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PAUL CLEMENTS

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# Rawlsian Political Analysis



RETHINKING THE  
MICROFOUNDATIONS  
OF SOCIAL SCIENCE



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*To Aedín*



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## Rawlsian Political Analysis



# Introduction

## Why Rawlsian Political Analysis?

*Ontology precedes methodology.*

### New Microfoundations for Social Science

Good and bad and right and wrong are our most fundamental moral concepts. We are instructed from early childhood to “be good,” we want what is good for ourselves and for our families and friends, and we like to be good at our jobs and at other tasks that are important for us. For Americans, the right to the pursuit of happiness, associated with achieving the good, is enshrined in our Declaration of Independence. We all know, too, that we should try to do what is right. Learning right from wrong is an important part of growing up, and to be right with one another is to have our relationships in good order. In our political discourse, no value exceeds doing what is right.

The distinction between the good and the right, and the consequences of this distinction for social analysis, is the topic of this book. Since the 1950s, Anglo-American political scientists, economists, and other social scientists have been trying to found political and social analysis on the analytics of the good, neglecting or relegating to a subsidiary order the analytics of the sense of right. I argue, however, following Immanuel Kant and John Rawls,

1. that the sense of right is just as fundamental as is the sense of the good,
2. that these two senses are somewhat independent from one another and operate according to different dynamics, and
3. that these two senses and only these two are consistently fundamental to our practical decision making.

These senses and no others form the basis for practical reason. If these claims are true then we need a new political analysis, and this is the analysis this book aims to launch.

Some social scientists have argued that decision making can be modeled in terms of rational utility maximization, which boils down to each person (rationally) maximizing the satisfaction of his or her interests (including the interest we take in the good of others). To satisfy our interests, in this view, is to achieve what we take to be our good. This model lies at the foundation of rational choice theory and of neoclassical economics, and it stands as the only established microfoundations for political or social analysis. When contemporary political scientists or economists speak of microfoundations, this is the model to which they refer.

Among neoclassical economists this model is completely normative and uncontroversial. Almost every economic analysis relies on the assumption of rationality, implying that the decisions and choices of the people under consideration can be modeled as aiming to maximize the satisfaction of their interests. Among political scientists, however, (and among sociologists and historians as far as their disciplines use this model) it is a very different story. Here rational utility maximization as a model of choice is highly controversial, and although most political scientists probably use some findings from rational choice theory, only a minority could be considered adherents to this theory and most consider it inadequate as a basis for the work they do.

I argue that rational choice theorists and economists have simply got their model of choice wrong. To the extent that the model works, it is because the sense of the good (represented by our interests) is one of the two foundations for practical decisions.<sup>1</sup> It is serviceable enough to assume rational utility maximization when analyzing some kinds of voting patterns and power politics, rates of inflation, and changes in prices.

This assumption is not much use, however, for analyzing the social and political dynamics underlying most social problems. In fact, our practical decisions are influenced as much by our principles, the cognitive objects of the sense of right, as by our interests, the main cognitive objects of the sense of the good. For this reason, social analysis based on both the right and the good, on principles as well as interests, will provide accounts of social relations that are more coherent, more satisfying, and more true. Rawlsian political analysis, as I call it, provides the firmer basis for understanding our social world, and, understanding it, for changing it.

I appreciate that these are rather audacious claims. This introductory chapter will lay out the forms of evidence I offer to support them and summarize the main points of my arguments. The model of choice that I propose, however, borrowed from Kant and Rawls, means more for political science than just showing how better empirical arguments can be developed. It also has consequences for how we understand the role of political science, what we are doing when we do political science, and for the ethical frameworks from which we should approach social analysis. That it should have these kinds of consequences will come as no surprise to anyone familiar with the work of Kant and Rawls.

I should state at the outset that adopting their model of choice does not imply accepting their ethics or epistemologies wholesale, much less accepting all of Kantian metaphysics (some of which Rawls rejects). However, I think it does require accepting the main lines of the structures of their ethical theories as plausible. We have to take many of their conclusions seriously even if we do not completely buy them.

In particular, I will argue that adopting his model of choice requires that we accept Kant's view that our experience of the world is based as much on our own cognitive capacities and on the concepts and categories we bring to perception as on the nature of external reality. When we do political analysis, one thing we are doing is constructing (reinforcing, revising, deepening) our conceptions of right, conceptions that form a basis for our engagement with subsequent practical problems.

I will also argue that accepting this model of choice leads to accepting Rawls's "original position," the viewpoint he establishes for selecting principles of justice, as appropriate for approaching problems of social justice generally. In the original position, we consider questions of social



justice as if from behind a “veil of ignorance,” that is, as if we did not know our level of wealth or our position in the distribution of natural talents, political power, and so on. Excluding this kind of knowledge, we arrive at a perspective from which we can consider social problems fairly, free from biases that might arise from our individual interests. As vulnerable social agents with compelling interests and regulative senses of right, when we are going to address questions of social justice, this is the appropriate place to start.

Kant is widely regarded as the preeminent philosopher of the Enlightenment, and Rawls, who largely adopts and extends Kant’s ethics, is the preeminent political philosopher of the last half century. Kant, of course, wrote long before Darwin, but Rawls does not engage with evolutionary theory or the associated science either. Writing on models of choice today, however, in the first decade of the new millennium, as the science advances and evolutionary perspectives have begun to seep into common sense, this connection needs to be made. From an evolutionary perspective, interests can be explained straightforwardly in terms of desires for food, sex, and territory, but how can an equal place in choice for principles or sentiments of right be reconciled with evolution? I build on Marc Hauser’s account of sources for the sense of right particularly in primate evolution to argue that the sense of right is grounded in our cognition of expectations, that is, of the regularity of the natural world.<sup>2</sup> However, this and other components of the sense of right could not produce moral emotions such as guilt and resentment until language came to be well developed. Both interests and principles are basic cognitive objects that we can alter through reflection and that contribute to constructing our world, but although interests are grounded in natural desire, principles are associated with conceptions of the shape and structure of social worlds infused with agency.

When I say that principles and interests are cognitive objects, I mean literally that they are embodied in structures of neurons in our brains. To say they are fundamental to decision making is to say that these structures are engaged when we make decisions, contributing to their content. To say that they operate according to different dynamics is to state the hypothesis that the structures of neurons that embody principles and interests operate according to distinct sets of patterns, probably located in different regions of the brain (and probably with some overlap). Although there

are differences in dynamics among principles and among interests, the differences between the sets are greater than the differences within the sets.

One might have interests in getting a job or a promotion, in reading the *New York Times*, in keeping one's weight down, or in going to a party. When economists assume that people are interested, say, in maximizing their incomes, formally they may only imply that people's behavior can be expected (on average, to some extent, in specified contexts) to be consistent with this assumption. This formal assumption, however, must eventually be made good in particular choices and these choices in patterns of neural activity. Also, it is hard to keep the formal use of terms such as "rational self-interest" rigorously distinct from common, everyday self-interest. We sometimes say that someone has an objective interest (in studying to do well in a class, for example) that may differ from their subjective sense of their interests (when they want to go out with friends instead) or that they may not properly understand (say when a young person rides a motorcycle without a helmet). The tension between so-called objective and perceived interests is, of course, one of the basic justifications for scholarship and education.

My use of the term "principle" is broader, and more formal, than the way the term is often used in common speech. Many people might recognize responding aggressively to a threat or giving credit where credit is due as principles, but they might not think of stopping at red lights or greeting neighbors cheerfully when meeting them on the street as principles. But the cognitive processes underlying all these actions fit the pattern of a principle. Principles underlie our senses of right, justice, fairness, appropriateness, legitimacy, and propriety, so when something strikes us as, say, appropriate, it is because an event has conformed to our principle. When we feel indignant, resentful, or vengeful it is due to the violation of a principle, and principles are invoked by sentiments of loyalty, honor, and obligation. The fixed ideas someone might refer to as "my principles" are a subset of that person's principles as I understand them.

### The Kantian Model of Choice

I follow Rawls's example in appropriating central features of Kant's model of choice. Whereas Rawls builds a theory of justice on this model,

I build a new form of social analysis. Of course Rawls's application of the model changes it,<sup>3</sup> and mine does too, but in both cases the essential features of the model remain. Kant takes practical reason to consist of two parts, one empirical and the other pure. Empirical practical reason always involves an object in the world, and it is on this basis that it is defined. For example, if I hurry to a performance in order to find a good place to sit, I am employing empirical practical reason. Since interests normally involve objects (the object in which the interest rests), insofar as rationality supports the pursuit of interests it falls within empirical practical reason. In Kant's lexicon, "pure" refers to an operation of the mind that does not involve impressions from the senses. Our reason is practical when it is employed in guiding our actions. It is practical and pure when we choose an action because it accords with a principle.<sup>4</sup> For example, if after my partner cooks the dinner I choose to wash the dishes because that is fair, I am employing pure practical reason.

In Kant's model the imperatives of empirical practical reason are hypothetical and those of pure practical reason are categorical. A hypothetical imperative of empirical practical reason (an interest) is one we follow depending on the configuration of conditions in the world, and as a means to something else. Kant defines a categorical imperative as "one which represents an action as objectively necessary for itself, without any reference to another end."<sup>5</sup> Here he has in mind an imperative of morality (a principle), which has to do "not with the matter of the action and what is to result from it, but with the form and the principle from which it results."<sup>6</sup>

Kant's pure practical reason becomes "the reasonable" for Rawls, while empirical practical reason becomes "the rational." Rather than defining "the reasonable," Rawls specifies two of its aspects as virtues of persons. First,

persons are reasonable . . . when, among equals say, they are ready to propose principles and standards as fair terms of cooperation and to abide by them willingly, given the assurance that others will likewise do so.<sup>7</sup>

Second, reasonable persons are willing

to recognize the burdens of judgment and to accept their consequences for the use of public reason in directing the legitimate exercise of political power in a constitutional regime.<sup>8</sup>

Here we see that the cognitive capacity that underlies the reasonable is the sense of fairness.<sup>9</sup> The reasonable involves the ability to generate an idea of what is fair in particular circumstances (necessarily a generalized idea) and to use such an idea to guide one's behavior. The second aspect of the reasonable, the willingness to recognize the burdens of judgment, involves the demands that are placed on the sense of fairness in the political life of citizens in a constitutional regime. While this aspect gives an idea of the scope of application of the sense of fairness, and it helps to express the role of the reasonable in Rawls's idea of political liberalism, it is not essential to the cognitive capacity *per se*.

The capacity that we call "the sense of fairness" is also expressed in our senses of right, justice, legitimacy, appropriateness, and propriety. We can think of these as a family of senses expressing the same cognitive capacity, or as terms that describe applications of one underlying sense in different contexts. They all operate on the basis of a logic of principles, and their principles work by ruling some actions or states in and others out. If an action strikes us as, say, unjust or illegitimate, we can explain this sense by naming the principle that we take to have been violated. We may also sometimes take an action simply because it is fair or right, and to do so is not to act from self-interest. In such a case it would be incorrect to say that we are acting in order to promote any particular interest, whether ours or another's, although the action may indeed serve particular interests. One might say that a just action promotes the interest of justice, but this is metaphorically to personify justice.

To include the reasonable within the microfoundations of political analysis is to take motivations associated with the sense of fairness—those discussed above and related sentiments such as guilt, indignation, resentment, and vengeance—to be no less central to political decisions than motivations associated with interests and notions of the good. This requires an analysis that can account for manifestations of these senses in our political and social world, one in which explanations for political phenomena may be worked out in terms of these senses and

their associated motivations. It bears noting that while Kant and Rawls hope to help us to clarify our reflections on principles, perhaps so that we might lead more ethical lives or so that a more just society might be attained, a practical political analysis must come to grips with the actual principles upon which political action is based, however unsavory these may sometimes turn out to be.

In order to model the relationship between principles and interests in cognition, however, it is useful to start from what Rawls calls “ideal theory.” In *Groundwork for a Metaphysics of Morals* Kant presents *the* categorical imperative, which he thought to be the supreme principle of morality, in several formulations. A familiar one is, “act only in accordance with that maxim through which you can at the same time will that it become a universal law.”<sup>10</sup> In his lectures on Kant, Rawls argues that the principles in *Groundwork* are those “from which a fully ideal reasonable and rational agent would act, even against all object-dependent desires, should this be necessary to respect the requirements of the moral law. Such an ideal (human) agent, although affected by natural inclinations and needs, as we must be belonging to the natural world, never follows them when doing so would violate the principles of a pure will.”<sup>11</sup> Here Rawls sets up a framework for the relationship between categorical and hypothetical imperatives, or principles and interests. He views one function of principles as essentially negative in the following way: they exclude the pursuit of some interests. We have no moral reason not to act on those interests that the categorical imperative does not exclude.

Rational choice theory conceives of the person as possessing a set of interests, which in a given practical situation yields a schedule of preferences.<sup>12</sup> Given the person’s beliefs about a practical situation, this schedule in turn yields an ordering of options and, possibly, the selection of a unique utility-maximizing choice. The sequence can be schematically represented as:

Figure 1.1 Rational Choice Model

Interests → Preferences → Choice

In the Rawlsian view of the person, however, both the reasonable and the rational, principles and interests, are sources of volition. I follow Rawls in

identifying rational choice theory's interests as hypothetical imperatives.<sup>13</sup> Let us call them "Interests<sub>h</sub>." It is also possible for the person to adopt the promotion of a principle as an interest (e.g., when one takes an interest in promoting justice).<sup>14</sup> Let us call such interests "Interests<sub>c</sub>." However, the reasonable, as cognitively represented in our principles, also excludes from consideration some interests associated with hypothetical imperatives that we would otherwise affirm. Therefore the significance of our principles for our interests can be represented as:

Figure 1.2 The Reasonable Guides and Restricts the Rational

Principles  $\rightarrow$  Interests<sub>c</sub>, ~~Interests<sub>h</sub>~~

Even for Kant's ideal agent, however, there are some hypothetical imperatives that the categorical imperative does not exclude. Also, the categorical imperative sometimes leads directly to choice, without establishing an interest.<sup>15</sup> Therefore the Kantian model of choice can be represented as:

Figure 1.3 Kantian Model of Choice

Interests<sub>h</sub>  
 Principles  $\rightarrow$  Interests<sub>c</sub>, ~~Interests<sub>h</sub>~~  
 Interests<sub>h (remaining)</sub>, Interests<sub>c</sub>  $\rightarrow$  Preferences  $\rightarrow$  Choice  
 Principles  $\rightarrow$  Choice

The person starts with interests and principles. Principles lead to the establishment of certain interests and to the exclusion of others. The remaining interests based on hypothetical imperatives as well as those (perhaps few) interests based on categorical imperatives serve as the basis for a schedule of preferences, which (as in rational choice theory), in a particular situation yields a choice. As in rational choice theory, choice is also informed by the person's beliefs, but this can be omitted here because there is no difference between the two models in this respect. Finally, the Kantian model includes a pathway to choice that is foreign to rational choice theory, which is when a person makes a choice because it is consistent with a principle. Clearly, it is this feature of the model that distinguishes it

absolutely from the rational choice model. The deliberation in the choice made in accordance with a principle is not one of maximization.<sup>16</sup>

In cognition, the separation of principles from interests is not always clear and distinct. I think we should take Kant as indicating that principles and interests represent distinct forms of thought or deliberation that are central to practical reason. In some cases a decision may be influenced by both principles and interests. Indeed, Kant argues that reasoning is not necessarily transparent to the reasoner, and an action that one takes to be motivated by a principle may be influenced by an interest in ways that one may not acknowledge or even comprehend.<sup>17</sup> The philosophical challenge has been to demonstrate that principles can be independent of interests. In the well-known scenario he uses to support this point, Kant argues that a man must admit that when threatened with execution if he fails to give false testimony against someone whom his prince would like to destroy under a plausible pretext, it would be possible for him to overcome his love of life.<sup>18</sup> Granting the fundamental and distinct roles of principles and interests in cognition, for the purposes of social analysis we can then relax the constraints on principles imposed by ideal theory; a husband may hold the principle that his wife should both cook and wash dishes because that is a wife's role, and a parent may hold that a child should obey the parent unquestioningly. If self-interest enters more strongly into the formulation of the principle than perhaps it should, that does not much affect how the principle functions in cognition.

### Principles, Norms, Values, and Identity

A defining feature of the model I propose is that principles form the basis for social norms. A norm is nothing more than a widely shared principle. The norms that shape our culture are implicit in our language, and we learn them in childhood by hearing them asserted and by observing how they order social relations (i.e., how they are interpreted and applied). Once we have learned them, they shape our expectations for the behavior of others, and we interpret others' behavior in terms of the norms/principles we have already adopted. If we think of particular principles as important to our identity, they are specific principles that

we have selected or on which our actions have been based in important life events and that we have chosen to affirm.

In ordinary speech it is not unusual for the terms “values” and “principles” to be used as synonyms. Someone may place a high value on telling the truth, and also affirm telling the truth as a principle. The concept of “values,” however, as it is derived from the concept of value, occludes the distinction between principles and interests. If we hold to a principle, it translates into one of our values, and we also value what we see to be in our interest. We generally have deeper and more considered attachments to values than to interests, and to interests than to mere preferences. (A preference is the residual, so to speak, after applying our relevant principles and interests to a given case, or one of a set of options in the event of a tie.) Compared to a principle, however, a value has a more individualistic connotation. A principle has a warrant to recognition beyond that it belongs to someone. While both values and principles express identity, our links to society are more likely to be expressed by principles.

Despite their connecting us with others, we think of our principles as very much our own. When we identify a norm, however, we are acknowledging that it is held by “most people,” or by a particular group. There are two ways in which we are likely to encounter a norm, from the outside and from the inside. As a visitor to a foreign country, we are likely to remark on how local norms differ from the ones with which we are familiar. “To think that the drivers stop here when they see a pedestrian in the cross walk!” or “If you don’t ‘tip’ the customs officer here you are likely to spend several hours at the airport!” When we encounter norms from the outside, it is like learning the rules of a new game (particularly if we plan to participate for some time) and/or it is part of coming to understand a complex external phenomenon (a society, an organization).

When we encounter a norm from the inside, it is likely that we are becoming aware of its present force or significance for us or for someone else. It may be a minor realization leading to routine compliance, such as when I recall the way I should address the president of my university when I meet him in the library. Or it may involve a twinge of guilt and an effort to compensate, such as when I realize how long it has been since I extended hospitality in my circle of friends. Often our compliance with social norms is barely conscious; we know and follow many complex



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