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Rawls, the Age of Justice and the Future of Normativity

Abstract

The paper is devoted to a reconstruction of the anti-utopian realist criticism to Rawls. Rawls' paradigm is coherent with a particular historical period, the one after the second world war, and a significant philosophical legacy. Both these conditions are no longer present, given the crisis of democracy and a philosophical climate characterized by postmodernism and what I call new metaphysics. The main consequence of this absence is the crisis of that normativity which is so central in the Rawlsian model. In conclusion some provisional remarks are provided about the future of political theory à la Rawls.

Keywords: normativity, moralism, realism, J. Rawls

1. *Rawls and the crisis of normativity*

The publication of A *Theory of Justice* in 1971 (hereafter *TJ*), written by the American philosopher John Rawls, produced a revolution in political philosophy (and not only). At the heart of this radical change is the centrality of normativity in political theory. By normativity, I mean a logical and ethical connection between reality and reason capable of orienting action and thought. In political theory, normativity corresponds to an ideal viewpoint from which it is possible to evaluate – this being an observer point of view – the nonideal forms of human behavior and speculate about what justice requires. Normativity has also a more general epistemic role and, for example, being unable to satisfy basic logical criteria is believed to be also rationally defective. An account of normativity represents a key aspect of Rawls' legacy that I aim to discuss in this paper.

I defend normativity in these general terms. However, even if we need normativity, we must nonetheless recognize that it is increasingly difficult to give it faith. Take political theory in the Rawlsian horizon: the hope, perhaps utopian, that thinking about politics is equivalent to planning a normatively plausible design of institutional arrangements capable, in turn, of improving everyone's quality of life, is gradually fading away. Something like this is quite evident to the observer used to following cultural and political events. This fact generates a generally skeptical response. The philosophical background of this widespread skepticism is constituted by what I call the postmodern climate and by a new metaphysics in which "cynical reason" (e.g. Morton 2014) affirms a *sui generis* realism. In both cases, the normativity that would be needed is prevented. In this way, the theory takes up and reformulates the de facto skepticism in which many are immersed. If one asks about the deep structure of anti-normative arguments, one finds that they depend in considerable way on the top-down nature that is usually attributed to them. The idea of regulating a riotous world from above finds increasing resistance. In other words, there is a hiatus between how things should go and how instead they go. This creates an evident problem in taking seriously any normative approach -and most notably Rawls' one – to the logic of politics. The complexity of human interaction makes it difficult to believe in norms that regulate both the use of thought and political behavior. The response of postmodernists and new metaphysicians to this difficulty is to deny the possibility of normative space. In this way, cynical reason throws us into the arms of a hopeless logical nihilism. To which a crude realism, in the manner of Carl Schmitt, may correspond in politics.

The paper is structured as follows. Section 2 presents a reconstruction of the origins of the anti-utopian realist criticism to Rawls. section 3 and 4 show how this model is coherent with a particular historical period, the one after the second world war, and a significant philosophical legacy. There is no doubt that both these conditions are no longer present. The main consequence of this absence is the crisis of that normativity which is so central within the Rawlsian model. Section 5 briefly presents a complex trend in contemporary philosophy constituted by the postmodern climate and by what I call the new metaphysics. This rather anomalous detour -at least in political theory literature – aims to say that such philosophical trend tends, together with the political

crisis of liberal-democracy, to make the traditional conception of normativity very hard if not impossible to adopt. Section 6 goes back to political theory and more specifically to the moralism-realism opposition, a theme on which there is today an endless literature. Here, my intention is not so much to consider the efficacy of the realist criticism of Rawls, but rather to note how this criticism is coherent with the attack on normativity which was previously discussed. Section 7 suggests that both approaches, namely moralism and realism, ultimately need some conception of normativity. This is true, I believe, even if, in light of the contemporary situation, such a conception has to be different from the top-down conception of the past. The last section is devoted to some provisional conclusions about the future of political theory à la Rawls preceded by two warnings: first, Rawls was not so utopian; second, his version of liberty and democracy should not be lost. The last point, but only in order of list, concerns the question mark in the title of this paper: it has been inserted to emphasize the speculative and hypothetical nature of the interpretative hypothesis presented here.

2. *Rawls' criticisms: from the doubts about pluralism to anti-utopianism*

The publication of *TJ* opened what has rightly been called "The Rawls' Era" and in this period, no one in political philosophy -as a critic of Rawls of the caliber of Robert Nozick famously put it- could proceed without taking seriously the new paradigm proposed by Rawls in *TJ*. Thus, a result of what in the introduction I called 'the revolution', political theory, which seemed to have been in its death throes, has become central in both academic and public discourses. The years spent on this horizon have been years of fertile discussion. Not surprisingly, many critics targeted the normative basis of the Rawlsian approach. It seemed to many that the Third Part of *TJ* – dealing with the issue of stability by presenting an idea of congruence between the right and the good – was both utopian in a bad sense (i.e., not reflected in reality) and dangerously contrary to pluralism, which was in fact so central to Rawls' original idea of contrasting a monistic form of utilitarianism.

In fact, at least in the late Seventies and early Eighties, critics of *TJ* were generally more concerned about the problem of pluralism than

about the supposed utopianism or deficit of realism of the theory itself. From this point of view, the thesis that 'A' (note, not 'The') theory of justice could have the effect of making everyone's worldviews coincide with the theory's principles of justice in question seemed at least far-fetched. The widespread influence of the communitarian critique in the 1980s exemplifies this concern. As we know, Rawls went to great lengths to respond to criticisms hinging on the issue of pluralism. The publication of *Political Liberalism* (Rawls 1993) made us realize that there was at least one possibility to read 'Justice as Fairness' in a way compatible with the fact of reasonable pluralism. The fact that this option was the one preferred by Rawls himself had of course a certain importance. As well as the conditions and axioms that had to be adopted to accept the thesis – central to *Political Liberalism* – based on the idea of overlapping consensus. The interlocking of everyone's worldviews (the 'good') with some shared fixed points on essential issues of justice (the 'right') could take place if and only if the idea of a relative neutrality of justice was accepted. In other words, to allow for the model proposed in *Political Liberalism*, it had to be assumed that conflicts over the good were insurmountable, while those over the just could be suitably reconciled within a liberal-democratic regime. The latter was taken as default and as the ultimate foundation of the system's legitimacy. For many of us, perhaps with some hesitation and some differences, such a solution was congenial. This allowed us to continue to think in a Rawlsian horizon.

Throughout this process, the other dilemma posed in the post-Rawls period was at first partially removed. I refer here to the problem of utopianism or, as it would be better to say, of the supposed lack of realism implicit in the Rawlsian paradigm. This criticism, at first quite latent, has, however, spread and strengthened (if one can say so) in recent years. The reasons for this are various, both of historical-factual origin and of a theoretical nature. On the one hand, the liberal-democratic system – which constituted for Rawls the default and the central pivot around which one could build the supposed consensus on the right – was clearly in crisis. Brexit, Trump, jilets jaunes, populism, and regimes from Eastern Europe to China and Turkey seriously questioning the primacy of liberal democracy, also forced doubts about the central axis of the Rawlsian consensus. On the other side, that of theory, in the wake of a paper by Williams (2005),

talk began of an excessive 'moralism' in the Rawlsian approach. The criticism in question was then moved in terms of a contrast with a rather generic 'realism'. Discussion concerning the deficit of realism in the Rawlsian approach has thus become standard in the recent period, as we shall see below, and has usually hinged on a critique of normativity.

In my view, however, more than the argument itself, what matters is the spirit behind it. At least that's what I will argue in what follows. A new spirit, inaugurated in philosophy within what can be called the 'postmodern climate' and present in what I call the 'new metaphysics', seems to be highly skeptical about the idea of normativity itself. Even more, this spirit, that impregnates the postmodern climate and the still vague metaphysical nebula that succeeds it, proves hostile to any rational mediation between reality and knowledge. This last point is relevant not only for the general critique of the Enlightenment and rationalism that is presupposed, but also for the mentality and personal ethics of those who propose this version of political theory. Anyone who has known Rawls is aware of his belief that there is a specific mission of the scholar. A mission that would then consist roughly in a personal commitment to a theory that contributes to improving people's lives beginning with the worst off. The 'cynical reason' that pervades both postmodernism and this new metaphysics insists on the practical impossibility of a civic faith so conceived. It is also of considerable interest that such theoretical skepticism finds a strong match in political reality. Few now trust in the possibility that progressive engagement, whether individual or collective, can generate meaningful results within a liberal-democratic regime. The Rawlsian type of awareness, and the moral commitment that corresponds to it, then becomes for many a merely utopian and fundamentally sterile exercise.

3. *Genealogy of mistrust and anti-utopianism*

In recent years, the hope that normative political philosophy can guide the structure of the major institutions of society to prepare the ground for institutional arrangements capable of improving the quality of collective life, appears to have waned. This normative skepticism invites, in my opinion, to conjugate the *esprit philosophique* of the mo-

ment – which includes the postmodern climate and what I have called new metaphysics- with the accusation of lack of realism to the Rawlsian paradigm.

In general terms, my analysis has a genealogical flavor. The Rawlsian paradigm owes its birth and formidable impact to the conjunction of a political-cultural climate and a general philosophical approach. The political-cultural climate is that of the United States after Vietnam and the civil rights marches. A climate in which widespread protest in the name of social justice needed reconciliation with the basic structure of a liberal democratic society. Which is then the one provided by *TJ*. Behind this book, however, there is also the development that American philosophy had made, all in all making a connection between the liberal-democratic pragmatism of Dewey and the analytical approach in the manner of Carnap. This connection finds perhaps its highest moment in the Harvard School, with the work of Quine, Goodman, and Putnam. This is where Rawls' got his start as well.

Now, fifty years after the release of Rawls' masterpiece, the historical situation has profoundly changed. There is no longer the same echo of a social protest in the name of justice and there is no longer the hope that liberal-democracy can be 'the' way to best address the main political and social problems. Further, there is not even the option of taking the model of the United States as a virtuous example to follow. This widespread distrust has found a philosophical counterpart according to my interpretation – in the post-modern climate and in the spread of a new metaphysics in which a hidden eschatology tends to replace the rationality of tradition. The outcome that most concerns us of the conjunction between widespread distrust in contemporary political culture and a philosophy such as this consists in the possible loss of the normative dimension. By this, generically I mean the crisis of the modern project, a project that – from Kant to Rawls – trusts to be able to find a shared moral and substantial interest from which to derive a vision of a well-ordered society. If this kind of analysis is not fallacious, then the future of political theory after Rawls is at least problematic, and it should pass through a reformulation of the normative dimension.

Before going to the philosophical side of the problem, the next section will return to the genealogical side of it, albeit as merely a sketch. It's not causal – I say – if the normative dimension of ethics and politics expanded in a fortuitous period which I call 'the age of justice'.

4. *The sunset of the age of justice*

We should consider that the period we start from was not only Rawls' Era, but also a particular period in which the discourse on justice was to great extent in harmony with reality. We can call this period the Age of justice.

The idea of justice I am talking about is not legal but rather social, political and economic one. It is first and foremost about how mainstream institutions distribute burdens and benefits of cooperation. By the 'age of justice', I mean a period after World War II in which history, at least in the corner of the world near us, has been benign, countered by political thinking rich in ideals. Historically, this was a period characterized by economic growth, better income distribution, population growth, hopes for a better future, the sharing of multiculturalism, the end of colonialism, the waning of racism, the affirmation of human rights, the realization of a new globalization, the narrowing of the gender gap, and the gradual decline of authoritarianism. In this period, liberal-democracy and prosperity seemed an indissoluble union, so that the end of Italian and German fascisms in 1945 corresponded to a widespread preference for the union in question, and as the years passed the inevitable collapse of communism as well. To this historical period, philosophy and political theory responded with the formulation of the paradigm based on the idea of justice. In this case, the symbolic year is undoubtedly 1971, the year in which *TJ* was published, a book whose theoretical origin is the latter part of the 1950s. In this work, as indeed is the case within the entire paradigm centered on the idea of justice, liberal-democracy is the default under which a combination of freedom and equality is articulated that (in our vocabulary) we would delineate as social-democratic. Freedom and equality were, moreover, the ideal terms in which the intellectual confrontation between US (freedom) and USSR (equality) took place. The paradigm of justice somehow overcame this confrontation and envisaged its resolution within a liberal democratic and progressive vision.

From a philosophical point of view, the 'age of justice' was experienced under the banner of the possibility of rational discussion about values, which is a presupposition for normativity. One could argue, addressing the universal audience, about social justice with the belief that at the end of the discussion one could distinguish right and wrong with

relative objectivity. To many of us, something like that appeared to be the other side of the hope that characterized the historical period as a whole. And, somehow, it seemed to us that we had achieved a definitive breakthrough for political theory. A kind of point of no return, in essence, where the spirit of the age was making sense of itself.

The philosophical background of the 'age of justice' can be better understood comparing it with the past. The preceding years -largely the first half of the 20th century- had seen not only painful mourning but also the philosophical prevalence of the thesis that on matters of value *non est disputandum*. If there is a common aspect of historicism, existentialism and logical positivism -the most relevant philosophical schools of the period- this consists precisely in the impossibility of discussing values rationally and objectively. Hence, in our memory, the idea that the European tragedy of the first part of the 20th century was closely related to this impossibility was gaining ground. In short, after 1945 liberal democracy and prosperity inspired the rationalist substratum of theories of justice, in much the same way as the tragedies of the two world wars inspired the irrationalism about values implicit in the main philosophies of the time. For this very reason, we deluded ourselves that this form of reciprocal action between facts and ideas that had led to the age of justice was a permanent part of some kind of evolution of the human spirit.

That this metahistorical feeling was fallacious – more a fortunate parenthesis than a definitive achievement – has been clear to us in recent years. A period – which began with the financial and economic crisis of 2007/2008 – in which the prevailing *Zeitgeist* seems to have changed. We came out of it with new nationalisms, crises of democracy, the return of authoritarianism, difficulties of globalization, disastrous wars, and mournful pandemics which make the future today as uncertain as ever. How does political theory react to all this? In my opinion, with a progressive realization of the difficulty of discussing values rationally. Which also implies a waning of the 'age of justice'. This, again, is made evident by the most well-known philosophies of our years, beginning with the postmodern temperament, and going to what I call the new metaphysics. These are all philosophies that challenge humanism and the Enlightenment, and ultimately make rational discussion of values impossible. As is also seen in political theory, where skeptical critiques of the paradigm based on the idea of justice are increasingly taking hold.

Thus, once again, the correspondence between the social, political and economic conjuncture on the one hand and the paths of thought on the other can be felt.

5. *The crisis of normativity in contemporary philosophy*

The 'age of justice' -we have said- has been characterized by the prevalence of rational discourse in ethical and political theory. And there is correspondence between this discourse and a historical period of relative collective well-being. The last years saw the sunset of this lucky period. And, coherently, it became difficult to believe in any rational approach to ethical and political theory. This fact has two main philosophical consequences: (i) the general crisis of normativity in contemporary philosophy, which is indirectly connected with Rawls; (ii) the return of skepticism in ethical and political theory revealed by the philosophical attack, in name of realism, to liberalism, which is instead directly connected with Rawls. I discuss the first issue in this section, and the second in next section.

The crisis of normativity has been made evident by what can be called the 'postmodern climate', as I believe that postmodernism is more something like a cultural climate than a proper philosophical direction. The heart of post-modern philosophy – which has planetary influence in post-colonialism and cultural studies – is French. It comes from the joint critique of the grand narratives beginning with Hegel-Marxism, psychoanalysis and structuralism in politics, ethnography, and linguistics. The best-known representatives of that what can be called post-modern philosophy are in fact French, such as Foucault, Derrida, Deleuze, Bataille, Lyotard, even if behind them stand out the figures of great Germans (Nietzsche for Foucault and Deleuze, Heidegger for Derrida, and so on).

It might be hypothesized that postmodern ideas converge to determine a critical and profound revision of the idea of normativity. By normativity, I mean the categorical logic that holds together both a discourse and a practice, if you will the ultimate foundations of truth and justice. This founding normativity is, by post-moderns, deconstructed in the name of the impossibility of any starting point – conceptual as well as practical – that is reasonably shareable. In essence, what emerges is an extreme fragmentariness of every discourse so that any general theory becomes impossible.

The very possibility of a universalist conception of knowledge and practice is declared impracticable here in the name of the impossibility of a collective subject – a 'we' constructor of the theoretical and practical world – capable of such an undertaking. In the place of this 'we', a human subject concerned with his destiny and his specific being in the world as an individual takes over.

The postmodern climate highlights the impossibility of normative thinking and, by implication, Rawls' approach. There are neither epistemic nor ethical-political models capable of providing recommendations with universalistic claims. Yet, this situation leaves us without references. We are as if suspended in a vast horizon without guidance. It is not difficult, therefore, to hypothesize that it is precisely from this impossibility of preserving a sharable idea of normativity that arise both the strong return of the sacred that we have witnessed in recent decades and the need to appeal to a new metaphysics. Within this new metaphysics, being often emerges 'rhizomatically', to quote Deleuze, as an emanation of essences, and only violence, the magical and the sacred can impose decisions in an a-normative world.

Parallel to the impossibility of normativity, linked to such a postmodern climate, one can hypothesize the advent of a 'new metaphysics'. This new metaphysics is inspired by realism. In this case, it is not directly a matter of political realism – which I will consider in section 6 – but of an ontological realism. However, there seems to be a coincidence, not only terminological, between these two forms of realism. If only because the ontological realism in question has a clearly anti-idealist and anti-Kantian figure. In this way, it enters fully into that reconstruction of the crisis of idealism and the critique of normativity that we have presented *ab initio* as the philosophical problem that today faces today anyone who wants to take seriously – as Rawls does – a normative approach.

The new metaphysics is also presented as a reaction to the bewilderment that follows the loss of reality that seems to result from dematerialization and deterritorialization. Not for nothing, the new metaphysics is often and willingly somewhat pre-Kantian in presenting an ontology in which objects emerge as such without the mediation of the subject. At the same time, such an approach appears essentially non-anthropocentric, in this respect consistent with the dictates of the transhuman. The latter and the digital revolution, in conclusion, influence the ontological

nature of the new metaphysics. Which, from this point of view, can also appear as the metaphysical basis of new eschatologies often mysterious and inspired by the magical and mystical. So far, we are on the threshold of what I call the new metaphysics. On the whole, this is a non-academic and widespread philosophy, and here again we can speak of a cultural climate. What postmodernism and new metaphysics have in common is the disappearance of the subject that was instead central in the Kantian idealistic tradition. This disappearance implies the impossibility of conceiving of a collective subject, a 'we' from which one can derive general prescriptions and recommendations.

In this view, the normative space of human thought is questioned. In fact, politics is not a form of knowledge that can be approached from a rational or scientific point of view. With Latour, it is necessary to recognize the space of non-human objects and their way of thinking independently from humans. As in Foucault, what we can do does not depend on choices guided by an ethical-political vision, but on a set of external conditioning within which we are thrown and find ourselves operating. In this sense, we can also find in Harman (2018) a background of evolutionary theory, since our actions are conceived as challenges to the environment that constrains us. The maturity of a politically relevant object-event -whether it is the American Civil War analyzed in Harman (2018) or the Indies Company analyzed in Harman (2017) – then consists in its ability to reach a state of maximum realization of its potential. This is achieved through a series of symbiosis between objects. The outcome of all this consists in the predilection for an object-oriented politics – shared with Bruno Latour- within which there is no reliable knowledge of politics and even less a normative vision that Latour himself branded as 'moralism'. In conclusion, the modern idealism that created the space of the normative is, for Harman, in its twilight years.

6. *Realism/moralism*

The sunset of the 'age of justice' together with a correspondent philosophical turn – which we have connected with postmodernism and the new metaphysics – made, as we have seen, normativity very difficult to be accepted. The most typical way in which the anti-normative trend in-

fluenced the paradigm of Rawls is framed by the political realist attack on the supposed utopianism implicit in his view. It must be noted that this kind of political realism is not directly influenced by postmodernism and new metaphysics. What political realism has in common with these views is only the idea that it is wrong to have a normative approach to politics. One can only consider, from this point of view, that the philosophical climate of the time favored the skepticism that is basic for the anti-normative position of political realists.

The realist critique of the Rawlsian received view is usually proposed in the wake of a well-known distinction made by Williams (2005). This distinction sees on one side the (political) moralism of the received view and on the other side (political) realism. Terms like moralism and realism are necessarily vague and moreover they are very general, so that within them one can distinguish different versions of both moralism and realism, even if – as we will see – while moralism corresponds to a rather precise identity, realism is more a collection of different objections to moralism than an independent paradigm.

Anyway, it is not impossible to draw a basic distinction between these terms. The approach -what Williams calls moralistic- is that of Rawls and the paradigm of theories of justice. It can include, in addition to Rawls, the work of distinguished contemporary scholars such as Dworkin, Nagel, Scanlon, Joshua Cohen, and so on. In principle, moralist authors might be liberal like Rawls. or libertarians, e.g.Nozick, and Marxists, e.g. G.A. Cohen. It can be said that moralism so understood draws its origins from an unbroken tradition that goes back to Aristotle. The approach of the s.c. moralists -as seen by its critics- is straightforwardly normative, if only in the sense that it insists on the prescriptive aspects of a theory, partly neglecting the descriptive ones. In other words, it insists more on what should be done than on the historical and factual situation in which political issues arise and become relevant. It thus presupposes a certain natural harmony between reason and reality, between subject and history. Ethics usually provides the basis on which normative judgments are made. And politics is like a river flowing in the bed of ethics (the metaphor is Nozick's). Although there are various ways in which the derivation of the normativity of the political from ethics can occur, there is no doubt that the political philosophy of the received moralistic view starts from the concepts of good and right more or less in the way Rawls formulated and distinguished them.

In recent years, the critique of normativity so interpreted has become the common basis of realist approaches. In contrast to the ethical normativity of moralists, realists insist on the fact that politics has its own indispensable autonomy. In the realist horizon, politics cannot and must not derive from supposed ethical truths – realists reject what Geuss (2008) called 'ethics first view' – but rather from some events that permanently characterize the reality of politics, among which the most typical is power. Therefore, by realist we usually mean those authors who share a view that the main purpose of politics is (or should be) the attainment and maintenance of power. One cannot think – according to the realist critique – that political theory is simply a tool to provide political prescriptions derived from pre-political ideals of a moral nature (the so-called 'enactment model'). Or, that moral ideals constitute a priori constraints on what politics can do (Rossi and Sleat 2014; Rossi 2012, 2016). Something like this is, for realists, impossible if only because as a rule conflict prevails over consensus and even on concepts such as good and right disagreement reigns supreme. Also in this case, the tradition behind the realists is strong and , from Machiavelli and Hobbes -not to mention Thucydides – to contemporary political realists in the area of International Relations.

In essence, realists criticize that very desire to 'escape from politics' (Galston 2010, 386) which would constitute in their eyes the most obvious characteristic of moralism. Moralists, in this view, would systematically confuse politics with applied ethics. Among other things, in this way they would end up betraying the very liberalism that Rawls and many of his moralist followers hold so dear. In fact, applying ethics with the instruments of politics implies coercion on issues that are basically as controversial as moral issues usually are. And any good liberal should know that where there is disagreement – and in ethics there often is – imposing morality in a coercive manner runs counter to that autonomy of individuals that constitutes an undisputed foundation of liberalism itself.

As noted above, realists are roughly in agreement in their critique of moralism, along the (different) lines proposed by Williams (2005), Geuss (2010, 2017), Galston (2010), and others. However, they do not constitute a unitary paradigm, since -although they agree on the autonomy of politics from ethics and often on the centrality of conflict in the political- they start from different theoretical points of view. There is, for

example, a moderate realism (inspired to Williams) and a radical realism (inspired by Guess 2010 and Mouffe 2011). Thus, different political theoretical paths move in the direction of realism. There is the thread- to which we will return – based on the centrality of legitimacy, dear to Williams, the Nietzschean one, strongly distant from Rawls, of agonism (see Honig and Stears 2011 and Mouffe 2011), the vaguely historicist one of J. Dunn and Q. Skinner (see also in Galston 2010), the critical activist one (e.g. Mills 2005), the liberal institutionalist one (e.g. Waldron 1999) and the republican institutionalist view (e.g. Bellamy 2010). To these are added – especially in recent years- several political scientists of different orientation, sometimes in the US of Madisonian matrix. All have in common their dissatisfaction with the ideal guidance à la Rawls, according to which the ideal theory decides the standards through which any reliable attempt at reform should be practiced. This would distort political theory, make it lose sight of its main object, which is related to the autonomy of politics. As Gray has argued, the real target of Rawls' moralism would not be politics, at most constitutional law (quoted in Elkin 2006 , 358-359, n. 2). In essence, all realists are united by the criticism that the sin of moralists is to exclude the specifics of politics from the heart of political theory.

Many realist authors criticize moralism not directly discussing its moral normativity but rather the primacy of ideal theory within the moralist model as formulated by Rawls. Rawls famously distinguished – in *TJ* (1971, 8-9) – between an ideal theory and a non-ideal theory. In his words, "the ideal part assumes strict compliance and works out the principles that characterize a well-ordered society under favorable circumstances" (*ibidem*, 245). His thesis implies the primacy of ideal theory over non-ideal theory. It can be argued that there is a fairly close relationship between the critique of the primacy of ideal theory and a position inspired by realism in politics. Realists reject the 'ideal guidance' of ideal theory, and the normative level in general, in the name of greater attention to historical facts.

Ideal theory, so conceived, assumes 'strict compliance', that is, not only the development of principles of justice under particularly favorable circumstances but also the full adherence of citizens to these principles once they are aware of them and (hopefully) convinced of them. Only in the ambit of an ideal theory thus conceived, "Existing institutions are

to be judged in the light of this conception" (Rawls 1971, 246). To the ideal theory, then corresponds a non-ideal theory that performs a complementary task, so that "Nonideal theory asks how this long-term goal might be achieved, or worked toward, usually in gradual steps. It looks for courses of action that are morally permissible and politically possible as well as likely to be effective" (Rawls 1999, 89). It is not difficult to believe that the ideal theory, with the assumption of strict compliance that characterizes it, is unrealistic (see Simmons 2010). The non-ideal theory has a more general task, divided as it is into two parts of which "One consists of the principles for governing adjustments to natural limitations and historical contingencies, and the other of principles for meeting injustice" (Rawls 1971, 246). In non-ideal theory there are various cases of non-compliance, ranging from non-compliance within the state which in turn might be voluntary (such as civil disobedience) and non-voluntary (due to causes such as poverty and culture), and to those cases where it is individuals who violate compliance, for example by committing crimes.

It is sometimes argued that Rawls' non-ideal theory does not take sufficient account of specific but systematic injustices such as those involving race and gender. This is true to some extent. But it must be understood that non-ideal theory a la Rawls has a limited purpose and only makes sense within the normative perspective proposed by ideal theory. It serves, in other words, to fill in the gaps between factual reality and the basic just structure that would result from applying the principles of justice of the ideal theory under strict compliance. To this we must add that – in the context of the Rawlsian approach – the very idea of a non-ideal theory would make little sense if there were no ideal theory to precede it. In other words, if non-ideal theory serves to govern situations of relative injustice in the name of principles of justice, then it would be conceptually impossible to determine the extent and nature of these injustices if there were no ideal normative point of reference to inspire. In this way, the realist criticism of the priority of ideal theory within the Rawlsian paradigm reveals itself to be another version of the standard realist criticism of the normativity of moralism.

Therefore, according to the realists, the moralist position is always characterized by a philosophical primacy of the normative: philosophers must deal with the normative aspects of a policy, leaving the implemen-

tation of projects to experts in the various fields. From this point of view, the concept of justice is a normative concept. We link a normative statement to the recognition of an obligation or the making of a publicly comprehensible commitment. As we say, normative statements are usually linked to an 'ought' rather than an 'is'. The reasons why there is an obligation or commitment – reasons that depend on one view of justice or another – are usually derived in political philosophy from justification, that is to say from the "force of the best argument" (Habermas 1991). Where, of course, the problem lies precisely in understanding what kind of reasons these reasons are, and why they are normatively important. It can be said, in very general terms, that we give normative weight to reasons that invoke particularly significant ethical-political values. In other words, the thesis is that the reasons that incorporate values are those on which the assumption of the obligation or commitment mentioned above depends. This is the substance of political moralism, which thereby makes morality as the pivot of normativity prioritized over politics. In contrast, realism intends to give greater autonomy to purely political thought. As Williams argues, political philosophy cannot be a kind of applied moral philosophy.

This kind of objection is reflected in the realist critique of the consensualism implicit in political moralism. For Rawls, the conflict is surmountable in liberal democracy if one shifts the focus from good to right, as is explicitly stated in the doctrine of overlapping consensus in P*olitical* L*iberalism*. But this solution does not always work, as Galston (2010, 391 and ff) argues, following Waldron (1999). There are certainly radical disagreements involving conceptions of the good of persons, but it is by no means certain that unanimity can be found in the domain of the right. The unanimous consensus on the right, desired by moralists, depends – according to these critics – on the fact that, for moralists, politics does not have its own autonomy and specificity, and the same institutions are conceived as instruments at the service of the realization of a previous ethical ideal that is supposed to be shared. But this is precisely the point on which realists disagree. In addition to the fact that, in the vision of moralism thus conceived, little importance is given to institutional procedures and processes.

The opposition is ultimately about the philosophical primacy of the normative, which is judged by many critics to be too abstract and uto-

pian. The principles of justice, in the realist view, cannot be conceived as a priori standards without worrying about the possibility of realizing them. Among other things, there are cases in which the overall scenario does not allow one to believe in the possibility of realizing the principles. Conflict in politics can be irredeemable to the extent that it applies not only to values but also extends to situational analysis. Moreover, again for realists, political disagreement is not only intellectual and can be pervasive and ineradicable: so that in some cases even democracy cannot solve the problems. The same applies to the requirement of full compliance (Galston 2010, 395), seen by many as a mere ideal that is essentially unattainable in any human society.

However, as anticipated in the previous section, the core of this paper is not so much about the relationship between moralism and realism as such. Rather, the attempt is to understand why the realist hypothesis, the critique of ideal theory, the very desire to resize the space of the normative in political philosophy have become -after a long period of silence on the matter- so popular today. As I said above, there is a connection between the current realist trend not only with the political history that sees an undoubted decline of the democratic ideal but also with the crisis of normativity given the general trend of contemporary philosophy. All in all, I am convinced that -as Leo Strauss argued, speaking of modernity- the attack on moralism in the name of realism depends on a progressive crisis of values in today's society.

7. A *rejoinder on normativity for realists and moralists*

So far, I have worked from a complex hermeneutic hypothesis that seems to admit no way out. I argued that Rawls' Era depended – besides the extraordinary quality of Rawlsian work – on a political climate and a philosophical culture. Later both the climate and the culture in question were deconstructed. In the eyes of many, liberal democracy as a basic structure no longer seems to constitute the default from which protest in the name of social justice can find a solution. At the same time, contemporary philosophical culture questions the possibility of a collective subject able to provide a universalistically significant view and option. This makes it implausible to base one's own theoretical hypothesis on

traditional normativity, as has been the case in a centuries-long trend that goes (at least) from Kant to Rawls. On this impossibility basis, the realist critique of the supposed moralism of the Rawlsian received view takes hold and is reinforced. But, in these terms, we seem to find ourselves in a dead end: there are no solutions to the dilemma arising from the crisis of normativity. The received view cannot continue its course without profound changes, some of which are related to the content of the realist critique. But at the same time, realism remains a purely critical view, capable of making serious objections to the Rawlsian view but in turn in need of a normative space in which to affirm its anti-moralistic conception of the political.

In essence, both realists and moralists must find a model of normativity, a model that has to be different from the previous ones. For moralists, accepting by degrees the analysis proposed here, something like this seems obvious. After all, in this field it is only from the perspective of ideal theory that one can understand where injustice reigns. And ideal theory obviously has presuppositions of a normative nature. However, the criticism of the realists leaves its mark. And to a greater or lesser extent, the emphasis on the excess of utopianism that emerges from the realist critique is taken up by various thinkers in the wake of P*olitical Liberalism*. A liberal thinker and overall adherent to the social justice paradigm like Miller (2008, 44) has insisted that we would need politics for earthlings. Waldron (1999), also undoubtedly liberal, explained that the received view of political theory failed because it did not adequately consider the descriptive aspects of the enterprise. In essence, this is the position on the subject of thinkers close to the Rawlsian orientation). Sangiovanni(2008, 158-159), for example,emphasizes concrete institutional conditions as the frame of reference for an interpretation of normative principles as well as their specific functions within concrete political contexts, it can be said that the search for a more equitable relationship between normative and descriptive is on the agenda of contemporary political theory as seen by moralists.

A similar move appears more difficult from the perspective of realists. However, if – as noted above – moralists need a more grounded approach, realists cannot give up a normative platform (obviously different from the traditional platform of moralists). Political Realists' normativity is often implicit and hidden, for example within their

premises and in the way they set the problem. As I said earlier, realists desire a political theory that can deal not with a normative dream but with the specific problems of the political dimension. Problems such as the question of power, the fact of disagreement, the necessity of order given conflict, the very nature of political authority. In substance, realists suggest that the essential and primary purpose of politics is to secure a social order based on authority. But, if this is the point, one cannot avoid asking what makes such an order endowed with authority. The answer can only be normative: the order must appear to citizens as adequately justified and thus endowed with legitimacy.Williams (2005, 1-2), from whom much of the realist critique has taken its cue, has no doubt about this. If, in fact, he argues that the first political problem arises "in Hobbesian terms … /consist in/ the securing of order, protection, safety, trust, and the conditions of cooperation", with equal conviction he asserts that each state has the task of "satisfying the basic legitimation demand" (BLD), which in turn requires to "offer a justification of its power". The justification in question need not be the liberal egalitarian justification of Rawlsian moralists, which in turn responds to the demands of Western modernity. Instead, it can be consistent with the historical period and culture of reference. The main difference with respect to moralists would consist – if we follow Williams – in the fact that it would not be a question of appealing to a moral normativity that takes priority over politics, but rather to a morality within politics. This latter hypothesis is not too different from that of Rawls in *Political Liberalism* and from theorists such as Miller (2008; 2016), Waldron (1999) and Sangiovanni (2008) who are inclined to take institutional realism seriously.

Obviously, realists are not satisfied with the liberal vision, which justifies legitimacy in terms of ideal consensus. Nor, however, can they accept the reduction of politics to power and the adherence to the maxim 'might makes right'. Instead, the BLD for Williams assumes that there are normative conditions that justify legitimacy so that political power in the proper sense can be distinguished from pure and simple domination. This proviso requires a normative basis, though it is a normativity that is less general than that of the moralists and more related to history and context. As Larmore (1999, 607) argues, "The moral ideals to which the latter view [moralism] appeals are bound

to prove controversial, forming part of the problems of political life, rather than providing the basis of their solution". In essence, realist legitimacy must distinguish the realist paradigm from mere effectiveness in command, but at the same time it must not collapse into political moralism. It cannot thus derive from moral conditions external to politics. From this perspective, Williams (2005, 5) – discussing the moral nature of BLD, says: "If it is, it does not represent a morality that is prior to politics. It is a claim that is inherent in there being such a thing as politics". In this way, even the realist approach accepts the space of the normative, within which there are also moral values. The condition for this to happen is that the legitimacy of a political power depends on the convictions of those who are subject to it. Therefore, normative judgments on legitimacy that judge the past from today or that are intercultural and made from the outside are not consistent.

The thesis that can be derived from these observations is that – considering the reasons and limits of the two main visions (moralism and realism) – today it is necessary to think of a vision of normativity that goes beyond these limits. This vision should keep in mind two theoretical requirements that are indispensable for any good political theory. I call these needs descriptive plausibility and normative adequacy, respectively. A good political theory must be descriptively plausible, in the sense of being not only capable of providing an adequate description of the facts but also of showing how these same facts are best explained if the theory in question is relied upon. However, a good political theory must also be adequate from a normative point of view, that is, capable of indicating a direction of development that is inspired by ideals of justice and stability compatible with the theory itself.

Both realism and moralism in their original formulation are unable to maintain the mentioned standards of normative adequacy. Realism in fact lacks an explicit normative dimension that often remains implicit in the folds of the explanatory and descriptive account of the theory. At the same time, moralism while providing a normative version, ends up – as we have seen – often confusing social justice with applied ethics or worldly religion. From the analysis of these theoretical deficits of realism and moralism comes the need for a theoretical turn in social justice and political theory in general.

8. To *conclude somewhere*

I said *ab initio* that the main purpose of this paper is to suggest a philosophical hypothesis concerning the post-Rawls period, trying to see critically if and how its cultural, philosophical and political foundations can persist after Rawls' Era. Something like this presupposes a willingness to analyze some philosophical consequences of the contemporary cultural and political climate. From this point of view, it was sufficient for us to say that the classical view of normativity no longer holds in the wake of the shocks of postmodernism and the new metaphysics on the one hand, and the crisis of liberal-democracy on the other. At the same time, we argued that a conception of the normative nonetheless serves both Rawlsian liberals and their realist critics.

This last section is devoted instead to two collateral aspects of the question. First, are we – I wonder – so sure that it is correct to criticize Rawls as the standard bearer of a traditional normativism? Is it right, in other words, to crush him on a quasi-platonic interpretation of normativity, or rather is Rawls not able to offer us a more nuanced position? Second, could it not be an error to abandon the liberal egalitarian normativity à la Rawls with its democratic background? Don't we risk, exposed to this temptation, to throw away the baby with the bath water?

In fact, I think we can argue – with the support of the texts – that Rawls is not only a moral philosopher who ventures into politics, but also – as we mentioned at the beginning – a social critic in his own right. His pages against inequality and against meritocracy to affirm universal self-respect speak clearly from this point of view. And the same can be said for the sections of T*heory* devoted to the circumstances of justice and civil disobedience. In all these sections, Rawls does not merely offer an abstract set of reflections but anchors his vision in a precise social and political context to which an unwavering commitment to the worst-off corresponds. In these terms, Rawls' theory is an undoubtedly political, able to respect that autonomy of politics whose lack constitutes – as we have seen – one of the main points of criticism of the realists to the moralists (Rawls included, according to them). If what I have just said were true or even only plausible (as I believe), then one could say that the realist criticism of moralism is – at least in the case of Rawls- a misunderstanding of the Rawlsian message. Above all, the idea of the

realists that s.c. moralists (including Rawls) have a vision of motivation and human action that is far removed from reality would be misleading.

Moreover, the thesis, typical of realists, that liberal moralists like Rawls no account of the nature and effects of power could be false. I do not pretend to say, with these words, that realists' criticisms of liberal moralists are entirely wrong, but only the more modest claim that their criticisms are often directed at a version of liberal theory that does not exist or only partially does. Rawls' liberalism rests not only on moral considerations but on the deep conviction that profound social change is indispensable if we are to live in a decently just society.

In the second place, and beyond questionable interpretations of Rawls, the danger of a too-radical critique of his paradigm consists in the risk of losing the ethical and political advantages of an egalitarian liberal democracy together with the fear of marrying the ineffable, the magical, the mystical or even violence. The Rawlsian paradigm, from this point of view, constitutes a political ideology in the good sense. The attack on this ideology is increasingly carried out in the name of the futility if not harmfulness of ideologies as such.

Instead, in my view, we should return to a climate in which a political theory properly justified, still constitutes the normative horizon within which the political flourishes. We started from the difficulty of applying models to the real world with which we are confronted. This is a prima facie epistemological question, no doubt, but its political-ideological significance should not be underestimated: normative approaches to politics vanish as part of a more general skepticism (which characterizes contemporary philosophical thought).

It comes as a natural output of such consideration to try to understand how this can be remedied. There are two options: either the nihilistic, magical and authoritarian consolation as it happens within the anti-normative climate of postmodernism the new metaphysics, or the attempt to give new logical and practical space to normative models. I opt for the second. But what does it mean to hypothesize a kind of alternative model with respect to tradition? It means transforming the vision of what is normative. The sphere of the normative concerns what ought to be, from both the logical and the ethical-political points of view. The normativity of tradition descends on reality from above, like the principle of the excluded third or the categorical imperative. The transforma-

tion of models that I have in mind implies new options in which models, instead of descending from above, partially ascend from below. It is an evolutionary vision of normative models, of making the mindset compatible with the reality of the facts. The future of normativity, and consequently of the Rawlsian model, seems to depend on the capacity to find plausible models of normativity from below.

References

Bellamy R. (2010), "Dirty Hands and Clean Gloves: Liberal Ideals and Real Politics", *European Journal of Political Theory*, vol. 9, n. 4, pp. 412-430.

Elkin S.J. (2006), *Reconstructing the Commercial Republic: Constitutional Design after Madison*, vol. 2, Chicago, University of Chicago Press, pp. 358-359.

Galston W.A. (2010), "Realism in Political Theory", *European Journal of Political Theory*, vol. 9, pp. 385-411.

Geuss, R. (2008), *Philosophy and Real Politics*, Princeton, Princeton University Press.

– (2010), *Outside Ethics*, Oxford, Princeton University Press.

– (2017), "Realism, Wishful Thinking, Utopia", in S.D. Chrostowska and J.D. Ingram (eds), *Political Uses of Utopia*, New York, Columbia University Press, pp. 233-247.

Habermas J. (1991), *The Structural Transformation of the Public Sphere: An Inquiry into a Category of Bourgeois Society*, Cambridge (MA), The MIT Press.

Harman G. (2017), *Immaterialism: Objects and Social Theory*, New York, John Wiley & Sons.

– (2018), *Object-Oriented Ontology*: A *New Theory of Everything*, London, Penguin.

Honig B. and Stears M. (2011),"*The New Realism: From Modus Vivendi To Justice*", in J. Floyd and M. Stears (eds), *Political Philosophy versus History Contextualism and Real Politics in Contemporary Political Thought*, Cambridge, Cambridge UniversityPress, pp. 177-205.

Larmore C. (1999), "The Moral Basis of Political Liberalism", *The Journal of Philosophy*, vol. 96, n. 12, pp. 599-625.

Mills C.W. (2005), "'Ideal Theory' as Ideology", *Hypatia*, vol. 20, pp. 165-183.

Miller D. (2008), "Political Philosophy for Earthlings", in D. Leopold and M. Stears (eds), *Political Theory: Methods and Approaches*, Oxford, Oxford University Press, p. 44.

– (2016), "How 'Realistic' Should Global Political Theory Be? Some Reflections on the Debate So Far", *Journal of International Political Theory*, vol. 12, pp. 217-233.

Morton T. (2014), "How I Learned to Stop Worrying and Love the Term Anthropocene", *Cambridge Journal of Postcolonial Literary Inquiry*, vol. 1, n. 2, pp. 257-264.

Mouffe C. (2011), *On the Political*, London, Routledge.

Rawls J. (1971), *A Theory of Justice*, Cambridge, Harvard University Press.

– (1993), *Political Liberalism*, New York, Columbia University Press.

– (1999), *The Law of Peoples*, Cambridge, Harvard University Press.

Rossi E. (2012), "Justice, Legitimacy And (Normative) Authority For Political Realists", *Critical Review of International Social and Political Philosophy*, vol. 15, n. 2, pp. 149-164.

– (2016), "Facts, Principles, and (Real) Politics", *Ethical Theory and Moral Practice*, vol. 19, pp. 505-520.

Rossi E. and Sleat M. (2014), "Realism in Normative Political Theory", *Philosophy Compass*, vol. 9, n. 10, pp. 689-701.

Sangiovanni A. (2008), "Justice And The Priority Of Politics To Morality", *Journal of Political Philosophy*, vol. 16, pp. 137-164.

Simmons A.J. (2010), "Ideal and Nonideal Theory", *Philosophy & Public Affairs*, vol. 38, pp. 5-36.

Waldron J. (1999), *Law and Disagreement*, Oxford, Oxford University Press.

Williams B. (2005), *In the Beginning Was the Deed: Realism and Moralism in Political Argument*, ed. by G. Hawthorn, Princeton (NJ), Princeton University Press.