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MAN IS THE MEASURE OF ALL THINGS: MARCUSE AND RAWLS ON HUMAN NATURE

MANUSIA ADALAH UKURAN SEGALA SESUATU: MARCUSE DAN RAWL TENTANG HAKIKAT MANUSIA

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ABSTRACT: In the development of post-war philosophy, the thought of the Frankfurt School thinkers has been seminal in pushing the boundaries of the discipline. One of these thinkers include Herbert Marcuse (1898 – 1979). Consequently, in the realm of moral and political philosophy, the post-war philosophy that was plagued by the interlocking clash between the consequence-based utilitarian theories and duty-based Kantian theories has found its new ground in Rawlsian liberalism, spearheaded by John Rawls (1921 – 2002). Using qualitative textual data found in the most important works of both philosophers, this paper would explore the ways in which Marcuse's ideas have influenced Rawls in his outlook on human nature. Examined through the framework of secularization outlined by Syed Muhammad Naquib al-Attas (1931 –), the direction of influence has also intensified the process of "deconsecration of values," hence characterizing a more secular worldview.

Keywords: Secularization; Liberalism; Moral; Values.

ABSTRAK: Dalam perkembangan filsafat pasca-perang, pemikiran para pemikir Mazhab Frankfurt telah memainkan peran penting dalam mendorong batas-batas disiplin tersebut. Salah satu pemikir tersebut adalah Herbert Marcuse (1898–1979). Di sisi lain, dalam ranah filsafat moral dan politik, filsafat pasca-perang yang dipenuhi benturan antara teori utilitarian berbasis konsekuensi dan teori Kantian berbasis kewajiban menemukan landasan baru dalam liberalisme Rawlsian yang dipelopori oleh John Rawls (1921–2002). Dengan menggunakan data tekstual kualitatif dari karya-karya utama kedua filsuf tersebut, artikel ini mengeksplorasi cara-cara di mana gagasan Marcuse memengaruhi pandangan Rawls tentang hakikat manusia. Ditinjau melalui kerangka sekularisasi yang digariskan oleh Syed Muhammad Naquib al-Attas (1931–), arah pengaruh ini juga memperkuat proses "pendesakralan nilai," sehingga mencirikan pandangan dunia yang lebih sekuler.

Kata Kunci: Sekularisasi; Liberalisme; Moral; Nilai.



A. INTRODUCTION

In the discourse of modern moral philosophy, Rawls's ideas have occupied a special place in which anybody that wishes to discuss the problem of justice in the modern context will need to go through his framework of liberal justice.¹ As any ideas in the history of philosophy, no idea can emerge in a vacuum, and so does the Rawlsian ideas of justice. At its base, there are assumptions about the foundation of morality, politics, and most importantly, human nature. This paper will argue that parts of Rawls's understanding of morality were influenced by the conception of morality as understood by another thinker who hailed from the so-called Frankfurt School, Herbert Marcuse in one important aspect: the idea of human nature.

At the same time, the modern Western world is also characterized by an important process that influenced their worldview, namely secularization. According to Syed Muhammad Naquib al-Attas, this process happened through three sub-processes, namely (1) deconsecration of values, (2) disenchantment of nature, and (3) desacralization of politics.² By focusing on only one sub-process, viz. deconsecration of values, this paper would explore how, through the influences of Marcuse's ideas on Rawls's in the aspect of human nature, the secularization of the modern Western philosophy has continued to happen.

In short, deconsecration of values refers to a process where the basis and meaning of "values" that govern the discourse of moral philosophy are divorced from any sacred or religious-based foundations. "Value" is now seen purely in the way of how human beings construct meaning around its society through various processes. This will be the theoretical basis from which both ideas and how one influenced the other will be examined.

To understand how Herbert Marcuse's ideas influenced John Rawls' conceptions of human nature, it is essential to first examine the foundational frameworks of their respective philosophies. Herbert Marcuse, a prominent figure of the Frankfurt School, offered a sharp critique of modernity and capitalism through a multidimensional analysis

¹ See the Kukathas & Pettit, *Rawls: A Theory of Justice and its Critics* (London: Polity, 1990), p. 1- 16.

² See Syed Muhammad Naquib al-Attas, *Islam and Secularism* (Kuala Lumpur: ABIM, 1978; reprinted Kuala Lumpur: Ta'dib International, 2019) p. 31-33. Similar theme of discussion was also raised in Harvey Cox, *The Secular City* (Princeton, N.J.: Princeton University Press, 2013), 26-29. The idea of secularization as "disenchantment of the world" was also raised by Max Weber in his *Essays in Sociology* (New York: Oxford University Press, 1958), p. 323-340 and *Sociology of Religion* (Boston: Beacon Press, 1964), p. 47-48. For a more contemporary narrative of secularization in the modern Western society, see Charles Taylor, *A Secular Age* (Cambridge, MA: Harvard University Press, 2007), p. 377-420.

encompassing economics, culture, and psychology. In his book *Eros and Civilization*, Marcuse proposed the idea of humanity's emancipatory potential rooted in human nature itself. He emphasized the importance of *Eros* or the life instinct as a driving force for liberation from social repression. According to Marcuse, human nature is not only shaped by social structures but also possesses an inherent transformative potential to transcend oppressive conditions.

John Rawls, on the other hand, based his theory of justice on the concepts of the *original position* and the *veil of ignorance*. Through these concepts, Rawls sought to construct universal principles of justice by eliminating individual biases stemming from social, economic, and other attributes. Rawls' assumptions about human nature reflect a view that individuals are rational agents capable of choosing principles of justice that benefit all parties fairly. However, underlying this framework are elements that reveal the influence of Marcuse's emancipatory ideas, particularly the belief that humans possess the potential to govern themselves ethically and rationally.

To examine the issue of the relationship between the ideas of Marcuse and Rawls's ideas related to morality, the number of studies is still scarce. Many of the theoretical studies that attempted to observe their relationship are looking at them in an indirect way, which permits an avenue to reevaluate and review their relationship of ideas. In this section, I would first outline the most important studies on this topic first.

First, Arnold Farr in his paper "Repressive Justice: Marcuse, Adorno & the American Attempt to Live the Wrong Life Rightly," explained that the idea of contemporary moral and political philosopher such as Rawls were indebted to Marcuse and Adorno, especially in understanding the basic structure of society.³ The paper established common grounds between Rawls, Adorno, and Marcuse. However, the work did not focus on how Rawls' normative theory can be further related to Marcuse.

Secondly, the chapter of "Political Pluralism in Hegel and Rawls" in Andrew Buchwalter's book, *Dialectics, Politics, and the Contemporary Value of Hegel's Practical Philosophy* explained a specific notion of Rawls' idea of morality in the modern society, and how it is indebted to Hegel.⁴ The chapter explains that Rawls is related to

³ Arnold Farr, "Repressive Justice: Marcuse, Adorno & the American Attempt to Live the Wrong Life Rightly," in *Communities of Peace* (Leiden, The Netherlands: Brill, 2011; p. 23-50).

⁴ Andrew Buchwalter, *Dialectics, Politics, and the Contemporary Value of Hegel's Practical Philosophy* (London: Routledge, 2015).

Hegel, but it did not specifically explain that it was Marcuse's interpretation of Hegel and the concept of liberation and tolerance that has entered the Rawlsian corpus.

Thirdly, Jeffrey Bercuson in *John Rawls and the History of Political Thought: The Rousseauvian and Hegelian Heritage of Justice as Fairness* explained in more detail on how Rawls was indebted to the interpretation of Hegel offered by the critical theorists, and one of them is Marcuse.⁵ The book related Rawls' ideas to Hegelian concepts of society, however it did not specifically explain how Rawls' moral ideas can also be related to Marcuse's ontology of society.

Finally, Katrina Forrester's book, *In the Shadow of Justice* explained specifically the origins of the Rawlsian concepts.⁶ His idea of tolerance was related to how the social movements of the 1960's which one of the leaders was Marcuse. However, the book focused more on the political side of the movements that influenced Rawls' ideas, and the moral concepts still needed to be elaborated.

In short, much of the literature focused on the relationship between both thinkers are employing a general historical analysis to examine their ideas together. In this paper, I would supplement these studies with a more specific analysis based on the idea of morality espoused by both thinkers.

B. RESEARCH METHODS

This method involves a critical examination of primary texts authored by both Herbert Marcuse and John Rawls, such as *Eros and Civilization* and *A Theory of Justice*. The aim is to identify key themes and arguments concerning human nature, moral philosophy, and their underlying assumptions. Additionally, secondary sources, including critical commentaries and analyses of both thinkers, are utilized to contextualize and deepen the interpretation of their works.

C. RESULT AND DISCUSSION

1. Marcuse's Idea on Human Nature

Some of the most important works of Marcuse about human nature include *One Dimensional Man* (1964), *Reason and Revolution* (1941), *Eros and Civilization*

⁵ Jeffrey Bercuson, *John Rawls and the History of Political Thought: The Rousseauvian and Hegelian Heritage of Justice as Fairness* (London: Routledge, 2014).

⁶ Katrina Forrester, *In the Shadow of Justice* (Princeton, NJ: Princeton University Press, 2019).

(1955), and his collection of essays. Most of them completed in the 1950's and 1960's, which chronologically coincided with efforts to reinvigorate grand theorizing in justice theory within political and moral philosophy spearheaded by Rawls, among others.⁷ This paper will focus on the idea of the “self” as projected through the writings of Marcuse, and the elements which influenced Rawls' theory.

In the context of Marcuse, the inspiration for the idea of human nature lies in the affirmation of the Freudian psychoanalytical theory. This can be seen very clearly in *Eros*, where he explained the nature of repression in creating human identity. For Marcuse, civilizations are products of repression of the innate psychosexual desires, which needs to be liberated. Repression, in Marcuse's context, means a process of “restraint, constraint, and suppression” of the natural human desires and tendencies.⁸ This repression works at both levels, namely the *epigenetic* or *ontogenetic* (personal, individual) and *phylogenetic* (society) levels.⁹ These two are interrelated, and they are historically acquired by human beings as they begin to make sense of the world around them in relation to their own selves.

At the same time, there are two types of repression that gives effect to human identity, and by extension, human civilization. These are the “basic” and “surplus” repressions. “Basic” repression refers to the fact that a person will need to repress certain innate desires in creating knowledge and technologies to make sense and acquire mastery over nature. When human culture becomes more complex and civilization expands, “surplus” repression will come into the picture. This refers to the further repression of desires to make way towards “cultural ideal” and the demands of a civilized society. In civilizations, there will be institutional structures and arrangements, which include the modern bureaucracy.¹⁰ The amplification of institutional reach and power in line with modernity as a social phenomenon incited Marcuse to attempt to further elucidate the concept of surplus repression as a factor

⁷ See Kukathas & Pettit, *Rawls: A Theory of Justice and Its Critics*, p. 10-16; Freeman, *Rawls* (London: Routledge, 2007), p. 8-11; Pogge, *John Rawls: His Life and Theory of Justice*, p. 26-27; and Forrester, *In the Shadow of Justice* (Princeton: Princeton University Press, 2019), p. 1-25; among others.

⁸ Marcuse, *Eros and Civilization*; p. 21-54 passim.

⁹ *Ibid.*, p. 55-64.

¹⁰ Marcuse was inspired by the Freudian analysis of repressive individuals, and he expanded this idea to explain his concept of “human needs” and the problems of capitalist civilization in terms of “basic” and “surplus” repressions. See Herbert Fingarette, “Eros and Utopia,” *Review of Metaphysics* 10 (1956), 660-665. On the expansion of psychoanalysis to supplement Marxist critique of capitalism, see Joel Whitebook, “The marriage of Marx and Freud: Critical Theory and Psychoanalysis” in Fred L. Rush (ed.) *The Cambridge Companion to Critical Theory* (Cambridge, Cambridge University Press, 2004), p. 82-89.

that creates the modern human's understanding of him/herself. This line of arguments is also influenced by an earlier thinker within the Frankfurt School, Georg Lukacs.¹¹

In discussing identity, the ultimate question to be asked is about the source of individual identity. Where does an individual get the ideas that characterize the denominator of their identities as a person? From the previous paragraphs, we could see that for Marcuse, the construction of personal identities vis-à-vis the other (nature, other people, etc.) is part of the "basic repression" happening when individuals are making sense of their own existence. This repression is properly understood as the subjugation of the natural erotic needs of the body towards other forces, and through these forces, the ideal of morality and of culture is created. The primacy of the needs of the body, namely physical needs for sexual gratification, is repressed and translated into moral expectations of the society, and even the idea of the self originates in the function of the repression. As the society creates "false needs" in the consciousness of individuals, a perverted image of the "self" is constructed and assumed to be "true needs," as explained by Marcuse:

We may distinguish both true and false needs. "False" are those which are superimposed upon the individual by particular social interests in his repression: the needs which perpetuate toil, aggressiveness, misery, and injustice. Their satisfaction might be most gratifying to the individual, but this happiness is not a condition which has to be maintained and protected if it serves to arrest the development of the ability (his own and others) to recognize the disease of the whole and grasp the chances of curing the disease. The result then is euphoria in unhappiness. Most of the prevailing needs to relax, to have fun, to behave and consume in accordance with the advertisements, to love and hate what others love and hate, belong to this category of false needs.¹²

And, at the societal level, this perversion of the individual instincts and true needs is manifested by "surplus repression":

Throughout the recorded history of civilization, the instinctual constraint enforced by scarcity has been intensified by constraints enforced by the hierarchical distribution of scarcity and labor; the interest of domination added surplus repression to the organization of the instincts under the reality principle. The pleasure principle was dethroned not only because it militated against progress in civilization

¹¹ Other Frankfurt School thinkers, especially Lukács (1923) has expounded the idea of reification in Lukács, *History and Class Consciousness*, p. 83-109. It is defined as a reality constructed by the relations of power in society that serve as a "smokescreen" to disguise the real suffering and repression of individuals. See also Adorno & Horkheimer, *Dialectics of Enlightenment*, p. 94-110. For a critical summary, see Axel Honneth, *Reification: A New Look at an Old Idea* (Oxford: Oxford University Press, 2008), p. 21-40.

¹² Marcuse, *One Dimensional Man*, p. 7.

but also because it militated against a civilization whose progress perpetuates domination and toil.¹³

In this point, we could detect how the traditional idea of the self, as soul and body, as something traditionally assumed to be higher than just a physical being, is being reduced to only the unattained gratification of the physical body. Of course, the notion of the soul is spiritual and metaphysical in nature, and most explanations on the concept of the soul has its root in religions, such as Christianity in the case of the West. We will consider the role of religion in morality more specifically later. This reduction of the origin of “selfhood” into purely a consequence of repressed physical needs means shifting the metaphysics of the self to be devoid of higher existences than the physical-empirical realm, thus continuing the deconsecration of the human self as a subject of morality. Next, coupled with the reified nature of the modern society, identity of the self is consolidated.¹⁴ Institutions and civilizations are created through an extended process of “surplus repressions,” as mentioned above. These institutional configurations that make up the values in society will further inform how a person sees him/herself.

By implication, the origin of selfhood according to Marcuse can also be understood as the origin of basic moral values. The values are now not objective values that could stand on its own and possess its own axiological criteria, but just a consequence of the basic and surplus repressions. The origins of selfhood and of moral values here because it is detached from the traditional spiritual basis, now becomes material in its focus. In Rawls, we could see that the objective of the society is to distribute the primary goods, ultimately rooted in the material bases of the said society.¹⁵ Even though Rawls does not attribute any importance towards the erotic side of an individual as Marcuse (and Freud), his theory stands on the idea that identity is also a function of the workings of society, as implied through the method of the Original Position (OP). From the discussion of the primary goods in Rawls, we could see how Rawls was giving focus on the material, physical, and social things to be distributed, and conveniently neglects any supra-physical consideration of the identity

¹³ Marcuse, *Eros and Civilization*, p. 40.

¹⁴ In *One Dimensional Man*, Marcuse explained further about how modern advanced capitalism further subverts the idea of “true needs” and “false needs.” See Marcuse, *One Dimensional Man*, p. 169-173.

¹⁵ Rawls, *Theory*, p. 3-5, p. 78-81.

of the person.¹⁶ Basis of morality is built through the Kantian method of categorical imperatives, which ultimately might and can still be a relativistic moral theory.¹⁷ Here, we could detect how the Frankfurt School theory affected Rawls through the dialectical understanding of identity and the construction of justice (as a concept determined by structural configuration of meanings, not an ontology) in the OP:

Now the reasons for the veil of ignorance go beyond mere simplicity. We want to define the original position so that we get the desired solution. If a knowledge of particulars is allowed, then the outcome is biased by arbitrary contingencies. As already observed, to each according to his threat advantage is not a principle of justice...The arbitrariness of the world must be corrected for by adjusting the circumstances of the initial contractual situation.¹⁸

Before Rawls, normative political philosophy rarely focused on the issue of the construction of identities. Rawls made identity and its process of construction as an integral question in considering the principles of justice to be applied in a society. Even though Hume did also have a reasoning method of the “impartial spectator,”¹⁹ the Rawlsian Original Position is more extensive in the sense that the focus on the external factors that define identities of persons.

2. Rawl’s Idea on Human Nature

From the very beginning, Rawls was not interested to delve into the traditional metaphysical discussions of human nature, and most of his discussions on the topic revolve around the political and moral implications of certain propositions on human nature.²⁰ Before any discussion about morality, it is important to start with assumptions about human nature in terms of the essence and components of humanity, human action, human freedom, and human rights. All these will inform the basis in which we understand the individual persons in order to argue about morality. Rawls did not

¹⁶ Ibid, p. 380-382. For a critical evaluation, see Arneson, R. J. “Primary Goods Reconsidered” *Noûs*, 24, 3 (1990), 429–454.

¹⁷ Rawls, *Theory*, p. 221-227. See also John N. Hooker, “Kant and Cultural Relativism,” *Research Gate*, 1996, accessed on Feb. 2, 2022, https://www.researchgate.net/publication/2724667_Kant_and_Cultural_Relativism.

¹⁸ Rawls, *Theory*, p. 122.

¹⁹ See David Hume, “Of the Original Contract,” University of Colorado, 1748, accessed on Feb. 2, 2022, <https://rintintin.colorado.edu/~vancecd/phil215/Hume.pdf>. The “impartial spectator,” according to Hume, is an imaginary arbiter that will evaluate the claims of justice made by different hypothetical parties in an impartial manner.

²⁰ This was not the case since the beginning of Rawls’ life. He started his early education with the prospect of becoming a priest, and his undergraduate dissertation at Princeton was a philosophical investigation of the concept of “sin” and “faith” in the Christian theology. See Rawls, *An Inquiry into the Meaning of Sin and Faith*, p. 1-20; and Freeman, *Rawls*, p.1-11.

venture to reinvent the idea of human nature, but he took elements of the idea of human nature from his predecessors among the Kantian, liberal, and the contractarian tradition in Western philosophy.²¹

The question of human nature must involve the question of human identity. As individuals are part of their societies, everyone must be influenced by whatever identities that the society is telling them to identify themselves with, and the factors that make up identities include status, religion, race (broadly conceived), education background, economic standing, political stand, culture, and so on. As Rawls' conception of a person is the political person, not a metaphysical one, it brings into question on what kind of political arguments to be used as a basis of understanding the human identity? If identity is rooted in metaphysics, and human nature is an aspect of identity, therefore any moral conception, and any political conception at all, could not escape metaphysical commitments.²² The "political" itself is a loaded term. We need to understand how Rawls approach this conundrum, and we find answers in one of Rawls' writings here:

Thus, the aims of justice as fairness as a political conception is practical, and not metaphysical or epistemological. That is, it presents itself not as a conception of justice that is true, but one that can serve as a basis of informed and willing political agreement between citizens viewed as free and equal persons. This agreement when securely founded in public political and social attitudes sustains the goods of all persons and associations within a just democratic regime.²³

Next, one indispensable element of Rawls theory in arguing about the most morally superior conception of justice is the Original Position (OP). To understand the OP, we must first understand the notion of Justice as Fairness (JF) as proposed by Rawls to be the basis of unity for the entirety of his theory. This idea came from a realization that in a modern liberal and democratic society, we could not deny the fact that everyone will have different conceptions about what is just and what is unjust, and most of the time, the causes of the difference would be the social standing, economic position, and the life history of the individual concerned. Therefore, in view of this

²¹ Rawls, *Theory*, p. 10. For a commentary of Rawls' usage of Kantian and other Enlightenment ideas in his understanding of the human psychology, see Andrew Levine, "Rawls' Kantianism," *Social Theory and Practice*, Vol. 3, No. 1, Spring 1974; p. 47-63. See also Michael L. Frazer, "John Rawls: Between Two Enlightenments," *Political Theory*, Vol. 13, No. 6, Dec. 2007; p. 756-780. Other commentaries explained that the concept of Kantian autonomy is the focal point of Rawls' idea of human nature. See Catherine Audard, *John Rawls* (Stocksfield: Acumen, 2007); p. 15-18.

²² As demonstrated in Kant, *Groundwork of the Metaphysics of Morals*, p. 7-18.

²³ Rawls, "Justice as Fairness: Political Not Metaphysical," *Philosophy and Public Affairs*, Vol. 14, No. 3. (1985), p. 225.

difference in notions of justice and the context of each individual's lives, Rawls needed to search for a reasoning method to get to the best conception of social and political justice possible. This method must then realize the condition that every person is free and equal—in the Lockean sense—and have the equal space to put forward their conception of justice for that particular society.²⁴

From here, the idea of the OP comes about. The OP is a thought experiment and is hypothetical in nature. It is an imagined situation where every citizen participates in an imaginary discussion to choose the best conception of justice for everyone. This situation happened outside of the working of current society, and it happens before the current society works and functions. In other words, the purpose of this imaginary discussion is to set rules and concepts required by justice that will dictate institutional arrangements when they re-enter the real-life society after that. Therefore, it is an *ex-ante* reasoning device, as we imagine it to happen before the society functions. Every person in the OP is assumed to be able to put forward their conception of justice in an equal manner, and everyone will stand behind the Veil of Ignorance (VI). The VI is an assumption that everyone in the OP will not have knowledge about their economic and social standing in their real lives, their affinities, their personal preferences, their talents, capital and assets, and so on. These participants are also assumed to be rational and reasonable persons, but non-altruistic in nature. To explain this part, these persons will first and foremost think about his or her welfare, but the problem is he or she will never know who he or she is in the real world. To solve the problem of ignorance, Rawls contended that every participant must think about what conception of justice that will guarantee maximum welfare for everyone, so that everyone will not face a bad situation if it so happens that they belong to the lowest strata of the society in the real world. This will lead us to the maximin criterion in his second principle of justice, which will be explored later. In Rawls' own description of the OP:

It is assumed, then, that the parties do not know certain kinds of particular facts. First of all, no one knows his place in society, his class position or social status; nor does he know his fortune in the distribution of natural assets and abilities, his intelligence and strength, and the like. Nor, again, does anyone know his conception of the good, the particulars of his rational plan of life, or even the special features of his psychology such as his aversion to risk or liability to optimism or

²⁴ Rawls, *Theory*, p. 102-105.

pessimism. More than this, I assume that the parties do not know the particular circumstances of their own society. That is, they do not know its economic or political situation, or the level of civilization and culture it has been able to achieve. The persons in the original position have no information as to which generation they belong. These broader restrictions on knowledge are appropriate in part because questions of social justice arise between generations as well as within them, for example, the question of the appropriate rate of capital saving and of the conservation of natural resources and the environment of nature. There is also, theoretically anyway, the question of a reasonable genetic policy. In these cases too, in order to carry through the idea of the original position, the parties must not know the contingencies that set them in opposition. They must choose principles the consequences of which they are prepared to live with whatever generation they turn out to belong to.²⁵

In the OP, individuals will put forward and debate the different conceptions of justice and will come out with the best conception. In this situation, there is no difference in status, position, or influence from one individual on the others, so everyone's equality of moral worth will be guaranteed. In this condition of equality, the requirement of JF will be fulfilled, in which the conception of justice is chosen from a situation of fairness, which means equal space for participation of everyone involved from that particular society. Here, we could understand that in the OP, individuals will choose based on the influence of identities which he or she acquired (or possibly acquire) in real life. Identity here is assumed to be determined by external factors in the society, not the inherent tendencies and orientations of the human soul as espoused by the traditional philosophers.

After we have covered Rawls' treatment on the identity of individuals through his explication of the reasoning device named the OP, we will move on to explore on how Rawls understood the concept of the society. Probably the simplest manifestation of the Rawlsian society is that it is a "cooperative venture for mutual advantage." This is a normative statement, of what a society should be from his perspective. He began his magnum opus with these premises:

Let us assume, to fix ideas, that a society is more or less self-sufficient association of persons who in their relations to one another recognize certain rules of conduct as binding and who for the most part act in accordance with them. Suppose further that these rules specify a *system*

²⁵ Rawls, *Theory*, p. 118-119.

*of cooperation designed to advance the good of those taking part in it. Then, although a society is a cooperative venture for mutual advantage, it is typically marked by a conflict as well as by an identity of interests. (Emphasis mine.)*²⁶

It is always based on cooperative ventures, be in formally or informally, directly, or indirectly, but there are always questions whether the venture will be for mutual advantage or to the contrary. The reason why Rawls was critical towards the libertarian approach towards society is not only that it is too individualistic, but it can also produce unjust outcomes which will marginalize the populations which are already disadvantaged in terms of capital possession, economic power, political participatory capabilities, and/or certain disabilities. On the other hand, the utilitarian perspective will also be detrimental to the project of justice, since according to Rawls, it does not take the individual existence or every person seriously in its moral consideration. Here, it is understandable why Rawls depended on the Kantian concept of humanity contra utilitarian as a basis of his arguments.

To realize the nature of cooperation in a society as a cooperative venture, Rawls adopted the contractarian approach to his reasoning methods, and one of the elements derived from this is the OP. The contractarian approach, which can be connected back to the ideas of Rousseau, Kant, Grotius, and Hume, serves a double purpose: to realize the modern liberal vision of a free and equal persons, and to translate the rationality of persons in the reasoning method.

Furthermore, the cooperation and workings of society that will translate into justice or injustice are attributed to the basic institutions. This is a very modern assumption, in which he accepted the modern bureaucratic machinery without further questions. From the very beginning of his magnum opus *A Theory of Justice* (TJ), he stressed that the subject of justice is the basic institutions in a society, and that “justice is the first virtue of social institutions, as truth is of systems of thought.”²⁷ However, we should not confuse here between the “institution” that we often understand them today with the definition of “institution” put forward by Rawls. In the popular public understanding, an institution refers to an organization built by a group of people to serve a certain purpose. However, in the Rawlsian sense, an institution refers to basic

²⁶ Rawls, *Theory*, p. 4.

²⁷ Rawls, *Theory*, p. 3.

economic and social relationships which has a specific purpose in its existence within the context of the modern bureaucratic state. In his own words:

Now by an institution I shall understand a public system of rules which defines offices and positions with their rights and duties, powers and immunities, and the like. These rules specify certain forms of action as permissible, others as forbidden; and they provide for certain penalties and defenses, and so on, when violations occur. As examples of institutions, or more generally social practices, we may think of games and rituals, trials and parliaments, markets and systems of property. An institution may be thought of in two ways: first as an abstract object, that is, as a possible form of conduct expressed by a system of rules; and second, as the realization in the thought and conduct of certain persons at a certain time and place of the actions specified by these rules... The institution as an abstract object is just or unjust in the sense that any realization of it would be just or unjust.²⁸

As such, there are things which can be considered institutions but is not considered so in the mainstream understanding of the word—the national border, agreements with a loan shark, informal rotating credit of *kut* in Malay society,²⁹ and marriage, for instance. An implication of the primacy of institutions in Rawls' reasoning is that justice is the individual is not the primary locus of a notion of justice anymore. The focus on institution as a subject of justice produces some kind of a de-personalization of justice, and a reduction of justice from a metaphysical concept into a political discourse. This shift of focus will then obscure the fact that injustice can be done by a person towards him/herself, not only by a person towards others in the society. The inward-looking focus of traditional discussion on justice, such as the Aristotelian or the conception by al-Farabi,³⁰ will always start with the nature of the human soul, as the soul is assumed to be the innermost identity of a person.

When justice is applied to basic social institutions, these institutions will be arranged according to what justice requires. Consequently, all allocation and distribution of goods, offices, benefits, burdens, and the basic social welfare will follow the institutional arrangements. Here, the assumption is that there are institutions that will affect every aspect of social and political lives, and through the just

²⁸ Ibid., p. 47-48.

²⁹ The *kut* is a widespread phenomenon of the Malay credit culture. It could be seen practiced among schoolkids, urban office workers, or even mosque-goers. See, for example, Suriati Ghazali, "Kut (Informal Rotating Credit) in the Livelihood Strategies of Urban Households in Penang, Malaysia," *Area*, 35.2 (2003), 183-194.

³⁰ See, for example, Nadja Germann "al-Farabi's Philosophy of Society and Religion" *Stanford Encyclopedia of Philosophy*, 2021, accessed Feb. 23, 2022, <https://plato.stanford.edu/entries/al-farabi-soc-rel/>.

arrangement of these institutions, justice in the distribution of benefits and burdens can be achieved. In the OP explained above, the participants will choose the best arrangement of benefits and burdens in the society, and the subject of the arrangement will be the basic social and economic institutions. In this regard, Rawls is differentiating his model of a just society with the traditional European-style welfare state (because it is easy to assume that the distributive criteria decided in the OP will be achieved through a welfare state allocation), where the allocation of benefits based on welfare is done after economic activities happen. The private gains through economic activities are taken by the government and redistributed according to whatever ideal distribution aspired in the welfare state. The Rawlsian approach, on the other hand, focuses on prior institutional arrangements, so that any economic activities that happen will yield and conform with the two principles of justice, in which we will focus now.

The two principles of justice, in its final form according to Rawls are:

First principle: Each person is to have an equal right to the most extensive total system of equal basic liberties compatible with a similar system of liberty for all.

Second principle: Social and economic inequalities are to be arranged so that they are both:

- (a) to the greatest benefit of the least advantaged, consistent with the just savings principle, and
- (b) attached to offices and positions open to all under conditions of fair equality of opportunity.³¹

Both principles are to be arranged in a lexicographical manner. In other words, the second principle can only function if the first principle is fulfilled. This has also been agreed to by the participants in the OP. The reason why we need to explore the two principle at this point is that Rawls has assumed some very important aspects about human societies in the modern context through these two principles. The first one is the primacy of liberty. This stands on the assumption that individuals should have autonomy based on their own rational plans, and the liberty meant here is what Constant called “liberty of the moderns,” in contrast to “liberty of the ancients.”³² It

³¹ Rawls, *Theory*, p. 266.

³² Rawls explained this point in *Theory*; p. 176-177. For a commentary of how Rawls understood the idea of liberty with reference to the earlier Western thinkers, see Samuel Freeman, *Rawls* (London: Routledge, 2007); p. 44-59. See also Thomas Pogge, *John Rawls* (New York: Oxford University Press, 2007); p. 85-91.

is the only way to realize the rational faculty inherent in every person, and the idea that everyone is born free and equal. But the question is, why does modern political philosophy emphasize so much on the primacy of liberty? The classical and pre-modern notions of politics do emphasize the idea of the polity and the individual, but the idea of the unencumbered self, detached from the workings of the fabric of society as a subject of analysis is a peculiarly modern idea, a secularized self. When Rawls were explaining his ideas of liberty, the idea has also been secularized further and there were also influences of Marcuse in the discussion.

The second principle has two main elements, namely the equality part and the fair equality of opportunity part. The first part of the second principle holds that inequality can only be justified if it could guarantee the highest gain for the lowest strata of the society. In TJ, Rawls argued this point based on a graphical explanation, where a guarantee for the lowest level of society would mean the best choice for the whole society. Next, the second part holds that a formal equality of opportunity, namely the idea that every person in a competition would compete based on equal rules and nobody is given any privilege, is not enough to solve the problem of historical inequality based on luck and unequal starting points in life. This formal equality of opportunity is often known as meritocracy, where everyone will compete *equally* for something. For Rawls, justice as fairness also requires us to deal with the fact of historical inequality, where a person who started in a poor family might not be able to compete in a job interview with a person coming from a superrich family. This is due to numerous factors, including the different education levels, connections, soft skills, business dexterity indirectly learnt from the family, and many more. Therefore, for Rawls, the basic institutions must make sure that the people affected by historical inequality to be guaranteed certain form of assistance, so that when the time comes for them to compete with others, they could compete on a *practically* equal standing.³³

Based on the second principle of justice above, the assumption behind Rawls' argument is that the structure of society is a unified socio-economic complex that could affect every member within it. This is due to the nature of the modern capitalist economy, merged with the modern bureaucratic state. Their actions, in turn, will also

³³ On the idea of fair equality of opportunity, Rawls explained this in *Theory*, p. 73-78. For a commentary, see Freeman, *Rawls*; p. 88-98. For an application of this concept in policies, see Thomas Nagel, "John Rawls and Affirmative Action," *The Journal of Blacks in Higher Education*, No. 39 (Spring, 2003), p. 82-84.

be an effect of how the society is assigning benefits and burdens on them. It assumes that the entire complex of distribution of benefits and burdens will come from institutions, which is modern in nature.³⁴ It conveniently neglects the possibility that in a developing society or not-yet-fully-bureaucratized ones, some goods or benefits might be supplied in an extra-institutional manner.

D. CONCLUSION

In his idea of human nature, Marcuse denied the existence of a separate soul which he dismissed as an idea from “bourgeois philosophy.” Instead, he came out with the idea of “the inner history of individuals,” in which there is no “essence” that characterize an individual, but rather, it is created through the dialectical relationship of the individual and the forces of nature and society. For Rawls, the individual soul is not considered something important as a basis of the discussion of justice. In his discussion on the Original Position and the Veil of Ignorance, he stressed the importance of historical and societal creation of individual “essences” in terms of their identities and conceptions of justice.

Above all, we have observed that the development of the Western moral philosophy is following a path of secularization, specifically in the process of “deconsecration of values” as discussed by al-Attas. In this chapter, we zoomed in to the specificities of the ideas of Marcuse and Rawls, and through the influence of Marcuse, we could observe the continuing process of deconsecration of values in aspect of human nature. Values pertaining to the conception of human nature is divorced from its relationship with the soul, then the ultimate arbiter of moral truth cannot consist of any universal “value,” since they are just construction of human identities and histories.

Using the framework of secularization, more specifically the process of deconsecration of values as explained by al-Attas, we could observe that in the Western experience of reasoning about morality, the conception of “human nature,” as the receptacle and bearer of “values” itself has been secularized. The aforementioned process show that the basis of value based on the idea of human nature which have been deconsecrated in the long history of Western moral philosophy, are being further deconsecrated in the influences of Marcuse on Rawls.

³⁴ This complexity of modern society which becomes the focus of Rawlsian theory is explained in Pogge, *John Rawls*; p. 28-34.

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