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A COMPANION TO RAWLS



Edited by
JON MANDLE
AND
DAVID A. REIDY

WILEY Blackwell

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Jon Mandle
David A. Reidy

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Introduction

JON MANDLE AND DAVID A. REIDY

It is now more than 10 years since John Rawls died in 2002, at the age of 81, and more than 60 years since his first publication in 1951. Yet, his work continues to occupy a unique and central position in contemporary political philosophy. Over the years it has generated an enormous secondary literature and sparked numerous interpretive and critical debates. The recent publication of Rawls's Princeton undergraduate thesis and his Harvard lectures in moral and political philosophy and the archival processing by Harvard of Rawls's unpublished papers, lectures, letters, annotated books, and so on, have only served further to stimulate interest in and debate over Rawls's work, often raising new questions, reviving debates thought to be settled, and suggesting new ways of understanding Rawls's work. With all this in mind, we were keen to produce with this volume not so much a summary of past scholarly work as a serviceable roadmap for current and future work on Rawls. Accordingly, we asked our contributors to address themselves to the themes and issues that in their view will or should occupy the attention of the scholars engaged or likely to engage in this work. As evidenced by their contributions, this scholarship is likely to range beyond issues of justice. For while Samuel Freeman is certainly correct that "Rawls devoted his entire career to one general philosophical topic and as a result wrote more on the subject of justice than any other major philosopher" (2007, x), as the essays in this collection establish, and as Freeman would readily acknowledge, to understand fully and evaluate fairly Rawls's work one must engage an immense number of related issues, just as Rawls himself did.

In Part I, David Reidy and Paul Weithman draw on materials only recently available to cast new light on Rawls's own understanding of his project and philosophical ambitions. Drawing on Rawls's undergraduate senior thesis (*BI*) and unpublished material from the Rawls archives, including papers from graduate school, Reidy (Chapter 1) gives us a series of "postcards" from Rawls's early philosophical development. Each offers a glimpse into the origin of one of the several enduring themes or concerns animating Rawls's mature work. Although *BI* is one of the few places where Rawls presents his work in an explicitly religious framework, in his *Lectures on the History of Moral Philosophy*, he notes that Kant's work,

clearly a source of inspiration for Rawls, has “an obvious religious aspect” (*LHMP*, 160). Rawls sometimes acknowledged in conversation that his own work was motivated by, among others, an essentially religious concern. Weithman (Chapter 2) provides a non-theistic interpretation of when a work has a “religious aspect” and argues that this characterization applies to Rawls’s work as well as to Kant’s. Weithman does not argue that this characterization informs Rawls’s own understanding of his work, but the possibility is clearly a live one.

The essays in Part II explore certain key ideas in Rawls’s philosophical method. Both Anthony Laden and Larry Krasnoff examine the meaning and significance of Rawls’s “constructivism.” Laden (Chapter 3) explores the relationship between constructivism and the idea of reflective equilibrium, arguing that, contrary to commonly held views, it is the latter that captures Rawls’s metaethical commitments while the former constitutes Rawls’s method for theory-building. Krasnoff (Chapter 4) argues that the significance of Rawls’s 1980 Dewey Lectures has been widely misunderstood. Kantian constructivism was a response to certain challenges to the ideas of the original position and reflective equilibrium. While Rawls’s later turn to political liberalism set aside Kantian *moral* constructivism, he did not abandon a political form of Kantian constructivism. Another key to Rawls’s method is his idea that the first subject of justice is the basic structure of society. Samuel Freeman (Chapter 5) explores the justification and significance of the methodological priority Rawls assigns to the basic structure of society, taking care to show how a failure to understand this priority leads all too easily to confusions, both exegetical and substantively philosophical. Methodologically speaking, Rawls assigns priority also to ideal theory (over nonideal theory), and in fact most of his work is within ideal theory. With this feature of Rawls’s method in mind, Adam Swift and Zofia Stemplowska (Chapter 6) explore the different senses in which a theory can be “ideal” and the strengths and weaknesses of these different idealizations. Finally, Rawls’s method features a now familiar “device of representation” or heuristic: the idea of the “original position.” Jon Mandle (Chapter 7) traces the development of this idea in Rawls’s work from his dissertation to *A Theory of Justice*, shedding light on its role in Rawls’s thought and its contribution to the argument for Rawls’s two principles of justice.

The essays in Part III focus on the substantive claims central to *TJ*. Foremost among these, of course, is Rawls’s commitment to the lexical priority of the liberty principle over the principle of fair equality of opportunity, the difference principle, perfectionist ends, and economic efficiency. Robert Taylor (Chapter 8) argues that this priority can be justified only on the basis of a robust commitment to Kantian autonomy. If Taylor is right, this would arguably have the implication of prioritizing the protection of political liberties over civil liberties. Rawls argues that the institutional implications of his principles are properly determined through a “four-stage sequence” within which they guide first the selection of a constitution, then the enacting of laws under that constitution, and finally the application of those laws to particular cases. Colin Macleod (Chapter 9) examines the application of Rawls’s principles through this process to democratic political institutions, education, health care, the family, and the economy. Central to Rawls’s account of economic justice are the two parts of his second principle of justice, the principle of fair equality of opportunity and the difference principle. Together these specify for Rawls an ideal of “democratic equality.” Stuart White (Chapter 10) considers this ideal and whether it is appropriately responsive to effort and whether it should and can be extended to address the concerns of severely sick and disabled individuals. One of the central substantive claims of *TJ*, advanced in its final three chapters, is that a society organized around Rawls’s two principles of justice as fairness would tend to

be stable and indeed more stable than a society organized around candidate alternative principles. Over the years, this claim has befuddled many commentators. Rawls's recasting in *Political Liberalism* of his claims regarding the stability of a society organized around his two principles only added to the confusion. Thomas Hill (Chapter 11) reconstructs Rawls's stability argument from *TJ* and then undertakes to sort out what does and does not survive in the transition to *PL*. Although his focus in *TJ* is on the principles of justice applicable to society's basic structure, Rawls does not entirely ignore the duties and obligations of individuals. In *PL* he addresses various civic duties related to democratic deliberation (some of the essays in Part IV of this volume, discussed below, address these duties). But in *TJ* he addresses primarily political duties and obligations related to fidelity or resistance to the law. Alexander Kaufman (Chapter 12) examines Rawls's idea of political authority and the conditions under which political institutions deserve citizens' fidelity and obedience and under which their resistance is permissible or required.

A few years after the publication of *TJ*, Rawls began to worry that the argument he had given there for the stability of a society governed by his two principles was inconsistent. It presupposed a degree of doctrinal moral consensus unlikely to arise or last under the conditions of freedom guaranteed by his principles. As he worked on a solution to this problem, one issue seemed to lead to another. By the time Rawls felt he had a solution to the problem he had developed a family of new ideas and arguments. These he gathered together under the umbrella idea of a "political liberalism," presenting them in a book of the same name. The essays in Part IV of this volume take up the ideas and arguments at the heart of Rawls's "political liberalism." One of these is the idea of the reasonable pluralism of competing and conflicting comprehensive doctrines (moral, religious, philosophical) that arises inevitably under conditions of freedom and justice. In order to explain how a society organized by his two principles, and so free and just, might prove stable, notwithstanding the reasonable doctrinal pluralism that will inevitably mark it, Rawls recasts his two principles as part of a "political conception" of justice. But Gerald Gaus (Chapter 13) argues that the very conditions that make inevitable reasonable doctrinal pluralism will also make inevitable a reasonable pluralism of competing and conflicting political conceptions of justice. The stability problem emerges, then, as deeper and more challenging than is often acknowledged. Recast as a "political conception" of justice, Rawls characterizes justice as fairness in *PL* not as a Kantian moral constructivism but rather as a "political constructivism." This move has left many wondering what exactly makes a view "constructivist" and what distinguishes "political constructivism" as a special case. Aaron James (Chapter 14) clarifies the general idea of "constructivism," analyzing it into five elements, in order to make sense of Rawls's distinction between a Kantian moral constructivism and a political constructivism.

Another idea central to Rawls's "political liberalism" is the idea of public reason, or the shared reason citizens (and officials) use when deliberating or addressing one another in their role or capacity as citizens (or officials) in order to render intelligible and evaluate or justify the constitutional essentials and fundamental justice of their society's basic social structure. A reasonable political conception of justice belongs to the public reason of citizens in a free and just society. The idea and ideal of public reason has generated both confusion and resistance from many quarters. Jonathan Quong (Chapter 15) carefully sets out the idea(l) and gives it a robust defense. Of course, Rawls allows that when deliberating over and deciding political issues citizens (and officials) will also reason from their many diverse comprehensive (moral, religious, and philosophical) doctrines. While these doctrines do not belong to their

shared public reason, citizens (and officials) remain free to reason from them in political life, provided they do so consistent with the idea(l) of public reason. When citizens (and officials) reasoning from their many diverse comprehensive doctrines have reason to affirm, or at least no reason to reject, one and the same reasonable political conception of justice (or family of such conceptions), they join in what Rawls dubs an "overlapping consensus." The fact, or at least realistic possibility, of an overlapping consensus is central to the stability of a free and just society. Rex Martin (Chapter 16) provides a careful account of the role of overlapping consensus in Rawls's political liberalism. Martin pays special attention to the much discussed question of whether utilitarianism, and if so, which species of utilitarianism, can participate in an overlapping consensus the object of which includes justice as fairness. Taken together, many of the ideas central to Rawls's political liberalism specify an idea(l) of civic virtue essential to the stability of a just and free society. Richard Dagger (Chapter 17) argues that this idea(l) of civic virtue – which constitutes something like a shared answer to the question: What is democratic citizenship for? – is in fact a unifying theme running throughout Rawls's work, the foundation of public trust and social stability. Without dissenting from this claim, Erin Kelly (Chapter 18) argues that in contemporary democracies like the United States inequality is a more pressing threat to public trust and social stability than the reasonable pluralism of comprehensive doctrines or the absence of a publicly shared idea(l) of civic virtue.

The essays of Part V consider Rawls's extension of political liberalism to matters of international relations, especially as presented in *The Law of Peoples*. The extension is necessary to complete justice as fairness and political liberalism, for the realistic possibility of a just and stable liberal democracy depends not only on its internal structure but also on its external relations to other polities. Though eagerly awaited, Rawls's account of these relations in *LP* received an overwhelmingly negative reception from scholars. Huw Williams (Chapter 19) argues that this reception was misguided and that *LP* in fact offers a novel and principled vision of international relations that ought to be attractive to liberal democratic peoples. A key feature of Rawls's extension of political liberalism in *LP* is a conception of human rights as essential to the shared public reason through which liberal democratic and other well-ordered and decent peoples render intelligible and evaluate their relations to one another on the global stage. Gillian Brock (Chapter 20) examines Rawls's conception of human rights in light of the various responses, critical and sympathetic, it has provoked. A second key feature of the view Rawls develops in *LP* is a duty owed by liberal democratic and other well-ordered decent peoples to assist impoverished peoples in achieving the material and human resources necessary to fulfilling human rights and a basic social structure that is at least not too unjust. Among peoples able to fulfill human rights and with a basic social structure that is not too unjust there is, on Rawls's view, no substantial reason arising out of considerations of justice to constrain material inequalities. Richard Miller (Chapter 21) takes a close and careful look at Rawls's duty of assistance and his relatively permissive stance toward material inequalities among peoples and argues that Rawls fails to respond adequately to the pressing problems of global poverty and inequality. Finally, in *LP* Rawls articulates various limits on the use of coercive force, including military force, within international relations. Darrel Moellendorf (Chapter 22) takes up Rawls's views here and assesses them as a contribution to the tradition of thought known as just war theory.

While Rawls's work in *TJ*, *PL* and *LP* is focused almost exclusively on issues of justice as they present themselves within the tradition of liberal democratic thought, he pursued his

work with an eye toward a number of related issues and in conversation with a variety of traditions and perspectives. The essays in Part VI of this volume engage this aspect of Rawls's work. Rawls's conversation with and sympathetic understanding of the work of John Stuart Mill dates back to Rawls's days as a graduate student. While Rawls rejected the utilitarian tradition that runs from Bentham through Edgeworth and Sidgwick, his relationship to Mill's utilitarianism was and remained over time much more friendly, a fact recently highlighted in Rawls's lectures on Mill published in his *Lectures on the History of Political Philosophy*. Jonathan Riley (Chapter 23) scrutinizes Rawls's interpretation of and relationship to Mill, arguing that Rawls seems to misunderstand either Mill's or his own view. There is, of course, in Mill's utilitarianism a rather pronounced perfectionist undercurrent. And Rawls famously deploys well-known arguments against perfectionist conceptions of justice. Setting aside what this suggests about Rawls's understanding of and relationship to Mill's work, Steven Wall (Chapter 24) takes up Rawls's antiperfectionist arguments on their own terms and finds them wanting. He argues that notwithstanding Rawls's own pronouncements, there are forms of state perfectionism compatible with Rawls's justice as fairness and political liberalism. Just as Riley and Wall complicate the relationship between Rawls's work and utilitarianism, on the one hand, and perfectionism, on the other, Barbara Fried (Chapter 25) complicates the relationship between Rawls's work and the tradition of thought referred to as libertarianism. Starting with Nozick and moving forward to later versions of libertarianism, she argues that the tensions between Rawls and his libertarian critics are sometimes more apparent than real and in any case often misunderstood and overstated. Daniel Brudney (Chapter 26) makes a similar sort of point regarding the relationship between Rawls's work and Marx's, especially the work of the younger Marx (of 1844, say). Setting aside the various species of later Marxisms, Brudney argues that there are some deep thematic points of common ground between Rawls's work and the work of the younger Marx. Irrespective of details, there can be little doubt that like Marx and Rousseau before him, Rawls sees the great evils of human history as arising in important ways out of injustice, especially institutional and political injustice. Rawls notes the connection explicitly in *LP*. Taking this link as her point of departure, Claudia Card (Chapter 27) focuses on the great evils of misogyny, especially misogynistic violence, and the lessons that might be drawn from Rawls's work by those engaged in the struggle against these evils. Moved, like Rawls, by a desire both to overcome injustice and to realize freedom, Jürgen Habermas has emerged over the last few decades, worldwide but especially in Europe, as a leading theorist and critic of the social forms of modernity, including the institutions of liberal democracy. By the mid-1990s a substantial conversation had developed between Rawls (and Rawlsians) and Habermas (and Habermasians). Notwithstanding the tendency of those engaged in this conversation to emphasize points of difference, Kenneth Baynes (Chapter 28) argues that Rawls and Habermas are much closer to one another in their views than either seems fully to appreciate.

Rawls drew from a variety of disciplines over the course of his life's work: sociology, economics, formal decision theory, the history of moral and political philosophy, and so on. In his earlier work (leading up to and including *TJ*) Rawls was especially interested in drawing on the work of and addressing himself to twentieth-century economists. Daniel Little (Chapter 29) examines Rawls's relationship to the field of economics. Of course, Rawls's interest in and debts to the greats of political economy extend far back into history and are just a piece of his interest in and debts to the greats of moral and political philosophy (of which political economy historically has been a part) more generally. The final two essays in this volume take

up Rawls's understanding of and engagement with the history of moral and political philosophy. S.A. Lloyd (Chapter 30) argues that Rawls provides a highly attractive model for how to engage with the history of political philosophy. Without dissenting from Lloyd's central point, Paul Guyer (Chapter 31) argues that Rawls nevertheless missed some key opportunities in his conversation with the history of moral philosophy. For example, Rawls missed opportunities to explore the complex relationship between substantive deontological commitments and a more basic justificatory teleology, a point of common ground, on Guyer's view, between Rawls, Kant, and Adam Smith, the latter largely and unhappily neglected by Rawls.

Obviously, other ways of grouping the chapters would have been possible. Some chapters focus primarily on internal developments in or interpretations of Rawls's work, while others develop connections to and contrasts with the work of others. Some stick closely to textual interpretations while others are more imaginative, taking Rawls as inspiration. Some defend Rawls while others are more critical. But all succeed in moving the discussion forward. We are grateful to our contributors for their participation in this project. We also would like to thank Ann Bone for her truly outstanding work as copy editor.

Note

The works by Rawls listed below are those noted in this introduction. Each chapter lists the works by Rawls it cites, together with their abbreviations.

Works by Rawls, with Abbreviations

A Brief Inquiry into the Meaning of Sin and Faith, with "On My Religion" (BI), ed. Thomas Nagel. Cambridge, MA: Harvard University Press, 2009.

The Law of Peoples, with "The Idea of Public Reason Revisited" (LP). Cambridge, MA: Harvard University Press, 1999.

Lectures on the History of Moral Philosophy (LHMP), ed. Barbara Herman. Cambridge, MA: Harvard University Press, 2000.

Lectures on the History of Political Philosophy (LHPP), ed. Samuel Freeman. Cambridge, MA: Harvard University Press, 2007.

Political Liberalism (PL), expanded edn. New York: Columbia University Press, 2005.

A Theory of Justice (TJ), rev. edn. Cambridge, MA: Harvard University Press, 1999.

Other Reference

Freeman, Samuel (2007) *Rawls*. London: Routledge.