
Book Reviews

The legacy of John Rawls

Thom Brooks and Fabian Freyenhagen (eds.)

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What is the philosophical legacy of John Rawls? As Thom Brooks and Fabian Freyenhagen note in their Introduction to *The Legacy of John Rawls*, it is widely agreed that for the vitality and breadth of contemporary political philosophy we are in large part indebted to him. This collection aims to explore some of the more specific aspects of Rawls's legacy.

To judge from the number of essays in the collection that are devoted to it, the most significant of these aspects is the justificatory strategy that he developed in his later work, involving the interrelated ideas of a political conception of justice, the overlapping consensus, public reason and the conception of society as a fair system of cooperation between citizens who are free, equal, reasonable and rational. Six out of the ten contributors make this strategy central to their discussion. Leif Wenar starts things off with an exceptionally clear and informative overview of Rawls's theory of justice in its final, post-*Political Liberalism* form; although for an essay entitled 'The Unity of Rawls's Work', there is surprisingly little here to counter the common supposition that Rawls's later work is fundamentally in conflict with *A Theory of Justice*. Jon Mahoney's and Robert Talisse's contributions offer critiques of political liberalism's justificatory strategy that make much of the fact that what it is to be reasonable by Rawlsian lights is determined at least in part by the content of the Rawlsian political conception of justice. Mahoney suggests that without some *comprehensive* conception of individuals as reasonable first and foremost, the demands of reasonableness cannot be employed to ground the restriction on which of the reasons that individuals might have for supporting the political conception contribute to its justification. Talisse, meanwhile, argues that the restriction on public reasons that may be offered as political justifications in a Rawlsian society would, as a matter of fact, tend to produce deliberative 'enclaves' manifesting 'group polarization'. But group polarization – the tendency for deliberation among like-minded individuals to bring them to more extreme versions of their initial views – will tend to undermine stability, a Rawlsian necessary condition for justice. Both essays help to illuminate the Rawlsian approach as well as suggest new ways of developing it.

Elizabeth Brake and James Boettcher offer analysis on the same questions of Rawlsian justification in relation to critiques from the perspective of feminism and religion, respectively. Brake, like Mahoney, suggests that friends of Rawls must rethink the concept of reasonableness in the Rawlsian schema. For Brake, however, this is because without such amendment fundamental aspects of Rawlsian justice – in particular, what she sees as its foundational principle of moral equality – cannot be justified without appeal to some comprehensive doctrine. She offers an unRawlsian account of reasonableness, which excludes beliefs based on insufficient evidence from political liberalism’s justificatory base and which, she claims, can vindicate the principle of moral equality as the default in the absence of any evidence for privileging particular groups or individuals. Boettcher, meanwhile, sets out very clearly a number of possible interpretations of the idea of public reason before opting for (and plausibly attributing to Rawls) a ‘wide wide view’, according to which the expression of non-political beliefs and motivations in the public political sphere is encouraged rather than – as cursory readings of Rawls might lead one to suppose – discouraged. He then argues that many criticisms of political liberalism’s approach to religious belief can be rebutted in the light of this interpretation.

Of the essays that focus on political liberalism’s justificatory strategy, Anthony Simon Laden’s ‘Taking the Distinction Between Persons Seriously’ takes the broadest view. Ostensibly, it is a discussion of four levels at which a political philosopher might fail to make the distinction between persons seriously, and argues that Rawls does not fail to do so at any of them. But, Laden pays little attention, in fact, to the level at which that charge is most familiar – that of the content of first-order principles of distributive justice – and his essay is most detailed and interesting when it turns to deeper levels involving Rawls’s conceptions of political morality and political philosophy. Here, Laden brings out the importance of Rawls’s commitment to democratic ideas and relationships and the way in which this informs the Rawlsian approach before outlining a Rawlsian vision of the role of political philosophy. In doing so he touches on some of the deepest issues that Rawls’s work addresses.

Only three of the contributions to *The Legacy of John Rawls* engage solely with issues not dealt with (at any length) in *Political Liberalism*, and one of these does not discuss Rawls’s political philosophy at all. (Evidence, perhaps, that *Political Liberalism* is now regarded as *A Theory of Justice*’s equal after years in its shadow?) Of the two that do, Robert S. Taylor’s ‘Self-Realization and the Priority of Fair Equality of Opportunity’ fills a gap in *A Theory of Justice*’s reasoning with a clear and plausible argument from *Theory*’s ‘Aristotelian Principle’ to the priority of the principle of fair equality of opportunity over the difference principle. Chris Naticchia, meanwhile,



considers developments in Rawls's thought on international justice from his 1993 paper 'The Law of Peoples' to the 1999 book of the same name. He argues that in order to ensure principles guaranteeing basic human rights, Rawls must tighten his criteria for admission of representatives of societies to the 'international original position' to exclude representatives of societies in which religious discrimination is practised. But Naticchia still finds room for the admission of representatives of non-liberal societies – in accordance, as he supposes, with our intuition that some such societies should be represented – by making an exception for discrimination in the appointment of certain higher political and judicial posts. This he justifies by appeal to the desirable practical effect of doing so: that it will encourage the relevant societies to make the final step to full-blown liberalism.

Two essays in this volume consider Rawls's legacy explicitly. One of them, Ana Marta González's 'John Rawls and the New Kantian Moral Theory', looks at the connections between Rawls's reading of Kant (as presented in his *Lectures on the History of Moral Philosophy*) and the views advanced by 'new Kantians' such as Barbara Herman, Thomas Hill and Christine Korsgaard. In particular, she highlights Rawls's emphasis on the role of the empirical and the practical in Kant – attention to which, she argues, also characterizes the new Kantians and provides them with the materials with which to acquit Kant of charges of rigorism and formalism. Fred D'Agostino, meanwhile, sees Rawls's legacy as threefold: pluralist, commensurationist and pragmatist. He characterizes Rawls as 'the Great Commensurator', arguing that the original position is a way of rendering commensurable competing proposals for the arrangement of the basic structure. This form of commensuration, which D'Agostino calls 'commensuration as separation', produces a single standard for the distribution of beliefs and commitments among individuals which grants individuals' own standards dominion over their own beliefs.

These two contributions notwithstanding, it is not clear in the end that *The Legacy of John Rawls* really does offer the exploration of that legacy which it promises. Rather, it provides a reflection of current trends in Rawls-inspired political philosophy – in particular, of the primacy of engagement with Rawls's later thinking. But the mixture of exegesis and critique that it provides is no less welcome for that. Those looking for clear elaboration of Rawlsian views together with a sense of depth and fruitfulness of both his philosophy and that inspired by it could do worse than to read this.

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