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John Rawls Concept of Person and Society: A Critique

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Abstract

John Rawls is noted for his contribution to liberal political philosophy. Rawls's political thought has been chosen for study because he has been very influential and his philosophy can be used in interpreting our constitution. The study is based on the "Concept of Person and Society" as exposed by John Rawls. In the "Concept of Person", John Rawls, focuses his attention to develop his arguments are a view of society as a fair system of cooperation and a conception of the person as possessing two moral powers, that is the ability to form and revise one's own conception of the good and to live on fair terms of cooperation with others. Because these particulars conceptions of the person and of society are built into the structure of the original position, selection of principles of justice under these conditions identified them as the most suitable principles for free and equal citizens, possessing the two moral powers, who seeks to live on fair terms of cooperation with others. The complex conception of person and society that Rawls makes use of in his political philosophy is that of a moral person as a free and equal citizen who enters a well-ordered society by birth and exists by death and lives his life in it. For Rawls, his conception of a person represents how the persons conceive of themselves and their social relations in the public political culture of a liberal democratic society.

Keywords: John Rawls; Society; Personhood; Concept of Person.

1. INTRODUCTION

Rawls focuses his attention to develop his view of society as a fair system of cooperation and a conception of the person as possessing two moral powers, that is, abilities to form and revise one's own conception of the good and to live on fair terms of cooperation with others. Because this particular conception of the person and of society are built into the structure of the original position, selection of principles of justice under these conditions identified them as the most suitable principles for free and equal citizens, possessing the two moral powers, who seeks to live on fair terms of cooperation with others. John Rawls develops a conception of justice from the perspective that people are free and equal. Their freedom consists in their possessions of the two moral powers, that is, "All capacity for a sense of justice and for a conception of the good" (Rawls

2005, p. 13). In so far as they have these to the degree necessary to the fully cooperating members of society, they are equal. A sense of justice is, "the capacity to understand, to apply and to act from the public conception of justice which characterizes the fair terms of cooperation." This sense expresses "willingness……to act in relation to others on terms that they also can publicly endorse" (Rawls 1995, pp. 19 - 20).

A conception of the good includes a conception of what is valuable in human life. "Normally it consists of a more or less determinate scheme of final ends, that is, ends that we want to realize for their own sake, as well as attachments to other persons and loyalties to various groups and associations." Rawls says that we also "connect such a conception with a view of our relation to the world, by reference to which the value and

significance of our ends and attachment are understood" (Rawls 1995, p. 13). An important concept for Rawls is the concept of a comprehensive doctrine or view. These include moral philosophies like utilitarianism and philosophical systems such as Kantianism, Platonism and Stoicism. They also include religious doctrine such as Augustinianism etc.

2. JOHN RAWLS: AUTONOMY OF PERSON

Autonomy of person is an idea that is generally understood to refer to the capacity to be one's own person, to live one's life according to reasons and motives that are taken as one's own and not the product of manipulative or distorting external forces (Naseri 2017a; Lavazza & Reichlin 2018). And citizens are reasonable when viewing one another as free and equal in a system of cooperation over generations, they are prepared to offer one another fair terms of social cooperation and they agree to act on those terms, even at the cost of their own interests in particular situations, provided that others also accept those terms, for those terms to be fair terms, citizens offering them must reasonably think that those citizens to whom they are offered might also reasonably accept them. They must be able to do this as free and equal, and not as dominated or manipulated, or under the pressure of an inferior political or social position. The second aspect of our being reasonable is "our recognizing and being willing to bear the consequences of the burdens of judgment," (Rawls 2005, p. 58), we are willing to recognize that a reasonable person can disagree without being prejudicial or biased on excessive self-interest or willful.

According to Rawls reasonable persons affirm reasonable comprehensive doctrines, Rawls notes three features of such a doctrine.

1. It covers the major religious, philosophical, and moral aspects of human life in a more or less consistent and coherent manner, in this sense, it is an exercise of theoretical reason,
2. In another sense, it is an exercise of practical reason since it determines what value to regard a highly significant and how to weigh them against each other when they conflict,
3. It tends to evolve over this time in the light of what it sees as good and sufficient reason.

Person as citizen are free and equal, Rawls's interpretation of citizen as free is as follows, citizens are free in that, each sees himself as being entitled to make claims on social institutions in his own right; citizens are not like slaves or serfs, dependent for their social status on others. Citizens are also free in that they see their public identities as uncoupled from any particular comprehensive doctrine. Finally citizens are free in being able to take responsibility for planning their own lives, gives the opportunities and resources that they can reasonably accept. And citizens are equal in virtue of having the capacities to participate in social cooperation over a complete life. Citizens may have greater or lesser skill, talents and powers but still they have equal status.

Rawls point out the three most fundamental ideas that are found in the public political culture of a democratic society: that citizens are free and equal, and the society should be a fair system of cooperation. Thus the three ideas are free, equal and fair. All liberal political conceptions of justice will therefore be central on interpretations of these three fundamental ideas. As there are many reasonable interpretation of free, equal and fair, there are many liberal political conceptions of justice. Since all the members of this family interpret the same fundamental ideas, however, all liberal political conception of justice will share certain basic features.

1. A liberal conception of justice will ascribe to all citizens familiar individual rights and liberties, such as rights of free expression, liberty and conscience, and free choice of occupation.
2. A political conception will give special priority to these rights and liberties, especially over demands to further the general good for example, greater rational wealth, or perfectionist values, for example, the values of cultural flourishing.
3. A political conception will assure of all citizen sufficient all-purpose means to make effective use of their freedom.

These abstract features must, Rawls says, have concrete institutional realizations (Pogge 1989). He mention several institutional features that all liberal political conception will share fair opportunities for all citizens especially in education and training, a decent distribution of income and wealth, government as the employer of last resort, basic health care of all citizens and public financing of election.

A society is an extended social group having a distinctive culture and economic organization. It

is a body of humans generally seen as a community, or group of humans, that is delineated by the bounds of cultural identity, social solidarity, and functional interdependence. Human societies are characterized by patterns of relation between individuals that share a distinctive culture or institution. But Rawls conception of society is defined by fairness. Social institutions are to be fair to all cooperating members of society, regardless of their race, gender, religion, class, or origin, reasonable conception of the good life and so on (Akpanika 2020). Rawls also emphasizes publicity as an aspect of fairness. In what he calls a well – ordered society the principles that order the basic structure are publicly known to do so, and the justification for these principles are knowable by and acceptable to all reasonable citizens. The idea behind publicity is that since the principles for the basic structure will be coercively enforced, they should stand up to public scrutiny. The publicity condition requires that a society's operative principles of justice be neither esoteric non ideological screen for deeper power relations: that is, "Public Political Life, nothing need be hidden" (Chappell & Waylen, 2013, p. 614).

3. THE IDEA OF PERSON AND SOCIETY

Now consider the idea of person. There are, of course, many aspects of human nature that can be singled out as especially significant depending on our point of view. Justice as fairness starts from the idea that society is to be conceived as a fair system of cooperation and so it adapts a conception of the person to go with the idea. Since Greek time, both in philosophy and law, the concept of the person has been understood as the concept of someone who can take part in, or who can play as a role in social life, and hence exercise and respect its various rights and duties. Thus, we say that a person is someone who can be a citizen, that is, a fully cooperating member of society over a complete life, because a society is viewed as a more or less complete and self-sufficient scheme of cooperation, making room within itself for all necessities and activities of life, from birth until death. A society is not an association for more limits purpose (Andrew 2006; Andrew 2012); citizens do not join society voluntarily but are born into it, where, for our aims here, we assume they are to lead their lives. According to Rawls the conception of society embedded in the public

political culture of a liberal democracy is also that of a well – ordered society. A well-ordered society in which all reasonable citizens understood and supported the basic structure and principles of justice would allow the growth of a fair system of cooperation and a social safety - net capable of ensuring the minimal citizen participation essential to justice (Banerjee & Bercuson 2015).

In a well-ordered society everyone accepts the same principles of justice and it is known to all. Also the basic structure satisfies these principles of justice and it is also known to all. For Rawls well-ordered society is a closed self-sufficient society, so that everyone enters it by birth and exits by death and lives his life in it. A well-ordered society is neither a community nor an association according to Rawls. It is not an association firstly because there is no possibility of existence and identity of person outside well-ordered society but people can have such existence and identity outside any association. Secondly, well-ordered society has no telos, while association is made to achieve some common goal, depending on how much members can contribute to the goal of association they can have different worth in an association but in a well-ordered society no one can have more worth then another. A well-ordered society is not a community because it is not based on acceptance of common comprehensive religious (Nas2017; eri Udok et al., 2020; Akpanika, E. N., & Eyo 2020), philosophical, or moral doctrines, rather it is characterized by the irreconcilable plurality of such comprehensive doctrines and hence it is guided by principles of justice as fairness only, so that people can live their life in nonpublic sphere according to their divergent comprehensive doctrines. In contrast to this, a community is based on the acceptance of common comprehensive religious, philosophical or moral doctrines in all spheres of life.

According to Rawls the idea of society as cooperation requires fair terms of cooperation. But how is one supposed to determine these fair terms of cooperation. These principles cannot be thought of as given by some independent authority other than the cooperating members. These principles also cannot be thought of as recognized by these persons as fair by reference to their knowledge of an independent moral order. So these fair terms of cooperation must be thought of as agreed to

unanimously by members themselves by reference to their reciprocal interest not as made in the actual real life situation then it will be influenced by threat advantage on the one hand and by natural and social contingencies, which are morally arbitrary, on the other hand this will destroy the fairness of the terms agreed to. Hence, Rawls conceives these principles as agreed to unanimously in the 'original position' where parties are conceived as under a 'veil of ignorance' about particular facts about themselves and their society. Since the 'veil of ignorance' situated the persons equally and fairly the principles agreed to will be fair (Diekmann *et al.*, 2018).

According to Rawls the central organizing theme of political liberalism is "that of a society as a fair system of cooperation over time" (Rawls 2001, p. 43). The emphasis on fairness represents Rawls's view of justice as fairness. The focus of society represents his concern for determining the justice of social practices as opposed to individual character. Related to this theme are two corollary ideas, that of citizen engaged in a cooperative practice as free and equal persons, and that of a "well-ordered society as a society effectively regulated by a political conception of justice?" (Rawls 2009, p. 64). The former idea accounts for the fact that the citizens do not view the social order as a fixed natural order. To the contrary, cooperation is possible because the citizens accept the need for a background set of rules from the point of view that those rules with lead to their own good, additionally, everyone has a capacity, what Rawls calls "Two moral powers"[10] for a sense of justice and the power of reason that enable their full cooperation as members of society. The hypothetical state that Rawls calls the "Original Position" illustrates this latter capacity.

The original position is designed to find "the most appropriate principles of realizing liberty and equality once society are viewed as a fair system of cooperation between free and equal citizens" (Rawls 2009, pp. 18). The idea fixed as point of reference for representatives of citizens, who themselves hold no comprehensive religious philosophical, or moral doctrines, and also presume no background institutions or have structure for society, to enter into an agreement about what the principles of justice should be. The purpose of the original position is to establish conditions under which free and equal citizens can agree to principles of justice that are supported by the best reason and are fair in that they do not favor one political justice over another. This it does by not allowing the parties to the social contract to know the social positions of those they represent or their constituent's individual comprehensive religious, philosophical, or moral doctrines. The theory is contractarian, the point of reference that it encompasses and which Rawls labels the 'veil of ignorance' eliminates bargaining advantages that inevitably arise within the background institutions of any society because of cumulative social, historical and natural tendencies.

The political conception of the person underlying the original position has three parts. First, citizens conceive of themselves as having a capacity for a sense of justice and a conception of the good, second, being free in their public political culture, citizens make claims on their institutions to advance these conceptions of good, finally being capable of taking responsibility for their ends, citizens conceive of society as a fair system of cooperation based on consensus. A well-ordered society is one in which everyone known and accepts the same principles of justice (Odey 2018; Odey 2019), agreeing on what the main political and social institutions are, and how they fit together.

Democracies are characterized by diversity of reasonable, in the sense of not directly conflicting, comprehensive religious, philosophical, and moral doctrines. Non-democratic societies maintain one comprehensive doctrine only by the coercive use of state power. This means that the conception of justice affirmed in a well-ordered democratic society is limited to "the domain of political" left aside are debates over comprehensive doctrines in favor of treating "society as a fair system of cooperation". A well-ordered democratic society is, therefore, not an association because it is a complete and closed social system with no final ends on aims; it is also not a community because democracies lack "a shared comprehensive religious, philosophical or moral doctrine".´ Thus, political liberalism exists when a political conception of justice, supported by an overlapping consensus, reasonably regulates society. It is one in which comprehensive doctrines debated about constitutional essentials, and questions of justice presuppose the political conception of justice.

4. CRITIQUE OF JOHN RAWLS PHILOSOPHY

The publication of John Rawls's *A Theory of Justice* in 1971 was not only a landmark in ethics political philosophy, but has also proved to be a decisive contribution to research in the philosophy of law, political sociology, and social psychology, and, to a less obvious degree, in ongoing discussions in metaphysics, moral epistemology, philosophy of religion, and philosophy of mind. As it has become quite known in the debate opposing universalistic and communitarian models of moral reasoning in political philosophy, Rawls conceives of an original position as an attempt to model the consideration that determine the principles of justice for a well-ordered society, in which public criteria for judging the feasible, basic structure of society would be publicly recognized and accepted by all. Hence the procedural device of rules or public criteria which parties in the original position would endorse prudentially is to be constructed from behind a veil of ignorance, so that the parties know nothing specific about the particular persons they are supposed to represent. One of the most original, polemical features of Rawls's conception of justice as fairness was undoubtedly his "Kantian interpretation" of the self, at the heart of his theory, co-related to the notions of autonomy, proceduralism, and constructivism. According to Rawls, "Kant held, I believe, that a person is acting autonomously when the principles of {her} action are chosen by {her} as the most adequate possible expression of (her) nature as a free and equal and equal being (…..). By acting from these principles (i.e., chosen by the parties in the original position, behind a veil of ignorance} persons express their nature as free and equal rational beings subject to the general conditions of human life" (Corlett 2016, p. 43). And he goes on to assert that the "principles of justice are also categorical imperatives in Kant's sense what was then controversial about Rawls's "procedural interpretation of Kant's conception of autonomy" so remains in that even though he was assuming that the person's choice as a noumenal self is to be taken in collective terms, Rawls's theory still seems to fall within the so-called individualist tradition, which together with liberalism and universalism, has come under attack by communitarianism (Hinton 2015, p. 75). According to Philip Pettit, Rawls's individualism is rather moral than of the metaphysical type, in so far as "whatever their metaphysical status, it is only individual agents who matter in the design of socio-political institutions and it is only the interests of individuals that we ought to take into account in devising such arrangements" (Hinton 2015, p. 43). Rawls's normative conception of the person is perhaps the best way to account for his ingenious strategy of resorting to a reflective equilibrium, conceived as a procedural device between a non-ideal theory of human nature (where we find "ourselves" and our considered judgments and common sense intuitions of right and good) and an ideal theory, in which a public conception of justice refers to free and equal persons with two moral powers (sense of justice and conception of the good).

The reflective equilibrium belongs thus together with the original position and the well-ordered society, so as to carry out the thought-experiment of an ideal theory of justice which ultimately meets no ideal needs and capacities. Rawls himself thought that the original 1971 version of the account of goodness in chapter VII of *A theory of justice* "Left it ambiguous whether something's being a primary good depends solely on the natural facts of human psychology on whether it also depends on a moral conception of the person that embodies a certain ideal" (Ortner 1972, p. 64). And he went on to add that "persons are to be viewed as having two moral powers and as having higher-order interests {i.e., purely formal interest in the content and fulfillment of other interests, just like second order desires are desires about desires}in developing and exercising those powers" (Dewey 1923, p. 43).

In his *Political Liberalism* (1993) Rawls explains that, besides the first two higher-order interests in developing and exercising the two moral powers (i.e., a capacity for a sense of justice and a capacity for a conception of the good), a third higher-order interest is brought in to describe the parties 'deliberations in their modeling of citizens' rational autonomy, namely, "to protect and advance some determinate (but unspecified) conceptions of the good over a complete life" (Rawls 2005, p. 94) The normative conception of the person, according to Rawls, "begins from our everyday conception of persons as the basic units of thought, deliberation, and responsibility, and {is then} adapted to a political conception of justice and not a comprehensive doctrine" (Hall & Ames 1997). Such as political conception of the person

must be thus distinguished from an account of human nature (in natural and empirical sciences, as well as in social theory), precisely because it turns out to be most suitable for the basis of democratic citizenship. Michael Sandel's *Critique of the Liberal Conception of the Self* played an important role in Rawls's later attempts at recasting his theory of justice as a non- comprehensive, political liberalism. In liberalism and the limits of justice, Sandel proposed a radically situated self to oppose Rawls's radically disembodies subject, so as to question that the self, within any defensible political theory, be conceived as prior to its ends, which in Rawls's deontological model, were inevitably a posteriori (e.g., when Rawls says that "the self is prior to the ends which are affirmed by it" (Rawls 1998, p. 17).

In order to avoid an antinomy between "a radically situated subject" and "a radically disembodied subject," Sandel undermines the supposedly neutral procedure inherent in Kantian-inspired contractualism and liberalism, as social, cultural, ethnical components of self-identity betray and claims for self-determination, in so far as these ends were not ultimately chosen by isolated, disinterested individuals, but were unveiled by the self's pre-given insertion within a determinate social context, where it emerges as an "embedded self," as opposed to any idealized "unencumbered self". Hence, there is the unattainability of "self-originating sources of valid claims" and their supposedly unconstrained ends. The sovereign subject and all the emancipatory claims of modern, post-Enlightenment conceptions of the self seemed doomed to oblivion after Sandel's deconstruction of political mishandlings of Kantian, transcendental subjectivity. However pertinent, Sandel's and the communitarian's critique in overall has failed not only to take into account previous similar attacks on liberalism (especially Hegel's criticism of Kant) but, above all, it has missed what is ultimately at stake in this discussion, namely, that ethical, political normativity presupposes a certain conception of reflexivity and a correlative concept of person qua individual self, agent, and citizen, or, in Kantian terms, a form of being whose universalizibility is inseparable from its humanity as an end in itself and from its membership in a realm of self-legislators. Moreover, it seems implausible, to assume that Rawls simply abandoned the Kantian interpretation of a theory of justice and embraced same soft version of communitarianism in Political Liberalism.

To begin with, Rawls's assumption that the basic structure of society is the primary subject of a theory of justice as fairness just attests to its post-Hegelian reading of Kant's political theory. In his *Lectures on the History of moral Philosophy*, Rawls recalls that for Hegel "any kind of institutional embodiment of the concept of free will in what right is," so that "a system of right is to be justified in virtue of its making actual the concept of a free will that has itself as its object" (Harvard, 2000, p. 240). Rawls correctly remarks that Hegel follows Kant when he approaches the moral law as a law of freedom, in so far as our capacity to act from that law can be said to be the basis of our dignity and to make us members of the realm to ends. To quote Rawls, "By having personality, Hegel says, I am aware of myself as this person. Of course, I am also moved by impulses and desires, and limited in my circumstances; yet I am, as a person, simply self-relation, and therefore I know myself as having a will that is indeterminate and free. For I can suppose myself without the particular desires and impulses that move me, and I can imagine myself in other circumstances" (Harvard, 2000, p. 240). Rawls's contention is that the basic rights of personality do not depend on what our particular desires and needs are. It is, therefore, misleading to characterize such a normative conception of liberalism as though its intrinsic individualism paid no heed to communitarian features or its universalism did not take into account particularistic demands on the part of its agents and citizens. The primacy accorded to the individual here is not, after all, genetic, sociological or historical but only ideally normative, in strictly political terms and for the sake of a methodological argument, such as that of a reflective equilibrium to account for the correlation between an original position and a well-ordered society.

According to Rawls, this was precisely the role assigned by Hegel to negativity in a dialectic of recognition, say, between the system of rights and the two injunctions "to be a person and to respect the rights of others as persons" and not "to infringe on personality and what it entails." Hegel simply presupposes the Kantian contrast between the concept of a free will, the will itself, and persons as having a free will, so as to establish the inviolability

of persons and their autonomy vis a vis the indeterminacy of human actions and the external constraints of juridification, as the positivation of rights may as well turn out to be rather negative. Therefore, just as the selves play the role of persona in the original position, the focus on the basic structure of society as the main subject of such atheory refers us back to Hegel as much as it relies upon Rawls's "Kantian interpretation" in *A Theory of Justice*. Furthermore, sociological, psychological, linguistic, and every other ontologically conditioned features of the human condition are precisely what constitute and are constituted within a normative conception of the person, in so far as individual selves are inter-subjectively constituted as persons, just as they model society and at the same that society models persons. Rawls's "Kantian interpretations" aimed in effect at overcoming historicist, shallow readings of Kant and other Enlightenment thinkers, who were certainly conditioned by a given cultural milieu, but whose insights and seminal contributions to moral philosophy must be continually re-examined beyond textual exegesis and the so-called "author's intention." Thus, Rawls's "Kantian interpretation" offered in *A Theory of Justice* can be ultimately reconciled with his later writings (esp. Political Liberalism) as long as his conception of political constructivism is regarded as evolving out of his self- critical recasting of the main arguments for *A Theory of Justice*, in agreement with his own critique of Kantian moral philosophy. Whatever may be taken for Rawls's "Kantian interpretation should not, as Pogge pointed out, be confused with a Rawlsian interpretation of Kant or a Kantian interpretation of Rawls (Palm 2016, p. 189). Rawls's normative conception of the person is what best explains why his original critique of intuitionism, utilitarianism, and perfectionism in moral reasoning had to give way to a more explicit account of democratic egalitarianism, public reason, and political stability in his later writings on constructivism. That might help us also account for Rawls's apparently unqualified resort to rational choice theories in the first work and subsequent elaboration on deliberative rationality and reasonableness.

Again, as Christine Korsgaard has argued, Rawls's "deontology with a Humean face" – to use Sandel's ironic epithet – helps us better understand the role of reflexivity in procedural normatively as an investigation into how we should conceive of ourselves as persons (Korsgaard, 1989). Rawls's contention that the normative conception of the person should also address the problem of intergenerational justice means, above all, that whatever makes a person the same individual as time goes by, besides theHumean bundle theory of the self and beyond substantialist views of continued personhood, points to a priority of the self over its ends as it cannot be reduced to passive, accumulated aims, attributes, and purposes thrown up by experience. In Korsgaard's felicitous formula, the self is "not simply a product of the vagaries of circumstance, but always, irreducibly, an active, willing agent, distinguishable from my surroundings, and capable of choice" (Korsgaard, 1989, p. 53). The Kantian procedural view of freedom, from the standpoint of a non-naturalist, anti-realist challenge to rationalist determinism, turns out to defy many contemporary, taken-for-granted beliefs such as the identification between moral realism and intuitionism. On Rawls's interpretation, Kantian constructivism should be placed, within the contemporary spectrum of meta-ethics, as a cognitivist model, irreducible to any version of Platonism, yet to be spotted somewhere between strict realist and non-cognitivists, including utilitarian and prescriptivist versions rejected by Rawls. In effect, Rawls's conception of reflective equilibrium corroborated the interdependence of meta-ethics and normative ethics, inherent in political philosophy's articulation of practical ethics and social practices, say, as applied to problems of human rights, bioethics, and public policies, within the procedural framework of constitutionalism.

A normative conception of the person must thus strike a balance somewhere between animalism and humanism, between naturalized and essentialistic views of personhood, so as to avoid various forms of reductionism. "Normative," in this context, refers therefore to whatever must be idealized in a theory of persons, and, on the other hand, refers also to an important, substantive aspect of ethical theory which cannot be reduced to second-order discourses such as meta-ethics but seems rather to confirm some inevitable form of psychological reductionism, as Rawls found in Hume's own epistemologized version of moral psychology. Now, a person is usually identified with any living human being, and it has become

acceptable nowadays to speak of nonhuman persons such as Gods, divine beings, and certain animals (e.g., Whales, apes, dolphins) as well as of humans which are not persons (such as in juridical instances of minors and the like).

According to Grosso Modo, persons have been assigned the capacity for self- identity, self-consciousness, self-esteem, self-respect, and establishing the realization of ends through the subordination of means (reasoning, personal plan of life, project, finality or purpose in life, autonomy). A moral, rational being is said, therefore, to be accountable for her own acts. Even though Ancient and Medieval conceptions of the person already anticipated some of these features, such as cognition, agreeableness, and volition, they remained within an essentialist or substantialist framework of ontology, epitomized by the Judaeo-Christian concept of the human person as the imago dei (God's image and likeness). It was ideal only with the advent of modernity that the self, subjectivity, and consciousness were explicitly thought in reflective, individual terms, as the cartesian cogito passed the way for its critical opposing conceptions, such as John Locke's definition of self-identity: "a thinking intelligent being, that has reason and reflection, and can consider itself as itself, the same thinking thing in different times and places; which it does only by that consciousness, which is inseparable from thinking, and as it seems to be essential to it" (Locke 1847, p. 64). As Rawls, Nagel, Korsgaard, and others have shown, Locke's and Hume's empiricist accounts of the self contributed to Kant's own conception of the transcendental self between a rationalist "mental identity" and an account of "personal identity", avoiding both the contention that memory does not make someone the same individual through time and misleading relations, say, of two distinct things in self-identity. Hence Patricia Kitcher prefers to use "mental unity" to describe the Kantian account of personal identity, for instance, when Kant writes that "I exist as an intelligence which is conscious solely of its power of combination."[29] That simply means that the thinking self is not, as Kitcher put it so well," a contentually interconnected system of states, but that which connects cognitive states" (Machado 2017, p. 43). Although the self just like consciousness or apperception – cannot be reduced to anything like the power or source of spontaneity

itself on to its acts of spontaneity, it is said to be the agent that performs these acts, even if they turn out to be unconscious or, as Daniel Dennett suggests, "subpersonal processes," differentiated from act performed by persons" (Dennett 1986, p. 125).

Kitcher remarks that Kant has inherited Locke's forensic conception of the person insofar as the term is used "in the assignment of moral and legal praise and blame" (Dennett 1986, p. 125). Korsgaard recalls the five chapters devoted to Hume's psychologized morality in Rawls's Lectures, as well as the former's views on reflective endorsement and rational deliberation, to point out that the Humean "bundle of perceptions" reissues the theory of ideas just to remain faithful to the sense data and primary level of impressions that constitutes the very "nature of man" at stake in the Treatise. Hence, Locke's contradistinction of "man" and "person" is very instructive when one proceeds to see how Kant recasts Hume's fork by proposing a dual view of human nature within a sociable realm of ends.

According to Rawls, "when fully articulated, any conception of justice expresses a conception of the person, of the relations between persons, and of the general structure and ends of social cooperation" (Rawls 1998, p. 254). For the Rawlsian correlation between normative model – conceptions of person and society, these must cohere with a free – standing view which does not depend on any particular theory of truth. Hence Rawls constructivism assumes, in opposition to moral realism and intuitionism that moral propositions are to be assessed in the context of a broader set of related propositions that we hold to be true, morally right or reasonable. On Rawls's reading of Kant's transcendental philosophy, we must avoid his dualisms in order to escape comprehensive doctrines, such as philosophical anthropology and other metaphysical accounts of human nature. Therefore, Rawls's semantic transformation of traditional theories of the self result in a normative concept of person that claims to be essentially political and non-metaphysical, insofar as it does not resort to a theory of truth as to an epistemological model of justification to be anchored in reality, and avoids every account for the ground of beings (general metaphysics or ontology). Hence Rawls's coherentism (in the conception of reflective equilibrium) seeks to distinguish itself from the Kantian ideal of

personality, just as it refuses to be reduced to naturalist account inherent in the empirical sciences.[34] Rawls recognizes that the concept of persona has been historically liked to that of society, where citizens play social roles as they assume rights and duties in their community

relationship, society understood as a fair system of cooperation among free, equal persons. In effect, the entire development of Rawls's theory of justice as fairness presupposes this interplay of normatively between person and society, through the three viewpoints to be adopted (by the parties in the original position. Citizens in a well-ordered society, and by "ourselves," all of us "who are faced with the task of setting questions of justice," i.e., concrete, flesh-and–blood humans who share values and beliefs within a given culture (Emeng 2007; Emeng 2009; Emeng 2012; Emeng 2015;) , including our more or less intuitive conceptions of good and sense of justice). The reflective equilibrium mediates thus between ideal and non-ideal standpoints, and carries through the procedural representations of the other devices (original position and well-ordered society) – without reducing personhood to social roles and the like (Rawls 1980).

Kant's ideal of personality is not only central to Rawls's "Kantian interpretation" but also translates the very dualisms to be overcome, most notably that of the conjunction of the homo phenomenon with the homo noumenon. It is therefore a question of perspectivism whether one takes the standpoint of theoretical or practical reason when dealing with human agency in nature, in accordance with Kant's own distinction between negative and positive freedom. For Kant conceives of duties, not only insofar so they are ethical duties, but also as their legislation can be taken outside the scope of ethics, in his doctrine of right, so as to comply with the external obligation of the law - one can clearly see how Rawls's early interest in Wittgenstein's rule-following thought-experiments would be combined with Kant's proceduralism and rational – choice theories of games (Rawls, 1951). In effect, the very conception of obligation is what helps us bring together the moral internalism and the legal externalism as distinctive, albeit complementary aspects of the Kantian view of human persons as rational, reasonable beings whose "free choice" ought to be self- determined by pure reason alone in order to be said to be

actually good, or to qualify the only thing that can be morally good, the will itself. As Kant's refusal of theological, and perfectionist conceptions and the task of setting the supreme principle of morality in autonomy qua freedom point furthermore to an extension of "the conception of humanity, the capacity for setting ends having objective value, to that of personality, the capacity for giving laws which determine all objective value" (Wood 1999, p. 158). As Wolfgang Kersting has shown, just as the Kantian conception of humanity is found in his practical philosophy and not in his anthropology, so the equation of humanity and dignity, already formulated in the groundwork, is reinforced in the *Tugendlehre* (Doctrine of virtue) so as to elucidate the normative function of the aft-misunderstood ideal of personality. In effect, humanity, human dignity, and personality or personhood refer all to one and the same concept: Hence, in order to arrive at the Kantian definition of an action said to be right, "if it can co- exist with everyone's freedom in accordance with a universal law" (Kersting 1984, p. 43), or if on its maxim the freedom of choice of each can coexist with everyone's freedom in accordance with a universal law," it is not so much the question of derivation which is at stake as the presupposed idea of freedom which turns out to be common to both fields, even if one cannot derive one principle from the other. Hence the Kantian conception of personality in thus must better elucidated in light of Rawls's critical appropriation, as the later recasts both Hume's and Hegel's view of human nature, which respectively uses in a psychological and in a juridical analysis of self-identity that avoids both a naturalized moral epistemology and a justification of positive rights.

Human persons are thus said to be normatively bound to be reasonable in a way that inevitably refers to their living in a culture whose rationality may vary and indeed conflict, and even produce a clash of civilizations. As far as, comprehensive doctrines, and cultural relativism are concerned, rationality cannot be regarded as being constitutive of an idealized conception of personhood contrary to most traditional views of philosophical anthropology, as Rawls reserves the term "reasonable" to characterize the idealized symmetry of free, equal persons attaining to public reason.

Rawls's theory of justice as fairness denies, in

effect, any role to be played by truth in the practical realm and confines justice to be political sphere, in particular, to the basic structure of a liberal democratic society qua unified system of social cooperation among moral persons (i.e., free and equal humans, with a sense of justice and different conception of good). Just as Kant, Rawls also sought to account for the tension between autonomy and heteronomy in the very "unsociable sociability: that characterizes human nature by keeping the two perspectives of an ideal theoretical proceduralism and of non-ideal values (such as shared beliefs within a given culture). Hence the modern problem of articulating ethics and political philosophy through a normative conception of the person lies let the heart of both Kant's and Rawls's critique of metaphysical foundations, for Kant, the place of human persons in nature constitutes the counterpart to the Copernican revolution in theoretical philosophy. Rawls carefully contrasts a plausible interpretation of a Kantian intuitionism in the theoretical use of pure reason (e.g., in the philosophy of mathematics) with theconstructivism of his practical philosophy: Rawls refuses moral intuitionism together with any misleading assumption of realism to characterize Kant's cognitivism. However, if Rawls failed to further elaborate on the basic person-society correlation, it was in part because of his programmatic concern to avoid foundationalist articulations of the problem of human with ethics and politics, i.e., how the animal rationale is said to be a Zoon politikon. Furthermore, Rawls's early remarks on Kohlberg's moral psychology anticipated a reconstructive turn that departs from theories of personality and a subject philosophy of the self towards developmental analysis, coinciding with the so-called "semantic turn" in analytical philosophy. Still, Rawls seems to be rather evasive when challenged by critics to take into account the "concrete other" and her complex, empirical otherness (e.g., feminists, post colonial critics), cutting across the taken-for-granted differentiations of private and public sphere.

Hence the perspectival dimension of a Post-Rawlsian "transcendental semantics" (Hanna 2001, p. 64), may successfully account for both identity and difference within a normative conception of the persons, without falling prey to the ongoing dialogues does rounds between universalists, communitarians and cosmopolitans, as these tend to reduce personhood to individuals, peoples, or social communities. It is the contention, thus, that the so-called "clash of civilizations" and the challenges of cultural relativism can be neutralized by a proceduralist, solitary globalization whose normative thrust is highly desirable and realizable, say, through the implementation of human rights within democratizing societies, insofar as they subscribe to such a normative conception of person, to an autonomous, deliberative ethos for local action (ongoing processes of democratization in developing countries and elsewhere) and to a universalizable, egalitarian conception of justice and liberty which avoids the Rawls had already anticipated how the nation of a well-ordered society required a juridification of the person (such as reducing personhood to a positive conception of juridical person that threatens particular expression of freedom). As early as 1975, certain conception of person and society, as he resorted to be Kantain conception of equality;

> "When fully articulated, any conception of justice expresses a conception of the person, of the relations between persons, and of the general structure and ends of social cooperation. To accept the principles that represent a conception of justice is at the same time to accept an ideal of the person; and in acting form these principles we realize such an ideal" (Rawls 1998, p. 845).

Rawls postulates then a well-ordered society as one that "is effectively regulated by a public concept of justice." Secondly, he supposes that the members of a well-ordered society are free and equal moral persons and, thirdly that a well-ordered society is stable relative to its conception of justice. This means that "social institutions generate an effective supporting sense of justice," allowing for Rawls to conclude that "the argument from the original position seems to meet these conditions:…. the assumption that the parties are free and equal moral persons does have an essential role in this arguments; and as regards content and application, these principles express, on their public face as it were, the conception of the person that is realized in an well – ordered society. They give priority to the basic liberties, regard individuals as free and responsible masters of their aims and desires, and all are to share equally in the means for the attainment of ends unless the situation of everyone can be improved, taking equal division

as the starting point. A society that realized these principles would attain positive freedom, for these principles reflect the features of persons that determined their selection and so express a conception they give to themselves" (Rawls 1998, p. 253).

Justice as fairness, according to John Rawls, "is a theory of human justice and among its premises are the elementary facts about persons and their place in nature" (Rawls 1998, p. 845). As opposed to Kant's original conception of pure practical reason, Rawls stresses that fairness qua practical reasonableness is peculiar to human beings – and not to rational beings. The introduction of the Human term "reasonable" in the 1980s, to render to Kantian autonomous terms, has indeed consecrated his work as a viable alternative to both rationalist (Hobbesian – inspired) and empiricist (Humean – inspired) theories of justice, as well as to intuitionist and utilitarian models in ethics and political theory, nevertheless, Rawls's attempt to overcome the dualistic conception of human nature in Kant's constructivism seems to betray here the very strength of a theory of justice that seeks to strike a balance between egalitarian and libertarian trends in political thought. Precisely because the tension between the social good assigned to a Rousseaunian *Volontégénérale* and the individual rights of Lockean liberalism could not be dissolved in a philosophy of history – let alone in a philosophical anteropology - Rawls recasts Kant's interplay of autonomy and heteronomy in light of an economically determined state of affair, so that primary goods would meet not only material needs but also the moral demands of his conception of persons: full autonomy is political, not ethical (Scheffler 2003, p. 54).

The political specificity of his theory succeeds somewhat in bridging the gulf between an ever-growing economic surplus and a decaying moral normativity, and yet it leaves to be desired how the political accounts for the moral (without succumbing to a communitarian turn) and how both the former and the latter are not inherently reduced to an economic effect. The normative thrust of Rawls's theory has, moreover, to deal with two aporias that seem to survive his attacks on dualism, at the heart of his meticulous conception of personhood, namely: the task of making sense of the difference principles (particularly, the idea of quality) in both substantive and procedural term within such as normative conception of the person and the inevitable tension between normativity and facticity in the very process of social reproduction and integration of person and society. These two sets of problems were already at stake in Jiirgen Habermas's criticisms and brief, fructuous interlocution with Rawls (De Oliveira 2017). And they keep returning to the agenda of any debate opposing universalists and communitarians. As Robert Goodin observed, "Biologically, each 'individual' is made by a 'community' of two others – but to seizeupon that as evidence of communities 'making' individuals is akin to the facile attempt to assimilate feminism within orthodox marxism by pointing out that reproduction is just a form of production like any other. Sociologically and psychologically, individuals acquire their orientation in the world from and in relation to others individuals, who themselves stand in same previously negotiated relation to one another – but even when those pre–existing groups are deliberately organized to shape the next generation (as are teachers or preachers), what they do in pursuit of those objectives can only in the most metaphorical way be assimilated to the activities of a group of farmers "making' a born together" (Migdal 2001, p.45).

5. CONCLUSION

To conclude, it must be reminded that Rawls did seek to reconcile the liberties of the ancient with the liberties of the modern, so that his own recasting of a Kantian – inspired normative conception of the person carefully tried to address insightful criticism raised by communitarians, cosmopolitans, and libertarians alike. However, both universalist and communitarians, models of personhood seem to fall short of the concrete challenges posed by a political theory of justice, as they seem to miss the most irreducible mark of those who cannot be legally counted, namely their bare, naked life – worthless and subhuman, yet so fully human and worthy of recognition as whatever we take for human dignity. Hence a recasting of the reflective equilibrium, within the framework of systemic social exclusion and tremendous global injustice, may still throw light on the two fold challenge of making jurisdiction work for the consolidation of democracy and guaranteeing the inclusion of every "other" that has been excluded

by the legal procedure of social, economic institutions.

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