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**A Well-Ordered Society as a Democratic Community:
Alternative Readings of Rawls' Political Theory**

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Summary

The standard reading of Rawls' political theory puts great emphasis on Rawls' liberalism and the primacy of basic liberties. The standard reading usually ignores Rawls' remark that he is trying to develop most appropriate moral basis for a *democratic* society. An alternative reading, offered in the article, tries to bring out the democratic elements in Rawls' thought and present Rawls' concern for social justice as an attempt to offer a plausible account of a democratic community and the preconditions for democratic legitimacy. Still, the alternative reading has to be carefully distinguished from the interpretation of Rawls offered by Richard Rorty who claims that Rawls is only articulating the liberal and democratic features of present day societies without ambitions to justify their practices and political culture. For the alternative democratic readings of Rawls it is crucial to understand the "problem of stability" and Rawls' solution to it.

Key words: John Rawls, Richard Rorty, justification, democracy, stability



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Introduction

In a review essay entitled *The House that Jack Built: Thirty Years of Reading Rawls*, Anthony Simon Laden, one of the younger interpreters of Rawls' work, makes a rather bold claim that in the past thirty years Rawls' main philosophical intentions have been more or less misread (Laden, 2003). Laden identifies two main blueprints in the literature on Rawls' work: "a standard one" and an "alternative" one. The standard blueprint of the structure of Rawls' work includes four related elements: (1) Rawls is engaged in

a grand philosophical project; (2) in particular, he is developing a theory in the traditional sense of that word; (3) that theory is Hobbesian in that it starts from an account of human rationality; and (4) it aims to show the rationality of justice via its centerpiece, the argument from the original position in favor of the choice of the two principles of justice. These four elements of the standard blueprint capture a general trend in the way that people have read Rawls over the past thirty years (Laden, 2003: 371).

In short, the standard blueprint pictures Rawls as engaged in the same project as Plato or Hobbes and as concerned to give an account of justice starting from a (meta-physical) theory of human nature and human rationality.¹ Rawls' claim that the best way to arrive at principles of justice is to ask what principles would be chosen by people when they find themselves in a situation of equality, is interpreted as a claim about what is the nature of justice in general and what kind of people would choose it. Thus, the original position, as the main device for producing principles of justice, produces also an image of us. "Looking from one direction through the lens of the original position we see the two principles of justice; looking from the other direction we see a reflection of ourselves" (Sandel, 1998: 48) Since the original position is meant to be a situation of equality, all peculiarities and particularities about its denizens are put behind "a veil of ignorance". The parties present in the original position are "forced" to choose principles by trying to maximize certain "primary goods" as all-purpose means for the realization of any interest or life goal that they may turn out to have. In this interpretation Rawls is accused of an attempt to produce rational morality for rational humans, a project doomed to failure (Plant, 1991: 323-324).

Rejecting the standard blueprint for obscuring the most valuable parts of Rawls theory, Laden proposes that Rawls be read in the "alternative blueprint". We can summarize the four elements [of the alternative blueprint] as follows: (1) Rawls's projects are focused and narrower than is generally thought; (2) he is engaged in philosophy as defense rather than philosophical theorizing; (3) his arguments are meant to serve as public justifications rather than as deductions from premises about human nature or rationality; and (4) the central idea and high point of his achievement is the idea of public reason and its accompanying picture of political deliberation, and the importance of the original position argument is that it is one possible route by which to justify principles of justice publicly (Laden, 2003: 379).

In what follows I will be agreeing with Laden that reading Rawls in the second blueprint reveals the hidden potential of Rawls as a democratic theorist, but I would also point out that reading Rawls in the alternative blueprint may misrepresent Rawls' intentions. I shall try to show that the second blueprint should be clearly distinguished from the pragmatic "defense" of liberal democracy given by Richard Rorty in his famous essay *Priority of Democracy to Philosophy* (Rorty, 1994). Rorty's "pragmatism" fails to capture what Rawls himself thought was the most important and novel contribution of his work – the discussion of congruence and stability.² For Rorty, Rawls' great-

¹ As typical of the standard blueprint we may mention Michael Sandel's criticism in his *Liberalism and the Limits of Justice* (1982).

² As Samuel Freeman reports: "Rawls has said (in conversation) that he thinks the congruence argument was one of the most original contributions he made in *A Theory of Justice*" (Freeman, 2003: 308). Also in the

est achievement is in showing that liberal democracy doesn't need philosophical *foundations*. But, for Rawls, defending the possibility of a reasonably just constitutional democratic society involves much more than showing that democracy doesn't need (or can not have) philosophical foundations. Making democracy a coherent *ideal* or a “*realistic utopia*” involves a solution of the stability or a congruence issue, as Rawls calls them. It has to be shown that it is possible, at least in theory, to arrive at principles for adjudication of different social claims which, democratic citizens with conflicting visions of the human good could incorporate into their plans of life and therefore consider *morally* obliged to follow. Furthermore, principles meant to govern the political practice of democratic societies, should be self-supporting. In other words, once an ideal or, in Rawls' vocabulary, a well-ordered society is set up, those who grow up in it would gain a sense of being justly treated and would respond in kind by normally complying with just institutions. “Solving” the problem of stability has driven Rawls (according to his own view) to somewhat revise his famous *A Theory of Justice* (1971.) and write *Political liberalism* (1993.).

Rorty's Pragmatic Defense of Democracy

Rorty's interpretation of Rawls is thus compatible mainly with the first two elements of the alternative blueprint, but it neglects the need for public justification, the role of public reason, and completely ignores Rawls' preoccupation with questions of stability. As one of Rorty's commentaries rightly notices: “Rorty is concerned (one is tempted to say 'obsessed') with variations on a single theme – the meta-theoretical question of whether Rawls' enterprise is one of 'articulation' of common intuitions and shared beliefs or a 'justification' of liberal democracy” (Bernstein, 1987: 546). Liberal society, permanently insists Rorty, is badly served by an attempt to supply it with “philosophical foundations”, and Rawls is praised for not being involved in a foundational project. Against the standard foundational reading, Rorty and other interpreters³ usually cite Rawls' Dewey Lectures, entitled “Kantian Constructivism in Moral Theory”, where he says: The task is to articulate a public conception of justice that all can live with who regard their person and their relation to society in a certain way. What justifies a conception of justice is not its being true to an order antecedent and given to us, but its congruence with our deeper understanding of ourselves and our aspirations, and our realization that, given our history and traditions embedded in our public life, it is the most reasonable doctrine for us (Rawls, 1999: 306-307).

So, “in light of such passages”, claims Rorty, “*A Theory of Justice* no longer seems committed to a philosophical account of the human self, but only to a historico-sociological description of the way we live now” (Rorty, 1994: 185). Rorty is content with the circular justification of principles of justice offered by Rawls' *reflective equilibrium*. Rawls is thus seen as offering the only possible type of justification for liberal

Introduction to *Political Liberalism*, Rawls notes that “the problem of stability” has played very little role in the history of moral philosophy”, and yet “the problem of stability is fundamental to political philosophy” (Rawls, 1996, xix).

³ See Rorty (1994: 185 and 1989: 58), also Kukhatas and Petit (1990: 123-124) and Plant (1991: 358).

democratic institutions. He starts from the intuitions of his fellow citizens and with the help of the original position constructs principles of justice. On Rorty's view, those principles are "summarizing generalizations from which these intuitions can be deduced, with the help of noncontroversial lemmas" (Rorty, 1998: 171). The point of such generalizations is not to offer some truth about justice but "to increase the predictability, and thus the power and efficiency, of our institutions, thereby heightening the sense of shared moral identity that brings us together in a moral community" (Rorty, 1998: 171).

Thus, Rorty's pragmatic "defence" of democracy is made up of several distinct claims that Rorty himself does not separate clearly. The first, already mentioned claim is that democracy, or any society for that matter, does not need philosophical foundations.⁴ Connected with the first is an argument about the liberating effect of discarding the need for a nonhuman foundation of social institutions. Once we get rid of the idea that there are "nonhuman forces to which human beings should be responsible, ... finite, mortal, contingently existing human beings" would no longer be able to derive meanings of their lives except from "other finite, mortal, contingently existing human beings" (Rorty, 1989: 45). If our existence is free from anything outside us, then we would be more inclined to feel deeply connected to other members of "the we group" which are typically members of our culture.⁵ Thus, the contingency of our existence should open the way to greater solidarity since for Rorty "epistemological thinking somehow clouds our identification with our community" (Kurelić, 2001: 151).⁶

A second claim is that the only thing needed to sustain the liberal institutions is a liberal culture that "would regard the justification of liberal society simply as a matter of historical comparison with other attempts at social organization – those of the past and those envisaged by utopians" (Rorty, 1994: 53). Rorty appeals for an empirical and nonmetaphysical defense of democracy "of the sort Churchill offered when he said that it was 'the worst form of Government except all those other forms that have been tried from time to time'" (Rorty, 2004). The second claim is closely connected to an argument about diminishing pain and cruelty. Rorty claims that the only moral obligation we have is to diminish cruelty and pain, "and in particular... that special sort of pain which the brutes do not share with the humans – humiliation" (Rorty, 1989: 92). This moral obligation defines our public responsibilities. Even though Rorty has a view of history in which religion is replaced by science, or a love of God with a love of Truth, and finally they are both replaced by "mere" contingency and chance, he is aware that not all

⁴ This claim is pretty strong, since Rorty believes that even "the collapse of the liberal democracies would not, in itself, provide much evidence for the claim that human societies can not survive without widely shared opinions on matters of ultimate importance – shared conceptions of our place in the universe and our mission on earth. Perhaps they cannot survive under such conditions, but the eventual collapse of the democracies would not, in itself, show that this was the cause – any more than it would show that human societies require kings or established religion, or that political community cannot exist outside of small city-states" (Rorty, 1994: 195-196).

⁵ In the previous passages I follow the interpretation of Rorty's pragmatism in Kurelić (2002: 151).

⁶ But Kurelić also argues that Rorty does not believe very strongly that the mere removal of objectivism somehow helps the sense of solidarity or the sense of community, so he decides to minimize the social importance of philosophy (Kurelić, 2001: 155-159).

of his fellow humans share his beliefs or his “vocabulary”⁷. Rorty hopes that a time will come when everybody will become what he calls “a liberal ironist”, that everybody will become “a sort of person who faces up to the contingency of his or her own most central beliefs and desires... someone who has abandoned the ideal that those central beliefs and desires refer back to something beyond the reach of time and space” (Rorty, 1989: xv).

He is nonetheless aware that such a time has not yet come and that most people “want to be taken on their own terms – taken seriously just as they are and just as they talk” (Rorty, 1989: 89). In other words, most people do love God and do think that there is a Truth “out there”, and it would be cruel to try and convince them that God and Truth are just “vocabularies” or “language games” with no correspondence to reality. It would amount to crushing the favorite toys of a child. So, Rorty claims, how ironists see non-ironists is ironists’ private matter. For public purposes the only important thing is to be conscious of all the possible ways in which we might humiliate others and to avoid inflicting such humiliation. All that is needed for such purpose is “imaginative identification” with our fellow humans, whereas the beliefs held by other people, as well as our beliefs about “the nature of their selves” do not stand in the way of our ability for empathy (Rorty, 1989: 92-93). Furthermore, Rorty stresses, arguing against Nietzsche and Foucault, that the “decrease in pain” achieved in the modern liberal societies compensates for the constraints that their patterns of acculturation impose on their members in comparison with earlier societies. It also compensates for any loss in room for private self-creation (Rorty, 1994: 63). Thus, some “justification” for liberal democracies comes from historical evidence that these societies score comparatively better in terms of diminishing pain and suffering.

A third claim in favor of democracy calls upon the need for citizens’ acceptance of democratic institutions (Kurelić, 2001: 163). In a nutshell, we only need a consensus to accept the outcomes of a democratic decision making processes. Connected with this claim is an argument about the reasons people might have to join in such a consensus. The social glue holding together the ideal liberal society... consists in little more than a consensus that the point of social organization is to let everybody have a chance at self-creation to the best of his or her abilities, and that that goal requires, besides peace and wealth, the standard ‘bourgeois freedoms’. This view will not be based on a view about universally shared human ends, human rights, the nature of rationality, the Good for Man, nor anything else (Rorty, 1989: 84-85).

The arguments in the second and the third claim are connected by what Kurelić, interpreting Rorty, calls “the incommensurability of public and private concerns” (Kurelić, 2001: 160). Rorty’s liberalism rests its case on a division between a private vocabulary, something that Rawls would call a conception of the good, and a public, pragmatic support for liberal democracy. Thus, democratic citizens with “dissimilar moral identities – identities built, for example, around the love of God, Nietzschean self-

⁷ This is how Rorty defines “vocabulary”: “All human beings carry about a set of words which they employ to justify their actions, their beliefs, and their lives. These are the words in which we formulate praise of our friends and contempt for our enemies, our long-term projects and our highest hopes. They are the words in which we tell, sometimes prospectively and sometimes retrospectively, the story of our lives. I shall call these words a person’s ‘final vocabulary’” (Rorty, 1989: 73).

overcoming, the accurate representation of reality as it is in itself, the quest for ‘one right answer’ to moral questions, or the natural superiority of a given character type”, for “pragmatic, rather than moral reasons” are “loyal citizens of a liberal democratic society”. People, who “despise their fellow citizens... may be ruefully grateful” that a liberal state leaves them alone (Rorty, 1994: 192). Rorty’s philosophical stance is thus somewhat contradictory. On the one hand, he praises Rawls for his ‘articulation’ of ‘the way we live now’, but on the other hand he seems to claim that not even such ‘articulation’ is needed. Furthermore, he is inviting his fellow philosophers to give up on ideas about God and Truth and to ‘treat chance as worthy of determining our fate’ (Rorty, 1989: 22). Still, he does not believe that anything at all depends on it, since in his liberal utopia solidarity is created by “imaginative identification” with the suffering of others, enabled primarily by “the novel, the movie and the TV program” (Rorty, 1989: xvi). Rawls’ arguments about congruence and stability are intended to prevent exactly the split between the private and the public concerns that Rorty understands as unavoidable and useful.

Rawls’ “Justification” of Democracy

Rawls shares with Rorty two commitments differing only in minor details. Both thinkers are committed to address the problem of social justice in a way independent from an enquiry about the “truth out there”⁸ and to offer a vision of *liberal* utopia. As opposed to Rorty who tries to convince us that it is useless and even damaging to search for the “truth out there”, Rawls is simply trying to “bracket” such questions in order to proceed freely towards a conception of justice which “best approximates our considered judgements of justice and constitutes the most appropriate moral basis for a democratic society.” (Rawls, 1999a:xviii) Concerning utopian issues, in Rorty’s ideal liberal society “the intellectuals would... be ironists” while everybody else would be “a commonsensical nonmetaphysicians, in the way in which more and more people in the rich democracies have been commonsensical nontheists” (Rorty, 1989: 87) Rawls does not think that people have become nontheists, and he does not expect them to become nonmetaphysicians. But, even if that were true, Rorty would still insist that liberal democracies could survive on common hopes that the present day institutions of liberal democracies can and would be improved by social reform. Neither Rorty’s nor Rawls’ utopia require that the present day liberal democracies “be replaced, as soon as possible, by something utterly different” (Rorty, 1997: 7).

Rawls’ only hope is that citizens of democratic societies, governed by a liberal conception of justice would find enough room to fit such a conception in their religious or metaphysical doctrines. In order to show that his utopia is realistic, Rawls has to show that (constitutional) democracy is worth our while not only as a most bearable political practice, but also as a coherent political and social ideal. Although Rawls does agree with Rorty that in order for a justification to get off the ground, we must share at least some premises, he thinks that there is a problem to be solved even when citizens of a

⁸ See Rawls’ 1974 Presidential Address to the American Philosophical Association “The Independence of Moral Theory” (Rawls, 1999: 286-302).

democratic society largely accept liberal democratic institutions. So, Rawls does not try to convince a Nazi, or a white supremacist or a militant religious fundamentalist of the benefits of liberal democracy⁹. Rawls addresses “citizens of faith”. As Laden points out, “he is concerned with the kinds of reasons that can be given to support such a regime on the assumption that it is something we already wish to support”¹⁰ (Laden, 2003: 381). Rawls is trying to show that liberal democracies are in fact worthy of their citizens’ allegiance only if liberal democracies can be understood as an institutional expression of a certain conception (or a family of liberal conceptions) of justice. In order to do that Rawls has first to show that there is a conception of justice “for a democratic society”¹¹.

Rawls is thus not involved in a circular argumentation by accident. He must be able to show that his *justice as fairness* can be accepted by a democratic society (meaning by citizens who understand themselves as free and equal), but also that his conception of justice would require democracy (of a certain kind). As we saw, Rorty admires this circularity, but he is not making it quite plain how big the circle is. Rorty’s own view on the priority of democracy, and his interpretation of Rawls sometimes sound very much like this: We support liberal democracy because this is what we believe in. This might be quite enough, Rawls may also admit of that, for someone who is not part of “we”. Still, “we” must be able to justify our institutions to ourselves, each citizen to each citizen since “we” in the democratic countries (through a share of our political rights) exercise coercive power over each other. The basic question for Rawls is this: “By what ideals and principles, then, are citizens who share equally in ultimate political power to exercise that power so that each can reasonably justify his or her political decisions to everyone?” (Rawls, 1999b: 578). And the answer is not simply: “by *our* ideals”, but by principles that everybody can agree to when put in conditions of equality. But what are the proper conditions of equality? It is not simply the situation of equal basic rights, or as Rorty calls them ‘bourgeois freedoms’ because it is exactly those rights and freedoms

⁹ As Rawls’ close friend Burton Dreben stresses: “Rawls is a good enough thinker not to argue against who do not believe in liberal democracy” Dreben in Freeman (2003).

¹⁰ This claim may be supported by the peculiarities of the reception of *A Theory of Justice* both in the US and Europe. *A Theory of Justice* despite its being a long book written not in a popular and accessible style, attracted much attention from a wider intellectual audience. This interest came as a surprise to the professional philosophers who were already acquainted with the main ideas of the *Theory* through Rawls’ articles and manuscripts (Daniels, 1989: xxxii). Professional philosophers can easily miss Rawls’ attempt to write from a position of a citizen since philosophers tend to translate every reference to what *we* accept, and *our* considered judgements into claims about what every rational human being can and should accept. But a wider intellectual audience in the US, affected by the events surrounding the Vietnam War, the civil rights movement and the counter-culture of the 60’s, could welcome a coherent restatement of their ideals. For those who do want to live in a just society and do think that liberal democracies are at least as ideals just, *A Theory of Justice* is supposed to provide arguments in favour of their deepest beliefs about justice in society. Obviously, a large part of the European intellectual audience unwilling to concede that liberal democracy is an ideal of a just regime ignored Rawls altogether. Those who think that liberal democracy is not a worthy ideal, and that its institutions should be replaced with something “utterly different”, Rawls is of no interest whatsoever, except as an intellectual exercise. For the reception of Rawls in Europe see a special issue of the *European Journal of Political Theory* (2002).

¹¹ For a detailed analysis of Rawls’ “democratic credentials” see Joshua Cohen, For a Democratic Society in Freeman (2003).

that we want to see in a clearer light.¹² So we are in a search for a consensus on “reasonable conditions” in order to build them into the original position. Rawls is in fact speaking of three agreements. An agreement among us, here and now, about the set up of the original position, an agreement between the parties in the original position, and finally the acceptance of those principles by citizens of an ideally just society as a standard for resolving their disputes. Why is such an ideal important for democratic politics? Here’s part of Rawls’ answer: The acceptance of the principles of... justice forges the bonds of civic friendship and establishes the basis of comity amidst the disparities that persist. Citizens are able to recognize one another’s good faith and desire for justice even though agreement may occasionally break down on constitutional questions and most certainly on many issues of policy (Rawls, 1999a: 454).

Rorty is right that Rawls is not looking for foundations, but he is neither interested in a defense of a democratic political practice. He is rather concerned with a defense of an ideal. Rawls does rely on a present consensus (on the fixed points in our considered judgments about justice), but only to assemble elements for a new one, a consensus on a desirability and feasibility of a well-ordered society regulated by principles of justice. It is the commonality and soundness of such an ideal that keeps democratic societies together.¹³

Still, the main difference between Rawls and Rorty lies in their accounts of moral motivation and the connection between private and public concerns. Rorty claims that a basic moral capacity is a capacity for empathy, and thus stresses the need for “sentimental education” in order to cultivate and extend empathy to as many of those whom we have not previously included in “the we group”. Our public conduct is then guided by our desire not to humiliate others. But, for Rorty, there is no answer to the question “When do you decide when to struggle against injustice and when to devote yourself to private projects of self-creation?” (Rorty, 1989: xv). So it might turn out that justice is actually ruinous for our private projects and in some sense a luxury that only the rich can afford.

Rawls, as opposed to that, wants to show how justice can be part of our “good”.¹⁴ Only if justice can become part of our “good” a just society will be possible. If the demands of justice prove to be in a sharp contrast to the pursuit of our “private” good, we,

¹² We may speculate that Rawls shares Rorty’s concern to “save” bourgeois freedoms from the Marxist *Ideologiekritik*, but Rawls is not sure that pointing to their positive effects would be enough to do the job. See Bernstein’s criticism or Rorty in Bernstein (1987: 552).

¹³ Rorty is also aware of the need for an ideal, but he links that ideal with the idea of national pride. In his criticism of the American left he writes: “You have to be loyal to a dream country rather than to the one to which you wake up every morning. Unless such loyalty exists, the ideal has no chance of becoming actual” (Rorty, 1997: 101).

¹⁴ Rawls in the third part of his *A Theory of Justice* tries to show two things: “that, in a well-ordered society, being a good person (and in particular having an effective sense of justice) is indeed a good for that person; and second that this form of society is a good society” (Rawls, 1999a: 505). Revisions in this part of the theory brought the concept of an overlapping consensus and the idea of public reason to the fore in *Political liberalism* (1993). The changes, although important, preserve Rawls’ commitment to assure stability and congruence to his conception of justice.

as citizens, in light of such knowledge, can not rely on each other to act in accordance with just institutions. We cannot create and maintain the bonds of civic friendship crucial for a functioning democracy. Acting as justice requires is a way to show respect to our co-citizens. Only if we give and receive justice we can be sure that we do not humiliate each other. Such an assurance is crucial for the stability of democratic regimes where every one shares in a political power to coerce the others. That is why the questions of stability and congruence come to the fore¹⁵.

In democratic societies where the citizens themselves create the rules by which they all should live, there must be a public commitment to a conception of justice that will guide the process of rule-creation, at least for the questions of basic justice. One cannot rely solely on constitutional engineering to assure just outcomes (Rawls, 1999a: 431-32). Constitutional design is not an invisible hand able to turn intense conflict into a common good.¹⁶ As Rawls points out “a persistent majority, or an enduring alliance of strong enough interests, can make of the Constitution what it wants”¹⁷ (Rawls, 1999b: 496). Knowing that does not prevent Rawls from demanding a fair value for the political liberties, meaning public funding of political parties and candidates and other similar regulations for making politics less dependent on the “curse of money” (Rawls, 1999b: 580). Still, the main guarantee for the fairness of the political process is citizen’s commitment to offer reasons that others could accept. Only because we want to have a good enough approximation of the kinds of reasons that we can legitimately offer, we need a conception of the original position. Imagining people in a situation of equality gives us an idea of this approximation. And it is not a very hard thing to do.

“In any society where people reflect on their institutions they will have an idea of what principles of justice would be acknowledged under the conditions [of equality], and there will be occasions when questions of justice are actually discussed in this way. If their practices do not accord with these principles, this will affect the quality of their social relations” (Rawls, 1999b: 58).

“For in this case there will be some recognized situations in which persons are mutually aware that one of them is being forced to accept what the other would concede is unjust, at least applied to himself. One of them is, then, claiming a special status for himself, or openly taking advantage of his position. He thus invites the other either to retaliate, when and in whatever way he can, or to acknowledge that he is inferior” (Rawls, 1999b: 207).

In a society of equals, a situation as described above is unbearable. In a society of equals, the equality must be seen, acknowledged and respected. That’s why in a democ-

¹⁵ It is not certain that Rawls can in fact prove the stability of his conception of justice. Many commentators have tried to show not only that he fails, but also that he should have never pursued such a goal (Barry: 1995). My aim here was just to show that Rawls’ project is quite distinct from the pragmatic project of Richard Rorty, regardless of their respective success.

¹⁶ Rawls unwillingness to accept constitutional design as a solution for the problem of stability is also pointed out in Kukhatas and Pettit (1990: 137).

¹⁷ These words, written originally in 1989 sound quite prophetic as the US is facing the possibility of having a republican majority in all three branches of Government.

matic society, a respect for justice is the best way to ensure equality and prevent humiliation. But to serve its function, a sense of justice must be shown not as a “compulsive psychological mechanism cleverly installed by those in authority in order to insure [our] unswerving compliance with rules designed to advance their interest” (Rawls, 1999a: 452). Justice must be shown to be in our interest.¹⁸ Rorty’s incommensurability strategy is not an option for Rawls. If Rawls cannot show that justice is, at least in principle, in our interest, most of his enterprise will crumble.

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¹⁸ This would be one way to answer to the *Ideologiekritik* Rorty is so anxious to “refute” as useless. (See Bernstein, 1987: 553)

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