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FORUM: THE HISTORICAL RAWLS

Historicizing Rawls

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The opening, in 2004, of John Rawls's personal archive prompted a new wave of Rawls scholarship. This work has deepened our understanding of the development and impact of Rawls's ideas and of the broader contours of twentieth-century analytical political philosophy. This article places these recent archival histories, for the first time, in the context of the longer history of attempts to historicize Rawls, beginning with the publication of A Theory of Justice *fifty years ago. Doing so does three things. First, it shows that early readers were more interested in how to think historically about Rawls than is sometimes assumed. Second, it reveals that partisan accounts of Rawls's place in history, popularized by those close to him, have sometimes made their way into the archival studies. Third and finally, it offers an opportunity to rethink how the twentieth-century history of political philosophy and political theory is often told.*

> Thou in our wonder and astonishment,
> Hast built thyself a live-long monument
>
> John Milton (1632)[1]

> Theory has value, as long as we remember that real people create theory and that real people live their lives in worlds affected by theory.
>
> Mari Matsuda (1986)

John Rawls surely knew that his work would be historicized. Did he mind? The answer might depend on what we mean by "historicize." From one perspective, Rawls can be understood as actively inviting a form of historicization. His first book, *A Theory of Justice* (1971), offered readers a historical framework within which to place his thought: one that situated it in a line of "social-contract" thinkers reaching ultimately back to the Greeks.[2] In his teaching, Rawls regularly positioned "justice as fairness" as the latest development in a "tradition of philosophical thought" to which he regarded himself, and latterly his students, as the heirs.[3] If situating a text in a retrospectively

[1]While Milton added the date 1630 to his "Epitaph on the admirable Dramaticke Poet, W. Shakespeare," it was first published in the 1632 Second Folio of Shakespeare's plays. See Barbara Kiefer Lewalski, *The Life of John Milton* (Oxford, 2003), 41.

[2]Michael Frazer, "John Rawls between Two Enlightenments," *Political Theory* 35/6 (2007), 756–88; Teresa Bejan, this issue.

[3]In a letter to Susan Neiman, Rawls wrote, "as I had gotten older I had tried to see and act towards graduate students as the next generation, as those who I saw coming after us to continue the tradition

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constructed canon of great books is a form of historicization, then Rawls not only welcomed his historicization, but participated in it himself.[4]

Since his death in 2002 Rawls has been subject to a different kind of historicization. The release of his archive—which stretches from his undergraduate years to his final days, with occasional notes for future readers—has allowed historians to offer new accounts of the origins, development and influence of Rawls's thought, alongside new insights into his arguments, his preoccupations and his most important interlocutors.

Despite facilitating this kind of analysis, Rawls might well have been uneasy about it. For years he resisted the publication of his undergraduate lectures and any collection of his papers, preferring that his old, abandoned or underdeveloped views remained in the past.[5] In the few interviews he gave he refused to venture explanations for why his interests emerged as they did: "I think we don't know why we come to do things, or what exactly influences us this way or that."[6] While this reveals no hostility in principle to contextualist explanations, Rawls's own much-circulated reflections on how to do the history of philosophy suggest an ambivalence. The methodology he proposed, whatever its virtues, did not incentivize the questioning of either an author's coherence or their canonical status: assume the subject smarter than oneself, presume they had solutions to any apparent mistakes, offer up the "best" version of their view and so gift the present with polished treasures from the past.[7] While Rawls thought that historians of philosophy should "look for a writer's point of view on the political world," this strained against his practice of reading thinkers as nonetheless answering a set of "basic" questions and of teaching them only insofar as they treated "certain topics discussed in my own writings on political philosophy."[8] (The commitment to a philosophical conversation that could transcend context manifested in Rawls's suggestion that *A Theory of Justice* offered a timeless perspective on human social life.[9]) Perhaps it's fair to say that Rawls thought that, insofar as historicization had real philosophical value, it was in its capacity to elucidate what an author took to be their *reasons* for believing what they did. This marks an opposition with a historicist practice that exposes the unwitting causal influences—cultural, biographical, political—that shaped their views.

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of philosophical thought." John Rawls to Susan Neiman, 24 Feb. 1996, Folder 17, Box 40, John Rawls Papers (HUM 48), Harvard University Archives (henceforth JRP). For reflections on Rawls's teaching see Samuel Freeman, "Editor's Foreword," in John Rawls, *Lectures on the History of Political Philosophy* (Cambridge, MA, 2007), ix–xvi

[4]While tempting to see Rawls as trying to self-canonize, it is unclear an author can do such a thing or indeed be canonized in their time. My thanks to Alison McQueen for a stimulating conversation about the temporality of canonization.

[5]Samuel Freeman, "Editor's Preface," in John Rawls, *Collected Papers* (Cambridge, MA, 1999), ix–xii, at ix; Freeman, "Editor's Foreword," xv.

[6]Samuel R. Aybar, Joshua D. Harlan, Won J. Lee, and John Rawls, "John Rawls: For the Record," *Harvard Review of Philosophy* 1/1 (1991), 38–47, at 38.

[7]John Rawls, "Some Remarks on My Teaching," quoted in Freeman, "Editor's Foreword," xiii–xvi.

[8]Rawls, "Some Remarks," xvii. For "basic" questions see Rawls, *Lectures on the History of Political Philosophy*, 103.

[9]John Rawls, *A Theory of Justice* (Cambridge MA, 1971), 571 (henceforth *TJ*).

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How we think about historicization has implications not only for how we historicize Rawls, and what we try to learn from doing so, but also for what we include in the history of historicizing Rawls. It is tempting to read the recent contextual accounts as doing something so new as to be entirely detached from any historicizing claims made before. As we will see, despite their genuine novelty, the archival histories have sometimes occluded the ways in which, right from the beginning, Rawls's interlocutors tried to understand his theory historically. To be sure, many such early narratives were either false or insufficiently subtle—in part because they too readily accepted Rawls's own self-positioning, or conceived of historicization as the practice of comparing and contrasting the utterances of "Great Men." But there are also some striking continuities between the recent archival histories and preexisting ways of thinking historically about Rawls.

Here I offer the beginnings of what can be loosely regarded as a historiographical review, connecting the earliest historicizing readings up with those of the present, and closing with some thoughts for the future. I say "loosely" because I include works which historians might usually exclude from the purview of a historiographical review; I do this precisely because I think that, in the case of Rawls, to insist on too restrictive a notion of historicization is to miss some revealing connections. This survey is by no means exhaustive. My hope nonetheless is to show why it matters for writing the history of twentieth-century political philosophy that we see that, much like the man it seeks to historicize, the recent historical literature on Rawls did not emerge out of nothing.

I. Situating Rawls

From the moment *TJ* was published, readers attributed to Rawls special historical status and situated his interventions in wider historiographical narratives. Perhaps the most infamous concerned the fortunes of political philosophy itself: that Rawls, with *TJ*, revived a dormant discipline.[10] Here, Rawls's historical significance lay in his break with predecessors who held moral and political philosophy in contempt.[11] Some contemporaries seemed relieved that the twentieth century finally had its own "big book"—one of "magisterial grandeur"[12] no less—to contribute to the "canon" of political philosophy.[13] (They often recalled a near-two-decade wait: Rawls

[10]In what became the hook upon which countless publications would be hung, Peter Laslett declared in 1956 that "for the moment, anyway, political philosophy is dead." Peter Laslett, "Introduction," in Laslett, ed., *Philosophy, Politics and Society: First Series* (Cambridge, 1956), vii–xv, at vii. For a precedent see Alfred Cobban, "The Decline of Political Theory," *Political Science Quarterly* 68/3 (1953), 321–37. Laslett's claim was immediately challenged: John Plamenatz, "The Use of Political Theory," *Political Studies* 8/1 (1960), 37–47; Dante L. Germino, "The Revival of Political Theory," *Journal of Politics* 25/3 (1963), 437–60; Brian Barry, "The Strange Death of Political Philosophy," *Government and Opposition* 15/3–4 (1980), 276–88. Laslett retracted the claim after *TJ*'s publication. See James S. Fishkin and Peter Laslett, "Introduction," in Fishkin and Laslett, eds., *Philosophy, Politics, and Society: A Collection* (New Haven, 1979), 1–5, at 1–2.

[11]For discussion see Nikhil Krishnan, this issue.

[12]Benjamin Barber in the otherwise critical "Justifying Justice: Problems of Psychology, Politics and Measurement in Rawls," *American Political Science Review* 69 (1975), 663–74.

[13]Isaiah Berlin, "Does Political Theory Still Exist?", in Peter Laslett and W. G. Runciman, eds., *Philosophy, Politics and Society: Second Series* (Oxford, 1962), 1–33. For *TJ* as the "big book" readers

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published his first work on ethics in 1951, sketched out his theory of justice in 1957 and circulated drafts of *TJ* throughout the 1960s.[14] A critical literature existed by the end of that decade and the initial reviews of *TJ* often referred back to those earlier debates.[15]) Many early readers were confident that *TJ*'s publication was a moment the future would reckon with, for better or for worse.[16] At the end of his excoriating review, R. M. Hare anticipated that Rawls's "book is likely to waste a great deal of a good many people's time."[17] Writing in *The Nation*, the philosopher Hugo Bedau closed his review with a plea: "the spring of 1972 should not go unmarked by future historians of American intellectual life." The reason? Rawls's failure to win that year's National Book Award, despite a nomination. "Fortunately," Bedau predicted, "this is one error of judgment, not to say an injustice, which the unqualified esteem of serious readers everywhere will promptly rectify."[18]

TJ sold well and was reviewed in numerous newspapers, literary magazines and academic journals (usually by Rawls's friends and colleagues). In 1975, in the first collection of essays on Rawls's philosophy, Norman Daniels suggested that a major factor in explaining this "unusual reception" was familiarity.[19] "Many readers and editors," he argued, "found in Rawls' work a welcome return to an older tradition of substantive, rather than semantic, moral and political philosophy."[20] Such readers were quick to characterize Rawls, as did his reviewer in the *Times Literary Supplement*, as continuing a tradition that would otherwise have ended with Mill and Sidgwick.[21] When the political theorist John Schaar took what he called "a broad historical perspective," *TJ* became "the latest chapter" in attempts to "fulfil

awaited see Chandran Kukathas and Philip Pettit, *Rawls:* A Theory of Justice *and Its Critics* (Stanford, 1990), 6; Jon Mandle, *Rawls's A Theory of Justice: An Introduction* (Cambridge, 2009), 1; Alan Ryan, "John Rawls," in Quentin Skinner, ed., *The Return of Grand Theory in the Human Sciences* (Cambridge, 1985), 101–19, at 104.

[14]For one of many examples see Peter Caws, "Changing Our Habits," *New Republic*, 13 May 1972, 24–7, at 24. Several versions of "Justice as Fairness" appeared, in 1957, 1958, 1961 and 1962.

[15]Robert K. Fullinwider, "A Chronological Bibliography of Works on John Rawls' *Theory of Justice*," *Political Theory* 5/4 (1977), 561–70.

[16]W. G. Runciman, "The Contractarian Case," *Times Literary Supplement*, 4 Jan. 1974, 17; Bernard Williams, "Rawls's Principles and the Demands of Justice," *The Spectator*, 24 June 1972, reprinted in Williams, *Essays and Reviews* (Princeton, 2014), 82–7.

[17]R. M. Hare, "Review: Rawls's *Theory of Justice*—II," *Philosophical Quarterly* 23/92 (1973), 241–52, at 252. For Hare's response in context see Krishnan, this issue.

[18]Hugo A. Bedau, "Founding Righteousness on Reason," *The Nation*, 11 Sept. 1972, 180–81. The award was won instead by Martin E. Marty's *Righteous Empire: The Protestant Experience in America* (New York, 1970).

[19]Rawls similarly presented *TJ* as "familiar." *TJ*, 11.

[20]Norman Daniels, "Introduction," in Daniels, ed., *Reading Rawls: Critical Studies on Rawls'* A Theory of Justice (New York, 1975), xi–xiii, at xi. See too Stuart Hampshire, "A Special Supplement: A New Philosophy for the Just Society," *New York Review of Books* 18/3 (1972), at www.nybooks.com/articles/1972/02/24/a-special-supplement-a-new-philosophy-of-the-just-.

[21]"It is convincing refutation if one is needed, of any lingering suspicions that the tradition of English-speaking political philosophy might be dead," acknowledging the prevalence of Laslett's claim without endorsing it. Anon., "The Good of Justice as Fairness," *Times Literary Supplement*, 5 May 1972, 505–6. See too Marshall Cohen, "The Social Contract Explained and Defended," *New York Times Books Review*, 16 July 1972.

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the promise of liberal contractarian and Enlightenment philosophers."[22] (Schaar is somewhat forgotten now but in 1980 he was included—along with Rawls, Nozick and Robert Paul Wolff—in one of the first attempts at a history of postwar American political thought.[23])

Some early readers went further. Rawls was not merely one of the "great thinkers"; he had surpassed them. Amidst his trenchant libertarian critique, Robert Nozick wondered if even Mill had matched the power, systematicity and subtlety of *TJ*.[24] Distributive justice, said Hugo Bedau, was "historically the weakest structural concept in the framework of liberalism"; Rawls's book "has offered a theory of justice in the service of the liberal tradition which adds this keystone to the philosophical arch never fully completed by his predecessors."[25] This assessment chimed with Rawls's own presentation of his project: the "social-contract tradition" to which he appealed had particular forebears in Locke, Rousseau and Kant; his intervention would, he hoped, finally silence a then-dominant, and historically rooted, utilitarianism.[26] ("The fact," one early reviewer suggested, "that he can make such a claim without immodesty, and get away with it, will give some indication of the book's philosophical significance."[27])

Not everyone thought that Rawls had got away it. In 1974 the conservative sociologist Robert Nisbet was happy to concede that Rawls "is, without question, a lineal descendent of Rousseau," making *TJ* the "radical" egalitarian "successor to Rousseau's *Social Contract*."[28] But Nisbet was not implying that Rawls deserved a place in the tradition of *philosophical* thought. Rather, he put him—with Rousseau, Diderot and Condorcet—in a line of "*philosophe* activity." ("The difference as is known to all intellectual historians is very great."[29]) Nisbet offered this alternative historical story as a rebuttal of Rawls's own claims about his debts to Kant and the "rapturous" reviews in the *TLS* and *NYRB*.[30] One year later, in the *American Political Science Review*, Allan Bloom also sought to police the boundaries of philosophy properly speaking, insisting Rawls was no truth-seeker but either an "ephemeral ideologist" or a "deluded myth-maker."[31] From his Straussian perspective, *TJ*'s deficiencies were explained by Rawls's failure to understand and so to respond to "the writings of the greatest men in the philosophical tradition."[32] To suggest that Rawls had any place in that tradition was to exacerbate an ongoing

[22]John Schaar, "Reflections on Rawls's Theory of Justice," *Social Theory and Practice* 3/1 (1974), 75–100, at 96–7.

[23]Philip Abbott, *Furious Fancies: American Political Thought in the Post-liberal Era* (Westport, 1980). Abbott thanks Rawls for corresponding about his chapter on *TJ*. For Schaar see Emily Hauptmann, "A Local History of 'the Political'," *Political Theory* 32/1 (2004), 34–60.

[24]Robert Nozick, *Anarchy, State, and Utopia* (Oxford, 1974), 183.

[25]Bedau, "Founding Righteousness," 180; anon., "Good of Justice," 1.

[26]Rawls, *TJ*, viii.

[27]Caws, "Changing Our Habits," 24.

[28]Robert Nisbet, "The Pursuit of Equality," *Public Interest* 35 (1974), 103–20, at 107–8.

[29]Ibid., 107.

[30]Ibid., 107 n. 1.

[31]Allan Bloom, "Justice: John Rawls vs. the Tradition of Political Philosophy," *American Political Science Review* 69/2 (1975), 648–62, at 648.

[32]Bloom, "Justice," 662. As Bejan, this issue, suggests, Bloom's review reveals the swift cooption of *TJ* into the "academic culture wars."

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"loss of learning."[33] As Rawls's supporters marshalled "the tradition" to commend Rawls to the future, so his critics appealed to it in the hope that he would soon be forgotten.[34]

Did historians have anything to say about Rawls? While *TJ* would not, unsurprisingly, be the object of histories in the strict disciplinary sense for many years, as early as 1973 Patrick Riley discussed it in the *Journal of the History of Ideas* in a study of the coherence of the social-contract tradition.[35] Rawls made his first appearance in the *American Historical Review* in 1976, though his reception there was deflationary. It came in a review of *Contemporary Political Philosophers*—a collection of essays whose other chapters focused on Arendt, Aron, DeJouvenal, Hayek, Macpherson, Marcuse, Oakeshott, Popper, Sartre, Strauss and Voegelin. The author—after objecting to the exclusion of Eastern European, "Third World" and radical left-wing thinkers—wondered how many of the book's subjects "will be remembered in a few decades … Certainly Sartre will still be widely read in the twenty-first century, but how many of the others will be studied, if at all, by curious historians seeking to map the culture of the age?"[36] By contrast, in 1980 Stefan Collini was writing in the *Historical Journal* that "Rawls versus Nozick is already a heavyweight title contest as familiar as the time-honored Hobbes–Locke bouts."[37] As the 1980s went on, historians began to analyze Rawls in the context of what had elapsed of the twentieth century—and, very occasionally, used Rawls's terms of art as categories of historical analysis.[38]

Questions about how Rawls's views were influenced by, or otherwise related to, figures in the history of political thought would remain central to the reception of his thought.[39] ("Kantian or Hegelian?" was long an animating question.[40]) But the early urge to historicize Rawls went beyond comparisons with the "tradition." Readers in his lifetime were interested in how his work spoke to, and might be

[33]Bloom, "Justice," 662. See too Irving Kristol, "About Equality," *Commentary*, Nov. 1972, 41–7, at 41. Kristol charged *TJ* with casting "a pall of illegitimacy over the entire political history of the human race."

[34]Nisbet predicted that "there is excellent reason to believe that the almost ecstatic response to [*TJ*] will shortly abate among professional philosophers," although, he thought, "it will be for a long time to come the central work in moral philosophy for the clerisy of power." Robert Nisbet, *The New Despotism* (Menlo Park, 1976), 21.

[35]Patrick Riley, "How Coherent Is the Social Contract Tradition?", *Journal of the History of Ideas* 34/4 (1973), 543–62, at 554.

[36]Neal Wood, "Contemporary Political Philosophers by Anthony de Crespigny and Kenneth Minogue," *American Historical Review* 81/3 (1976), 564–5.

[37]Stefan Collini, "Political Theory and the 'Science of Society' in Victorian Britain," *Historical Journal* 23/1 (1980), 203–31, at 203.

[38]For the former: Skinner, *Grand Theory*; Charles R. Morris, *A Time of Passion: America 1960–1980* (New York, 1984); Thomas L. Haskell, "The Curious Persistence of Rights Talk in the 'Age of Interpretation'," *Journal of American History* 74/3 (1987), 984–1012. For the latter: Nancy S. Struever, "Pasquier's Recherches de la France: The Exemplarity of His Medieval Sources," *History and Theory* 27/1 (1988), 51–9; Edward W. Stevens Jr, *Literacy, Law, and Social Order* (DeKalb, 1988).

[39]A full bibliography on Rawls and the "canon" would run to many pages. *The Cambridge Rawls Lexicon* contains entries under Aquinas, Aristotle, Dewey, Hegel, Hobbes, Hume, Kant, Leibniz, Locke, Marx, Mill, Rousseau, Sidgwick.

[40]Robert Paul Wolff, *Understanding Rawls: A Reconstruction and Critique of* A Theory of Justice (Princeton, 1977), Part 3; Jeffrey Bercuson, *John Rawls and the History of Political Thought: The Rousseauvian and Hegelian Heritage of Justice as Fairness* (New York, 2014).

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explained by, more immediate intellectual contexts. Was it a break with logical positivism on the one hand and linguistic philosophy on the other? Must it be understood primarily in relation to contemporary developments in game theory?[41] For Bedau, Rawls was notable for his "grasp of the literature of social science" (though the canon never slipped from view: "We must return to Keynes, Sidgwick or John Stuart Mill himself for a parallel.")[42] In 1972, the conservative political economist James Buchanan expressed unease at what he found in *TJ*: Rawls's early essays had led him to think that there were affinities between Rawls's views and both his own and those of Rutledge Vining and Frank Knight (the Chicago economist and Buchanan's mentor) on models for "rules of the game." "His approach," Buchanan said, "now appears quite different from that which I shared in 1960."[43]

By 1977, in the second book-length study of *TJ*, Robert Paul Wolff attributed what he regarded as "Rawls's failure" to his intellectual influences, specifically "his uncritical acceptance of the socio-political presuppositions and associated modes of analysis of classical and neo-classical liberal political economy."[44] For Stuart Hampshire, Rawls was speaking in the "language of the modern theory of rational choice."[45] In their 1990 book *Rawls: A Theory of Justice and Its Critics*, Chandran Kukathas and Phillip Pettit were even more specific: an opening chapter reconstructing "the background against which Rawls made an impact" suggested that Rawls's thought be understood not just in relation to what he drew from the works of both Kant and Hegel, but also in the context of postwar critiques of welfare economics, developments in Hayekian economics, Buchanan's own public-choice analysis, and the social-choice theories of Kenneth Arrow and Amartya Sen.[46] This was not a detailed historical study, and it did not purport to be. It is, however, one of many examples from the "Rawls literature" as it emerged in the two decades after *TJ*'s publication which shows that readers did not all think that the so-called "tradition" was that book's only relevant context. It also makes clear that when it came to contemporary assessments of *TJ*'s contribution and its likely legacy, a choice between narratives of continuity or rupture with the past was often thought a false one.

Readers both inside and outside the academy also immediately offered views about the appropriate political context into which *TJ* should be situated, and so thought about how the book related to political history as it was then unfolding. Assumptions that Rawls was responding to the civil rights movement and to anti-Vietnam War protests were common.[47] So too were claims that he was providing justification for varieties of welfarism, though the contours of that argument

[41]Wolff, *Understanding*, 142–79.

[42]Bedau, "Founding Righteousness," 180. Cf. Daniels, "Introduction," xxxiv.

[43]James M. Buchanan, "Rawls on Justice as Fairness," *Public Choice* 13 (1972), 123–8, at 123. For Knight, Buchanan and Rawls see Ben Jackson and Zofia Stemplowska, this issue.

[44]Wolff, *Understanding*, 210.

[45]Hampshire, "A Special Supplement."

[46]Reflecting on reading "Justice as Fairness" in 1962 Robert Wolff noted, "I have always believed … that Rawls saw himself as undertaking something akin to what Kenneth Arrow achieved in … *Social Choice and Individual Values*." Robert P. Wolff, *A Life in the Academy*, 3 vols., at https://app.box.com/s/n72u3p7pyj/file/702150698, 2: 93. On Sen see Kukathas and Pettit, *Rawls*, ix, and Ch. 1.

[47]David L. Schaefer, "Ideology in Philosophy's Clothing," *Politics and Policy* 4/2 (1976), 35–57. Bernard Williams notes that Rawls "been working for a long time before recent political developments, though [*TJ*] is by no means unmarked by them." Bernard Williams, "The Moral View of Politics," *Essays and Reviews*,

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were often vague: from the left, Hugo Bedau said that George McGovern's tax reforms were a "rough approximation" of the system of transfers of wealth that Rawls by 1971 seemed to endorse.[48] From the right, Aaron Wildavsky positioned *TJ* as a justification for the Great Society, a "gloss on the domestic programs of the 1960s."[49] At a moment when (for neither the first time nor the last) liberalism was perceived as in crisis, many of Rawls's first readers saw *TJ* as an ideological intervention on behalf of what Norman Daniels called in 1975 a waning "egalitarian liberalism."[50] In the *New York Times* Marshall Cohen brought together a claim about Rawls's political aims with one about his place in the tradition: like "all the great political philosophies of the past—Plato's, Hobbes's, Rousseau's"—Rawls's responded "to the realities of contemporary politics."[51] He wanted to rescue "the principles to which our public life is committed" just as they were "persistently being obscured and betrayed."[52] (Cohen would have known something about Rawls's views: both men were members of SELF—the Society for Ethical and Legal Philosophy, founded in the late 1960s by Thomas Nagel and Robert Nozick "with Rawls's encouragement"—where Cohen read drafts of *TJ* before it was published.)[53]

Others were more ambivalent about *TJ*'s ideological agenda, and so its historical context. Norman Daniels insisted that like other "works in the substantive tradition Rawls writes," *TJ* had "great ideological importance." Rawls intended to "reveal the principles of justice which underlie the dominant moral and political views of our period" and "produce a persuasive, coherent framework" for "egalitarian liberalism." But, Daniels cautioned, Rawls should not be read as "merely a polemicist for the *status quo*."[54] *TJ*, on Daniels's view, was at once radical and reactionary: a serious challenge to many existing institutions and yet also compatible, as Rawls wished it to be, with a set of both capitalist and socialist worldviews.[55] In 1972 Daniel Bell (the self-proclaimed "cultural" conservative sociologist, who had, a decade before, announced the "end of ideology") thought he saw straight through this ambivalence: *TJ* was "the most comprehensive effort in modern philosophy to justify a socialist ethic." (He also predicted that Rawls's "political philosophy" would "shape the last part of the 20th century, as the doctrines of Locke and Smith

119–24, at 119. For the persistence of this view see Stephen Holmes, "The Gatekeeper," *New Republic*, 11 Oct. 1993, 39–47.

[48]Bedau, "Founding Righteousness," 181.

[49]Aaron Wildavsky, "Government and the People," *Commentary*, Aug. 1973, 25–32.

[50]Daniels, "Introduction," xiv. Bedau, "Founding Righteousness," 180; Brian Barry, *The Liberal Theory of Justice: A Critical Examination of the Principled Doctrines in a Theory of Justice by John Rawls* (Oxford, 1973), 4; Steven Lukes, "An Archimedean Point," *Observer Review*, 4 June 1972, 32; Stuart Hampshire, "A Special Supplement."

[51]Cohen, "The Social Contract Explained," 1.

[52]Ibid.

[53]Thomas Nagel, *Other Minds: Critical Essays 1969–1994* (Oxford, 1999), 6. Though the journal *Philosophy and Public Affairs* is often assumed to be a product of this group, Nagel here suggests that he, Tim Scanlon and Marshall Cohen established it also in the late 1960s, even though the first issue did not appear until 1971.

[54]Daniels, "Introduction," xv.

[55]Ibid., xiv–xvi. Cf. Michael Lessnoff, "John Rawls's Theory of Justice," *Political Studies* 19/1 (1971), 63–80, at 80.

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molded the 19th.")[56] One year later, in 1973, Friedrich Hayek insisted that Bell was "wrong" to read Rawls as "lending support to socialist demands": the differences between Rawls's "important" work and Hayek's own views were "more verbal than substantial."[57]

Early responses on the left, then as now, found in Rawls an imaginatively limited defense of capitalism or, sometimes, a potentially radical resource.[58] For C. B. Macpherson, the publication of *TJ* consolidated a problematic vision of politics that had been implied by Rawls's articles from the late 1950s and the 1960s: "an advanced version of the current capitalist welfare and regulatory state."[59] Stuart Hampshire saw in *TJ* neither "the moral philosophy of communism" nor that of "high capitalism" but rather "the model of social justice that has governed the advocacy of R. H. Tawney and Richard Titmuss and that holds the [British] Labour Party together."[60] Controversy about where Rawls's theory sat in relation to contemporary political debates and social movements—in terms of both the politics it might effect and the politics to which it was a response—began right from the start.

II. Standing back from Rawls

By the late 1970s some of Rawls's fellow travelers were absorbing his interventions into revised histories of liberalism, positioning themselves, as Katrina Forrester puts it, as "inheritors of a long New Deal tradition."[61] Rawls's critics were also turning to history. In particular, many were complaining about what they saw as Rawls's attempt to put his theory outside both history and politics.[62] In 1975 Benjamin Barber accused *TJ* of being "insufficiently political" and "egregiously ahistorical," pointing out that "Terms suggestive of modern man's political dilemmas—racism, alienation, nationalism, socialization, indoctrination—are hardly to be found; nor does the material face of politics characterized by power, command, authority and sanction (as against the ideal face described by legitimacy, obligation and justice) show itself."[63] For Barber the problem was not merely that *TJ* could not speak to the realities of contemporary politics, nor that it showed little understanding of

[56]Daniel Bell, "On Meritocracy and Equality," *Public Interest* 29 (1972), 29–68, at 57.

[57]F. A. Hayek, *Law, Legislation and Liberty* (Routledge, 2012; first published 1973), xx, 335 n. 44. See too Arthur DiQuattro, "Rawls versus Hayek," *Political Theory* 14/2 (1986), 307–10.

[58]For the left responses to Rawls on both sides of the Atlantic see Katrina Forrester, *In the Shadow of Justice: Postwar Liberalism and the Remaking of Political Philosophy* (Princeton, 2019), 119–27. William A. Edmundson, *John Rawls: Reticent Socialist* (Cambridge, 2017); Ed Quish, "John Rawls, Socialist?", *Jacobin*, Aug. 2018, at https://jacobinmag.com/2018/08/john-rawls-reticent-socialist-review-theory-of-justice; Martin O'Neill and Thad Williamson, eds., *Property-Owning Democracy: Rawls and Beyond* (Oxford, 2012).

[59]C. B. Macpherson, "Rawls's Model of Man and Society," *Philosophy of the Social Sciences* 3/4 (1973), 341–7, at 343.

[60]Hampshire, "A Special Supplement."

[61]Forrester, *In the Shadow of Justice*, 106. For an example: Ronald Dworkin, "Liberalism," in Stuart Hampshire, ed., *Public and Private Morality* (Cambridge, 1978), 113–43.

[62]John G. Gunnell, *Between Philosophy and Politics: The Alienation of Political Theory* (Amherst, 1986), 33–4.

[63]Barber, "Justifying Justice," 310.

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the forces that had shaped the present; he can also be read as worrying about the kind of theoretical work it would incentivize. Reflecting a decade later he argued that "philosophy has flourished while politics has wilted."[64]

While the question of the historicity of Rawls's theory is distinct from the question of how to historicize Rawls, during the 1970s and 1980s the two issues came to be connected. In particular, worries that Rawls gave insufficient attention either to history or to politics came to motivate arguments that Rawls's theory functioned ideologically. Such arguments often rested on claims about the past from which *TJ* emerged and about the broader historical narratives of which it was said to be a representative; in turn they grounded predictions about the future it might facilitate.[65] Some of these ideology critiques of Rawls, and the responses they prompted, should be included in the history of historicizing Rawls—not least because they complicate assumptions that some contemporary historians have about Rawls's reception. We find in this period many voices who resisted any assimilation of political philosophy to Rawls's categories, even, as we shall see, amongst those who were broadly signed up to a project of using analytical philosophy to think politically.

In 1977 Robert Paul Wolff offered a paradigm statement of ideology critique. From Wolff's broadly Marxist perspective, Rawls's devices—the original position, the veil of ignorance—"raise the discussion to so high a degree of abstraction that the empirical specificity needed to lend any plausibility to it are [*sic*] drained away. What remains, it seems to me, is ideology, which is to say prescription masquerading as value-neutral analysis."[66] Behind Wolff's analysis was a claim about Rawls's proper forebears; he was to be placed "historically in the tradition of utopian liberal political economy of the late nineteenth and early twentieth centuries."[67]

When Brian Barry—who coined the phrase "the Rawls industry" in 1973—reviewed *Understanding Rawls* he had little truck with Wolff's analysis but no objection in principle to a broader project of historicization.[68] Responding to Wolff's book prompted Barry to delineate "three phases" of the reception of Rawls and to attempt to direct its future. (Evidence, perhaps, that even those deep in the "Rawls industry" were aware of it as a historically contingent process that they might themselves shape.) The first wave included the "rather uncritical enthusiasm" of the initial reviews; the second was devoted to "forensic" examinations of *TJ*'s internal consistency. The third wave of Rawls reception, just emerging,

[64]Barber, *The Conquest of Politics: Liberal Philosophy in Democratic Times* (Princeton, 1988), 3. Barber was not alone in worrying about the possible effects of ahistoricity and apoliticality in Rawls's theory. See Milton Fisk, "History and Reason in Rawls's Moral Theory," in Daniels, *Reading Rawls*, 53–80; Williams, "The Moral View," 119–24. Bloom, "Justice," 648. For an analysis of Rawls's "strategy of depoliticization" see Bonnie Honig, *Political Theory and the Displacement of Politics* (Ithaca, 1993), Ch. 5.

[65]See too David Gauthier, "The Social Contract as Ideology," *Philosophy and Public Affairs* 6/2 (1977), 130–64; Schaefer, "Ideology."

[66]Wolff, *Understanding*, 195.

[67]Ibid.; Barry, "Critical Notice of Robert Paul Wolff, *Understanding Rawls: A Reconstruction and Critique of* A Theory of Justice," *Canadian Journal of Philosophy* 8/4 (1978), 753–83, at 757.

[68]Barry, "Critical Notice," 757. Barry disputed Wolff's historicization, suggesting instead that the "economic parts" of *TJ* were best situated in the "Cambridge School of welfare economists running from A. C. Pigou to J. E. Meade." For Barry's coinage see Forrester, *In the Shadow of Justice*, 107.

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should include, Barry said, historians of political thought. *TJ* "deserves and would benefit from the kind of sympathetic reading, with the object of revealing the work's inner coherence and the relation of its parts, that is characteristic of the best writing by historians of political thought but has been missing from the predominantly forensic style of the second phase."[69] But Barry did not think that all historians had to offer was charity:

> Finally, there could be more systematic efforts to stand back from *A Theory of Justice* and look at it as a social document or the expression of a certain kind of liberal outlook. And, of course, one can step back further and look at the people doing the looking. (Somebody could write an article on "*A Theory of Justice* as Rorschach Test.")[70]

In this case it is less clear that history would serve a sympathetic agenda. What did Barry think might be revealed when readers stood back and treated *TJ* as a social document? At this point, he said no more.

Other philosophers wanted readers to stand back from Rawls. In a 1980 review of left responses to Rawls Kai Nielsen also addressed the "Rawls industry."[71] While much was "still in dispute," Nielsen saw the emergence of "something approaching a consensus concerning both the strength of Rawls's account and its problematic features."[72] But, he went on, even this apparent consensus was, for some, controversial. Those who dissented from it were not only "Marxist" and "quasi-Marxist" critics like Wolff; some were "without any distinctive Marxist orientation" at all. These critics were united by three commitments: first, to outlining "a more egalitarian conception of justice than Rawls's"; second, they were "more sensitive to the import of ideological distortions and to the social formation of knowledge"; and third, they were "more skeptical than both Rawls and many of his non-Left critics" of Rawls's "rather formal philosophical method." Taken together, these critics

> are also concerned, in a way other critics usually have not been, to expose what they believe to be the underlying ideological conceptions in Rawls' work and to reveal its role in the intellectual defense of welfare state capitalism. They are, of course, concerned to assess the soundness of Rawls' arguments and the adequacy of his philosophical conceptions, but they are also concerned to make evident its implicit ideological framework.[73]

[69]Barry, "Critical Notice," 779–80. Barry's article was published in the same year as *The Foundations of Modern Political Thought*, but his understanding of the history of ideas was less Quentin Skinner and more David Gauthier. Quentin Skinner, "Meaning and Understanding in the History of Ideas," *History and Theory* 8/1 (1969), 3–53.

[70]Barry, "Critical Notice," 780.

[71]See too Arthur DiQuattro, "Rawls and Left Criticism," *Political Theory* 11/1 (1983), 53–78.

[72]Kai Nielsen, "Rawls and the Left: Some Left Critiques of Rawls's Principles of Justice," *Analyse & Kritik* 2/1 (1980), 74–97, at 74.

[73]Ibid., 74.

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It was not, then, only Marxist critics who were interested in questions about how *TJ* functioned ideologically. For his part, Nielsen agreed that Rawls's faults lay partly in his willingness to abstract "too severely from the thick texture of social life."[74] As a result, his theory was not fit for the politics or indeed the injustices that characterized the times: "A more adequate normative ethical theory will not be so innocent of political sociology, so ahistorical and *in intention* so apolitical."[75]

So why continue to engage with Rawls's theory? For Nielsen it was explicitly not because there existed a "Rawls industry" beyond which many philosophers could not see.[76] Rather it was to confront the best version of one's enemy:

> Liberal ideology is the dominant ideology in the bourgeois democracies and indeed it is an ideology that most of us are deeply affected by in one way or another even when we are in fierce opposition to it. This being so, it is crucial to assess this probing and sophisticated articulation and defense of this world-view and to spot, if that can fairly be done, the underlying ideology in a view of the social world which certainly intends to be thoroughly non-ideological.[77]

On Nielsen's view the problem was that *liberalism* was a powerful—even hegemonic—ideology and Rawls amongst its most sophisticated proponents. As a result, non-liberal political philosophers faced the task of putting beyond question why "justice as fairness" was obfuscating:

> The Left sees it as not just a systematic view of social reality but as an ideology with all the distortion in favor of class interests that that implies. Rawls, of course, sees it as a non-ideological, though, of course, fallibilistic account of one important domain of social reality. It is important, if we can, to try to ascertain who is right and why.[78]

A historian might rightly be bothered by whether or not Nielsen was onto the correct debunking story when he posited Rawls's theory as the ideology of welfare-state capitalism.[79] But it is of serious historical significance that he and others had this debunking story at all. Nielsen was no marginal figure in analytical political philosophy. He and the group of critics he identified were clear that Rawlsianism represented but one way of doing things. Taking their historical perspective would reveal that Rawls's theory was less innocent than many assumed.

By the mid-1980s Rawls's feminist critics had turned to similar historical concerns. The history into which Rawls's theory was placed was an androcentric one in which, as Mari Matsuda put it in 1986, "scholarly discourse largely ignores the lives and voices of women."[80] What were by then familiar criticisms of *TJ*—its

[74]Ibid., 87.
[75]Ibid., 91–2, original emphasis. See too Williams, "Moral View," 120.
[76]Nielsen, "Rawls," 75.
[77]Ibid., 75.
[78]Ibid.
[79]Forrester, *In the Shadow of Justice*, 232–3, rejects such a debunking story.
[80]Mari Matsuda, "Liberal Jurisprudence and Abstracted Visions of Human Nature: A Feminist Critique of Rawls' Theory of Justice," *New Mexico Law Review* 16 (1986), 613–30, at 617.

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abstraction, ahistoricity and apoliticality—were now offered from the perspective of the long history of exclusion of women, and especially, in Matsuda's pathbreaking essay, of women of color, from both academic political philosophy and from justice.

Matsuda, by no means an unsympathetic reader of Rawls, placed his work in a history of jurisprudence wherein abstractions served to obscure the real subject: the self-conception of the elite white man. What would a book like *TJ* look like, she asked, when put in the context of a completely different tradition of political thought, one that included the Combahee River Collective, Catharine MacKinnon, Audre Lorde and Donna Haraway? (For one thing, she implied, it might force readers to focus on the academic practices and assumptions behind the "Rawls phenomenon," in which single authors were given the status of great men revealing deep truths: "it would be somewhat unfeminist for one woman to write a book called *The Feminist Theory of Justice*" given "the feminist idea of collective effort."[81] Here Matsuda was bringing to her readers' attention the way in which canonization could itself be a patriarchal process.[82]) The broader lesson of the feminist tradition on which Matsuda drew was, she argued, that *TJ* "rests on ideology, on air, on faith."[83] From this followed a concern, again, about how Rawls's theory functioned. Matsuda drew on scholarship that suggested that theories be evaluated not simply according to what they argue, but according to what they are used to rationalize, especially in the context of the actual history of race- and sex-based discrimination in the US.[84] Furthermore, she worried, "by limiting the sphere of the possible Rawls creates a gridlock in which escape from liberalism is impossible." The problem was not simply Rawls's relation to a particular past, nor the attempts of contemporaries to historicize him in a particular way, but the constraining effect that his theory might have on the future of political action and on the future of political philosophy. "We need," Matsuda concluded, "to return to concrete realities, to look at our world, rethink possibilities, and fight it out on this side of the veil, however indelicate that may be."[85]

Another feminist reader who took a historical perspective on Rawls was Susan Okin. In the late 1970s Okin argued that many of the so-called "great thinkers" in the history of political thought were responsible for naturalizing certain contingencies—not least the patriarchal family and its oppressive gender roles—which in turn bolstered a political order that served men. In 1987, she published the first of many pieces that turned her historical gaze onto Rawls.[86] For Okin, Rawls's theory betrayed all too many similarities with this patriarchal past, and she made it her life's work to convince him to make a decisive break with it. Historicizing Rawls led her to engage with him, partly out of a concern for how history would be written, and political philosophy would be practiced, in the future: Okin hoped to change the arc of both.[87] She was quickly disappointed with the response. By the

[81]Ibid., 621–2.

[82]See too bell hooks, "Theory as Liberatory Practice," *Yale Journal of Law and Feminism* 4 (1991), 62–3. Thanks to Cécile Laborde for discussion on this point.

[83]Matsuda, "Liberal Jurisprudence and Abstracted Visions of Human Nature," 621.

[84]Ibid., 621.

[85]Ibid., 624.

[86]Susan Okin, "Justice and Gender," *Philosophy and Public Affairs* 16 (1987), 42–72.

[87]See too Carole Pateman, *The Sexual Contract* (Stanford, 1988), Ch. 3.

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early 1990s she was expressing worries similar to Matsuda's about function: did Rawls's theory, she asked, allow liberal men to appear to care about equal justice without engaging with feminism? Did its idealism disincentivize political philosophers from thinking hard about why gender injustice exists, and what might be done to bring it to an end?[88]

Questions about whether Rawls's theory functioned to sideline certain questions as well as certain histories were taken up in relation to racial oppression in the early 1990s by the philosopher Charles Mills (who was always clear about his own debts to a feminist tradition that included Okin, Kimberlé Crenshaw, Chandra Mohanty, bell hooks and Patricia Hill Collins).[89] For Mills, the ideology critique developed by Rawls's Marxist and left-wing critics was an inspiration, though like Nielsen he argued that his analysis did not require a commitment to the "Marxist anti-capitalist project."[90] Across two 1994 articles he laid the foundations for a critique he would elaborate over the next quarter-century.[91] Here he connected the ahistoricity of Rawls's theory up to what he saw as a political project of denial with deep historical roots: "It will certainly be noticed [by black readers of *TJ*] … that U.S. slavery and its aftermath barely appear. The only slavery Rawls mentions is that of antiquity … So the focus on 'ideal theory' [in Rawls] here will seem in part ideological, a steering away from disquieting questions and unresolved issues."[92] For Mills, Rawls and other white liberal egalitarian philosophers needed to be placed in a global history of imperialism and white supremacy. The pressing historical question became: why has political philosophy developed in a way that encouraged such a deep divide between what Mills named "white," "establishment," and "mainstream theory" on the one hand and "black/Third World theory" on the other?[93] On Mills's view, which he developed further in *The Racial Contract* (1997), the very social-contract "tradition" which so many of Rawls's first (white male) readers praised him for continuing functioned to at once facilitate European imperialism and to occlude its effects.[94] Mills wrote,

> My argument is essentially that for most of Enlightenment First World political theory, what seems like a neutral starting-point, which begs no questions, is actually already normatively loaded, in that the population of "persons" has been overtly or covertly defined so as to really be coextensive with the white (male) population. They are the respectable occupants of the building. So in

[88]Susan Okin, *Women in Western Political Thought* (Princeton, 1992; first published 1979), afterword.

[89]Charles W. Mills, "Non-Cartesian Sums: Philosophy and the African-American Experience," *Teaching Philosophy* 17/3 (1994), 223–43; Mills, "Revisionist Ontologies: Theorising White Supremacy," *Social and Economic Studies* 43/3 (1994), 105–34.

[90]Mills, "Revisionist Ontologies," 117.

[91]For background to his later work on liberalism and ideology see Mills's early discussion of emancipation, coercion and the imagination: "Red Peril to the Green Island: The 'Communist Threat' to Jamaica in Genre Fiction, 1955–1969," *Caribbean Studies* 20 (1988), 1–23.

[92]Mills, "Non-Cartesian," 226. See further Charles W. Mills, "The Racial Polity," in Mills, *Blackness Visible* (Ithaca, 1998), 119–38; Mills, "Ideal Theory as Ideology," *Hypatia* 20/3 (2005), 165–84; Mills, "Racial Liberalism," *PMLA* 123/5 (2008), 1380–97; Mills, "Rawls on Race/Race in Rawls," *Southern Journal of Philosophy* 47/S1 (2009), 161–84.

[93]Mills, "Revisionist Ontologies," 106–8.

[94]For a critical engagement with this analysis based on archival discoveries see Brandon Terry, this issue.

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> the period of *de jure* global white supremacy (European colonial rule, African slavery) the scope of European normative theories will usually extend just to Europeans at home and abroad. That is, there will be theories about the rights, liberties, privileges, etc. of "all men" which are really intended to apply only to "all white men," nonwhites being in the moral basement which is covered by a different set of rules.[95]

Putting Rawls's theory in historical context meant recognizing that *TJ* was written at a time when there was an "abstract/formal extension of previously color-coded principles to the nonwhite population" but a corresponding failure to ensure any of the material conditions necessary for the realization of these principles. In this context, Rawls's "failure to pay theoretical attention" to the history of imperialism, colonialism and white supremacy led him to construct a theory that did not "confront white supremacy" and "by ignoring it … will just incorporate it, through silence, into the conceptual apparatus."[96] To make these arguments Mills drew on a new wave of historical scholarship that came to be known as whiteness studies.[97] He ended his essay with his own call to the future: "for black philosophers in political theory—or rather all philosophers interested in the elimination of racism, and in bringing mainstream philosophy down from its otherworldly empyrean musings—to take global white supremacy as a political system, and begin to map its contours."[98]

In the critical historicizing visions of Matsuda, Okin and Mills the focus on Rawls was not biographical, nor on explaining how and when bits of his theory developed as they did. The concern was to bring into view what his theory might preclude or effect, where the conceptual and the practical were seen as two sides of the same coin. How would this theory—with its particular categories, abstractions and arguments—shape a discipline, and indeed a world, that had such deep historical problems with racial and gender injustice? How would it restrict the political imaginations of its readers, and, possibly too, what kind of law or policy would it encourage or rationalize?

While these theorists were developing an account that put Rawls's theory in a particular history of oppression and injustice, Rawls was coming to elaborate his own view about his theory's place in history. In the introduction to *Political Liberalism* (1993) "justice as fairness" was presented as a part of a history of liberal

[95]Mills, "Revisionist Ontologies," 119.

[96]Ibid., 120. For the erasure of the history of European imperialism from the story of modernity offered by Rawls and many other theorists and philosophers see Iris Marion Young and Jacob T. Levy, "Introduction," in Jacob T. Levy and Iris Marion Young, *Colonialism and Its Legacies* (Lanham, 2011), xi–xvii, at xi–xii; Charles W. Mills, "Decolonizing Western Political Philosophy," *New Political Science* 37/1 (2015), 1–24, at 17.

[97]Citing George M. Fredrickson's *White Supremacy* (1981), David Roediger's *The Wages of Whiteness* (1991), David Stannard's *American Holocaust* (1992), Theodore W. Allen's *The Invention of the White Race* (1994) and older studies by Winthrop D. Jordan, Lewis Hanke and Victor Kiernan. For the importance of scrutinizing the historical sources philosophers draw on see Murad Idris, this issue.

[98]Mills, "Revisionist Ontologies," 131.

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progress with roots in the sixteenth-century European wars of religion, and so as a contribution to a hopeful tradition of political liberalism.[99]

III. Memorializing Rawls

By the late 1980s it seemed to some political philosophers that despite Rawls's impact on the discipline, the "Rawls industry" was in terminal decline. In 1984 Brian Barry—by this point an editor of *Ethics*—had suggested that journal editors would be able to "beat back" any possible resurgence.[100] He noted a "complete cessation" of Ph.D. theses on Rawls, and this, Barry thought, was no bad thing: "*A Theory of Justice* was an opportunity for those of us who got in early and a trap for those who came along later."[101] By 1989 Rawls's former student Thomas Pogge observed that political philosophy was "well beyond the stage when, in Robert Nozick's words, 'political philosophers must now either work within Rawls's theory or explain why not'." Pogge reported "a widespread sense that Rawls's work is in a shambles," with new authors volunteering to "set the agenda for the dawning post-Rawlsian era." However unfair their assessments from a philosophical perspective, as a "matter of academic politics," Pogge concluded, "Rawls's work is in decline."[102]

Rawls for his part spent the 1980s responding to his critics, and the 1990s saw the publication of further clarifications and extensions of his views: not least in *Political Liberalism* (1993), "The Law of Peoples" (1993, expanded in 1999), "The Idea of Public Reason Revisited" (1997) and the revised edition of *TJ* (1999). From 1987 through until his retirement from the classroom in 1995 Rawls was regularly teaching the manuscript of what would eventually become *Justice as Fairness: A Restatement* (2001).[103]

Against this backdrop some of Rawls's colleagues, many of whom were former students, embarked on a different kind of historical project. Towards the end of his life and in the first years after his death in 2002 a flurry of publications assessed Rawls's influence and pronounced on his legacy. In 1997—after he had survived his first stroke and a near-fatal attack of pancreatitis—a group of philosophers who studied with Rawls published *Reclaiming the History of Ethics*, an essay collection based on an event at Harvard for his seventy-fifth birthday.[104] In 1999, with Rawls's reluctant permission, Samuel Freeman, a friend and former Ph.D. student,

[99]Rawls gestured at this history in his 1981 Tanner lecture, first published in 1983. There, however, he only briefly alluded to liberalism's "origin" in the sixteenth and seventeenth centuries; by *Political Liberalism* he had an extended analysis of the "three historical developments" that explained the nature of "modern" moral and political philosophy and claimed that "the historical origin of political liberalism (and of liberalism more generally) is the Reformation and its aftermath." John Rawls, "The Basic Liberties and Their Priority," *Tanner Lectures on Human Values*, vol. 3 (Salt Lake City, 1982), 3–87, at 17; John Rawls, *Political Liberalism* (Cambridge MA, 1993), xxiv–xxvi. See too Rawls, *Justice as Fairness: A Restatement* (Cambridge MA, 2002), 1.

[100]Brian Barry, "Review of John Rawls and His Critics," *Ethics* 94 (1984), 351–3.

[101]Ibid., 353.

[102]Thomas Pogge, *Realizing Rawls* (Ithaca, 1989), 2.

[103]"Justice as Fairness: An Outline with Comments and Replies', Box 31, Folder 1, JRP. Rawls formally retired in 1991 but continued teaching.

[104]Andrews Reath, Barbara Herman and Christine M. Korsgaard, eds., *Reclaiming the History of Ethics: Essays for John Rawls* (Cambridge, 1997). Rawls discussed the stroke and its effects in private letters and

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collected and introduced twenty-six of his published papers and a rare interview.[105] In the same year two other former students, Henry Richardson and Paul Weithman, published *The Philosophy of Rawls*, which, over five volumes, reprinted a selection of essays on Rawls reaching back to the 1950s.[106] Lectures that Rawls gave on moral and political philosophy at Harvard between 1962 and 1995 were published for the first time: in the year 2000 on the history of moral philosophy, edited by Barbara Herman (another former student) and in 2007 on the history of political philosophy, edited again by Freeman with the help of Margaret Rawls.[107] In 2009 Rawls's undergraduate thesis—"A Brief Inquiry into the Meaning of Sin and Faith"—was released, along with an essay "On My Religion" (found on his computer before his archive was opened), edited by Thomas Nagel with an introduction cowritten with Joshua Cohen, both Rawls students.[108]

At roughly the same time, a number of books appeared offering introductions to Rawls's thought and its reception.[109] Once again, those close to Rawls were centrally involved. *The Cambridge Companion to Rawls*, edited by Freeman and conceived in the late 1990s (archived letters show at least one contributor writing to Rawls about their essay) was published weeks before his death in November 2002.[110] In 2007 Thomas Pogge's *John Rawls: His Life and His Theory of Justice* was translated into English, with a biographical chapter based on hours of recorded interviews.[111] The same year saw Samuel Freeman's *Rawls*: a five-hundred-page account of Rawls's life and thought, which drew on at that point unreleased archival sources, including a brief autobiographical sketch: "Just Jack."[112]

We might understand this period in the reception of Rawls in early modern terms: as one of monument building.[113] This would chime with Rawls's own

publicly in John Rawls, "Afterword: A Reminiscence," in Juliet Floyd and Sanford Shieh, eds., *Future Pasts: The Analytic Tradition in Twentieth Century Philosophy* (Oxford, 2001), 417–28, at 424–5.

[105]Samuel Freeman, "Editor's Preface," in John Rawls, *Collected Papers*, ed. Samuel Freeman (Cambridge MA, 1999), ix.

[106]Henry Richardson and Paul Weithman, eds., *The Philosophy of Rawls*, 5 vols. (New York, 1999).

[107]Freeman was a graduate TA for the course (Philosophy 171). Charles Larmore reports that the lectures had been circulating for years in unpublished form. Charles Larmore, "Lifting the Veil," *New Republic*, 5 Feb. 2001, 32–7, at 33. See too Barbara Herman, "Editor's Foreword," in John Rawls, *Lectures on the History of Moral Philosophy* (Cambridge, MA, 2000), xiii.

[108]John Rawls, *A Brief Inquiry into the Meaning of Sin and Faith: With "On My Religion"*, ed. Thomas Nagel (Cambridge MA, 2009). Rawls's Ph.D. thesis, "A Study in the Grounds of Ethical knowledge: Considered with Reference to Judgements on the Moral Worth of Character," Princeton University, 1 Feb. 1950, remains unpublished.

[109]Robert B. Talisse, *On Rawls* (Belmont, 2001); Catherine Audard (Rawls's French translator), *John Rawls* (Abingdon, 2007); Shaun Young, *Reflections on Rawls: An Assessment of His Legacy* (Farnham, 2009), with essays by many former students; Frank Lovett, *Rawls's* A Theory of Justice*: A Reader's Guide* (London 2011); Mandle (with whom Rawls had much correspondence), *Rawls's A Theory of Justice*; Sebastiano Maffettone, *Rawls: An Introduction* (Cambridge, 2010); Jon Mandle and David A. Reidy, *A Companion to Rawls* (Chichester, 2014).

[110]Martha Nussbaum to John Rawls, Folder 21, Box 40, JRP.

[111]First translated as "A Brief Sketch of Rawls' Life" in Richardson and Weithman, *The Philosophy of Rawls*, 1–15, at 1.

[112]John Rawls, "Just Jack," Folder 12, Box 42, JRP.

[113]Early modern authors drew on Horace's dictum that poets created lasting memorials with their texts to argue that writers could raise monuments to themselves and to others. The responses of posterity to past

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view of the history of political thought: in a lecture on the "Nature and Limits of Political Philosophy" in 1966 he referred to the genre of "the history of political ideas or monuments."[114] So too would it echo the responses of reviewers to this literature: "a monumental study of a monumental theorist," Jeremy Waldron wrote of Freeman's *Rawls*.[115] In this literature we often find the same set of facts about Rawls's "impact": the number of copies of *TJ* sold by Rawls's death (approximately 300,000 in the US and 1,000,000 worldwide); the number of languages into which *TJ* was translated (twenty-seven); the number of books and articles on Rawls's thought (over 2,500 by 1982). These statistics were repeated in the reviews of these books, which were again often written by Rawls's friends and students.[116] This desire to memorialize Rawls is understandable. He was widely reported as a kind, humble teacher, and several professional philosophers credit their careers to his influence and support (including many women trying to enter what remains a hostile discipline).[117] But, like all monuments, those erected to Rawls advertised to the future a particular perspective on the past.

This is not to say that these publications were ahistorical; indeed, they often encouraged readers to think about Rawls's theory as a historical entity that changed over time.[118] The publication of Rawls's undergraduate thesis prompted debates about the correct interpretation of Rawls's early theology and its impact on his later theory. These books also emphasized Rawls's deep and long-standing interest in the history of philosophy (that, they revealed, stretched back at least to a 1942 undergraduate class with Norman Malcolm in which Rawls studied Plato and Augustine), and publicized his views on how it should be practiced.[119] In this way they provided historians with new material and promising leads; in the case of unpublished material they saw themselves, as one reader put it, as "providing a definitive version for posterity."[120]

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authors were also conceptualized as "monuments" (and sometimes compared favorably to statues, tombs and other physical structures).

[114]Rawls, "Lecture: I: Nature and Limits of Political Philosophy" (1966), in Folder 10, Box 36, JRP, 1.

[115]Jeremy Waldron cited in Samuel Freeman, *Rawls* (Oxford, 2007), i. See too Glen Newey, "Floating on the LILO," *Times Literary Supplement*, 10 Sept. 1999, 9–10, at 10; and Anthony Simon Laden's review of *The Philosophy of Rawls*: "The House That Jack Built: Thirty Years of Reading Rawls," *Ethics* 113/2 (2003), 367–90.

[116]Martha Nussbaum, "Conversing with the Tradition: John Rawls and the History of Ethics," *Ethics* 109/2 (1999), 424–30; Thomas Nagel, "Justice, Justice, Shalt Thou Pursue," *New Republic*, 25 Oct. 1999, 36–41.

[117]For philosophers taught by Rawls see Thomas Pogge, *John Rawls: His Life and Theory of Justice*, trans. Michelle Kosch (Oxford, 2007), 24. While a professor at Columbia in the mid-1990s, Pogge was accused of sexual harassment, for the first time, by a woman student. See Katie J. M. Baker, "The Famous Ethics Professor and the Women Who Accused Him," *Buzzfeed*, 20 May 2016, at www.buzzfeednews.com/article/katiejmbaker/yale-ethics-professor.

[118]E.g. Jeremy Waldron's review of *The Collected Papers*: "The Plight of the Poor in the Midst of Plenty," *London Review of Books* 21/9 (1999), at www.lrb.co.uk/the-paper/v21/n14/jeremy-waldron/the-plight-of-the-poor-in-the-midst-of-plenty; Frazer, "John Rawls."

[119]Pogge, *John Rawls*, 11; S. A. Lloyd (another Rawls student), "Learning from the History of Political Philosophy," in Mandle and Reidy, *A Companion to Rawls*, 526–45; Michael Frazer, "The Modest Professor: Interpretative Charity and Interpretative Humility in John Rawls's *Lectures on the History of Political Philosophy*," *European Journal of Political Theory* 9/2 (2010), 218–26.

[120]Larmore, "Lifting the Veil," 33.

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At the same time, these memorializing publications consolidated partial narratives about Rawls's significance. The familiar story of political philosophy's death and revival at his hands was widely repeated, though usually without recognition of that account's limits.[121] As we have seen, while Rawls's earliest readers connected him back to "the tradition," they were also interested in more local political and intellectual contexts. In much of the memorializing literature, that pluralism vanished. Freeman, for example, confidently stated that "though raised within the Anglo-American analytic tradition in philosophy, Rawls is mainly responding to problems set forth by the major moral and political philosophers since Hobbes."[122] Historical claims were presented as so self-evidently true that they needed no evidence. "Almost immediately upon publication," Herman, Korsgaard and Reath announced, Rawls's theory "became the starting point for subsequent work in political philosophy."[123] Where disagreement might have existed, they said, there was "little dispute that [Rawls's] are the central issues and the appropriate terms of discussion."[124] The opening sentence of Shaun Young's collection of essays on Rawls's legacy summed up the view: "The work of John Rawls cast an immense shadow over the discipline of political philosophy."[125]

The memorializing texts sometimes treated as settled issues with which Rawls himself was still grappling at the end of his life. It is striking to find him, just a year before his death, raise the following worry:

> political philosophy is always in danger of being used corruptly as a defense of an unjust and unworthy status quo, and thus of being ideological in Marx's sense. From time to time we must ask whether justice as fairness, or any other view, is ideological in this way; and if not, why not? Are the very basic ideas it uses ideological? How can we show they are not?[126]

As Stefan Eich points out, Rawls never answered these questions.[127] And they were not taken up in the monuments which, while never presenting him as without critics, consistently addressed a remarkably uniform list: Hart, Hare, Dworkin, Nozick, Beitz, Sandel, Cohen. These books operated with a clear sense of Rawls's "most important interlocutors"; in the process they sidelined or ignored arguments which, in the case of feminist objections to his work, Rawls took far more seriously than the memorializers suggested. One example is the treatment of his engagement with Susan Okin; a debate which both participants recognized at the end of their lives as to some degree "unfinished" tended to be written about in these books,

[121]E.g. Andrews Reath, Barbara Herman and Christine M. Korsgaard, "Introduction," in Reath, Herman and Korsgaard, *Reclaiming the History of Ethics*, 1–5, at 1–2. For notable exceptions see Paul Weithman, "John Rawls: A Remembrance," *Review of Politics* (2003), 5–10, at 5; Henry S. Richardson, "Volume Introduction," in Richardson and Weithman, *The Philosophy of Rawls*, 1: ix–x.

[122]Freeman, *Rawls*, 28.

[123]Reath, Herman and Korsgaard, "Introduction," 1.

[124]Ibid., 1.

[125]Young, *Reflections*, xiii.

[126]Rawls, *Justice as Fairness*, 4 n. 4.

[127]Stefan Eich, this issue.

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when it was written about at all, as easily resolved by Rawls.[128] As Charles Mills has noted, Rawls's memorializers never admitted him or other critical race theorists into their canon of critics.[129]

The memorializing approach to Rawls's theory, and the triumphalist account of its place in history, were by no means uniformly held by philosophers and theorists in the late 1990s and the 2000s.[130] Criticism and revisionism continued, from old foes and new. This is the period during which the trope of the "owl of Minerva" appeared as a way of expressing the distance between the world in which Rawls theorized and the world into which his theory was flung.[131] It is also when the "realist" respondents to high liberalism came to have a sense of themselves as offering a worked-out alternative to Rawls.[132] But these memorializing books on Rawls did, in some quarters, take on a quiet authority, and came occasionally to shape the archival histories.

IV. The historical Rawls

Between 2004 and 2010, Rawls's main archive opened.[133] Before the first publications a manuscript culture developed, with materials and early drafts circulating

[128]These texts took one of three approaches to feminist objections: to ignore them; to address them fleetingly, but, unlike equivalent discussions of other objections, not mention any feminist author by name; or to treat the objections as satisfactorily answered by Rawls. An exception is Martha Nussbaum's "Rawls and Feminism" in Samuel Freeman, ed., *The Cambridge Companion to Rawls* (Cambridge, 2003), 488–520. For further detail see Sophie Smith, "A Just Theory? Okin, Rawls and the Politics of Political Philosophy," MS in progress.

[129]Mills, "Rawls on Race," esp. 161–2.

[130]Raymond Geuss, "Neither History Nor Praxis," *European Review* 11/3 (2003), 281–92.

[131]Perry Anderson, who in 1994 had commented of *Political Liberalism* that "the social polarization of the last twenty years might never have occurred," in 2004 turned his critical attention to what he called the "wishful thinking" of Rawls's later texts. Perry Anderson, "On John Rawls," *Dissent*, Winter 1994, reprinted in Anderson, *Spectrum* (London, 2005), 103–12; Anderson, "Arms and Rights: Rawls, Habermas and Bobbio in an Age of War," *New Left Review* 31/1 (2005), 5–40. "In typical Owl of Minerva fashion," the liberal conception of the state and society "received its most systematic exposition in *A Theory of Justice*, which was written in 1971. This, of course, is the very time when it might be argued that its utility as a charter of a politically organized society … was becoming increasingly problematic." Brian Barry, "The Limits of Cultural Politics," *Review of International Studies* 24/3 (1998), 307–19, at 307. See too Jan Werner Müller, "Rawls, Historian: Remarks on Political Liberalism's 'Historicism'," *Revue internationale de philosophie* 3/237 (2006), 327–39, at 328–9. Rawls himself invoked the "owl of Minerva" in a 1960 lecture, though with a very different purpose; see Bejan, this issue.

[132]Bernard Williams, *In the Beginning was the Deed: Realism and Moralism in Political Argument* (Princeton, 2005); Raymond Geuss, *Philosophy and Real Politics* (Princeton, 2009); Glen Newey, "Ruck in the Carpet," *London Review of Books* 31/13 (2009), at www.lrb.co.uk/the-paper/v31/n13/glen-newey/ruck-in-the-carpet; William Galston, "Realism in Political Theory," *European Journal of Political Theory* 9/4 (2010), 385–411; Matt Sleat, "Bernard Williams and the Possibility of a Realist Political Theory," *European Journal of Political Theory* 9/4 (2010), 485–503; Christoph Menke, "Neither Rawls Nor Adorno: Raymond Geuss' Programme for a 'Realist' Political Philosophy," *European Journal of Philosophy* 18/1 (2010), 139–47; Enzo Rossi, "Reality and Imagination in Political Theory and Practice: On Raymond Geuss's Realism," *European Journal of Political Theory* 9/4 (2010), 504–12.

[133]The major collections of Rawls papers are at Harvard; Princeton and Cornell also have holdings. The Harvard papers were acquired through five separate accessions from March 2004 to March 2010 and were available immediately after donation. The papers were first consulted in October 2005. In 2011, Harvard University Archives staff processed the five sets of papers that had been received to produce a single

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online and privately.[134] Here I survey some of the themes that have emerged from this new and more explicitly historical literature on Rawls, noticing the questions the archive has settled and those it has provoked. I also keep one eye on the longer history I have begun to trace here, and on the echoes and continuities amidst all the novelty. This is not to say that there are no, as Mark Bevir and Andrius Gališanka put it, "folk histories" that can now be rightly set aside. But it is to caution against interpreting all previous historicizing claims merely as "past political posturing" (and against assuming that archival studies cannot themselves be "political").[135] Sometimes the archives have offered support for previously articulated views. In these cases, historians should be wary of redescribing confirmatory evidence as revelation.

In the introduction to the first collection of archivally informed essays in the *Journal of the History of Ideas* Bevir suggested that the documents from Rawls's pre-Harvard years were "perhaps the most interesting."[136] Much archival work has now focused on the period before 1962. Scholars have explained features of Rawls's later theory via early intellectual commitments and in some cases suggested that those commitments remained significant long after Rawls renounced the associated views. The publication of Rawls's undergraduate thesis meant that other early work focused on a theme that did not preoccupy his first readers: religion.[137] The nature of Rawls's youthful Protestantism, the impact of theologians at Princeton on the development of his views, and the possible relationship between his religiously inflected commitments and the development of justice as fairness have all been explored.[138] Here too tensions exist concerning the balance of influence between contemporary interlocutors and the "tradition." Robert Adams emphasizes the importance for Rawls's theology of neo-Orthodox Christian theologians Reinhold Niebuhr and Philip Leon. Eric Nelson contends that the crucial text for

collection guide, at https://hollisarchives.lib.harvard.edu/repositories/4/resources/4319. My thanks to the reference staff at the Pusey Library, Harvard University Archives, for this information.

[134]Some groundbreaking early work remains unpublished, though its influence is widely felt, especially that of P. MacKenzie Bok, who wrote an undergraduate dissertation on the Rawls archives in 2011, an M.Phil. in 2012 and a Ph.D. in 2015. See too Joel Isaac, "Historicizing Rawls," unpublished MS, 2012; David. M. Levy and Sandra J. Peart, "Efficiency or a 'Fair' Game: John Rawls contra Lionel Robbins," working paper, 27 Nov. 2007, at www.researchgate.net/publication/237278013_Efficiency_or_a_Fair_Game_John_Rawls_Contra_Lionel_Robbins. For MS circulation see Eric Schliesser, "Rawls, Robbins, and Blaug," *New APPS*, at www.newappsblog.com/2011/11/rawls-robbins-and-blaug.html. Some correspondence was published: John Rawls and Phillipe van Parijs, "Three Letters on the Law of Peoples and the European Union," in *Autour de Rawls*, special issue, *Revue de philosophie économique* 7 (2003), 7–20; Sandra J. Peart and David M. Levy, *The Street Porter and the Philosopher: Conversations on Analytical Egalitarianism* (Ann Arbor, 2008).

[135]Mark Bevir and Andrius Gališanka, "John Rawls in Historical Context," *History of Political Thought* 33/4 (2012), 701–25, at 701–2.

[136]Bevir, "Introduction," 256.

[137]Eric Gregory, "Before the Original Position: The Neo-orthodox Theology of the Young John Rawls," *Journal of Religious Ethics* 35/2 (2007), 176–206; Paul Weithman, *Rawls, Political Liberalism and Reasonable Faith* (Cambridge, 2016), Ch. 1.

[138]Jürgen Habermas, "'The "Good Life"—A 'Detestable Phrase': The Significance of the Young Rawls's Religious Ethics for His Political Theory," *European Journal of Philosophy* 18/3 (2010), 443–54; P. MacKenzie Bok, "Inside the Cauldron: Rawls and the Stirrings of Personalism at Wartime Princeton," in Sarah Shortall and Daniel Steinmetz-Jenkins, eds., *Christianity and Human Rights Reconsidered* (Cambridge, 2020), 158–88.

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understanding the character of Rawls's youthful anti-Pelagianism was Marx's *On the Jewish Question* (1844).[139] Inferences drawn from new material published before the archive's opening were called into question once it was. Rawls's essay "On My Religion" led many to accept, for example, his recollection that he "lost his faith" after the war. As Bok argues, "the archives tell a subtler story."[140] So, too, where Adams and Eric Gregory emphasized the neo-Orthodox dimensions of Rawls's undergraduate thesis, Bok, on the basis of archival papers, reconstructed a Rawls committed to liberal Protestant convictions and part of a community of theorists—including Roderick Firth and William Frankena—looking to philosophy for alternative grounding for their views.[141] Work on Rawls's religious views has raised broader disciplinary questions, problematizing standard narratives about "secularization" and postwar ethics.[142]

Early archival scholarship also contextualized Rawls in relation to trends in early twentieth-century philosophy.[143] Where Norman Daniels assumed continuity between Rawls and what he loosely called the "technical tradition in philosophy," historians have focused on where these lines of continuity might be. As Bevir and Gališanka argue, the story is a complicated one: logical positivism, for example, "helps to explain several crucial concepts" in *TJ*, and yet other features of that book—its moral psychology and holistic justification—result from Rawls's turn against positivism. Here archival work at once vindicates and complicates some early historicizing assumptions.[144]

Revelations about Rawls's philosophical debts have ranged from technical detail to general influence. Joel Isaac reconstructed connections between Rawls and G. E. M. Anscombe, J. L. Austin and John Searle.[145] Daniele Botti argued that Rawls sought in his early work to overcome some of the dichotomous thinking which, for Botti, characterized Ayer's emotivism and G. E. Moore's intuitionism; elsewhere, on the basis of reading notes and marginalia, Botti insists that the long-held view that Rawls had no relation to American pragmatism is false.[146] In an act of swift revisionism, Bok overturned the archivally informed account of Rawls's early Wittgensteinianism offered by Gališanka and Bevir—in the process she

[139]Eric Nelson, *The Theology of Liberalism: Political Philosophy and the Justice of God* (Cambridge MA, 2019), 54–7.

[140]P. MacKenzie Bok, "To the Mountaintop Again: The Early Rawls and Post-Protestant Ethics in Postwar America," *Modern Intellectual History* 14/1 (2017), 153–85, at 155.

[141]Ibid.

[142]Ibid., 155; Nelson, *The Theology of Liberalism*; David A. Reidy, "From Philosophical Theology to Democratic Theory: Early Postcards from an Intellectual Journey," in Mandle and Reidy, *A Companion to Rawls*, 9–30.

[143]Rawls's Ph.D. thesis remains comparatively underinvestigated. See Ville Päivänsalo, *Balancing Reasonable Justice* (Ashgate, 2007), Ch. 1; Robert Cheah, "Moral Psychology and Reflective Equilibrium in the Work of John Rawls, 1950–1971" (unpublished M.Phil. thesis, University of Oxford, 2019).

[144]Nikhil Krishnan's work on the early Rawls and varieties of contemporary positivism shows how carefully revisiting published sources can also be illuminating. See Krishnan, this issue.

[145]Isaac, "Historicizing Rawls," 8.

[146]Daniele Botti, "Rawls on Dewey before the Dewey lectures," *Journal of the History of Ideas* 78/2 (2017), 287–98, at 290–93; and Botti, "John Rawls, Peirce's Notion of Truth and White's Holistic Pragmatism," *Journal of the History of Ideas* 35/2 (2014), 345–77. See too Botti, *John Rawls and American Pragmatism: Between Engagement and Avoidance* (Lexington, 2019).

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transformed our understanding of when Rawls first read Wittgenstein, and of the different Wittgensteins that came to be important to him (a reminder that the archive doesn't always give up its secrets on first inspection).[147] Rawls's engagements with Wittgenstein reveal a previously unrecognized naturalism, a fact which these scholars argue helps to explain central assumptions of his justice theory. Taken together these intellectual histories chart the course from Rawls's very early theological views to his postwar philosophical investigations and are the basis for what both Bok and Gališanka have called "the path to a Theory of Justice."[148]

Rawls's readers long suspected that place mattered for the development of his views. Archival historians have shown how and why. Rawls, for example, spent 1952–3 on a Fulbright fellowship in Oxford. For Reidy his encounters there led him to justice theory from a kind of Millian utilitarianism; for Bejan, it was where his interest in the history of political thought deepened; for Forrester, it introduced him to the right wing of the British Labour Party, whose worldview he would come to think compatible with his own developing theory of justice.[149] Gališanka points out that Harvard's importance began before Rawls's permanent appointment, tracing the impact of his encounter with Quine's naturalism and non-foundationalism from his visiting professorship in 1959–60.[150]

Scholars in the archive have also reassessed Rawls's links to philosophers in the so-called tradition. Reading notes, unpublished lectures and letters have prompted new debate about old themes: Rawls's "turn" to Kant is one example.[151] New connections have also been established. Forrester shows that in 1951, while in Princeton, Rawls was using Tocqueville to flesh out his incipient thoughts on society and associational life.[152] Bejan explores how Rawls himself engaged in the "death-of-political-philosophy" debate as he developed his own undergraduate teaching.[153] As we've seen, Rawls's readers long speculated about which "tradition" of political philosophy might best explain his views. Using Rawls's reading notes, Stefan Eich makes a novel and compelling case for placing Rawls in a late eighteenth-century tradition of secular theodicy. Eich further reveals that what some suggested was a late-stage invocation of Hegel in Rawls's account of the "tasks" of philosophy in *Justice as Fairness* (2001) was in fact present in archival formulations in 1959. This is a neat example of how publications alone can offer misleading chronologies.[154]

Much scholarship on Rawls's debts to mid-century thought has focused on the development of his early conceptualizations of society and the "persons" who inhabit it. Bok argues that the notion of "community"—inflected by

[147]P. MacKenzie Bok, "'The Latest Invasion from Britain': Young Rawls and His Community of American Ethical Theorists," *Journal of the History of Ideas* 78/2 (2017), 275–85; Bevir and Gališanka, "Rawls"; Botti, "Holistic Pragmatism"; David A. Reidy, "Rawls's Religion and Justice as Fairness," *History of Political Thought* 31/2 (2010), 309–44.

[148]Or in Reidy's alternative, "From Philosophical Theology to Democratic Theory."

[149]Bejan, this issue; Forrester, *In the Shadow of Justice*, 18–24.

[150]Andrius Gališanka, *John Rawls: The Path to A Theory of Justice* (Cambridge, MA, 2019), Ch. 7.

[151]Ibid., Chs. 4, 8. Cf. Bok, "To the Mountaintop."

[152]Forrester, *In the Shadow of Justice*, 11.

[153]Bejan, this issue.

[154]Eich, this issue.

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Wittgenstein—was far more important to the early Rawls than is often imagined. Questions have been raised about the relationship between Rawls's conception of philosophy and his commitment to democracy: was he committed to an expanded place for democratic deliberation or a constraining view of the correct conclusions democrats should reach?[155] From a different direction, Gališanka has explored the connection between the early Rawls's notion of society as a game and the game theory of two men Rawls encountered at Princeton: John von Neumann and Oskar Morgenstern. Here we see another way in which the archival literature at once vindicates and complicates some early assumptions about Rawls's debts: in Anne Kornhausers's view the development of Rawls's justice theory went hand in hand with his reading of Neumann and Morgenstern through to R. Duncan Luce, Howard Raiffa and R. B. Braithwaite, even as he rejected its pessimistic anthropology.[156] Gališanka argues, however, that where game theory suggested to Rawls a fruitful analogy between reasoning and games and led him to emphasize values he might not have otherwise, it should not be read, *pace* both Kornhauser and some of Rawls's early readers, as underpinning any of his substantive commitments.[157]

Investigating influences on Rawls's ideas about society and the state have led many to mid-century economics.[158] The Chicago economist Frank Knight's *The Ethics of Competition* (1935) and its discussion of business as a competitive game has repeatedly been emphasized as important—just as Knight's mentee James Buchanan first suspected.[159] In 2014, Daniel Little drew on archival sources and his own reconstruction of the references in Rawls's publications to argue that in the 1950s Rawls was far more interested in the economic thought of contemporaries than he was in that of the "tradition." Within Rawls's interest in contemporary economic theory, Little suggested clear preferences for welfare economics, social-choice theory and game theory. Keynes, he points out, barely appears. Little argues that over the course of his career Rawls's skepticism of capitalism—the inequalities it creates, the pursuit of growth, the psychological effects—took on new force.[160] Forrester offers an archivally informed explanation for Rawls's seeming early disinterest in Keynes, arguing that the early Rawls was to the right of Keynes and that it was only by the late 1950s that he had moved his views in line with what were then Keynesian commonplaces.[161] Drawing on both Rawls's and Buchanan's archives,

[155]David A. Reidy, "Rawls on Philosophy and Democracy: Lessons from the Archived Papers," *Journal of the History of Ideas* 78/2 (2017), 265–74. See Anne M. Kornhauser, *Debating the American State: Liberal Anxieties and the New Leviathan, 1930–1970* (Philadelphia, 2015), 182, which points out that in his Ph.D. thesis Rawls aspired for his moral theory to be a contribution to democratic theory.

[156]Kornhauser, *Debating the American State*, 186–202.

[157]Andrius Gališanka, "Just Society as a Fair Game: John Rawls and Game Theory in the 1950s," *Journal of the History of Ideas* 78/2 (2017), 299–308.

[158]For another revealing non-archival study see Jens van 't Klooster, "Central Banking in Rawls's Property-Owning Democracy," *Political Theory* 47/5 (2019), 674–98.

[159]Levy and Peart, "Efficiency or a 'Fair' Game"; Ben Jackson and Zofia Stemplowska, "On Frank Knight's 'Freedom as Fact and Criterion'," *Ethics* 125/2 (2015), 552–4; Gališanka, *Rawls*, 90, 226; Forrester, *In the Shadow of Justice*, 12–13.

[160]Daniel Little, "Rawls and Economics," in Mandle and Reidy, *A Companion to Rawls*, 504–25, at 520.

[161]Forrester, *In the Shadow of Justice*, 14. Avner Offer and Gabriel Söderberg, *The Nobel Factor: The Prize in Economics, Social Democracy, and the Market Turn* (Princeton, 2016), 272, argued that Rawls

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Ben Jackson and Zofia Stemplowska caution against reading the early Rawls through the polarized divide between social democrats and neoliberals that emerged in the late 1970s. To do so, they suggest, is not only to miss the time it took for the difference between Rawlsian liberalism and neoliberalism to emerge, but also to occlude the early shared influences and assumptions between the central protagonists.[162] Eich has extended the focus on Rawls's economic presuppositions from his first writings to his last, revealing Rawls's changing assumptions about the necessity of growth for a just society.[163]

Finally, archival historians have addressed the political debates that Rawls encountered when he returned home from war. These histories take on directly what we have seen was an old question concerning the political worldview that Rawls was theorizing. Was it the Great Society? The postwar welfare state? What kind of liberal *was* Rawls, and what vision of politics was he defending? In 2015 Kornhauser placed Rawls in the context of postwar anxieties about the legitimacy of the liberal administrative state. As liberal antistatists worried about informal rule and emergency politics, and critical statists privileged administrative rule making over legislatures, Kornhauser argued that Rawls "carved out a middle way" between respecting autonomy and individual liberties, and an administrative state that many worried would undermine them.[164] On this reading Rawls's critique of the administrative state dovetailed with his critique of utilitarianism: both erroneously made justice a matter of efficiency and a problem of administration. Rawls emerges as a "constructive critic of statist liberalism" with deep anxieties about "the coerciveness of the centralized state."[165] Here Kornhauser explicitly challenged Michael Sandel's historical claim (offered in the early 1980s) that Rawls was "just another New Deal statist liberal."[166] By contrast, Kornhauser argued, the archive reveals that Rawls's vision "ruled out many of the standard operating procedures of the American administrative state."[167]

In 2018 Samuel Moyn put Rawls in a broader political-economic context: "the transformation from the era of the welfare state to that of neoliberal economics."[168] Here again *TJ* was presented as a book of the mid-1940s that "reflected many premises of the dream of national welfare during World War II and after."[169] And, as for earlier readers, so too for Moyn: Rawls "ironically … let loose the owl of Minerva on the achievements of the best liberal welfare states."[170] His justice theory was a "swansong" for national welfare policies that "memorialized hopes for their further

was a member of the Mont Pelerin Society and "withdrew" in 1971, just before *TJ* was published. Leif Weinar has shown that the archival evidence they cite does not support the claim that he withdrew, nor that he ever knew he was on the rolls. See Leif Weinar (@LeifWeinar), Twitter, 28 May 2020, at https://twitter.com/LeifWenar/status/1266128190449176576, and 19 November 2020, at https://twitter.com/LeifWenar/status/1329547637440212992.

[162]Jackson and Stemplowska, this issue.

[163]Eich, this issue.

[164]Kornhauser, *Debating the American State*, 178.

[165]Ibid., 183, 190.

[166]Ibid., 187, quoting Michael Sandel, *Liberalism and the Limits of Justice* (Cambridge, MA, 1982).

[167]Kornhauser, *Debating the American State*, 181.

[168]Samuel Moyn, *Not Enough: Human Rights in an Unequal World* (Cambridge, MA, 2018), x.

[169]Ibid., 147.

[170]Ibid., 39.

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extension when they were about to be eroded by a neoliberal revolution."[171] With *TJ*, Rawls made a monument to a world that, if ever really in reach, was swiftly slipping from view. This, for Moyn, explains the limitations of Rawls's theory: the political and ideological changes of the 1960s and 1970s "challenged" the "self-evidence" of Rawls's analysis, rendering it out of touch for the era it claimed to guide. On this view, amongst Rawls's first memorializers were those readers who insisted from the 1970s to the 1990s that its hopes were realistic. For Moyn, philosophy in this period—Rawls's included—"had the power on its own to memorialize unavailable egalitarian utopias in a neoliberal age."[172]

One year later (though in progress long beforehand) Katrina Forrester shed new light on Rawls's economic, philosophical and political contexts. Forrester's account of Rawls's early thought and its trajectory stresses a different irony: that Rawls's theory was "born in part of anxiety about the New Deal state" but came nonetheless to be "written into a narrative of liberal egalitarian progress that claimed the New Deal as its victory."[173] Again, the archive has prompted debate: where Forrester agrees with Kornhauser and Moyn that the political origins of Rawls's justice theory were in the 1940s, she disagrees about where the emphasis should lie; less deeply preoccupied with postwar welfarism than Moyn's Rawls, and less a figure of compromise than Kornhauser's Rawls, Forrester's early Rawls is much closer to antistatist pluralism and its attacks on concentrated state power.[174] Forrester nonetheless shares with Moyn (and so, too, some theorists in the 1980s and 1990s) a preoccupation with the reception of Rawls's theory, and with how that reception shaped the practice of political philosophy over the next decades. Here the archive becomes a resource not only for origins, but also for influence. Forrester's book offers the first deep political history of Rawlsianism, and its relation to the development of libertarianism, communitarianism and analytical Marxism, as well as to varieties of liberal egalitarianism itself. Rawls's theory appears not as an owl but as a ghost, continuing to haunt political philosophy from a lost world.[175]

* * *

One upshot of Moyn's and Forrester's stories—of a theory whose valences shifted with a changing economic and social reality—will be, for some, familiar. Thinking about the history of the reception of Rawls in 1999, Charles Mills lamented the rightward shift in US politics, and the lack, as he saw it, of any thriving US left liberalism or social democracy at the turn of the century. The "restriction of possibilities" engendered by neoliberalism changed how Rawls could be read: "In the 1970s, John Rawls's welfarist *A Theory of Justice* was seen by many on the left as bourgeois reformism, a book to be militantly critiqued and exposed. Now, of course, it represents a radical vision far outside the spectrum of political possibility."[176] In charting the ways that Rawls's arguments had "ideological and political meanings that

[171]Ibid., 147.
[172]Ibid., 147.
[173]Forrester, *In the Shadow of Justice*, 130–31.
[174]Ibid., Ch. 1. See too the discussion in Eich, this issue.
[175]Forrester, *In the Shadow of Justice*, x–ii, Chs. 1–2, esp. 30, 40–41.
[176]Charles W. Mills, "European Spectres," *Journal of Ethics* 3/2 (1999), 133–55, at 153.

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transformed over time," and in the further suggestion that the theory foreclosed certain possibilities, we might think that the archive is leading some historians to elaborate (and perhaps vindicate) critiques whose origins are in the 1970s and 1980s.[177] This is not to say that the new histories have nothing to teach us on these points, not least about how best to characterize the shifts in how *TJ* signified politically and about the background dynamics that explain those shifts.[178] As Forrester argues, thinking of *TJ* as merely "welfarist" is to miss Rawls's early unease with the welfare state.[179] Rather, it is to suggest that if Moyn and Forrester are right about what history reveals, then their many discoveries could be put in productive conversation with this earlier generation of critics.[180]

In many cases the archive has indeed helped to overturn prevailing "folk histories." The contextualist studies show decisively, for example, that *TJ* cannot be read—at least not primarily—as a response to the 1960s: Rawls was not simply theorizing the Great Society even if he was revising his theory just as debates about civil disobedience amongst both civil rights activists and philosophers were reaching a peak.[181] The crucial decades for its emergence were the 1940s and 1950s (though, as we have seen, the archive has pulled historians in different directions on the question of what, in this period, Rawls was reacting against).

But not all "folk histories" were quite as dominant as some make it seem. Much of the contextualist literature decenters Rawls and revives, in Bok's phrase, an "entire community" of thinkers mining away at similar problems.[182] In exploring such links Bevir and Gališanka suggest that the opening of the Rawls archives allows historians finally to debunk the "widespread narrative" whereby Rawls draws on and engages "nobody other than canonical philosophers."[183] Was this a widespread view? Perhaps in some quarters, but, as we have seen, many of Rawls's readers were clear that he was also in conversation with those in his immediate intellectual milieu. The opening of the archives—both Rawls's and his contemporaries—has confirmed this intuition while exposing the relevant individuals and connections.[184] Indeed, we might think that this narrative, wherein Rawls cared only about the "tradition," was consolidated in part by the selective focus of the memorializing literature. It is striking that Gališanka, for example, when explaining his book as a corrective to the view that Rawls engaged only with the tradition, offers just one source: Samuel Freeman's *Rawls*.

[177]Forrester, *In the Shadow of Justice*, 271.

[178]See too Eich, this issue. For Rawls's own changing view of the politics of his theory see Forrester, *In the Shadow of Justice*, 271.

[179]Forrester, *In the Shadow of Justice*, 14–15; see too Eich, this issue.

[180]Neither Forrester nor Moyn notes the echoes between lessons they draw from their histories and the arguments made by those I'm calling "critical historicists." For use of the Rawls archive to reflect on ideology critiques of the 1970s–1990s see Eich, this issue; Terry, this issue.

[181]For the first archivally informed rejection of Rawls as a Great Society thinker see Bevir and Gališanka, "Rawls," 724. For the revisions in the 1960s see Katrina Forrester, "Citizenship, War and the Origins of International Ethics," *Historical Journal* 57/3 (2014), 773–801, esp. 776–9. For Rawls's engagement with the racial injustice of the draft see Terry, this issue.

[182]Bok, "The Latest Invasion from Britain," 285. See too Bok, "To the Mountaintop," 184.

[183]Mark Bevir, "John Rawls in Light of the Archive: Introduction to the Symposium on the Rawls Papers," *Journal of the History of Ideas* 78/2 (2017), 255–63, at 255.

[184]For the importance of looking at archives beyond Rawls's own in reconstructions of the impact of his thought see Jackson and Stemplowska, this issue.

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The early archival focus on Rawls's formative years might have been a reaction against assumptions about Rawls's influences in the memorializing literature. But some initial silences in the historical literature mimicked those in the monuments to Rawls. As Brandon Terry notes, Thomas Pogge "side-lined the extent of Rawls's thinking about racial injustice." But so, too, Terry's work shows, have the archival historians, who had at their disposal much material with which to rethink received narratives about Rawls and race, including those narratives found in the work of earlier critical historicists like Charles Mills. Thinking about Rawls as *silent* on racial injustice, as Mills does, is to occlude, Terry suggests, the ways that some of Rawls's "radical formulations" bear the imprint of his engagement with the history of white supremacy. Rather than a complete departure from the critical historicists, however, Terry offers a reorientation: in the place of "ideal theory as ideology" he proposes "reconciliation as ideology."[185] Murad Idris also uses the archive to raise an issue the memorializers never spoke of in a text historians have not yet addressed: the politics of knowledge production in Rawls's construction of his fictional Muslim state—Kazanistan—in *The Law of Peoples*.[186] In so doing, Idris elaborates on the conversation begun in the 1970s about the ideological underpinnings of Rawls's theory, while extending it to include a concern for what he calls the "politics of comparison."[187] So too feminism: none of the earliest archival histories noted that Rawls's archive contains pages of letters, notes and lectures on feminism that are in many ways revelatory, and go far beyond anything he ever published.[188] The archival histories are, of course, still young. Yet it is striking —and it perhaps speaks to the politics of knowledge production today—that these materials have waited the longest for attention.

Another shibboleth of the memorializing literature that persists in the new histories concerns characterizations of Rawls's "impact." The "death-and-revival" narrative still appears in archival histories, despite, elsewhere, increasingly being called into question.[189] Historians repeat some of the claims popularized by the memorializing literature, not all of which may turn out to be accurate.[190] We still know

[185]Terry, this issue. See too Brandon Terry, "Rawls, Race, and Romance: A Critique of Civil Rights Exemplarity" (MS in progress).

[186]Idris, this issue.

[187]Murad Idris, "Political Theory and the Politics of Comparison," *Political Theory* (2016), online first, at https://doi.org/10.1177/0090591716659812.

[188]As well as Rawls's exchanges with Okin, there are detailed notes on abortion, and on other feminists, including Catharine MacKinnon, whose work Rawls taught. See Smith, "A Just Theory?"; Eileen Hunt Botting and Patrick Aimone, "The Splintering Force of Abortion: The Philosophical Impact of Okin's Intervention in Rawls's Abortion Politics," MS in progress.

[189]Jacob Levy sounded a note of caution immediately after Rawls's death. See Jacob Levy, "Monday 25 November, 2002," at http://jacobtlevy.blogspot.com/2002_11_24_archive.html. For extended investigations see Bikhu Parekh, "Political Theory: Traditions in Political Philosophy," in Robert E. Gooding and Hans-Dieter Klingeman, eds., *A New Handbook of Political Science* (Oxford, 1996), 503–18; R. Bruce Douglass, "John Rawls and the Revival of Political Philosophy: Where Does He Leave Us?", *Theoria* 59 (2012), 81–97; Matt Matravers, "Political Philosophy," in Dermot Moran, ed., *The Routledge Companion to Twentieth-Century Philosophy* (New York, 2008), 883–912; Robert Adcock and Mark Bevir, "Remaking Political Theory," in Robert Adcock, Mark Bevir and Shannon C. Stimson, eds., *Modern Political Science: Anglo-American Exchanges since 1880* (Princeton, 2007), 209–33; Krishnan, this issue.

[190]Brian Barry estimated that in one bibliography nearly a quarter of the entries were "redundant" because they merely cited Rawls as "someone who spoke about justice" or for ideas that were not his

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relatively little about Rawls's impact beyond a relatively limited group of mainly US-based analytical, and primarily liberal, philosophers, despite unsubstantiated claims about his international influence.[191] What we do know suggests something more complicated than hegemony.[192] A trope like "the Rawls industry"—developed to describe a period of a few years—has been extended to cover decades. In the process, a sense of disciplinary flux that, as we have seen, was clear to some contemporaries, has been flattened out. Every now and then some suggest that Rawls, as some of his first readers predicted, did have an impact on practical politics, and in particular on the politics of the Democratic Party, though there is little by way of evidence.[193]

Substantiating some of these impact claims would require something closer to a cultural history of the postwar academy—and of liberal egalitarianism—which would draw on syllabuses, hiring patterns, Ph.D. and article topics, journals (in both political philosophy and beyond it), and professional associations, including but not limited to the APA, APSA, APT and CSPT (membership, papers presented at meetings, affiliated groups) and the multiple think tanks founded in this period.[194] There are deeper stories to be told about why certain bits of Rawls were taken up and used, and other bits were not. There is also, surely, a sociological story—and presumably a psychoanalytic one—to tell about the desire of so many political philosophers in the mid-century for a "big book," and about the persistence of claims about its elegance, even as its many ambiguities and inconsistencies were made clear.

V. What history shows

Throughout its life Rawls's justice theory has been repeatedly read in the context of anxieties about liberalism. *TJ* was forged during liberalism's postwar crisis and published, as early readers recognized, just as the liberal project was taken to be

but for which he was given credit because "for so many of his readers his book was the only thing of the kind they had read—ever, or at least since leaving graduate school." Brian Barry, "Review of *John Rawls and His Critics*," *Ethics* 94/2 (1984), 351–3, at 351.

[191]Pogge, *Rawls*, 3, asserts that *TJ* has become "an inspiration to many in Latin America, China, and Japan."

[192]See the essays on the reception of Rawls in Europe in *European Journal of Political Theory* 1/2 (2002); Satoshi Fukuma, "Rawls in Japan: A Brief Sketch of the Reception of John Rawls' Philosophy," *Philosophy East and West* 64/4 (2014), 887–901; Mathieu Hauchecorne, *La gauche américaine en France: La réception de John Rawls et des théories de la justice* (Paris, 2019).

[193]James T. Kloppenberg, *Reading Obama: Dreams, Hope and the American Political Tradition* (Princeton, 2011), 85–149; Paul Schumaker, "John Rawls, Barack Obama, and the Pluralist Political Consensus," *American Political Thought: A Journal of Ideas, Institutions, and Culture* 5/4 (2016), 628–57; Linda Hirschman "Rawls Fatigue," *New Republic*, 23 July 2007, at https://newrepublic.com/article/63043/rawls-fatigue; but cf. Jacob Levy, "July 26 2007," at http://jacobtlevy.blogspot.com/2007_07_22_archive.html; Kornhauser, *Debating the American State*, 182–3. There is more work to be done on Rawls's impact amongst lawyers; for an early skeptical analysis see Frank I. Michaelman, "Rawls on Constitutionalism and Constitutional Law," in Freeman, *The Cambridge Companion to Rawls*, 394–425.

[194]For an example see Jonathan Strassfield, "American Divide: The Making of 'Continental' Philosophy," *Modern Intellectual History*, online first (2018), at https://doi.org/10.1017/S1479244318000513. For related suggestions see Angus Burgin, "Review," and Katrina Forrester, "Response," at https://networks.h-net.org/node/28443/discussions/5704868/h-diplo-roundtable-xxi-24-shadow-justice-postwar-liberalism-and#_Toc29596366.

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splintering.[195] The current crisis of liberalism now informs the first two book-length histories of Rawls's thought.[196] As we've seen, for these and many other archival studies, writing the history of Rawls is not simply a matter of better understanding the character of one philosopher's thought, but an opportunity to reflect on what practicing theorists should think about Rawls's work and its legacies. (It is perhaps relevant that many of those writing archival histories identify as political theorists.) For some, historicizing Rawls can help readers rethink challenges to Rawlsian liberalism from the inside: Gališanka argues that the archival Rawls offers a vision of respect for persons which might be a starting point for contemporary political philosophers.[197] For others, the theoretical upshot of historicizing Rawls is to unsettle us. This is true, in different ways, of both Nelson and Forrester, and it is on their arguments that I will close.

Nelson places Rawls in a history where liberalism "began as a theodicy." Early liberal thinkers were Pelagians, rejecting original sin and endorsing a view of human freedom and autonomy on which men could save themselves. Rawls stands out for his youthful anti-Pelagianism, which, Nelson argues, remained a "habit of mind" well after his loss of faith.[198] Drawing on Rawls's undergraduate dissertation and his archived library, Nelson suggests that this anti-Pelagianism underpinned Rawls's insistence that the unequal distribution of social and natural advantages is morally arbitrary, and so explains at least two related tensions in Rawls's theory. First, between a commitment to the fundamental dignity of persons as autonomous choosers and the insistence that "because the internal contribution to human action is so vanishingly small, it cannot in principle ground *any* claims to merit or desert."[199] And second, between the rejection of preinstitutional desert in the realm of distributive justice and the reliance on preinstitutional desert in the realm of retributive justice.[200] Insofar as modern liberals endorse both sides of these tensions, they are "in the shadow of a theological claim" and "unwittingly taking up untenable positions" in a much longer debate between Pelagians and Augustinians.[201] Once we see that Rawls retained an anti-Pelagian account of human agency we will "reassess the attractiveness of that theory as a whole."[202]

Nelson's argument is not that the origins of Rawls's "pattern of thought" in Christian apologetic itself undermines his theory (and so it avoids any genetic fallacy). He also acknowledges that the tensions he identifies are known to philosophers. Rather, his story is meant as a new explanation for these tensions. While this new explanatory story might help readers to get clearer on the philosophical issues, we might still ask what Nelson thinks *philosophers* should take from his new account? Even with this new explanation in hand they seem still to be much

[195]Some also read it through perceived crises of liberalism in the 1980s and again at the turn of the century.

[196]Gališanka, *Rawls*, 1; Forrester, *In the Shadow of Justice*, 276–9.

[197]Gališanka, *Rawls*, Epilogue.

[198]Nelson, *The Theology of Liberalism*, 53.

[199]Ibid., 66, original emphasis.

[200]Ibid., 67–8.

[201]Ibid., 158.

[202]Ibid., 53.

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where they were before, facing a tension and so a choice: work out how to overcome it, or abandon Rawls's theory.

For Katrina Forrester, contemporary political philosophers have been "in the shadow" of Rawls since the end of the Cold War, when liberal egalitarianism became "hegemonic,"[203] and the Rawlsian framework was "naturalized" into "a constraint on what kind of theorizing could be done and what kind of politics could be imagined."[204] For Forrester, history can "denaturalize and defamiliarize" the Rawlsian framework, revealing it as contingent.[205] Philosophers can then "begin … anew" the search for "abstract fundamentals" and can ask "different kinds of question and focus on some of the social and political transformations—in the nature of the state, of agency under capitalism, of gendered power and racial inequality—that have taken place since the moment when Rawls constructed the framework that put those questions beyond investigation."[206]

I am in deep agreement with Forrester's assessment of the questions that theorists of contemporary politics should ask. But her view of Rawls's influence chimes with that of his memorializers, for whom political philosophy has been, since the 1970s, in Rawls's shadow. I am less convinced than Forrester that the history of political philosophy in the twentieth century reveals that Rawls's theory—or even the more general (and capacious) phenomenon of liberal egalitarianism—was ever, for philosophers or theorists, simply a *naturalized* phenomenon. To doubt this is consistent with affirming that Rawls was prominent, even dominant, in many contexts, and with noting that Rawls was required reading for those who studied politics in anglophone philosophy departments. (This was true, too, of many politics departments, though not all.) It is also consistent with acknowledging the continued popularity of an "analytic" approach to political philosophy, for one can think "analytically" about politics without being indebted to Rawls.

My skepticism about the naturalization of Rawlsian liberalism stems first from the fact that so many political philosophers self-consciously celebrate him for saving their discipline. Accuracy notwithstanding, this death-and-resurrection story emphasizes rather than occludes the contingency of the Rawlsian enterprise.[207] Second, as we have seen, there have been attempts to debunk Rawls, especially by historicizing him, from the very beginning. Critical historicizers in the 1970s and 1980s wrote precisely to ensure that Rawls and his categories would not be naturalized. Against this background, presenting Rawls as naturalized risks occluding quite how rich and continuous was this tradition of dissent, which in some cases

[203]Forrester, *In the Shadow of Justice*, 270. Strikingly, Forrester cites Thomas Nagel—a close confidant of Rawls's—for this hegemony claim. Thomas Nagel, "Rawls and Liberalism," in Freeman, *The Cambridge Companion to Rawls*, 62–85.

[204]Forrester, *In the Shadow of Justice*, 107, 275.

[205]Ibid., 275.

[206]Ibid., 275, 278. See too Katrina Forrester, "The Future of Political Philosophy," *Boston Review*, 17 Sept. 2019, at http://bostonreview.net/philosophy-religion/katrina-forrester-future-political-philosophy.

[207]This point is Amia Srinivasan's, made in a forum on *In the Shadow of Justice*, Oxford Political Thought Seminar, Oct. 2019. See too the awareness of even some broadly Rawlsian philosophers that Rawls was a product of his time, but for whom the only relevant question was whether the ideals were right or not: "Comments," under Brian Leiter, "Geuss's Skepticism about Rawls" (2007), at https://leiterreports.typepad.com/blog/2007/10/geusss-skeptici.html.

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made criticisms of both Rawls and liberal egalitarianism that resonate with Forrester's own. It also risks exculpating those who, in their theorizing, chose to ignore that dissent; liberal egalitarianism becomes something that was merely thrust upon unwitting theorists. But the history suggests that a great number of people *chose* Rawls.

My point here is not that Rawls's non-liberal critics shared his disciplinary prominence, nor is it to deny that liberalism was and is the dominant ideology across many academic disciplines in US universities. To say that many theorists chose Rawls is not to say that those choices, especially by those at the start of their careers, were not shaped by sometimes coercive disciplinary expectations, demands and incentives. If by the "hegemony" of Rawls or liberal egalitarianism we are simply referring to this structure of expectations, demands and incentives in elite philosophy departments—the structure that shaped and continues to shape access to academic goods like jobs in certain institutions and publications in particular journals—then it might be true to say that Rawls-inspired liberal egalitarianism has been hegemonic. But if by the "hegemony" of Rawlsian egalitarian liberalism we mean to say that the Rawlsian framework set the horizons of thinkability in the discipline, then it is not true that Rawls or even liberal egalitarianism were, or are, hegemonic. People did not choose Rawls or liberal egalitarianism because there was no other way of thinking available to them. Instead, many chose to adopt a Rawlsian framework because it was the most prestigious, institutionally validated approach; other approaches may have been professionally risky or even potentially ruinous, but they were not unthinkable or unavailable. Of course, many chose to think with Rawls because they thought his arguments made good sense, perhaps in part because Rawls systematized the egalitarian liberal worldview to which many academics, because of their class position, are intuitively attracted. In both cases—where Rawls was a choice taken because of the institutional marginalization of alternatives, or where Rawls was a choice that flowed naturally from an antecedent political outlook—there were other choices to be made.

Finally, my skepticism that Rawlsian liberalism was ever *naturalized* is driven by the fact that the last fifty years—the period of analytical liberalism's rise—have seen much theorizing about politics that is not beholden to a Rawlsian, or even a liberal, framework: theorizing that would appear to be justly called political philosophy. Such theory, produced by feminists, critical theorists, postcolonial theorists, critical race theorists, Marxists, Foucauldians and many others, has addressed precisely the questions that Rawls's theory has been said to put beyond investigation: of racial and gendered domination, of the nature of the state, of the limits of capitalism.[208] While many of these theorists may have been, in the US academy at least, marginalized in philosophy or political-science departments, they made homes instead in departments of law, African American studies, gender and sexuality studies, sociology and comparative literature, among others. As Charles Mills has suggested, throughout the period of the Rawlsian resurgence, "grand theory was indeed still being produced—it was just that it was saying things mainstream right-wing liberal theory didn't want to hear." Indeed, for Mills, the trope of death and revival was all

[208]For related observations see Alyssa Battistoni, "Review," at https://networks.h-net.org/node/28443/discussions/5704868/h-diplo-roundtable-xxi-24-shadow-justice-postwar-liberalism-and#_Toc29596366.

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too frequently used to draw a "white and Eurocentric picture" of political philosophy.[209]

No doubt some political philosophers—especially those in philosophy departments in elite anglophone universities—will wish to withhold the honorific "philosophy" from these theorists of politics. (Michael Walzer recalls that the members of SELF also referred to themselves as the "Society for the Elimination of Lousy Philosophy."[210]) Many twentieth-century philosophers were quite happy to make "Rawlsianism" or "liberal egalitarianism" a metonym for "political philosophy." But historians should be cautious of replicating this exclusionary manoeuvre—of reinforcing, that is, a partisan view of what counts as political philosophy. The politics of political philosophy has always been, in part, a struggle for naming.[211]

Crucial here is the contested distinction between political philosophy and political theory.[212] Telling the twentieth-century history of either of these terms is inevitably to take a stand in the ongoing debate about their proper application.[213] Rawls himself experimented with different options. In 1968 he described justice as fairness as "an approach to the study of politics, or political theory"; in 1975 he called it a "moral theory"; in notes on student essays in the early 1990s he elaborated on his view that justice as fairness was political philosophy and not political theory.[214] Rawls's first readers ranged further; *TJ* was, variously, the most important piece of moral theory, philosophical ethics, moral philosophy, political philosophy and social theory to have appeared after the war.[215] On one understanding, political philosophy and political theory are coextensive, or at least not usefully distinguished; in which case, the history of political philosophy since Rawls far exceeds his shadow. Even if we concede that political philosophy just is a much narrower enterprise than political theory, it is misleading to suggest that contemporary political philosophers who really want to engage with pressing political problems must start anew. Saying so risks incentivizing a form of political philosophy that proceeds as if no one has tackled questions of misogyny, racism, work, state oppression, economic exploitation or carceralism, with analytical clarity and political insight.

[209]Mills, "Decolonizing Western Political Philosophy," 4–6.

[210]Michael Walzer, "The Political Theory License," *Annual Review of Political Science* 16 (2013), 1–9.

[211]hooks, "Theory as Liberatory Practice," esp. 2–5. For the marginalization of "public philosophy" by academic political philosophers see Brandon M. Terry and Tommie Shelby, "Introduction," in Terry and Shelby, eds., *To Shape a New World: Essays on the Political Philosophy of Martin Luther King Jr* (Cambridge, MA, 2018), 1–15, at 5. For the politics of political philosophy in a longer historical perspective see Sophie Smith, "The Language of 'Political Science' in Early Modern Europe," *Journal of the History of Ideas* 80/2 (2019), 203–26.

[212]For a useful analysis primarily in a US context see Jacob Levy, "Political Philosophy and Political Theory," at https://profs-polisci.mcgill.ca/levy/theory-philosophy.html. Although Levy assumes that the site for political theory was and is primarily politics departments. This might exclude much which we would want to describe as "political theory."

[213]Stephen M. Griffin, "Political Philosophy versus Political Theory: The Case of Rawls," *Chicago–Kent Law Review* 69/3 (1994), 691–707.

[214]Seminar notes, Folder 15, Box 8, JRP; "The Independence of Moral Theory" (APA lecture 1974), in Rawls, *Collected Papers*, 286–302; comments on student essay, Folder 10, Box 50, JRP.

[215]For *TJ* as "social theory" see P. H. Nowell-Smith, "I–A Theory of Justice?", *Philosophy of the Social Sciences* 3/4 (1973), 315–29, at 315; as moral theory and philosophical ethics see Hampshire, "A Special Supplement."

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Rather than start anew, political philosophers need only look sideways, at the vast body of political theory that has begun the work of addressing the very questions they might wish to ask.[216] If some philosophers do not wish to engage with this literature, then, we might think, so much the worse for political philosophy.

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[216]Katrina Forrester ends her book by exhorting political philosophers to look towards history and social movements to help them address some of the issues she thinks were overshadowed by the Rawlsian legacy. To my mind what is missing here—though I suspect Forrester would agree—is the recognition that many of the texts produced by those associated with social and political movements, and/or those outside elite anglophone philosophy or politics departments, are rightly understood as political philosophy/theory. For some explorations of this theme, see the essays in Terry and Shelby, *To Shape a New World*; Mills, "Decolonizing Western Political Philosophy," esp. 6-8; Linda Zerilli, *Feminism and the Abyss of Freedom* (Chicago, 2005), Ch. 3; Robert Gooding-Williams, *In the Shadow of Du Bois: Afro-modern Political Thought in America* (Cambridge, MA, 2009); Kathi Weeks, *The Problem with Work: Feminism, Marxism, Antiwork Politics, and Postwork Imaginaries* (Durham, NC, 2011); Lawrie Balfour, *Democracy's Reconstruction: Thinking Politically with W. E. B. Du Bois* (Oxford, 2011), esp. Ch. 1; Neil Roberts, *Freedom as Marronage* (Chicago, 2015); Juliet Hooker, *Theorizing Race in the Americas: Douglass, Sarmiento, Du Bois, and Vasconcelos* (Oxford, 2017), esp. 199 on the need to raise questions about what is "legible" as political theory; Adom Getachew, *Worldmaking after Empire: The Rise and Fall of Self-Determination* (Princeton, 2019), esp. Ch. 1; Sophie Smith, "A Change of World: Feminism as Political Theory," MS in progress.

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