- authenticating sources of claims" is supposed to play in Rawls's argument.

Rawls claims that, in order to view persons as free and equal, we must take each person to be able to make valid claims on the political institutions on the grounds that they themselves choose—not on grounds that are given to those people by the political

---

[42] Ibid., p. 465.

[43] Ibid., p. 466.

[44] Rawls (2001, p. 23).

system itself or antecedently given social obligations.[45] Rawls's characterization of persons as self-authenticating sources of claims is not based on the idea that that persons' claims cannot be based on duty, but the idea that the political system should view persons' claims as valuable in and of themselves, and not because those claims are "derived from their duties and obligations owed to society. . . ."[46] The idea, for Rawls, is that people's claims are thought to come from and be justified by the fact that they are valuable to the particular person who makes them, not because they are justified by a person's obligation to society or to a religion the state seeks to impress upon them, for example. Rawls's view is that each person's claims are important and deserve respect in their own right and not because of the way in which the person came to have them.

If we think of persons' obligations as freely chosen, then we will not adopt principles that, themselves, unjustifiably infringe on persons' political freedoms. Rawls seems to think that if we assume that people have obligations that are involuntary, and allow persons' involuntary obligations support claims on our political institutions, then our political institutions may fail to respect persons' freedoms by being biased in favor of conceptions of value that are not shared by all persons.

Rawls allows that, in fact, some of our claims are not "self-authenticating" in the sense of being freely chosen. Some of our claims may be a product of our conception of value, which, as explained above, Rawls allows may be socially given. For this reason, Sandel's objection that some claims on our political system stem from duty rather than choice does not amount to an objection to Rawls. Rawls allows that we have obligations that are not voluntarily chosen, but from a political point of view, we ought to view all claims as voluntarily chosen in order to avoid adopting non-neutral principles.

So, we have seen that Rawls's political conception of the person does not rely on any particular metaphysical conception of personal identity. Rawls merely conceives of persons' political identities as independent of certain features that communitarians have claimed are essential to personal identity. The fact that Rawls characterizes persons as free to choose a conception of value has led to many communitarian objections because conceptions of value are the very features that they claim are essential to personal identity. I have argued that Rawls's political conception of the person gives an account of political identity that is not in competition with communitarian theories of personal identity. Thus, communitarians' metaphysical objections fail to undermine Rawls's political conception of the person. The objections are based on a failure to understand the distinction between political and nonpolitical identity.

It seems that communitarians have failed to show why Rawls's political conception of person is inconsistent with their preferred metaphysical conception of persons or personal identity. Given that the political conception of the person does not rely on a metaphysical view, but merely requires us to be able to conceive of ourselves as independent of our values and attachments, which we presumably can, it seems that no metaphysical objection starting from the claim that we are socially constituted

---

[45] Ibid.

[46] Ibid.

can get off the ground. Similarly, it seems that a proper understanding of Rawls's political conception of the person shows that Taylor's argument that normative conceptions require metaphysical commitments is unsuccessful. Taylor's argument is unsuccessful because (i) Rawls grants the very metaphysical view Taylor claims is inconsistent with his normative conception, (ii) Rawls gives reason to think the two views are consistent, e.g. the distinction between political and nonpolitical identity, (iii) both Taylor and Rawls rely on a notion of identity that allows that persons can have more than one identity, and (iv) Taylor has not given reason to think the two views are inconsistent. So, far from being committed to the false metaphysical view Taylor claims follows from Rawls's normative conception of the person, Rawls accepts Taylor's metaphysical conception and argues that his normative conception is independent of it.

Response to Normative Objections to Rawls's Political Conception of the Person

Response to the Objection on the Grounds of Valuing the Capacity for Choice

As explained in the previous chapter, Rawls's characterization of persons as free to choose their own conceptions of what is intrinsically valuable is the starting point not only for metaphysical objections, but also for normative objections to Rawls's political conception of the person. Recall that Kymlicka objected that Rawls's political conception of the person is normatively inadequate because it commits him to the claim that persons' capacities for choice are valuable rather than the objects of persons' choices. Kymlicka claims that Rawls is wrong to claim that our highest-order interest is in exercising the *capacity* to form and revise conceptions of the good, our highest-order interest, he argues, is in actually "leading a life that is good."[47] Kymlicka argues that accepting Rawls's view leads to the absurd consequence that "the more we exercise our capacity for choice, the freer we are, and hence the more valuable our lives are."[48] Kymlicka claims that this view is false and "perverse."[49]

This argument fails because it is based on a misunderstanding of the reason that Rawls characterizes persons as having that highest-order interest. Contra Kymlicka, I submit that Rawls is not claiming that what is *valuable* is the capacity to choose rather than the choices we make. Rawls's claim is that what is essential or most important from the normative point of view is the capacity to choose. Rawls focuses on the capacity for choice rather than the particular choices people make in order to abstract away from particularities that threaten impartiality in his foundational

[47] Kymlicka (1989, p. 12).

[48] Ibid., p. 49.

[49] Ibid.

argument from the original position. Rawls characterizes persons as having the two moral powers and a highest-order interest in exercising those powers, but he does not claim that people in their nonpolitical identities must have their highest-order interest in exercising those powers. Given the use to which Rawls puts the political conception of the person, it seems that the two moral powers and the highest-order interest merely provide the motivation necessary to animate the conception of the person, as it were.

The political conception is normative, so there is the possibility that Rawls's use of the highest-order power is normatively inadequate. That is, if Kymlicka is right (and it seems he is) that persons' highest-order interests are not in forming and revising their conceptions of value, but in actually living a lives that are good, then it is an open question whether Rawls's idealization of persons is able to provide the proper justification for this theory.

It seems, then, that the real question is not whether Rawls's characterization of the political conception of the person as free to choose his conception of value matches how we think of our own relation to our conceptions of value, but whether Rawls's conception of persons as free to choose their conceptions of value is justified within his political theory. Although this is Kymlicka's objection, a liberal response on Rawls's behalf can be found in his writing. Kymlicka writes,

> concern for freedom within liberalism doesn't take the place of these projects and tasks. On the contrary, the liberal defense of freedom rests precisely on the importance of those tasks and projects. Liberals aren't saying that we should have this freedom because it is the most valuable thing in the world. Rather, it is our projects and tasks that are the most important things in our lives, and it's because *they* are so important that we should be free to exercise and revise them, should we come to believe that they are not fulfilling or worthwhile. Our projects are the most important things in our lives, but since our lives have to be led from the inside, in accordance with our beliefs about value, we should have the freedom to form, revise and act on our plans of life. Freedom of choice, then, isn't pursued for its own sake, but as a precondition for pursuing those projects and tasks that *are* valued for their own sake.[50]

The idea is that Rawls conceives of persons as independent of particular aims and attachments *from the political point of view* not because he thinks those aims and attachments are unimportant, or because they are not, perhaps, partially constitutive of persons' non-public identities, but because principles that are justified to persons so-characterized will be neutral with respect to conceptions of what is intrinsically valuable. Principles that are neutral in this way will not be biased against the conceptions of value that are not accepted by all members of society.

Kymlicka also writes that

> no one disagrees that tasks and projects have to be our concern and goal—that is just a red herring in the debate. The real debate is not over whether we need such tasks, but whether they must be set for us by society. This is the heart of the communitarian position, and it raises very different questions.[51]

---

[50] Kymlicka (1988, p. 187, 1989, p. 48) .

[51] Ibid., p. 188, cf. 1989, p. 50).

Kymlicka says that one of the communitarian "fallacies" is to suppose that if certain ends are "given" that they must come from communal values. Similarly, it is a common communitarian error to think that the fact that freedom is "situated" in a person's community or role means that the *person* must also be situated in some specific community or role.[52] Kymlicka explains that Rawls's characterization of persons as free to choose a conception of value does not commit Rawls to the idea that choice itself is valuable. Similarly, it does not commit Rawls to the claim that conceptions of value are independent of social circumstances. The idea is simply that for Rawls, in our political identity, we should think of ourselves as being able to change our conceptions of value, rather than thinking of ourselves as being forced to retain whatever conception of value is dominant in our society. It seems that Rawls is trying to avoid a political conception of the person according to which persons' rights and claims on their government are somehow based on a conception of value given to them from their society that they are unable to reject. In other words, as I've said before, Rawls's political conception of the person is characterized in such a way as to promote the goal of liberal neutrality.

Recall Taylor's argument that the liberal conception of persons requires a commitment to foster the capacities that our rights protect. Taylor focused on the right to choose a conception of what is intrinsically valuable. He claimed that liberals' position would be incoherent if they valued a right but were not committed to fostering the development of the capacity the right protects. Taylor conceded that liberals' position could be coherent if the liberal claimed that freedom *itself* was intrinsically valuable. He claimed, though, that it is obvious that freedom of choice is not intrinsically valuable. In Chap. 6, I suggested that, in fact, from a political point of view, taking choice itself to be valuable may be a way to respect persons' rights.

Rawls's reason for characterizing persons as having the power to choose and revise their conception of value is not that it represents some important metaphysical, or even normative, feature of personal identity, but that it is a theoretical mechanism for preventing political principles from embedding a conception of value. Because Rawls's political principles are justified independently of conceptions of value, then the principles will not be biased in favor of one conception of value. While this does not guarantee persons' rights will be respected, it helps prevent one way in which the rights could be infringed upon. Kymlicka explains a related point as follows:

> respect for autonomy requires that individuals retain the right to opt out of any particular communal practice (and corresponding communal provision of benefits). Hence, Rawls's two principles of justice are designed to ensure that individuals can "stand apart" from their current ends—the liberties and resources distributed by Rawls's two principles do not preempt or penalize the attempt by individuals to form and revise their conceptions of the good, or to acquire the information needed to make those judgments rationally and intelligently. Since individuals can come to question their ends, they must have access to resources which are flexible, which can be translated into the goods and services appropriate for other ways of life, including, of course, other communal ways of life.[53]

---

[52] Ibid.

[53] Kymlicka (1989, p. 892).

Kymlicka's related point helps to clarify what Rawls is up to. The idea is that Rawls characterizes persons as free to form and revise their conceptions of value, and his principles are justified by the fact that persons so characterized would accept them. Because the persons cannot appeal to their conceptions of value in their selection of principles, then the principles they select will not be biased against certain conceptions of value—because they would not want to select principles that are biased against the conception of value they accept. This method of justification avoids one way in which persons' freedoms can be infringed upon—by having political principles that are biased against their conception of value. This is why Rawls argues that, from a political point of view, we ought to view persons' identities as independent of their conceptions of value, as well as many other aims and commitments, but grants that those conceptions and the aims and commitments may, in fact, partially constitute their non-political identities.

Response to Citizenship Objections

In the previous chapter, I explained objections to Rawls's political conception of the person on the grounds that a different conception of citizenship has more normative justification. As explained in the previous chapter, Aristotelian critics such as Sullivan claim that "the working out of personal identity and a sense of orientation in the world depend upon a communal enterprise" and that "mutual dependency is the foundational notion of citizenship."[54] Similarly, Crowley argues that a conception of citizenship of the sort Sandel argues for "makes possible a society in which the autonomy of each as a social being is given its fullest possible scope and expression"[55] Pushing the other direction, objections from the neo-Nietzschean and critical theory camps argue that Rawls's political conception of the person that is based on widely shared values serves to smuggle in the values of the current social order, and in so doing, reifies current injustices and moral problems. I respond to these two kinds of citizenship objection in turn.

The Aristotelian critics take issue with Rawls's political conception of the person on the grounds that it is overly individualistic. Their objection is that, because Rawls's political conception of the person is an idealization that abstracts away persons' social circumstances, and does not account for the ways in which people need society to develop into fully autonomous moral agents, his political theory makes use of a normative conception of citizenship that cannot account for what they take to be necessary for individuals to be citizens. These critics claim that, as citizens, we are not isolated individuals with capacities we develop independently of society and aims that are solely of our own choosing. Rather, our aims and identities come from our society.

[54] Sullivan (1982, p. 158).

[55] Crowley (1987, p. 8).

As explained in Chap. 6, critics who accept these Aristotelian notions of citizenship think that the state should be a perfectionist state based on a politics of the common good, rather than being neutral with respect to conceptions of what is intrinsically valuable. The primary reason offered for these communitarian or perfectionist conceptions of citizenship is that, in contrast to a liberal conception of the citizen, like Rawls's, these conceptions provide a more accurate account of the extent to which individuals are influenced by their social circumstances and the fact that individuals need society in order to become fully functioning moral agents.

In a discussion of liberal neutrality, Kymlicka makes a claim that, I think, provides a response these objections. Kymlicka claims that critics of liberal neutrality who support perfectionist ideals assume that our social reality is characterized by a dichotomy between the political and the individual. Kymlicka claims this is a false dichotomy because there is room within the liberal view for communal and social activities that are not political. He claims, rightly, that there can be communal discussion and assessment of modes of life without the state engaging in that evaluation.[56]

This response is instructive to the citizenship objections. Objections based on competing conceptions of citizenship are supported by the assumption that Rawls's conception of citizenship—because the conception itself does not make reference to the importance of social activities—must take citizenship to be utterly individualistic. This is clearly false. Rawls grants that individuals are influenced by social circumstances and that communal assessment of conceptions of value is an important part of social life. Rawls simply does not include these activities in his political conception of the person, because his political conception of the person is intended to pick out the features of persons that characterize them as having the rights and capacities required to participate in political life.

It is consistent with Rawls's view that individuals cannot achieve the fullness of moral autonomy independently of communal activity. Far from denying that communal activity is a necessary part of political life, Rawls's view actually more accurately characterizes the nature of that activity than the communitarian characterization. In support of this claim, Kymlicka writes,

> It is commonly alleged that liberals fail to recognize that people are naturally social or communal beings. . . . But there is a sense in which the opposite is true—liberals believe that people naturally form and join social relations and forums in which they come to understand and pursue the good. The state is not needed to provide that communal context and is likely to distort the normal processes of collective deliberations and cultural development. It is communitarians who seem to think that individuals will drift into anomic and detached isolation without the state actively bringing them together to collectively evaluate and pursue the good.[57]

It seems that Kymlicka is right. Rawls thinks that individuals are influenced by their social circumstances and that persons need society in order to develop the features of moral personality that are required to be a fully-functioning citizen. Given that Rawls

---

[56] Kymlicka (1989, p. 897).

[57] Ibid., p. 904.

takes communal activities to be important for political life, the fact that Rawls does not include engagement in communal activities as a part of his political conception of the person provides evidence that he thinks the government need not be actively involved in bringing about these activities.

Indeed, even Taylor, in more recent writing has granted this point. He writes,

> It is here, on our own, among friends and family, or in voluntary associations, that we can "drop out," throw off our coded roles, think and feel with our whole being, and find various intense forms of community. . . . This unofficial zone has developed its own public spheres, in which the imagination is nourished, and ideas and images circulate.[58]

Rawls's political conception of the person is admittedly individualistic, but that does not mean that Rawls takes all aspects of persons' lives to be inherently and fundamentally individual. With that explanation, we can also dispense with part of the critical theory objection from people like Honneth, namely, the idea that Rawls's conception of the person removes from examination certain kinds of moral problems. Rawls would not claim that his view deals with all of social ills. His conception of the person, and the resulting theory of justice is meant to deal with just that: matters of justice. So, he would allow that there are important social and moral problems for which his theory cannot and does not account.[59]

The further concern raised by the neo-Nietzscheans had to do with the fact that Rawls's political conception of the person relies on current liberal values and, thereby, reifies the current values and social order, which may be unjust. Additionally, they argue that in doing so, it restricts real change, if it does not make it altogether impossible. There are two problems with this objection. The first has to do with the kind of examples that are offered as cases which Rawlsian liberalism cannot address. Connolly provides an example that is supposed to pick out a problem with Rawls's procedure by looking at how it would have worked in an earlier time, a time when slavery was thought by some to be acceptable. Connolly states that slaves, Indians, and homosexuals were not considered to be persons in earlier societies, but that it has been through a social movements have changed our definitions of persons such that these identities are now considered legitimate persons.[60] While Connolly is correct that, historically, certain groups have been denied the status of "persons" politically,

[58] Taylor (2007, p. 52). While Taylor grants that there is this other public sphere, which is still, in Rawls's terms "private," he does not draw a positive conclusion from it. In my view, the existence of this other sphere shows that there are means for the interactions that are so essential to persons developing their identities, so the fact that Rawls's political conception does not account for them does not prevent people from having them. Taylor however, thinks that the voluntary status of this sphere is a real problem of what he calls "the secular age." The problem is that because this other sphere is voluntary, it makes it possible for people not only to develop their identities but also to experience loss of meaning.

[59] Beyond this, I submit that the fact that Honneth has identified political equality as one of the kinds of recognition that is essential to developing and maintaining personal identity, he has in effect granted Rawls's own view of the role of his political conception of the person as but one conception of persons that is relevant to person's lives, and, indeed, the conception which is most relevant to persons' political interactions. See, e.g., Honneth (1995, pp. 17–18, 107–121).

[60] Connolly (2000, p. 163).

it is simply false that Rawls's view is that whatever the social values happen to be at a particular time determines whether some people deserve to be treated as free and equal citizens and others do not. Indeed, Rawls says "In claiming that slavery is unjust the relevant fact about it is not when it arose historically . . . but that it allows some persons to own others as their property. That is a fact about slavery, already there, so to speak, and independent of the principles of justice."[61] The point Rawls makes here is that there are certain kinds of facts which have a certain kind of status within his theory, in this case, the fact that slavery allows some persons to own others as property makes it the case that slavery is unjust, whatever views previous societies may have had about this practice, even if slavery was accepted according to their political values. We do not need the complete theory of justice to be able to say that slavery is unjust. We are looking for a fair system of cooperation for free and equal persons and no theory which treats some people as slaves or does not treat a group of people, such as Indians or homosexuals, as persons would ever have been accepted. As Rawls says, "Some judgments we view as fixed points: ones we never expect to withdraw, as when Lincoln says: 'If Slavery is not wrong, nothing is wrong.'"[62] So, while it may be the case that the views of people two-hundred years ago would have suggested that slavery could be part of a reasonable conception of justice, it is simply not the case that such an account would be included in Rawls's family of reasonable conceptions of justice that could be a part of the overlapping consensus that could justify principles of justice.[63]

Beyond the fact that some of the examples at work in the neo-Nietzscheans' objections reveal the kind of misunderstanding I have just been discussing, it is simply not the case that the conception of justice is utterly fixed.[64] The important fact about the justification of Rawls's theory in *Political Liberalism* and later works, is that it is supported by an overlapping consensus which is composed of a family of reasonable conceptions of justice, which is not an overlapping consensus just of the current comprehensive doctrines in a given society.[65]

Paul Patton explains that Rawls's theory allows for some change. He explains that public reason is not fixed, and it something that changes over time. He writes that

> the settled convictions are provisional because even our most firmly held convictions may change. The recognition that this may lead to changes in the political conception of justice is implicit in Rawls's suggestion that the conception of justice the parties to the original position would adopt 'identifies the conception of justice that we regard—here and now—as fair and supported by the best reasons.' The phrase 'here and now' points to the fact that the

---

[61] Rawls (1996, p. 122); Connolly (2000, p. 160) himself quotes Rawls on this point, so it is unclear what other than a misreading of this passage would lead Connolly to say what he does about this quote.

[62] Rawls (2001, p. 29).

[63] Ibid., p. 184.

[64] The fact that slavery is unjust *will* always be fixed for Rawls, but there are other facts and considerations that could allow the conception of justice to change.

[65] Ibid., p. 37.

> conception of justice . . . expresses the considered opinions of a historically specific form of society. As those opinions change, so will the details of the conception of justice.[66]

So, Rawls's conception of justice is one that does allow for change, as people's views change. But, there are certain facts that serve as boundaries, as it were, for the kinds of change which would be allowable within the theory.

From the foregoing, I hope that I have shown that Rawls's political conception of the person grants some of the essential claims that support the communitarian conceptions of citizenship. Moreover, it seems that the communitarian conceptions of citizenship do rely on a false dichotomy between the individual and the political, failing to leave room for the nonpolitical, communal activities that are an important part of social life. Rawls's conception also is not so historical that it could justify principles that would allow slavery, but it is not abstract and fixed that once the principles are selected that they are fixed, once and for all, even if cultural convictions change.

Response to Empirical Objections

As explained in Chap. 6, critics have argued that the liberal emphasis on individual rights and the ability to choose one's own values actually undermines those rights and values. The objection is that liberals value individuals' freedom to choose their own ways of life, but community support of the value of freedom cannot be maintained by the sort of society and government that liberal theories prescribe. Also, Taylor argues that, in order for society to function properly, there must be a common good that provides social cohesion and governmental stability. As explained in the previous chapter, each of these objections relates to Rawls's commitment to neutrality.

To begin to respond to these objections, we should consider Rawls's answer to the following question: Why should we be neutral with respect to conceptions of what is intrinsically valuable? Rawls provides the following answer:

> liberalism as a political doctrine supposes that there are many conflicting and incommensurable conceptions of the good, each compatible with the full rationality of human persons, so far as we can ascertain within a workable political conception of justice. As a consequence of this supposition, liberalism assumes that it is a characteristic feature of a free democratic culture that a plurality of conflicting and incommensurable conceptions of the good are affirmed by its citizens.[67]

As I have explained, Rawls claims that the government must be neutral with respect to conceptions of what is intrinsically valuable because they are not agreed upon and disagreement about them is reasonable. What does this neutrality come to though? As we saw at the end of the previous chapter, Rawls's support of neutrality does not

---

[66] Patton (2010, p. 207). (quoting Rawls (1996, p. 26). See also, Patton (2010), ibid., p. 224, n. 10. Patton suggests that Deleuze's conceptual constructivism applied to "Rawls's conception of justice would allow us to see it not as definitive and fixed but as open to future modification" (p. 210).

[67] Rawls (1985, p. 248).

mean that the government must play no role in promoting certain goods. Neutrality merely means that the basic structure of the government must be organized such that it is not unfairly biased in favor of certain conceptions of value.

While Taylor and other communitarians have argued that Rawls fails to appreciate that social circumstances play an important role in shaping citizens and leading them to support their society, Rawls concedes this point. Concerning Taylor and Sandel's objections that people come to have the values they do in virtue of their society, Rawls writes,

> doctrines which persist and gain adherents depend in part on social conditions.... Thus, we are forced to consider at some point the effects of the social conditions required by a conception of political justice on the acceptance of that conception itself.[68]

Critics have claimed that, in fact, that liberal neutrality, as embodied in Rawls's political conception of the person will have negative consequences. As indicated by the fact that I have labeled these objections "empirical," I take it that, in the end, whether these objections are successful is an empirical matter. Whether liberal neutrality or the justificatory role played by Rawls's political conception of the person will be detrimental to society cannot be determined from the armchair, as it were. So, while I cannot show that these objections are unsuccessful, I submit that there is reason to be skeptical of communitarians' conclusions. The reason to be skeptical is that historical evidence shows that the communitarian alternative to the theory of liberal neutrality being the basis for a society—a society that promotes a common good—is more likely to be harmful than a society that is based on neutrality. I will discuss this issue more in the next chapter, but I should note here that it is indeed likely that neutrality will cause certain ways of life to cease to exist in our society. This is not a small problem for Rawls's project, and communitarians and perfectionists are right to press him—and other anti-perfectionists—on it. In the end I do think that the Rawlsian conception of political identity and liberal neutrality are the lesser of two evils, but they do not come without cost.

To begin, it is worth considering what liberal neutrality comes to. As with the label 'liberalism', it is not clear what 'neutrality' comes to in liberal political theory. Kymlicka suggests that there are two primary ways of understanding the liberal commitment to neutrality. The first way is predicated on skepticism or relativism—there is no standard from which to evaluate others' points of view, so we must tolerate them all. Rawls is not committed to neutrality for this reason. The other way, the one Rawls seems to accept, is the view that we should be committed to tolerance because it "provides the best conditions under which people can make informed and rational judgments about the value of different pursuits."[69]

One reason that speaks in favor of neutrality is that the communitarian alternative of a society aimed at promoting a common good is not as appealing as its supporters

---

[68] Ibid., p. 250

[69] Kymlicka (1989, p. 10).

would have us believe. For example, as Rosenblum has claimed, "communitarianism is always on the verge of slipping into intolerance, parochialism, and vicious separatism."[70] Similarly, Gutmann writes,

> A great deal of intolerance has some from societies of selves so "confidently situated" that they were sure repression would serve a higher cause. The common good of the Puritans of seventeenth-century Salem commanded them to hunt witches; the common good of the Moral Majority of the twentieth century commands them not to tolerate homosexuals. The enforcement of liberal rights, not the absence of settled community, stands between the Moral Majority and the contemporary equivalent of witch hunting. The communitarian critics want us to live in Salem, but not believe in witches. Or human rights.[71]

While Gutmann's description of the communitarian vision of society is pejorative, she seems to be correct. Taking the rights of homosexuals in our society as an example, Gutmann seems absolutely right that if our government were to promote the conception of value accepted by the majority of the individuals in our society, the government might be biased against the way of life homosexuals take be to most valuable. Historically, some societies that have been organized on the foundation of a common good have been guilty of horrific infringements on individual rights. Of course, infringements on rights in societies based on a common good are not relegated to history. Unfortunately, we see many societies today in which that is the case.

Similarly, consider the following argument from Kymlicka that highlights the fundamental problem posed by communitarian or perfectionist politics of the common good. Kymlicka takes issue with Sandel's argument that pornography should be regulated. Sandel's reason for regulating pornography is not the standard reason—that it is harmful to women and infringes on their autonomy—but because it is offensive to "our way of life." Kymlicka compares this justification for regulating pornography to traditional reasons for criminalizing homosexual behavior—people believe it to be offensive to the dominant way of life.[72] In this argument, Sandel appeals to the type of claim that worries people (like me) who are concerned that accepting the politics of the common good provides a justification for unacceptable infringement on individual rights. If the claim that a practice is offensive to "our way of life" were taken to be a legitimate reason for limiting rights, as it is with the communitarian politics of common good, it would threaten to justify oppression, as does communitarian politics.

Kymlicka criticizes Taylor on similar grounds. Kymlicka claims that Taylor argues that today's problem of legitimation could be solved if we returned to a politics of common good. Kymlicka explains that the problem with this suggestion, though, is that the

> historical picture ignores a very important fact. Eighteenth-century New England town governments may well have had a great deal of legitimacy amongst their members in virtue of the effective pursuit of their shared ends. But that is at least partly because women, atheists,

[70] Rosenblum (1987, p. 153).

[71] Gutmann (1985, p. 319).

[72] Kymlicka (1989, p. 88).

> Indians, and the propertyless were all excluded from membership. Had they been allowed membership, they would not have been impressed by the pursuit of what was a racist and sexist 'common good'.[73]

Here, Kymlicka rightly notes that the communitarian ideal of a society that promotes a common good historically has not been as picturesque as communitarians claim it would be. The legitimacy such governments had was rooted in the fact that only those individuals who accepted the common good were considered to be citizens at all.

In addition to historical problems with societies that promote a common good, there is a real question as to whether we actually have the "shared ends" that Sandel and Taylor claim that our society should promote. Kymlicka states,

> Sandel and Taylor say that there are shared ends that can serve as the basis for a politics of the common good which will be legitimate for all groups in society, But they give no examples of such ends or practices—and surely part of the reason is that there are no such shared ends.[74]

Kymlicka quotes Wallach who rightly notes that without an account of exactly what the common good is, it "appears as a *deus ex machina.*"[75] Moreover, as Kymlicka notes, it has been argued that "attempts to promote ends of this kind reduce the level of legitimacy in society, and further exclude and alienate marginalized groups in society." [76]

It seems that, even if the communitarians are correct that neutrality may cause certain valued aspects of our social or political lives to deteriorate, that consequence is far better than the consequences that, based on historical evidence, would likely follow if we adopted the communitarian ideal of the "politics of the common good." Moreover, as noted by Kymlicka, it is not clear that there are any "shared ends" that could serve as the basis for the politics of the common good for which communitarians argue. Recall that Rawls's justification for neutrality is precisely that reasonable people disagree on their conceptions of what is intrinsically valuable. Rawls characterizes individuals as independent of their conceptions of what is intrinsically valuable precisely because he thinks that those conceptions are important in individuals' lives, and because so characterizing political identity provides a means for ensuring that biased principles will not be chosen. So, while communitarians claim that neutrality will have undesirable consequences, Rawls's political conception of the person is characterized *specifically* to avoid the negative consequences that have historically followed from the perfectionist ideals of citizenship and political life.

---

[73] Ibid., p. 85.

[74] Ibid., p. 86.

[75] Ibid., p. 99, quoting Wallach (1987, p. 528).

[76] Ibid., p. 86, referring to Gutmann (1985), *op cit,*. pp. 318–321.

Conclusion

In this chapter, I aimed to show that Rawls's political conception of the person does not implicitly rely on a metaphysical view of persons. I also explained the reasons that Rawls adopts his political conception of the person and supports neutrality. While the communitarian vision of the community and of the citizen may be appealing, I argued that such a conception of persons is more likely to lead to oppression and unjustifiable infringement of individual rights than the liberal alternative. While Rawls's political conception of the person does suggest a sort of fragmentation in persons' personal and political identities, it provides the only workable option for a pluralist society.

In the preceding chapters, I have argued that neither the original position nor Rawls's political conception of the person rely on metaphysical conceptions of personal identity. I claimed that Rawls's political conception of the person is not inconsistent with other conceptions of identity, including the communitarian conception of persons as encumbered selves, because this notion of "identity" allows that we have more than one identity. The term 'identity' can be applied to conceptions of different things, and that fact has led to confusion. I argued that Rawls's political conception of the person is normatively justified by the fact that it is a theoretical means to yield neutral principles. I conclude that communitarian objections to Rawls's conception of the person or his political conception of the person fail to undermine his theory. Thus, I have cleared the way for the defense of a Rawlsian conception of political identity, to which I now turn.

References

Care, Norman S. 1985. Review, Michael J. Sandel, *Liberalism and the Limits of Justice*. *Noûs* 19:459–467.

Connolly, William E. 2000. Secularism, partisanship, and the Ambiguity of Justice In *Political theory and partisan politics,* ed. Edward Portis, Adolf Gundersen, and Ruth Shively, 149–172. Albany: SUNY Press.

Crowley, Brian Lee. 1987. *The Self, the individual, and the community*. Oxford: Clarendon Press.

Gutmann, Amy. 1985. Communitarian Critics of Liberalism. *Philosophy and Public Affairs* 14:308–322.

Honneth, Axel. 1995. *The struggle for recognition*. Cambridge: Polity.

Kymlicka, Will. 1988. Liberalism and Communitarianism. *Canadian Journal of Philosophy* 18:181–204.

Kymlicka, Will. 1989. *Liberalism, community, and culture*. New York: Oxford University Press.

Kymlicka, Will. 1989. Liberal Individualism and Liberal Neutrality. *Ethics* 99:883–905.

Patton, Paul. 2010. *Deleuzian concepts: Philosophy, colonization, politics*. Stanford: Stanford University Press.

Rawls, John. 1980. Kantian constructivism in moral theory. *The Journal of Philosophy* 77:515–572.

Rawls, John. 1985. Justice as fairness: Political not metaphysical. *Philosophy and Public Affairs* 14:223–251.

Rawls, John. 1996. *Political liberalism*. New York: Columbia University Press.

Rawls, John. 2001. *Justice as fairness: A restatement*. Cambridge: Belknap.

Rosenblum, Nancy. 1987. *Another liberalism*. Cambridge: Harvard University Press.

Shoemaker, David W. 2007. Personal Identity and Practical Concerns. *Mind* 116:317–357.
Sullivan, William. 1982. *Reconstructing public philosophy*. Berkeley: University of California Press.
Taylor, Charles. 2007. *A secular age*. Cambridge: Belknap.
Wallach, John. 1987. Liberals, communitarians, and the tasks of political theory. *Political Theory* 15:581–611.

Chapter 8
Rawlsian Political Identity

In the preceding chapters, I've discussed the contours of the debate between the liberals and communitarians, which I've suggested connects in important ways with the more general debate over perfectionism versus anti-perfectionism in politics. That debate also connects with the conceptions of persons that are at work in Rawls's theory—the conception of the person in the original position and the political conception of the person. As I said at the outset, the main goal of this book is to articulate and defend a Rawlsian conception of political identity. Up to now, my goal has been to lay the groundwork needed to show the considerations relevant to a conception of political identity. I also have tried to explain the tension between the considerations that are (arguably) most salient in personal identity and those that are most salient for justifying political principles to—and thereby coercive force over—a polity characterized by intractable disagreement on reasonable conceptions of what is intrinsically valuable. It is this tension that Rawls's critics have seized on, yielding the metaphysical and normative objections explained in earlier chapters. Surveying the objections provided a framework for seeing the kinds of considerations that are relevant to the project of defending a conception of political identity. I now turn to the more positive project of explaining and justifying a Rawlsian conception of political identity. This discussion is intended to lay the groundwork for thinking through the issues surrounding political identity in general as well as how one could justify Rawlsian political identity. It is beyond the scope of this book to fully explain and defend these views.

To begin the positive story, recall the claim that a conception of political identity is a conception which is supposed to be most appropriate for political purposes. A good place to begin, then, is by thinking about the reasons a conception of political identity matters. Then we can see how we would best characterize persons given those reasons. I'll draw on the discussion of both Rawls and his critics from the previous chapters in order to identify the main considerations that are relevant to characterizations of persons for political purposes. Then I'll explain a Rawlsian conception of political identity developed out of the characterization of the parties in the original position and the political conception of the person found in Rawls's later work. After that, I assess how well Rawls's conception matches up with our going in assumptions about what considerations are most important when thinking

C. G. Campbell, *Persons, Identity, and Political Theory,*

DOI 10.1007/978-94-007-7917-4_8, © Springer Science+Business Media Dordrecht 2014

about political identity. I conclude by tweaking Rawls's view where needed to create a more defensible Rawlsian conception of political identity. Along the way, I point out how my characterization of the Rawlsian conception is intended to side-step the objections and pitfalls to which Rawls's own conception was subject. I conclude the chapter by noting some significant but unavoidable limitations of the Rawlsian conception of political identity.

Why does Political Identity Matter?

In writing about *personal* identity, it is commonplace to begin by specifying the question being answered and the considerations which are relevant to giving an adequate answer to that question.[1] In thinking about *political* identity, too, it is worth specifying the question being answered. As I stated in the Chap. 1, I am concerned with answering the question, "What features of persons are relevant for political theorizing?" To answer that question I will also need to specify the considerations that are relevant to giving an adequate answer.

As I have emphasized, political identity is not a metaphysical conception of personal identity of the sort that aims to answer the question "What makes two experiences the experiences of the same person?" Given that, the considerations at work are those that are familiar from the preceding chapters, which are not the same as those that are relevant to what I have called Lockean theories of personal identity. I argue that the characteristics that are relevant to political identity are "functional" characteristics—characteristics that aim to bring about a certain effect within the theory.[2]

As a starting point, it is useful to look at considerations that others have suggested are salient in thinking about conceptions of personal identity. Marya Schechtman is an important point of departure because the conception of personal identity she supports is similarly not a Lockean conception, but a conception which is supposed to match the concept of personal identity which is at work in everyday life—the conception that is supposed to get at the reasons that personal identity matters. The theory she supports is one that, like Taylor's practical-moral conception, seems to pose a problem for abstracting from persons' circumstances in the way Rawlsian political identity requires. I begin by briefly explaining the four characteristics that Schechtman argues are the reasons that personal identity matters. I choose Schechtman as a starting point because her aim is to show that our practical concerns with identity are best met by adopting a narrative conception of identity. My aim is to defend a conception of political identity that best meets our political concerns with personal identity, which is responsive to the plausible claim that persons identities

[1] Cf. footnote 15, Chap. 1. See, for example, Schechtman (1996); DeGrazia (2005); Shoemaker (1996); Shoemaker (2007); Olson (2007).

[2] By 'functional' I simply mean characteristics that have a particular outcome within the theory. I do not mean 'functional' in the sense at work in the philosophy of mind, as a thesis about the nature of mental states.

are (to some extent) partially constituted by our social circumstances or our conceptions of what is intrinsically valuable, while in so doing not flouting the goal of neutrality. In short, the goal is to defend a conception of political identity that marries our ordinary concerns about personal identity with the normative considerations that are relevant to political theorizing, and the associated limitations of characterizing persons within an anti-perfectionist liberal political theory.

Schechtman on Personal Identity

In *The Constitution of Selves*, Schechtman presents a subtle and interesting argument for a narrative conception of personal identity, a conception according to which persons create their identities by creating a narrative of their lives. These narratives concern people's beliefs, goals, experiences, as well as their societies and social connections. Schechtman claims that personhood is "an intrinsically social concept."[3] These claims should call to mind the conceptions of identity supported by Rawls's critics, particularly Taylor's practical-moral conception of persons that was discussed in Chap. 4. Schechtman's motivation for her theory of personal identity begins with her dissatisfaction with current discussions of personal identity. She writes, "creatures inhabiting philosophical theories of identity seem to have little to do with persons as we know them, and the concerns about identity [that personal identity] theorists address seem far removed from the compelling identity issues familiar to us from lived experience, psychology, and literature."[4] The "concerns about identity" with which she takes issue are the concerns that are relevant to Lockean conceptions of personal identity. Schechtman argues that there are two different questions at work in the literature on personal identity, and that there are two notions of personal identity, one corresponding to each question. The first question she calls the reidentification question, which is what Lockean conceptions aim to answer. The second question is the characterization question, which Schechtman claims is the question that is more apt for our everyday thinking about persons. I discuss these two questions and their associated conceptions of personal identity in turn.

The Reidentification Question

Schechtman explains that the reidentification question places "concern about personal identity within the context of more general worries about the identity conditions of changing objects over time. . . . The general problem then is the metaphysical question of how a single entity persists through change. The more specific question is

[3] *Constitution of Selves*, p. 95.

[4] Ibid., p. ix.

how a single person does."[5] The question is often posed as a question concerning "person stages" or "person time-slices" which are like snapshots of a person at a time. The characterization of these person stages must be such that it includes the features that we think are essential to being a person, so that the "stage" can reasonably be considered to be a stage of a *person*, rather than just a group of properties. Plausibly, Schechtman claims that "beliefs, desires, goals, intentions and so on"[6] are essential to being a person. According to Schechtman, this is where the trouble begins; personal identity theorists face a dilemma concerning whether to include those sorts of features in their characterization of persons.

Beliefs, intentions, and the like, are not the sort of features which can occur in an instant. Those features require a much longer span of time to be developed, and, according to Schechtman, a creature without those features is simply not the sort of thing that intuitively deserves the label "person." So, if the identity theorist characterizes persons without those features, then it seems that the "time slices" at work in their theories aren't time slices of *persons*, properly speaking. Alternatively, to make the time slices more personlike, those sorts of features can be included, but taking that option means that the theorist is not answering the question they set out to answer. The reason they aren't answering the same question is that they are appealing to features which *span* lengths time, which means they are no longer looking at snapshots of persons. Once we are looking at such characteristics, we are concerned not with reidentifying persons but with *characterizing* them. Schechtman argues that personal identity theorists unintentionally slip back and forth between the considerations and features relevant to reidentification of time slices and the considerations relevant to characterizing persons, and she claims that our ordinary concern regarding personal identity is with characterizing persons.

The Characterization Question

The characterization question asks: What characteristics, such as beliefs, desires, values, should be attributed to a person? In other words, what characteristics make up a person's identity? To answer this question it is clear that we would be concerned with a different set of features than those which are relevant to answering the reidentification question. Indeed, the kind of identity at issue here is not even the same kind as that which is at work in the reidentification question. The reidentification question concerns logical identity, while this conception the—"identity crisis" conception of identity—concerns qualitative rather than numerical identity.[7]

Schechtman claims that it is doubtless that personal identity matters to us, and that any viable theory of personal identity ought to make sense of that fact. She argues that

---

[5] Ibid., p. 7.

[6] Ibid., p. 9.

[7] See the discussion in Chap. 7, in the section of metaphysical commitments and Rawls's political conception of the person.

there are four main characteristics that are the reason that personal identity matters to us. The four characteristics are: moral responsibility, self-interested concern, compensation, and survival.[8] The argument for why these four features are essential to the conception of identity Schechtman endorses is subtle, and the details about how to specify the characteristics would take us too far afield, but it is worth getting a rough overview of Schechtman's argument.

First, Schechtman argues that personal identity matters for attributing moral responsibility. Indeed, seems plausible that in order to appropriately hold someone responsible for a particular act, it must be that person who performed the act.

Second, she claims that identity matters to each person because of self-interested concern. She writes, "We also feel that there is a particular *kind* of interest it is rational to have in one's own future. Although we may care as *much* about others as about ourselves, there is a *type* of interest one properly has only for oneself."[9] This feature picks up on the importance of characteristics like beliefs, intentions, goals and desires. These characteristics play an integral role in a person's deliberation and action. For example, the desires which motivate a person to act or the goals a person pursues show what she holds to be valuable. This claim is reminiscent of Taylor's claim regarding the fact that a person's values and their strong evaluations are essential to their identities. Thus, on a narrative conception of personal identity, a person's values become essential to personal identity by way of their role in practical deliberation.

The third feature is compensation for pain or sacrifice. Schechtman claims that "facts about compensatory fairness are also linked to facts about identity. A person is only compensated for his sacrifices by benefits that accrue to *him*."[10] Compensation is closely-related to self-interested concern because the sacrifices people make can warrant compensation.

Finally, the last feature is survival. Schechtman says, "In ordinary circumstances the question of whether or not one will continue to exist cannot be a matter of indifference."[11] According to Schechtman, these four features capture the reasons that personal identity is important to us in ordinary life.

My aim is not to endorse Schechtman's view on the importance of these four features or the conception of personal identity she endorses, but to highlight some important insights that are found in her view. Looking at Schechtman's four features we can see that there are two primary ways in which personal identity matters, to put it roughly: to oneself and to others. The features that matter for personal identity matter to persons because, for example, they underpin a person's self-conception, her expectations for the future, and the ways she thinks she deserves to be treated. On the

[8] In "Personal Identity and Practical Concerns" Shoemaker criticizes Schechtman's choice of the four features, but because his positive view isn't directly relevant to my present concerns and because criticisms do not undermine the reasons for looking at Schechtman's argument, I discuss Schechtman's positive view here.

[9] Schechtman (1996, p. 14).

[10] Ibid.

[11] Ibid.

other side, these features matter to others as a basis for knowing how it is appropriate to treat a person, e.g. does a person deserve to be held responsible or compensated for some past action? While the Rawlsian conception of political identity I endorse does not adopt these four features specifically, it does take up this dual importance of the features which matter for the conception, as I explain below.

Another insight found in Schechtman's view, as was implicit in the last paragraph, is that identity matters for attributing certain kinds of moral concepts, such as responsibility. There are some features of persons on which moral concepts crucially depend. As we saw in Chap. 4, Taylor claimed that the ability to make qualitative distinctions was essential to being a person because that ability was required in order to be a fully functioning moral agent. Someone who did not have that ability couldn't be properly held morally responsible for their actions. In the case of applying moral concepts, the features matter both to the person herself, and to others as a basis for how people ought to treat her. The Rawlsian conception of political identity, being a normative conception, is specifically concerned with the features that support normative concepts, particularly political concepts. I now turn to the characteristics that matter for political identity.

The Characteristics that Matter for Political Identity

As discussed in the first chapter, the fact that governments wield coercive power over their citizens requires that the power be justified by reasons the people accept. The conception of the person at work in the theory is one important element in that justification. This is one reason people have the intuition that the conception of the person at work in the theory ought to be one that links up in some way with our conceptions of ourselves. It is important, though, that we remember that the conception of the person at work in a political theory is not a conception of persons as such, but a conception that is designed to serve a particular purpose within a political theory. While it is important that the conception link up with our conceptions of ourselves, it need not match up exactly nor does it need to match our best general conception of personal identity or personhood.

To elaborate, consider what makes a conception of personal identity apt for answering the reidentification question. Presumably, the most important feature is that it gets at the metaphysical facts about what makes one person at a time identical with a person at another time. Theories of personal identity, then, aim to describe an independent reality, as it were. I suggest that theories of political identity do not. The reason for this is that theories of political identity are limited to their purpose within a political theory. The question they seek to answer is "What features of persons are most relevant from a political point of view?", and the goal is to characterize persons in a way that allows the conception to play the required role within the theory.

To make vivid the difference, assume for the moment that persons' conceptions of what is intrinsically valuable are metaphysically essential to their identities. It would follow from that fact that any metaphysical conception of personal identity that does

not include a conception of what is intrinsically valuable as a necessary condition for identity would be false. Now assume that a political theory wants to account for the fact that persons' conceptions of what is intrinsically valuable are essential to their identities into account. Given the above-discussed fact of disagreement, we know that people do not all have the same conception of what is intrinsically valuable. It may follow, then, that a political theory would want to characterize political identity independently of conceptions of what is intrinsically valuable. As discussed in the previous chapter, this is what Rawls does with his political conception of the person. The reason for this is not that these considerations are not essential to identity, but that the political theory ought not to treat citizens differently on the basis of such conceptions. Therefore, those conceptions are not essential to persons' political identities. This example makes vivid the fact that an acceptable normative conception of identity may not accurately represent the metaphysics of personal identity. It does need to be responsive to the considerations which are relevant to that normative domain.[12] So, what are the considerations that are most relevant to the political domain?

Keeping in mind the goal of a conception of political identity, we can immediately see the characteristics that are of interest: the characteristics that are relevant to how the government conceives of its citizens and those that are required for citizens to fulfill their political obligations. At an initial pass, based on the foregoing chapters, it is clear that we will need to account for the features of persons which could ground their acceptance of the government, the characteristics that underpin their reasons for submitting to coercion by the government. We also know that people will need to be characterized in a way that is specific enough that it will make agreement by people so-characterized an agreement that can justify their being subject to political authority, but not so specific so as to make their agreement unstable or biased by considerations that are not relevant to the political domain. The relationship between the characterization of persons and justification of political coercion is guided by the fact of disagreement on conceptions of what is intrinsically valuable, as has been discussed in connection with the goal of neutrality. The fact of disagreement means that people must be characterized in a way that will have the upshot of justifying only those political principles which are neutral with respect to conceptions of what is intrinsically valuable.

---

[12] Shoemaker (2007) argues that when our interest with practical concerns and their relation to personal identity leads us to investigate the metaphysics of personal identity, what we are looking for is not a freestanding metaphysical conception of personal identity that could justify our practical concerns, nor a theory of our practical concerns that could limit the range of acceptable theories of personal identity. Instead, he argues that we are looking for a theory of the *relation* of metaphysical theories of personal identity and our practical concerns. See his "Personal Identity and Practical Concerns," p. 324. For the purposes of justifying a conception of political identity, we luckily need not address the question of how our practical concerns with political identity relate to the metaphysics of personal identity. The reason for this is that the aims for a theory of political identity are, at bottom, normative in the sense that the conception is a conception being used for a political theory and which is not constrained by the metaphysics of personal identity

As I mentioned above the characteristics relevant to political theorizing play a functional role in the theory. The features have to do with the characteristics of persons that matter in the public sphere, those which serve as a legitimate basis for the government's actions towards persons and persons' interactions with others. We are also concerned with the features of persons that will allow people to be contributing members of the polity. In particular we are concerned that they be able to participate in political activities and fulfill their political responsibilities.

The characteristics matter functionally in virtue of the justificatory role the conception plays within the theory and the constraints associated with its ability to achieve its goals. Because the concern is with justification, the conception of political identity is not constrained by the nature of personal identity, but with the impact of a particular characterization in relation to the goals or ideals of the theory. In the case of Rawlsian political identity, the ideal is neutrality and the goal is to treat people as free and equal citizens. We are concerned with the features of persons which underpin their reasons for accepting political coercion. We are also concerned with the features of persons which the government is required to foster, protect and respect in its actions. I now turn to the details of the Rawlsian conception of political identity.

The Rawlsian Conception of Political Identity

Why Rawlsian Political Identity?

Drawing on the discussion from previous chapters, we can see the considerations that Rawls held to be most important to a normative conception of persons for the political domain. The objections from his critics pressed his conception at various points, and I think show the way to a stronger Rawlsian conception than he presented. Rawls acknowledged that an essential ingredient in the political conception of persons is that persons be characterized such that they have the abilities required to participate in political life and a desire to use those abilities. Rawls wanted to characterize persons in such a way as to give them reasons to accept political authority, and to do so it was necessary to characterize the objects of their desire and their rationality in such a way that, given what they want and what would be rational for them, would give them reasons they could accept in order to accept political authority.

As discussed in previous chapters, critics objected to Rawls's conception on the grounds that—because Rawls does not include individuals' conceptions of what is intrinsically valuable in their political identities—he disallows the feature that is required to underpin the kind of common good that these critics argue is necessary for political stability. Another objection is that the way in which Rawls has characterized persons makes it the case that the normative conception differs too dramatically from the metaphysics of personal identity for it to serve the purpose of justifying political coercion over *us*, as we are. This objection shows that one important consideration for a conception of political identity is that it must "be like us," or match the way

we think of ourselves, in a relevant sense. Just what sense that is remains to be seen. Indeed, it is precisely this point which created the tension that I identified at the very beginning of the book: that of reconciling *EEC* with Public Justification. How can we characterize persons in a way that abstracts from the features which are irrelevant from a political point of view, while keeping the characterization close enough to the way people are to justify the government's coercion, granting that our identities are partially constituted by our social experiences and our values? Below, I argue that the way to represent the importance of our socially embedded features, most notably our conceptions of value, while respecting the goal of neutrality is to characterize persons with "place holder" features, which can serve as the basis for a decision while respecting the fact that only certain considerations are relevant in the political domain. At this point it should be clear why this conception of political identity is Rawlsian—it relies on his characterization of persons in the original position. Independently of that theoretical device and the particular role it plays in Rawls's theory, I submit that the conception therein provides the best way to capture the characteristics of persons which are relevant in the political domain—especially in connection with tasks of justifying a liberal political theory. I discuss the details of this conception drawing on the characterization of the parties in the original position below.

Rawls says that his political conception of persons "tries to specify the most reasonable conception of the person that the general facts about human nature and society allow."[13] Rawls also importantly emphasized that the purpose of political identity is not to characterize people as they actually are, but to give a characterization of persons that achieves the goal of ensuring fair treatment of actual persons in virtue of the fact that the conception plays the justificatory role in the theory. Thus, political identity plays a functional role, and the conception is justified in part by whether it brings about the intended outcome.

The Details of the Rawlsian Conception of Political Identity

We are now in a position to fill in the details of the Rawlsian conception of political identity. As stated in Chap. 5, I draw on the characterization of the parties in the original position in laying out the Rawlsian conception of political identity. I also draw on some of Rawls's claims about the political conception of the person from his later work in order to fill out the Rawlsian conception of political identity.

There are four categories of the conditions characterizing the original position, and only the last two are relevant to the Rawlsian conception of political identity: the veil of ignorance and the rationality of the contracting parties.[14] I take them in turn.

---

[13] Rawls (1996), p. 87).

[14] Rawls (1971, p. 118).

The veil of ignorance is the most important piece of the Rawlsian conception of political identity because it outlines the features of persons which are relevant from a political point of view. As the reader recalls, the veil both “removes” features and “endows” knowledge, as it were. Regarding the former, persons have only those features which matter from a political point of view and are so sufficiently general that the features could be had by any person. As for the latter, people can be supposed to have certain kinds of knowledge, e.g., knowledge regarding the basics of political affairs or economic theory. The Rawlsian conception of political identity draws on these two elements of the veil, giving an account of the features people have in their political identity and the kinds of information that they know.

To begin, it’s hard to know how to understand the idea of persons having features which are so general they could be had by all persons, particularly where we are concerned to capture those features that are essential to persons’ identities. The distinction between determinate and determinable properties helps to clarify how to understand the kinds of features people have in their political identities and how they connect with persons’ actual features. A determinable property is one which—in order to be instantiated—must be of some determinate form or another. For example, if one says that an object has a color (a determinable property) then it must be a specific color (a determinant property). An object cannot have the property of being colored without also having the property of being a specific color. In her political identity, the features a person has are similar to determinable properties. They have features that are specified at a level of generality that allows that all people have those features, though the feature must be determinant to be instantiated in any particular person. So, in their political identities the features people have are parallel to determinable properties and the features they do not have are parallel to determinant properties. Thus, in my political identity I have a gender, a plan of life, a class position, a conception of what is intrinsically valuable, and so on. Of course, in order for each of these features to be manifested, it must be had in a *particular* form. The important point about political identity is not that it characterizes me precisely as I am, but that it characterizes me in way that captures the features that are essential to who I am in a way that can justify governmental coercion. I say more about how it can justify the coercion below.

I now turn to the rationality of the parties and how they support the Rawlsian conception of political identity. The rationality of the parties are not, strictly speaking, *features* of persons, but facts about what is rational for any person in their political identity. This condition concerns facts of two types. The first are facts about what is rational for any person to desire in their political identity, specifically desires for what Rawls calls “primary goods. ” The primary goods serve as general all-purpose means for a person to achieve her goals, whatever the goals may be. There are both social and natural primary goods, for example, Rawls claims that all people want rights, liberties, wealth, health, and intelligence.[15]

The determinant/determinable parallel is again helpful in clarifying how the desire for primary goods is supposed to work. Rawls claims that primary goods are things

[15] Rawls (1971, p. 62).

that a person would want more of, rather than less, regardless of the details of a person's specific life plans For example, in a person's political identity she wants opportunity generally (a determinable desire), but she does not know what specific opportunity she wants (a determinant desire). The idea is that in our political identities we have less specific desires that encompass any more specific desire that would be appropriate for deliberation. A person can pursue a desire she has, but the desire would be determinable to a more specific desire which would not be a part of her political identity. I suggest that we can understand the primary goods are the kinds of thing that can be promoted in the public sphere, and, hence, things that we can be taken to desire in our political identities.

The second fact about what is rational has to do not simply with what a person desires, but how she desires what she does, so to speak. These facts follow from what are supposed to be rational ways of deliberating for any citizen. Discussing Rawls's view about what is rational would take us too far afield, but for our purposes, we can simply adopt his view that rationality for a citizen consists in having a coherent set of preferences between the options which are available, ranking the options on the basis of the extent to which they further that citizen's desires, and adopting plans that are more likely to be successful and to satisfy his more desires.[16] This concerns the capacity for choice, rather than persons' particular choices. This minimal requirement of rationality, coupled with the desire for primary goods provides enough substance to ground persons' willingness to submit to governmental coercion.

From the original position, we can glean an overview of the list of features persons have in their political identities, which I suggest ought to be characterized as general enough to be shared by all people. We also have a list of the kinds of desires and rational patterns which can ground persons' reasoning and decisions in their political identities. These two parts of the Rawlsian conception of political identity give us an outline of how to think of persons in their political identities.[17] I now turn to some elements from Rawls's later work that are useful in rounding out the Rawlsian conception of political identity. The first are the moral powers which he says are so central to his political conception of the person. The second is the idea of public reason, which is closely connected to the foregoing considerations regarding the kinds of features and facts that serve as a legitimate basis for discussion and agreement in political contexts.

As explained in the previous chapter, Rawls characterizes persons as free and equal, and he does so by endowing them with two moral powers— the capacity for an effective sense of justice, and the power to form, to revise, and rationally pursue a conception of the good—and two higher order interests in exercising those powers. I take on board the Rawlsian claim that characterizing persons as having these powers, and the higher order interests in exercising them, in their political identities provides elements that are needed in order for people to be fully cooperating members of society.

---

[16] Rawls (1971, p. 143). These claims relating to the moral psychology of citizens are closely related to Rawls's claims about the political conception of the person Rawls (1996) in *Political Liberalism*, see, e.g., Lecture II, § 1, § 2, and § 7.

[17] Rawls (1996) relies on the veil of ignorance in his explanation of citizens' rational autonomy (Lecture II, § 5) and citizens' full autonomy (Lecture II, § 6).

The first moral power is obviously important for a liberal conception of political identity— since we are concerned with *political* identity people must be thought to have the capacity to understand and act in accordance with the political system and to have a highest order interest in doing so.

It is less obvious why the second moral power is important. As was discussed in Chap. 6, critics have claimed that this element of Rawls's political conception of the person was problematic because it is simply false that people are able to form and revise their own conceptions of what is intrinsically valuable. The objection came primarily from critics who argue that persons' conceptions of what is intrinsically valuable are not a matter of choice, but that they are formed and maintained in the communities in which people are raised and live. In people's political identities, they should think of themselves and others as having the ability form and revise their own conceptions of what is intrinsically valuable because so conceiving of people has the effect that conceptions of what is intrinsically valuable can't be a legitimate basis for our treatment of each other or for the government's treatment of us. Taking people as having the ability to form and revise these conceptions has a similar effect as taking the people to have a more general features than they actually do. By this I mean, if we take people to be able to form and revise their conceptions of what is intrinsically valuable, then no particular conception can be institutionalized, in the same way that if we take people to have more general features, say merely the feature of having *a* gender rather than having a particular gender, then the government cannot treat people in ways that are biased towards any particular gender. Including the two moral powers as a part of political identity, then, allows people to have the features that make it possible for them to be cooperating members of the polity and provides a characterization of persons that serves as a theoretical means for maintaining neutrality.

Finally, Rawls makes use of the idea of public reason. Rawls explains that public reason "specifies at the deepest level the basic moral and political values that are to determine a constitutional democratic government's relation to its citizens and their relation to one another. In short, it concerns how the political relation is to be understood."[18] Public reason thus sets out the kinds of reasons that are legitimate for use in public deliberation.

This is not to say that reasons other than these public reasons are unimportant for people, it is simply that the fact of disagreement makes it the case that public argument cannot appeal to certain kinds of reasons, in particular reasons concerning essentially contested features such as religion and conceptions of what is intrinsically valuable. Rawls connects this idea with what he calls "the ideal of citizenship," which is reflected by our "willingness to settle fundamental political matters in ways that others as free and equal can acknowledge as reasonable and rational."[19] This ideal relates to the requirement of public justification that I've discussed at various points throughout the book. Rawls connects this issue with public reason and persons as follows:

---

[18] Rawls (1997, p. 766).

[19] Rawls (2001, p. 92).

> exercise of political power is proper and hence justifiable only when it is exercised in accordance with a constitution the essentials of which all citizens may reasonably be expected to endorse in light of principles and ideals acceptable to them as reasonable and rational. And since the exercise of political power itself must be legitimate, the ideal of citizenship imposes a moral, not a legal, duty—the duty of civility—to be able to explain to one another on those fundamental questions how the principles and policies they advocate and vote for can be supported by the political values of public reason.[20]

In this passage, Rawls explains how the idea of public reason connects with the justification of coercion and the conception of political identity that I defend. The conception of political identity outlines the features of persons that are politically relevant and the kinds of reasons that persons can use in their reasoning about political issues. The mention of "fundamental questions" in the quotation concerns the fact that Rawls does not think that the ideal of public reason applies to *all* political questions, but only "'constitutional essentials' and questions of basic justice"[21] The basic questions concern, for example, "who has the right to vote, or what religions are to be tolerated, or who is to be assured fair equality of opportunity, or to hold property."[22] In Rawls's view, these matters are ones that can be solved using only political values. The fact that these matters *can* be solved using only political values, when coupled with the importance of political justification and the fact of disagreement, lends support for doing so. As Rawls says, "while political power is always coercive ... in a democratic regime it is also the power of the public, that is, the power of free and equal citizens as a corporate body."[23]

We need some basis for political discussion and agreement, and relying on public reason to answer fundamental questions provides that basis and does so in a way that can justify the coercive force of the government to each citizen using reasons that each has in virtue of her political identity.

To summarize, the Rawlsian conception of political identity combines concepts central to the conception of persons and citizens at work in Rawls's early and later writing. The initial outline of the features people have in their political identities is given by the veil of ignorance—people have only those features which they know behind the veil. This requires that the features people have be characterized in an unusual way: they must be characterized at a level of generality which allows that all citizens have those same features. I suggested that the way to do this was by characterizing the features in a way that is more general than the way any actual feature could be manifested. That is, for example, to characterize people as "having a gender," rather than characterizing a person as male or female. Of course, to have a gender, someone must be male or female, but the feature should be taken to be simply "having a gender" in their political identities, so that all people can have such a feature. In a similar vein the "rationality of the parties" gives an account of the desires that people can be taken to have in the original position—a desire for the

[20] Rawls (1996, p. 215).

[21] Rawls (2001, p. 767).

[22] Rawls (1996, p. 215).

[23] Rawls (2001, p. 90).

primary goods. The desire for the primary goods is similar to the features people have in their political identity: people are taken to have desires that are general enough that they can be taken to be the desires of any rational citizen. The rationality of the parties also gives an outline for the basic assumptions of rationality for people in their political identity. In their political identities people are expected to reason in accordance with basic rules of rationality.

Rawls's later writing provided us with two more ingredients for the conception of political identity: the moral powers and public reason. Connecting these two ingredients with the earlier outlined features of persons, the conception becomes more robust, animating the conception of political identity, as it were, by giving persons so-characterized what they need to be fully cooperating members of a liberal society. People are expected to have the capacity for a sense of justice, which is required for them to be able to understand and act in accordance with the governmental rules. People are *characterized* as being able to form and revise a conception of what is intrinsically valuable. I stress 'characterized' because of the functional role played by this feature in the conception of political identity; it is included as a part of the conception in order to bring about a particular effect within the theory. The effect is to make sure that the government does not build a conception of what is intrinsically valuable into the laws or policies enacted. So, for political purposes people should think of themselves as having that capacity, though it may be false that they actually have it. People also are taken to have a highest order interest in exercising those two capacities. Including these highest order interests in a person's political identity makes it the case that, for example, acting in accordance with the political system is not merely one of the many desires a person will act on, rather it will be an interest that trumps other desires. The conception of political identity itself serves to prevent many of the wrong kinds of desires from playing a role in people's reasoning about political matters, but these highest order interests should serve to remove any desires which are a part of a person's political identities from trumping the considerations of justice.

Finally, I suggested that the conception of public reason plays an important role in outlining the kinds of reasons that people can be taken to have in their political identities. This final feature establishes the direct connection between the conception of political identity and public justification. Public reasons are those that can justify political coercion to any rational citizen, and, thus, those are the only sorts of reasons that are relevant to foundational political questions.

Assessing and Modifying the Rawlsian Conception of Political Identity

As I said at the beginning of the chapter, once we have a picture of Rawlsian political identity, I'd see how well it matched our going in—and hopefully independent—intuitions about political identity. To recall, I suggested that, at bottom, the features

that matter to political identity were the features relating to the government's conception of its citizens and of the citizens' conceptions of each other. The conception of political identity needed to include the features and capacities required for people to be able to fulfill their political obligation to the government and other citizens. The conception also needed to characterize persons in a way that ensures that they are treated fairly and equally, while respecting the persons' desires and values, to prevent the government from imposing laws or policies which would unjustifiably oppress them. As I said, there is an important question regarding what makes coercion justifiable; I'll address this question head-on shortly. For now, though, the last characteristic of persons from a political point of view is that the features be able to ground acceptance of coercion, and to ground it in a way that allows the acceptance to play the important justificatory role we need.

How did the Rawlsian conception of political identity stack up? For the initial concern with the features and capacities required for people to be able to fulfill their political obligations to the government and each other, I submit that the inclusion of the two moral powers and the highest order interests in exercising those powers well achieves this goal. People are endowed with the capacities needed to be fully cooperating members of society, and they have a highest order interest to exercise that capacity. Some of the features of persons provided by the "rationality of the parties" condition of the original position serve this purpose—in particular the assumptions about basic requirements of rationality and rational patterns of reasoning. It seems that the Rawlsian conception has sufficiently met these requirements.

The characteristics that ensure that people are treated as free and equal as well as the features that justify coercion are a more difficult question, particularly because it is important for the account not to be circular. By this I mean, my aim is not to use the features of persons that are included in the conception of political identity to determine what makes for adequate justification. Of course, providing a full account of justification is well beyond the scope of this project, but, for present purposes, we can appeal to the very basic intuition that was discussed at the beginning of the book: that coercion must be justified to those people who are subjected to it. From a theoretical perspective, we aren't looking for justification to actual persons, as they are, because people are biased in various ways, have limited knowledge, and aren't fully rational. What we are looking for, then, is a characterization of people that is similar enough to the people who will be subject to the coercion to justify that coercion *to them*. This has been the tension throughout the book. If we grant that people's very identities are constituted by their values or social attachments, can a political identity that excludes those features be used to justify to coercion to people who are so constituted? Unsurprisingly, I argue that the answer is "yes" and that Rawlsian political identity is the right characterization for the job.

Rawlsian political identity is well-suited to play this justificatory role because it has the virtue of removing features that are irrelevant from a political point of view, at least according to a liberal political theory. Critics objected to Rawls on the grounds that by removing those features, many of which could be essential to personal identity, he made it the case that his political conception of persons could no longer justify his theory. As I have argued, the critics' objections on these grounds

to Rawls's conception of the person in the original position, as well as his political conception of the person, are unsuccessful. The reason for this, which shows the virtue of the Rawlsian conception of political identity, is that his conception does not jettison those features. It simply represents them in a way that differs from the way that they are manifested in actual people. In so doing, it does a better job of respecting the interests of *all* citizens, equally, than it would by taking people as they actually are.

The rest of the features of the Rawlsian conception of political identity are intended to serve this purpose. The features had by people, as outlined by the veil of ignorance, ensure that people have those features that are most important to them and constitute their identities. It is just that, in their political identities, people are taken to have those features at higher level of generality. Similarly, the desire for primary goods abstracts from persons' particular desires and endows them with desires that are characterized in such a way that any rational person could be taken to have them. Finally, the notion of public reason gives us an account of what reasons are appropriate for a person to argue from and act on in her political identity. They are reasons that are appropriate for political purposes.

I submit that the Rawlsian conception of political identity that I've explained here, like Rawls's characterization of the person in the original position and his political conception of the person, does not fall prey to the objections critics raised to Rawls's conceptions. Indeed, there is no more reason to think that the view I've just outlined, should be guilty of unacknowledged metaphysical assumptions if Rawls's view is not. In addition, there is no problem with the conception being inconsistent with the facts about personal identity, because it is a normative conception.

As for the normative objections to the political conception of the person discussed in the last chapter, I think it well handles almost all of them, but one objection gives reason for revising the scope of the Rawlsian conception. The main normative objections were that Rawls's conception was guilty of valuing the capacity for choice rather than the particular choices that people make, that it overemphasizes or mischaracterizes the extent to which people are autonomous, and that it is simply the wrong notion of political identity, i.e., that another conception of identity or citizenship is more apt for political purposes.

In the Rawlsian conception of political identity I just explained, the moral power to form and revise a conception of the good—and the highest-order interest in exercising that power—connects with the first two normative objections. As I said, it is a part of the conception of political identity that we treat people as if they have the capacity to form and revise their conception of the good. The reason for this is not that the *capacity* is what is valuable, but that so characterizing people is the only way that a conception of persons can express the importance of people's choices while at the same time characterizing people who have different conceptions of what is intrinsically valuable. Indeed, if our aim is a characterization of all persons, but we want to represent the importance of persons' particular choices, placing the value on the capacity to choose is a good way to ensure that the importance of those choices is represented. Also, we are merely *characterizing* people as having the capacity to form and revise a conception of the good, while it may very well be the case that

forming or revising those conceptions are impossible, or if it were possible, it may be that people do not have a *highest order interest* in doing so. The point is that characterizing people in this way gives conceptions of value the proper level of importance within the conception of political identity.

The final normative objection, that other conceptions of persons are more apt for political purposes, points to a serious issue regarding the scope of application for Rawlsian political identity, particularly in connection with the broader issue of perfectionism in politics. The objection itself does not undermine the Rawlsian conception of political identity. As I said in the previous chapter, we can adopt a Rawlsian conception of political identity while granting that persons' identities are shaped by their political activities and, indeed, that people need the government in order to develop into fully functioning persons. So, as the objection has been presented, it poses no trouble for the conception I support. Unfortunately, though, this objection is premised on claims that support a more is a serious objection to Rawlsian political identity, an objection concerning the debate over perfectionism in politics. I discuss this objection in the next section.

Finally, there were empirical objections to Rawls's conception of political identity. These objections concerned the purported facts that the liberal conception of freedom is self-undermining and that a certain kind of common good is required to maintain the cohesion necessary for governmental stability. I take them in turn. Freedom was supposed to be self-undermining because true freedom requires that people have a valuable range of options available to them, and without state intervention to promote certain options, those options would cease to exist. Initially, as explained in the last chapter, it isn't clear exactly what neutrality comes to, and, given that, it isn't clear that there is no room at all for the government to be involved in supporting certain ways of life or conceptions of the good in certain ways.[24] Thus, simply endorsing governmental neutrality doesn't mean that citizens' freedom must be reduced because certain ways of life will die out.

Regarding the objection that a common good is required to unite society, Rawls does allow the common viewpoint and endorsement of the overlapping consensus. The Rawlsian conception of political identity that I describe in this chapter gives people public reason. While public reason is not the kind of common good that Taylor had in mind with this objection, I think public reason and shared endorsement of the overlapping consensus are a sufficient basis for political stability, or minimally the best that we can hope for, given the fact of disagreement in a liberal society. There is no common good shared by all people, so the government's adopting one would yield oppression rather than cohesion.

As I said in the last chapter, whether these objections are successful cannot be determined from the armchair, but I suggested that we had good reason to be skeptical of the communitarian notion of society. There is no shortage of examples from history of societies that were premised on a common good, which had horrific consequences. The root of these empirical objections seems to come down to the disagreement

[24] See the discussion in Chap. 7, "Response to Empirical Objections."

over whether perfectionism is the appropriate sort of government. I now turn to a discussion of perfectionism and its connection with Rawlsian political identity.

Perfectionism and Rawlsian Political Identity

As explained in Chap. 1, I suggest that the liberal/communitarian debate and objections to Rawlsian political identity are connected to, and can shed light on, the more current debate over perfectionism versus neutrality in politics. The point at issue is whether the government should promote or endorse a particular conception of what is intrinsically valuable. Perfectionists hold that the government should promote a particular conception—the *true* conception—because one purpose of the government is to help its citizens live good and valuable lives. Anti-perfectionists, on the other hand, hold that the government should be neutral with respect to conceptions of what is intrinsically valuable. Up to now, I've focused on Rawls's support of neutrality, his liberal political theory, and its opposition to perfectionist theories, communitarianism in particular. It is important to discuss now that neutrality is not simply part and parcel of the liberal view. Recall, as explained in the first chapter, that there is conceptual space for a liberal perfectionist, and that space is inhabited by the theory endorsed by Joseph Raz, among others.

It is worth discussing the liberal perfectionist view briefly because it makes vivid why a conception of political identity is so important to the debate about perfectionism—whether liberal perfectionism or other perfectionist theories. A theory counts as liberal in virtue of the fact that it gives primacy of place to the value of individual freedom or liberty. As explained in the first chapter, to put it roughly, anti-perfectionist liberals such as Rawls, believe that each person should be as free as possible, up to the point where that person infringes on another person's freedoms. Communitarians, on the other hand, allow that individuals' freedoms can be constrained for the sake of the common good of society; the common good can take priority over individual rights. A liberal perfectionist theory, roughly, is one according to which individual liberty and autonomy is given primacy of place, but the theory includes certain claims about the nature of moral truth and the prerequisites for autonomy. According to such a view, a person cannot be fully free unless he is living a certain kind of life or living in a certain kind of society. In this way, liberal perfectionists rely on a conception of what is intrinsically valuable in their characterization of freedom, and, as a result, believe that the government is justified in acting on perfectionist considerations. So, according to a liberal perfectionist the government ought to promote a particular conception of what is intrinsically valuable because doing so is necessary for citizens to become fully free—it is in the name of freedom that a particular conception of what is intrinsically valuable is promoted.

Perfectionists know that the government has the power to influence and shape its citizens, and they believe that the government ought to do so. This view parallels the "citizenship objections" to Rawls that I explained in Chap. 6, which began with a conception of government and drew from it a conception of the citizen. A perfectionist conception of government served as the basis for this competing conception

of citizenship. It should be clear, then, why someone who supports perfectionism would object that the Rawlsian conception of political identity I support. A central purpose of Rawlsian political identity is to ensure governmental neutrality, thus, perfectionists and their associated notion of citizenship is simply at cross purposes with liberal neutrality and the Rawlsian conception political identity. Here is a place where I suggest it is necessary to limit the scope of the Rawlsian conception I defend more than Rawls's own view.

Rawls's view was that the conception of justice—in his case, Justice as Fairness—should be the focus of an overlapping consensus. In short, the overlapping consensus allows people to be able to endorse the conception of justice from their own, reasonable, conceptions of what is intrinsically valuable on the basis of political values which are shared by all members of society.[25] For Rawls, the overlapping consensus is something that develops over time, in a society which is governed by liberal principles. Ultimately, Rawls wants the endorsement of the conception of justice not to be a mere modus vivendi, an agreement that is premised on self-interest due to the fact those who endorse the conception of justice know they cannot overpower the others. In a modus vivendi, because people agree only for the sake of self-interest, if circumstances change, and they see they could overpower the others, they would be willing to renege on the agreement. In Rawls's view, though, the overlapping consensus begins as a modus vivendi and develops into the overlapping consensus that people accept and will adhere to, even if circumstances change and one group gains the power to control the others. The problem is that on Rawls's picture the overlapping consensus which plays an important role in political stability only comes in *after* the conception of justice has been accepted and implemented, rather than being part of the conditions of its acceptance.[26]

Rawls's goal was to set out a conception of justice that could be justified to all people, even those who do not endorse liberal ideals. As may be clear from the discussion in the last chapter, the conception of the person, which plays and important justificatory role in his theory, is developed by explicitly appealing to liberal ideals. This makes trouble for Rawls because this part of the justification for his theory—the political conception of persons—relies on liberal notions, in particular, the liberal conception of persons as free and equal. The problem is that the justification seems circular: Rawls uses liberal ideals to justify a liberal conception to justice.[27] For people who don't accept those ideals, though it's hardly convincing to argue that liberal values support a liberal conception of justice. I suggest, then, that the Rawlsian conception of political identity should be taken to justify a liberal conception of government to those who already accept liberal values. The upshot of doing so is to defend what Jonathan Quong calls an "internal conception" of liberalism. The aim of such a theory is

> to understand how liberal rights and institutions can be publicly justified to the constituency of an ideal liberal society.... To understand how the fact of reasonable pluralism generated

[25] Rawls (2001, p. 190).

[26] Ibid., pp. 192–93.

[27] The view I explain and support here follows Quong's (2011) view in *Liberalism without Perfection*, see p. 6 and Chap. 6.

> by liberal principles and institutions constrains the kinds of political arguments that liberal citizens can coherently offer to one another, and thereby constrains the kind of political that can be legitimately imposed in liberal democratic societies.[28]

Quong claims that the result of moving to the internal view is that political liberalism merely makes a point about public justification in a liberal society, rather than addressing the larger question of why to accept liberalism in the first place.[29]

This is not an insignificant change to the Rawlsian picture. Indeed, it may strike some as too much of a concession, yielding an uninteresting theory. Due to that concession, there seems to be no principled reason for a non-liberal to accept the Rawlsian conception of political identity that I endorse. It does not follow, though, that there are no reasons at all that speak in favor of the Rawlsian conception. Though this change to the Rawlsian conception dramatically reduces its justificatory might, it does have the benefit of providing resources to respond to a particular kind of objection to Rawls's theory. It is worth noting also that the modified Rawlsian view can still refute a liberal perfectionist theory, even though it cannot refute all perfectionist theories.

I suggest that, in the end, empirical reasons support anti-perfectionist liberal theories over perfectionist conceptions of government, but, being empirical, can merely tip the scales in favor of liberalism while not providing principled justification for such a view. Thus, Rawlsian political identity plays an important part in the justification of a liberal, anti-perfectionist state, but does not have the resources to show that the communitarian or non-liberal perfectionist theories fail on principled grounds. Before turning to the empirical considerations, there is one more way that the Rawlsian conception of political identity differs from Rawls's own view. This difference concerns the scope of public reason.

Recall that in Chap. 1, I suggested that one reason that conceptions of political identity are so important, and indeed one reason they are in tension with certain claims about personal identity, is the liberal conception of public justification for political coercion—the requirement that governmental coercion be justified to people subject to it by reasons that the people can accept as valid. As explained above, Rawls held that public reason should apply only to constitutional essentials and matters of basic justice. So, when political deliberation and legislation concerns such matters, only those reasons that can be accepted as reasons by all people in light of their conceptions of themselves as free and equal citizens are a legitimate for use. The original concern, though, had to do with the justification of political power. There are many cases in which political power—and therefore, coercion—does not have to do with constitutional essentials or matters of basic justice. There are interesting arguments in favor of limiting to scope of public reason to those matters, but I suggest the reasons that favor requiring that public reasons be used to justify political coercion, also speak in favor of broadening the scope of public reason, so that any

---

[28] *Ibid.*, p. 6

[29] Ibid.

case of coercion must be justified by reasons that people accept in their political identities.[30]

It follows from expanding the scope of public reason that there are a broader range of political issues that cannot be settled by appeal to perfectionist considerations. This, of course, makes the Rawlsian view more objectionable to those who believe that perfectionist considerations should be legitimate grounds for political discussion and legislation, but, if the reasons we had to favor neutrality—and disallow perfectionist considerations—are legitimate, then it seems that extending public reason to any case of political coercion, whenever possible, is preferable. A full defense of this expansion of the scope of public reason would take us too far afield, since the current discussion really does not change the Rawlsian conception of political identity I defend, it simply expands the range of issues which people are to approach from the point of view of their political identities.

I now turn to the empirical considerations which speak in favor of adopting the Rawlsian conception of political identity. First, I address the objection that the liberal conception of freedom is self-undermining because true freedom requires that people have a valuable range of options available to them, and, without state intervention to promote certain options, those options would cease to exist. Second, I respond to Taylor's objection that a society needs to have a "common good" such as patriotism in order for the society to be stable and function properly.

As I acknowledged in Chap. 6, the claim that Rawlsian implementation of liberal ideals would lead to the extinction of certain valuable ways of life is not without substance. If we accept the view that being truly autonomous requires having a valuable range of activities from which to choose, and add the fact that liberalism would reduce the number of options available, it follows that liberalism in practice would reduce the extent to which people are free in a liberal society—in other words, it would follow that the liberal pursuit of freedom is self-undermining. In my response to these objections, I grant for the sake of argument the Millian view that autonomy requires a valuable range of choices.[31] It is not clear the extent to which that view is correct. There is certainly a kernel of truth in the claim—we do not think that a slave who "chooses" to live in servitude is truly free, given that he does not have a range of options available to him. But, it isn't clear that freedom requires so many choices that it is necessary to preserve all modes of life in order for people to be free. But, simply granting the Millian view that freedom requires a valuable range of choices, there are two lines of response to this objection.

First, it is unclear the extent to which it is true that liberalism will result in valued ways of life dying off. As acknowledged in Chap. 6, it does seem likely that some ways of life will die off if they are not promoted by the government. But, given that liberal neutrality allows for certain methods of promoting ways of life which do not involve political coercion, such as tax incentives, there is room within the

[30] For an overview of the arguments in favor of limiting the scope of public reason, see Quong's (2011) discussion in *Liberalism without Perfection*, pp. 273–287. My suggestion to expand the scope of public reason tracks Quong's argument in *ibid*. Chap. 9.

[31] Cf. the discussion in Chap. 6, p. 120–22.

liberal framework to promote some ways of life. Also, given that the liberal ideals are consistent with people supporting their own conception of what is intrinsically valuable (provided that conception is reasonable), then insofar as a person takes a certain way of life is valuable, then she will be able to can live in accordance with that conception. It follows from this that ways of life that have adherents will continue, and in some cases the government may, consistent with the requirement of neutrality, be able to provide incentives for people to live that way of life.

There will of course be ways of life that die out because people cease to adhere to them, despite the kinds of incentives that are consistent with liberal neutrality. It is not clear that this fact speaks specifically against liberal forms of government. Indeed, the course of history shows that the ways of life that people adhere to change, and come into or go out of existence over time. This is true even in the case of societies in which the government promotes a perfectionist good. It would be odd to think that it would be otherwise. Given that liberalism provides mechanisms for promoting ways of life, and that it is consistent with liberal ideals that people live in accordance with their conceptions of what is intrinsically valuable, it is unclear that the fact that certain ways of life will die out in a liberal society is a problem specific to liberal society. I suggest that the extent that ways of life will die out in a society governed by liberal principles will not fare significantly worse that a society governed by perfectionist principles.

While the liberal society may fare worse on this count, overall it seems that the costs in terms of potential harm to citizens of a perfectionist society are far greater than the costs of a liberal society. It seems that the primary cost of a liberal society is that some ways of life may die out. If we grant the Millian notion of autonomy, this will have the result of limiting people's freedom. Given the liberal emphasis on freedom, this is of course to be counted as a cost for the liberal view. It is not clear, though, how introducing perfectionist considerations will *promote* freedom. Parallel to the perfectionists' argument that the liberal conception of freedom is self-undermining, I argue that introducing perfectionist considerations that not all people accept into political discussion and legislation, in at least some cases will not enlarge the freedom of citizens but, instead, will have precisely the opposite effect.

Allowing government coercion to be premised on claims about what is intrinsically valuable that are not shared by all citizens will inhibit the freedom of citizens who do not share that conception of what is intrinsically valuable in the name of promoting their freedom. In addition, allowing perfectionist justification for political power provides for a dangerous enlargement of governmental power. Allowing perfectionist considerations regarding the ways of life which should be promoted in a society to play a role in discussion and legislation will have the upshot of promoting certain ways of life, but it will also likely lead to certain ways of life being discouraged. Consider the example of a homosexual lifestyle from the first chapter. If the government allows the conceptions of what is intrinsically valuable supported by certain Christian sects to play a role in legislation, then the government will impinge upon the freedom of the people who do not accept that conception of what is intrinsically valuable. Beyond simply limiting freedom, allowing perfectionist considerations to enter into political debate and legislation, in the terminology of Chap. 3, makes the good prior to the right, doing so removes the important emphasis on the freedom of individuals

and their right to be treated as an equal. It seems clear that making some people less free in virtue of having a more limited range of ways of life available to them is surely preferable to allowing considerations that could remove people's rights to be treated as an equal citizen in order provide for a larger range of ways of life for them to choose.

I now turn to the second empirical objection. Taylor claimed that, if the government were to promote patriotism of the relevant sort, then it would go afoul of the requirement of neutrality.[32] I suggest that by focusing the conception on liberal peoples and making the overlapping consensus part of the initial justificatory process of the conception shows a way that the government can promote a kind of "patriotism"—a commitment to liberal values—which is just the sort of common good that can provide a proper foundation for society. Modifying the Rawlsian picture in this way yields a stronger foundation than Rawls's own explanation of the overlapping consensus, providing a basis for stability. To begin, I explain how allowing the overlapping consensus as an earlier part of the justificatory process allows for the common good of patriotism.

As discussed above, in order to avoid a problem of circularity by using liberal ideals to justify the conception of political identity which is in turn used to justify the liberal theory, I suggest that we take the conception of political identity to apply to those persons who already accept liberal ideals. On this conception, by restricting the focus of the theory to *reasonable* people—people who accept liberal ideals—the theory is able to answer the asymmetry objection. The asymmetry objection is that "if there can be disagreements about justice (as surely there can be), then the political liberal cannot explain why reasons of justice, but not reasons grounded in a view of the good, can be legitimate reasons for state action."[33] The idea is that liberals claim, due to the fact of disagreement, that political action must be justified using reasons that all people can agree on. Given the abundance of critics of liberalism, it seems that those reasons are not, in fact, reasons that everyone can agree upon. Thus, the liberal owes those who don't accept liberal values some explanation of why considerations having to do with justice are allowed to serve as a basis for political discussion and decisions, while considerations stemming from conceptions of what is intrinsically valuable are disallowed.[34]

Critics have argued the liberal conception of the person purports to be neutral with respect to values that people disagree on, yet liberals rely on liberal values in constructing that conception. In addition, Taylor argued, that including certain features at least implicitly requires a commitment to further or foster those features. I suggested that these objections failed to undermine Rawls's political conception of the person, primarily because they were based on a misunderstanding of the role of the normative conception in his theory. I suggested, though, that the political conception of the person did lay bare the features of persons which are politically relevant, and I endorsed Rawls's political conception of the person in arguing for

---

[32] See Chapter 6, p. 122 ff.

[33] Quong (2011, p. 7).

[34] This objection relates to some of the normative objections discussed in Chap. 6.

the Rawlsian conception of political identity. At bottom the Rawlsian conception of political identity is supposed to be supported by ideals that are latent in our culture, in particular the ideal of people as free and equal. I do think, in fact, the bulk of the people in our society do endorse those ideals, but that is the result of the fact that our society is a liberal society. Thus, that response will do little to sway perfectionists who do not already accept liberalism. Restricting the constituency to *reasonable* peoples allows us to respond to the asymmetry objection by giving a reason why matters of justice but not matters of intrinsic value can be appealed to in political discussion and legislation: the people who will be subjected to the political coercion have already accepted the liberal ideals.

Now it should be clear why limiting the constituency to only liberal peoples allows for the kind of patriotism that Taylor claims was necessary but impossible for a liberal theory to accommodate. The government can promote and the people can be united in their support of the overlapping consensus on a conception of political justice. While this is a "common good" of society, it is a political good that is not based on metaphysical claims about what is intrinsically valuable. It has to do with what is politically valuable for members of a liberal society. I suggest that being united in support of the overlapping consensus would indeed provide stability to the government. So, if we take on onboard Taylor's claims about the importance of a society having a common good, the fact that the overlapping consensus would provide such a good, is a benefit of the Rawlsian conception I support. The difference is just that the common good here is one that is political, and is importantly related to public reason, and, therefore, to the Rawlsian conception of political identity. The Rawlsian conception of political identity shows the features of persons that are relevant for political purposes and it shows the way in which thinking of ourselves "in our political identities" can provide the sort of common good that is necessary for government to be stable.

Of course, limiting the Rawlsian conception in this way runs the risk of being guilty of the charge I made against communitarian conceptions at the end of Chap. 6. Communitarians hold that a society organized that promotes a common good—of the sort that is based on a view about what is intrinsically valuable—is better than one that isn't. I suggested that there are two reasons to be skeptical about communitarian claims regarding the benefits of a society organized around a common good. First, I suggested that those who support the idea that a society should be premised on a common good fail to give content to the common good, and indeed there is reason to be skeptical of that there is a "common good" which can be accepted by all people. In this case, I've suggested a kind of "common good": a common political good. It is not far-fetched to think that, at least in a society like ours, that people would accept the liberal political ideals. At lease prima facie evidence that people would accept the liberal political ideals concerns the second reason to be skeptical to which I now turn.

I suggested that one problem with the idea that a society organized around a common good was superior to a society that wasn't is that the historical examples of societies that were united in support of a common good were societies which *manufactured* the support of the common good, as it were, by limiting the citizenry

in such a way that anyone who didn't support it was not considered to be a citizen. Consider a society that that is oriented around a particular religion, and members of that religion are citizens. The citizens believe, on the basis of their religion that owning slaves is a God-given right. Surely, we would think that something had gone wrong in that society, despite the universal agreement of the citizenry. Haven't I just used a similar maneuver to manufacture support for an overlapping consensus by limiting the populace only to liberal people? In a way, yes, but I suggest that it is not illicit. First, by comparison with the society of slave-owners, a political liberal society would not require that people endorse some particular conception of what is intrinsically valuable in order to be a citizen. People merely need to support the political values. As has been discussed at length, people need not trade their conceptions of what is intrinsically valuable in order to accept the political values; the two kinds of value are jointly consistent. So, there is no non-political requirement in order to be a citizen. Finally, practices like owning slaves would be unacceptable because a liberal theory would not allow practices which fail to respect the all-important value of individual liberty. While it may not be possible for all people to accept the liberal ideals, their not accepting those ideals would not result in their being treated in the kinds of ways that could be justified by a government premised on a common good.

Conclusion

In the end, the Rawlsian conception of political identity I supported is more limited in application than Rawls's own view: it does not seek to justify political liberalism to people who do not already share liberal values. This concession yields a somewhat disappointing conclusion for those who wanted a knock-down argument against perfectionist or communitarian conceptions of political identity. I suggest that there simply is no principled argument that a political liberal can give to a perfectionist or communitarian, or vice versa, that will settle the debate. The disagreement goes all the way down to the fundamental assumptions about the purpose and justification of government. If I am right about this, then it is obvious why the liberalism/communitarianism debate, and the associated debate concerning the nature of political identity, persisted for so long. It also explains the recent wealth of publication on the topic of perfectionism and neutrality. I've not given more than a head nod in the direction of an argument for this conclusion, but that is a topic for another book. The purpose of this book was to present an argument for a conception of political identity. The conception I supported was developed out of Rawls's characterization of the person in the original position and his political conception of the person. I suggested that modifying the Rawlsian view provided a more defensible conception. Though the modified conception requires giving up the aim of justifying political liberalism to people who are not reasonable—or, to getting people who do not share liberal ideals to accept the liberal conception of political identity—I suggest that the resulting conception is one that is apt for a society like ours and that

empirical considerations lend some support to the fact that even communitarians or perfectionists should prefer the liberal conception I've supported.

Along the way to the Rawlsian conception of political identity we examined the relationship between political identity and personal identity. I aimed to show that even if we grant a conception of personal identity according to which persons are partially constituted by their conceptions of what is intrinsically valuable or by their community, that the conception of political identity I support, which excludes those features from being politically relevant, is defensible. It is not undermined by metaphysical objections about the nature of persons or personal identity, nor is it undermined by normative objections stemming from other conceptions of citizenship or political identity.

I also showed connections between the neutrality/perfectionist debate and the liberal/communitarian debate. I argued that a more careful examination of the latter provides a wealth of arguments that are relevant to the debate centering on the nature of persons. Given that perfectionist theories rely on a view about the nature of or conditions for human flourishing, it is unsurprising that a debate about the features of persons that are essential to personal identity and personhood and how those features should be taken into account for political purposes would be useful to the more current debate. I hope that the foregoing has paved the way for those interested in the perfectionism /neutrality debate to focus more attention on the nature of political identity and its relation to that debate. Finally, I hope that I've shown that a Rawlsian conception of political identity is tenable.

References

DeGrazia, David. 2005. *Human identity and bioethics*. Cambridge: Cambridge University Press.
Olson, Eric T. 2007. *What are we? A study in personal ontology*. Oxford: Oxford University Press.
Quong, Jonathan. 2011. *Liberalism without perfection*. Oxford: Oxford University Press.
Rawls, John. 1971. *A theory of justice*. Cambridge: Harvard University Press.
Rawls, John. 1996. *Political liberalism*. New York: Columbia University Press.
Rawls, John. 1997. The idea of public reason revisited. *University of Chicago Law Review* 64:765–807.
Rawls, John. 2001. *Justice as fairness: A restatement*. Cambridge: Belknap.
Sandel, Michael. 1994. Political liberalism by John Rawls. *Harvard Law Review* 107:1765–1794.
Schechtman, Marya. 1996. *The constitution of selves*. Ithaca: Cornell University Press.
Shoemaker, David W. 1996. Theoretical persons and practical agents. *Philosophy and Public Affairs* 25:318–332.
Shoemaker, David W. 2007. Personal identity and practical concerns. *Mind* 116:317–357.

Index

A
abstract individualism, 19–21, 28–30, 50, 54, 84, 85, 93, 94, 99
Appiah, Kwame, 22, 51, 105, 120
atomism, 21, 26, 61, 62

B
Beiner, Ronald, 116
Berlin, Isaiah, 9, 16

C
Care, Norman, 44, 54, 142, 143
Carse, Alisa L., 20, 33, 35, 55, 99, 100, 111, 112
characterization question, 161, 162
circumstances of justice, 88
Citizenship Objections, 114, 148
conception of what is intrinsically valuable, 4, 7, 18, 19, 22, 26, 33, 43, 44, 46, 47, 52, 53, 58, 69, 88, 104–107, 113, 120, 123–125, 127, 135, 141, 147, 165, 168, 172, 176, 179, 180, 183
Connolly, William E., 118, 150, 151
constraints of the concept of the right, 88, 89
Copp, David, vii, 40, 109, 136
Crowley, Brian Lee, 116–118, 123, 124, 148

D
Daniels, Norman, 29
Davidson, Donald, 68, 69
DeGrazia, David, 10, 160
Deranty, Jean-Philippe, 119
determinate vs. determinable properties, 168

E
EEC, 1, 2, 57, 167
Embedded Essential Characteristics, 1, 57
Embedded Identity, 58
Embedded Personhood, 58

F
fact of disagreement, 2, 7, 165, 170, 171, 175, 181
frameworks, 60, 69, 70, 75–77, 106, 130
Fraser, Nancy, 119

G
Gutmann, Amy, 29, 30, 45, 46, 104, 154, 155

H
Hall, Terry, 29, 30, 43, 45
Hampton, Jean, 35
Hegel, Georg Wilhelm Friedrich, 58
heuristic-device interpretation, 81, 88–91, 96, 98
Honneth, Axel, 58, 119, 150

I
identity individualism, 21–23, 27, 30, 35, 47, 49, 50, 55, 57, 94–96, 98, 103
identity objection, 49, 63, 85, 94, 95
internal conception of liberalism, 177

J
Jaggar, Alison, 20, 25, 62
Johnson, Edward, 20

K
Kantian conception, 31, 32, 47, 104, 106
Klosko, George, 6
Kraut, Richard, 53
Kymlicka, Will, 19–22, 34, 51–54, 100, 101, 112, 113, 120–122, 141, 142, 145–149, 153–155

L
Larmore, Charles, 47
Lecce, Steven, 6

C. G. Campbell, *Persons, Identity, and Political Theory,*
DOI 10.1007/978-94-007-7917-4, © Springer Science+Business Media Dordrecht 2014

liberal neutrality, 17, 53, 120–122, 147, 149, 153, 177, 179, 180
liberal/communitarian debate, 6, 8, 27, 39, 42, 43, 62, 176, 184
Lister, Andrew, 2
Lukes, Steven, 29

M
Macedo, Stephen, 2, 115
MacIntyre, Alasdair, 11, 23, 24, 100
MacKinnon, Catharine, 16
Mill, John Stuart, 17, 44, 51, 120
modus vivendi, 177
moral powers, 31, 134, 136, 146, 169, 170, 172, 173
Mulhall, Stephen, 28, 44, 45, 51

N
narrative identity, 24
Narveson, Jan, 98, 99
negative liberty, 9, 10, 16, 26
neo-Nietzschean objections, 118
normative individualism, 22, 24, 27, 31, 33, 50, 51, 55, 57, 58, 100
normative objections, 12, 13, 32, 35, 103, 117, 124, 127, 145, 174, 181, 184

O
objection on the grounds of valuing the capacity for choice, 145
objection that freedom is self-undermining, 120
Olson, Eric T., 10, 160
original position, 5, 11–13, 28–32, 34–36, 46, 48–50, 55, 56, 78, 81–99, 103, 104, 127, 128, 130, 139, 146, 151, 156, 159, 167, 169, 171, 173, 174, 183
overlapping consensus, 151, 175, 177, 181–183

P
patriotism, 122–124, 179, 181, 182
Patton, Paul, 151, 152
perfectionism, 5, 6, 8, 9, 13, 15, 16, 19, 21, 53, 120, 125, 159, 175, 176, 183, 184
perfectionist, *See* Perfectionism, 7
perfectionist theories, *See* Perfectionism, 4
Perfectionists, 17–19, 27, 53, 176
Perry, John, 74
personal identity, 1, 2, 5, 6, 10–13, 15, 16, 18, 19, 22–28, 30–33, 35, 39, 42, 48, 49, 55, 58–61, 63, 69, 70, 72–78, 85, 92, 94–99, 101, 103–107, 114, 115, 119, 127–133, 136, 139, 140, 142, 144, 147, 148, 150, 156, 159–166, 173, 174, 178, 183, 184
  language as related to, 66
  Lockean, 74–77, 128, 129, 140, 160, 161
  public vs. nonpublic, 131
  synchronic vs. diachronic, 77
personhood, 1, 5, 6, 20, 22, 24, 25, 27, 28, 30, 32, 33, 35, 45, 47, 49, 50, 54–58, 60, 61, 63, 65, 66, 68, 70–72, 75–78, 85, 92, 94, 96–99, 101, 103, 108, 110, 115, 118, 130, 161, 164, 184
personhood individualism, 20, 22, 25, 27, 30, 35, 47, 49, 55, 57, 94, 97, 98, 103
Personhood Objection, 96
political conception of the person, 5, 11–13, 28, 31–36, 51, 81, 94, 99, 102–106, 109, 111–114, 116, 118, 122–125, 127–133, 135, 136, 139–150, 152, 153, 155, 156, 159, 162, 165, 167, 169, 170, 174, 181, 183
political identity, 5, 6, 8–10, 12, 13, 15, 16, 18, 19, 21, 22, 28, 29, 31, 32, 36, 39, 48, 50, 55–58, 75, 77, 78, 81, 90, 91, 97, 99, 102, 103, 114, 118, 122, 125, 128, 129, 131, 132, 137–140, 142–144, 147, 153, 155, 156, 159, 160, 164–179, 181–184
  Rawlsian political identity, 8, 18, 19, 39, 57, 159, 166, 173, 175, 176
positive liberty, 9
practical-moral conception of persons, 35, 43, 56, 57, 63–65, 71, 72, 95, 106, 130, 133, 140, 160, 161
primary goods, 91–93, 119, 168, 169, 172, 174
priority of the right, 26, 27, 31–34, 39, 41, 43–47, 50–55, 104, 105, 116
priority of the right over the good, 31, 41, 43, 47, 51–53
public justification, 2, 3, 5, 170, 172, 178
public reason, 89, 151, 169–172, 174, 175, 178, 179, 182

Q
Quong, Jonathan, 2, 6, 177, 178, 181

R
rationality of the parties, 88, 91, 168, 171, 173
Raz, Joseph, 16, 51, 120, 121, 123, 124, 176
reidentification question, 74, 132, 161, 162, 164
Rorty, Amelie, 101
Rorty, Richard, 30, 97
Rosenblum, Nancy, 21, 54, 55, 154

S
Sandel, Michael, 8, 9, 11, 21–24, 26, 29–35, 41–52, 54, 55, 68, 77, 78, 81, 94–97,

100, 101, 103, 104, 111, 113, 117, 129–132, 138–144, 148, 153–155
Schechtman, Marya, 10, 160–164
Schneewind, Jerome B., 20
Shoemaker, David W., 10, 101, 132, 160, 163, 165
strong evaluation, 60, 65, 66, 69, 70, 72, 73, 134
Sullivan, William, 114–117, 148
Swift, Adam, 28, 44, 45, 51

T
Taylor, Charles, 6, 8, 11, 22, 24–27, 30, 35, 39–43, 48, 49, 52, 54–78, 99, 100, 103–111, 115, 117, 118, 121–124, 128–135, 139–143, 145, 147, 150, 152–155, 160, 161, 163, 164, 175, 179, 181, 182
The Conceptual Objection, 95

U
unencumbered selves, 32, 34, 43–47, 81, 124, 143
Unger, Roberto, 35, 36

V
Valuing the Capacity for Choice, 112
veil of ignorance, 84, 88, 90, 95, 96, 98, 167–169, 171, 174

W
Waldron, Jeremy, 2
Wall, Steven, 6
Wallach, John, 155
Watson, Lori, 16
Whitebrook, Maureen, 24
Wolff, Robert Paul, 86