

The Fraternity-Difference Principle Correspondence: Rawls' Kantian Constructivism as the Key to Understanding the Role of Fraternity

I. Introduction

One of the traditional liberal virtues that appears in Rawls' theory, but which receives very little attention in comparison to the others Rawls raises, is fraternity.¹ Whereas Rawls provides extensive discussions of liberty and equality, his references to fraternity in *TJ* are minimal and, at best, ambiguous. For example, Rawls' most substantive reference to fraternity appears in his discussion of the Difference Principle. Here, Rawls notes:

A further merit of the Difference Principle is that it provides an interpretation of the principle of fraternity. In comparison with liberty and equality, the idea of fraternity has had a lesser place in democratic theory. It is thought to be less specifically a political concept, not in itself defining any of the democratic rights but conveying instead certain attitudes of mind and forms of conduct without which we would lose sight of the values expressed by these rights. Or closely related to this, fraternity is held to represent a certain equality of social esteem manifest in various public conventions and in the absence of manners of deference and servility. No doubt fraternity does imply these things, as well as a sense of civic friendship and social solidarity, but so understood it expresses no definite requirement. We have yet to find a principle of justice that matches the underlying idea. The Difference Principle, however, does seem to correspond to a natural meaning of fraternity: namely, to the idea of not wanting to have greater advantages unless this is to the benefit of others who are less well off. The family, in its ideal conception and often in practice, is one place where the principle of maximizing the sum of advantages is rejected. Members of a family commonly do not wish to gain unless they can do so in ways that further the interests of the rest. Now wanting to act on the Difference Principle has precisely this consequence. Those better circumstanced are willing to have their greater advantages only under a scheme in which this works out for the benefit of the less fortunate (*TJ*, 90).

Rawls goes on to explain that while fraternity is traditionally given a construction that makes it synonymous with “sentiment and feeling” – thereby giving it somewhat less substantive power than liberty and equality – if fraternity were to be treated *as interpreted* by the Difference Principle in practice and at the institutional level, then fraternity would have much greater emphasis in a

¹ For a discussion of Rawls' place in the liberal tradition, see Nagel, 62-85.

liberal theory. In such a case, fraternity imposes a definite requirement on societal structure and the fundamental meaning of it plays a role in social justice (*TJ*, 91). If fraternity is understood through the lens of the Difference Principle, then it plays a central role in the implementation of justice as fairness more broadly.

Elsewhere in *TJ*, Rawls sheds some additional light on the role of fraternity in a liberal democracy and its would-be just institutions. In discussing the strength of justice as fairness with regard to stability, Rawls points out that the key to equilibrium is that “men must have a sense of justice or concern for those who would be disadvantaged” by their free-riding (*TJ*, 435). Justice as fairness, in its application of the reciprocal relation between the three psychological laws, is reasonably stable. The Difference Principle’s interpretation of fraternity, coupled with the priority rules, makes justice as fairness the comparatively most stable choice in the Original Position (*TJ*, 437). Rawls seems to believe that a proper understanding of the role of fraternity informs the way in which society implements the Difference Principle, which in turn leads to justice as fairness’ stability. Rawls’ interpretation of fraternity, then, undergirds the application of the Difference Principle.

Moreover, Rawls points out that fraternity, when properly applied, adds balance to what would otherwise be strict results when the other two principles are applied. For instance, in its fullest extent, the Fair Equality of Opportunity principle “inclines” toward a world in which our associations (*e.g.* families) could be undermined or abolished in our effort to view individuals outside their social position and on an equal footing (*TJ*, 447-48). In other words, with the Fair Equality of Opportunity principle as a guide, we should not take into account the relative positions of others in social structures and view them instead as lone individuals *outside of* a social structure. But there are some private associations, like the family, that may resist this hardline equality.

Fraternity, as applied in the Difference Principle, rescues the system from a potentially difficult result by helping us to be content with the natural distribution of social goods; knowing that such distributions work to the least advantaged, we can take comfort in our own “good fortune” rather than be “downcast by how much better off we might have been had we had an equal chance along with others if only all social barriers had been removed” (*TJ*, 448). Thus, fraternity, as applied in the Difference Principle, can reconcile us to a world in which some private associations are preserved *even if* they do not tend toward a strict, individualized equality.

These three portions of *TJ* provide the full extent of Rawls’ discussion of fraternity in justice as fairness. As illustrated through these short treatments, Rawls does not overtly explain his rationale for treating the Difference Principle as an interpretation of fraternity. The text quoted above (*TJ*, 90) does not provide a definition of “interpretation.” Nor does Rawls say precisely what he means by analogizing to an idealized family relationship. Something about the Difference Principle, and Rawls’ understanding of its role in justice as fairness, makes it at least closely tied to, if not corresponding with, the liberal virtue of fraternity. On the surface, it is not clear whether this is a traditional conception of fraternity or one of Rawls’ own making. What, then, is the link in this logical chain? Put another way, what additional component, either endogenous to Rawls’ theory or from some other source, drives Rawls to create a rhetorical link between fraternity and the Difference Principle?

This paper proposes to answer this question. I argue that Rawls’ link between fraternity and the Difference Principle is endogenous to Rawls’ theory as a whole and rooted in Rawls’ use of Kantian constructivism. Rawls himself alludes to this approach as the solution when he lumps a “Kantian interpretation” of justice with the Difference Principle’s “relation to fraternity” (*TJ*, 437). Rawls seems to be saying here that the touchstone for understanding fraternity is

understanding the Kantian foundation of Rawls' own methodology. When Rawls' development of fraternity interpreted by the Difference Principle is understood through Rawls' Kantian constructivism, the linkage between the Difference Principle and fraternity is more apparent.

II. Literature Review, G.A. Cohen's Critique, and Aftermath

With notable exceptions, to which I will turn below, much of the literature on *TJ* has avoided a vigorous discussion of fraternity. Most scholars have simply not taken up any discussion of fraternity in Rawls. The few scholars who have addressed it, treat fraternity in *TJ* as little more than a footnote, ignoring the ambiguities in Rawls' fraternity language.

For example, Phillip Abbott, argues that Rawls introduces virtue and equality into a liberal tradition, but in so doing, the two nullify one another, leading to no more than a stimulating attempt to reconsider the liberal tradition (356). In making this argument, Abbott notes Rawls' reference to the fraternity/Difference Principle affinity, but he argues that this does not serve as a basis for Rawls' adopting democratic virtue in justice as fairness (352). Abbott, however, says nothing about *why* Rawls links fraternity and the Difference Principle. Gerald Doppelt, in arguing that justice as fairness does not comprehend the social reality of self-respect and the ways in which economic distribution shape equality and inequality, reads Rawls' reference to fraternity as a result of a view of community through the lens of an economic system that advantages the least well off; the knowledge that everyone shares the advantages of a just economic system promotes community values and fraternal relationships (275). Again, Doppelt's interpretation, while provocative, does not explain the textual tension in Rawls' fraternity discussion. Finally, Martha Nussbaum argues that the Original Position is a model of benevolence, which in turn compels particular results toward individual care that lead to the kind of fraternity that Rawls envisions in the Difference Principle (493). Nussbaum's insights add value to a feminist approach to Rawls,

particularly as a defense against feminist deconstruction, but do not add any insight into the meaning of Rawls' language.

None of these examinations offers much in the way of a better understanding of Rawls' link between fraternity and the Difference Principle, other than to assume that there *is* a relationship. The most vigorous analysis comes from G.A. Cohen and subsequent scholars who have addressed Cohen's thesis. Cohen argues that, on the one hand, Rawls' Difference Principle can be read as a strict, "intention-independent" requirement. On this reading, Cohen says, Rawls must offer a theory of full compliance to accomplish the Difference Principle. On the other hand, the Difference Principle can be read to be "intention-relative," where, for example, talented producers must operate as market maximizers to justify an inequality that works to the benefit of the least advantaged (1992, 315). Cohen ultimately argues that, if the strict reading is to prevail, an egalitarian ethos must be adopted before society is capable of realizing the Difference Principle (1992, 315).

A full discussion of Cohen's argument and its implications are beyond the scope of this paper, but Cohen's treatment of Rawls' statements *on fraternity* are of particular interest. According to Cohen, Rawls' idealistic view of fraternity and "full compliance" are emblematic of the strict, intention-independent reading of the Difference Principle that Cohen believes prevails (1992, 311). Thus, according to Cohen, Rawls cannot characterize the Difference Principle as somehow linked to fraternity – "the idea of not wanting to have greater advantages unless this is to the benefit of others who are less well off" – without something more, in practice, to bridge the gap (1992, 321). The definition of fraternity Rawls offers, so says Cohen, is an impossible ideal when the Difference Principle permits an inequality that allows enrichment motivating market-maximization by the most talented (1992, 322). Drawing upon Rawls' analogy of fraternity to

family dynamics, Cohen asks “[h]ow could a person who takes no interest in the interests of others” at the same time “want advantages for himself only if his enjoyment of them benefits the less well off?” (1992, 324). Cohen answers this question elsewhere, claiming that the strong fraternity that Rawls advocates “is not realized when all the justice delivered by the Difference Principle comes from the basic structure, and, therefore, whatever people’s motivations in economic interaction may be” (2000, 140).

In essence, Cohen sees fraternity as a private virtue, one which is cultivated by the individual living in a just society. To him, the fraternity Rawls is talking about is the very fraternity handed down from hundreds of years of liberal traditions: a virtue that prompts commitment to fellow citizens, sacrifice for the common good, and a willingness to minimize the desires of the individual person to judgment of the collective. Cohen starts from the assumption that Rawls shares this definition of fraternity. When confronted with Rawls’ statement that the Difference Principle is an interpretation of fraternity, Cohen finds a practical gap to the implementation of fraternity; after all, how can an abstract concept like the Difference Principle serve to engender the kind of specific and emotionally-charged virtue that fraternity has come to mean? Cohen’s solution to this perceived problem is simple: Rawls’ theory must allow for an egalitarian ethos to be introduced into the just society prior to the cultivation of private virtues fraternity.

There have been numerous responses to Cohen’s critique, three of which offer important substantive discussions on Rawls’ ideas of fraternity. First, David Estlund argues that Cohen’s structural reading of Rawls is, at best, strained, and inappropriately separates social justice from the individual choices made by persons within social structures (108). Estlund’s thesis is that the egalitarian ethos Cohen advocates in a Rawlsian society would be patently *inegalitarian* given Cohen’s assumptions about egoism, self-interest, and individuals’ abilities to adopt a

comprehensive fraternity. As to fraternity, Estlund believes that Rawls' commitment to fraternity cannot be understood as advocacy for individual motivation to adhere to the Difference Principle (108 & 110). In this sense, Estlund argues, fraternity is purely structural and not at all behavioral.

Second, Norman Daniels offers a reading of Rawls that would preserve the democratic equality underscored by the Liberty and Fair Equality of Opportunity principles (265). In doing so, he defends against Cohen's desire to replace the basic structure with an egalitarian ethos by arguing that doing so would undermine the strong commitments Rawls makes to affording individual pursuit of the good and integration of our rationality and reasonableness in a particular way (265). In dealing with fraternity, then, Daniels seems to suggest that fraternity is little more than "captured" in the Difference Principle and plays less a role in the democratic equality envisioned by Rawls than do liberty and equality.

Third, Michael Titelbaum has adopted Cohen's broad point, that an egalitarian ethos is essential for the realization of the Difference Principle, though he argues that Cohen disingenuously attempts to find evidence for this ethos in Rawls' sense of justice. Instead, Titelbaum argues that an egalitarian ethos should be *read into* Rawls (299). He notes that Rawls argues that his principles better accommodate mutual respect and fraternity, particularly through the Difference Principle (299). However, in a society driven by the Difference Principle, "citizens may express fraternity with others when they go to the ballot box, but they undermine that fraternity with the productive decisions they make in daily life" (301). Borrowing from Cohen, Titelbaum agrees that there must be some general ethos promoting private individual behavior for a just society to exhibit fraternity and mutual respect through the Difference Principle (302). From here, Titelbaum makes a "full ethos proposal" derived from the principles for institutions and made up of what Titelbaum calls "principle-based correlates" (306).

Cohen's critique and its responses highlight the trouble with understanding Rawls' references to fraternity. As suggested above, these writers have apparently taken the concept of fraternity for granted and assumed that Rawls shared their definition of the virtue. Likewise, in this debate, the focus has been on Rawls' understanding of fraternity as if it were a *result* of the Difference Principle; when Rawls says that the Difference Principle provides "an interpretation of the principle of fraternity," Cohen and his respondents assume that Rawls means that the Difference Principle motivates individual commitments to fraternity that may or may not lie dormant. Cohen, et al., understand Rawls to mean that, with the Difference Principle in place, individual natural commitments to fraternity will awaken. Cohen believes that that is not possible without an intervening step – an egalitarian ethos.

But this reading of Rawls' commitment to fraternity reaches outside the confines of Rawls' theory to provide an alien gloss to the text. By infusing prior definitions of fraternity into TJ, critics have not met Rawls on his own terms and accounted for the conceptions he employs. Moreover, in searching for an additional ethos to justify a fraternity commitment, Cohen and company have ignored Rawls' own stated and unstated assumptions regarding method. It is Rawls' constructivism, as understood within the Kantian framework, that motivates Rawls to commit to fraternity and understand it as corresponding with the Difference Principle in a very specific way. As I explain below, there is another reading of Rawls' fraternity rhetoric that explains Rawls' commitment to fraternity as a liberal virtue – a political, not a private, one – while remaining true to Rawls' theory. This reading avoids the need to adopt or rebut a separate, *post hoc* rationale for Rawls thinking.

III. Discussion

In order to give Rawls' rhetoric a fair reading, we must go back to foundational first principles in Rawls' theory. Only by understanding the roots of Rawls' method and the goal toward which he is striving can we fully understand what Rawls means when he says that the Difference Principle provides an "interpretation" of the liberal concept of fraternity. To accomplish this, I first offer an account of Rawls' methodology and compare it with Kant's constructivism, emphasizing the limited nature of Rawls' endeavor. I next review what Rawls said concerning fraternity prior to the publication of *TJ*. I do so not to give greater weight to a prior iteration of Rawls' rhetoric, but to set it against the text in *TJ*, thereby exposing undercurrents that are missing – or, at least, not obvious – in *TJ*. Finally, armed with both of these insights, I develop an interpretation of Rawls' justice as fairness highlighting the role of political virtues, like fraternity, and, in doing so, illustrate how the Difference Principle is tied to such virtues.

a. Rawls' endeavor and the limits of justice

Rawls' purpose in creating justice as fairness is limited, both in what Rawls' explicitly states and in what his theory implies. Rawls points out that his concept of justice is simply "one part of a social ideal" and not the announcement of a universal theory of correct living (*TJ*, 9). He is careful to point out that justice as fairness applies to the "basic structure" of society (*e.g.* 8, 61) – a term Rawls defines as the way in which major social institutions (the political constitution and the principal economic and social arrangements) (a) distribute fundamental rights and duties and (b) determine the division of advantages from social cooperation (6). Nor does Rawls offer an assessment of all governments, in whatever form such regimes may take, but limits his thinking to constitutional democracies and their well-developed institutions (171).

Similarly, Rawls' theory implies limited application. When fully employed, the two lexically ordered principles of justice that Rawls believes would be produced from the Original Position set careful parameters for the just distribution of social goods (234-37), while permitting some limited debate on the form an economic model would take within the system (245-51). Neither does justice as fairness announce particularized claims of liberty and freedom; instead, the theory provides a skeletal structure for determining what justice *would* require, in terms of liberty, and demands that we use our considered judgments to refine, add to, and build upon the initial structure (179-80). Even when Rawls turns to more concrete concepts like the rule of law, he speaks mostly in terms of abstract principles, such as providing similar treatment to similar cases and making laws generally accessible to the governed (206-10). In essence, Rawls both explicitly and implicitly offers one theory of justice which he believes should satisfy our considered judgments on the fair distribution of social goods, but the onus is on us to develop and give life to the principles of justice from the basic structure.

This is a conscious decision on Rawls' part and follows from the method he employs in laying out his theory – namely, Kantian constructivism.² In his own political writings, Kant offers a similarly limited theory of right and justice, naturally constructed from fundamental principles. Kant limits his political theory to questions of right – what is politically right, what does duty require of a person living under social institutions, and what should law demand – rather than questions of virtue (Ripstein 14, 30-31). Kant begins from basic propositions of right, such as the right of a person to possess an object (Kant, 6:245), and constructs a vision of political institutions that stems from the desire for mutual assurance that our private rights will be respected (6:265-66; Ripstein, 24-25).

² For Rawls' own views on his method, see "Kantian Constructivism." For a thorough discussion of Rawls' use of Kantian constructivism, see Taylor, 11-22.

By infusing Kantian constructivism into his theory, Rawls adopts much of the same approach in two important ways. On the one hand, Rawls' theory, like Kant's, is *narrowly tailored* to the specific purpose announced at the outset of the process. Rawls limits his work to answering this question: what principles could we adopt that would, through our considered judgments, create just institutions and just policies? As Rawls develops his theory, he dismisses as irrelevant any concepts (*e.g.* a specific list of liberties, the "correct" economic model, etc.) that do not address that core question. In the same way, Kant is focused on answering the core question of what it means to live and act rightly within social institutions; Kant disregards concepts and questions that do not shed light on that issue. What this constructivist method produces in the case of both writers are two theories that are particularly adapted to their basic purposes.

On the other hand, both theories are *negative* in that they demarcate a boundary within the universe of possible principles and institutions and announce that anything *outside this boundary* is not just/not right. Both Kant and Rawls are agnostic as to what follows within this boundary, provided that any institutions or principles meet the initial test of just/right. Through the use of constructivism, Kant and Rawls are able to slowly reduce the number of possible political principles and come to a point where those principles are just/right according to our considered judgments and intuitions. The key, however, is that both writers do not go beyond this point.

This overlap between Rawls and Kant is critical to understanding what Rawls means when he says that fraternity is "interpreted" by the Difference Principle. A broad, loaded term like fraternity could mean any number of things in terms of justice, but if Rawls' Kantian constructivism tells us anything it is that Rawls likely has a limited view of the role of fraternity. But the text of *TJ* does not make the Kantian connection explicit and divorces the discussion of

fraternity from the Kantian roots. Earlier versions of the fraternity discussion are more obvious, the analysis of which I turn to below.

b. Rawls' pre-TJ views on fraternity

Rawls' prior iterations of the notion of fraternity before publication of *TJ* sketch out a tighter Kantian connection. As explained above, I do not offer this argument from Rawls as standalone proof of Rawls' views on fraternity. Rawls, in the final draft of *TJ*, made stylistic changes that undermine the substantive value of earlier versions. However, I believe that, set against the text of *TJ*, important insights about Rawls' view of fraternity can be gleaned from prior rhetoric, showing undercurrents that are not immediately apparent in *TJ*.

In 1968, three years before the publication of *TJ*, Rawls offered a version of the same fraternity rhetoric as that in the discussion of the Difference Principle in *TJ*. In the prior version, Rawls says that fraternity corresponds to the Difference Principle – full stop (“Some Addenda,” 167). There is no hedging or loose language in this version. Additionally, in drawing the analogy to the family, Rawls says that he is looking solely to “the ideal conception of the family” and not to family relations in practice, as the language in *TJ* might suggest. While Rawls assumes in *TJ* that family members work for the benefit of “the rest,” his earlier version suggests that they work to the benefit of “others less well situated.” In this sense, the emphasis is on benefits going to those with the least, and not to the collective group, a point of ambiguity in *TJ*. Lastly, Rawls makes no mention of what family members “commonly” do or do not wish to do (“Some Addenda,” 167). The prior version makes the family analogy a clear-cut reference to an idealized, abstract institution and not an empirical exercise.

Even more striking, in the very next paragraph of the prior version, Rawls' employment of Kantian constructivism is overt and specific. Here, Rawls offers a version of the text he includes

in *TJ* regarding the Kantian doctrine of treating others solely as ends (compare *TJ*, 156-57 with “Some Addenda,” 167-68). In the prior version, Rawls emphatically states that “[i]t is also possible to use the Difference Principle to give an explication of the Kantian idea that men are always to be treated as ends and never as means only.” Rawls goes on to explain that *the Difference Principle*, and not just all “principles of justice” as he says in *TJ*, engenders this Kantian desire (“Some Addenda,” 167). In distinguishing justice as fairness from utilitarianism, Rawls states:

The Difference Principle provides a stronger interpretation to the Kantian idea by ruling out even the tendency to regard men as means to one another’s welfare. *It gives a meaning to a more stringent variant of the notion, namely, always to treat persons solely as ends and never in any way as means* (“Some Addenda,” 167, emphasis added).

Thus, in the same discussion of his concept of fraternity, Rawls brings up a key, if not *the*, key Kantian doctrine, itself derived from the Kantian view of the person and constructed by Kant in his theory. In *TJ*, Rawls makes less-obvious references to his Kantian method and separates his discussion of his Kantian defense from the concept of fraternity. In *TJ*, for instance, the Kantian defense is brought up in the context of *all* of the principles of justice. Rawls says that “the principles of justice” collectively accomplish the Kantian goal of treating others solely as ends (155). But there is no clear explanation as to *why* that is the case; how does the interaction of the principles satisfy our considered convictions of treating others as ends? Rawls is not clear in *TJ* and a satisfactory answer requires significant reconstruction (Taylor, 232-38). But Rawls’ prior version makes the connection more obvious. It is not just that the sum total of the principles leads to Kantian ethics – a point that does not follow from principles that each have very different purposes; it is that the *Difference Principle* – itself an interpretation of fraternity – operationalizes Kantianism. Because the prior version of Rawls’ point is rooted in the discussion of fraternity, this

point is much more clear; the cryptic point that Rawls buries in *TJ* raises more questions than it answers.

What does all of this add to our understanding of the rhetoric in *TJ*? There are at least two insights to be gleaned from this discussion. First, Rawls had a view of fraternity that was much more idealized and abstract than the one suggested in *TJ*. Where *TJ*'s language is ambiguous and the analogy to family dynamics is unclear, the prior version demonstrates that Rawls indeed believed that fraternity corresponded with the Difference Principle in a profound way. To use Rawls' analogy, under an idealized version of the family, family members will not act solely to their own benefit but to the benefit of those least well off within the family. In essence, when family members demonstrate fraternity they are doing nothing more than adhering to and lending their support to the Difference Principle. If the Difference Principle were to form the basis of the basic family structure, then members of the family engaging in fraternity would be showing their support and allegiance to the Difference Principle in practice. Using that analogy, a social scheme that works to the benefit of the least advantaged in society is demonstrating fraternity in an institutional context and, therefore, supporting and strengthening the Difference Principle.

Second, and more importantly, from this prior version we learn that Rawls reaches this conclusion through Kantian methodology. While the language in *TJ* concerning the "Kantian interpretation" of persons and the Difference Principle's "relation to fraternity" (*TJ*, 437) is helpful, the prior version of this argument is more direct and shows how Rawls is proceeding from basic propositions to broad principles. Rawls' explication of fraternity is part of the same discussion as the Difference Principles' facilitation of the Kantian doctrine to treat others solely as ends. In *TJ*, the discussion of fraternity is buried in an early analysis of the Difference Principle and is cut off from the latter discussions Rawls gives of Kantian morality and treating others as

ends. In effect, in *TJ*, the fraternity discussion is solitary, floating in a preliminary justification for the Difference Principle, with no context and no foundation on which to base it. In the prior version, the two go hand-in-hand. When viewed this way, it is no wonder that Rawls' fraternity rhetoric is either dismissed or treated as a random ideal, unattainable except via some external mechanism, like an egalitarian ethos: there's no apparent grounding.

c. Political virtues as coexistent with private virtues

To this point, I have offered an account of Rawls' methodology and compared it with Kant's constructivism, emphasizing the limited nature of Rawls' endeavor. Moreover, I have shown that Rawls envisioned that his discussion of fraternity would stem directly from his use of Kantian constructivism, as is clear from prior versions of the rhetoric in *TJ*. Given this background, what does Rawls mean when he says that the Difference Principle provides an "interpretation" of the liberal virtue of fraternity?

Justice as fairness provides a vision of the basic structure which sets the initial foundation for later development. Because justice as fairness is narrowly tailored, the two lexically ordered principles serve as a starting point for evaluating whether institutions are just and are particularly adapted to answering structural questions. To use an analogy, imagine that each hat a citizen wears represents a different position she occupies with respect to her family, job, fellow citizens, institutions, etc. The principles of justice could be thought of as the hat rack that support all these different positions that a citizen might occupy. Rawls envisioned that these principles would give form to the way in which a society is structured. Government programs and offices provide a structure on which other interests might rest.

To simply say that "one has a hat rack" would be to miss the point of having hats in the first place and most of the focus will be on the hats themselves. Similarly, to say that the principles

of justice exist in a society is not to fully describe that society. There are of course other areas of living; society is not just government institutions and programs. Rawls' Kantian constructivism motivates him to believe that all humans will have their own theories of "the good" that dictate daily living (*TJ* 223). Humans have religious, cultural, educational, associational, familial, etc., relationships, all of which operate on some theory of the "good." These positions of living are infinite and varied, limited only by the types of associations available to humans. Further, each of these positions may have their own unique theory of the good and may afford wide limits to "good" living, depending upon the comprehensiveness of any citizen's theory of the good. But because justice as fairness is negative in application, it requires only that these theories of the good operate within the world created by the lexically ordered principles of justice; provided that the structure is sound and the institutions undergirding society are just (*i.e.* the demands of justice are met), anything placed thereon is permissible. Again, to use the hat analogy, daily, non-political living could be thought of as the majority of the hats on the hat rack, varied, but still placed on the principles of justice. Rawls' theory, grounded in Kantian constructivism, is agnostic as to what those positions should look like, but demands that the principles of justice be acknowledged and supported (230-31). In concrete terms, one can be a Christian, a Muslim, an atheist, or a polytheist within a just society, but one must nevertheless support the principles of justice *as a* Christian, Muslim, atheist, or polytheist. In this sense, private theories of the good are permitted by and should give life to the principles of justice motivating society.

All of this is obvious from Rawls' writing. What the ambiguous discussion of fraternity implies, however, is that Rawls envisioned another position – another hat – that all members of a society will wear. Although not all of life is politics and although humans will enter into a number of associations motivated by their private theories of the good, there is still a capacity in which

humans will act that is distinctly political: namely, as a citizen. While one *may be* a variety of things in private life (a mother, an employee, a member of the homeowner's association, etc.), one *will be* a citizen. Within Rawls' theory, once we have set up just public institutions, but before we begin creating private theories of the good, there should be guidelines that motivate citizens acting as citizens in a just society. Again, to draw upon the hat analogy, there is one hat placed on the rack that will be similar for every citizen, serving a kind of connection between the foundation of the principles of justice and all of the other capacities in which humans operate. While this hat will be the same for all citizens, it will be coexistent with the other many hats that a citizen may choose to adopt; nothing about this hat necessarily gives it priority over the others. But whenever I "wear" it I can know that my fellow citizens are wearing it, too. And, just as the private hats are motivated by some theory of the good, the primary citizen hat should also have its own "virtues" that motivate behavior.

To see why this is the case, emphasizing Rawls' method of Kantian constructivism is essential. With regard to his principle goal of addressing the basic structure, Rawls believes an "input-process-output" model will yield principles that will lead to structural justice. If we start with Kantian conceptions of the person just as Kant employed in creating his moral theory (*i.e.* the input) and feed those into the Original Position with its formal constraints and limited information imposed on the agents (*i.e.* the process), then the result (*i.e.* the output) will be the principles of justice used to create the basic structure and a well-ordered society (*TJ*, 10-15; Taylor, 22-53). Among the outputs will be the Difference Principle, with its structural interpretation of fraternity. This first model solves the structural problem of *what a just society should look like*, since that is the key question being asked of the agents in the Original Position.

After this process is complete, Rawls believes that the principles of justice will engender the kind of moral psychology that will lead to the stability of the basic structure (399-401). Moral, free, and equal persons, who already have a natural inclination toward respect for authority (407) and attachment to private associations (412), will not find it difficult to support the basic structure, so long as it is just. With the principles of justice in place and with institutions that conform to those principles, the “conception of acting justly, and of advancing just institutions” is not only logical, but palatable to the average person (414).

What Rawls’ fraternity discussion implies is that, if one were to adapt the same input-process-output model to the question of *how citizens should behave* in their capacity as citizens and ignore the other capacities in which humans may operate, similarly logical results will be obtained. The output from the previous model – a basic structure built on the principles of justice, including the Difference Principle, with citizens who generally seek to advance those principles – becomes the new input. That input is fed into a new Original Position. It will be identical in every way to the process followed in the previous model with the one exception being that the agents are now being tasked with answering the question of how citizens should act in public life. As Rawls’ fraternity discussion and morality of association discussion (410) suggest, the output of this process will be a set of political virtues that support the basic structure, one of which will be a form of civic friendship that seeks to advance the Difference Principle. Moreover, because the process is limited and agents in the Original Position are solely focused on citizen behavior in public life, the process leaves untouched issues of private virtue; humans living in this society are free to structure their other, non-citizen associations according to whatever theory of the good they may choose.

These political virtues are a kind of hybrid that bridge the gap between our public institutions – which we all tend to experience together – and our private associations and relationships – which are highly unique and personal. The political virtues are intended to guide us in how we should act in upholding our just institutions; in other words, they are virtues that help us perpetuate the system and support one another in our capacity *as* citizens. Because the basic structure will be just, citizens can rely on it as a foundation on which to build their own conceptions of the good, but on its own a just basic structure is only a starting point. As Rawls explains in *Political Liberalism*, on its own, justice as fairness would typically be “neutral in aim,” meaning that citizens living under a basic structure that incorporates justice as fairness will have fairly wide latitude in structuring their conceptions of the good (*PL*, 194). Because of the narrowly tailored and negative nature of the principles of justice, there is significant space within the basic structure in which citizens can structure their private lives. But the risk of affording such liberty is that citizens may adopt conceptions of the good that are either not supportive of the basic structure or, worse, antithetical to it. This creates the ironic possibility that the otherwise just system might undermine itself.

Instead, what is needed are “ideas of the good” that “may be freely introduced as needed to complement the political conception of justice” that all the citizens accept in the form of the principles of justice (194). Importantly, these virtues are separate from a citizen’s *private* conception of the good; they are based strictly on a *political* conception of the good and they have two main characteristics: they (a) “are widespread in society” (*i.e.* universal) and (b) they “sustain its *political* conception of justice” (*i.e.* specifically political) (157, emphasis added). Thus, on the one hand, adoption of these virtues will be a core component of citizenship and universal in nature; one’s status as a citizen presumes that one will have adopted a version of these political virtues

and, therefore, one is permitted to postulate that fellow citizens have also adopted them. On the other hand, these virtues will be specific to the overall objective of the just society, namely by supporting the “political conception of justice” that is inherent to the basic structure and is derived from the principles of justice. Therefore, other sources from which citizens may draw their private conceptions of the good – *e.g.* religion, culture, professional life, etc. – need not be included in adoption of political virtues since those sources have an entirely different aim than the political conception of the good. Only the basic structure, the principles of justice, and the desire to perpetuate justice as fairness are required to create these universal and specifically political virtues.

But what do these virtues look like? Rawls discussion of them in *Political Liberalism* overlaps seamlessly with his discussion of fraternity in *TJ* and it is clear that Rawls has in mind a set of virtues that strengthen associations among citizens. The virtues in question – “fair social cooperation . . . civility . . . tolerance . . . reasonableness and the sense of fairness” – are each a component of a much broader political conception of the good: that a citizen should respect the free and equal status of her fellow citizens when she performs her role *as a citizen* within the basic structure (194). These virtues bear a striking resemblance to the kind of civic friendship that Rawls expects will be necessary for institutionalization of the Difference Principle in *TJ*, except that, in this case, these virtues are not necessary to *create* the basic structure so much as to *support* its continued viability. If a citizen knows the principles of justice, knows that she lives within a basic structure that has incorporated these principles, and knows that the basic structure requires her continued support, then – because she is reasonable and rational – she will recognize that good citizenship requires her to adopt political virtues that engender respect, empathy, and cooperation with her fellow citizens (194). In this sense, the political virtue of fraternity is an ethno-political version of one of the foundational principles of justice, the Difference Principle, that informs the

basic structure. Whereas the Difference Principle seeks to incorporate uppercase “*FRATERNITY*” in a structural sense, a political conception of the good that recognizes the need to support the Difference Principle seeks to incorporate lowercase “*fraternity*” in a civic sense.

These fraternal virtues are necessary to encourage participation within the political community and add “teeth” to liberalism that would otherwise leave open the possibility of instability. Rather be self-undermining through an exclusive reliance on liberty and equality, liberalism can use these universal and specifically political virtues in conjunction with fraternity to stabilize the system. With these virtues in place, political participation will not be seen as a practicality or simply “something citizens do” when a private life permits it. Instead, the introduction of fraternal virtues will make participation in democratic politics be an essential element of the role of a citizen living within the basic structure and the principles of justice (206). Put another way, without these additional political virtues, political life as a citizen would become cold and meaningless, in the same way that religious life or family life would be empty without their respective theories of the good. Our private associations, rich with specificity and governed by vigorous individual theories of the good, would be more enjoyable – and receive more of our attention – than a political life in which all we have are abstract, albeit just, institutions and no political theory of the good to motivate them. Civic life would be existentially barren; voting, jury duty, tax paying – all of these would just be boxes to check. In this kind of world, we risk undermining the very structure and the very principles that allow us to pursue our own theories of the good; by failing to support the principles in public life, we risk causing political instability and fail to realize “good citizenry” (194-95).

This, then, is Rawls’ purpose in introducing fraternity and is what Rawls means by his discussion of the Difference Principle as a stabilizing factor (*TJ*, 435-37). Rawls assumes that

fraternity is a political virtue that citizens adopt in their capacity as citizens and which motivates citizen support of the two principles. Although it may bleed over into private life, the narrowly tailored and negative nature of Rawls' theory means that it does not have to; one need not adopt fraternity in his or her religious or economic theory of the good. However, at least as a citizen, fraternity is demanded in order to give life to the Difference Principle – an obligation that Rawls takes very seriously (230).

What separates this from Cohen's egalitarian ethos? Cohen and his interpreters have endeavored to remove the barriers that Rawls placed between the principles of justice and private theories of the good, ignoring important explicit and implicit assumptions Rawls makes. To Cohen, an egalitarian ethos is essential for justice as fairness at *all stages* of development; the Difference Principle is not just a principle for setting up just institutions, but a principle of political and private living. In the hat analogy, Cohen sees only one hat: no matter what role one performs in society, he or she wears the same hat.

But, as I have argued, this runs afoul of Rawls' Kantian constructivism and removes important barriers Rawls assumed were essential. By adopting this reading of Rawls and emphasizing the Kantian methodology, we accomplish two goals that the Cohen version does not. First, this reading is truer to Rawls' purpose in offering a limited theory of justice. It clarifies an ambiguity in Rawls' language – namely, what does it mean for fraternity to be “interpreted” by the Difference Principle – while preserving the narrowly tailored and negative aspects of justice as fairness. Second, this reading stays true to Rawls' Kantian constructivism. By explaining the role of political virtues in the limited capacity of a citizen, this reading permits the kind of individual living, motivated by private theories of the good, that Rawls borrowed heavily from

Kant. Rather than infuse an alien, egalitarian ethos into the text, this reading accounts for Rawls' ambiguity on terms true to the text.

IV. Conclusion

I have argued that fraternity, as a liberal virtue, in Rawls' theory is given little attention. What attention it does receive comes in the form of Cohen's desire to find an egalitarian ethos in justice as fairness. As I have explained, a reading of Rawls' fraternity rhetoric that gives proper place to Rawls' Kantian constructivism demonstrates why fraternity is an important liberal virtue to Rawls. Rather than view Rawls as imposing or seeking after some external ethic, Rawls can be understood as introducing a separate class of virtues for a limited purpose. In essence, this reading of the fraternity argument is as follows:

1. The Difference Principle is a principle of justice which can be derived (via the Original Position) through the Kantian constructivism Rawls employs.
2. Once derived, the Difference Principle is used to set up just institutions which form the foundation of the rest of society. Based on the Difference Principle, we can structure our political institutions to take account of the least advantaged in society.
3. Once this just society is created, humans can adopt whatever theories of the good (i.e. private virtues) they wish to govern their private relationships so long as they do not undermine the just institutions.
4. To prevent private virtues from undermining the just institutions, humans, in their capacity as citizens, should support and sustain the Difference Principle in public life.
5. The Difference Principle is both an actualization of fraternity at the level of the basic structure and of fraternity as a political virtue that promotes justice.

REFERENCES

1. Abbott, Philip. "With Equality & Virtue for All: John Rawls & the Liberal Tradition." *Polity* 8, no. 3 (Spring 1976): 339-57.
2. Cohen, G.A. "Incentives, Inequality, and Community" in *The Tanner Lectures on Human Values*, ed. G. Peterson (Salt Lake City: University of Utah Press, 1992): 261-329.
3. Cohen, G.A. "Where the Action Is: On the Site of Distributive Justice" in *If You're an Egalitarian, How Come You're So Rich?* (Cambridge: Harvard University Press, 2000): 134-47.
4. Daniels, Norman. "Rawls' Complex Egalitarianism" in *The Cambridge Companion to Rawls*, ed. Samuel Freeman (Cambridge: Cambridge University Press, 2003): 241-76.
5. Doppelt, Gerald. "Rawls' System of Justice: A Critique from the Left." *Noûs* 15, no. 3 (Sep. 1981): 259-307.
6. Estlund, David. "Liberalism, Equality and Fraternity in Cohen's Critique of Rawls." *The Journal of Political Philosophy* 6, no. 1 (1998): 99-112.
7. Galston, William A. "Liberal Virtues." *The American Political Science Review* 82, no. 4 (Dec., 1988): 1277-1290.
8. Kant, Immanuel. *The Doctrine of Right*, Part I of the *Metaphysics of Morals* in *Practical Philosophy*, trans. and ed. Mary Gregor (Cambridge: Cambridge University Press, 1996).
9. Nagel, Thomas. "Rawls and Liberalism" in *The Cambridge Companion to Rawls*. Ed. Samuel Freeman (Cambridge: Cambridge University Press, 2003): 62-85.
10. Nussbaum, Martha C. "Rawls and Feminism" in *The Cambridge Companion to Rawls*, ed. Samuel Freeman (Cambridge: Cambridge University Press, 2003): 488-520.

11. Rawls, John. "Distributive Justice: Some Addenda" in *Collected Papers: John Rawls*, ed. Samuel Freeman (Cambridge: Harvard University Press, 1999): 154-75. Cited as "**Some Addenda**" in text.
12. Rawls, John. "Kantian Constructivism in Moral Theory" in *Collected Papers: John Rawls*, ed. Samuel Freeman (Cambridge: Harvard University Press, 1999): 303-58. Cited as "**Kantian Constructivism**" in text.
13. Rawls, John. *Political Liberalism* (New York: Columbia University Press, 1993). Cited as "**PL**" in text.
14. Rawls, John. *A Theory of Justice* (Cambridge: Harvard University Press, 1999). Cited as "**TJ**" in text.
15. Ripstein, Arthur. *Force and Freedom: Kant's Legal and Political Philosophy* (Cambridge: Harvard University Press, 2009).
16. Taylor, Robert S. *Reconstructing Rawls: The Kantian Foundations of Justice as Fairness* (University Park: The Pennsylvania State University Press, 2011).
17. Titelbaum, Michael G. "What Would a Rawlsian Ethos of Justice Look Like?" *Philosophy & Public Affairs* 36, no. 3 (Summer 2008): 289-322.