Review:

_The Cambridge Companion to Rawls, Samuel Freeman (ed.)_  

_Peter Alexander Livingston, Concordia University._

Since the 1971 publication of _A Theory of Justice_¹ John Rawls has dominated the study of political philosophy as an original, insightful, and controversial figure whose work has set the standards of theoretical political discourse. In the fifty years since his first articles on distributive justice were published Rawls has also shown himself to be a versatile thinker who has regularly revised and rewritten his earlier accounts in light of both critical responses and his own attempt to seek ever greater equilibrium between the stated intent of his project and the various manifestations it has taken on. The result of this process of revision culminates in Rawls’ 1993 John Dewey Lectures published as _Political Liberalism_². In this later work Rawls takes a distinctly more ‘political’ turn away from what he came to see as the comprehensive liberal doctrine of _TJ_ and its inability to deal with real diversity of opinions, beliefs, and values in any liberal society. I have engaged in this short biographical note to set the stage for any new reader of Rawls who has had the good fortune to pick up a copy of _The Cambridge Companion to Rawls_³. This collection of essays by prominent colleagues and former students of Rawls explores primarily the distinction between the earlier and later stages of Rawls’ thought, the motivations for his ‘political’ turn, and a series of enlightening analyses and critiques of the relative merits and downfalls of Rawls’ later work. In this respect, this compendium differs greatly from its predecessors such as Norman Daniels’ _Reading Rawls_ (1975) in its

---

³ Hereafter CC in citations.
ability to see Rawls’ work retrospectively and holistically.\footnote{As the general outline for this compendium was put together in 1996 it unfortunately, Samuel Freeman’s introduction aside, does not address Rawls’ *The Law of Peoples* (1999) and the ensuing wave of scholarly work on cosmopolitan justice.} Stressing primarily the complexity and interplay of Rawls’ methods of justification and the controversies they have given to rise to, the rich collection of articles this book contains capture both the originality and great importance of Rawls’ project of justice as fairness.

In the opening introductory essay, Samuel Freeman outlines the progression of Rawls’ work for readers new to the subject, but also catches Rawls scholars’ attention in stressing the complex primacy of “stability” throughout Rawls’ work. Foreshadowing his arguments in the volume’s fifth article, “Congruence and the Good of Justice”, Freeman argues that it was Rawls’ concern for stability “for the right reasons” – the willingness of rational people to reciprocally endorse and maintain the public good of justice as fairness – that led Rawls to abandon his attempt to demonstrate the congruence between the desire for a well-ordered society and the desire of people to realise their “free and equal nature”. Rawls’ attempt throughout Part III of *TJ* to construe a deep congruence between personal goods and a non-teleological account of justice (an account which, as opposed to utilitarian and communitarian accounts of justice, does not view ‘right’ as subservient to a general ‘good’) relies too heavily on the autonomy of free and equal people as some intrinsic good, and effectively collapses back into some sort of teleology. Sensitive to what he came to see as problems arising from his account of stability and its heavy reliance on a Kantian conception of the person as autonomous and the origins of value through the exercise of practical reason (particularly his appeal to the “Aristotelian Principle” in *TJ*, §68), Rawls was forced to admit that “the account of stability in part III of *Theory* is not consistent with the view as a whole” (*PL*, pp. xvii-xviii).

In compensation for this deficit of *TJ* Rawls introduces two important ideas in *PL*, namely, the distinction between comprehensive philosophical or moral doctrines and political conceptions, and the idea of an “overlapping consensus”. The problem of *TJ* was its recourse to some comprehensive philosophical doctrine, *viz.*, its prioritizing of autonomy that we cannot assume to be widely held in any reasonable pluralism. As opposed to this attempt to arbitrate matters of the utmost political importance in terms of such a contentious and sectarian moral view, Rawls argues that his new political
liberalism is strictly a political conception, as opposed to a comprehensive doctrine, *viz.* a non-sectarian means of disputing political conceptions compatible with any comprehensive conception in a reasonable pluralism. As Rawls puts it,

Note that, given the fact of reasonable pluralism, a well-ordered society in which all its members accept the same comprehensive doctrines is impossible. But democratic citizens holding different comprehensive doctrines may agree on political conceptions of justice. Political liberalism holds that this provides a sufficient as well as the most reasonable basis of social unity available to us as citizens of a democratic society (*JF*, p. 9).

With this said, Rawls proposes that the means by which the legitimisation of the principles adopted in the original position comes about is through a process of overlapping consensus. By grounding stability in appealing to the individual comprehensive schemes of any and every reasonable member of liberal society, Rawls contends, overlapping consensus achieves stability without assuming justice to have a privileged regulative place in a person’s sense of the good. This granting of overlapping consensus and its corresponding mechanism of “public reason” a role alongside the original position and reflective equilibrium in the process of generating and legitimising principles of justice, however, pushes Rawls’ argument for the imposition of “the principle of tolerance to philosophy itself” to a new level to overcome the difficulties of *TJ* by assuming a vaster gulf of difference and pluralism in any well ordered society.

A theme that constantly reoccurs throughout *The Cambridge Companion to Rawls* is the radicalness of this later stance of Rawls. As Burton Dreben (“On Rawls and Political Liberalism”) aptly points outs, Rawls’ rejection of the dream common to philosophers from Plato to Mill that some one philosophical conception of the good and justice can unite people into a free and mutually understanding community of shared truths is “a totally radical view” (CC 319). This radicalness in turn opens up the question of Rawls’ own relationship to the history of philosophy, particularly his relationship with the so-called Kantianism of *TJ*. On this point the contributors differ greatly ranging from Dreben’s admission that “Kant’s talk about practical reason is useless for understanding Rawls” (CC 340), to Onora O’Neill’s claim (“Constructivism in Rawls and Kant”) that

---


Rawls’ has continually held “a broadly Kantian view of both substantive political norms and of their justification” (CC 350). O’Neill, however, chastises Rawls’ later approach for failing to argue for a wider scope of justice and responsibility, and hence failing to follow through with his Kantian constructivism to the same radical extent as Kant had himself. Other contributors such as Thomas Nagel (“Rawls and Liberalism”), Samuel Freeman, and Martha Nussbaum (“Rawls and Feminism”) tend to argue for a middle point between Dreben and O’Neill’s respective positions.

Over and above focusing on such historical themes in Rawls’ work, the vast majority of the contributors to this volume focus their attention, whether implicitly or explicitly, on the more controversial aspects of justice as fairness and the corresponding objections raised by critics of Rawls. Thomas Nagel, Joshua Cohen (“For a Democratic Society”), and Amy Gutmann (“Rawls on the Relationship between Liberalism and Democracy”) argue for the centrality of a substantive conception of democracy in Rawls’ work in response to the objection that Rawls emphasises on liberalism and personal freedom to the detriment of democracy. These responses in turn lead to the topic of the relationship between justice as fairness and the discourse ethics approach of Jürgen Habermas, Seyla Benhabib, and Marilyn Friedman, and the corresponding exchange of criticisms between the two approaches to justice. This topic is discussed in one form or another in the contributions from Cohen, Gutman, Nussbaum and Charles Larmore (“Public Reason”) – all of whom, in one sense or another, tend to side with Rawls.

Of all the implicit criticisms the contributors seek to overturn, the most prominent objection to Rawls addressed in the book is that of G.A. Cohen and his controversial reading of the difference principle. Cohen has made the accusation that justice as fairness has no mechanism to confront the exploitative minimum requirements that the talented demand of just society\(^7\). According to Cohen, Rawls’ difference principle lends itself to two very different interpretations. The first reading, which Cohen calls the strict reading, claims that difference principle inequalities are necessary if and only if they are necessary apart from any agent’s chosen intentions. The lax

reading, however, counts inequalities as necessary even if this necessity is dependent on
agent-relative intentions (Cohen 1992, p. 311). In this latter case, it is only necessary to
offer incentives to the talented because they would choose not to work otherwise. But
why on earth, within the confines of a well ordered society characterised as a fair system
of cooperation, would the talented refuse to work for less if they claim to be concerned
about the well being of the worst off? Rawls’ Pareto argument becomes questionable
once it is acknowledged that “[the worst off] are as well off as they could be given the
self-seekingness of those who are better off, and maybe far better off, than they” (ibid., p.
320). The result of this problem, Cohen concludes, is that a strictly institutional account
of justice is insufficient and ought to be supplemented by an interpersonal “egalitarian
ethos”.

According to Nagel, Rawlsians are right to stick with justice as fairness as it is. The
divide between the political and the personal is integral to the liberal tradition and to
Rawls’ ability to coax some substantive normative values out of a political culture while
still respecting both “the fact of oppression” and the liberal priority of personal
freedoms. Norman Daniels (“Democratic Equality: Rawls’s Complex Egalitarianism”) offers a more robust response to Cohen along similar lines. In developing Andrew
Williams and David Estlund’s responses to Cohen on this point, Daniels argues first
that the restrictions on personal choice entailed by Cohen’s egalitarian ethos are
pernicious in a double sense: first they deny the talented the right to seek their sense of
the good through employment that does not use their talents to the maximal benefit to
the worst off, and secondly that a rejection of all “significant inequalities” denies the
case for inequalities which are the consequences of choices made out of affection for
others and moral considerations. As a corollary to these objections, Daniels defends the
“complexity” of Rawls’ egalitarianism in terms of how public reason, reasonable
pluralism, and Rawlsian contractarianism hold together in a manner such that Cohen’s
appended ethos requirements would infringe on reasonable pluralism in such a way
that it could never be legitimised in accordance with public reason.

Another notable response to Cohen is found in one of the more outstanding
articles in the book, Phillipe van Parijs’ “Difference Principle”. The lone economist in the

---

compendium, van Parijs offers the strongest response to Cohen by stressing the relationship between institutional arrangements (urban planning legislation, health care provisions, and labour market legislation) and their motivational consequences at the individual level. Van Parijs agrees with Cohen that such an ethos is essential for a just, stable society, but disagrees that such an ethos must be given exogenously of institutions. In taking this middle road, van Parijs maintains both the Rawlsian confines for choosing rules to govern collective life, while appeasing Cohen’s demand requiring more than just legislation to promote the best possible conditions for society’s worst-off – all at while remaining sensitive to the possible alienation of the talented and the potentially destructive role for justice their alienation could play in conjunction with present-day trans-national mobility. While Cohen has expressed his scepticism about the traditional Marxist account of structural motivation, I think van Parijs’ response is both weaker and more plausible than the orthodox Marxist assumption that self-interest and greed are governed by some superstructural arrangement. Rather, van Parijs is making the point that while greed cannot be overcome tout court from an institutional perspective, there is a case to be made that institutional arrangements can have a powerful impact on social solidarity without claiming that these institutions are sovereign over interpersonal motivations. Whether or not the contributors of this volume offer a definitive answer to Cohen and his supporters, this book certainly does offer a contribution to this and other debates on the forefront of contemporary political philosophy.

As Freeman notes in his introduction, the last three contributions to this volume are intended to address Rawls’ responses to his utilitarian, communitarian and feminist critics. At first glance this might seem like an odd grouping of critiques of Rawls. Odd in the sense of obsolete (feminism aside). The utilitarian-Rawlsian and communitarian-Rawlsian debates of the seventies and eighties are tired and worn-out disputes and I was at first shocked to find these camps being represented in what is otherwise such an up-to-date account of the discussions surrounding egalitarian justice. However, I was pleasantly surprised by all three articles. Samuel Scheffler’s article, “Rawls and Utilitarianism”, is a very careful analysis of Rawls’ love-hate relationship with the utilitarian tradition, and of how his work overlaps and differs with different utilitarian

---

9 If You’re an Egalitarian, How Come You’re So Rich? 119-120.
accounts. Stephan Mulhall and Adam Swift (“Rawls and Communitarianism”), in their article on the communitarian (Taylor, Walzer, etc.) reading of Rawls, are quick to admit that the traditional communitarian criticisms of Rawls all ultimately fail, particularly in light of his later comprehensive doctrine - political conception distinction. The article argues that – despite Rawls’ claims to the contrary – Rawls’ later account consists of a series of responses (primarily clarification, but also a few revisions) to communitarian objections to his work. These historical points aside, Mulhall and Swift synthesise a number of deep problems raised by writers like Will Kymlika concerning the nature of “reasonable” pluralism as well as the extent to which Rawls can maintain a strict divide between political and comprehensive liberalisms. Mulhall and Swift, like Susan Moller Okin elsewhere, argue that Rawls’ proclaimed ‘political’ liberalism becomes questionable when forced to address problems of group rights, multiculturalism and education rights, and particularly in addressing the question of the “reasonableness” of comprehensive doctrines – a question which Mulhall and Swift see Rawls answering only with a circular definition moulded to fit his own liberal model. Despite Rawls’ ability to successfully counter traditional communitarian objections, Mulhall and Swift argue that Rawls ultimately succumbs to the communitarian insistence that judgements concerning justice are dependent on deeper normative judgements tied up in issues of identity, affiliation, and community.

Following a similar style Martha Nussbaum’s “Rawls and Feminism” outlines some of the most important feminist critiques of Rawls and their corresponding deficiencies. Nussbaum reads Rawls as a political philosopher who has wrongly been accused of refusing to pay attention to the intelligence of emotion for decision making (Nussbaum herself renews on her criticism to this effect put forward in Love’s Knowledge), and who has been very sensitive and accommodating to his feminist critics. However, Nussbaum stresses the persistent difficulties Rawls encounters when facing the question of justice in the family. While Rawls claims, on occasion, that the family belongs to the basic structure of society, he goes on to compare it to other private institutions such as church groups and scientific associations. Nussbaum contests this

equation by pointing out that the level of coerciveness and authority at work in a family
distinguishes the family greatly from such freely entered associations such as religious
groups. As a result it is not entirely clear where Rawls sees the family’s place in justice
as fairness. It must either belong to the basic structure of society or not – it cannot be a
hybrid. Nussbaum goes on to invoke Eva Kittay’s work\textsuperscript{12} to highlight the difficulties
Rawls faces when trying to reconcile his description of a well-ordered society in terms of
reciprocity and mutual responsibility with the reality of the mental and physical
impairments which create an asymmetric situation of dependency. Many readers might
be taken aback that Martha Nussbaum rather than Susan Okin had been invited by the
editor of this book to write on the topic of Rawls and feminism. Okin, after all, has
traditionally been Rawls’ most challenging feminist critic, and, moreover, the feminist
critic that has had the greatest influence in convincing Rawls to revise his work.
Nussbaum’s entire section on Rawls and the family depends almost entirely on Okin’s
work. Nussbaum, however, not only synthesises Okin’s criticisms but also offers
responses and objections to some of Okin’s criticisms in view of what Nussbaum sees as
Okin’s attempt to conflate political and comprehensive liberalism.\textsuperscript{13} In this way,
Nussbaum offers a Rawlsian response to some of Okin’s criticisms so as to distinguish
those aspects of Okin’s work that have the deepest sting for a Rawlsian political
liberalism from aspects of her work that depend too heavily on her own comprehensive
conception.

Samuel Freeman has certainly done an excellent job on this compendium. All the
contributions are insightful, original, and contemporary works by some of the most
important minds in political philosophy today. Joshua Cohen, T.M. Scanlon (“Rawls on
Justification”), Phillipe van Parijs, and Martha Nussbaum’s articles all particularly stand
out for their scholarship, clarity, and comprehensiveness in tackling difficult topics.
Frank Michelman’s article (“Rawls on Constitutionalism and Constitutional Law”) on
Rawls and constitutional legal theory stands out in offering a rare glimpse into the
dynamics involved in a ‘practical’ application of Rawls’ work. That being said, this book

\textsuperscript{12} Eva Kittay “Human Dependency and Rawlsian Equality,” in Feminists Rethink the Self. Diana T.

\textsuperscript{13} Nussbaum has made this allegation against Okin elsewhere. Cf. “A Plea for Difficulty” in Is
Multiculturalism Bad for Women? 105-114. This article is followed by Okin’s response to Nussbaum
where she admits that while she holds a hybrid political-comprehensive liberalism she argues that neither
Rawls nor Nussbaum can claim to belong to a purely ‘political’ liberal camp. Cf. Ibid. pp. 117-131.
is also a fabulous research tool for both specialists and new-comers to the field. Its thirty-five page bibliography of thematically categorised books and articles about Rawls and egalitarian justice, including: ‘Rawls, Marx, and Left Criticism’, ‘Rawls, Economics, and Social Choice Theory’, and ‘Rawls and Religion,’ to name only a few, is especially useful. There are, however, some small problems with the text. First of all, the editing is lacking. While the greater part of the book is quite flawless, Martha Nussbaum’s article stands out as nearly illegible at times due to careless copy-editing. Even the back-cover of the book is not spared with its description of Rawls as “the most significant and influential philosopher and moral philosopher of the 20th century”. The first instance of the word “philosopher,” clearly, should be replaced by “political”. Another problem I came across is that of inaccurate references. In a number of articles references to page numbers in Rawls’ works (and possibly others too) proved to be erroneous upon comparing them to the originals. The copy I received from Cambridge University Press was particularly distressing. I was dismayed to discover that pages 461 through 492 (essentially all of “Rawls and Communitarianism” and the first few pages of “Rawls and Feminism”) were simply missing, while pages 493 through page 524 were printed twice! Publishers defects aside, however, The Cambridge Companion to Rawls is an appreciable piece of work which is sure to become required reading for anyone interested in any serious study of John Rawls’ corpus.

In conclusion, I would like to come back to a comment I made in the introduction describing this work as retrospective and holistic. This work’s publication came within a week of the death of John Rawls on November 26th, 2002. The philosophical world as a whole has suffered from the disabling illness that kept Rawls from writing for the last years of his life, and his death is a loss to us all. What Rawls has left us, however, is a rich and provocative corpus of work which, as Hilary Putnam has put it, “is not going to be forgotten for decades, I think for centuries”.14 Samuel Freeman and Eric Kelly have worked hard to prepare Rawls’ work for publication while his illness made it impossible for him to do so, and it appears that they will be continuing their work to publish further works by Rawls posthumously.15 Yet this ‘retrospective’ does not mean that

14 http://www.guardian.co.uk/uslatest/story/0,1282,-2199050,00.html
15 Freeman evidently has a forthcoming companion piece to Rawls’ Lectures on the History of Moral Philosophy entitled Lectures on The History of Political Philosophy (Cambridge, MA: Harvard University Press.)
Rawls’ project for a well-ordered society has come to an end with him. What this volume attests to, if nothing else, is the vibrant and thriving community of political philosophers, economists, social scientists, and others, working hard to realise what Rawls saw as the four functions of political philosophy: the discovery of shared ground to overcome political and moral dispute; to help ‘orient’ ourselves in thinking about our present political situation; reconciling ourselves positively to our political reality; and, most importantly, the probing of the limits of practicable political possibility in the name of realistic utopias.\textsuperscript{16}

\textsuperscript{16} Cf. \textit{IF} §1. Four Roles of Political Philosophy. 1-4.