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A R T I C L E

Fairness in the Thought of John Rawls and Auguste Comte*[1]

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The article presents a comparison between some aspects of the socio-political theories of Auguste Comte and John Rawls. Its aim is to highlight certain elements that approximate and distance the two authors from one another in terms of political objectives and theoretical-methodological procedures, particularly on the basis of the Comtean perspective. The result is surprising: applying the mutatis mutandis methodological clause, i.e., considering the different socio-political contexts, there are more elements that approximate Rawls to Comte than elements that distance them from one another. After the introduction, an argument in favour of comparison as an analytic resource is presented; next, some aspects of Rawls's thought, then of Comte's, are set out. I conclude with a comparative assessment of the two.

Keywords: Fairness; Comparison; Auguste Comte; John Rawls.

Introduction

Raymond Aron (1999, chapter 5) took pleasure in belonging to a sociological tradition, which, though French, was Anglophile. From Montesquieu through Tocqueville to Élie Halevy, Aron saw in these authors a tradition he himself carried forward, of thinkers who considered French political and social problems based on solutions found in England. Beyond this — or perhaps *due* to this —, Aron was an author who made extensive and conscious use of comparison between authors and thinkers as an analytic resource in order to understand social realities. These comparisons, rather than being mere exercises in erudition or analyses of the coherence of authors' thoughts, served to highlight important

variables in the explanation and understanding of the themes under appreciation. In other words, they actually were analytic resources in the Political Sociology that he practised.

In this article, I propose to conduct an analytic exercise very close to that which Aron practised, comparing some aspects of the political theories of Auguste Comte and John Rawls. In fact, I suppose this proposed dialogue, confrontation perhaps, between these two thinkers would please Raymond Aron due to their marked differences in style of thought, in writing style, in analytic perspectives and in immediate political consequences — though both reasoned in *more geometrico* terms and sought, as Comte would say, the realization of public liberties and the social incorporation of the proletariat —; in particular, the opposition between a certain Anglophone contractualist tradition and another, French, sociological tradition might be rather pleasant to Sartre's old "buddy"...

Well, over the last few years a suggestive alteration has occurred in the political vocabulary, tending to a *replacement*: one is ceasing to speak of (social) "equality"; one speaks more of "fairness". It would not be excessive to suggest that the initiator of this change probably was the US political and legal theoretician John Rawls, who wrote his most important works on the subject from the 1970s onwards, starting with *A Theory of Justice*. Seeking to define the guiding principles of a fair society, Rawls adopts the procedures of the social contract and of an "original" situation, ahistorical in character.[2] However, Rawls implicitly or explicitly recognizes that life in society can only have "formal" equalities (to bring back the Marxian expression), i.e., those relating either to the *submission of every citizen to the law* or to the *moral capacities of individuals*. The project of substantive equality *tout court*, on the other hand, cannot be realized, i.e., *individuals cannot see one another as equals*, *subjectively and objectively*, for society creates distinctions and differences and, moreover, needs them. The Rawlsian innovation hence consists in theorizing a sociologically acceptable concept, which, whilst coming as close as possible to equality, replaces it: "fairness".

Auguste Comte's socio-political project recognizes and deals precisely with these questions. Doubtless, he is not the only one, for these practically *are* the political problems of modernity, legacies of the French Revolution. All the same, the treatment given them by Auguste Comte, in methodological and substantive terms, consists in rejecting ideas of equality and of the individual — therefore going against the grain of modern formulations — but along other paths arrives precisely at an idea strongly reminiscent of "fairness": the social responsibility of capital, an extremely demanding social minimum for every citizen, respect for diversity etc. Hence, it is not by chance that Comte and his Positivism, side-by-side with Saint-Simon, is included among the theoreticians of distributive justice by Fleischacker (2004, 94-96) — who devoted the most important part of his book on the history of distributive justice to Rawls —, though in a precursory character.

Similar conclusions through different routes": this truly is an invitation to a dialogue between the two authors. What approximations are possible? Where is there distancing? How can these be justified?

Before entering the substantive discussion, I consider a minor justification of the analytic procedure of comparison opportune: after all, the different historical contexts of Comte (first half of the 19th Century) and Rawls (mid-20th Century) may elicit objections as to the validity, and even as to the possibility, of comparing the two. On the other hand, comparing Comte and Rawls is a challenging undertaking, for it implies taking into consideration their respective contexts, concerns, methodologies, categories and results, which, although not necessarily conflicting, are no doubt different. Even before conducting these diverse comparisons, another preliminary question perhaps comes to the fore: though choosing to tackle John Rawls is more or less evident, given his currency, why should one compare him with an author whose currency is not evident and whose philosophical system is largely considered outmoded?

In the matters raised above, there is a whole potential research project or, at the very least, the outlines of an article. It is not hard to realize that this will be the general path I will take here. Hence, the present article will be organized as follows: in the next section, both the possibility of comparing Auguste Comte and John Rawls and the comparative enterprise itself will be justified; then I will turn to an examination of the assumptions, categories, methods and results of each of the authors, taking as the axis of analysis their respective ideas of "social justice". Lastly, some concluding remarks will be made.

It is worth noting that regardless of anything else, the works of Comte and Rawls are extensive and extremely articulated, with their respective theoretical observations relating with a variety of secondary questions. Thus it is not possible, nor is it my aim here, to exhaust the comparative possibilities, but simply to point out some key elements whose comparison is in fact possible, interesting and productive.

About Comparisons

Is it possible to compare?

Before anything else: why compare? Because it allows one to clarify aspects of the authors' thought by putting in perspective those traits that the researcher judges to be relevant. This is simple, but in no way simplistic or "naïve": the most direct and clearest way of presenting the comparative procedure indicates that one must determine what is similar and what is different in the two situations considered, with regard to aspects that the researcher chooses or considers relevant; evidently, the *mutatis mutandis* clause underlies

this procedure. Presentations that go beyond these comments merely develop from the methodological point of view what is laid out in my formulation.

At first sight, it may seem unnecessary to provide a justification for comparisons between authors. It is not. There exist several schools of theory that affirm the impossibility of comparing authors from different socio-historical contexts.[3]

The basic objection to the exercise of comparison between authors is each one's distinct historical situation. In the present case, while Comte had before him French and European society, recently emerged from the most violent phases of the French Revolution and undergoing industrialization, Rawls lived in a society that was culturally stable, wealthy, that had freedoms and was open to the most varied forms of political questioning:[4] how to accept the comparison between such different realities? In spite of being a *possible* objection, it does not follow that it is *acceptable*. It is based on a radical historicism that states that questions belonging to each moment relate only to the moments when they were formulated, so that it is not legitimate to extrapolate them to other times. Based on this principle, it would not be possible to compare, for instance, Marx and Schumpeter, or Marx and Durkheim, but only Marx and Comte, and Weber and Durkheim. And why not? *Because they lived at different times*.

The theoretical problem presented by this radical historicism is that of the specificity of socio-historical contexts. Despite having started in the academic discipline of History, it has spread to the other Social Sciences.

Even though it is not a rule that is strictly respected, in order to delimit research fields, History and the Social Sciences have established that idiographic research would be up to the former and nomothetic research would be up to the latter. Several schools of historical thought reject extrapolations and generalizations, and concern themselves with the specificities of each moment, in each society, among each people, in each place. This perspective is easily determined in the epistemology adopted by Max Weber, and, based on him (though not exclusively), in a major part of current Sociology of Culture, in the eyes of which what matters is the "dense" "understanding" of states of mind or specific representations (see Geertz, 1989, or Alexander, 2003, for example). Since what matters, more and more, is the specific in its own configuration, irreducible to other contexts, the comparative procedure becomes less and less acceptable and possible — for, doubtless, comparison is the first step towards generalization, i.e., towards the nomothetic undertaking reserved for the Social Sciences.

Obviously, there is a certain exaggeration to the previous statements, but the question is exactly this: the very historicism that forbids comparison, such as the one I suggest between Comte and Rawls, is exaggerated. If the situations of the two thinkers were the same, *then*, perhaps, a comparison would not be possible or not so interesting. Comparisons are only

possible when there are elements that approximate and that distance — and it is up to the researcher to determine each of these elements. On the other hand, although one cannot ignore the historicist concern mentioned above, it has to be faced as a methodological precaution that indicates limits to comparisons, but that does not forbid them. After all, if this were the case, and with no risk of exaggeration, we would fall back into the void of theoretical, cultural and existential incommensurability, reducing each society, each age, each moment, each place to solipsist particularisms. The different times during which Comte and Rawls lived do not prevent one from comparing them, albeit demanding at various moments the employment of the *mutatis mutandis* clause (which is necessary in *any* comparison anyway).

Stating the difference between the two authors in terms of time is only a preliminary step for any comparison; in fact, if the age did not differ, the places would, if not both. Even so, it is just a preliminary step, though methodologically fundamental. Why "preliminary"? Because what is of interest in the comparison — rather, *in this comparison*, considering that one is counterposing political theories — are the ideas and proposals of each author for social and political organization. Each one's specific contexts indicate the "social dialogues" they engaged in, but what matters is determining whether the ideas expressed by them are prone to comparison, i.e., whether: 1) they are applicable in each other's context, and 2) their procedures, ideas, concepts and proposals (mutually illuminated by the comparative exercise) are applicable to our reality. The answer is affirmative in both cases.

Hence, I cannot accept a radical form of historicism that in the name of the social and political roots of an idea (its "contextualization"), bars the application of this same idea to diverse spatial or temporal situations. Carrying out these "transfers", these "dislocations", "transcending" the spatial and temporal limits of concepts, up to a certain point removing them from their specific contexts, is a procedure that is not only possible and legitimate, but also necessary and inescapable: otherwise, as argued above, we would have just "social solipsisms".[5]

Furthermore, this brand of historicism, by illegitimately highlighting the social grounding of ideas, refuses to assess the intrinsic validity of these very same ideas, ceasing to notice whether in fact they are applicable or not in social contexts different from those in which they were originally formulated.[6]

Why Auguste Comte?

Contemporary references classify John Rawls as an author who deals with "social justice" or, more broadly, as a political theoretician who is the object of a certain unanimity

(see Fleischacker 2004, for example), as well as indications that his main work, *A theory of justice* (Rawls 1981), originally published in 1971, constituted the "rebirth" of Political Theory after the so-called "behaviourist revolution" of the 1950s and 1960s (see Parekh 1999; Kettler 2006). Hence, discussing his thought in a Political Theory article is pretty uncontroversial, but the reference to Auguste Comte more controversial. Thus, if one adopts the criterion of currency, one question is implicit: why discuss Comte, an author whose work belongs in the first half of the 19th Century and that was, supposedly, outdone by so-called "post-positivism" (see Alexander, 2003)?

There are three parts to the present article's justification for studying Comte. Firstly, it is worth noting that the so-called "Positivism" that allegedly originated the epistemology of the "behaviourist revolution" is not the same as Comtean Positivism. The Comtean version, though in favour of knowing empirical reality and resolutely combating theology and metaphysics, does *not* suggest a kind of "cult of the fact", a cult of pure "empiricism" as argued by some authors and some interpretations of the Vienna Circle. On the contrary, Comte's work is a constant and permanent affirmation of the importance of ideas and theories for knowledge, in particular indicating that knowledge consists much more in theories than in "facts" (Lacerda 2009a).[7]

Secondly, and more importantly, both Comte himself and his disciples (French and Brazilian mainly, but not solely) advocated social policies based on theoretical conceptions that could, without great difficulty, be considered as pursuing "social justice". The practical political conceptions were coherent with the strictly-speaking theoretical formulations, as much as the applications were coherent with the ideas professed. Although several authors deny the possibility of the concept of "social justice" in Comte (see Benoit 1999, for example), others point in the opposite direction: in Lacerda (2009b), for example, I indicate the Comtean critiques of economic liberalism, perceived by the founder of Positivism as politically irresponsible and theoretically unsustainable; furthermore, Alfredo Bosi (1992; 2004) has indicated how the actions of the positivists were important for the constitution and consolidation of a picture of minimum social justice in Brazil.

Thirdly, I have studied Comte's work over the last few years, particularly in its social and political aspects (see Lacerda 2004; 2007; 2008a; 2008b; 2009a; 2009b; 2009c). As indicated in the previous paragraph, Auguste Comte had among his key intellectual concerns proposing a theoretical scheme that allowed the constitution of a fraternal and fair society. The comparison with Rawls — even if in a preliminary character, like the one I am undertaking here — thus ends up imposing itself. On the other hand, it is worth noting that the focus of this article, or rather, the focus *of these comparisons* will be Comte, i.e., he will be the yardstick with which I will evaluate Rawls.

Elements of Rawls's Theory

John Rawls's theorization starts off from a general assumption: the fundamental value of a good society is justice; or, a good society is above all a *fair* society (Gargarella 2008, 1), which amounts to the same. Affirming this criterion, his theory develops all the questions — or most... — relating to the parameters that establish the realization of a fair society; more specifically, for *modern* and *democratic* societies.

From the political point of view, Rawls's concern is justifying a society in which social inequalities are neither experienced nor perceived as a form of public and private disgrace and, therefore, everyone can live with dignity. Every citizen must have the same basic possibilities of action and self-realization. But Rawls recognizes that social inequalities in any case exist and will continue to exist — although only under the double condition that they do not impede individuals from taking up the public and private positions they wish, within a minimum socio-political framework of rights and duties, nor that these inequalities occur only for the maintenance or increase in poverty (but that they should serve to improve the fortunes of the socially less fortunate). Note, in passing, that it is the second principle that justifies my initial statement, according to which Rawls carries out a transition from discussions on "social equality" to "social fairness".

In order to present the range of Rawls's ideas, it is necessary to have a point of departure; let us use one he himself adopted (Rawls 2000, 45-48): an important characteristic of modern societies is *pluralism*. This pluralism, more than class-based, is philosophical or "ideological", consisting in the multiplicity of perspectives and worldviews, each determining what it considers good and bad, what is worthwhile and what is not worthwhile; it is not hard to see that often these diverse worldviews are opposed to one another or contradictory.

Pluralism by itself is not a major novelty. The question for Rawls is determining how it is possible that a society characterized by pluralism remains in existence without the emergence of major and serious social conflicts (civil war, genocide, ghettos, concentration camps etc). Hence, a pluralism in which several worldviews accept limiting some of their ambitions, in which several worldviews recognize the legitimate existence of other perspectives, and that internalizes such social and political demands — that is, a pluralism that maintains social and political conditions for its own persistence — is said to be "reasonable". It is convenient to insist on one aspect: this type of pluralism is specific to modern democratic societies. It has a deep social grounding — as well as the social, cultural and political institutions linked to "justice as fairness" — that cannot be copied or reproduced mechanically by other societies.[8]

Taking this pluralism as a sociological assumption, the question for Rawls is determining which principles would be fundamental for a society to be fair. Justice for Rawls

is the fundamental value of democratic societies; as for society, it is a set of free and equal individuals who cooperate among themselves over time, until the subsequent generation: each of these terms requires explanation.

How is it that Rawls defines people, bearers of rights? Firstly, let us note that he does not speak explicitly of "individuals", preferring the word "persons" (see Rawls 1985, 223 passim). Rawls does not consider "individuals" to be the self-centred monads of some forms of liberalism; the definition of individuals that he adopts is of persons capable of determining their conceptions of good and of taking on responsibilities for such conceptions, actively working and cooperating in the societies in which they live. These persons, on the one hand, are citizens, i.e., integral participants of life in society; on the other, and more importantly, they are free and equal. The question then becomes: what do this freedom and this equality consist in?

The freedom such individuals enjoy is intimately related with the conception of "individual" espoused and possesses three characteristics: 1) individuals have their own conception of good, which may vary over the course of their lives, and which they consider reasonable, while at the same time distinguishing their political identities from their "non-political" identities (moral, religious, philosophical etc), in other words, distinguishing their political activities from activities grounded in the conceptions of good that they adopt; 2) they are capable of making valid political demands and, furthermore, individuals *qua* citizens are capable of making demands, which, owing to the fact that they were made by citizens, are legitimate; 3) they are capable of taking on moral, material and social responsibilities for their choices and acts, restricting them when they realize, reasonably, that they are totally or partly inexecutable (Rawls 2000, 73-78).

In fact, freedom itself is not problematic, for Rawls seeks to place his discussion within the ambit of liberalism, so that he espouses a sort of "negative freedom", according to Isaiah Berlin's terms (according to whom a free person is one who has no obstacles to his/her action, in particular obstacles put by the State);[9] examining his concept of "equality" is what is necessary.

Rawls recognizes that in the world there are no two people identical to one another: as well as physical attributes, there are differences referent to intellect, emotions, class, gender, philosophy and so on; this variety, incidentally, is coherent with the social pluralism assumed by John Rawls. In seeking to defend the ideal of equality, Rawls adopts a minimalist *moral* concept, in line with his definition of individual: since all the individuals that live and cooperate in society over the course of their lives are capable of defining their conceptions of good and of dealing with the consequences of such conceptions, all these individuals are equal to one another. No more is demanded of these individuals, i.e., that they always be active politically (as professed by some participationist conceptions or by civic humanism,

even though participation is possible and necessary anyway), or that they be morally demanding or elevated or some other requirement: it is in this sense that a *minimum* moral equality is affirmed.

Equality is thus defined as possession of the moral and intellectual capacities indicated above, *at a level sufficient for full and cooperative participation in society*. Uniting these conceptions of equality and freedom, the result is that people develop, or are able to develop, a sense of justice (about what is and is not fair) and a conception about what is good and what is valuable (on the basis of the most varies sources: religious, philosophical, moral (Rawls 1985, 233-234).

Hence, equality (like freedom) takes on a certain formal character for Rawls — not just from the legal point of view, but in the sense that people can reason, adhere to values, judge and thus participate in society. It is a moral conception, no doubt. But it is important to note that even though Rawls states that it is idealized and simplified for logical motives and that it varies according to the specific socio-political situation (Rawls 1985, 234), it is far from the more substantive perspectives presented over the course of the history of ideas.

Social cooperation, in turn, consists in the activities that each one conducts over the course of his/her life. In this sense, "society" is an entity closed onto itself and self-sufficient: nobody enters it, nobody leaves it; it possesses all the resources for its material and political upkeep and for the attainment of its various objectives (among which social justice and reasonable pluralism can doubtless be found). Each individual is born and dies in this "closed" society that is, necessarily, an ideal type of the modern democratic societies. Furthermore, Rawls's conceptions refer to the existence of one generation at a time, i.e., he considers the conditions of social justice that each generation adopts and thus the "social contract" that each generation establishes with itself; the issue of inter-generational agreements is initially left aside (see Rawls 2000, 63).

Cooperation is summarized in three main characteristics: 1) "publicly recognized rules and procedures"; 2) equitable terms between individuals; and 3) ideas of good particular to each individual or group. In other words, individuals adopt the values they wish in their lives and integrate into these values the rules that allow cooperation, taking them on as public criteria for conduct and behaviour (with regard to cooperation, to be sure), as well as the fact that such rules are shared by all (however they are internalized by each individual or group) and adopted on the basis of reciprocity (Rawls 2000, 58-59).

Based on this series of necessary assumptions and definitions, Rawls goes on to develop his conception of social justice, i.e., he presents the principles that seem to him to defend a fair society in the best manner. However, before presenting the principles, it is necessary to comment on the methodological procedures adopted to *deduce* the principles: these are resort to contractualism and what Rawls terms the "veil of ignorance".

What Rawls asks is: in what type of social arrangement (or, what are the principles that should guide a social arrangement, which is equivalent) would free, equal and cooperative individuals choose to live if, hypothetically, they could all meet together to deliberate on this question, and considering that they desire a fair society? Clearly, the theoretical procedure adopted is contractualist: even if hypothetically, that is, for the purposes of the reasoning, the individuals would gather to deliberate in consensual fashion on the question. As indicated by Gargarella (2008, 18):

> If Rawls develops his own conception in terms of a hypothetical contract, this is owed to the value of this theoretical resource as a means of testing the correctness of some moral intuitions: the contract has meaning fundamentally because it reflects our equal, the idea that, from a moral point of view, each one's fate has the same importance — the idea that we are all equivalent to one another.

Rawls's next element is his "veil of ignorance". It is a measure that seeks to satisfy the issue of the *methodological origin* of the following question: if people are free and equal, how would it be possible to determine a social order that is acceptable to all, in other words, that is fair? Would it be by means of divine designs? Or by means of innate conceptions, irrespective of experience? Or by means of the everyday experience of people themselves, based on their specific values? For Rawls, the third option is the most adequate, and, in this sense, the best intellectual solution is using the social contract; but, considering that the "negotiation" of the contract must occur on fair bases, i.e., bases on which the various participants are not disadvantaged or harmed, including by coercion or the use of previous resources (the various kinds of capital: cultural, economic, political, social etc), Rawls suggests that one consider a general situation of absence of knowledge of the positions that people occupy (or would hypothetically occupy) in society, at the moment of the negotiation of the social contract. Fairness in the negotiation ensures that the basic social scheme will also be fair (that is, equitable). The image of the "veil of ignorance" is thus a logical resource used to ensure social fairness (Rawls 1985, 235).

On the other hand, with a view to safeguarding the social conditions indicated (freedom, equality, reasonable pluralism) and at the same time social justice, Rawls postulates that these deliberating individuals would not know their specific personal and social conditions, i.e., they would not know to which social class they belonged, which skills they possessed, which problems they face and so on; such individuals would even ignore the conceptions of good that they espouse (Gargarella 2008, 21). In Rawls's (2000, 66) words,

> The reason the original position must abstract from and not be affected by the contingencies of the social world is that the conditions for a fair agreement on the principles of political justice between free and equal persons must eliminate

the bargaining advantages that inevitably arise within the background institutions of any society from cumulative social, historical, and natural tendencies.

Evidently, neither the contract nor the veil of ignorance exist; their function is heuristic, logical, i.e., they serve as *methodological resources* for one to determine the acceptable principles for a fair society. It is necessary to note that such principles are valid for a society characterized by reasonable pluralism — which, as I have already said, consists in the pluralism where each philosophy, worldview and encompassing perspective maintains its particularity, but accepts that it is necessary to limit its ambitions and recognize both that the other perspectives (different, opposed or contradictory) not only exist and are in themselves legitimate, but, principally, are not eradicable. Well, the principles determined by John Rawls constitute a *minimum* that individuals and groups accept in order to live in a society of reasonable pluralism. This "minimum" is the principles that individuals and groups accept in order for pluralism to exist and for the fair society itself to exist; thus Rawls states that they are an "overlapping consensus", whose purpose if *political* (ensure social justice and reasonable pluralism) and *not "metaphysical"*, i.e., one is not dealing with an all-encompassing doctrine, which would indicate certain conceptions of right and wrong for reality as a whole.[10] In his words,

> [...]a political conception tries to elaborate a reasonable conception for the basic structure alone and involves, so far as possible, no wider commitment to any other doctrine (Rawls 2000, 55).

Regarding the overlapping consensus, it must be indicated that, on the one hand, it is necessary (ideologically and philosophically) for a pluralist society to remain in existence and to preserve "reasonable pluralism". But, at the same time, it is only possible in a certain tradition of political culture, i.e., it is only possible to talk about overlapping consensus for modern democratic societies. This is equivalent to saying that other traditions of political culture, that could not be characterized as, 1) modern societies, 2) democratic, are not prone to obtaining overlapping consensus (Rawls 2000, 50, 56-57). At the same time, although the name is "*overlapping* consensus", Rawls also states that it is to be found at the *base* of modern democratic societies, for it refers to the *basic* social institutions that sustain a well-organized society (Rawls 2000, 75).

Two principles are determined in these hypothetical conditions: 1) the principle of equality, and 2) the principle of difference. The content of each of these principles is the following:

> a. Each person has an equal claim to a fully adequate scheme of equal basic rights and liberties, which scheme is compatible with the same scheme for

all; and in this scheme the equal political liberties, and only those liberties, are to be guaranteed their fair value.

b. Social and economic inequalities are to satisfy two conditions: first, they are to be attached to positions and offices open to all under conditions of fair equality of opportunity; and second, they are to be to the greatest benefit of the least advantaged members of society. (Rawls 2000, 47-48).

The two principles set out the minimum conditions for the realization of political liberalism, in egalitarian terms and in which social differences are beneficial for all the citizenry, whilst not harming any citizen. Of course, both principles must be read in conjunction, thus making explicit the rules and procedures that complement one another; even so, it is not hard to recognize that the principle of equality, albeit an important one for Rawls's system, does not exactly constitute a novelty; the principle of difference, for its part, is what guarantees "social justice" and "fairness", in accordance with the how these expressions are known and valued in current political thought and practice. According to Rawls, a society can only be termed "fair" if social differences make it possible for the least favoured to obtain the maximum benefits possible — to which is associated the principle of equality, which establishes that a *minimum minimorum* must be ensured to each and every citizen. With these principles satisfied, one considers that the society is "well- ordered", when "[...] neither extreme scarcity nor abundance of goods exist" (Gargarella 2008, 20).

One final remark: as Álvaro de Vita (2000, 259-267) has emphasised, Rawls's ideas were not formulated to justify the Welfare State. His true concern is to conceive, from the theoretical point of view, an ideal of a fair society. Vita explains this conception in terms of a "property-owning democracy", as developed by Rawls himself in an unpublished text written in 1990. The question pertains not so much to the practical realization of the Welfare State or to the fact that, concretely, it was the Welfare State that came closest to an ideal of justice as fairness, but consists in the theoretical foundations of this type of State in comparison with those of a State of justice as fairness. Leaving aside the technical part, regarding the taxation practised by the Welfare State — whose importance, though, is not secondary —, the question is that the Welfare State does not create mechanisms of reciprocity, and therefore of fairness, in spite of having (had) success in providing to society as a whole, and to the least well-off in particular, a certain minimum of goods and living conditions. In Vita's words:

[the] examination of this model [...] helps one realize how mistaken it is to consider that the principle of difference could be invoked to justify the inequalities produced by capitalism. The essential point of the model is that, more than the equalization of income, egalitarian institutions and policies should aim for an equitable distribution of property among all the citizens (Vita 2000, 260).

The idea is avoiding the capitalist logic of the Welfare State of correcting inequalities *after* they are already consummated, assuring the citizenry a set of goods and guarantees merely because they are citizens, i.e., *before* they act in the socio-economic reality; with this, the *basic* institutions would be fair, not the result of the operations, which would ensure overall social justice. What would be the specific mechanism for this? The egalitarian "dissemination" of property (by means, for instance, of minimum income programmes).

Elements of Comte's Theory

I now turn to a presentation of Comtean ideas. In this section I adopt a procedure different from the one used to present Rawls's conceptions. Rather than one long section, I will divide this one into two. The first makes some necessary general points for one to have an understanding of the Comtean system, whilst the second tackles specific questions that may be confronted directly with Rawls's ideas. Why this specific division? For two reasons: firstly because I judge it to be more adequate, from the descriptive and didactic point of view, to present Rawls first; the presentation on Comte is organized in terms of specific counterpoints. Secondly, because Comte's reasoning, through its own design, follows paths that are rather different from the ones I intend to follow here, hence the need for a general overview, followed by topical comments.

Basic elements of Comtean thought[11]

Presenting the basic elements of Comtean Sociology is not a simple or easy task. This is owed to reasons of two kinds. Firstly, as argued by Juliette Grange (2000), if there is *one* author who elaborated a "system" of thought, this author is Comte. What does it mean to say that Comte's work amounts to a system? It is not just a series of principles and ideas concatenated with one another, based on considerations *a priori* or *a posteriori* as in the case of Descartes, but, based on a much stronger sense that all its elements relate with all others, so that to explain the relative importance of a conception it is necessary to know not just the system's internal logic but also its other elements. Comte's work is encyclopaedic and enormously erudite, aiming to encompass all of the main elements of human existence; so, even to deal with specific questions, the task of presenting not just the breadth of this thought, but also several preliminary aspects, is necessary. For this reason, this presentation of Comtean thought will necessarily be longer than the one devoted to Rawls. Secondly, despite the reiterated affirmation that Comte is a classic author in the field of Sociology,

the fact remains that his work is little known, if at all, which compels those of us who write about it to take up his logic and most important arguments every time, not just to present what is needed, but also to undo misunderstandings.

A few initial words on Comte's historical context are called for. He lived during the first half of the 19th Century (1798-1857), a period characterized in France above all by the political and social consequences of the Revolution French and of the 1st Empire, particularly by the turbulent series of changes in political regime, between monarchies and republics. The changes in political regime were a reflection of deeper social divisions, which, in turn, were owed to broader historical changes, with the *Ancien Régime* coming to an end, but resisting, and a new society, with new values and actors, emerging and fighting to assert itself. As well as issues relating to principles of political and social legitimation, the new political players pushed their demands, the proletariat in particular, which put itself forward in pursuit of recognition and dignified living conditions.

If we consider the reality on which Rawls based his reflections, it becomes easier to understand Comte's: a *de facto* social and philosophical pluralism fighting against a *de jure* political and religious hegemony (maintained at the same time by the absolutist monarchy and by the Catholic Church); the discredit of old principles of legitimation and the weakness of the new principles, adapted to the new social reality; and the vicious cycle of rebuilding the formal institutions necessary for the new reality without new shared principles (see Gouhier 1933; Pickering 1993).

Let us now turn to Comte's theoretical elements. Before anything else, it is important to indicate that the Comtean formulation seeks to make positive — that is, scientific and human — the social and moral speculations: by removing these speculations from the domain of theology and metaphysics, it is possible for human beings to see themselves as social beings, i.e., historical beings, who live only in and by means of society. This recognition, as well as permitting human beings to understand their own reality better and more fully, also is the first step towards improving this very reality. Hence, Comte is among the 19th Century's social reformers, who laid the foundations for contemporary social thought to intervene in society.

The social nature of human beings reveals itself clearly and, deep down, exists only by means of its historical character: it is the succession of generations, each making a small contribution to society as a whole that makes human beings "human". This historicity leads to a principle at the same time theoretical and methodological: a view of the full picture is what allows the positivity of views in every domain, there included the social domain. Evidently, with reference to society, the full view can take on two perspectives: at a given instant or over time. The various human activities at a given historical moment produce solidarity, but above and before all else, it is *historical continuity*, broadly understood, that in fact characterizes human beings.

It was on the basis of the broad historical view that Comte formulated his law of the three stages, which is the fundamental principle of his Positivism. According to this law, all human conceptions go through three phases: the theological, the metaphysical and the positive (Comte 1934, 178-183). In the first, phenomena are explained by resorting to arbitrary wishes, external to human beings: roughly speaking, gods. In the metaphysical stage, phenomena are explained by means of personified abstractions, which end up establishing vicious cycles: for example, ether makes you sleep because of its "sleepifying" properties. What these properties are, exactly, and by what mechanisms they work, is not known. Lastly, in the positive stage, phenomena are explained by means of relations of similarity or succession, i.e., by means of natural laws.

It is important to note that metaphysics and theology make up a group opposed to positivity due to their absolute character, revealed not just in questions — unanswerable questions, in the end — like "where have we come from?" and "where are we going?", but also by the kind of ahistorical and peremptory statements and perspectives. In opposition to them, positivity is relative, posing questions prone to being answered (discussing the "hows" rather than the "whys") and respecting the adaptation of each human conception to the time and place when and where it came about (for example: it does not make sense to accuse the Greeks and Romans of believing in gods if their conceptions were still theological-polytheistic).

Metaphysics, in particular, displays a transitional character between theology and positivity; albeit remaining absolute and inclined to external and arbitrary wishes, it treads the path towards positivity. Hence, it takes on a critical condition, a destructive condition: especially in terms of social and political theory, metaphysics acts as a solvent of the theological conceptions, but is unable actually to propose a social order in its place. With reference to social reality, metaphysics destroys the theory of divine right and suggests the theory of natural law, to which the various contractualist schemes are necessarily linked.

Lastly, positivity is not mere science. Auguste Comte presents a series of reasons for this difference, of which one is rather operational for our purposes: while science is by definition analytic and intellectual, positivity is synthetic and encompasses the whole of human nature (that is, intelligence, feelings and practical activity). Once again the theme of the full view emerges. This time, the point is determining a perspective on human beings that considers them in their wholeness; however, science is always partial and fragmentary. So, based on the results of science (or rather, of the various sciences), one must formulate a totalizing synthesis — a synthesis that is necessarily philosophical.

The word "positive", for Comte, takes on diverse meanings, summarized into seven: real, useful, certain, precise, organic, relative and sympathetic (Comte 1899, 25-29; see also Bastide 1990, xix). Each meaning will become clear over the course of this presentation, but

it is necessary to indicate here the association between the first two, "real" and "useful". As we will see, Comte's theories are always grounded in a concern with the reality of conceptions, i.e., that his ideas correspond to what nature and human beings are like, or rather, how they are historically constituted. However, mere reality is not enough as criteria go, although necessary: the utility of conceptions must also be considered. Utility here is not an inferior criterion, so to speak; one is not dealing with the application of a "technical reason". Rather, one is considering, from among the virtually infinite multiplicity of what can be known, that which can improve human beings — and "improve" means, in this order, making human beings more moral, more intelligent and more active. Hence, *descriptive and normative* concerns are intimately conjugated in Comtean theories.

As we have seen, human nature is three-fold (feelings, intelligence and practical action). Hence, each of these aspects demands its own satisfaction over the course of history and societies seek different ways to resolve this matter. To be more precise, each human institution must take this triple satisfaction into account.

Comtean Sociology is divided into Static and Dynamic, which correspond to the elements common to every society and their evolution over the course of history. These elements are a religion (*which does not mix with theology*), family, language, government and property. Each of these elements has its own historical evolution, which is affected in different ways in each specific social (and historical) context by the other elements; since these evolutions are related in the 600 pages of volume III of *System of Positive Polity* (Comte 1890, vol. III), I will not tackle them here. However, it is no doubt fitting to make a few remarks on the evaluation of each of these static elements.

Religion for Comte consists in the state of human unity, in which the various aspects of human beings (affection, intelligence and practical activity) relate in the most harmonious manner possible. This unity is based on the satisfaction of affection, but requires an intellectual grounding to explain reality and permit human intervention in this same reality: this intellectual base is, successively, theological, metaphysical and positive (Comte 1890, vol. II, chapter I).

The family is the smallest human association possible, based especially on bonds of affection. As such, Comte considers the family the true "social cell", i.e., the smallest unit of analysis sociological (refusing, therefore, the figure of the individual as a sociological unit). In "positive" societies — sociocracies in Comtean language, which correspond to his ideal of "well-ordered society" —, families are irreducible in their existence, but at the same time prepare citizens for life in society. The importance of the family rests on this dual role. It is worth noting that in Comte's eyes families are large, including grandparents and servants, besides parents and children, with the total number varying between seven and ten people. The wages of proletarians must be sufficient for the dignified upkeep of

all these people; in other words, allowing for children to be educated in terms of affection, intellect and practice, for mothers to form their children's character, for the elderly to play the role domestic and civic advisers and for servants to cooperate in this social economy. This description makes reference to the existence of proletarians, i.e., those least favoured socially, so it is an extremely exacting ideal, but corresponds to the minimum expected of a "dignified" life (Comte 1890, vol. II, chapter III).

Let us leave aside the theory of language, whose object, though sociological, is not of interest here. Let us turn to the theories of property and government. Aristotle was the basis for Comte to define society as consisting in the "separation of crafts and in the convergence of efforts" (Comte 1890, vol. II, 158). This aphorism establishes that society is based on the specialization of tasks, in which individuals voluntarily carry out ever more specialized activities. But at the same time, one must have an overall view of these activities for them to be guided effectively for the common good and not to get lost in useless efforts: the overall view would be up to the government, be it material or spiritual. The material government is the "Temporal power", which is basically responsible for the maintenance of civil order and also for social improvements. The spiritual government is the "Spiritual power", responsible for the knowledge of reality and for the diverse opinions people have. Of the two, the Temporal is preponderant, but the Spiritual confers (or refuses to confer) legitimacy upon the other: hence, a separation is established between theory and practice, advice and action — between civil society and the State. An important point is that the Temporal power, charged with the civil order of society, is at the same time obligatory and non-opining, i.e., what it determines must be accepted and followed by every citizen, but it does not deal with opinions and moral values. In symmetrical fashion, the Spiritual power is voluntary and opining, that is, it guides ideas, values and opinions, but citizens' acceptance of the perspectives and prescriptions of the Spiritual power is voluntary: whilst the Temporal looks after actions, the Spiritual takes care of wishes. Hence is conjugated the practical maintenance of society with the multiplicity (plurality) of values and perspectives (Comte 1890, vol. II, 321 passim).[12]

Touching upon the Spiritual power leads us to a central theme in Comte and in this discussion: social consensus. As indicated by Michel Bourdeau (2000), the question of Comtean consensus consists less in the unanimity of opinions and values than in the sharing of opinions and values, so as to produce a common basis for dialogue, for conducting matters and solving controversies; the question is not so much impeding plurality, as avoiding complete dispersion:

> It is because Comte set out not to develop diversity, but, on the contrary, to contain divergences and develop convergences. [...]

A second, more direct argument, shows, furthermore, the impossibility of establishing oneself fully in diversity and the correlative need to make the whole of the social mechanism rest on a consensus. What matters in effect is realizing that erecting pluralism as the prime principle is simply *absurd*; it is necessary *initially* for you and me to reach agreement and then accord it some value. *Agree to disagree*, as the English say [...] (Bourdeau 2000; italics in the original).

The separation of crafts does not take place only in political terms, in terms of the governments, but also covers the economy. In this sense, the material power of society is divided in terms of "concentrated power" and "dispersed power", that is, between "patricians" and proletarians (Comte 1890, vol. II, chapter II). The main characteristic of the proletarians is that they are the direct agents of practical human activity; their social power is in their numbers; furthermore, they are the main beneficiaries of collective efforts, although Comte rejects the conception that by themselves they can represent society as a whole. Lastly, proletarians are the general social guarantors, who police the patricians, the Temporal power and the Spiritual power (Comte 1890, vol. IV, chapter IV).

For their part, patricians are those who hold (economic) capital and decide how society's material conservation and reproduction will occur; they not only "hold" the capital but must also concentrate it: Comte was emphatically against proposals — particularly of socialist origin — that see the dispersion of capital as the solution for social problems. In the Comtean perspective, concentrating capital is necessary because only in this way does it become efficient; large-scale actions require large-scale powers, which is equivalent to saying large-scale capital. However, the concentration capital in patricians' hands is not the same as granting such citizens absolute and irresponsible powers; since capital is the concentration of social resources as a whole, it must serve social purposes; if it is badly employed it is legal (albeit exceptional, no doubt) to expropriate the patrician holding it and to pass it on to another or others that employ it more adequately. Therefore, in Comte's eyes, capital, like property, is not an absolute value, which would be incompatible with the positive spirit that should characterize sociocracy. It is susceptible to use and misuse, but is always relative, and should be employed to the public and collective benefit.[13] Thus, major powers do not imply major rights for Comte; rather, they imply major duties, i.e., *great responsibility* and *great accountability* (Comte 1899, 70-78).[14]

Specific questions of Comtean thought

In this subsection, I tackle some specific aspects of Comtean thought that may be useful for the comparison with Rawls. Let us begin with the critique of the notion of "rights".

The rejection of the idea of rights and its replacement by duties is part of the Comtean framework, in particular with its project of an altruistic society, affirming duties as foundations for a society of such a kind. What is the Comtean reasoning?

From a logical and historical point of view, rights — i.e., *"natural rights"*[15] — are derived from divine rights, in which the arbitrariness allowed those anointed by the gods is replaced by that allowed the "people"; the philosophical absoluteness of theology is replaced by the philosophical absoluteness of metaphysics, but in both cases the rights assure their holders automatic privileges in relation to others, regardless of social, political, moral or economic considerations. Hence, "rights" have a deeply *individual* character, an individualist character, rather, in the egotistical sense, constituting an imposition of an individual on the others, in perniciously particularistic fashion (Comte 1934, 350-352).

Counterposing these logical and sociological characteristics of rights, duties permit the recognition of some in the face of others, mutually linking them. Links, responsibilities and (the recognition of the) interdependence between each person and each group are consequences of the obligations presupposed by duties. Given that society is a complex web of interdependencies, it is a system of mutual and reciprocal duties, not a set of individual rights. An altruistic society is constituted by the bonds each person or group takes on voluntarily in relation to others (people or groups). Hence, an altruistic society is only altruistic, and is only *more* altruistic, inasmuch as *mutual duties are enhanced*, and not inasmuch as rights are enhanced. On the other hand, one must realize that duties have a *moral* character, rather than a legal one. This is a necessary point if one is to prevent these duties from degrading and taking on an oppressive role; furthermore, one characteristic of the Comtean proposal regarding duties is that interdependence must be associated with autonomy, i.e., the *voluntary* character of the establishment of duties. Let us see how Pierre Laffitte, a direct disciple of Comte, expressed himself on the matter:

> [...] *duty* is the role played by a free organ. This theorem is profound and characterizes the true destination of duty, which is to carry out a social or domestic function, by a conscious being, that understands more or less well its nature and conditions. This definition remains insufficient, though, for it does not take into consideration a characteristic, which jurists and philosophers have always found inherent to the notion of duty: that of obligation. One must go beyond and recognize that the feature of *obligation* must join that of the *effort over oneself*, which is correlated with it.

> [...] In sum, then, man, being in society, is part of a system and possesses more or less multiple links with others. The need to take the conditions of these links into account results from this [...]. *Duty* is precisely the rule of his activity, according to the bonds that link him to the social system; this indicated a function to him, with the fundamental feature of obligation and effort to carry it out. Morals

are the consequence of such a view; after all, they aim to perfect us, to make us apt at obligatorily doing our duty. **As for rights, they are nothing other than the set of duties others have in relation to us** (Laffitte 1892, 30-32; italics in the original; bold type added).

Linked with the critique of rights is the critique of individualism. For Comte, the matter is not about denying the existence or validity of individuals, of individual agents of action, or subjectivities that are irreducible to one another, but of drawing attention to the radical exaggeration constituted in the West about this entity, made into a social foundation. The result is that in this abstract analysis there is no mention of "individuals": at no time are they analytic units in Comtean Sociology — which does not mean, on the other hand, that for Comte there is no such thing as individuals or that they have no importance. What he considers is that society is not made up of "equal" "individuals", as postulated by contractualist authors and, later, by political economists; for Comte, individuals are a social creation, in the strong sense of the expression, and not the other way round. What matters is noting that for Comte, the problem is "individuals", not "individualities". The quote below clarifies several aspects of what we are dealing with:

> Though in itself properly social, the Positive religion to discipline individuality must consecrate it, as the necessary seat of the objective service of Humanity, each function of which, notwithstanding her collective nature, can never be accomplished except through concentration in an individual. The existence of the Great Being [Humanity] demands in all its direct servants independence no less than concert; its supremacy would cease at once if its organs became inseparable. Its highest attributes presuppose harmony at all times voluntary, whence result at once order by means of love and progress through liberty. [...] To ensure the true supremacy of sociability, Positive religion concedes to personality the satisfactions required by corporeal existence [...] (Comte 1899, 60-61).

"Rights" and "individuals" are linked with a third term: "equality". Comte is critical of it, like of the other two. Although Comte states that there is no such thing as social equality — this absence of social equality is a logical and necessary consequence of the social division of labour —, understanding the meaning of this is "equality" and its absence is important.

Each human being is different from the others due to his/her intimate constitution, position in society, education receives and, also, due to his/her activity in society. In this general picture, equality occurs only before the law. But beyond this — and this is important — Comte defends the idea that every citizen should have the same schooling, which should be encyclopaedic in character. This ensures a social minimum in terms of knowledge of reality and of social conceptions, guaranteeing consensus at the base, communication of all the citizens among themselves and the professional choices of each one.

For Comte, "to discipline individuality [one] must consecrate it" (Comte 1899, 60). In this formula, the "consecration" seeks to combat the perspectives that deny *any* role or social realities to individualities (which, *on the contrary*, recognizes subjectivities and the "agents" of the "actions"). On the other hand, by affirming the necessity of "discipline", he takes account of the conceptions that have made individuals into synonyms of egotistical monads: this discipline has a *moral* character and is equivalent to affirming the social and, so to speak, altruistic character of individualities. Thus Auguste Comte stated that the regeneration of society, i.e., a social organization based on the subordination of egotism to altruism,[16] demands the radical replacement of the notion of rights — a metaphysical notion — by the notion of duties — a positive notion.

Given the usual link between equality and freedom, a few words about it are called for. Comte separates one from the other, indicating that their philosophical assumptions and social results are opposed to one another and even contradictory:

> [...] levelling [i.e., equality] demands the permanent repression of all superiority, while free growth [i.e., freedom] develops inequality. [...] Now, sound political action must at the present day render explicit and develop this distinction, by welcoming true liberals and rejecting pure levelers [...] (Comte 1899, 146).

As can be seen from the quote, the equality to which Auguste Comte refers is social and individual levelling, is making identical the situations of all in society; these may be *roughly* summarized as situations of status, of wealth and of power, according to the ideas of Rousseau or, even more, Babeuf. Comte rejects equality based on sociological and moral motives: sociologically, as we saw, society is characterized by the "separation of crafts", which results logically in the differentiation of condition of individuals and families; inversely, this is the result of freedom, understood in this case as the absence of impediments. From the moral point of view, equality is repealed because it prevents individuals from exercising their moral, intellectual and practical capacities, in the sense of improvement (particularly, in terms of developing altruism and mutual duties).

But, on the other hand, there some forms of implicit or explicit "equality": moral equality, educational equality, minimum income equality. In the case of what I call here moral equality, one is talking about the presumption that all human beings in principle have all the intellectual, affective and practical attributes for life in society; in positive society, that is, in "sociocracy", these attributes should be freely developed, albeit oriented to altruistic and collective ends. Linked to this is what I call "educational equality". The term Comte adopts is "universality of education", in the sense that every citizen must have the same basic intellectual knowledge, of an encyclopaedic character, so as to allow a common base for communication, of values, of knowledge of reality and of practical action. Lastly,

there is "minimum income equality". This does not refer to a mechanism put in place by the State, such as present-day "minimum income" schemes (as advocated, for example, by Senator Eduardo Suplicy), but the two-fold demand that every proletarian should have employment and that this job should remunerate sufficiently well for the upkeep of their extended families, that should live under dignified conditions (Comte 1890, vol. IV, chapter IV). One is thus talking about a basic equality, or rather, to be more in line with the letter and spirit of Comte, a series of prerequisites for life in society.

With respect to freedom, basically it consists in the absence of impediments to action; however, this "absence of impediments" is not the same as the absence of rules: his conception of human beings as subject to a series of natural laws that advance from mathematical to moral, indicates that the freedom of human beings consists in acting in observance of the various laws. In the social domain this is equivalent, on the one hand, to obeying the natural sociological laws, i.e., respecting the basic institutions (established by Static Sociology) and developing them (in line with Dynamic Sociology);[17] on the other hand, it is equivalent to obeying the "artificial laws", i.e., the legal framework (as long as respecting sociological laws). But, beyond this, as I have argued (Lacerda 2009c), the obedience to such "laws" makes the Comtean concept of freedom much closer to the republican ideal of Phillip Pettit than to the negative freedom in the tradition from Hobbes to Isaiah Berlin, for it consists in individuals and groups acting in society free from arbitrariness.

In conclusion, let us look at the issue of "fairness". There is no specific, clear project for "justice as fairness" in the work of Comte — at least not explicitly. Meanwhile, as we have seen, his Sociology and his Social Philosophy articulate general principles that nowadays would be recognized as "social justice" principles. That said, the basic element of what would be a *practical* Comtean project for fairness consists in each proletarian being perceived both as a property-owner and as a wage-earner. As for the former, he should own the goods of which he makes continual use, particularly the house where he lives (with his wife, children, parents and any others), as well as its furniture; equally, he must possess the everyday tools of his trade (Comte 1934, 369). As for the remuneration regime, Comte advocated a two-fold composition: a fixed part, unrelated to productivity and common to all proletarians, and a variable part as a function of daily production; the former would be larger than the latter. Both these measures are part of the "social order", which is equivalent to saying that a society that does not allow proletarians to live in their own homes and provide for their extended families is one that will enter (or remain in) anarchy and therefore, "progress" will not be possible. The necessary concentration of capital in the hands of the patriciate aims to increase the efficiency of capital, not private enrichment. Since in the Comtean scheme each class has specific duties, among the patriciate's cast of social obligations is providing the proletariat, via wages, with the means necessary for

their personal and domestic maintenance, so that proletarians and their families may be able to improve themselves intellectually and morally.[18]

Comparing Rawls with Comte

When counterposing Comte and Rawls, it is interesting to note that the differences are as notable as the similarities: let us begin with the latter and then turn to the former.

The Rawlsian project is rather explicit in its aims and arguments, and didactic in its form, which makes the parallel with the Comtean project relatively easy. The US American proposes a philosophical grounding for a modern democratic society, characterized by "reasonable pluralism", to be able to be considered "fair" by and for its members, who cooperate over the course of their lives in a free and equal manner. Comte's proposal was to constitute a new "Spiritual power", i.e., to reconstitute the moral, intellectual and philosophical bases of Western society after the political and social shake-up that was the French Revolution. In the midst of the post-1789 confusion of values, Comte set out to investigate the bases for a new social accord, suggesting, firstly, the constitution of a science devoted to getting to know society so as to find out the requirements for the creation of a new Spiritual power. Secondly, the foundations of this new moral (and, consequently, political and social) order should be sought in that which avoids polemics and permits the coming together of human beings: the quest for the common good, developing altruism and generosity, illuminated by science and having human reality in a general sense as the backdrop.

The historical moments lived by Rawls and Comte evince their differences: with the latter, the quest is for grounding for the end of social, political ad moral chaos, with the fratricidal struggle between "reactionaries" and "revolutionaries"; with the former, the quest is for the foundations for rights in a society characterized by civilized divergence between diverse perspectives that are not rarely antithetical. Although the language used by each is very different, it is possible to determine numerous points of approximation and areas of intersection.

For Rawls, it is necessary to stipulate a philosophical-political basis for the organization of society on a reasonable footing, considering free and equal citizens and several social groups in dispute among themselves, so as to permit the language of rights and their practice to be possible. Two assumptions constantly affirmed and reaffirmed by John Rawls are moral plurality in Western society and the validity of democracy and of the Rule of Law. However, in his opinion the exercise of rights demands a minimum field of agreement among the citizenry; this "minimum field of agreement" can and should be investigated and explored by Political Philosophy, in the sense of developing a language and a practice that are minimally acceptable in substantive fashion by the various groups

(see Rawls 2003, 2). Hence, one is dealing with a philosophical investigation that becomes political due to its objective and to the recognition that it is specific to democratic-pluralist societies and intends to constitute a consensus "*above*" the divergences — not to do away with these divergences but to allow for a pattern of relationships and of judgement among the citizenry. Being "above" does not mean, however, being imposed or consisting in a formal aspect: it is a set of values that must be internalized by the various groups, in the manner most adequate to these groups' way of thinking and living. Furthermore, it is worth insisting: this pattern has a specific aim, the principles relating to the basic structure of a fair society.

At first sight, Rawls's proposal of a political consensus "above" the divergences as nothing in common with Comte's proposal, for the latter insisted on a moral, unitary consensus as the basis for society, so as to avoid potentially fratricidal and literally anarchic polemics; his consensus, of a philosophical and moral hue, would be located "below" the divergences.

However, let us insist on the commonalities between the two authors: the search for a common language and minimum social values for the various groups, safeguarding their specific perspectives and particularities; ideas that permit political and social agents to coexist, exchange ideas, diverge and, even then, manage to live in *a cooperative society that exists over time*. It is worth clarifying the kind of foundation that Auguste Comte proposed for society. This question is not secondary, for the language of morals is often used to justify "fundamentalist" projects and also "unitarist" projects — so to speak — that reject the philosophical and social pluralism characteristic of the West: by analogy, one might believe — and this mistake is indeed very common — that Auguste Comte shares this reasoning, and sometimes even this spirit. What he seeks is a deep moral foundation for a society that is "plural" at the intermediate level, and which does not prevent practical agreement at the more superficial level. The relationship between in-depth consensus and pluralism is not secondary: after all, there are different sorts of consensus — some are based on the muzzling of dissonant voices, others accept and require pluralism. In the case of Auguste Comte, there is no sense in talking about a consensus that limits pluralism — except if it is a pluralism that denies its own founding values.

Hence, the affirmation of pluralism, is not something that opposes Comte to Rawls. "Social plurality" was a reality for both authors, but for Comte the question was defining the values that would prevent society from ceasing to exist, whether by fragmenting into particularisms or by the to-and-fro between order and progress. For Rawls, this pluralism already was a more or less resolved issue, as he lived in a society — in a given country, at a given time — that already accepted it as connatural. At the same time, it is necessary to emphasise that *Rawls himself sought to lay the bases for a new consensus*: after all, what

is his research on justice as fairness other than a new principle of legitimation for a socio-political order of freedoms that safeguards social justice?

Rawls's socio-political assumption is something Auguste Comte did not have at his disposal; actually, the Frenchman was precisely in search of this assumption. To state that contemporary democratic societies are characterized by the pluralism of values — once again, values which, not rarely, are antithetical — assumes that this very same pluralism is a fundamental value: it is the philosophical and moral assumption that permits the Rawlsian socio-political assumption. In this sense, it may be said that it is possible to apply a kind of "transversal section" to the moral and philosophical agreements and disagreements in our society; in this transversal section, it would be possible to notice *levels*: whilst Comte was concerned with the deepest, most *fundamental* level, Rawls concentrated on the most superficial.[19]

As well as the quest for consensus, the definitions of "person" also approximate the two thinkers. In general, the two adopt moral concepts of person and avoid the economicist concept of "individual". For Rawls, "persons" are defined explicitly as being able to formulate and defend their own conceptions of good, i.e., they are characterized by cognitive abilities and by strictly moral abilities (in the sense of applying value judgements); furthermore, such abilities are prone to guiding the practical conduct of these persons, who work to their benefit and make demands to achieve them. However, these activities are limited by the exigency of pluralist coexistence, which does not consist only in the tacit or explicit acceptance that there are other groups, but in the recognition that such groups exist, are part of society and it is a good thing that it should be this way. In other words, pluralism becomes a non-eradicable datum of social reality that must be incorporated into the various groups' worldviews.

In Comte's thought, there is not this explicit definition, in a *political* sense, that people possess a set of cognitive abilities for coexistence. But on the other hand, citizens are moved by feelings (egotistical or, preferably, altruistic) in their continuous actions; both the feelings and the actions are enlightened by intelligence. In principle, every person has this constitution from the point of view of the brain; a universal system of education permits such attributes to be developed, so that citizens may be active and cooperative, irrespective of social class.

Furthermore, individuals — that in neither case are reduced to self-centred monads in search of their own strictly personal and egotistical interests, but rather, are people who interact and are capable of orienting themselves, more or less, towards the common good — are free. These are the concepts proposed by Rawls for equality and freedom: freedom as the possession of moral, intellectual and judgemental capacities, as well as the decision on concepts of good and of valuable that people accept, resulting in informed and

consequential human action, which is able to recognize and follow the rules instituted for coexistence; equality as the set of moral, social and institutional capacities to participate fully in the cooperative social effort. Moral equality and equality of opportunities: one is not dealing here with the equalization human capacities or wealth, but with recognizing the dignity of citizens and with not closing the doors of opportunity on the less fortunate to, say, have occupations different from those of their parents. These concepts would not be unacceptable to Comte.[20]

Comte established that the two powers (Temporal and Spiritual) must be separate, i.e., the State should look after public order and the material development of society, but not be opining under any circumstance. The Spiritual power — which, depending on the context, can be identified with churches, with public opinion or with civil society — is responsible for values and ideas, i.e., for evaluation and judgement. The imposing character of the State demands that it not profess faiths: in case this occurs, the official faiths will be tyrannical, the beneficiary Spiritual power will become corrupt and the adherents will be hypocrites. On the other hand, the Temporal power recognizes, without interference, the plurality of faiths and values, with each individual having the prerogative of choosing those that seem to him/her most adequate or best.

Comte's separation between Church and State finds a similarity with Rawls's concern with principles of justice being "political not metaphysical", that is, that they deal only with basic social institutions and do not refer to "comprehensive doctrines" (called "metaphysical" by him). Note that Rawls's concern is different from Comte's, but the result, *in this specific sense*, is similar, not to say the same.

At the intersection of theoretical considerations and practical prescriptions, Comte affirmed the moral duties of the patriciate in the sense of managing collective resources — whether administered by the State or in a private character — in order to preserve the capital received from one's forebears, increase it and pass it onto the next generation and, with reference to living human beings, to feed them, so that the proletarians can provide for their extended families with dignity. Proletarians' pay must be made up of two components, one fixed and larger, due each proletarian *qua* citizen, and another variable and smaller, according to each worker's productivity. These obligations had to be internalized first, then materialized as political institutions, whose practices would be observed and enforced by society as a whole: roughly speaking, this would be Comte's practical "fairness" project.

For Rawls, "fairness" consists in the idea of "property-owning democracy", in which each citizen is supplied, presumably by the State, with a minimum income that allows this citizen to continued living and cooperating in society. But irrespective of the manner of obtention of the income, what matters is that society as a whole accepts and adopts as founding values, on the one hand, a series of guarantees and rights that permits every

citizen to cooperate; on the other hand, that social inequalities are only acceptable if they facilitate maximum benefits to the least advantaged in society.

Hence, also in practical terms there is an approximation between Comte and Rawls; if one considers the general spirit of the two Rawlsian principles (equality and difference), one finds that both favour minimum social guarantees to citizens *qua* citizens, whilst inequalities necessarily revert into collective benefits, particularly for those citizens in the lower social strata.

From the range of approximations between the two thinkers, we can already perceive one initial difference: *broadly speaking*, and using expressions in rather loose fashion, Comte's approach is more "moralist", while Rawls's is more "institutionalist".[21]

The *origin* of the consensus allows one to begin discussing some elements that distance the two authors from one another. For Comte, consensus will be possible with the diffusion of beliefs and values common to European society, but above all, prone to being diffused and of really acting in consensual manner, rather than being the source of discord and dispute. These values would originate from European society's own historical dynamic — which, in the Comtean scheme transits from theology to positivity, passing by metaphysics along the way, i.e., from concerns with the absolute and the beyond to concerns relating to human beings. The historically situated origin of Rawls's consensus is very clear, varying between deep cultural elements of the traditions of democratic societies to broad consensus on important values. However, Rawls's consensus is socially situated: it is valid *only* for pluralist democratic — i.e., Western — societies, which clearly excludes other societies; Comte's consensus, although *initially* specific to Europe and the Western world, is prone to generalization and enlargement to the whole of humankind. As indicated recently by Cepaluni and Guimarães (2008), the limitation of justice as fairness to Western societies — and only some of them, out of the larger Western "family" — is problematic, both because this proposal cannot be "exported" and because it cannot be implemented in strictly-speaking international relationships (i.e., between nations). It is true enough that Rawls intends justice as fairness to be political and "non-metaphysical", in other words, that it not constitute an "all-encompassing doctrine", unlike the Comtean proposal which does constitute an "all-encompassing doctrine" (albeit one more or less prone to functioning also as an *overlapping consensus*). But the requirements of a neutral State in the face of the various doctrines (a "secular State", so to speak), of a reasonable pluralism and of a "closed society" are so specific to some Western societies that justice as fairness itself becomes a trait of an all-encompassing doctrine, or of a "Western ideology", as defined by Louis Dumont (1992). The result of this limitation is that, paradoxically, Rawls's proposal is "civilizational", in the sense conferred by Samuel Huntington (1996); instead of being an instrument capable of positively regularizing relations between countries and civilization, it is an extra element opposing the West and the "rest" of the world.

There thus emerges a very marked ambivalence in Rawls. As we have seen, his scheme is historically situated, in which individuals live in society in a cooperative manner over time; such recognition is furthermore important not just for his theory but also to justify his proposals as being "political and not metaphysical". Meanwhile, resorting to the social contract is known to be — even by Rawls himself — outside of social reality (see, for example, Rawls 1985, 235), as well as ahistorical and hypothetical (see, for example, Rawls 1985, 236). The justification presented is that this resource allows one to consider the various members of society in fair positions for the presentation of their respective perspectives, without the strong using coercion to impose their interests upon the weak. Furthermore, the "veil of ignorance" and the social contract must be seen as devices of representation in which, literally, the representatives of groups discuss and argue among themselves in free and equal positions. Justice as fairness is not metaphysical, but political, because it does not assume any human nature, it does not advocate an all-encompassing doctrine for human beings and it is based on the socio-political reality of the societies at which the proposal is directed. Although some authors state that defending conceptions of good and of justice by itself is a metaphysical posture, this is a very broad definition, one that presents the enormous difficulty of confusing "metaphysics" with Philosophy in general and with Political Philosophy and Moral Philosophy in particular.[22] Therefore, it is an abusive definition: it is better to adopt the Comtean definition of "metaphysics", which, as suggested by Giddens (1998, 181), is "methodological": metaphysics is the explanation of reality that seeks the absolute by means of personified abstractions. Leaving aside the way to conceptualize metaphysics as being "all-encompassing doctrines" (adopted by Rawls himself), it seems to me that with reference to his social concerns and to several of his developments, Rawls's proposal is not metaphysical, whether according to his own terms or to Comte's. However, there are two moments when he becomes fully metaphysical, in Comtean terms.

The first is the use of the language of rights and, in correlated fashion, of equality. As we have seen, a more cooperative and more altruistic society demands not more rights, but more duties; it does not need more affirmations of unilateral privileges, but more (altruistic) bonds linking everyone with everyone. Of course the word "right" presents some important ambiguities: the right referred to is natural or written? Although rigorous in other respects, Rawls does not concern himself with distinguishing very carefully between the two meanings, which implies an acceptance of both. Given that in the West there is a consensus in favour of employing this language, it is as if there were no major problems; however, a more thorough analysis, such as the one carried out by Auguste Comte, reveals how advocating a cooperative society with the concept of "rights" is politically and logically incoherent.

On the other hand, Rawls's concept of equality is very distant from the more "classical" proposals for equality, in which the social conditions of every citizen are in fact equal or extremely similar; defining equality in terms of moral capacities and of social and institutional instruments for collective living is almost counter-intuitive with respect to the Western tradition that defines equality. In fact, perhaps it is for this reason that "equality" for Rawls, leaving aside the word itself, is so close to some of Comte's perspectives and prescriptions.

As for the veil of ignorance — Rawls's methodological resource to propose justice as fairness —, it is also metaphysical in the Comtean sense. Actually, from the historical point of view, the language of natural rights was intimately related with the social contract scheme, both of them being resources used for the critique of divine rights and absolutism (see Comte 1972b). Beyond the critique of theology, according to Comte, metaphysics is characterized by its purely abstract character, which formulates schemes that are independent from their factual, historical or sociological reality. But does not Rawls himself (for example, Rawls 1985, 236) recognize that the veil of ignorance is "hypothetical and ahistorical"? The introduction of such an element is strange, to say the least, if one considers the reiterated affirmation of the historical and cultural grounding of the values necessary for the validity of justice as fairness. Furthermore, it is incoherent to state that a "hypothetical and ahistorical" element is prone to be applied in only one society and can be refused to other societies, since the ahistorical "hypothesis" is, by definition, applicable to any social case.

Rawls states that there are no problems in resorting to this, for it is only a device of representation to determine fair negotiating conditions among the various social groups. However, this does not solve the problem: why is it necessary to resort to a "hypothetical" and ahistorical tool in order to stipulate fair negotiating conditions? Why is it necessary to seek an Archimedean point (see Rawls 1981, 204-205) *outside* of social existence in order to determine which conditions would be most favourable for each one's life? Rawls's argument on this is clear: this Archimedean point is necessary for it to be possible for each citizen to determine a general conception of justice that can be generalized to society as a whole and thus prone to acceptance by all. However, resorting to such an abstraction — incidentally, a rather topical one if one considers the social grounding of justice as fairness — cannot be explained, let alone justified. In other words, it is logically possible and empirically feasible to define a conception of justice acceptable to all, on Rawls's terms, without the need to resort to the veil of ignorance and its contractualism: Comte's proposal is an example of this.

Final Comments

I have indicated from the start that there are various points of contact between Comte and Rawls: concern with social justice; the proposal of a language and of minimum social

values for coexistence between various groups; society as a cooperative relationship that remains over time. The styles of writing and of reasoning; the historical moments and, therefore, the specific theoretical and political concerns; and the methods adopted by each constitute the elements that set them apart from one another. However, a more detailed analysis of each thinker has revealed that the points of approximation and contact are more numerous than one might have initially thought: leaving aside Rawls's methodological resources and a few limitations he imposed upon his project (namely, the demand that reasonable pluralism be culturally rooted), many of their perspectives are close to each other or are similar, with one more or less only needing to apply the *mutatis mutandis* clause.

The comparisons between the two authors are not exhausted by this article. It would be possible to pursue the matter at much greater length, particularly considering that their respective works are extensive and consist not only in developing initial intuitions and suggestions, but also in responding to criticism and correcting mistaken or omissive perspectives. Clearly, though, it would not be possible to develop these other possibilities within the confines of this article.

Observing the comparisons as a whole, it is surprising that only very few Rawlsian elements decisively separate him from Auguste Comte and would be susceptible to criticism on the latter's part. Moreover, such elements are more of a methodological than of a substantive order. I began by suggesting that comparing can be rather interesting: it becomes even more attractive when one comes upon such unexpected results — in particular when realizing that Comte's thought retains an ardent actuality and that its conceptions may usefully serve purposes of criticism, or of correction, of some of Rawls's perspectives and, by extension, of contemporary Political Theory.

Notes

1   This article is a modified version of Lacerda (2008c).

2   We will see that, strictly speaking, Rawls applies an ahistorical contractualist scheme, to a certain socio-political situation (pluralist democratic societies), so that his procedure is, so to speak, "mixed".

3   Let us consider some radical varieties of historicism: for example, some interpretations in the work of Quentin Skinner (2002), who, based on the thought of English neo-Hegelian Robin Collingwood, stated that ideas are specific solutions for specific (socio-political) situations — and, as such, comparisons between thinkers of very different times would be impossible. This radical denial earned Skinner the title of "antiquarian". Though Skinner defended the theoretical validity of such "antiquarism", in his favour it is important to note that his empirical studies

cover long periods of time (in some cases, like in Skinner (1996), several centuries) or even that they clearly serve to intervene in contemporary political debates (see Skinner 1997).

4   Actually, Rawls himself insisted that his ideas were specific to democratic societies that accept the validity of the Rule of Law (see RAWLS, 2000, p. 56-57, for example).

5   Advocating that concepts can, within certain limits, be removed from their specific contexts and applied in other situations is not the same as advocating that concepts are perennial or eternal, in a form of Neoplatonism as practised by Arthur Lovejoy or Leo Strauss. On the other hand, it suffices to think about the modus operandi of Cultural Anthropology for one to notice that there is no mystery or intellectual crime (theoretical or methodological) in the procedure I espouse. In spite of it not being possible to develop this theme within the bounds of this article, it is worth noting the epistemological importance of comparisons. As Auguste Comte (1972a) himself used to say, the only absolute principle is that all is relative: it is only possible for human beings to know something — anything — if they use comparative procedures, that is, if they evaluate a given situation as a function of another, previously experienced one (morally, materially or intellectually). Hence, comparisons are literally fundamental for human beings to get to know reality and act in the world (and, therefore, to live and survive). A similar conception was recently defended by Bevir (2002, chapter 2).

6   Of course, another question then emerges: how to determine the limits of each specific context? The above remarks notwithstanding, we may consider without great difficulty, that in the present case, the contexts of Comte and Rawls are approximately the same, with industrial societies, marked by political and social pluralism.

7   An example of the critiques of so-called "positivism" in the ambit of Political Science and Political Theory, especially in the United States, can be seen in Feres Júnior (2000).

8   Cepaluni and Guimarães (2008) insist on this point when presenting some of the criticism of Rawls within international relations: considering the grounding in Western societies, Rawls is against the application of his principles, whether to other types of societies, or to international relations as a whole.

9   Actually, Rawls avoids the discussion on the types of freedom on Berlin's terms (RAWLS, 1981, § 32, p. 163-164). He does not accept the utilitarian view of society and freedom (society as the joining of private interests, in which the "common good" consists at most in the satisfaction of utilities (identified in this perspective with happiness) of the majority of individuals) and defends a consensus on minimum moral values for the regulation of society (idem). Hence, using the concepts that Phillip Pettit has developed, Rawls would come closer to Pettit's own "republican freedom" than to Berlin's "negative freedom" (see Pettit 1997; 1998).

10   For this same reason, the contract established under the veil of ignorance considers just the "basic structure of society", that is, only a few fundamental and general aspects, restricted, as we will see, to the social, political and economic organization of each society.

11   This subsection is based on various parts of Lacerda (2009b).

12   With regard to the plurality of perspectives, there is a duality in Comte's thought: although he doubtless prescribes that all citizens and all societies become positivist, he recognizes as a situation of fact the inexistence of a single Spiritual power. This de facto pluralism and the concern with not letting the Temporal power become despotic justify, in conjunction, the strictest separation between the two powers, in an irrevocable and permanent character.

13 Comte does not use the words "bourgeoisie" and "bourgeois", for he sees in them an underlying selfish and individualist spirit, contrary to the relative and social perspective that he attributes to the "concentrated material power": hence the use of the words "patriciate" and "patrician".

14 I deal with some economic aspects of Comtean theory in Lacerda (2009b). The public evaluation of the private management of capital was commented in Lacerda (2008b).

15 The language often produces difficulties in the understanding; with regard to "rights" in Comtean political thought, this also occurs. On the one hand, there are so-called "natural rights", as affirmed by John Locke, which, as we will see, are a corrupt version of the idea of divine rights, and thus, metaphysical. On the other hand, there are rights written into laws, guarantors of the possibilities and impossibilities of action and of the obligations of individuals and groups. In order to avoid terminological confusion, Comte himself called the latter "legal guarantees" (see Morais Filho 1980), reserving to the word "rights" the specific meaning of "natural rights". With respect to the Comtean style, Torres (1997) developed an interesting study on the relations between this style and his thought, explaining, in particular, some elements that make it hard to read and understand Comte's work.

16 One must take into account that egotism is not prone to eradication; hence, the egotistical motivations must be replaced by altruistic motivations whenever and wherever possible; when not possible, they must be subordinated to, i.e., oriented by, altruistic ends (see Comte 1890, vol. IV, chapter II).

17 Incidentally, this is an analytic way of expressing the Comtean "Order and Progress".

18 It is important to remind ourselves at this point that for Comte, progress in the strict sense is not synonymous with "economic development", but with intellectual and moral improvement, in the sense of increasing altruism. Doubtless, economic growth is/would be a part of progress, but only as a necessary condition for the maintenance and flourishing of progress of the other orders. Let us insist on this aspect: true progress is intellectual and, even more, moral. It is a task for the Spiritual power, not for the Temporal power or for heads of industry.

19 Rawls expressly states that he deals with — so to speak — "superficial" questions in philosophical terms (Rawls 1985, 230 passim).

20 However, note that Comte was rather careful and rigorous with reference to the moral evaluation of each individual: whilst each one enjoys a minimum of respect, individual merit is perceived only a posteriori, so that "moral equality" for Comte is always a starting point, never a point of arrival.

21 In the case at hand, I owe the suggestion of these terms to Ivann Carlos Lago.

22 This is a problem present in the book by Vincent (2004), although on the whole it is excellent.

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