



Paul Weithman, Why Political Liberalism? On John Rawls's Political Turn

Why Political Liberalism? On John Rawls's Political Turn by Weithman, Paul

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plaining how descriptions of an action as “agent-caused”—or, as Thompson has it, as “‘cause’ of its own parts” (112)—can be consistent with the descriptions that must apply to it if it belongs to the natural world as a contemporary metaphysics frames it.

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Weithman, Paul. *Why Political Liberalism? On John Rawls's Political Turn*. New York: Oxford University Press, 2011. Pp. xii+379. \$65.00 (cloth).

Paul Weithman has written an original, important, and enlightening study of Rawls's “political turn.” In the preface to *Political Liberalism* (New York: Columbia University Press, 1993, xv–xvii), Rawls remarks that *Political Liberalism* (*PL*) seems to mark “a major change” from *A Theory of Justice* (*TJ*); “to understand the nature and extent of these differences,” Rawls says, “one must see them as arising from trying to resolve a serious problem internal to justice as fairness, namely, from the fact that the account of stability in part 3 of *Theory* is not consistent with the view as a whole.” Rawls goes on to tell us that the problem of the third part of *TJ* was its claim that a well-ordered society would come to embrace justice as fairness as a “comprehensive philosophical doctrine,” but “the fact of reasonable pluralism” shows this to be unrealistic. Recasting justice as fairness to avoid this problem, he tells us, “forces many other changes and calls for a family of ideas not needed before.”

So much is commonplace. As Weithman points out, although it is clear that Rawls saw part 3 of *TJ* as unsuccessful, it is anything but clear just what the analysis of this third part was and what sorts of stability concerns motivated it. Consequently, Weithman starts out by insisting that “to understand the changes Rawls made between *TJ* and *PL*, we need to identify an argument or set of arguments with which he became dissatisfied or from which he wished to distance himself, and to say what he found unsatisfactory about them” (42). Weithman correctly observes that commentators have paid scant attention to the third part of *TJ*, and we have never really understood how it all hangs together as a unified analysis and how the concern with stability is the unifying thread. Thus, the major part of Weithman's book is devoted to explicating that analysis.

Weithman's key is section 86 of *TJ*, where Rawls explains the relation between our sense of justice, the good of justice, and stability. Suppose we are members of a well-ordered society (WOS), and so we all accept the same principles of justice and have an effective sense of justice. On the face of it, it may appear that, ipso facto, the stability issue has been solved, since we all have a sense of justice and a WOS has full compliance. Not so, Weithman points out (46). Rawls explicitly identifies two fundamental problems that would remain. When individuals reason from the “self-interested” view, or the point of view of their own good narrowly defined, they may come to see that acting on their sense of justice is very costly, and so may resent their sense of justice and experience alienation (53). Thus, considering their good narrowly defined (leaving

out the good of acting justly), they may be tempted to defect. This confronts a WOS with what in *TJ* Rawls called the “hazards of the generalized prisoner’s dilemma”—each sees the collective rationality of acting on the principles but is tempted to defect in her own case when recommended by her self-interested point of view (48). To overcome this hazard, Weithman argues, Rawls sought to show in *TJ* that in a well-ordered society justice as fairness constitutes a sort of Nash equilibrium: “Each member of the WOS judges, from within the thin theory of the good, that her balance of reasons tilts in favor of maintaining her desire to act from the principles of justice as a highest-order regulative desire in her rational plans, *when the plans of others are similarly regulated*” (64, emphasis in original). Acting justly would then be the best reply to others acting justly, and so justice would be an equilibrium. But this would not assure stability on justice, for it only shows that acting justly is a possible equilibrium. Because of this we confront a sort of assurance game: we need to be assured that others will play the cooperative equilibrium (49). Weithman argues that a general recognition that “everyone else’s plans will be regulated by their sense of justice” would do the trick (98, 157, 173).

Weithman thus sets out on a meticulous reconstruction of part 3 of *TJ* to show how all its main discussions form a complex argument to support the “Nash claim” and solve the assurance problem. The aim, recall, is to show that from within the thin theory of the good (leaving out desires to conform to the principles of justice), a person’s reasons “tilt” toward acting justly when others do. Four desires that support acting justly emerge from Weithman’s analysis of the third part of *TJ*: (i) the desire to avoid the psychological costs of deception and hypocrisy that would be involved in adopting a free-rider strategy and so seeing social life as a generalized prisoner’s dilemma (131–32), (ii) the desire to be fair to our friends and give justice to them (132–36), (iii) the desire to participate in forms of social life that call on our talents and so to participate in a social union of social unions in which we can appreciate the diverse talents of others (136–39), and (iv) the desire to express our nature as free, equal, and rational persons (139–40). The third part of *TJ* aims to show that these four desires, part of the thin theory of the good, “are best satisfied when members of the WOS affirm that being just is essential to their good, and resolve to maintain their sense of justice” (141). All these desires depend upon the Aristotelian Principle (“Other things equal, human beings enjoy the exercise of their realized capacities [their innate or trained abilities] and this enjoyment increases the more the capacity is realized, or the greater its complexity” [141–46]) and its “Companion Effect” (“As we witness the exercise of well-trained abilities by others, these displays are enjoyed by us and arouse a desire that we should be able to do the same things ourselves. We want to be like those persons who can exercise the abilities that we find latent in our own nature” [Rawls, quoted at 99–100]).

Although, as Weithman notes, we may have doubts about the strength of the reasons that flow from these desires, Rawls thought them decisive in showing how the thin theory of the good is congruent with justice as fairness (148). Weithman analyzes several lines of reasoning that led Rawls to this conclusion, most important of which are the *Argument from Love and Justice* and the *Kantian Congruence Argument*. Consider Joan, who sees that it is rational to maintain her

sense of justice but finds that in some case acting justly will involve great loss. Will she regret having a sense of justice? (Recall that stability requires that she does not come to regret having a sense of justice.) In thinking through this problem we should distinguish regretting an outcome from regretting being the sort of person who made the choice. For example, Joan may regret that she lost cherished values, but she is unlikely to regret having cared about those things in the first place (165). So, too, having appreciated a social life involving the four goods, and having seen how this requires taking her sense of justice as regulative, she will regret the outcome but not being a person who has a sense of justice. On Rawls's view having a sense of justice is, Weithman argues, transformative: one becomes the sort of person who highly values certain attachments (160).

Even if successful, this argument does not show that we desire to act justly for its own sake (182); we know that in many cases unjust action will set back these fundamental desires, but we do not know whether just action as such is congruent with our good. "The weakness of the *Argument from Love and Justice* stems from the desires to which it appeals . . . even if these desires move us to act from principles of justice sometimes or in our conduct towards some people, they do not reliably move us to be just persons—to be persons who act from the principles of right" (190). *The Kantian Congruence Argument* seeks to overcome this weakness by appealing to a "*special feature* of our desire to express ourselves as moral persons" (Rawls quoted at 190; emphasis in Weithman). The desire to express our nature as free moral persons, Rawls argues, simply is (under another description) the desire to act justly (191). The desire to express our nature is, then, equivalent to a desire to treat our sense of justice as supremely regulative in our lives (191); only a self whose rational plan of life is structured by her sense of justice accommodates this fundamental desire. But this "desire to express our nature is a desire to act on principles that would be chosen in the O[riginal] P[osition]" (200; emphasis added). Our self-conception as free and equal rational beings thus underlies the *Kantian Congruence Argument*. Only a plan of life that accords our sense of justice a regulative role can achieve a unified self.

On Weithman's analysis the unraveling of this picture commences with Rawls's conviction that the very freedom secured by liberal institutions will lead citizens to comprehensive conceptions of the good that do not embrace this Kantian conception of selfhood (248ff.). And whereas the argument from the social union of social unions presupposes that individuals value a social life composed of diverse views of the good, liberal institutions encourage the growth of conceptions of the good that, while tolerant of others, may not positively value many types of diversity. Pluralism is not itself a good in Rawls's later theory (252). Thus begins the great project of justifying a version of the Nash Claim and solving the assurance problem without appealing to common self-conceptions as persons and without agreement on a thin theory of the good. A distinctive feature of Weithman's analysis is his claim that the basic problem of stability is essentially the same in the third part of *TJ* and *PL*: that is, showing that in a well-ordered society acting justly is the best response to others acting justly and that a WOS can solve the assurance problem. As Weithman notes, the idea that the political turn in Rawls's thought can be analyzed in terms of

changing solutions to two basic game theoretic problems is novel (57) and no doubt will be controversial.

In the last part of the book Weithman explores the political liberal solutions to these problems. Because Rawls came to see that reasonable pluralism is endogenous to liberal institutions, and will result in comprehensive conceptions of the good entertaining different understandings of the person, political liberalism avoids appeal to a conception of the person and instead builds on a shared understanding of the citizen and its associated “political ideals of conduct, friendship, and society included in justice as fairness” (283). And, of course, the argument that the good is congruent with justice is replaced by the thesis that comprehensive doctrines are “either congruent with, or supportive of, or else not in conflict with” the values appropriate to the political conception—that is, the idea of an overlapping consensus (Rawls quoted at 276). Notice that congruence is still a possible relation within overlapping consensus, and so the congruence argument of *TJ* comes to be seen as a special case (298). These two alterations are crucial to moving to the new “Nash Claim” of *PL*: “Each member of the WOS judges, from within her comprehensive view, that the balance of reasons tilts in favor of maintaining her desire to live up to the values and ideals of justice as fairness, at least when others live up to those values as well” (302). Again, establishing the Nash Claim is not sufficient to assure stability: the assurance problem still must be solved (322). The concept of public reason, Weithman argues, is introduced partly to do so (327). The use of public reason is a way to assure others that the relevant political ideals are the subject of an overlapping consensus. Weithman argues that Rawls’s “Reply to Habermas” makes a similar point, seeing the “basic case” of justification as “public justification,” which involves public knowledge that each has found the relevant political ideals either congruent with, supported by, or at least not in conflict with her comprehensive doctrine. “This solves the *mutual assurance problem*” (339). (I am somewhat unclear about the nature of the public knowledge that is supposed to solve the assurance problem. In a formal “assurance game” knowledge that everyone prefers the cooperative equilibrium is insufficient to secure it; whether once we have obtained such a cooperative equilibrium such knowledge is sufficient to maintain it in the face of “trembling hands” [mistakes] requires perhaps more analysis than Weithman provides.)

There is much else in this original and careful scholarly work, including insightful analyses of the concept of legitimacy in *PL* and its relation to indeterminacy in justifying a specific conception of justice, the notions of ideal and conception-dependent desires, and a fascinating concluding discussion of Rawls’s theodicy. Scholarship on the evolution of Rawls’s thought must now take Weithman’s study as the benchmark. This is not to say that it is uncontroversial. The textual evidence for the key game theoretic interpretation is clear in *TJ*, though the passages on the generalized prisoner’s dilemma are quite condensed and mostly near the close of the book; as Weithman acknowledges, *PL* makes no reference to the generalized prisoner’s dilemma at all (283). To my mind Weithman makes a compelling case that we should see these two problems—showing that in a WOS acting justly is the best response to the just actions of others and that others can be assured of our intention to act justly—as Rawls’s continuing concern, indeed the fundamental worry in the entire evolution of

his thought. However, the absence of explicit textual references in the later work is bound to raise questions about how deeply this “rational reconstruction” (273) is rooted in Rawls’s texts. Weithman’s complex and meticulous (re)creation of the arguments of the third part of *TJ* (and much of *PL*), which make numerous connections and explicit claims at which Rawls only hints at in passing, leaves one with the impression that Rawls’s analysis of stability needs quite a lot of rational reconstruction. Weithman’s admirable study rather suggests that Rawls knew exactly what he was doing but was exceedingly reluctant to share it with his readers. Given that Rawls stated that his aim was that the argument of *TJ* should “shine through for the ages,” we can only be struck by just how far he fell short.

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Young, Iris Marion. *Responsibility for Justice*.
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There is no shortage of work in political philosophy on justice. A lot of this work presents claims about conceptions of justice, principles of justice, the scope of justice, and critiques and refinements of these. One question that until recently has gotten considerably less attention, but is no less important, is who is responsible for bringing about justice? This question is the focus of Iris Marion Young’s posthumously published *Responsibility for Justice*. The book is noteworthy not just for its arguments, which I will turn to shortly, but also for its multifaceted style: it covers both conceptual and applied issues, makes use of ideas from both Anglo-American and Continental thinkers, tempers philosophy with the social sciences, and presents examples ranging in scope from individual to international.

Though she does not quite organize it this way, Young’s book can be seen as providing answers to (at least) four interconnected questions. First, who is responsible for bringing about or sustaining current injustices? Second, what is the nature of this responsibility? Third, who should take responsibility for rectifying these injustices, and how should such responsibility be assigned? And fourth, what are the practical and psychological obstacles to rectifying injustices, and how should they best be overcome? I will discuss her answers to each of these questions.

To get at the first two questions, Young gives us a case designed to illustrate the kind of injustice she is particularly concerned with rectifying: structural injustice. Sandy is a mother of two who has found herself poor, divorced, careless, living an hour and half and two bus rides away from work, and in an apartment that is about to be converted into a condominium she cannot afford to purchase. She is in this situation not because of any extraordinarily poor choices she has made, we can stipulate, but largely because of extraordinarily bad luck—the kind that happens when one is the victim of too many kinds of ordinary bad luck. She searches for a new apartment, and even though none of the real estate agents and landlords she encounters on her search treats her in a discriminatory,