The Academic Liberal

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JOHN RAWLS, who died on November 24 at age eighty-one, was the towering figure of academic liberalism. A gentle, dignified, self-effacing man, he taught philosophy at Harvard for more than thirty years and exerted a commanding influence on his profession, single-handedly shifting its dominant picture of itself and the world.

Before Rawls, professors of philosophy, when they addressed questions about politics at all, restricted their analysis to the use of words and their logical relations. But with his 1971 masterwork, "A Theory of Justice"--remarkably, his first book, which he labored on for more than twenty years and did not publish until age fifty--Rawls inaugurated a new era. From intuitions that he held to be all but self-evident, he sought to provide a rigorous deduction of the fundamentals of a well-ordered state. By virtue of its protection of certain basic individual rights combined with its redistribution of wealth to achieve a substantially more egalitarian society, the well-ordered state constructed by Rawls turns out to be the progressive, liberal, welfare state.

The influence of Rawls's work has been massive. One quickly saw professors doing nothing but elaborating or applying ideas from Rawls's theory. And those who did not occupy themselves with criticizing Rawls--those who attempted anything in political philosophy not defined by the Rawlsian project--were thought not to be practicing political philosophy at all. Rawls is rightly praised for his vital contribution in restoring exploration of the moral foundations of liberalism to a place of honor among professional philosophers. But the anti-intellectualism and illiberalism nourished by his thought--which equates liberalism with Rawlsian liberalism, and Rawlsian liberalism with political philosophy itself--is also a major part of Rawls's legacy.

The mixture of humility and hubris that animates the Rawlsian project can be seen from the start, in the guiding aspirations of "A Theory of Justice." Rawls's avowed aim was large but limited. Beginning from purportedly austere assumptions about morality and human nature, he set out to identify the principles of justice under which it would be reasonable for people to choose to live. In contrast to liberalism's utilitarian strand, which he took as his great adversary because it allowed for the sacrifice of individuals in the name of maximizing the public good, Rawls argued that reasonable choices were limited because "each person possesses an inviolability founded on justice that even the welfare of society as a whole cannot override." But far from sanctifying the status quo, the inviolability of certain basic rights required, in Rawls's view, that reasonable people choose that government should regulate social and economic life energetically to improve the lives of the least well-off.

Rawls illustrated the reasoning by which one could arrive at this progressive and interventionist liberalism with a philosophical construct he called the "original position." Imagine a condition in which you were stripped of all morally irrelevant information about yourself. For Rawls, this included knowledge of your attachments and associations, your memories, your awareness of your particular passions, talents, and virtues and vices. All this, in Rawls's view, was "arbitrary from a moral point of view." Imagine, in short, that you had been rendered ignorant of everything that made you a unique human being. What you would be left with is the knowledge of what you shared with other human beings: the formal capacity for choice and a rudimentary sense of justice.

Now, having imagined yourself in such a position, ask yourself this question: Under what basic rules would you choose to live? Assuming that anyone in this position will be risk averse--an empirical proposition that Rawls, somewhat arbitrarily, imports into the original position and treats as universal--you would reasonably choose two principles of justice, Rawls argues. First, you would embrace "an equal right to the most extensive basic liberty compatible with a similar liberty for others." Second, you would require the arrangement of inequalities in society so that they are "to the greatest benefit of the least advantaged, and attached to positions open to all under conditions of fair equality of opportunity."

The enduring truth in Rawls's account of justice is that the guarantee of rights in a liberal democracy is necessarily related to the social and economic conditions under which those rights can be exercised effectively. What remains eminently disputable after Rawls--not only from the point of view of morality but also from that of liberalism and democracy--is the extent of government's capacity and obligation to provide for the social and economic bases of equality.

Despite its avowedly limited aims, Rawls's theory was in fact exceedingly ambitious. His supposedly austere assumptions were not really austere at all. The inviolability of individuals was not, as his argument sometimes suggested, a deduction from non-moral premises but rather a grand moral judgment masquerading as a deduction. He demanded the primacy of individual choice in his theory and the assumption that on all morally relevant choices all

individuals must reason and choose in exactly the same way. But these are not really conclusions yielded by the original position but foundation stones out of which it was constructed.

The corollary moral and metaphysical idea--that our vices, like our virtues and accomplishments, are "arbitrary from a moral point of view"--flies in the face of common sense and is anything but axiomatic for moral and political life (though Rawls wielded it at crucial junctures in his argument and came close to presenting it as a truth of reason). So, too, Rawls's contention that human beings are basically risk averse, and would choose to live under rules of justice that would ensure generous government guaranteed minimums for them in case they found themselves in the worst off position in society, was more than debatable as a universal proposition about human psychology. And perhaps most fateful for the intellectual vitality of professional philosophy, Rawls dressed up a partisan interpretation of liberalism--that the state had a moral obligation to intervene aggressively in society and the economy so as to promote a more egalitarian distribution of basic goods and life opportunities--as if it were a universal, necessary, and objective moral law.

RAWLS WAS NOT WITHOUT HIS CRITICS, but the criticism of his theory that had the biggest impact by far on his thinking was a version of communitarian criticism. Perhaps not coincidentally, this version of communitarian criticism was essentially another form of progressive liberalism, which in no way challenged the far-reaching redistributivist implications of "A Theory of Justice." Nor did it take exception to the implicit Rawlsian claim that the primary task for political philosophy was to justify a left-liberal interpretation of American democracy. Rather, it reaffirmed (in the idiom of analytic moral philosophy that it shared with Rawls) a point at home in the liberal tradition though obscured in Rawls's work: Human beings do not exist in isolation; rather, we are in part constituted by the associations--friendships, family, neighborhoods, clubs and committees, nation, and religion--of which we are a part. And although we often do not freely choose these associations, membership in them is an important good that the state must respect in the process of respecting us as individuals.

Twenty years after "A Theory of Justice," Rawls published a major revision of his views that appeared to be, in significant measure, a response to his liberal communitarian critics. In 1993, with "Political Liberalism," he sought to provide a defense of a redistributivist liberalism that was "political, not metaphysical," that is, that did not purport to be derived from first principles but which rather gave reasonable political expression to widely shared values. And in one sense his aim was on target. In the United States, the commitment to equality in freedom runs deep, and any serious exploration of American liberalism must begin from its grip on our hearts and minds.

Yet Rawls was no more interested in "Political Liberalism" in the choices and policy preferences of actual people than he had been in "A Theory of Justice." His theme remained what people would choose if they reasoned properly, and so he continued to focus exclusively

on general ideas and what he took to be their political implications and not on the actual wants, needs, and desires of his fellow citizens. Moreover, despite the variety of competing conservative and progressive interpretations of liberal democracy, Rawls once again in "Political Liberalism" gave to a particular partisan interpretation of American liberalism the color of universality, objectivity, and necessity.

This certainly had consequences inside the academy. As the Rawlsians rose to positions of power and prominence in the university world, they created an environment in which to disagree with them about what the principles of justice required in regard to abortion, affirmative action, welfare reform, or any number of other divisive questions of public policy was, in their eyes, to place oneself beyond the boundaries of reasonable discourse. For many who see themselves as carrying forward Rawls's project, the philosophically valid and the politically correct have become increasingly difficult to distinguish.

IN HIS LAST MAJOR CONTRIBUTION, "The Law of Peoples," which appeared in 1999, several years after his retirement, Rawls extended his reasoning about justice to international relations. When it comes to foreign affairs, it turns out that Rawlsian philosophy remains reliably left-liberal, suggesting that reason itself entails a progressive, interventionist, international human-rights agenda. Thus Rawls's style of thinking provides support for the increasingly self-righteous view among Europeans (and a sizeable number of international human-rights lawyers in the United States) that elite bureaucrats can, on the basis of study and reflection and conversation among themselves, bring about peace among nations by laying down universal rules for the world to follow.

While Rawls's writings seem to give theoretical expression to an increasingly popular and worrisomely undemocratic way of thinking about politics, those who have chosen to follow in his footsteps and practice political philosophy in his manner have paradoxically revealed themselves to lack, to a stunning degree, political relevance. On the great issues in recent years--the impeachment of President Clinton, the election 2000 controversy and *Bush* v. *Gore*, the ethics of cloning, the September 11 terrorist attacks, the war against the Taliban and al Qaeda, the showdown with Iraq--hardly anyone speaking from the Rawlsian paradigm has had anything to say for public consumption that was influential or illuminating.

One of the reasons for this is the obscure and leaden technical language for analyzing politics that Rawls helped establish. Another reason is the drastic limitations on the subject matter of political philosophy imposed under his reign. Although Rawls did not elaborate formal strictures concerning the proper domain of political philosophy, his single-minded focus for a half century on the question of the logic of formal liberal principles of justice contributed to the legitimation of an indifference to, if not disdain for, a variety of topics also critical to the understanding of liberal democracy: virtue and vice, constitutional culture and constitutional design, religion, and war.

When no one else in his profession seemed to be giving it much thought, John Rawls restored rigor and respectability to thinking about liberalism. His books, the work of a lifetime of patient and devoted labor, are very likely to constitute a permanent contribution to the liberal tradition. But part of the task of properly conserving his achievement consists in confronting and taking the measure of the weighty ambiguities of his legacy.

The liberal in John Rawls would have it no other way.

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