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Does Justice as Fairness Have a Religious Aspect?

Paul Weithman

Department of Philosophy

University of Notre Dame

ABSTRACT

In his lectures on Immanuel Kant's moral theory, John Rawls argued that Kant's moral philosophy had what Rawls called a "religious aspect". This paper lays out Rawls's argument for that conclusion. It then argues that, by parity of reasoning, Rawls's own conception of justice – justice as fairness – has a religious aspect as well. This reading deepens our appreciation of Rawls's debt to Kant. It also draws our attention to sections of Rawls's work – and to motivations of his project -- that receive little attention or have escaped notice entirely.

KEY WORDS: Rawls, Kant, religion, comprehensive doctrine, sub specie aeternitatis, reconciliation

In this essay, I shall argue that John Rawls's work on justice has a religious aspect. This claim may occasion some surprise. Rawls's recently published undergraduate thesis *A Brief Inquiry into the Meaning of Sin & Faith* is undoubtedly religious and there are interesting philosophical connections between it and *A Theory of Justice*. But *Brief Inquiry* is not among the writing in which Rawls developed justice as fairness and it will not be my concern here.¹ Rawls's developed his conception of justice in his mature work, which does not obviously include any religious elements, at least as religion is traditionally understood.

Despite the absence of obvious religious elements, I shall try to show the religious aspect of Rawls's work using a condition of religiosity that he himself endorsed. Showing that justice as fairness satisfies this condition does not involve showing that it is theistic. Instead it involves showing that justice as fairness tries to answer some of the questions traditional religion also tries to answer. What those questions are, how they arise and why the attempt to answer them gives a view a religious aspect will become clearer by seeing what Joshua Cohen and Thomas Nagel meant by observing, in their introduction to *Brief Inquiry*, that Rawls's work was informed by "a religious temperament".

In section I, I look at the passage in which Rawls asserts his condition of religiosity – hereafter his "religiosity condition" – and I raise a number of questions about the passage. In section II, I shall argue that Cohen and Nagel's observation itself rests on a religiosity condition and that if we read Rawls as appealing to that condition, or a variant of it, we can answer many of the questions raised about the passage discussed in section I. That passage occurs in one of Rawls's lectures on Kant. In section III, I show how Rawls

argued that Kant satisfied the religiosity condition laid out in section II and why Rawls therefore thought Kant's moral philosophy has what Rawls called "a religious aspect". In section IV, I argue that justice as fairness as presented in *A Theory of Justice* has a religious aspect. The argument proceeds by showing that justice as fairness satisfies Rawls's own religiosity condition in ways that are similar to the ways in which Rawls thought Kant's moral philosophy satisfies it. In Section V, I ask whether the religious aspect of justice as fairness survives Rawls's political turn.

I. What Does Rawls Think Gives A View A Religious Aspect?

I said that the condition of religiosity to be applied to Rawls's work is one that he himself endorsed in a lecture on Kant's moral philosophy. Since much of what I have to say about the condition and its application to Rawls's own work depends upon a careful reading of the passage in which Rawls asserts it, I shall quote the passage in its entirety.

Rawls writes:

I conclude by observing that the significance Kant gives to the moral law and our acting from it has an obvious religious aspect, and that his text occasionally has a devotional character. In the second *Critique*, there are two obvious examples. One is the passage beginning "Duty! Thou sublime and mighty name ... What origin is worthy of thee?". The other is the passage beginning "Two things fill the mind ... with admiration and awe ... the starry heavens above me and the moral law within me."

While it is a necessary condition of Kant's view to count as religious that he should hold that there are some things of far greater significance than the everyday values of secular life and our happiness as a whole, this is not sufficient to make it religious. One could give this significance to moral virtues and excellences, say, to a certain nobility and courage, and steadfastness in friendship, as Aristotle might be said to have done. This does not give his view a religious aspect, as profound as it might be.

What gives a view a religious aspect, I think, is that it has a conception of the world as a whole that presents it as in certain respects holy, or else as worthy of devotion and reverence. The everyday values of secular life must take a secondary place. If this is right, then what gives Kant's view a religious aspect is the dominant place he gives to the moral law in conceiving of the world itself. For it is in following the moral law as it applies to us, and in striving to fashion in ourselves a firm good will, and in shaping our social world accordingly that alone qualifies us to be the final purpose of creation. Without this, our life, in the world, and the world itself lose their meaning and point. ...

These religious, even Pietist, aspects of Kant's moral philosophy seem obvious; any account of it that overlooks them misses much that is essential to it. (Rawls 2000, pp. 160-61)

This is a difficult passage to understand and unpack. Readers of Kant will be familiar with Rawls's reference in the fourth paragraph to Kant's assertion that we must "step" from morality to religion to "preserve our devotion to the moral law". But even these readers may be brought up short by Rawls's implications in the first paragraph that Kant attached specifically religious significance to the moral law, that he thought our devotion to the moral law was itself religious devotion and that it is obvious he did so.

The job of pinning down just what Rawls meant to imply in that paragraph is complicated by the ambiguity of the word 'significance', which can refer to both 'importance' and 'meaning'. What Rawls might take to be obvious is that Kant accorded the moral law and our acting from it a degree of importance that would befit an object of religious devotion. This interpretation gains some credence from the condition asserted in the second paragraph, which requires that Kant give the moral law enough weight or importance to override everyday values and happiness. Alternatively, Rawls might take it as obvious that obedience to the moral law has a meaning or point which is in some sense religious, perhaps because it gives meaning or point to the whole of life, as religion is said to do. This interpretation seems to be supported by the last sentence of the third paragraph.

The third paragraph, in which Rawls lays out his interpretive argument, is especially perplexing. It begins with Rawls's assertion of his religiosity condition. Because Rawls seems to imply that that condition picks out just what it is that "gives a conception a religious aspect", the most natural way to read him is as asserting a religiosity condition that is both necessary and sufficient. Read this way, the religiosity condition is a

very strong claim. That claim might seem implausible since Judaism, Christianity and Islam surely qualify as religious views despite the fact that they do not obviously satisfy it. What qualifies them as religious, it seems, is instead that they have a conception of a *person*, namely God, who is presented as holy and as worthy of devotion and reverence. The religiosity condition also expresses a stronger premise than Rawls needs to reach his conclusion. That conclusion, which I take to be expressed by the consequent of the third sentence, concerns Kant's view. To reach it, all Rawls would have needed to do is to assert a sufficient condition of a moral view's having religious aspects and to show that Kant's view satisfies that condition.

Quite apart from its strength, the religiosity condition is difficult to understand. For a view can satisfy that condition only if it "has a conception of the world as a whole". On encountering the phrase "world as a whole", we may think of some particularly vast portion of the cosmos such as "the starry heavens above". The heavens may inspire awe or wonder, but our conception of a part, even a large part, of the world should not be mistaken for a conception of the whole. Rather, a conception of the world as whole must somehow include *all* of the natural world, perhaps under a very abstract description of the laws that govern it. But even a conception of the natural, as opposed to the human, world should not be mistaken for such a conception either. Human beings are part of the world and act in it. A conception of the world as a whole must somehow include all of the natural world, but it must include human activity as well.

And what does Rawls mean when he says that a view which satisfies his condition presents the world as a whole as "worthy of devotion and reverence"? Surely he does not

mean that it is conceived of as a fitting addressee of prayer and worship. What would it be to be devoted to or to revere the world? In what conduct would such attitudes manifest itself? As we shall see, an especially important question is this: since “the world as a whole” includes human activity, would conduct of that kind itself be included in the conception of the world which is presented as worthy of devotion and reverence?

Another puzzle about the third paragraph is that the argument Rawls offers there admits of two readings.

On one reading, the religious character of our devotion to the moral law, as attested to by the quotes from Kant’s text in the first paragraph, is a premise. Kant is then said to present the world as worthy of devotion and reverence, and thereby to satisfy the religiosity condition, by presenting it using a law that is itself worthy of devotion and reverence. Thus according to this reading, the religious significance of the moral law would be “transferred” to the world as a whole. The conclusion of the argument would then really mean “what gives Kant’s view a religious aspect is the dominant place he gives to *the religious significance of the moral law in conceiving of the world itself.*” The problem with this reading is that it puts considerable pressure on the religiosity condition. For if, as this first reading says, Rawls’s Kant assumes that moral law has religious significance, then that would seem to be sufficient to give his view a religious aspect. It is hard to see why Rawls would think satisfaction of the religiosity condition is necessary.

According to the second reading, the religious significance Kant attaches to the moral law, and the religious tones in which he describes our devotion to it, have to be explained rather than assumed. On this reading as on the first, Rawls says Kant used the

moral law to describe the world in such a way that his view satisfies the religiosity condition. Satisfaction of the condition implies that his view has a religious aspect. But according to this interpretation, the propriety of describing our devotion to the moral law as religious and of ascribing religious significance to the law follows from the fact that law plays a prominent role in Kant's satisfaction of the condition. Thus on this reading, the religiosity of Kant's view is "transferred" to the moral law. The problem with this reading is that the role the moral law plays in Kant's presentation of the world is supposed to be explained in the fourth and fifth sentences of the paragraph, which refer to Kant's notion of a "final purpose of creation". But those sentences add to the perplexity of the paragraph since Rawls does not explain Kant's notion of a final purpose, and the premises Rawls needs to move from those sentences to his conclusion in the third sentence are suppressed.

That Rawls's terminology is occasionally imprecise, and that his reasoning is somewhat elliptical, are not entirely surprising since the passage on Kant is drawn from lecture notes, but the imprecision and compression contribute to the difficulty of understanding why Rawls thinks Kant's view has a religious aspect and what implications his reading of Kant has for the question of whether there is a religious aspect to his own work. I believe Rawls take religiosity condition to be necessary as well as sufficient, and I shall therefore opt for the second of the two readings of his argument. To see the implications of Rawls's argument for justice as fairness, it is first necessary to sort through the perplexities in Rawls's text. To do that, it will help to recover a religiosity condition that is applied to Rawls by Joshua Cohen and Thomas Nagel and show that that is the religiosity condition Rawls endorses and applies to Kant in the quoted passage.

II. Moral Philosophy and the Religious Temperament

In their introduction to Rawls's *Brief Inquiry*, Cohen and Nagel write:

Those who have studied Rawls's work, and even more, those who knew him personally, are aware of a deeply religious temperament that informed his life and writings, whatever may have been his beliefs. (Rawls 2009, p. 5)

Cohen and Nagel support this observation by citing several passages from *Political Liberalism*, *Law of Peoples* and *Theory of Justice* and then say "These and kindred reflections express an aspiration to a comprehensive outlook on the world, which is an element of what we mean by a religious temperament." (Rawls 2009, p. 5) The fact that the passages Cohen and Nagel cite include some of a decidedly Kantian flavor lends some credence to my suggestion that we might learn something about the religious aspect of Rawls's view by examining its affinity to Kant's. But what is a "comprehensive outlook on the world"? What does it mean to say of a moral view like Rawls's that it "express[es] an aspiration" to such an outlook? And how does the fact that Rawls's writings are "informed" by such an outlook, or "express an aspiration" to such an outlook, show that he had a religious temperament?

In Nagel's essay "Secular Philosophy and the Religious Temperament", he says that "religious temperament" names "a disposition to seek a view of the world that can play a certain role in the inner life – a role that for some people is occupied by religion." (Nagel 2005, pp. 1-2) I believe Nagel intends the phrase "a view of the world" to mean

what he means by “a comprehensive outlook on the world”. So we can make some progress in answering these questions by asking what role a comprehensive outlook on the world plays in the inner life of a religious believer. What Nagel says in the opening pages of “Secular Philosophy and the Religious Temperament” suggests the following.

Adherents of traditional monotheisms believe that God is able to survey all creation. They do not think God’s standpoint is simply a point of view from which God could produce an accurate description of the world in its totality. Rather, God’s view of the world is also normatively laden. Nagel does not say what content he thinks traditional theisms assign to God’s view of the world. Some theists think that God has two conceptions of the world. One is a view of the world-as-whole as it might be. This is a vision of a world that has been renewed or redeemed by God’s saving work. This is the world as God wants it or plans it to be. The other is a view of the world as it is. This is a world sometimes described as “broken,” but with potential for renewal or redemption. As seen from the divine standpoint, the world as a whole has, or has the potential to have, an order or a harmony which is of great value.

These two “view[s] of the world” as it appears from God’s standpoint, God’s two “comprehensive outlook[s] on the world”, play important roles in the lives of religious believers. For each person is a part of creation, and since God’s viewpoint is all-surveying, the religious believer thinks that God sees her life and sees how it contributes to or detracts from the harmony, or the potential harmony, of the whole. Because it is important that the whole be as God wishes it to be, the believer feels called to do her part in bringing about a renewed creation. The importance of restoring harmony to the world

and the need for her to do her part in restoring it give her life a larger significance. And since the world's realization of harmony -- or its failure to realize harmony -- is on-going rather than episodic or one-off, it depends upon her every action. Each action is therefore endowed with that larger significance, a significance which far exceeds the values realized in everyday life.

So for the religious believer, the choice of every action has to be governed by how her action will be seen from the divine standpoint. Of course, regulating one's choices in this way itself requires considerable discipline. And so the religious believer strives to shape her own character accordingly, cultivating in herself the requisite habits of deliberation and choice, perhaps by prayer or spiritual discipline. By doing so, she gives God's "view of the world" "a certain role in [her] inner life". Her motivation to do so can be heightened by the powerful attractions of a renewed world, so evocatively spoken of in religious texts.

Nagel thinks that the sense that there is a point of view on all the world is most familiar from traditional theisms, but that it is not exclusive to them. Crudely put, he thinks that non-theists can also have the sense that there is point of view from which their lives can be seen as a part of world which is in, or which has the potential for, an all-embracing harmony. They too can strive to give that point of a view a role in their inner lives by allowing the importance of cosmic harmony, as seen from that point of view, to regulate their deliberation and choice and by striving to give their own characters the requisite shape. And they too can find their motivation to do so is elicited or heightened by an attractive conception of the world as it might be.

We are now in a position to see how Nagel thinks a philosophical view can “express an aspiration to a comprehensive outlook on the world” and thereby show a religious temperament.

In trying to show the role that such a view can play in the lives of theists and non-theists, I passed over the many questions that the theist and the non-theist will have to confront – questions about just how the world looks from the transcendent point of view, what kind of value of its order has, what its moral demands are, why a conception of the world so ordered motivates us to comply with those demands and how the transcendent point of view from which the world is apprehended can be treated as regulative. As we saw, Nagel implies that a religious temperament is a disposition to “seek” a comprehensive view of the world. The word “seek” is important. For a reflective person with a religious temperament will be troubled by these questions and will seek a comprehensive view of the world as whole – understood now as an account of the world as a whole -- that offers answers. The questions that trouble her are philosophical and the account she seeks will therefore be a philosophical one. A philosophical view, whether theistic or not, “express[es] an aspiration to a comprehensive outlook on the world”, and shows its author’s religious temperament, when it tries to provide an account that answers them. This is Nagel’s “religiosity condition”.

I suggest that the religiosity condition that Rawls had in mind in his lecture on Kant is the one that Nagel developed in “Secular Philosophy and the Religious Temperament.”² This suggestion comes to the following:

- When Rawls says that a view has a religious aspect if it “has a conception of the world as a whole”, we take him to be saying that a view has a religious aspect if it has an all-embracing conception of a properly ordered natural and social world.
- When Rawls adds that that conception “presents [the ordered world] as in certain respects holy, or else as worthy of devotion and reverence”, we take him to be saying that the conception presents the order of the world as having an ethical value to which the appropriate human response is “devotion and reverence”.
- We read Rawls as thinking that we show the ordered world “devotion and reverence” when we accord that world a superordinate role in what Nagel calls our “inner life”.

How can we treat a conception of an ordered world as superordinate? Because such a conception is *all-embracing* it includes each of us. The order of the world must therefore depend upon our on-going activity. Part of what a view with a religious aspect has to do is to identify norms each of us must follow if our activity is to help constitute and maintain the good order of the world. So I suggest:

- We take Rawls to be saying that we treat a conception of an ordered world as superordinate when we treat those norms as regulative of our thought and

conducts, so that they govern – and thereby subordinate – our pursuit of everyday values.

- Finally, we read Rawls as thinking that -- precisely because the conception of an ordered world includes each of us -- to treat those norms as regulative is, in effect, to govern one's life by a transcendent conception of one's own place in the world.

In sum, I suggest we read Rawls as thinking that a view which tries to work out such an all-embracing conception of an ordered world, together with its associated values and norms, “express[es] an aspiration to a comprehensive view of the world” and has “a religious aspect”. Reading Rawls as sharing Nagel's condition makes it possible to solve the puzzles raised by the passage from Rawls's Kant lecture and to understand why Rawls thought Kant's moral philosophy has a religious aspect. Understanding that, in turn, helps us to see the religious aspect of justice as fairness.

Nagel's development of the religiosity condition implies that philosophical views which satisfy it are *responsive*. They respond to the philosopher's initial, under-theorized sense that there is a point of view from which it is possible to apprehend the world as a whole and his place in it, a point of view which must be given some role in human thought and conduct. Rawls does not explicitly build responsiveness into his statement of the condition, though I think he presupposed it in his reading of Kant. My claim that Rawls's work satisfies the religiosity condition raises the question of whether his work was itself responsive and, if so, to what. I shall close with some speculative answers to these

questions. If those speculations are right, then they provide further reasons for concluding that justice as fairness has a religious aspect.

This way of proceeding assumes the truth of the religiosity condition. That condition strikes me as extremely promising when it is taken as a sufficient condition, though I do not know how to make it precise and I do not have an argument for it. One way to specify the condition and to lend it some credence would be to look carefully at the details of philosophical views which seem satisfy it and to show that those views can plausibly be described as having a religious aspect *because* they satisfy it. Since that is what I do here, my treatments of Rawls on Kant and of Rawls's own view provide indirect support for the religiosity condition. With the condition in hand, let us now return to Rawls's argument.

III. What Gives Kant's View a Religious Aspect?

I said that the conclusion of Rawls's argument in the quoted passage is to be found in the third sentence of the third paragraph:

what gives Kant's view a religious aspect is the dominant place he gives to the moral law in conceiving of the world itself.

This conclusion is supposed to follow from the two sentences that precede it and the two that follow it. The preceding pair is:

What gives a view a religious aspect, I think, is that it has a conception of the world as a whole that presents it as in certain respects holy, or else as worthy of devotion and reverence. The everyday values of secular life must take a secondary place.

The first sentence of this first pair asserts Rawls's religiosity condition. The second sentence clarifies or draws out an implication of the way the world is presented by religious views. For I take Rawls to mean that what the everyday values of secular life must take a secondary place *to*, according to views which satisfy the religiosity condition, is the worth or value of the world to which devotion and reverence are appropriate responses.

There are many ways in which one value can take a secondary place to something revered. Someone can be devoted to an athletic team or can be said to revere one its star players without organizing his whole life around his interest in the team's fortunes. Such a person has many ends of which his team's success is just one that he regards as especially important. But it is clear from what Rawls says earlier in the quoted passage that the worth of the world as a whole is not, on a view which satisfies the religiosity condition, one especially important value for which a good life must make room, as steadfastness in friendship is for Aristotle or as the success of a team is for the devoted fan. Rather, according to the interpretation of Rawls's view that I suggested in the previous section, Rawls means that a view which satisfies the religiosity condition presents the world as a whole as having a worth or value which is of a different and greater order than the values

of everyday life, so that the former subordinates the latter and conduct which expresses reverence for the world subordinates or frames the pursuit of everyday values.

If that is right, then the religiosity condition should be understood as saying:

What gives a view a religious aspect is that it has a conception of the world as a whole that presents it as in certain respects holy, or as having a value to which the proper human response is devotion and reverence and to which the everyday values of secular life are subordinate.

The considerations brought forward so far should help to make the religiosity condition somewhat plausible as a sufficient condition. For to present something simply as worthy of devotion is not to present it as worthy of religious devotion, since – as the example of the devoted fan suggests -- there are non-religious kinds of devotion. But to present something as having a value of different order than “everyday values”, so that devotion to it subordinates other pursuits, is arguably to present it as worthy of a devotion that significantly resembles that which traditional theists give to the objects of their devotion.

Of course, much depends upon what Rawls would mean by ‘subordinate’ and on how he thinks devotion to the world is to be shown on Kant’s view. We shall get to these questions shortly. For now, note that if the religiosity condition is understood in the way that I have suggested, then we can see how Rawls can get to the conclusion about Kant’s view that he wants to reach. He can get to it if he can show:

Kant's moral theory has a conception of the world as a whole in which the moral law has a dominant place and, because of the dominant place of the moral law, that conception presents the world as in certain respects holy, or as having a value in virtue of which it is worthy of devotion and reverence to which the pursuit of the everyday values of secular life should be subordinate.

Let us call this claim "the intermediate step" in Rawls's argument. To understand the argument, we have to see on what grounds he takes that step. The intermediate step is a conjunction. To see why Rawls takes it, we have to see how he establishes each conjunct.

I have said that a conception of "the world as a whole" must include human beings, since we are part of the world. I have suggested we read Rawls as saying that it is a conception of an ordered world, the order of which we help to constitute and maintain by our on-going activity that accords with norms of human conduct. Kant's moral philosophy clearly includes such a conception: the realm of ends. That conception is clearly one in which the moral law has a "dominant place", since it is the norm by which we act in the realm of ends.

If the realm of ends is a conception of the *as a whole*, it must somehow embrace the natural, as opposed to the human, world as well. Rawls thinks Kant's conception does that. For Rawls thinks that to conceive of a realm of ends is not *just* to conceive of what he calls "our social world". Our social lives are played out against conditions set by the world of non-human nature and those conditions constrain what we can achieve. If the

necessities of life were extremely scarce, if the laws of human psychology led us to return evil for good, or if causal laws frequently failed to hold, then realizing the realm of ends might be beyond our capacities. And so if the moral law is to be generally observed, then the natural world as a whole – its circumstances and its physical and psychological laws -- cannot be inhospitable to the law's observation. Rawls thinks the assumption that it is not, the assumption that the natural world is hospitable, is implicit in the conception of a realm of ends. For near the end of his lectures on Kant, he says “we can believe a realm of ends is possible in the world only if the order of nature and social necessities are not unfriendly to that ideal.” (Rawls 2000, p. 319) Thus on Rawls's reading, Kant's moral philosophy includes a conception of the world as a whole in the description of which the moral law has a dominant place.

In fact, Kant's moral philosophy – like the traditional theisms I referred to in section II -- does not just contain one conception of the world as a whole, but two. Or it contains two conceptions of the same world. For the realm of ends is not now realized in the world, and so the conception Kant's philosophy most obviously includes is a conception of the world as the world might be. But because the realm of ends is possible according to the physical and psychological laws that govern the world, the conception of a realm of ends carries with it and makes us aware of a conception the actual world. Once the idea of a social world in which the moral law is generally honored is made explicit, we can conceive of the actual world as a potential realm of ends. The first conjunct of the intermediate step is doubly satisfied.

What of the second conjunct? When I raised questions about the passage from Rawls's Kant lecture, I noted that when Rawls says a view with a religious aspect presents the world as worthy of devotion and reverence, he does not mean that it presents the world as a fitting addressee of prayer or worship. But what would it be to show the realm of ends super-ordinate devotion and reverence? And why think that the conception of the world as a realm of ends, or as a potential realm of ends, presents the world as holy or worthy of such a response?

To see the answers to these questions, we need to turn to the fourth and fifth sentences Rawls's argument, which I referred to above as the second pair of sentences that is supposed to support his conclusion. Those sentences read:

For it is in following the moral law as it applies to us, and in striving to fashion in ourselves a firm good will, and in shaping our social world accordingly that alone qualifies us to be the final purpose of creation. Without this, our life, in the world, and the world itself lose their meaning and point.

I read the beginning of the first sentence as saying what conduct manifests devotion and reverence for the conception of the world as a whole presented in Kant's moral philosophy. That conception is the realm of ends and the realm of ends is, Rawls says, an "ideal" of the world. (Rawls 2000, p. 319) In "following the moral law as it applies to us... striving to fashion in ourselves a firm good will, and ... shaping our social world accordingly", we conduct ourselves as members of a realm of ends and thereby do our part to realize that

ideal in the world. If our attempts “to fashion in ourselves a firm good will” and to “shap[e] our social world accordingly” are unwavering, we show that we are committed to the ideal of the realm of ends, to the world as a whole as it might be. Moreover, by doing our part to realize the ideal, we respond to the actual world as a potential realm of ends.

If we express our devotion to the realm of ends in the ways Rawls describes in the first sentence, then the expression of devotion to that ideal subordinates our other pursuits. It does not subordinate them as one end might subordinate others which are judged less weighty or important. Rather, it subordinates our other pursuits by constraining them absolutely. For if we “fashion in ourselves” a will which is “firm[ly]” or reliably regulated by the moral law and if we “follow[] the moral law as it applies to us”, then all of the maxims on which we act – and hence our pursuits of all of our ends – are regulated by the law. Once we see this, we can see why Rawls thinks that the devotion to and reverence for the realm of ends are religious in character. For since we show devotion and reverence for the realm of ends by acting always from the moral law, the realm of ends is an ideal that we never trade off against other ends and that we never act against. It is to govern our will absolutely as the objects of more traditional religious devotion, such as the conception of a world renewed, are supposed to regulate the wills of believers.

The end of the first sentence, together with the second, tell us why the conception of the world as a realm of ends is worthy of such devotion, but these sentences are easy to mis-read. In the second sentence, Rawls might be taken to say that if we do not follow the moral law, strive to fashion a good will and shape our social world accordingly, then we will *experience* our lives and the world as meaningless. *Perhaps* this is what Rawls is

saying. But even if it is, his observation that such conduct “qualifies us to be the final purpose of creation” suggests a more nuanced interpretation. It suggests Rawls thinks that according to Kant, human life and the world have – or can be presented as having – natural purposes or “point[s]” which will be frustrated if we do not regulate our conduct by the conception of the realm of ends by living as members of that realm, regardless of whether or not we actually experience those lives as lacking meaning. If that is right, then we will experience the meaninglessness of such lives only if we somehow grasp our purpose and realize that we have failed to fulfill it.

Consider, in this connection, why Rawls might say that according to Kant “our life, in the world ... would lose [its] meaning and point” if failed to act from the moral law. “*Our* life, in the world” is a human life. A human life differs from the lives of other animals because it is lived in large part by the exercise of practical reason. Kant argues in the *Groundwork* that the natural purpose of practical reason is to produce in us a good will. (Kant 1997 [1785], p. 10) A human being who fails to act from the moral law and to “fashion in [himself] a firm good will” defeats the purpose of practical reason and fails to live as distinctively and fully human. If he experiences his life as meaningless or as frustrated, it will be because he somehow grasped his failure to live the kind of life he can and should live.

On the other hand, if everyone were to follow the moral law and the realm of ends were realized, we would live together as reasonable and rational beings and our relations with one another would express the mutual recognition of our common dignity. (Rawls 2009, pp. 209-10) In the realm of ends, “people attain their mutual happiness”. (Rawls

2009, p. 312) And that is, of course, a very great good. (Rawls 1999b, pp. 508-9) A world with such great goods in it would seem to be a world eminently worth realizing. Though Rawls does not say so, I presume he thinks that we can see some significance in doing our part to realize a realm in which these goods are available to all.

What is the natural or the “final purpose” of the world and how is it frustrated if we fail to act from the moral law? Kant’s idea is roughly the following.³

Living things are organized to attain certain ends, such as nutrition, growth and reproduction. Because of they are so organized, they have “inner purposiveness”. To attain these ends, they must make use of things in their environment. The presence of these things in their environments can be explained mechanically. Insofar as it is, the coexistence of natural things is presented as pointless or without purpose, since mechanical explanations are non-teleological. But the fact that organisms use things in their environment to attain their purposes means that the things they find useful have a kind of purposiveness which Kant calls “outer purposiveness”. Indeed, Kant thinks that once we have the idea of this kind of purposiveness, we can conceive of the world as an ordered “system of ends”, in which the systematic connections are connections of outer purposiveness. The conception of the world as a system of ends leads naturally, Kant thought, to the questions of whether there is some final end of nature, outside the system of ends, for the sake of which the system as a whole – the world as a whole – exists and of what our place in that ordered whole might be.

Kant argues a priori that only human beings, considered as moral agents, can serve as the final end of the world as a whole. For we – and only we -- are both out of the world

and in it. As moral agents, we must be capable of free choice and to be capable of free choice, we must exist beyond the purview of causal laws. To consider us as moral agents is therefore to consider us as noumenal beings who exist outside the system of ends. We can realize our freedom only by acting in the world. And it is only when we act freely in the world that we serve as the world's final end. For when we set purposes for ourselves and use nature to achieve them, our purposes serve as the ends of nature. When we set and pursue our purposes autonomously – when we act from the categorical imperative -- our purposes and actions are not conditional on some further aims. Chains of outer purposiveness come to an unconditioned end in our freely chosen action. We then serve as the final end of the world, that for the sake of which the whole system of ends exists. On the other hand, because only human beings can serve as the final end of the world and we serve as that end only when we act from the moral law, our failure to act from the moral law leaves chains of outer purposiveness unfinished.

Thus while the world can be described in mechanistic terms, or as a system of ends related by outer or relative purposiveness but without beings who are conceived of as noumenally free, either description of the world would be incomplete from a certain point of view on the system of ends which it is natural to us to adopt. That is the point of view from which we are naturally led ask whether the whole system exists for the sake of something outside itself. Kant's moral philosophy offers a normatively laden description of the world that appears more complete from that point of view -- a conception or an ideal of the world which presents it as having a purpose that is realized when moral agents act in it autonomously, following the moral law. That ideal is, of course, the realm of ends.

Rawls does not spell out this reading of Kant, but his reliance on it would explain his summary remark at the end of the argument I am trying to parse: “[w]ithout this” – i.e. unless we try to realize the realm of ends by acting from the moral law, fashioning a good will and properly shaping our social world – “our life, in the world, and the world itself lose their meaning and point.” And so I read Rawls as saying that according to Kant, our life and the world will have a point, will fully achieve their purposes, only if we allow the conception of a realm of ends a superordinate role in thought and conduct by striving to live as members of it. Whether we live as members of that realm depends upon *all* our thought and conduct. And so I read Rawls as saying that for Kant, the importance of achieving our purpose lends significance to our every action.

But how does this show that Rawls thought Kant presented the realm of ends as having a value in virtue of which it is worth realizing, as the second conjunct says? Doesn't showing *that* require showing that Kant presented the purposes of human life and the world as worth realizing? What Rawls has to show to establish the second conjunct is that Kant presents the realm of ends as having a value in virtue of which it is worth realizing *by us*, in *our* actions. That value is value from *our* point of view. Of course, the value cannot be one which depends upon our arbitrary or contingent choices, so that the end might not be worth realizing after all. So to establish the second conjunct, Rawls has to show that Kant presents the realization of the realm of ends as something we naturally see as valuable or as worth doing, given the kind of creatures we are. We will see it that way if we see that the realm of ends connects with purposes in which we take a natural interest or concern.

Rawls says Kant thinks that once we grasp the ideal of the realm of ends, we will see that it is worth realizing and will be moved by a desire to realize it. He writes:

Just as the representation, or an exemplar, of a morally worthy action done from a steadfast regard for the requirements of the moral law apart from all advantage to oneself uplifts the soul and arouses in us a wish that we could act in the same way, so, likewise, the ideal of a realm of ends ... arouses in us the wish that we could be a member of that world. (Rawls 2009, p. 213)

Kant thinks the fact that the realm of ends moves us is, Rawls says, simply “a fact about persons as reasonable and rational and animating a human body.” (Rawls 2009, p. 214)

Why is the desire to be part of a realm of ends natural to us?

Rawls does not describe the phenomenological character of the sentiments he says Kant thinks the realm of ends arouses in us. One description would connect the realm of ends with the goods that I said are available in it. But it is tempting to connect this passage with the remark, quoted by Rawls, in which Kant says that the moral law fills us “with admiration and awe”, and to read Rawls as saying Kant thinks the ideal of the realm of ends moves us to follow the moral law by eliciting our “admiration [for] and awe [of]” a world in which everyone follows the law. If we read Rawls this way, then we can see why Rawls said Kant presents the world as “holy”. For the awe that Rawls’s Kant thinks is inspired by the ideal of the realm of ends sounds quite like the experience of the holy so famously described by Rudolph Otto in his classic treatment of the subject. (Otto 2004,

chapters 3 and 4) Once read Rawls this way, however, the interest we take in the realm of ends would seem to be of a qualitatively different character than an interest in the great goods that realm would make available.

Nagel's development of the religiosity condition suggests a more satisfying, if more speculative, description. At the end of section II, I said Nagel's development of that condition implies that philosophical views which reveal a religious temperament are responsive to, and try to work out the questions raised by, under-theorized conceptions of the world and its order. Rawls's statement of the religiosity condition does not explicitly mention responsiveness, but the remark he quotes about the moral law filling us with admiration and awe is suggestive. It suggests to what experience Rawls might think Kant's moral philosophy responds. For Kant says that we are filled with awe, not just by "the moral law within" but also by "the starry heavens above". Rawls might say that when we behold the order and grandeur of the cosmos, we are moved to ask the questions Kant thought it natural for us to ask: the questions of whether the natural system has some end outside itself and what place each of us has in that vast system. Those questions are answered by Kant's conception of the natural and social world as a realm of ends. I believe Rawls thinks that at least part of what we find awe-inspiring about the realm of ends is that it is a conception of the world in which we act freely, rather than under the influence of alien causes. Working out this conception of the world as a whole might then be thought to heighten the awe inspired in us by the starry heaven by giving us a clearer view of what is awesome about it.

As we saw, Rawls observes that according to Kant, the laws of nature, including human nature, are “not unfriendly” to the realization of the realm of ends, and so he thinks Kant presents the world-as-it-is as a potential realm of ends. This may not show that Kant presents the world-as-it-is as worthy of reverence. But it is not implausible to say that he helps us to see even the world-as-it-is as worthy of our devotion. For if we accept Kant’s view, then we can conceive the world-as-it-is as our vocation, requiring our committed action to be transformed into a realm of ends. Kant clearly gives the moral law a dominant role in conceiving the world-as-it-is and the world-as-it-might-be. And so Rawls can establish the second conjunct of the intermediate step as well as the first. Given the religiosity condition, he can infer his desired conclusion. And once we see that his view is given its religious aspect by the place of the moral law, we can understand why Kant describes our devotion to the law in religious tones. For the moral law founds the norms from which we must act if we are to live in harmony with the order of the world as Kant’s moral philosophy presents it.

This reading handles many of the puzzling features of Rawls’s argument. It also solves one of the lingering puzzles about the longer quoted passage in which the argument is embedded. Recall that Rawls speaks in the first paragraph of that passage of “the significance Kant gives to the moral law”. I observed that ‘significance’ is ambiguous between ‘meaning’ and ‘importance’ and I implied that an interpretation the passage should resolve the ambiguity. In the second and third paragraphs Rawls says Kant thinks that acting from the moral law is important and that its importance transcends everyday values. On the reading offered here, it transcends them by subordinating them: the moral

law is to frame the pursuit of other our ends. The argument I have said Rawls would offer for the second conjunct of the intermediate step shows that that according to Rawls, Kant thinks acting from the moral law has the importance it does because of its meaning – more precisely, because of its connection with the meaning or purposes of human life and the world. Those purposes can be fulfilled only if we rise above the order of causation and regulate our lives by a law we give ourselves.

Connecting the significance of the moral law with the meaning of life and the world may, however, raise worries about the argument and its relevance to Rawls's own view. For Rawls says that the significance Kant gives to the moral law "has an obvious religious aspect". The argument I have interpreted is supposed to show what gives it that aspect. But on the interpretation I have offered, it is not at all apparent that the aspect Kant's view is said to have can plausibly be described as "religious". Even if it can be, it may seem clear that no parallel argument can be used to show that justice as fairness has a religious aspect.

These worries can be made more precise by reference to the religiosity condition. That condition is supposed to be sufficient, though not only sufficient, and I have treated it as such. To show why Rawls thinks Kant's view satisfies it, I read him as saying that Kant presents the realm of ends as having transcendent importance, as naturally inspiring our awe and as giving humanity a vocation. But, it may be said, the value Rawls says Kant attributes to realm of ends has no connection with traditional theism. Nor does it seem to be spiritual -- if by 'spiritual' is meant that it asserts the existence of higher, immaterial beings with whom human beings must cultivate a relationship if we are to live well. And

so, it may be said, the importance of the realm of ends and the awe it inspires may be similar to religious importance and awe, but they are not instances of them and the vocation to which the realm of ends summons humanity is not a religious calling. But if that is right, then Kant's view does not really have a religious aspect after all. The only way Rawls can avoid this conclusion is to interpret the word 'religious' in the religiosity condition quite weakly. Once the condition is interpreted so permissively, however, the condition may seem too weak to be plausible as a sufficient condition.

But a view need not have a theistic or a spiritual aspect to have a religious one and the religiosity condition is not, I think, implausibly weak. As Rawls reads Kant, what makes the super-ordinate importance of the realm of ends, the awe it inspires and the vocation it gives us all genuinely religious are the connections Kant forges with what gives significance to human life and the world. What Kant thinks each of us is called to do, on Rawls's reading, is to regulate our wills by a transcendent conception of the world and of our place in it, so that we rise above the causal order and help to realize "the final purpose of creation". When we do *that* even our daily actions, done from respect for a law which is to govern our conduct absolutely, are endowed with transcendent meaning. That seems sufficient to give Kant's view a religious aspect.

I shall not spell out this reply in further detail. For I have reconstructed Rawls's interpretive argument in order to ask whether a parallel argument can be used to show that Rawls's own work has a religious aspect. So let us turn our attention to justice as fairness.

IV. Justice as Fairness has a Religious Aspect

To see whether such a parallel argument is available, we need to see whether Rawls took something like the intermediate step and whether he took it for reasons that are like the reasons Rawls thought Kant took it. The Rawlsian version of the intermediate step would read:

Justice as fairness has a conception of the world as a whole in which the principles of justice have a dominant place and, because of the dominant place of the principles of justice, that conception presents the world as worthy of devotion and reverence to which pursuit of the everyday values of secular life should be subordinate.

Rawls clearly has a conception of an ordered social world in which the principles of justice have a dominant place, as Kant has a conception of the social world in which the moral law has a dominant place. Rawls's social world is the well-ordered society, in which the basic structure conforms and is known to conform to principles of justice. (Rawls 1999a, p.4)⁴ The well-ordered society is a modern nation-state, and not a global realm of ends. But we can take the well-ordered society to embrace the social world as a whole either by abstracting from the existence of all other societies, as Rawls does in *Theory of Justice* (Rawls 1999a, p. 7), or by conceiving of a world composed entirely of such societies, as Rawls does in *Law of Peoples* (Rawls 1999c, p. 124).

Rawls's presentation of his ideal social world, like Kant's presentation of the realm of ends, relies on claims about the natural world and its amenability to the realization of

that ideal. The circumstances of justice obtain, so that justice has a place and the material or objective conditions of the world are amenable to its realization. (Rawls 1999a, p. 110) Human nature is amenable to its realization as well. In *Theory of Justice*, Rawls shows how the laws governing human psychology, including the three laws of reciprocity, the Aristotelian Principle and the companion effect, make it possible for us to develop a sense of justice under just institutions. (Rawls 1999a, pp. 429-30 and 374-76) And so Rawls's ideal, like Kant's, can be described as view of the world as a whole. Since the principles have a dominant place in the specification of that ideal, the first conjunct of the Rawlsian intermediate step is true. Moreover, in Rawls's view as in Kant's and in traditional theisms, the first conjunct is doubly satisfied, since the conception of a well-ordered society carries with it a view of the actual social world as a potential well-ordered society or a potential world of such societies.

What of the second conjunct? In conceiving of the world as a well-ordered society, does Rawls present it as worthy of superordinate devotion and reverence? Let us begin by looking at how devotion and reverence for a well-ordered society could be expressed.

I suggested earlier that as Rawls reads Kant, devotion and reverence for the ideal of the realm of ends are expressed by trying to realize and maintain it, by "following the moral law as it applies to us, and in striving to fashion in ourselves a firm good will, and in shaping our social world accordingly". The well-ordered society, like the realm of ends, is an ideal. In part III of *Theory of Justice*, Rawls assumes away problems of transition to the well-ordered society and asks whether the well-ordered society, once realized, would be stable. He thinks its members express their commitment or devotion to the ideal of a just

society by doing their part to stabilize or maintain it. Rawls thinks they do *that* by following the principles of justice as they apply to them and by continually shaping the institutions of their social world so that they continue to accord with the principles. And I believe he thinks we, in the world-as-it-is, can express our devotion to the ideal by trying to shape our institutions so that they conform to the principles.

Somewhat less obvious is what Rawls says about how members of the well-ordered society express their devotion to the ideal of the well-ordered society by “striving to fashion in [them]selves a firm good will”. I take it Rawls thinks a good will is or includes a sense of justice. In *Theory of Justice*, Rawls argues at some length that the institutions of a just society will encourage a sense of justice in those who live under them. But he also recognizes that preserving a sense of justice requires effort and commitment. Only with such effort and commitment can someone become and remain the kind of person who regularly acts from a sense of justice, so that her sense of justice is “firm”. And so members of the well-ordered society have to strive to fashion a sense of justice in themselves and have to commit themselves to preserving it by incorporating such strivings into their plans of life. That is why Rawls is at pains to argue, in his discussion of stability, that members of the well-ordered society must “*plan* to preserve [their] sense of justice as governing their other aims.” (Rawls 1999a, p.503, emphasis added)

We saw that for Kant, expressions of devotion to the realm of ends subordinate the pursuit of other values because we express our devotion by acting from the moral law and because in all our pursuits, we must act from maxims which satisfy the law. Similarly, Rawls thinks that devotion to the ideal of a well-ordered society is super-ordinate or

transcendent – as is suggested by the conclusion I just quoted, in which Rawls says that members of the well-ordered society must “plan to preserve [their] sense of justice *as governing their other aims*”. For he argues, in effect, that they – and we -- express devotion to the ideal by being just persons. And he argues that a just person does not treat justice as one end to be balanced among others. Someone who does that, and who fails to treat the principles of justice as regulative, has thereby failed to be a just person. (Rawls 1999, p. 503) Like the realm of ends and the objects of traditional religious devotion, the ideal of the well-ordered society and the associated principles of right are to govern the good will absolutely and are thereby to play a regulative role in our “inner life”.

But does Rawls present the ideal of a well-ordered society as *worthy* of devotion and reverence? And does Rawls think it is worthy for reasons that are anything like the reasons Rawls says Kant thinks the ideal of a realm of ends is worthy of devotion and reverence?

I argued that on Rawls’s reading, Kant’s establishes that the realm of ends is worthy of devotion and reverence is by showing that the expression of devotion and reverence gives our lives “meaning and point” and that it does so for three related reasons. It is only by living as members of the realm of ends that that we can lead fully human lives, by living as members of a realm of ends we do our part in making its very great goods available and it is only by acting from the moral law that we can serve as the final purpose of creation.

Rawls does not argue that we can realize the final purpose of creation only by living as members of a well-ordered society, though in *Political Liberalism* he does imply

–in a passage to which we shall return -- that finding out that a just society is possible shows why “it is worthwhile for human beings to live upon the earth”. (Rawls 1996, p. xlii) But in *Theory of Justice* Rawls offers a line of argument that is reminiscent of Kant’s argument that human beings would have been endowed with practical reason in vain if we did not use our reason to produce a good will. The upshot of Kant’s argument was that someone who fails to do that fails to live a fully human life. In a similar vein, Rawls argues that we can express our nature as reasonable and rational beings only by acting “from principles that would be chosen if this nature were the decisive determining element.” (Rawls 1999a, p. 122) Since our nature as reasonable and rational is the “decisive determining element” of choice in the original position, the Rawls of *Theory of Justice* argues that we can express our nature – and so live fully human lives -- only by acting from principles that would be chosen there. He also thinks members of the well-ordered society would regard it is a great good to do our part in sustaining institutions which allow for diverse forms of human flourishing on a footing of equality and mutual respect. (Rawls 1999a, p. 462)

We also saw that as Rawls reads Kant, presenting the realm of ends as worthy of devotion and reverence was not a matter of presenting it as having intrinsic value, but of presenting it as something human beings naturally regard as worth realizing for its own sake. I believe the same is true of Rawls’s own view. Rawls rarely referred to intrinsic value and it is questionable whether the notion did any real work for him. And so Rawls’s view, like the Kantian view on Rawls’s reading of it, can be said to have a conception of the world which it presents as worthy of devotion and reverence if it presents that

conception in such a way that it connects with interests that we naturally have or that we would naturally develop under favorable conditions.

Rawls certainly hopes his view presents the ideal of the well-ordered society that way, for he writes in *Theory of Justice*:

... a theory should present a description of an ideally just state of affairs, a conception of a well-ordered society such that the aspiration to realize this state of affairs, and to maintain it in being, answers to our good and is continuous with our natural sentiments. A perfectly just society should be part of an ideal that rational human beings could desire more than anything else once they had full knowledge and experience of what it was. (Rawls 1999a, pp. 417-18)

And the Rawls of *Theory of Justice* and the *Dewey Lectures* believed he *had* presented the ideal of a well-ordered society that way to members of the well-ordered society. In the second of the original *Deweys*, he says that the full publicity of his view in a well-ordered society “educate[s]” its members in an ideal of their person so that that “ideal ... can elicit an effective desire to be that kind of person.” (Rawls 1999b, p. 340)

How the desire to be a just person is elicited, and why members of the well-ordered society would affirm that satisfying it is part of their good, are the subjects of *Theory of Justice*, sections 70-74 and 86, on the sense of justice, the moral and natural sentiments and congruence. One important strand that runs through Rawls’s arguments is this. With the understanding of justice as fairness afforded by the publicity condition, members of the

well-ordered society think of themselves as reasonable and rational, develop a desire to express their nature as such, and know that they can realize their nature as such only by honoring the principles of justice. (Rawls 1999a, pp. 501, 503) Another is this. The well-ordered society realizes the ideal of a social union of social unions. By the Aristotelian Principle and the companion effect, members of that society would naturally want to uphold the principles of justice that make realization of that ideal possible. (Rawls 1999a, §79)

Rawls does not connect the desire to live up to that ideal or the “aspiration to realize” the ideal of a well-ordered society with the awe that Rawls’s Kant thinks is inspired by the realm of ends. Perhaps that is because Rawls thinks there is no one thing that it is like to have one’s affections engaged by these ideals. Be that as it may, he clearly thinks that these affections can be powerfully motivational. As we saw earlier, Kant thought that the realm of ends inspired our awe in part because it is an ideal of a social world in which we rise above the order of causation. The Rawls of *Theory of Justice* thinks that part of what moves us about the ideal of a well-ordered society is that it is a social world in which basic arrangements are not determined by “natural and social contingencies”. (Rawls 1999a, p. 62) Rather, it is one in which we conduct ourselves as free equals and thereby rise above “the contingencies and accidents of the world”. (Rawls 1999a, p. 503) This is not unlike the feature of the realm of ends that I said Kant found awe-inspiring.

Does Rawls present the ideal of a well-ordered society as worthy of devotion by us, his readers? I believe Rawls thinks that we who live in liberal democratic societies which

are not well-ordered, and in which justice as fairness is not institutionalized and public, still conceive of ourselves as free and equal citizens and want to live as such. And I believe he thinks that the conception of society as a fair cooperative scheme as some purchase on us. Insofar as that is right, he thinks we will be moved by the specific ideals of the person and society that justice as fairness presents. As Kant's conception of the world-as-it-might-be carried with it a conception of the actual world as a potential realm of ends, so those ideals carry with them a conception of our world as having the potential to be well-ordered society and a conception of our fellow citizens as having the potential to be fellow members of it. These potentialities are not, Rawls insists, mere logical possibilities. They are ones that we can realistically hope to actualize. (Rawls 1999c, p. 126) And so like the realm of ends, the ideal of the well-ordered society does not just carry with it a conception of our world as it is. It also presents us with the vocation of realizing that ideal.

I have maintained that Rawls's view "has a conception of the world as a whole that presents it as worthy of devotion and reverence" because of the way it conceives of and presents the well-ordered society. Recall that when Nagel presents his religiosity condition, he implies that part of what makes a view religious is that it has a conception of a *point of view* from which the natural and social world as a whole can be apprehended as worthy of devotion and reverence. Rawls's view has just such a standpoint: the original position. For one of the roles of the original position in Rawls's theory is to make vivid what it is to have a conception of the world as a whole. By imagining ourselves in the original position, we can grasp the relevant psychological and scientific facts, which are

admitted by the veil of ignorance, conjoin those facts with the principles of justice, and see how the world as a whole might be.⁵ We can, that is, grasp a natural and social world which is worthy of devotion and reverence because it is a world in which “men exhibit their freedom, their independence from the contingencies of nature and society”. (Rawls 1999a, p. 225)

If that point of view is really a view of the world as a whole, it must provide a view of each person’s life and its proper place in that whole – a view that each is to take as regulative of her life. In traditional theistic views according to which the view of the whole is God’s, the details of each person’s life are open to view. To take that all-embracing viewpoint as regulative, we must discern and follow God’s plan for each of us. Parties in the original position are, of course, veiled from knowledge about particular persons. Though the original position must afford us a view of our own lives that is different from that afforded by the transcendent viewpoint associated with traditional theisms, it still enables us to view ourselves as contributing to the order of the whole when we act as we should.

To see that the original position affords us such a view of ourselves, recall that what makes the ideal of the well-ordered society worthy of devotion is that members of that society regulate their conduct by principles of right. They and we express devotion to that ideal by regulating our conduct by such principles as well. And so, in answer to a question raised above at the end of §I, the same kind of conduct that inspires devotion to the ideal of a well-ordered society also expresses that devotion. It is worth asking why this should be.

The answer begins from the fact that the well-ordered society is an on-going cooperative scheme. Since it is on-going, it can remain just only if its members act from the principles in perpetuity. This happens only when members of each generation act so as to elicit in their successors a devotion for the just society they have inherited, when their successors show that devotion by “maintain[ing] [the just society] in being”, and when the conduct by which they maintain it inspires similar devotion in those who follow them.⁶ If our action is at once to express devotion for the world bequeathed us by our predecessors and to elicit the appreciation of those who follow us, then we must see ourselves as belonging to one among a succession of generations, all of whose perspectives we must somehow adopt in thinking about how to conduct ourselves. That means that if our conduct is both to express and inspire devotion, we must be able to adopt and act from a perspective on our own action that is, as it were, outside our own time so that a view of the world as natural, social and temporal whole regulates our conduct. This is just what Rawls says the original position enables us to do in the moving closing sentences of *TJ*, where he says that the original position enables us to see “our place in society” *sub specie aeternitatis*. For to enter the original position is, he says, “to view the human situation not only from all social but from all temporal points of view.” (Rawls 1999a, p. 514)

I can now sum up this stage of the argument. The Rawlsian version of what I called “the intermediate step” would read:

Justice as fairness has a conception of the world as a whole in which the principles of justice have a dominant place and, because of the dominant place of the

principles of justice, that conception presents the world as worthy of devotion and reverence to which pursuit of the everyday values of secular life should be subordinate.

We have now seen that both conjuncts of this step are satisfied. It therefore seems to follow that Rawls's view, like Kant's view on Rawls's reading of it, has a religious aspect which is due to the dominant place he gives the principles of right in working out a conception of the world as a whole.

The plausibility of the parallel argument depends upon the plausibility of the religiosity condition. In the first section, I noted that Rawls seems to put forward the condition as both necessary and sufficient. In discussing his claim that Kant's view has a religious aspect, I treated it as a sufficient condition and I argued at the end of the previous section that Rawls's conclusion does not show the condition to be implausibly weak. But the argument that justice as fairness has a religious aspect may seem to resurrect the worry of implausible permissiveness since Rawls's political philosophy is not generally thought to be religious.

But if it is plausible to say of Kant's moral philosophy that it has a religious aspect – as I argued it is – then it is plausible to say the same of justice as fairness. Rawls, like Kant, attaches a transcendent or super-ordinate importance to the ideal of the well-ordered society and to the principles of right he uses to conceive it, for he argues that we are to treat the principles as regulative and so as super-ordinate to our other pursuits. While Rawls does not say that the ideal naturally inspires our awe, he does think that the ideal

exercises a very powerful hold on us. Awe of the ideal world does not seem to be a necessary condition of having a religious aspect anyway, since traditional theisms can present conceptions of a renewed or redeemed world that can be powerfully attractive without inspiring our awe.

The biggest obstacle to drawing out the parallel between Kant and Rawls seems to be that while Kant says we realize the purpose of creation when we live autonomously, Rawls says nothing like that. It was, however, the connection Rawls's Kant drew between the importance of acting from the moral law and the meaning of doing it – the connection between treating the moral law as regulative and achieving these larger purposes -- that made Rawls's conclusion about Kant's view plausible enough to allay doubts about the religiosity condition. Without that connection, acts done from the principles of right may not seem to have a significance that is plausibly described as religious. But as I argued that Rawls does think we must act from the principles of right, not just to express our devotion, but also to constitute the order of the world and so to help bring about or maintain a world which is worthy of reverence. The need for each of us continually to constitute the order of the world invests our every act with a larger significance. This investment makes it plausible to say that justice as fairness has a religious aspect.

V. Does Political Liberalism have a Religious Aspect?

In arguing that Rawls's view has a religious aspect, I drew almost entirely on *Theory of Justice*. It is therefore natural to ask whether the religious aspect of justice as fairness survived Rawls's re-presentation of his view as a political liberalism. It is natural

to answer that it did not. For in his later work, Rawls presents justice as fairness as a “module” that citizens are to fit into various comprehensive doctrines themselves. (Rawls 1996, p. 12) This and much else Rawls says in *Political Liberalism* seems to imply that by presenting justice as fairness as a political conception, he is eschewing the project of providing justice with any larger significance.

I do not deny that the later Rawls is eschewing that project. But I do want to suggest that even in Rawls later work, justice as fairness has something of a religious aspect because Rawls both early and late was concerned with some of the deep existential questions that many religions have raised and tried to answer. Those questions are that of whether we can be reconciled to our life in the world as it is, that of whether human beings can be good despite what history shows about us and that of whether the world as a whole can be good. That Rawls was moved by them shows his religious temperament. His sustained attempts to answer them give justice as fairness a religious aspect that survives his political turn.

We saw earlier that in the closing passages of *Theory of Justice*, Rawls speaks of seeing our lives *sub specie aeternitatis*. He follows a number of other philosophers in raising the possibility of seeing our lives that way. What some philosophers have meant to do in asserting the possibility of seeing ourselves *sub specie aeternitatis*, I think, to make vivid the contrast between, on the one hand, the true insignificance of our lives and how they go and, on the other, the much greater importance we attach to them because we matter to ourselves and our lives are *ours*. Seeing this contrast, it might be thought, is the beginning of wisdom. For once we adopt a view of the world from which we can properly

see our place in it, and once give that view a superordinate place in our reflections, we can attach to our lives the insignificance that they really have. Doing so makes us less inclined to resist what befalls us and readier to accept our fate with equanimity. If facing our fate with equanimity rather than resistance is, or shows, that we are reconciled to it, then the point of inviting us to see ourselves *sub specie aeternitatis* is reconciliation of our will with our situation in the world as it is.

Such an invitation might suffice to give the view which issues it a religious aspect. Those who think that to view the world *sub specie aeternitatis* is to view it as God sees it may be especially attracted to this position. So, too, might those who deny that religion must be theistic and who instead identify religiosity with renunciation of self. For they will think that seeing the world *sub specie aeternitatis* involves independence of all that matters from our own particular point of view in the world.⁷ These thinkers may believe that the original position makes such independence vivid because the veil of ignorance frees those who are behind it from the pull of their particular ends. And so, these philosophers may say, when we adopt and act from the point of view of the original position while living in the world, we live lives which are religious as they understand the term.

These are not Rawls's views. "The perspective of eternity is not," he says "the point of view of a transcendent being." (Rawls 1999a, p. 514) The principles adopted in the original position are not principles of renunciation; members of the well-ordered society are not supposed to live as if they had no ends and attachments of their own. Entering the original position, and acting from the principles adopted there, are not

supposed to reconcile us to whatever sufferings or injustices we may face in the world as it is. Yet presenting an ideal social world, and a conception of the world as it is as “not unfriendly” to that ideal, does have a reconciling function. That helps to give justice as fairness an aspect which is plausibly described as religious.

The world with which Rawls hopes to reconcile us is the social world as it is under modern conditions. Moral and religious pluralism, and widespread secularism, are irreversible features of that world. They have profoundly altered the claims traditional beliefs and traditional morality can make on public life. Modern conditions have also brought with them large institutions that establish new and morally significant human relationships. (Scheffler 2010, p. 169) The institutions of the nation-state establish the relationship of “fellow citizen” among persons spread across vast geographic and social distances. Those institutions have also altered the character of local relations in myriad and obvious ways. The twentieth century demonstrated that the bureaucratic, logistic, police and military powers of those institutions enable them to visit very great evils on their citizens, sometimes with the acquiescence or the active cooperation of large numbers of those who stand in the relation of “fellow citizen” to the victims. Daily politics in societies that purport to be liberal and democratic is often self-seeking and tawdry. The scope of commercial enterprises and the externalities they generate make possible the dislocation of individual and communal lives by forces that seem distant and uncontrollable. All of this can make for profound disaffection for, and alienation from, our large social world and its inhabitants. To be reconciled to the world and its inhabitants is to overcome these attitudes.

A theory of justice for the basic structure identifies principles of right that are to regulate some of the most fundamental institutions and relationships that modern conditions bring with them. Its conception of the world as it might be is therefore a conception of those institutions and relationships as *they* might be. As presented by that conception, those basic institutions are just. They make available a number of very great moral and political goods, such as the goods of a social union of social unions discussed in *Theory of Justice* and the goods of democratic governance discussed in *Political Liberalism*. (Rawls 1996, pp. 202-3) The operations of these institutions are not characterized by the brutality or squalor of political life as revealed by history or current events. Moreover, according to that conception, just institutions educate those who live under them, so that they develop a sense of justice and appreciate the goods that a well-ordered society makes available.

Rawls's view of how political philosophy can fulfill the task of reconciliation changed significantly with his turn to political liberalism. (Weithman 2010, pp. 265-66) But both early and late, Rawls seems to have thought that if we are disaffected by or alienated from the modern social world as it is, a theory of justice can show that its institutions and relationships do not inevitably have the features which engender these attitudes. The basic structures of modern society can be just and can answer to our good as we would come to view it if we lived in a modern society that was well-ordered. Even if things were to go badly for us in a well-ordered society, and our lives do not work out as we had hoped, we could see that our fate was not the result of structural injustices. If we have lived as members of the well-ordered society, and committed ourselves to regulating

our plans by principles chosen in the original position, and “fashion [] in ourselves a firm good will”, we would not regret being the kind of person who made that commitment.

(Rawls 1999a, pp. 501-3)

Of course, merely showing the logical possibility of a well-ordered society is not enough to reconcile us to life under modern conditions. But because Rawls – both early and late -- presents a conception of the world as whole according to which natural and psychological laws allow for the establishment and maintenance of a well-ordered society, it shows that we can reasonably hope such a society will be realized. By presenting the world as it is as a potential well-ordered society, justice as fairness tries to reconcile us to the institutions under which we live. And if history inclines us to cynicism about or contempt for those with whom we share the world – as Kant said history could (Rawls 2000, p. 320) – then justice as fairness tries to reconcile us to *them* by presenting them as persons who would be willing to do their part sustaining such a well-ordered society, provided others will also. It presents those with whom we share the world as, in that sense, good. (Rawls 1999c, p. 7)

Rawls does not try to reconcile us to the world as it is by providing a point of view from which we can see our own insignificance or by encouraging us to renounce our ends. When we see ourselves *sub specie aeternitatis*, we see ourselves not just as free, but also as equals. And when we act from that point of view, we do not forswear the pursuit of our ends, but regulate it by mutually justifiable principles. Nor does Rawls try to reconcile us to our circumstances by encouraging us to conform our will to the world as it is. Rather, in presenting the world as it might be, he presents a conception of one important part of the

world – the basic structure -- as conforming to principles we would will from that point of view. In so reconciling us to our world, to other persons and to the consequences of living a just life -- and in showing that the world and those in it can be good -- justice as fairness draws on principles of right to do part of what more uncontroversially religious views also try to do. This use of the principles grounds reasonable faith in the possibility of an ideal world as Rawls conceived it and is part of what give Rawls's view a religious aspect.

Though I have treated the religiosity condition as a sufficient condition, I said in §I that Rawls thinks it is necessary as well as sufficient. He must therefore think that religions such as Judaism and Christianity satisfy it. Seeing why he might have thought they do brings to light another reason justice as fairness can be said to have a religious aspect.

One way in which Judaism and Christianity present the world as worthy of devotion and reverence is by presenting the world as a whole as the work of a loving God who entrusts it to our care after pronouncing it “very good”. Recall now that I alluded to a place in *Political Liberalism* where Rawls says that if a just society is not possible, “one might ask with Kant whether it is worthwhile for human beings to live upon the earth.” (Rawls 1996, p. xlii) As we saw, Rawls's Kant thought that human beings have a distinctive contribution to make to the world. By exercising our transcendental freedom in the world, we fulfill the world's “final purpose”. That, Rawls's Kant might say, is why it is worthwhile for us to exist at all and why our general failure to act from principles of right would raise the question Rawls mentions. Rawls does not argue that we are the final

purpose of creation. Why does he think the impossibility of a just world would raise that question?

We saw that Kant was led to identify a final purpose of creation because he thought it natural for us, on observing a system of ends bound by relations of outer purposiveness, to be dissatisfied with a mechanistic description of that system and to ask whether there is something that the world exists *for*. The answer is that the world is the vocation of we who are not just in the world but also out of it. Kant's question depends upon a presumption that Rawls shares: the presumption that we can entertain a conception of the world as a whole, including the human world. I believe Rawls thinks we can ask, not just about the goodness of humanity, but about whether the world as a whole, including us, is good. This question is closer to Kant's than it may first appear to be. For in Rawls's hands, this is not a question about the intrinsic value of the world. Rather, it asks whether there is a conception or description of the world which presents it as answering to the most fundamental interests of our nature as moral theory identifies them. So the question Rawls poses is not about the purpose of the world. It is about whether the world can be presented as a purpose or vocation for us, given the kind of creatures we are.

Rawls presents a conception of our highest-order interests, and a conception of the world which engages them, so that we are moved by that conception to try to realize it. He also argues that its realization is more than a theoretical possibility. By drawing on the principles of justice to present the world as our vocation, and by using the principles to answer a question about its goodness, Rawls responds to questions about the world that are

implicit in the creation narrative of *Genesis*.⁸ He thereby gives another religious aspect to justice as fairness.

The possibility of still another religious aspect is opened by asking why Rawls was interested in whether the world can be good. When I said that Rawls's Kant thought it natural to ask whether the world has an end outside itself, I said it was an implication of Nagel's treatment of the religious condition that philosophy which satisfies that condition is responsive. I conjectured that Kant's question arose in response to an under-theorized sense of awe at the grandeur of the world. Nagel's implication raises the question of whether Rawls's work is responsive and, if so, to what. Nagel provides a promising clue. He says that philosophy which shows a religious temperament begins with the sense that "Existence is something tremendous, and day-to-day life, however indispensable, seems an insufficient response to it." (Nagel 2005, p. 5) Perhaps – and here we can do no more than speculate – Rawls's work responded to the under-theorized wonder at existence that Nagel identifies, and to a correlative desire to figure out what our response to it should be. A sense of wonder at the existence of the world is most famously associated with Wittgenstein. (Wittgenstein 1965, p. 8) A number of religious thinkers influenced by him have identified a similar sense of wonder as the source of traditional theism. (Hauerwas 2010, p. 52; Clack 1999, p. 38 and Kerr 1997, p. 153)⁹ If these thinkers are right, and if traditional theism and Rawls's work -- both early and late – respond to similar experiences, then that too gives justice as fairness something of a religious aspect.

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Notes

¹ I have discussed Rawls's undergraduate thesis, and its relation to his later writings, in Weithman, 2009 and Weithman, forthcoming.

² More precisely, I suggest that the necessary and sufficient condition Rawls has in mind is the condition Nagel develops as sufficient.

³ The following two paragraphs summarize the excellent presentation of Ginsborg 2005, pp. 42-43.

⁴ Rawls describes the well-ordered society as “an interpretation of the idea of a kingdom of ends” at Rawls, 1999b, p. 264.

⁵ At Rawls 1999a, p. 225, Rawls says “My suggestion is that we think of the original position as in important ways similar to the point of view from which noumenal selves *see the world*.” (emphasis added)

⁶ Thus at Rawls 1996, p. 204, Rawls says “establishing and successfully conducting reasonably just ... democratic institutions over a long period of time, perhaps gradually reforming them over generations... is a great social good and is appreciated as such.”

⁷ See the views which are critically discussed in Thomas 19995.

⁸ See the sources cited at Weithman 2010, p. 368, note 43.

⁹ Brian Davies, OP finds Wittgenstein's wonder at existence at the roots of St. Thomas's theism; see Davies 2004, pp. 33-34.