
Review

Rawls's egalitarianism

Alexander Kaufman

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John Rawls's political philosophy has been the subject of sustained criticism concerning both its justificatory method and its substantive content. In *Rawls's Egalitarianism*, Alexander Kaufman defends the prominent scholar against some of the most significant charges. He observes that 'error has been overlaid upon error' in the last two decades of commentary on Rawls and proceeds to take aim at scholars like G.A. Cohen, Robert Nozick, and Aaron James (p. 2). Through a deep engagement with their critiques, Kaufman intends to remove the distortions and ambiguities that beset a proper understanding of Rawls's work. His interpretation of Rawls's constructivist method and egalitarian view seeks to demonstrate both the remarkable consistency and continued relevance of his thought. Due to his consistent commitment to universalism, Kaufman's Rawls emerges as a deeply Kantian thinker whose insights guide action towards distributive justice.

Kaufman begins his analysis with the question of whether Rawls's theory has a practical character. Scholars who read Rawls in this way argue that his theory stems from fundamental ideas implicit in a particular political tradition. On this reading, Rawls appreciates his situatedness. He writes from a specific place and time to argue for an overlapping consensus on the principles that govern society. For these interpreters, Rawls gives up the aspiration for a universal and objective argument that characterized his earlier works in favor of a more situated and accommodationist argument in his later works. Kaufman challenges this reading and contends instead that there is no such shift in Rawls's thought. His alternative reading places Rawls's idea of due reflection at the core of his justificatory method. For Kaufman, due reflection begins with an initial set of judgments that inform a conception of justice and then subjects that initial set to criticism. He argues that 'we have the capacity and the obligation to assess and, if necessary, revise and abandon any or all of the cultural ideas with which we begin our deliberations' (p. 43). In other words, reflection that begins from a specific culture and tradition need not remain tethered to it. Principles of justice are not bound by their starting points. Through



its plentiful textual evidence and dexterous reasoning, Kaufman's argument compellingly pushes back against the urge to provincialize Rawls.

Kaufman also employs the idea of due reflection in chapter 3 to respond to arguments by Cohen and James. Cohen contends that Rawls's principles of justice should be called principles of regulation, given the degree to which they accommodate facts about the world. Similarly, James argues that Rawls's principles are grounded in an interpretation of our social practices. Kaufman rejects both views. For him, the 'confusion in both arguments derives from a failure to take seriously the centrality in Rawls's account of the Kantian intuition that moral judgments are grounded neither in facts nor in independent and pre-existing norms or principles, but rather in a process of reasoning' (p. 76). This 'process of reasoning' from the standpoint of the original position does not permit drawing on any specific facts (p. 94). Instead, it attempts to give a procedural interpretation to Kant's account of moral reasoning. The procedure, of course, is captured by original position reasoning, and Kaufman maintains that it is based solely on fact-independent principles like impartiality and non-arbitrariness (p. 95).

Kaufman's argument for this conclusion is forceful, but its ambition also raises some questions. First, Rawls states unambiguously in chapter 3 of *A Theory of Justice* that the original position's participants may draw on general facts of psychology and economics while deliberating about fundamental principles. Why should we discount these statements? Second, even if Rawls's constructivism were void of facts, why would he not run into the classic charge, leveled at Kant, about empty formalism? Perhaps Rawls's principles of justice are meaningful precisely because they arise out of and are tied to a specific institutional context characterized by liberal multiculturalism and well-functioning markets. My questions are not meant to undermine the potential of Kaufman's arguments. Instead, they are queries that could be addressed for a more conclusive argument against Cohen and James.

In the book's second part, Kaufman shifts his focus to the substance of Rawls's egalitarianism. He makes two creative and persuasive arguments that highlight underappreciated aspects of Rawls's theory. First, he contends that Rawls's distinctive egalitarian view, called democratic equality, ensures a social minimum for all. What is innovative about Kaufman's argument is that it derives this requirement from Rawls's first liberty principle, instead of the second principle of distributive justice. Kaufman notes that the liberty principle seeks to ensure not merely equal liberty but equal worth of liberty (p. 196). Consequently, it is essential to provide everyone socially necessary resources so that they can enjoy their liberties. By stressing this aspect of democratic equality, Kaufman enables readers to appreciate its strengths compared to the influential alternative of luck equality. The latter view is committed to tying responsibility squarely to choices. As a result, luck egalitarianism does not require assistance for people whose destitution is caused by their own free and genuine choices. For example, unlike democratic



equality, luck equality would deny indigent defendants access to legal counsel when their poverty results from poor financial planning (p. 211). Kaufman shows that Rawls's view would not countenance leaving people in such economic precarity and thus compellingly captures its progressivism.

Second, Kaufman argues that critics have underappreciated the significance of fair equality of opportunity in Rawls's account of distributive justice. This principle has priority over the better-known difference principle and entails that similarly talented individuals should have the same opportunities regardless of their socioeconomic positions. Individuals' family wealth should not influence their quality of education, access to healthcare, and job opportunities. The difference principle comes into play at a secondary level to limit rewards to talent. By making the permissibility of inequalities contingent on everyone's benefit, it avoids the competitive downfalls of meritocracy and instead promotes solidarity. Thus Rawls's egalitarianism requires that we first level the playing field and then institute a distributive scheme that allows differential reward to benefit the least advantaged. Based on this picture, Kaufman decisively rebuts the Nozick-inspired complaint that Rawls advances an end-state egalitarianism in which government must constantly—and impractically—intervene to align distributive outcomes to pre-determined resource shares (p. 170). Instead, Rawls's view is procedural. Society sets down some expectations, and then people make more or less money when they act based on these expectations. Insofar as entrepreneurs seek creative ways to augment the national income in an economic scheme that helps the least advantaged, they may indeed obtain a higher reward when their efforts bear fruit. Thus Kaufman's deft reconstruction of Rawls's egalitarianism emphasizes its underappreciated strands in order to address misunderstandings and to reveal a complex yet actionable view.

Despite the strengths of Kaufman's work, he leaves some questions concerning Cohen's influential critique unanswered. Cohen argues that there is a tension between the self-seeking behavior permitted to individuals in the market and the solidaristic difference principle applicable to institutions. He worries that the former could corrupt the latter. Kaufman downplays this tension by arguing that Rawls does not condone selfish individual behavior but commits to fair conditions of market interaction that do not let participants take advantage of others or corrupt the system (pp. 147–148). While this response partially addresses the problem, it gives Rawls too much credit. There may continue to be tension between the institutional regime enforcing justice and self-seeking individual choices. After all, Rawls encourages self-seeking entrepreneurial behavior in order to enlarge the economic pie. What if some individuals seek excessive reward by holding out for lower taxes? Such individuals could subvert the difference principle by diminishing the possibility of implementing economic schemes that benefit the poor. Nonetheless, Kaufman's careful reasoning masterfully illuminates the profound



challenge that awaits any attempt to harmonize egalitarian liberalism with competitive markets.

Ultimately the book's thought-provoking arguments are bound to spur debate and discussion. They also demonstrate the enduring strength and attraction of Rawls's egalitarianism, as evidenced by the final chapter, which considers a case study that illustrates the merits of Rawls's thought for contemporary distributive issues in the United States. This lucid and insightful book is relevant not only to scholars of Rawls but for anybody working on methodological questions in political philosophy or topics pertaining to distributive justice. To the former, it offers a reading of Rawls's constructivism that stems from Kant, and to the latter, it displays the desirability of a complex view that fairly arranges socioeconomic cooperation. *Rawls's Egalitarianism* reaffirms the centrality of one of the twentieth century's foremost political philosophers in informing our thinking about the twin issues of poverty and inequality that confront us afresh in the post-pandemic world.

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