

## Subject Without Subjectivity: John Rawls and Liberalism through the Sixties

Towards the end of the sixties, liberalism was straining under the weight of growing social tensions. The setbacks of the Civil Rights movement and deeper U.S. embroilment in the Vietnam War drew a massive range of sharp critiques of the Western liberal world's political foundations. Yet, amid this critical background, John Rawls' 1971 *A Theory of Justice* laid a distinctly hopeful vision for a just liberal society. It would set the agenda for American academic political philosophy in the following decades and define post-sixties liberalism. Rawls' philosophy was forced to confront two of the most pressing challenges to liberalism in the sixties: Civil Rights and the Vietnam War. I argue that Rawls' approach to such social and political exigencies, and his novel contribution to liberalism in American political philosophy, was the "subject without subjectivity". Rawls pushed liberalism to explicate specific structural relationships of subjugation and exploitation between political subjects, whereas previously it had favored abstract impersonal principles. However, still committed to the liberal dream of a unified social order, Rawls denied the subject its political subjectivity, in that he subsumes the particularities of racial and class subjugation wholly under the universality of the liberal ideal. With this double-gesture, Rawls distanced liberalism from its pre-sixties apoliticism and simultaneously retained its hope for a united society. Although many have objected to Rawls' approach as overly abstract and insufficiently political, I assert that a historical reading shows "subject without subjectivity" to be a concrete – albeit careful – and enduring response to the crises of the sixties.

Rawls' work, despite being the output of one man, serves as a historical seismograph for measuring the crisis and reformation of American liberalism in the sixties. After three years of service in World War II, Rawls began graduate study in philosophy at Princeton. Rawls' initial formulation of liberalism was anti-statist and pluralist, echoing reemerging postwar fears of

totalitarianism.<sup>1</sup> In particular, many believed that a moral system built only upon interpersonal relationships could free the individual from the potentially oppressive rule of the state. Although liberalism has long advocated for some sort of universal egalitarianism, the postwar intellectual landscape urgently demanded an explicit and modern formulation of a state-independent objective ethics, or an excising of the ‘subjectivity of the state’.<sup>2</sup> Through the growing social discontent of the fifties, however, it became clear to Rawls that stateless declarations of equal opportunity between abstract beings were not enough to understand pressing social inequality, particularly by class and race.<sup>3</sup> By the beginning of the sixties, Rawls had established the difference principle, which required acceptable social inequalities to benefit the worst-off members of society.<sup>4</sup> It is in this sense that Rawls is beginning to insert the political subject into ‘objective ethics’: he rejected the classical liberal universal model of the abstract individual in favor of recognizing structurally differentiated political subjects (particularly the working class and Blacks), all the while remaining committed to the postwar dream of consensus. As the Civil Rights, anti-war, and student protests swelled in the mid- to late-sixties, often around universities, academics began focusing on formulating theories which could explain and guide the state of society. Rawls’ ideas became widely influential in academic liberal discourse.<sup>5</sup> Reflecting on the popularity of *A Theory of Justice* much later, Rawls noted that “It was during the Vietnam War and soon after the Civil Rights movement. They dominated the politics of the day. And yet there was no... systematic treatise... on a conception of political justice.”<sup>6</sup> Through the seventies and eighties, liberal thinkers would use Rawls’ work to formulate justice-based critiques of the New Right’s neoliberal economic policy. Contemporary

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<sup>1</sup> Katrina Forrester, *In the Shadow of Justice: Postwar Liberalism and the Remaking of Political Philosophy*. (Princeton: Princeton University Press, 2019), 2-4.

<sup>2</sup> This refers to the state’s self-constitution as the bearer or discoverer of morals. When this ‘subjectivity’ is excised, the state merely becomes an ethically neutered enforcer of said morals, which exist ‘objectively’, irrespective of the recognition or lack thereof by individual states.

<sup>3</sup> Forrester, *In the Shadow of Justice*, 20.

<sup>4</sup> *Ibid.*, 25-27.

<sup>5</sup> *Ibid.*, 43-44.

<sup>6</sup> “Questions on Reflection: Harvard Review of Philosophy Interview,” Folder 12, Box 42, Rawls Papers, 44, <https://id.lib.harvard.edu/ead/hua32010/catalog>.

issues such as international justice, climate change, and even digital governance have been presented by academics as distributive problems and often turn to Rawls for grounding.<sup>7</sup> As Katrina Forrester writes, “Rawls – or at least the idea of him – continued to haunt philosophical debate and provide the referent for his critics as much as for his followers.”<sup>8</sup>

Although very cautiously, it is clear that Rawls felt liberalism needed to acknowledge the sixties’ societal fracturing into different political subjects. Classical liberalism had failed to fight illiberalism with abstract and impersonal universal principles; instead, it had to identify and eliminate structural differentiation between political subjects. The differentiations most apparent to Rawls were of race and class. In December of 1966, a year after the U.S. had set boots on the ground in Vietnam, Rawls led a faculty motion at Harvard to condemn 2-S deferments, which had allowed students to avoid the draft. Consistent with the philosophical system he had recently but concretely laid out by then, Rawls argued that conscription violated basic civil liberties and was invoked only when strictly necessary, and therefore that every citizen needed to share this burden under a just system. Importantly, Rawls highlighted class and race, arguing that 2-S privileged the already well-off while perpetuating the disenfranchisement of the “poor and racially discriminated against.”<sup>9</sup> Black men suffered a “double injustice” – “one in the draft and another in background sociological conditions.”<sup>10</sup> This sort of insight was not common among American academics. Sociologist Harrison C. White, for instance, was concerned that the resolution would dissuade students from going to college. Many other faculty members, whether they agreed with the political argument or not, felt that it was inappropriate for the faculty body to pass or even debate on.<sup>11</sup> The resolution

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<sup>7</sup> Jiang, Liwei et al, “Can Machines Learn Morality? The Delphi Experiment,” arXiv, October 14, 2021, <https://arxiv.org/abs/2110.07574>.

Klaus Mathis, “Future Generations in John Rawls’ Theory of Justice,” *ARSP*, 2009, <http://www.jstor.org/stable/23680984>.

<sup>8</sup> Forrester, *In the Shadow of Justice*, 270.

<sup>9</sup> John Rawls, “Proposal for a Military Recruitment Policy,” Folder 2, Box 24, Rawls Papers, 7.

<sup>10</sup> John Rawls, “Questions Re the 2-S Resolution (suggestions only) [1966],” Folder 2, Box 24, Rawls Papers, 2.

<sup>11</sup> Robert J. Samuelson, “Faculty Will Consider Second Draft Proposal,” January 6, 1967, accessed May 11, 2023, <https://www.thecrimson.com/article/1967/1/6/faculty-will-consider-second-draft-proposal/>.

was postponed indefinitely in January 1967.<sup>12</sup> Elsewhere, Rawls developed broader explications of duty and justice in a society of distinct political subjects. “The duty to comply,” Rawls writes in *A Theory of Justice*, “is problematic for permanent minorities that have suffered injustice for many years.”<sup>13</sup> Continuing later, Rawls argues that nonviolent civil disobedience against an unjust duty to comply is not only permitted, but necessary to exposing and eliminating injustice. Rawls carefully sets aside discussion of violent civil disobedience as needing further contextualization instead of directly opposing it, as so many white moderate liberals had.<sup>14</sup> Rawls’ work shows a nuanced awareness of structural subjugation, particularly of class and race, and its urgent threat to justice – a sense not widely shared by his colleagues in academia, but which also accompanied a growing turn within liberalism towards the political subject. As Sociologist James S. Coleman wrote to Rawls in a 1971 letter, “The ‘everyone’... cannot be everyone in the world, and this places a restriction on justice, so that justice must be defined within specific groups.”<sup>15</sup>

Rawls’ centering of the political subject, to a highly limited but substantial extent, led him to conclusions similar to those made by Civil Rights leaders and even of Black radicals. Robert Franklin argues that Rawls and Martin Luther King, Jr. shared a critical liberal view which identified structural cycles of disenfranchisement and condemned them as unjust. On the other hand, “the alternative views (of detached, autonomous, rational agents) offered by many contemporary liberal thinkers,” Franklin writes, “do not provide radical prescriptions for curing structural ills while maintaining respect for individuals.”<sup>16</sup> Rawls’ fundamental ideas, however, can be mapped with even

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<sup>12</sup> Robert J. Samuelson, “Faculty Shelves Draft Resolution After Debating for Hour and Half,” January 11, 1967, accessed May 11, 2023, <https://www.thecrimson.com/article/1967/1/11/faculty-shelves-draft-resolution-after-debating/>.

<sup>13</sup> John Rawls, *A Theory of Justice* (Cambridge: Belknap Press, 1971), 312.

<sup>14</sup> *Ibid.*, 317-19. & Carol A. Horton, *Race and the Making of American Liberalism* (Oxford: Oxford University Press, 2005), 159-162.

<sup>15</sup> “Letter from James S. Coleman to John Rawls, April 28, 1971”, Folder 2 [Justice as Fairness, Correspondences], Box 19, 58.

<sup>16</sup> Robert Michael Franklin, “In Pursuit of a Just Society: Martin Luther King, Jr., and John Rawls,” *The Journal of Religious Ethics* 18, no. 2 (1990): 75. <http://www.jstor.org/stable/40015108>.

more radical Black discourse. “The only time I hear people talk about nonviolence is when black people move to defend themselves against white people,” Stokely Carmichael declared in his 1966 Black Power speech. “White people beat up black people every day – nobody talks about nonviolence.”<sup>17</sup> Although in drier rhetoric, Rawls expresses a similar fundamental insight on the violence of unjustness and the illegitimacy of such relationships: “Unjust social arrangements are themselves a kind of extortion, even violence, and consent to them does not bind.”<sup>18</sup> This is not to suggest that Carmichael and Rawls agreed on issues of race and certainly not that Rawls was comparatively ‘enlightened’ on race relations. Rather, I mean to demonstrate that Rawls’ work on injustice among structurally differentiated subjects in society paralleled the basic intellectual movements by King, Carmichael, and others in moving away from a ‘classical liberal’ view of the undifferentiated individual in a theoretically egalitarian society. Indeed, Rawls held a very structural view of inequality and injustice, writing that “the main political and social institutions of society fit together into one system of social cooperation, and the way they assign basic rights and duties and regulate the division of advantages.”<sup>19</sup>

It is clear from his own writing, however, that Rawls was quiet on explicit racial issues. Charles Mill influentially argued that “Rawls, the celebrated American philosopher of justice, had next to nothing to say in his work about... racial oppression”.<sup>20</sup> While the literal claim has been convincingly refuted with close readings of Rawls’ public and private work,<sup>21</sup> there remains a broader observation that Rawls tended to avoid talking about racial inequality *in particular* in favor of a more general conception of inequality. Although Rawls had spoken explicitly about racial disparities at the aforementioned 1966 Harvard faculty meeting, his written explanatory note did

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<sup>17</sup> Stokely Carmichael, “Black Power” (July 28, 1966).

<sup>18</sup> Rawls, *A Theory of Justice*, 302.

<sup>19</sup> Rawls, “Questions Re the 2-S Resolution,” 2.

<sup>20</sup> Charles W. Mills, “Rawls on Race/Race in Rawls” in *Black Rights/White Wrongs: The Critique of Racial Liberalism* (Oxford: Oxford University Press, 2017), 161.

<sup>21</sup> One such example is Brandon Terry, “Conscription and the Color Line: Rawls, Race and Vietnam,” *Modern Intellectual History* 18 (2021), 960-983.

not include it: “the hardships and risks of compulsory military service fall disproportionately on the poor, the less intelligent, and the less educated.”<sup>22</sup> Mills finds little mention of the historical plight of Black people and white supremacy throughout Rawls’ work, despite its centrality to a historical injustice. We observe, then, that when Rawls *does* deal explicitly with matters of race, it comes from political and social exigency rather than ‘organically’ from theory. This demonstrates the extent to which academic engagement with the political was initiated by the latter rather than the former.

While Rawls set forth an analysis of the structurally subjugated political subject as essential to just liberalism, he emptied this subject of their subjective interests and identity in favor of a more universal and objective ethical system. Because of this commitment, Rawls adopted a constructivism which did not deal with race as a categorization distinct from other modes of subjugation. Rawls refers to race, as well as sex and culture, as “distinctions” in “the range of fixed natural characteristics.”<sup>23</sup> In *A Theory of Justice*, Rawls writes that no just person would “put forward the principle that basic rights should depend on the color of one’s skin or the texture of one’s hair.”<sup>24</sup> This clear reference to race is emptied of racial subjectivity: Rawls, in seeking to show the unjustness of racial discrimination, reduces it to intuitively trivial biological characteristics. This is particularly illustrative of ‘subject without subjectivity’ – emptied of its particular social characteristics, the differences between distinct political subjects become unjust, and even ridiculous, to discriminate upon. Readers of Rawls shared this belief. Fellow Harvard faculty member Thomas Schelling wrote to Rawls in a 1965 letter on these “accidental... particular biological qualities”<sup>25</sup>: “Where along the way did it stop being the natural and original... and become a perversion, and abuse of society...?”<sup>26</sup> To Rawls, liberalism must recognize the political subject of

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<sup>22</sup> Samuelson, “Faculty Will Consider Second Draft Proposal.”

<sup>23</sup> Rawls, *A Theory of Justice*, 85

<sup>24</sup> *Ibid.*, 129.

<sup>25</sup> “Letter from Thomas Schelling to John Rawls, November 29, 1965”, Folder 2 [Justice as Fairness, Correspondences], Box 19, 3.

<sup>26</sup> *Ibid.*, 9.

Black people as subjugated to the extent that its existence violates its fundamental principles, with the intention that the category of Black people will dissolve into the People. While such a view enabled Rawls to strongly articulate the injustice of racial discrimination, it also meant that he tended not to see political action particularly for racial liberation as legitimate – rather, it would need to restore a unified whole. “Civil disobedience,” Rawls wrote in *A Theory of Justice*, “is a political act... in the sense that... it is an act guided and justified by political principles... it goes without saying that civil disobedience cannot be based on group or self-interest.”<sup>27</sup>

This insistence on ‘subject without subjectivity’ is central in his most popular idea, the Original Position. An individual in the Original Position under a ‘Veil of Ignorance’ in which they knew nothing about what they were would, Rawls asserted, choose principles for a just society. It is via this thought experiment that Rawls derives many of his normative arguments in *A Theory of Justice*. Firstly, Rawls posits the individual as a subject occupying a multiplicity of possible political and social identities: rich, poor, able-bodied, disabled, white, Black (although race is not mentioned as one of the features), and so on. Secondly, Rawls discards the subjectivity of these identities behind the Veil, willing this de-subjectified subject in the Original Position to form a universal and objective set of moral principles.

The emptying movement of “without subjectivity” is often read as thoroughly *apolitical*, in that it neutralizes the particularities of political experience in favor of a highly idealized and abstract moral framework. Benjamin Barber sharply criticizes *A Theory of Justice* on this basis: seldom does “the material face of politics characterized by power, command, authority, and sanction (as against the ideal face described by legitimacy, obligation, and justice) show itself.”<sup>28</sup> Later, Barber sets forth a dilemma between “the normative theory of justice and historical reality”<sup>29</sup>,

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<sup>27</sup> Ibid., 321.

<sup>28</sup> Benjamin Barber, “Justifying Justice: Problems of Psychology, Measurement, and Politics in Rawls,” *The American Political Science Review* 69, no. 2 (1975): 670. <https://www.jstor.org/stable/pdf/1959095.pdf>.

<sup>29</sup> Ibid., 670.

asserting that Rawls idealistically pursues the former while sacrificing the latter. While I am philosophically sympathetic to Barber's criticism, I believe that our historicization of Rawls demonstrates that Barber's dilemma is itself a false one. Rawls' work on the theory of justice, far from being a departure from a more material engagement with "historical reality," was produced alongside a necessary historical consciousness. It can be considered political, in the sense that Rawls undeniably recognized and addressed particular political issues, although through an optimistic and general liberal framework rather than with a more particular, situated approach which may be more obviously political. For instance, the theoretical Original Position can nearly directly be read in Rawls' concrete historical-political recommendation of the lottery as a "just selective device" for military conscription. "A lottery," Rawls wrote, "would at least distribute the risk of sharing [the burden of conscription] over all sectors of society and satisfy a minimum standard of justice."<sup>30</sup> Here, Rawls sets up the form of the political subject, endowed with obligations to society – obligations which may be unfairly differentiated and therefore need to be shared. Rawls continues: "a desirable feature of the lottery would be precisely its sharp reduction of the bureaucratic discretion which is so widely diffused under the present system."<sup>31</sup> Like the Original Position, in which all external subjectivity is hidden behind the veil and the undifferentiated political subject must make the world for themselves, here Rawls seeks to discard the meddling of broader institutions in favor of a fairer and more just figure of the obligated citizen. While the Original Position is philosophically 'original' in the sense of being within an undifferentiated void, it has a historical origination which is far from undifferentiated: a close attentiveness to the disparities of class and race in the Vietnam War.

If Rawls' approach formed from the exigency of the Vietnam War, it would prove useful for liberals in understanding the unexpected dominance of the New Right in the decades following the

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<sup>30</sup> John Rawls, "Faculty of Arts and Science Meeting Docket", Folder 2, Box 24, Rawls Papers, 6.

<sup>31</sup> *Ibid.*, 8.



sixties. At a high level, to Rawlsian liberals, the Vietnam War and the rise of the New Right shared a similar philosophical perspective: an imperfect claim to universality which needed to be restored by deftly articulating and repairing inequalities. The Vietnam War was presented as a defense of democracy; Rawls believed the war to be unjust not because the claim itself was false<sup>32</sup> but rather because the carrying out of the claim amplified deeply unjust inequalities. (In)justice in the Vietnam War was, under a Rawlsian view, about the proper distribution of resources (for personal welfare) and responsibilities (to serve the state in dire times). The New Right presented their post-sixties campaign as restoring law and order to a morally broken and economically stagnant society by regulating individual behaviors while deregulating corporate entities. In such a system, inequality is both necessary and even good as a motivation for economic development – an unacceptable conclusion for liberals.<sup>33</sup> As scholars of race, anti/postcolonialism, feminism, and Marxism developed targeted critiques of the system's structural disenfranchisement, Rawlsian liberals took these material ideas and incorporated them into 'revised drafts' for the ideal basic structure of society.<sup>34</sup> Justice in the post-sixties period, then, was also about the proper distribution of resources and responsibilities (to give up part of your wealth).<sup>35</sup> The double gesture of articulating the form of the differentiated political subject and subsuming it into a unified model of the people became an important tool for a biting but hopeful critique of neoliberal economics.<sup>36</sup>

Rawls' conception of political justice bears the tensions and struggles of the sixties, particularly the class and race inequalities which were brutally amplified in the Vietnam War. Liberalism, forced to explain, understand, and guide the social movements of the time, changed to become more 'formally political', opening itself up to formulations of the political subject in

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<sup>32</sup> To differentiate: MLK makes the claim in fact that the war's claim to universality was *false*.

<sup>33</sup> Katherine Loheyde, "The Philosophy of Reaganomics and the Retreat from Equity", *Educational Horizons*, Vol. 61, No. 1 (1982), 100-11.

<sup>34</sup> Forrester, *In the Shadow of Justice*, 225.

<sup>35</sup> *Ibid.*, 230.

<sup>36</sup> By 'hopeful', I mean progressivist – retaining hope in a redeemability of the system.

discovering and pursuing the 'right' universal abstract ideals. Rawls' work, we argued, demonstrates a political consciousness when we read it through a historicist lens. This political dimension, however, did not emerge organically: it came to be as a reaction to the urgency and inescapability of social crises pushed directly into the microcosm of the university and the macrocosm of the national stage by students, protestors, reporters. In many ways, it is these people who bear the real credit for the enduring Rawlsian political edge of American philosophy.

## Works Cited

Barber, Benjamin. "Justifying Justice: Problems of Psychology, Measurement, and Politics in Rawls."

*American Political Science Review* 69, no. 2 (1975).

<https://www.jstor.org/stable/pdf/1959095.pdf>.

Carmichael, Stokely. "Black Power." July 28, 1966.

Forrester, Katrina. *In the Shadow of Justice: Postwar Liberalism and the Remaking of Political Philosophy*. Princeton: Princeton University Press, 2019.

Franklin, Robert Michael. "In Pursuit of Just Society: Martin Luther King, Jr., and John Rawls." *The Journal of Religious Ethics* 18, no. 2 (1990). <http://www.jstor.org/stable/40015108>.

Horton, Carol A. *Race and the Making of American Liberalism*. Oxford: Oxford University Press, 2005.

Jiang, Liwei et al. "Can Machines Learn Morality? The Delphi Experiment." *arXiv*, 2022.

<https://arxiv.org/abs/2110.07574>.

"Letter from James S. Coleman to John Rawls, April 28, 1971." Folder 2, Box 19, Rawls Papers, Cambridge.

"Letter from Thomas Schelling to John Rawls, November 29, 1965." Folder 2, Box 19, Rawls Papers, Cambridge.

Loheyde, Katherine M. Johnes. "The Philosophy of Reagonomics and the Retreat from Equity."

*Educational Horizons* 61, no. 1 (1982). <https://www.jstor.org/stable/42924515>.

Mathis, Klaus. "Future Generations in John Rawls' Theory of Justice." *ARSP: Archiv Für Rechts- Und Sozialphilosophie / Archives for Philosophy of Law and Social Philosophy* 95, no. 1 (2009):

49–61. <http://www.jstor.org/stable/23680984>.

Mills, Charles W. "Rawls on Race/Race in Rawls" in *Black Rights/White Wrongs: The Critique of Racial Liberalism*. Oxford: Oxford University Press, 2017.

Rawls, John. "Proposal for a Military Recruitment Policy." Folder 2, Box 24, Rawls Papers, Cambridge.

Rawls, John. "Questions Re the 2-S Resolution (suggestions only) [1966]." Folder 2, Box 24, Rawls Papers, Cambridge.

Samuelson, Robert J. "Faculty Will Consider Second Draft Proposal." January 6, 1967. Accessed May 11, 2023. <https://www.thecrimson.com/article/1967/1/6/faculty-will-consider-second-draft-proposal/>.

Samuelson, Robert J. "Faculty Shelves Draft Resolution After Debating for Hour and Half." January 11, 1967. Accessed May 11, 2023. <https://www.thecrimson.com/article/1967/1/11/faculty-shelves-draft-resolution-after-debating>.  
<https://www.thecrimson.com/article/1967/1/6/faculty-will-consider-second-draft-proposal/>.

Skinner, Diane. "Foucault, subjectivity and ethics: towards a self-forming subject." Volume 20, Issue 6 (October 11, 2012): <https://journals.sagepub.com/doi/10.1177/1350508412460419>.

Terry, Brandon. "Conscription and the Color Line: Rawls, Race and Vietnam." *Modern Intellectual History*. Volume 18 (2021), 960-983.

"Questions on Reflection: Harvard Review of Philosophy Interview." Folder 12, Box 42, Rawls Papers, Cambridge.