

Rawls and His Critics

In the introductory remarks to his 1967 anthology, *Political Philosophy*, Oxford don Anthony Quinton pointed out that recent philosophers have come "to accept a more limited conception of their powers and, in consequence, of their responsibilities:... very briefly, philosophy has the task of classifying and analysing the terms, statements and arguments of the substantive, first-order disciplines." Accordingly, Quinton observed that the "great tradition" of political philosophy from Plato and Aristotle to Marx and Mill had "petered out," yielding to the less all-inclusive concerns of political science and political sociology, though "an occasional magnificent dinosaur stalks on to the scene, such as Hayek's *Constitution of Liberty*, seemingly impervious to the effects of natural selection."

The appearance, just four years after these remarks were prepared, of John Rawls' *A Theory of Justice*, together with Robert Nozick's more recent *Anarchy, State, and Utopia*, suggests that Hayek may have been less a dinosaur than a prototype. Be that as it may, political philosophy in the "great tradition" is enjoying a revival, and the air is not a little refreshing for it. Even a cursory look through the professional journals will show that the normative analysis, so often eschewed or even disdained by recent philosophers, is no more being left to the "first-order disciplines" alone.

Not all of the credit for this recrudescence is owing to Rawls, of course, but as the publication of his tome was a major factor, it comes as no surprise that a collection of some of the articles Rawls has prompted should now appear. This book, the editor tells us, is a topically oriented collection of studies on *A Theory of Justice*, designed as a guide to reading Rawls. It brings together 14 academic philosophers (all but two of whose papers have already appeared, though often in different form, in professional journals) whose contributions Daniels has organized around Rawls' "original position," his method, principles of justice, and some of the relationships between the theory and the social sciences. Thus the book presupposes, if not a thorough reading of Rawls, at least a substantial appreciation of the issues he treats as well as the manner in which he treats them. (Rawls does not simply revive social contract theory in the tradition of Hobbes, Locke, and Rousseau, for example, but introduces in addition a number of highly sophisticated refinements of that theory.) Though most of the articles are quite technical, they should not, with the exception of the formal parts of the argument of A.K. Sen, be beyond the understanding of anyone who has been able to get through Rawls' book.

When *A Theory of Justice* appeared it was immediately interpreted—both within

and without the profession—as having provided the theoretical foundation for the *Zeitgeist*. Thus Daniels writes that Rawls "wants to reveal the principles of justice which underlie the dominant moral and political views of our period," and that ideology, he continues, is "a form of liberalism,... egalitarian liberalism." Whether Rawls has succeeded is very much open to question. Perhaps, however, this issue can be brought out more clearly as follows: it is customary for philosophers to distinguish principles of justice as either consequentialist (usually utilitarian) or nonconsequentialist. Very roughly, the former look to the good—the greatest good for the greatest number, say—whereas the latter

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look to the right, independently of consequences. Consequentialist principles are used to justify everything from abortion to social engineering, while nonconsequentialist principles, respecting more the traditional rights of the individual, tend rather to underpin our considered moral judgments, prohibiting judicial murder (in the face of a potential riot), for example, or the taking of property without due process.

Now Rawls is quite explicitly trying to avoid a form of utilitarianism, despite the fact that utilitarianism is ordinarily recognized to be the moral theory that best justifies egalitarian liberalism, which again most appropriately describes the kind of world that emerges from his theory. This tension between the kind of moral theory Rawls believes to be right and the kind of egalitarian world he wants to justify is the same tension at the heart of much of our contemporary political discussion. And not unexpectedly, it is at the heart of much of the discussion in this book. Both R.M. Hare and David Lyons, for example, are quick to challenge Rawls' arguments against utilitarianism. Lyons observes, moreover, that Rawls' principles of justice not only differ little from utilitarian principles, but will likely justify similar real-world arrangements. Other contributors as well raise probing questions concerning this relationship between Rawls' principles of justice and the world they purport to justify.

There is more at issue here, however, than these largely formal disputes. The real-world arrangements to which Lyons is referring are most notably those entailed by Rawls' famous "Difference Principle," which allows inequalities in such primary social goods as wealth, income, powers, authority, and

the bases of self-respect only if those inequalities work to benefit the least advantaged in society. Most of the philosophers in this volume are concerned, however, not with criticizing these egalitarian arrangements but rather with criticizing the method by which Rawls justifies them. Egalitarianism, that is, is for the most part taken for granted; only the best justification for it seems to be at issue. Indeed, with the exception of the essay by H.L.A. Hart and, with liberal interpretation, parts of one or two other essays, these critics are all arguing from either a utilitarian or, in four cases, including the editor's essay, an explicitly Marxist perspective. The result is a discussion looking rather like a debate between Mr. Rockefeller and his critics to the Left: a whole world of views is all but ignored.

None of this is to say that these essays are not of high quality. They are, and the careful reader will profit greatly from them, for they raise serious and often searching issues. But they are instructive at another level as well, for they do give a fairly representative picture of the range of opinion one is likely to encounter among academic philosophers—indeed, among academicians in general. This is the egalitarianism we've seen come to full bloom in recent years in such strongholds of enlightenment as England, India, and New York, which locations are themselves instructive.

Owing then to the relatively circumscribed perspectives from which these critics take on Rawls, it was delightful indeed to witness in Nozick's recently published work the second breath of fresh air to pass through the philosophical world in this decade. Unabashedly libertarian, *Anarchy, State, and Utopia* has a lengthy section critical not only of the connections between Rawls' principles and the world he believes they justify, but of that very egalitarian world as well—all from a thoroughly nonconsequentialist perspective. Egalitarianism is wrong, Nozick is saying, not simply because it doesn't work, as many an economist might argue, but because it violates people's *rights*. There are things one (or the state) just cannot do to another, regardless of how much doing that might benefit the whole world. Here is the heart of the moral argument the proponents of egalitarian distributive justice all but ignore. Whether they will now continue to do so will be interesting to watch, as the (professional) returns on Nozick start coming in. (The more exoteric reviews have not unexpectedly been mixed, though the attention Nozick is receiving is alone a propitious sign.) It is at least noteworthy, then, that Rawls and his critics, as represented in this volume, are working within a *Weltanschauung* that has since been seriously called into question. And because of it the world of philosophy is not a little more open. □