The Review of Politics 70 (2008), 260–271.
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doi: 10.1017/S0034670508000351 Printed in the USA

Reflections on Rawls

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Samuel Freeman: *Justice and the Social Contract: Essays on Rawlsian Political Philosophy* (New York: Oxford University Press, 2006. Pp. xii, 340. $55.00.)

Paul Graham: *Rawls* (Oxford: Oneworld Publications, 2006. Pp. viii, 184. $14.95.)

Thomas Pogge: *John Rawls: His Life and Theory of Justice* (New York: Oxford University Press, 2007. Pp. xv, 228. $24.95.)

David Lewis Schaefer: *Illiberal Justice: John Rawls vs. the American Political Tradition* (Columbia: University of Missouri Press, 2007. Pp. xiii, 367. $24.95.)

Arguably, there have been few contemporary political theorists who have had as great an impact as John Rawls. During his lifetime his work was referred to as "epoch-making"[1] and "cataclysmic in its effect" on the field of political theory.[2] On numerous occasions he was proclaimed "the most important political philosopher of the twentieth century,"[3] and other titles equally celebratory. A number of individuals have gone so far as to credit Rawls with reviving political philosophy, breathing new life into what was (according to Peter Laslett's now famous 1956 declaration) a dead discipline, once again making it a valid and valuable enterprise. While the accuracy of such a claim has been questioned, one fact seems indisputable: Rawls redefined late twentieth-century political theory, altering its "premises and principles."[4] Indeed, "political philosophy since the early 1970s has been—at least in the English-speaking world—in very substantial part a commentary on Rawls's work."[5]

Among the literally thousands of publications stimulated by Rawls's work[6] are commentaries—some quite extensive and ongoing—by many of the most

[1]Ben Rogers, "Portrait: John Rawls," *Prospect* [http://www.prospectmagazine.co.uk/highlights/portrait_johnrawls/index.html]. Accessed 11 May 2000.

[2]Victoria Davion and Clark Wolf, "Introduction: From Comprehensive Justice to Political Liberalism," in Davion and Wolf, eds., *The Idea of a Political Liberalism: Essays on Rawls* (Lanham: Rowman and Littlefield, 2000), 1.

[3]Thomas Nagel, "Justice, Justice, Shalt Thou Pursue Justice," *The New Republic*, 25 (October 1999): 36.

[4]Amy Gutmann, "Communitarian Critics of Liberalism," *Philosophy and Public Affairs* 14, 3 (1984): 308–22.

[5]John Gray, *Enlightenment's Wake: Politics and Culture at the Close of the Modern Age* (New York: Routledge), 1.

[6]It was (conservatively) estimated that by the year 2000 there were approximately 5000 books and articles that—to varying degrees—were devoted to an assessment

https://doi.org/10.1017/S0034670508000351 Published online by Cambridge University Press

prominent and celebrated scholars of recent times, representing both a variety of disciplines, including philosophy, political science, economics, theology, legal theory, and sociology, and a diversity of analytical perspectives, such as communitarianism, perfectionism, Marxism, feminism, cosmopolitanism, and postmodernism.[7] It is difficult not to be curious about the arguments that could attract such attention. In turn, it is unsurprising that following Rawls's death there has appeared a number of books (with additional ones in process) devoted to examining his arguments and assessing his contribution to the discipline of political theory.

The books that provide the focus for this essay seek to reveal the essential character and significance of Rawls's arguments about justice. Both *John Rawls: His Life and Theory of Justice* by Thomas Pogge and *Rawls* by Paul Graham offer broad surveys of Rawls's political thought, intended to provide the reader with a general understanding of the fundamental features of Rawls's project(s). Samuel Freeman's *Justice and the Social Contract* and David Lewis Schaefer's *Illiberal Justice* also broadly engage Rawls's corpus, but they are much more concerned with offering a substantive critical analysis than either Pogge or Graham, though the latter two occasionally do question and criticize. There is thus a natural division of the texts into two categories: the first being the general, descriptive reviews of Pogge and Graham, and the second the more detailed assessments of Freeman and Schaefer.

Both Pogge and Graham hope to provide an accessible yet meaningful and edifying overview of the central elements of Rawls's conception of *justice as fairness*. Expectedly, both texts engage many of the same topics in a relatively similar fashion, though there are some noteworthy differences between the two. Each begins by offering a biographical sketch of Rawls. Graham's account is developed from previously published material written by ex-students of Rawls—such as Thomas Nagel and Martha Nussbaum—and others who have interviewed Rawls, such as Ben Rogers. Pogge's chronicle is based primarily upon information secured from personal interviews that he conducted with Rawls during 1993 and, perhaps unsurprisingly, is more

of the arguments presented in *A Theory of Justice* (Harvard University Press, 1971). Rawls's subsequent publications would also generate an extremely impressive (if less phenomenal) response. See Ben Rogers, "Portrait: John Rawls," *Prospect* [http://www.prospectmagazine.co.uk/highlights/portrait_johnrawls/index.html]. Accessed 11 May 2000.

[7]A partial list of his interlocutors (in no particular order) includes H. L. A. Hart, Jürgen Habermas, Ronald Dworkin, Richard Rorty, Amartya Sen, Kenneth Arrow, Alasdair MacIntyre, Joseph Raz, Robert Nozick, Thomas Nagel, Brian Barry, Charles Taylor, Thomas Scanlon, Bruce Ackerman, G. A. Cohen, Joshua Cohen, David Gauthier, Judith Shklar, Thomas Pogge, Michael Sandel, Susan Moller Okin, Michael Walzer, William Galston, Benjamin Barber, Martha Nussbaum, Charles Larmore, Stephen Macedo, and Iris Marion Young.

https://doi.org/10.1017/S0034670508000351 Published online by Cambridge University Press

detailed, particularly with respect to nonacademic matters. More significantly, Pogge and Graham differ in terms of the importance they assign to biographical information. Pogge suggests (or, at the very least, implies) that various aspects of Rawls's life—especially prior to his career in academia—had important consequences in terms of influencing his beliefs concerning justice (e.g., 3–14), and insofar as they did, they can assist one in uncovering the foundations of Rawls's arguments. Graham argues conversely that "biography is not essential to understanding Rawls's work," as it is in the case of Nietzsche, for example. Nor, indeed, is biography "helpful" or "illuminating" as in the case of Wittgenstein (2). Graham states that his purpose in relaying biographical information is to "humanize" arguments that many might otherwise characterize as "dry" (2)—though he notes that those who would do so would be mistaken.

Having presented a biographical overview of Rawls, both Pogge and Graham proceed to examine various fundamental features of Rawls's conception of justice as fairness, including the original position, the two principles of justice—that is, the liberty principle and the difference principle—the maximin principle, the notion of primary goods, the idea of a purely political conception of justice, Rawls's focus on the basic structure, the process of reflective equilibrium, the fact of reasonable pluralism, and the concept of a well-ordered society.

Pogge first examines Rawls's focus on the basic structure and the accompanying idea of an overlapping consensus. In so doing, he explains the rationale behind Rawls's choice of the basic structure as the "subject of justice," including the need to focus on the basic structure in order to achieve an overlapping consensus, and the value of an overlapping consensus relative to other types of agreements, such as a *modus vivendi*. Pogge also notes the limited scope of Rawls's conception of justice—that is, the fact that it is premised upon certain idealizations such as that of a closed society that does not contain any people with problematic mental and/or physical disabilities (e.g., 39–41). Graham's initial efforts are aimed at providing a "'wide-angle' view of Rawls's theory of justice" and locating that theory "within the history of political thought" (15). To accomplish that task, Graham reviews the contractual character of Rawls's conception of justice and compares it with that of Hobbes, suggesting, among other things, that both represent an attempt to resolve the prisoner's dilemma insofar as they both seek to solve the problem of political stability. Graham also emphasizes the importance of Rawls's distinction between "the *method* for deriving principles of distributive justice … [and] the *content* of those principles" (15). In examining Rawls's method, Graham considers Rawls's distinction between the reasonable and the rational and the idea of an original position and its attendant notion of a veil of ignorance. In turning to the matter of content, Graham suggests that both the ambitiousness and modesty of Rawls's project are most clearly embodied in his argument for the two principles of justice (23).

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Having completed a cursory examination of some of the more noteworthy elements of Rawls's argument, Graham directs his attention to a more thorough investigation of the character and consequences of the original position. In so doing, he, too, comments on the scope, or "parameters," of Rawls's conception of justice. He also considers Rawls's claims concerning individuals' motivation for the choices they would render in the original position—that is, "agents in the original position [would] seek to maximize their share of the [available] primary goods" (33)—the proceduralism and constructivism that is "at the core" of Rawls's theory (35), and the concepts of reflective equilibrium and "stability" and Rawls's understanding of the relationship between the two. In turn, Graham analyzes the persuasiveness of Rawls's argument regarding the original position by assessing the criticisms leveled against it by, in particular, Michael Sandel, Carol Gilligan, and Thomas Nagel. Pogge's examination of the original position begins with a review of certain of its foundational "ingredients" (43). He considers the characteristics of Rawls's understanding of a "workable criterion of justice" (47), including consequentialism, humanism, and normative individualism, which, when combined, produce a "*purely recipient-oriented*" public criterion of justice (44). He proceeds to detail the specific features of the original position, such as its justificatory purpose, the veil of ignorance, the equality and rationality of the agents that deliberate within the original position, and the perpetuity of decisions made by those agents.

Both Pogge and Graham devote two chapters to an examination of Rawls's proposed two principles of justice. Pogge dedicates a separate chapter to each principle. In the chapter on the first principle of justice—what Graham and others have labeled the (equal) liberty principle—Pogge addresses matters such as the structure of a "basic right," the idea of ensuring the "fair value" of political liberties, and the character of permissible and impermissible reductions of basic liberties. In examining the second principle, Pogge notes such things as its dual character (i.e., it encompasses both an opportunity principle and the difference principle), the different layers, or "proximations" (107), of the difference principle, its lexical subordination to the opportunity principle, the distinction between formal and fair equality of opportunity, and the limited number of regimes that can satisfy the demands of both principles. Graham's approach differs in that he first surveys the central elements of both principles and then undertakes a more detailed scrutiny of one "part" of the second principle, the difference principle. With respect to the former task, he states that his "concern is with both the internal coherence of the principles—whether these are compatible with one another—and the likelihood agents in the original position would choose them, rather than an alternative conception of justice" (42). In addressing that concern, he examines many of the topics engaged by Pogge, including the idea of equal liberty, the distinction between formal and fair equality of opportunity, and the lexical ordering of the principles. He also reviews in a not insignificant manner Rawls's list of the realistic alternative principles of justice and, more interestingly, evaluates

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the potential importance of Rawls's reformulation of the two principles of justice (e.g., 48, 53–55, 57–58) and his response to the question of intergenerational justice (48–49, 62–64). Graham's scrutiny of the difference principle takes the form of an analysis of the objections to it raised by Robert Nozick, G. A. Cohen, and Ronald Dworkin, a "consideration of some empirical 'modelling' of behaviour in the original position," and the implications of that research with respect to "the credibility and coherence of Rawls's theory" (65).

Perhaps the most obvious and significant difference between Pogge and Graham is the latter's direct and (relatively) substantive examination of Rawls's *Political Liberalism* (hereafter *PL*), *The Law of Peoples* (hereafter *LP*), and arguments regarding civil disobedience; Graham allocates a separate chapter to each. In his analysis of *PL* (chap. 8), Graham reviews Rawls's arguments concerning the distinction between a political conception of the good and a comprehensive conception of the good, the moral character of the former, the notion of reasonable pluralism, the concepts of a *modus vivendi* and an overlapping consensus, and the importance of the notion of (political) "stability" for Rawls. Graham also surveys the fundamental aspects of the exchange between Rawls and Jürgen Habermas[8] respecting the use of public reason. When directing his attention toward *LP*, Graham notes that he is especially concerned with identifying "the continuities and discontinuities between 'the law of peoples' and Rawls's theory of domestic justice" (152). To that end, Graham engages topics such as Rawls's emphasis upon peoples rather than nations, his distinction between liberal peoples and nonliberal peoples (and the related distinction between decent and other types of nonliberal peoples), his modified application of the original position, the significance of *PL* for *LP*, his proposed eight principles to regulate interactions between free and democratic peoples, and his conclusions regarding what constitutes a "just war" and why his two principles of justice should not be applied in the realm of international law. As for the topic of Rawls's remarks about civil disobedience, Graham focuses on Rawls's observations about the legitimacy and, indeed, essentiality of the principle of majority rule (properly constrained), the conditions under which civil disobedience is justified, and the extent to which those conditions were present during the 1960s Civil Rights Movement in the United States. He also engages Rawls's arguments concerning punishment, suggesting it is appropriate to do so because civil disobedience and punishment are "coupled together" insofar as all "non-ideal" theories of justice (i.e., those that are "coercively enforced") must necessarily be accompanied by a theory of punishment that identifies legitimate sanctions to discipline those who fail to comply with the principles of justice, "or, more accurately, with the laws that conform to those principles" (108).

[8]*Journal of Philosophy* 92, 3 (1995): 109–80.

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As already observed, Pogge does not undertake any of the tasks noted in the preceding paragraph. That is not, however, to suggest that he does not confront any of the related topics or concerns. For example, he, too, examines Rawls's notion of a purely political liberalism and the distinction between it and a comprehensive liberalism (e.g., 139–48), as well as considering the concept of public reason (e.g., 137–39). Nevertheless, those tasks are completed within the context of explaining other more general features of Rawls's theory, such as the basis for a well-ordered society (chap. 7) and the manner in which the adoption of justice as fairness can be effectively justified (chap. 8). Similarly, Pogge also surveys some of the prominent criticisms of the original position and the difference principle (e.g., 178–88), but he does so in the process of describing "three important substantive debates in which Rawls's conception of justice has become involved" (178)—namely, the libertarian and (United States) communitarian challenges to Rawls, and the question of the connection between Rawls's arguments and those of Kant.

Both Pogge and Graham offer a brief, concluding statement regarding the potential—and, in the case of Pogge, proper—future for Rawls's conception of justice and, more generally, his political theorizing. Yet, in that regard, too, they seem to differ notably. Whereas Pogge unequivocally suggests that Rawls "left us a living theoretical framework within which we can [and should] debate and resolve the political questions we face" (196), Graham determines that, in certain important respects, Rawls's arguments are environmentally "parochial"—their continued validity is inextricably tied to the societal conditions within which they exist; subsequently, "Readers of Rawls in the year 2106 may conclude that his project … [is anachronistic,] … a manifestation of a 'golden age' of material prosperity" (168).

Freeman and Schaefer, too, differ in their determinations concerning the value of Rawls's project. Freeman believes it to be an appropriate and useful framework for theorizing about justice in contemporary liberal democracies, and his efforts are aimed at ensuring an accurate understanding of Rawls's project and its constituent claims. Conversely, *Illiberal Justice* presents a critique that is not merely skeptical of the validity and subsequent usefulness of Rawls's arguments, but also disparaging and dismissive of them. Both Freeman and Schaefer engage all of Rawls's primary projects and devote a majority of their analysis to the arguments presented in *A Theory of Justice* (hereafter *TJ*)—though, Schaefer dedicates a notably greater portion of his text to that task. Similarly, neither provides a biographical profile of Rawls; rather, both offer a few prefatory remarks regarding the influence of Rawls and, in particular, the impact of *TJ*, and then proceed with their analysis.

More precisely, *Justice and the Social Contract* begins by commenting upon the social contractarian character of Rawls's theory of justice and its concern with political stability and the establishment of a well-ordered society. Freeman, like Graham, seeks to locate Rawls's theory within the "right-based" social contract tradition of Locke, Rousseau, and Kant, and,

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in the course of doing so, compares and differentiates it from "the Hobbesian, or purely interest-based" contract tradition as represented in the writings of, in particular, David Gauthier and James Buchanan (18–19). The principal purpose of Freeman's efforts is to rebut the objections that Rawls's theory lacks a genuine contractarian position insofar as there is no opportunity for bargaining between essentially indistinguishable deliberators in the original position. In detailing the basis for his rebuttal, Freeman examines Rawls's arguments surrounding the notion of public reason, the distinction between "the reasonable" and "the rational," the concepts of an "original position" and its attendant veil of ignorance, the idea of an overlapping consensus, the difference between a "political" conception and a comprehensive doctrine, and Rawls's conception of democratic justice.

Freeman also addresses the question of the relationship between Rawls's arguments and those of utilitarians and consequentialists. In so doing, he notes, for example, Rawls's distinction between teleological and deontological moral conceptions and explains why theorists such as Ronald Dworkin and Will Kymlicka are mistaken when they conclude that Rawls is incorrect to label utilitarianism as teleological in character, and Kymlicka, Michael Sandel and others are "confused" when they assert that Rawls's idea of the priority of the right over the good is a deontological principle. Freeman also offers an account as to why Rawls believed that, of the plausible candidates, only utilitarianism possessed all of the qualities essential to a practical "moral conception of justice and philosophical basis for a democratic society" (76). In turn, Freeman examines Rawls's use of the ideas of "publicity" and "stability" as justifications for favoring justice as fairness over utilitarianism, and considers the reasons for Rawls's argument that a property-owning democracy is preferable to a capitalist welfare state.

Freeman also assesses the validity of the claim that Rawls believes that, with respect to matters of distributive justice, the consequences of fortune—especially, the "natural lottery—should be equalized. Freeman suggests that such a conclusion constitutes a misunderstanding or misrepresentation of Rawls's remarks concerning natural talents and their categorization as a "common asset." He also compares the positions of Rawls and Dworkin with regard to using markets to help determine the justness of a particular distribution and defends Rawls's incentive-based justification of inequalities of income and wealth under the difference principle.

In confronting the arguments contained in *PL*, Freeman considers, among other issues, why Rawls believed it necessary to modify the arguments presented in *TJ*, and then identifies the principal alterations made and offers a justification for each of those changes. He also examines Rawls's understanding of the compatibility between democracy, properly understood, and the practice of judicial review, and details and analyzes the character and development of Rawls's idea of public reason, noting its centrality to Rawls's conceptions of political liberalism and political justice. In the process of doing so, Freeman also engages Rawls's notion of "reasonableness" and defends

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Rawls's arguments against the criticisms leveled by theorists such as Dworkin and Joseph Raz. Turning to *LP*, Freeman focuses on clarifying the goal of that project. He believes it has been "dismissed ... [and] criticized for failing to address problems not within its intended purview" (263), and he seeks to defend it against many of the criticisms articulated by, in particular, cosmopolitans such as Thomas Pogge, Allen Buchanan, and K. C. Tan. Freeman's principal concern is to explain the reasoning underlying Rawls's unwillingness to either extend the difference principle to the international sphere or to endorse any global principle of distributive justice.

The stated purpose of *Illiberal Justice* is identical to that of *Justice and the Social Contract*: namely, to present accurately the contents and consequences of Rawls's arguments. Additionally, the two texts adopt a similar approach and structure insofar as they both essentially address Rawls's work in the sequence in which it was published; and, unsurprisingly, their examinations engage many of the same features of Rawls's conception of justice, though often from different perspectives.

Schaefer devotes the initial nine chapters of *Illiberal Justice* to a chapter-by-chapter analysis of *TJ*. He does so, he states, in order "to do ... [his] best to state Rawls's argument fairly" (xii). After offering a brief commentary concerning Rawls's "renown" and "influence" and identifying a list of what he labels "some of ... [Rawls's] more bizarre claims" (12), Schaefer begins his "challenging" of Rawls's arguments—and, by extension, the validity of the widespread acclaim assigned to Rawls and his work—by considering what he believes to be Rawls's myopic "pursuit of a formula that (for reasons that were hardly explained) would promote consensus among people's judgments of justice" (16), to the neglect of any "concern with the substantive content of justice or its relation to the human good as addressed, for instance, in Plato's *Republic*, Aristotle's *Politics* and *Ethics*, Hobbes's *Leviathan*, or Locke's *Two Treatises of Government*" (15). Schaefer suggests, among other things, that Rawls's focus generates a complete absence of any meaningful consideration of how one might actually advance "justice in the [real] world" (15–16).

Schaefer proceeds to address a multitude of the arguments presented in *TJ*. Given the breadth of his examination—the entirety of *TJ*—and the constraints of this review, only certain of his observations will be noted. Schaefer is greatly exercised by what he believes to be the primarily (if not purely) hypothetical nature both of Rawlsian citizens and Rawlsian politics. According to Schaefer, Rawls's arguments embody a "narrowly abstract conception of political and moral psychology" and articulate a mechanistic, empirically misleading account of the political process employed in countries such as the United States (e.g., 84–85). Among other problems, the hypothetical nature of Rawls's premises result in the proffering of overly "simplistic" (and, by extension, effectively useless) responses to complex policy problems. Further, Rawls's arguments disregard not only the "core tenets of constitutional, natural rights-based liberalism" (76) but also the potential benefits

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and legitimacy of related developments such as the emergence of a "natural aristocracy." In turn, Rawls underestimates the effectiveness of existing protections concerning, for example, equality of opportunity, safeguards already available to the citizens of America.

Moreover, Rawls fails to recognize that the type of toleration he promotes actually undermines (desirable) liberal freedoms, which are further drastically and unacceptably constrained by Rawls's proposal to "collectivize" human capacities, and his agnosticism concerning the relative merits of free-market and socialist economic systems (e.g., 115). Those (and other) arguments, Schaefer contends, demonstrate a lack of appreciation of the intimate relationship between economic freedom and both individual and collective prosperity and liberty (e.g., 119). Additionally, Rawls's arguments concerning the proper understanding and exercise of "civil disobedience" and "conscientious refusal" to obey the laws of one's country "add nothing to existing understandings of such matters"; and his account of "goodness as rationality" is problematically formalistic and overlooks "the underclass' self-induced problems" (167). According to Schaefer, the principal difficulty confronting many of those we might associate with the "least advantaged" is not the obstacles to improvement produced by an "unjust" political system, but rather the "cycle of dependency" generated and perpetuated by proposals such as those championed by Rawls (169). In general, Rawls fails to exhibit an adequate understanding of the "correct" relationship between liberty and the public good.

As for Rawls's much vaunted "original position" and its attendant notion of a veil of ignorance, Schaefer concludes that they are not only "unnatural" in character and demonstrate an ignorance of certain "essential truths" (e.g., 59), they do not, in fact, represent a continuation of the social contract tradition as seems to be suggested by Rawls and others, and, in the final analysis, they produce an "incoherent" argument (e.g., 62).

According to Schaefer, Rawls's subsequent reconsideration and reworking of a number of the arguments originally detailed in *TJ* effectively do little to alleviate the problems present in that text. Schaefer reviews what he labels the "chief theoretical innovations" presented in *PL*—that is, the concept of a purely "political" conception of justice, the idea of an "overlapping" consensus, the notion of "public reason," the "fact of reasonable pluralism," the distinction between "the reasonable" and "the rational", and so on—as well as the arguments presented in "The Idea of Public Reason Revisited" and concludes that, in both instances, the modifications presented either add nothing new or useful to Rawls's argument or they merely further undermine whatever extremely limited force it might have previously possessed. Schaefer completes his examination with a review of *LP*. He considers Rawls's arguments about such matters as the right of states to engage in wars of self-defense, the illegitimacy of the atomic bombing of Hiroshima and Nagasaki, the unsuitability of the difference principle in terms of the realm of international relations, and the question of whether justice is better

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secured by relying on the efforts of "international institutions in place of America's independent action, joined with that of like-minded allies" (309). Schaefer determines that Rawls's claims are poorly supported and exhibit, among other things, a clear anti-Americanism and an unwarranted sense of moral superiority, and suffer from Rawls's proclivity to offer simplistic proposals in response to complex policy questions.

In general, then, Schaefer believes that Rawls's project—in all of its incarnations—is premised upon unrealistic, empirically unsubstantiated, and often tautological arguments that demonstrate a woefully deficient understanding of both the history of moral and political philosophy and the arguments of great American statesmen such as Thomas Jefferson and Abraham Lincoln. Moreover, he contends that Rawls's conclusions are not merely flawed but also dangerous. According to Schaefer, Rawls's theorizing has contributed significantly to the perversion of American law and helped to undermine "traditional moral standards" and disparage important institutions such as that of the family, and its ongoing influence is a threat to the continued greatness of America. On a more personal level, Schaefer suggests that Rawls's arguments embody an unpalatable ingratitude for the personal benefits Rawls secured as a result of being born and living in America.

To read the texts herein under review, one after the other, is an interesting and edifying exercise. Unsurprisingly, one notes significant overlap not only in terms of the topics addressed but also with respect to the complementarity of coverage. If one or more of the texts neglects to address a particular issue or topic, typically, one or more of the other texts fills that void. So, for example, though Pogge's book refrains from engaging in more than a (periodically) referential manner *LP*, the opposite is true of the other three texts; and while Freeman and Pogge fail to examine in any substantive way Rawls's arguments concerning civil disobedience, Graham and Schaefer each devote significant attention to that topic. Such complementarity also obtains with respect to the general tenor of the texts. While Pogge and Freeman offer essentially sympathetic reviews and analyses of Rawls's arguments and are optimistic about the current and ongoing value of his political theorizing in terms of responding to dilemmas of justice, Graham and—especially—Schaefer are notably more critical and either seriously question (Graham) or dismiss (Schaefer) the existing and/or continued usefulness of Rawls's project(s).

Expectedly, it is possible to identify strengths and weaknesses in each of the texts herein under examination. For example, while Pogge offers an eloquent and significant engagement with many of the central elements of Rawls's conception of justice as fairness, his refusal to examine *LP* is disappointing. Arguably, of all the authors represented herein, it is Pogge that one might have expected and hoped would offer a substantive commentary on that component of Rawls's corpus. Though recognizing the challenge of the task and not doubting the sincerity of Pogge's explanation for his self-imposed restraint—his inability to "construct a sufficiently convincing account" of

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Rawls's argument (x)—it is difficult not to label it a case of unwarranted modesty. Also somewhat frustrating is Graham's emphasis on the method/content distinction associated with Rawls's arguments. Though certainly a valid distinction to note, the frequency with which Graham refers to it is at times unnecessarily distracting from what is otherwise a lucid and thought-provoking survey. Additionally, Graham's desire to provide both a "comprehensive" review and a substantive critique is laudable; however, given the relative brevity of his text and the significant detail of Rawls's argument, that is a goal that would more wisely have been assigned to a lengthier treatise or, indeed, series of texts!

Freeman presents an extremely thoughtful analysis that also spans the entire breadth of Rawls's political theorizing. In the course of doing so, he develops very sophisticated arguments that address both prominent and under-examined components of Rawls's argument and significantly challenge the effectiveness of various related criticisms. However, that sophistication also at times renders the text quite demanding to read. Perhaps unsurprisingly, then, *Justice and the Social Contract* is not a text appropriate for the neophyte Rawlsian. Of course, one need not label that quality a flaw. Additionally, though Freeman is willing to identify certain problems generated by Rawls's arguments, in general, he seems to find few significant or, at least, insurmountable difficulties. While the validity of any analysis is not dependent upon it identifying irresolvable dilemmas, arguably, Freeman is to some degree too optimistic and forgiving with respect to the ability of Rawls's arguments to provide an effective or persuasive rebuttal to several of the criticisms he notes.

In its general temperament, Schaefer's *Illiberal Justice* offers a counterpoint to *Justice and the Social Contract*. Schaefer's project—to consider the relation of Rawls's work "to the American political tradition and to the substantive tradition of political philosophy that arose with Plato" (x)—is a very interesting and unique[9] one that engages an array of normative and practical issues present in Rawls's principal texts and identifies some legitimate problems related to certain arguments contained therein. The result of Schaefer's efforts is a scathing critique of Rawls's theory of justice, both in terms of its content and its claimed "philosophical" character. However, the unremittingly derogatory—and not infrequently insulting—tone of the book will undoubtedly critically undermine the seriousness with which it is received by many. Additionally, the catalogue of absurd misrepresentations by Schaefer is frightening and, indeed, too voluminous to chronicle herein. So pervasive is that problem that one need not offer specific citations, as it is impossible to read any significant amount of the text without being

[9]However, in a number of important respects, *Illiberal Justice* represents essentially a lengthier version of Schaefer's previous book *Justice or Tyranny: A Critique of Rawls's "A Theory of Justice"* (Port Washington, NY: Kennikat Press, 1979).

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confronted by such perversions. Perhaps most incredulous in that respect is Schaefer's claim (presented on multiple occasions in marginally different form) that Rawls questioned "whether *any* human beings deserve to exist if his vision of justice isn't achieved" (317n1; emphasis in original).

The multifaceted and lively debate that persists between supporters and critics of both the early and later Rawls is a debate that is likely to continue for some time. What is now beyond debate is the impact of Rawls's political theorizing. Whether one agrees or disagrees with Rawls's conclusions, it is impossible to deny his influence. To an extent that is relatively unique among individual theorists, he helped define the conceptual framework and vernacular within which his contemporaries theorized. The dialogue that Rawls's work has both provoked and otherwise contributed to has proven to be a source of significant, ongoing engagement for many prospective, new, and established scholars—a situation that is unlikely to change during the foreseeable future. In different ways, each of the texts examined in this essay can help ensure that such dialogue proceeds from a clear understanding of Rawls's arguments.

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