

Theoretical Sources of Rawls's Justice as Fairness: Kant, Hegel and Mill

JINGHUA CHEN

Guangdong University of Petrochemical Technology, Maoming City, PR China

Rawls regards the liberalism of Kant, Hegel and Mill as important exemplars in the history of the moral and political philosophy of liberalism of freedom. This paper seeks to demonstrate how Rawls draws on these three predecessors. Rawls's theory of justice as fairness has three major components: the original position, the primacy of the basic structure of society, and two principles of justice. I argue that these three elements in Rawls's theory have parallels in the theories of Kant, Hegel and Mill. Firstly, there are essential similarities between Rawls's original position and Kant's Categorical Imperative procedure: justificatory individualism, the Reasonable presupposes and subordinates the Rational, and the combination of moral and realistic considerations. Secondly, Hegel attributes primacy to the state due to the insufficiency of abstract right and morality compared to ethical life and the incompleteness of family and civil society compared to the political state. The special role of the basic structure of society in Rawls's theory of justice draws from Hegel's emphasis on political institutions in realizing freedom. Finally, Rawls's two principles of justice as fairness have roughly the same substantive content as Mill's principles of justice and liberty of the modern world.

Keywords: Justice as fairness; Rawls; Kant; Hegel; Mill.

1. Introduction

Thomas Pogge and Samuel Freeman, in their renowned monographs on Rawls, enlist some significant historical influences on Rawls. Pogge summarizes, Rawls draws inspirations from Aristotle (the Aristotelian principle), Locke (liberal tolerance), Hume (the circumstances of justice), Rousseau (democratic participation and moral education), Bentham and Marx (the focus on social institutions), Mill (arguments for

freedom of thought and conscience), and Sidgwick (reflective equilibrium) (Pogge 2007: 189). Freeman presents a only slightly different list, including Hobbes, Locke, Rousseau, Kant, Hume, Sidgwick, Mill, Hegel, and Marx (Freeman 2007: 14–28).

Among these influences, Kant's relationship with Rawls has stimulated the most significant scholarly interests. The Kantian image of Rawls has been firmly established. Nevertheless, the close link between Hegel and Rawls has attracted increasing attention (Schwarzenbach 1991; Lange 2009; Bercuson 2016; Gledhill 2020). For some scholars, Rawls's theory is "explicitly Kantian, but implicitly Hegelian" (Galston 1982: 512). Given the wave of communitarian criticisms of Rawls in the 1980s, largely deemed Hegelian, this is a notable academic spectacle. More recently, interpreters have examined influences that are not so explicit in Rawls's statements, such as Wittgenstein's influence on Rawls (Reidy 2010; Galisanka 2019; Bok 2017), American Progressivism's influence (Reidy 2022), pragmatism's influence (Botti 2019), Protestant influence (Reidy 2010; Bok 2017; Nelson 2019).

My paper has a different focus, which is on the internal relationships within the family of liberalism of freedom. Rawls aligns his theory of justice with the tradition of liberalism of freedom, the primary exemplars of which are, according to Rawls, Kant, Hegel and J. S. Mill. Rawls remarks that his theory of justice as fairness learns a lot from these three predecessors. The tightly circumscribed primary objective of the paper is to elaborate this remark and examine in detail the internal relationship within the school of liberalism of freedom and put Kantian, Hegelian and Millian elements into the appropriate places within Rawls's theoretical building.

Similar work has not been done yet in the present secondary literature. Since Rawls's Kantianism has been discussed extensively, this paper chooses to spill more ink on Hegelian and Millian aspects. Yet the trio of crucial similarities between Kant's CI-procedure and Rawls's original position has not been shown as a whole by existing literature, including those of Pogge, Freeman, and O'Neill. For instance, Pogge argues that Rawls tries to accommodate three criticisms of Kant's view, namely its "practical solipsism," "rigorism," and "austerity" (Pogge 1981: 58–65). However, Pogge contends that the situation of the parties in the original position and the situation of the agent in the CI-procedure cannot be parallel, despite Rawls's insistence on the contrary (Pogge 1981: 49). In this respect, I part with Pogge and side with Rawls by uncovering three essential similarities between these two analytical devices. O'Neill focuses on replacing Rawls's idealization approach with her abstraction method in constructing moral and political principles. Her point is that Rawls's Kantian constructivism is not Kantian enough (O'Neill 1998: 210–218). In contrast, my study underscores the essential Kantian attributes of Rawls's constructive device.

While Pogge and O'Neill are critical of Rawls, Freeman is mainly a sympathizer and defender. He points out the parallel between Kant's

idea of the Realm of Ends and Rawls's idea of a well-ordered society (Freeman 2007: 22) and the Kantian origin of Rawls's reflective equilibrium (Freeman 2007: 38). Nevertheless, he claims Rawls's initial drafts of *A Theory of Justice* is influenced insignificantly by Kant and only after *Theory Kant's* influence on Rawls rises (Freeman 2007: 22). By contrast, I attempt to highlight the outstanding Kantian elements in Rawls's original position, a key component of *A Theory of Justice*.

Regarding Rawls's Hegelianism, Sibyl Schwarzenbach's 1991 paper is the first influential piece of literature. She, mainly to rebut the "communitarian" attack on Rawls, specifies three typically Hegelian moments in Rawls's theory of domestic justice: reconciliation as the task of political philosophy, the conception of the political person, and the conception of human community and the state with a special role for freedom and human flourishing (Schwarzenbach 1991: 542–555). Her third point overlaps partially with my discussion of the parallel between Hegel's political state and Rawls's basic structure, yet my exploration is much more detailed and nuanced.

Jeffrey Bercuson discusses the Rousseauvian and Hegelian heritage of Rawls's justice as fairness. He highlights the conception of "robust reasonableness" by exposing the Rousseauvian notion of recognition and self-respect and the Hegelian notion of reconciliation implicit in Rawls's justice as fairness (Bercuson 2014: 5). But he identifies Rawls's Hegelianism after Rawls's political turn (Bercuson 2014: 3-4). My paper explores the Hegelian element in Rawls's primacy of the basic structure of society, starting from *A Theory of Justice*.

In comparison, there is far less literature on the relationship between Mill and Rawls than on Kant or Hegel. Among this relatively sparse literature, Gerald Gaus's 1981 paper stands out. He illuminates the convergence of Mill's and Rawls's liberalism. In particular, he shows that both thinkers defend equal liberty on similar grounds: civic and political liberties are necessary to promote the healthy development of human nature and to avoid pathologies (Gaus 1981: 58–65). Unfortunately, the parallel I explain between Rawls's second principle of justice and Mill's corresponding principles has not been explored by Gaus.

Ruth Abbey and Jeff Spinner-Halev contend that Mill shares similar views about individual autonomy with Rawls, and thus Rawls's distinction between his political liberalism and Mill's comprehensive liberalism is not justified (Abbey and Spinner-Halev 2012: 124). My paper has a different focus: to compare the normative, substantive political principles of Rawls and Mill rather than their accounts of individual autonomy, which belongs to the level of justificatory basis.

The position I hold is a middle ground between two opposing tendencies. On the one hand, it is oversimplified to present a single-dimensional interpretation (simply Kantian or Hegelian) of the nature of Rawls's justice as fairness; on the other hand, a long list of historical and contemporary influences may blur the focal points. My study

shows that Rawls's justice of fairness is almost equally influenced by his three forefathers in the tradition of liberalism of freedom. This article's related and secondary aim is to reveal the relatively neglected Millian face of Rawls's variant of liberalism and put Mill in equal status as Kant and Hegel as historical influences on Rawls. A caveat seems necessary: My aim is to elaborate on Rawls's remarks acknowledging the key influence of these predecessors. My focus is on revealing the relevant crucial parallels to show the Kantian, Hegelian and Millian aspects, respectively. However, it is almost impossible to provide exact and complete evidence to prove that every similarity can be counted as a direct historical influence.

Before entering into the formal exploration, it is worthwhile to first clarify the meaning of the liberalism of freedom. The liberalism of freedom is usually contrasted with the liberalism of happiness. The liberalism of freedom specifies principles of political and civic freedoms as its first principles and accords special priority over other principles, such as utilitarian or perfectionist principles, to some basic liberties: liberty of conscience and freedom of thought, liberties of persons and the free choice of vocation, etc. "Moreover, it assures all citizens adequate all-purpose means (primary goods) so that they can make intelligent use of the exercise of their freedoms" (Rawls 2008: 366; Lange 2009: 103).

In contrast, the first principle of the liberalism of happiness (held by utilitarians) is maximizing the greatest happiness of the greatest number. It is only a happy coincidence for utilitarians to affirm basic freedoms for individuals on utilitarian grounds, for this affirmation is contingent. For utilitarians, there is always the possibility that liberal freedoms will not be confirmed after these consequential calculations. When this happens, utilitarianism is not a liberalism at all (Rawls 2008: 366; Lange 2009:104). Thus, we can see that utilitarianism is a precarious foundation for liberalism.

What liberalism of freedom aspires to do is to ground liberalism more solidly. Both Kant and Hegel staunchly object to a utilitarian justification of a system of rights. Utilitarianism is also the major rival theory Rawls challenges and aims to replace with his justice as fairness. "To say it with a single word, the point of a Rawlsian social order is not the happiness of individuals, but their freedom" (Pogge 2007: 192). This opposition to utilitarianism is characteristic of a liberalism of freedom (Rawls 2008: 343; Lange 2009: 104).

The liberalism of freedom also departs from Lockean liberalism, which grounds liberalism in a social contract aimed at securing the private interests of the contracting parties as atomised individuals. This kind of social contract liberalism has faced harsh criticisms by Hegel and other communitarians. Rawls believes the liberalism of freedom is capable of addressing these criticisms. First, the liberalism of freedom has a notion of a common good, including that of protecting basic civic and political freedoms; second, it recognizes the social rootedness of people within the basic structure of society; third, it acknowledges the

intrinsic value of liberal political institutions; fourth, it affirms collective values, like culture, affection, friendship, and love (Mahlmann and Mikhail 2003: 73, 131).

Lastly, it is worth noting that the essential parallels demonstrated at length in this paper are not found in the existing literature with titles such as “liberalism of freedom,” including the 2008 paper by Ragıp Ege and Herrade Igersheim and the 2003 review article by Matthias Mahlmann and John Mikhail. After situating my project in the academic background, we can now turn to substantive discussion, beginning with demonstrating the essential similarities between Rawls’s original position and Kant’s CI-procedure.

2. Rawls’s original position and Kant’s Categorical Imperative procedure

Kant’s Categorical Imperative procedure (abbreviated as CI-procedure) is a device for moral reflection and tests whether the maxims of actions are permitted morally. The CI-procedure contains four steps:

The first step reads: “I am to do X in circumstances C in order to bring about Y unless Z. (Here X is an action and Y is an end, a state of affairs.)” (Rawls 2007a: 168). The second step is: “Everyone is to do X in circumstances C in order to bring about Y unless Z” (Rawls 2007a: 168). The third step: “Everyone always does X in circumstances C in order to bring about Y, as if by a law of nature (as if such a law was implanted in us by natural instinct)” (Rawls 2007a: 168). The fourth step: “We are to adjoin the as-if law of nature at step (3) to the existing laws of nature (as these are understood by us) and then think through as best we can what the order of nature would be once the effects of the newly adjoined law of nature have had sufficient time to work themselves out” (Rawls 2007a: 168).

2.1 Justificatory individualism

The key characteristic of Rawls’s methodology is that the principles of justice for the basic structure of society must be justified to the parties who represent the individuals as free and equal rational persons. Rawls asks us to “keep in mind that the parties in the original position are theoretically defined individuals” (Rawls 1999a: 127; Levin and Levin 1979: 82–87). Through the device of the original position, the principles of justice must be justified to individual persons who are distinct and separate without being conflated into one whole (in contrast with utilitarianism).

Correspondingly, a similar justificatory individualism is also reflected in the CI-procedure. This procedure specifies the content of the moral law from the perspective of reasonable and rational persons as finite beings with moral sensibility and desires (Rawls 2007a: 164). Three elements are linked here: the conception of the person, the rea-

sonable procedure of construction and the moral principles. Kant's CI-procedure aims to justify certain principles based on a particular conception of the person.

As Rawls points out, "The description of the original position resembles the point of view of noumenal selves, of what it means to be a free and equal rational being" (Rawls: 1999a, 225). In particular, the nature of free and equal rational beings is embodied in the argumentative conditions, the combination of which is called the original position. Rawls's original position can be regarded as a procedural interpretation of Kant's conception of autonomy (Rawls 1999a, 226) and justice as fairness has a Kantian root of moral personhood: self-respect and equal respect owed to all (Beatty 1983: 487).

2.2 The Reasonable presupposes and subordinates the Rational

Secondly, the strict priority of the Reasonable over the Rational, or the priority of the right over the good, is a salient trait in both procedures. The Rational means the persons represented in the original position have three regulative interests, including two highest-order interests to achieve and apply two moral powers, that is, moral capacities in the sense of justice and the conception of the good, and one higher-order interest in protecting and advancing their conception of the good as best they can. Rational autonomy means that "the parties are simply trying to guarantee and to advance the requisite conditions for exercising the powers that characterize them as moral persons" (Rawls 2001: 527).

On the other hand, the Reasonable is expressed by moral constraints regulating the rational deliberations of the parties. These constraints include familiar formal conditions on first principles: generality, universality, ordering, finality, publicity, the veil of ignorance, the symmetry of the parties' situation with respect to one another, and the stipulation that the basic structure is the first subject of justice (Rawls 1999a: 126; 2001: 529-530).

The relationship between the Rational and the Reasonable is: "the Reasonable presupposes and subordinates the Rational" (Rawls 2001: 530). The combination and structure of rationality and reasonableness in the original position parallel Kant's proposition of the unity of practical reason: pure practical reason must frame empirical, practical reason in the CI-procedure. "For Kant, merely following your desires represents 'heteronomy,' especially when they conflict with morality. Morality must have priority over my inclinations" (Johnson and Cureton 2022). Put another way, "natural inclinations generally require rational constraint" (Wood 1999: XIV). As Rawls claims, the strict priority of the Reasonable over the Rational, or the priority of the right over the good, is an outstanding feature of Kantian constructivism.

2.3 *Combination of Moral and Realistic Considerations*

The combination of moral and realistic considerations is the third crucial similarity between Rawls's original position and Kant's CI-procedure. By realistic considerations, I mean evaluating the feasibility and efficiency of the candidate principles by considering empirical theories, historical experience and other relevant general facts.

Rawls's veil of ignorance filters morally irrelevant considerations or prejudices to prevent parties from bargaining with special information to protect their special interests. Nevertheless, the parties behind the veil know general facts and theories, such as psychology, economics, and political science. Including these information is intended to ensure that the chosen principles of justice are realistic in the real social world. And the veil of ignorance draws on Kant's limit on information in the fourth step of the CI-procedure, in which the ideal agents adopt a general perspective with limits of knowledge (Rawls 2007: 175–176).

If a liberal conception of justice is to be realistic, "it must rely on the actual laws of nature and achieve the kind of stability those laws allow, that is, stability for the right reasons" (Rawls 1999c: 12–13). Rawls underscores the notion of strains of commitment, which means that the original parties would not enter into agreements that are impossible or difficult to keep. The selected conception of justice can generate its own support and stability for a well-ordered society based on psychological allegiance. Rawls stipulates that these kinds of general information are available for the deliberative parties to assure the practicality of his justice as fairness.

Sometimes, Rawls is considered more realistic than Kant. For instance, Andrews Reath argues that Kant's Categorical Imperative does not consider empirical data about human beings and the world, which Rawls's original position does (Reath 2015: 218). This remark is understandable since Kant wants to formulate "a metaphysics of morals, which must be carefully cleansed of everything empirical" (Kant 2002: 5). Nevertheless, a deeper review of Kant may suggest a different comprehension from Reath's. "Kant's position is grounded on a distinctive theory of human nature and history, whose importance for Kant's ethics has seldom been appreciated... the neglect of Kant's empirical theory of human nature and history is responsible for most of the misunderstandings of Kant's ethical thought that prevail among its supporters as well as its critics" (Wood 1999: XIII). Rawls's interpretation of the CI-procedure is consistent with Wood's. There is a paralleling realistic dimension in Kant's CI-procedure, which takes into account the normal conditions of human life (Rawls 2007a: 167). This feature is reflected by "think through as best we can" in the fourth step of the CI-procedure. In arriving at particular duties of justice and duties of virtue through the CI-procedure, "we rely on certain laws of nature and use various kinds of empirical knowledge about our social world" (Rawls 2007a: 250). Both procedures hold that the choice of the most

reasonable principles is based on the knowledge of all the relevant and true theories on human nature and society, taking into consideration practical limitations and social requirements (Rawls 1999b: 541–543).

After elaborating the crucial similarities between Rawls's original position and Kant's CI-procedure, it seems necessary to inquire into Rawls's transition from Kantian constructivism to political constructivism to clarify the nature of Rawls's appropriation of Kant's moral theory.

2.4 Transition from Kantian constructivism to political constructivism

The problem of Kantian constructivism is that there exist competing and even conflicting ideals of the person, Kantian autonomy cannot be reasonably accepted by many other citizens with different moral or religious views of life. Such a foundation cannot offer a conclusive result on moral or political principles (Brink 1987: 83). This difficulty motivates Rawls to seek a new justificatory ground. Since his milestone 1985 paper "Justice as Fairness: Political Not Metaphysical," Rawls has taken a "political turn" and gradually developed an ingenious theory named "political liberalism." The previous Kantian constructivism has been transformed into political constructivism. Given the fact of reasonable pluralism in liberal democracy, Kantian autonomy is now considered inappropriate for addressing the stability problem. A new basis is found in the "public and shared ideas" (Rawls 1993: 90) deeply rooted in the public political culture of constitutional democracy: the idea of society as a fair system of cooperation and the idea of the person as free and equal, rational and reasonable citizens. Due to the change in justificatory basis, justice as fairness is now a "freestanding view." Rawls believes political constructivism as a method to establish the principles of justice is more capable than Kantian constructivism of striving for broader support from and forging an overlapping consensus among adherents of different comprehensive (religious, moral or philosophical) doctrines. In this way, "the area of agreement throughout society will be sufficiently broad to contribute to stability" (Klosko 1997: 636).

In this paper, the original position I compare with the CI-procedure is a variant of Kantian constructivism. Whether my views can apply to the original position in the fashion of political constructivism is another problem. I believe the three essential similarities demonstrated above are still basically plausible, though the related arguments have to be modified. I cannot expand on this judgment due to limited space. It suffices to offer some preliminary remarks here.

Though, in *Political Liberalism*, Rawls shifts away from the talk of Kantian constructivism to the talk of political constructivism and stops identifying his liberalism as Kantian to be more attuned to the fact of reasonable pluralism, Rawls appropriates key ideas substantially from

Kant's moral constructivism as he works out his version of political liberalism. In a word, "Kantian constructivism makes political constructivism possible" (Tampio 2007: 87–92). The leading idea of political constructivism, like Kantian constructivism, is still to draw a connection between a conception of the person, a procedure of construction, and the principles of justice, or put it more succinctly, to formulate the principles of justice by laying out a procedure of construction. More importantly, though Rawls stresses that the fundamental idea of the person for political constructivism is now that of "the citizen," drawn on public political culture rather than on a comprehensive doctrine, the nature remains the same: free and equal, rational and reasonable. Thus, it can be seen the later political autonomy is difficult to be separated from Kantian autonomy (Tampio 2007: 92). Actually, as early as in "Kantian Constructivism in Moral Theory," Rawls suggests the Kantian conception of the person is implicit or latent in the public political culture in a constitutional democracy (Brink 1987: 78). What Rawls's political turn really does is only to relocate the Kantian origin to a "political" domain. This is why I believe the three crucial similarities revealed above are mainly tenable even after Rawls's well-known political turn.

Because Kant's theory is not sufficiently "political," Rawls turns to Hegel for inspiration to build his theoretical palace. His first use of Hegel is well before the "political turn" at the time of *Political Liberalism*. His first political turn is his primacy of the basic structure of society in *A Theory of Justice*, which draws on Hegel's emphasis on the political state.

3. Rawls's special role for the basic structure and Hegel's emphasis on the state

3.1 The idea of basic structure in Rawls's theory of domestic justice

Regarding Rawls's focus on the basic structure of society, Arash Abizadeh writes, "Indeed, Rawls's thesis that the basic structure is the primary subject of justice is routinely cited as one of his most fundamental and enduring contributions to political philosophy" (Abizadeh 2007: 322). In Rawls's three major works concerning domestic justice, i.e., *A Theory of Justice*, *Political Liberalism* and *Justice as Fairness: A Restatement*, Rawls insists that the basic structure of society is the primary subject of justice. His emphasis on the basic structure of society is a prominent feature of his theory of justice.

What exactly is the basic structure of society? The basic structure is the way in which the major social institutions, including the political constitution and the principal economic and social arrangements, fit together into one scheme and how they distribute fundamental rights and duties and determine the division of advantages that arise through social cooperation (Rawls 1996: 258; 1999a: 6; 2001: 10). It would become easier for us to understand the idea of the basic structure if we

contrast it with particular interactions of individual persons or collectives. Rawls proclaims, "The basic structure is the background social framework within which the activities of associations and individuals take place. A just basic structure secures what we may call background justice" (Rawls 2001: 10). The focus on the basic structure aims to realize background justice directly and only indirectly justice concerning individual social interactions.

It is essential that the basic structure of society consists of fundamental public laws. Hence, it is a legal concept and does not refer to the so-called rules or morality in the non-judicial domains. Moreover, the basic structure is constituted by fundamental rather than subsidiary laws. According to Rawls, the basic structure of society is first "a system of common public law which defines and regulates political authority and applies to everyone as citizens" (Rawls 1996: 265). For comparison, Rawls points out that libertarian doctrine, which is formulated prominently by Robert Nozick, has no special role for the basic structure because it deems the state as one of the private associations rather than a system of common public law.

3.2 Special role of the basic structure of society

The next significant question is why the basic structure is the primary subject of justice or why it has a special role. Rawls puts the question like this: "The problem here is to show why the basic structure has a special role and why it is reasonable to seek special principles to regulate it" (Rawls 1996: 265). He continues to explain that the major reason is that the impact of the basic structure is profound and present from the start. He makes this point most precisely in *Justice as Fairness: A Restatement*, "One main feature of justice as fairness is that it takes the basic structure as the primary subject of political justice. It does so in part because the effects of the basic structure on citizens' aims, aspirations, and character, as well as on their opportunities and ability to take advantage of them, are pervasive and present from the beginning of life. Our focus is almost entirely on the basic structure as the subject of political and social justice" (Rawls 2001: 10).

The basic structure has profound and enduring effects, mainly because it determines the social starting places of all the citizens. An unjust basic structure causes deep inequalities among individuals regarding their initial chances in life. To address the problem of deep inequalities, the principles of social justice must first apply to the basic structure consisting of a political constitution and the major economic and social institutions. And "these principles must nevertheless embody an ideal form for the basic structure in the light of which ongoing institutional processes are to be constrained and the accumulated results of individual transactions continually adjusted" (Rawls 1996: 259).

Rawls explains the significance of the basic structure and its associated background justice by alluding to an economic analogy. Rawls contends that even if the starting points are fair to everyone and every separate and independent economic transaction is just, the accumulated results would tend to be unjust without the guarantee of a just market system. Rawls writes, "Unless this structure is appropriately regulated and adjusted, an initially just social process will eventually cease to be just, however free and fair particular transactions may look when viewed by themselves" (Rawls 1996: 266).

Similarly, injustice in our social world does not solely arise from wrongs in individual interactions or evils in human nature, such as deceit and fraud. The real difficulty is that even if all separate transactions are fair, the overall result would tend to be unjust due to "social trends and historical contingencies" (Rawls 1996: 266).

It is worth emphasizing that Rawls's stress on the basic structure does not mean excluding the significance of justice concerning individual social interactions. Instead, he proposes insightfully "an institutional division of labour between the basic structure and the rules applying directly to individuals and associations and to be followed by them in particular transactions" (Rawls 1996: 269). Rawls argues that with the realization of this division of labour, individual acting agents can be free to pursue their goals more effectively because the functioning of the basic structure regulated by proper principles of justice is always making corrections to offset biased results in the individual transactions (Rawls 1996: 269).

3.3 Hegel's institutional idea of ethical life and his emphasis on the state

Rawls comments that Hegel's institutional idea of ethical life (*Sittlichkeit*) and his view of persons as rooted in and fashioned by the system of political and social institutions they live in are important contributions to moral and political philosophy. He admits, "*A Theory of Justice* follows Hegel in this respect when it takes the basic structure of society as the first subject of justice" (Rawls 2007a: 336). In the following discussions, I will demonstrate in detail Hegel's institutional perspective concerning human freedom and the relationship between this idea and Rawls's emphasis on the special role of the basic structure of society.

Hegel's most significant work in political philosophy is *Elements of the Philosophy of Right*, which elaborates on the tripartite abstract right-morality-ethical life structure. In the book's first two parts, Hegel discusses abstract rights and morality, both of which embody significant dimensions of human freedom. But they are too abstract and not concrete enough, and hence, unable to stand on their own as independent realities. These two abstract standpoints must be united by ethical life to achieve the concreteness of freedom. Ethical life exists

in three various forms—the family, civil society, and the state (Hegel 1991: 197–198). “In ethical life, we no longer have to do with pure abstractions but with concrete forms of social life” (Franco 1999: 234).

Hegel presents a system of institutions that he believes is the ideal typical social and political system for his country, Prussia, to actualize modern freedom at his age. Hegel opposes absolutism and majority democracy and tries to find a third way. He describes a constitutional monarchy as the most appropriate political system to express and reflect subjective freedom required by the modern world. His constitutional structure comprises three branches, the legislative, executive, and royal powers, which are differentiated but simultaneously united under the monarch, who is checked by the constitution (Franco 1999: 308).

Although Hegel's defence of monarchy, his faith in bureaucracy, and his suspicion of democracy are contrary to the later development of liberal democracy, the interpretation that Hegel is a moderate liberal and defender of the modern constitutional state has become dominant in Hegel scholarship in the past more than a half-century. Knowles sees Hegel as “the greatest and most sophisticated of philosophers of freedom” (Knowles 2002: 27). Rawls interprets Hegel as a liberal thinker and regards his liberalism as an important exemplar in the history of the moral and political philosophy of the liberalism of freedom (Rawls 2007a: 330).

Hegel's construction of political philosophy can be understood as starting from his discontent with classical individualistic liberalism. He believes that earlier liberals, such as Locke and Kant, neglected the profound rootedness of persons within established political and social institutions. They are, to various degrees, “suspicious of the state and saw its structures at best as guarantees for individual liberty, the existence of which was anchored outside the state” (Avineri 1974: 181). In contrast, Hegel asserts that the concept of freedom can only be concretized in the social and political institutions at a particular historical moment.

Ethical life is the key idea Hegel introduced to remedy the individualistic deficiency of classical liberalism. “For Hegel, ethical life is important because it is the realization of our rational essence, freedom” (Franco 1999: 224). Ethical life has absolute authority over the individual; hence, individual freedom is inalienable to a rational ethical life. Freedom of the will is inseparable from social freedom. “It is distinctive of Hegel's thought in these areas that we can act freely only in the context of a form of social life that sustains and protects that freedom; a free society is necessary if freedom of the will is to be a real feature of citizens' lives” (Knowles 2002: 26). According to Hegel, individual freedom can be actualized only within a communal context (Westphal 1993: 234).

Among the three moments of ethical life, the state is the cornerstone. For Hegel, the state, and only the state, is the actuality of con-

crete freedom. And freedom is the rational essence of human beings. Although membership in the family or civil society can confer personal freedoms, these are limited and often in conflict. The state plays a unique and crucial role in actualizing freedom (Knowles 2002: 325).

3.4 Paralleling structures between Hegel and Rawls

It is evident from the discussions above that morality and politics are closely intertwined for both Hegel and Rawls. For Hegel, Kantian autonomy cannot be realized without an ethical community whose institutions are rational and accepted by the citizenry (Gordon 2000: 320). In particular, human freedom, or a fully rational and good life, cannot be fully actualized apart from a rational (reasonable) structure of social institutions. Only within this reasonable and rational social framework can individuals become bearers of culture—religion and philosophy, science and art.

When Rawls stresses that the basic structure of society is the primary subject of justice, he indicates the inseparability of the relationship between constitutional politics and justice. Following Hegel, Rawls insists that background justice of the basic structure of society, determining freedom and equality, is profoundly critical for achieving the citizens' final aims or rational life plans. Both Hegel and Rawls not only respect the significance of civil society but also insist on the primacy of the constitutional system in truly realizing freedom.

Hegel's doctrine of the state is the climax of his political philosophy. The state is the substructure of all the abstract rights, morality and the institutions of the family and civil society. The full development of civil society presupposes the state, and only within the state does the family first develop into civil society (Franco 1999: 25). Just as the categories of right and morality must have the ethical life as their foundation, the complete actualization of freedom needs the transition from family and civil society to the state (Franco 1999: 191). There exists an interdependent relationship between individual liberty and the state. The individual can synthesize the values of family and civil society only as a citizen of the state. Only within the state can all institutions that embody freedom of choice be fully nourished. Human freedom is the telos of the state, and simultaneously, the state is the individuals' aim and purpose (Franco 1999: 278). This is the unification of universality and particularity characteristic of Hegel's philosophy. The stability of society is not simply grounded in the satisfaction of the particular interests of citizens but also in their recognition of the universal interest in maintaining the political and social institutions that make their freedom possible. "Citizens knowingly and willingly acknowledge this universal (collective) interest as their own, and they give it the highest priority. They are ready to act for it as their ultimate end. This is the goal of the project of reconciliation" (Rawls 2007a: 355).

Therefore, we can see that, for Hegel, ethical life, as a synthesis between abstract right and morality, is the true guarantee of subjective freedom. The ethical life consists of non-political spheres, namely family and civil society, and the political sphere, i.e., the state. Hegel advocates pluralism and insists on the necessity of autonomous, voluntary bodies separate from and independent of the state. "While civil society gives existence to the important principle of subjective freedom that distinguishes the modern world from the ancient, by itself it represents only an incomplete actualization of human freedom and one that needs to be distinguished from and subordinated to the full actualization of human freedom in the state" (Franco 1999: 252). Thus can be seen the political state plays a special role in the cause of human freedom. There exists "pronounced primacy of the political" (Avineri 1974: 181) in Hegel's political philosophy.

A similar structure in Rawls's theory of justice is reflected in his institutional division of labour: local, domestic, and global justice. Local justice is imposed directly on human behaviours and dispositions in the non-political sphere, especially within the associations and institutions operating within the framework of the basic structure of society. Domestic justice applies to the basic structure of society, and global justice concerns the principles for international relations and international laws (Rawls 2001: 11). There should be distinct principles of justice for different cases with different aims and natures. Nonetheless, Rawls holds that a proper conception for the domestic basic structure has regulative primacy and is illuminating for the determination of principles of justice in other subjects. Domestic justice indirectly constrains associations and institutions within society, such as churches, universities, companies, clubs, and civil associations. He reminds us that unlike utilitarianism, which is a general and comprehensive conception for all kinds of subjects, justice as fairness is merely a political conception of justice and applies first to the domestic basic structure. In Rawls's theory, the formulation of the principle of global justice and local justice is subordinate to the agreement in domestic justice (Rawls 1996: 262).

To conclude, the special role of the basic structure of society in Rawls's theory of justice draws from Hegel's emphasis on political institutions to realize freedom. After demonstrating the relationship between Rawls and, Kant and Hegel, we continue to show how Rawls is also Millian, to which has not been paid enough attention.

4. Rawls's two principles of justice and Mill's political principles

Rawls writes, "In many of his writings, Mill states certain principles which he sometimes calls 'the principles of the modern world.' These principles we can think of as principles of political and social justice for

the basic structure of society” (Rawls 2007b: 267). These principles aim to protect the rights of individuals and minorities under a democratic regime. Rawls continues, “Now I believe that the content of Mill’s principles of political and social justice is very close to the content of the two principles of justice as fairness. This content is, I assume, close enough so that, for our present purposes, we may regard their substantive content as roughly the same” (Rawls 2007b: 267).

It is well-known that Rawls’s two principles of justice consist of the first principle, namely the equal basic liberties principle and the second principle, which in turn consists of the principle of fair equality of opportunity and the difference principle. These principles primarily apply to the basic structure of society, govern the assignment of rights and duties, and regulate the distribution of social and economic advantages (Rawls 1999a: 53). In this part, I explore the similarity between Rawls’s two principles of justice and Mill’s principles of political and social justice and attempt to demonstrate the components in Mill’s theory corresponding to the principles in Rawls’s justice as fairness, respectively.

4.1 Rawls’s First Principle and Mill’s Principle of Liberty

The final statement of Rawls’s first principle in *A Theory of Justice* reads, “Each person is to have an equal right to the most extensive total system of equal basic liberties compatible with a similar system of liberty for all” (Rawls 1999a: 266). Later, in *Justice as Fairness: a Restatement*, Rawls, to respond to H. L. A. Hart’s criticism, slightly revises the formulation of the first principle. The first principle now reads, “(a) Each person has the same infeasible claim to a fully adequate scheme of equal basic liberties, which scheme is compatible with the same scheme of liberties for all” (Rawls 2001: 42). The most significant change is the substitute of “a fully adequate scheme of equal basic liberties” for “the most extensive total system of equal basic liberties.” These minor alterations do not bother the following comparison between Rawls and Mill’s political principles. Nonetheless, both expressions are sufficiently alike.

According to Rawls’s first principle, the most extensive or fully adequate scheme of basic liberties should be given to everyone equally. “The only reason for circumscribing basic liberties and making them less extensive is that otherwise they would interfere with one another” (Rawls 1999a: 56). These basic liberties are given by a list of such liberties, such as political liberty, freedom of speech and assembly; liberty of conscience and freedom of thought; freedom of the person, the right to hold personal property and freedom from arbitrary arrest and seizure. “These liberties are to be equal by the first principle” (Rawls 1999a: 53).

All crucial elements in Rawls’s first principle are already implicit in Mill’s corresponding principle of equal basic rights and liberty, which

can also be called simply the Principle of Liberty, to govern the dealings of society with the individual. This principle stipulates that in the self-regarding sphere of action, the individual is sovereign, absolutely independent of external interference, as long as no harm is caused directly to other members of society (Mill 1977: 223–224). Thus, both Mill's and Rawls's principles are closely related to interpersonal non-interference.

Mill identifies specific domains of human liberty: liberty of conscience, thought and feeling, freedom to express and publish opinions, liberty of tastes and pursuits, and liberty of association among individuals (Mill 1977: 225–226). Rawls admits that justice as fairness follows Mill's Principle of Liberty by listing certain enumerated liberties as legal and moral rights of justice, without defining liberty in general or as such (Rawls 2007b: 288).

For Rawls, freedom is essentially equal freedom. Mill also stresses this point. For Mill, the liberties and rights listed above must be extended to all, "no one being now left out" (Mill 1984: 294). He insists that one of the main foundations of modern life is respect for each other's rights. Mill even declares, "The moral regeneration of mankind will only really commence, when the most fundamental of the social relations is placed under the rule of equal justice, and when human beings learn to cultivate their strongest sympathy with an equal in rights and in cultivation" (Mill 1984: 336). For him, equality, as freedom, is the most important political value. Equal freedom is the primary characteristic of the modern world, starkly distinguished from the relationship of domination and subjection in old age.

The priority of liberty in Rawls's theory of justice is also found in Mill's liberalism. Mill asserts, "No society in which these liberties are not, on the whole, respected, is free, whatever may be its form of government; and none is completely free in which they do not exist absolute and unqualified" (Mill 1977: 226). As Riley interprets, "Mill's liberal utilitarian scheme of equal rights is also distinctive because of the absolute protection afforded to the individual's liberty to choose as he likes with respect to certain 'purely self-regarding actions' said to directly cause no 'perceptible damage' to other persons against their wishes" (Riley 1998: 297). Because of this priority of liberty in Mill's political philosophy, Rawls believes that Mill is an important exemplar in the history of the political philosophy of the liberalism of freedom. However, given that Rawls's theory also belongs to the liberalism of freedom, the priority of political and civic freedoms is common among these four liberal thinkers. The similarity that makes Rawls's two principles of justice closer to Mill rather than Kant and Hegel lies in the resemblance between Rawls's second principle and Mill's paralleling doctrine, which we will discuss in the following section.

4.2 Rawls's second principle and Mill's principles of equality of opportunity and egalitarian economic distribution

Rawls's second principle reads, "Social and economic inequalities are to be arranged so that they are both: (a) to the greatest benefit of the least advantaged, consistent with the just savings principle, and (b) attached to offices and positions open to all under conditions of fair equality of opportunity" (Rawls 1999a: 266). In *Justice as Fairness: a Restatement*, the second principle reads, "Social and economic inequalities are to satisfy two conditions: first, they are to be attached to offices and positions open to all under conditions of fair equality of opportunity; and second, they are to be to the greatest benefit of the least-advantaged members of society (the difference principle)" (Rawls 2001: 42). Except for dropping "consistent with the just savings principle" in the difference principle, the statement of the second principle remains the same.

While the first principle applies to the constitutional essentials of the social structure to secure equal basic liberties, the second principle, in order to specify and establish social and economic inequalities, applies to the distribution of income and wealth and to the design of organizations that make use of differences in authority and responsibility (Rawls 2001: 53). "Now the second principle insists that each person benefit from permissible inequalities in the basic structure" (Rawls 2001: 56).

As mentioned above, Rawls's second principle comprises the principle of fair equality of opportunity and the difference principle. Both these two parts have their similar counterparts in Mill's theoretical construction. As Rawls points out in his lectures on the history of political philosophy, Mill also advocates equality of opportunity. Mill distinguishes modern and pre-modern doctrines. Pre-modern society was constituted on the principle of inequality. "All were born to a fixed social position, and were mostly kept in it by law, or interdicted from any means by which they could emerge from it" (Mill 1984: 273). There existed shocking inequality between white and black, men and women, commoners and noblemen, slaves and freemen. Birth could decide a person's position throughout life. Lower status of birth would interdict people from more elevated social positions and respectable occupations. By contrast, according to Mill, the characteristic of the modern world displayed in modern institutions, modern social ideas, and modern life is that "human beings are no longer born to their place in life, and chained down by an inexorable bond to the place they are born to, but are free to employ their faculties, and such favourable chances as offer, to achieve the lot which may appear to them most desirable" (Mill 1984: 272–273). Both Mill and Rawls believe that a just social system should try to eliminate the morally arbitrary factors in determining the life prospects of members of society. However, the account of the principle of equality of opportunity is the most brief among all the principles. In comparison, they spend more time on the principle of distributive

justice. For Rawls, it is called the difference principle; for Mill, the principle of egalitarian economic distribution.

As Philippe van Parijs comments, “Few components of John Rawls’s political philosophy have proven so epoch-making as what he somewhat oddly called the ‘difference principle.’ None has exercised as great an influence outside the circle of academic philosophers” (Parijs 2003: 200). Although there are different interpretations of this principle, the core of the principle is relatively clear: social and economic inequalities ought to be evaluated and justified in terms of how well they advance the interests of the least advantaged. Parijs claims, “The idea of using the latter as the benchmark for assessing inequalities had never been given, before Rawls, a powerful explicit formulation that could capture the scholarly imagination” (Parijs 2003: 200). Nonetheless, the basic spirit of difference principle echoes Mill’s principle of egalitarian economic distribution, which makes Rawls’s principles of justice closer to Mill instead of Kant and Hegel.

The content of Mill’s principle of egalitarian economic distribution can be summarised as follows, “existing competitive capitalism might eventually be transformed into a more cooperative type of private property economy, involving much less inequality in the distribution of wealth than hitherto observed” (Riley 1998: 294). The well-ordered society regulated by Rawls’s principles of justice reminds us of Mill’s ideal stationary state, which is in essence “a system of universal equal rights accompanied by substantial economic equality” (Riley 1998: 320). In Mill’s liberal egalitarian Utopia, namely, a “more cooperative and egalitarian form of capitalism” (Riley 1998: 320), the social goal of a more equitable distribution of wealth for the given population is more crucial than economic growth. Thus, it can be seen that Mill’s distinctive brand of liberal utilitarianism is close in spirit to Rawlsian non-utilitarian liberalisms, which give similar prominence to certain equal rights and fair distribution of wealth (Riley 1998: 326–327).

Mill is concerned about the welfare of the working classes and the huge gap between the poor majority and the wealthy minority. He observes that the industrious classes are poor, whereas the idle people are rich. Their life prospects are largely determined by the status they were born into. Great poverty among the working class has little to do with desert. He thus shares similar concerns and grievances with socialists. Nonetheless, he does not share their solutions to these social evils. He has no time for the revolutionary centralized socialists, who want to transform society radically and take over and manage all the property immediately (Ten 1998: 391). Although Mill sympathizes with gradual, decentralized socialism advocated by Owen and Fourier, which is applied to villages or townships on an experimental basis, he pays more attention to reforming capitalism in an egalitarian direction. Following his predecessor Bentham, Mill’s liberal utilitarianism “associates the increase of general welfare (and its chief ingredient,

security) with extension of basic rights and reduction of economic inequality" (Riley 1998: 320). Economic equality must be one of the social goals. For Mill, a government that cannot promote equality, whenever this can be done without undermining reasonable private property, only serves the minority and harms the majority and is essentially a bad government (Riley 1998: 320).

Mill also insists that admission to the franchise and the acquisition of "purely political rights" by the working classes, which he ardently supports, are not enough to eliminate the social injustices. To realize substantive freedom, opportunity and development, the system of economic distribution and property institution must be reformed (Ten 1998: 388–389). Likewise, Rawls's difference principle seeks to counter the objection by radical democrats and socialists that the citizens' basic rights and liberties in a modern democratic state are, in practice, merely formal against the background of enormous social and economic inequalities (Rawls 2001: 148). As Rawls writes, "The difference principle, in maximizing the index available to the least advantaged, maximizes the worth to them of the equal liberties enjoyed by all" (Rawls 2001: 149).

Rawls holds not only that his two principles of justice as fairness have the same substantive content as Mill's principles of justice and liberty in the modern world but also that both of them support similar basic institutions of the well-ordered society (Rawls 2007b: 297). The core of Mill's egalitarian project is to challenge and reform the social organization and the established system of private property according to equitable principles to foster a more egalitarian distribution of wealth. The concrete policies include progressive taxation of estates and ensuring reasonable access to natural resources to minimize inequalities of opportunity on the premise that the producer's rights to the fruits of his labour and savings are guaranteed (Riley 1998: 320–321). "These and other reforms of the existing idea of property would tend to promote a far more egalitarian distribution of wealth without subverting capitalism itself" (Riley 1998: 319–320).

Correspondingly, Rawls believes a property-owning democracy, which is different from laissez-faire capitalism or welfare-state capitalism, is the institutional content that realizes the two principles of justice in its basic system (Rawls 2001: 135–136). A property-owning democracy aims to disperse the ownership of productive assets and human capital to put all citizens on a footing of a suitable degree of social and economic equality and avoid developing a discouraged and depressed underclass who feels left out and does not participate in the public affairs (Rawls 2001: 139–40).

Finally, even Rawls's key argument for the difference principle is similar to Mill's reason for his principle of egalitarian economic distribution. In *Justice as Fairness*, Rawls admits that the maximin rule is invalid in arguing against the restricted utility principle favouring

the difference principle. That is because the minimum in the restricted utility principle, as expressed in a capitalist welfare state, will prevent the least advantaged from experiencing their condition as so miserable that they reject this conception of justice. Nevertheless, Rawls contends that the difference principle is still better than the restricted utility principle because it prevents the least advantaged from withdrawing from the political society and becoming passive citizens. It enables them to see themselves as full members of the political society (Rawls 2001: 129–130). Correspondingly, it is well-known that avoiding being passive citizens is the Archimedean point in Mill's theoretical building of political philosophy.

5. Conclusion

I do not mean Rawls has nothing distinctive from his predecessors. It is not difficult to give examples of Rawls's uniqueness. For instance, the principles of justice chosen in Rawls's original position are to regulate the basic structure of society. "By contrast, Kant's account of the Categorical Imperative applies to the personal maxims of sincere and conscientious individuals in everyday life" (Rawls 2007a: 553). Therefore, Kant and Rawls proceed in opposite directions. Kant starts from the particular case in daily life. He believes that numerous interconnected correct personal maxims would eventually constitute a system of moral principles, including principles of social justice, thereby creating a good society. Rawls begins with principles of social justice that regulate the basic structure of society, thereby providing a background of justice and a legal framework for personal and associational activities (Rawls 2007a: 552–553). This discrepancy suggests the Hegelian dimension of Rawls's justice as fairness or "Rawls's Hegelian reading of Kant" (Gledhill 2020: 128).

When it comes to the comparison with Hegel, Rawls emphasizes the distributive part of the basic structure of society more than Hegel for actualizing freedom and justice. Rawls regards the institution of family as a part of the basic structure of society, while Hegel considers it as beyond the domain of the political state. Rawls's idea of the state significantly differs from Hegel's in some other aspects. Hegel asserts the two traditional powers of sovereignty: the state's right to go to war in the rational pursuit of its national interests and its complete internal control over the population. Hegel regards these rights as essential for the idea of the state, which he conceives as a substantive individual or spiritual substance (Rawls 2007a: 360–361). In contrast, Rawls believes that states have no absolute sovereignty. State sovereignty, internal and external, should be constrained by international laws. In addition, the metaphysical idea of "Geist" is crucial in Hegel's theory of the state. For Hegel, only when social and political institutions realize the good and freedom of individuals does Geist achieve its full expression and conscious self-awareness (Rawls 2007a: 370). Rawls

does not rely on the mystical concept of “Geist” in his primacy of the basic structure of society.

Finally, regarding the relationship with Mill, Rawls also has his own distinctiveness. He explicitly expresses the priority rules in his two principles of justice. The first priority rule is the priority of liberty, and the second priority rule is the priority of justice over efficiency and welfare. (The second principle of justice is lexically prior to the principle of efficiency and to that of maximizing the sum of advantages, and fair opportunity is prior to the difference principle) (Rawls 1999a: 266–267). Although similar priority rules might be inferred from Mill’s political theory, he does not give a clear presentation and enough emphasis. In addition, there is little analogous to Rawls’s detailed discussions of the basic structure of society in Mill’s thought. Mill’s various political principles are scattered in different works. And he does not stress his political principles as the content of justice (Abbey and Spinner-Halev 2012: 131). In contrast, Rawls’s presentation of justice as fairness is much more unified and well-directed in connecting the basic structure, substantive principles and the conception of justice.

In later works, Rawls distinguishes his political liberalism from comprehensive liberalisms, represented by Kant and Mill (I would add Hegel). Due to limited space, this paper can not cover this significant development or family dispute within the liberalism of freedom. However, it is fair to say that Rawls draws substantially from the preceding important exemplars of liberalism of freedom in the history of political philosophy: Kant, Hegel and Mill. And his originality and greatness in his theory of justice as fairness may lie in his indefatigable improvement on and ingenious synthesis of these great predecessors’ liberal theories.

References

- Abbey, R., and J. Spinner-Halev. 2013. “Rawls, Mill, and the Puzzle of Political Liberalism.” *The Journal of Politics* 75 (1): 124–136.
- Abizadeh, A. 2007. “Cooperation, Pervasive Impact, and Coercion: On the Scope (Not Site) of Distributive Justice.” *Philosophy & Public Affairs* 35 (4): 318–358.
- Allison, H. 1996. *Idealism and Freedom: Kant's Theoretical and Practical Philosophy*. Cambridge: Cambridge University Press.
- Avineri, S. 1974. *Hegel's Theory of the Modern State*. Cambridge: Cambridge University Press.
- Beatty, J. 1983. “The Rationality of the ‘Original Position’: A Defense.” *Ethics* 93 (3): 484–495.
- Bercuson, J. 2014. *John Rawls and the History of Political Thought: The Rousseauvian and Hegelian Heritage of Justice as Fairness*. London: Routledge.
- Brink, D. 1987. “Rawlsian Constructivism in Moral Theory.” *Canadian Journal of Philosophy* 17 (1): 71–90.

- Bok, P. M. 2017a. "The Latest Invasion from Britain': Young Rawls and His Community of American Ethical Theorists." *Journal of the History of Ideas* 78 (2): 275–285.
- Bok, P. M. 2017b. "To the Mountaintop Again: The Early Rawls and Post-Protestant Ethics in Postwar America." *Modern Intellectual History* 14 (1): 153–185.
- Botti, D. 2019. *John Rawls and American Pragmatism: Between Engagement and Avoidance*. Lanham: Rowman & Littlefield.
- Dworkin, R. 1973. "The Original Position." *The University of Chicago Law Review* 40 (3): 500–533.
- Ege, R., and H. Igersheim. 2008. "Rawls with Hegel: The Concept of 'Liberalism of Freedom.'" *The European Journal of the History of Economic Thought* 15 (1): 25–47.
- Franco, P. 1999. *Hegel's Philosophy of Freedom*. New Haven and London: Yale University Press.
- Freeman, S. 2007. *Rawls*. London: Routledge.
- Gališanka, A. 2019. *John Rawls: The Path to a Theory of Justice*. Cambridge, MA: Harvard University Press.
- Gaus, G. 1981. "The Convergence of Rights and Utility: The Case of Rawls and Mill." *Ethics* 92 (1): 57–72.
- Galston, W. A. 1982. "Moral Personality and Liberal Theory: John Rawls's 'Dewey Lectures.'" *Political Theory* 10 (4): 492–519.
- Gledhill, J. 2020. "Rawls's Post-Kantian Constructivism." In *Hegel and Contemporary Practical Philosophy*. London: Routledge, 128–152.
- Gordon, R. H. 2000. "Modernity, Freedom, and the State: Hegel's Concept of Patriotism." *The Review of Politics* 62 (2): 187–212.
- Guyer, P. 2000. *Kant on Freedom, Law, and Happiness*. Cambridge: Cambridge University Press.
- Hegel, G. W. F. 1991. *Elements of the Philosophy of Right*. Edited by Hugh Barr Nisbet. Cambridge: Cambridge University Press.
- Johnson, R., and A. Cureton. 2022. "Kant's Moral Philosophy." In *The Stanford Encyclopedia of Philosophy*, edited by Edward N. Zalta and Uri Nodelman. <https://plato.stanford.edu/archives/fall2022/entries/kant-moral/>.
- Kant, I. 1999. *Kant: Practical Philosophy*. Edited by Mary J. Gregor. Cambridge: Cambridge University Press.
- Kant, I. 2002. *Groundwork for the Metaphysics of Morals*. Edited by J. B. Schneewind. New Haven: Yale University Press.
- Kaufman, A. 2012. "Rawls and Kantian Constructivism." *Kantian Review* 17 (2): 227–256.
- Klosko, G. 1997. "Political Constructivism in Rawls's Political Liberalism." *American Political Science Review* 91 (3): 635–646.
- Knowles, D. 2002. *Hegel and the Philosophy of Right*. London and New York: Routledge.
- Korsgaard, C. 1996. *Creating the Kingdom of Ends*. Cambridge: Cambridge University Press.
- Levin, M., and M. Levin. 1979. "The Modal Confusion in Rawls' Original Position." *Analysis* 39 (2): 82–87.
- Lange, M. M. 2009. *Defending a Liberalism of Freedom: John Rawls's Use of Hegel*. New York: Columbia University Press.

- Mahlmann, M., and J. Mikhail. 2003. "The Liberalism of Freedom in the History of Moral Philosophy." *Archives for Philosophy of Law and Social Philosophy* 89: 122–132.
- Mill, J. S. 1977. "On Liberty." In *Collected Works of John Stuart Mill*, vol. XVIII: *Essays on Politics and Society Part I*, edited by John M. Robson. London: Routledge.
- Mill, J. S. 1984. "The Subjection of Women." In *Collected Works of John Stuart Mill*, vol. XXI: *Essays on Equality, Law, and Education*, edited by John M. Robson. London: Routledge.
- Nelson, E. 2019. *The Theology of Liberalism: Political Philosophy and the Justice of God*. Cambridge, MA: Harvard University Press.
- O'Neill, O. 1989. *Constructions of Reason: Explorations of Kant's Practical Philosophy*. Cambridge: Cambridge University Press.
- Parijs, P. van. 2003. "Difference Principles." In *The Cambridge Companion to Rawls*, edited by Samuel Freeman. Cambridge: Cambridge University Press.
- Pogge, T. W. 1981. "The Kantian Interpretation of Justice as Fairness." *Zeitschrift für philosophische Forschung* 35 (1): 47–65.
- Pogge, T. 2007. *John Rawls: His Life and Theory of Justice*. Oxford: Oxford University Press.
- Rawls, J. 1993. *Political Liberalism*. New York: Columbia University Press.
- Rawls, J. 1996. *Political Liberalism*. Expanded edition. New York: Columbia University Press.
- Rawls, J. 1999a. *A Theory of Justice*. Revised edition. Cambridge, MA: Harvard University Press.
- Rawls, J. 1999b. "Kantian Constructivism in Moral Theory." In *Collected Papers*, edited by Samuel Freeman. Cambridge, MA: Harvard University Press.
- Rawls, J. 1999c. *The Law of Peoples: With 'The Idea of Public Reason Revisited'*. Cambridge, MA: Harvard University Press.
- Rawls, J. 2001. *Justice as Fairness: A Restatement*. Edited by Erin Kelly. Cambridge, MA: The Belknap Press of Harvard University Press.
- Rawls, J. 2005. *Political Liberalism*. Expanded edition. New York: Columbia University Press.
- Rawls, J. 2007a. *Lectures on the History of Moral Philosophy*. Edited by Barbara Herman. Cambridge, MA: Harvard University Press.
- Rawls, J. 2007b. *Lectures on the History of Political Philosophy*. Edited by Samuel Freeman. Cambridge, MA: The Belknap Press of Harvard University Press.
- Rawls, J. 2008. *Lectures on the History of Political Philosophy*. Cambridge, MA: Harvard University Press.
- Reath, A. 2015. "The 'Kantian Roots' of the Original Position." In *The Original Position*, edited by Timothy Hinton. Cambridge: Cambridge University Press.
- Reidy, D. 2010. "Rawls's Religion and Justice as Fairness." *History of Political Thought* 31 (2): 309–344.
- Reidy, D. 2022. "Rawlsian Liberalism and/as American Progressivism." *Biblioteca della Libertà* 57: 223–246.
- Riley, J. 1998. "Mill's Political Economy: Ricardian Science and Liberal Utilitarian Art." In *The Cambridge Companion to Mill*, edited by John Skorupski. Cambridge: Cambridge University Press.

- Rostbøll, C. 2011. "Kantian Autonomy and Political Liberalism." *Social Theory and Practice* 37 (3): 341–364.
- Scheffler, S. 1979. "Moral Independence and the Original Position." *Philosophical Studies* 35 (4): 397–403.
- Schwarzenbach, S. 1991. "Rawls, Hegel, and Communitarianism." *Political Theory* 19 (4): 539–571.
- Tampio, N. 2007. "Rawls and the Kantian Ethos." *Polity* 39 (1): 79–102.
- Ten, C. L. 1998. "Democracy, Socialism, and the Working Classes." In *The Cambridge Companion to Mill*, edited by John Skorupski. Cambridge: Cambridge University Press.
- Westphal, K. 1993. "The Basic Context and Structure of Hegel's Philosophy of Right." In *The Cambridge Companion to Hegel*, edited by Frederick C. Beiser. Cambridge: Cambridge University Press.
- Wood, A. 1999. *Kant's Ethical Thought*. Cambridge: Cambridge University Press.