

BOOK REVIEWS

Audard, Catherine. *John Rawls*.

Montreal: McGill–Queen's University Press, 2007. Pp. 328. \$75.00 (cloth); \$22.95 (paper).

Catherine Audard's book offers a concise reading of John Rawls's political philosophy. It is all at once instructive, pedagogical, provocative, and well informed about the secondary literature. It uncovers the main tensions at work within Rawls's theory and must be taken very seriously by all Rawlsian scholars. The central thesis of the book is that there is more continuity than disruption between Rawls's *A Theory of Justice* (Cambridge, MA: Harvard University Press/Belknap, 1971; hereafter *TOJ*) and his *Political Liberalism* (New York: Columbia University Press, 1993; hereafter *PL*). She takes issue with Richard Rorty when he argues that there is a second Rawls, one that is more contextualist, communitarian, and no longer Kantian (18). In what follows, I shall concentrate on three claims: I shall move from what appears to be a marginal issue in her book (the first claim) to increasingly important ones (the second and third claims) that are central to her interpretation.

At different places in the book, Audard suggests that Rawls is on certain specific issues closer to Hegel than to Kant. For instance, she acknowledges that contrary to Kant, but just like Hegel, Rawls replaces universalizability by actual consensus as the supreme principle of practical reason. In that sense, she says that Rawls's constructivism is probably more Hegelian than Kantian (56). The problem of realization of just principles into institutions is, according to Audard, to be resolved in Rawls's theory by a philosophy of history just like in Hegel's theory and not by Kantian transcendental arguments (78). She underlines the fact that for Rawls, Hegel and the Marxists were right to criticize the mere formalism of basic liberties (91; see *PL*, lviii, 325). Like Hegel, Rawls acknowledges the social character of human nature (164; see *PL*, 278). Like Hegel, Rawls rejects Kant's view of the moral self as pure abstraction (182). "It is amazing," she writes, "to see that the late Rawls quotes Hegel and the theme of reconciliation as an objective for political philosophy" (78). Like Hegel, and once again against Kant, Rawls is a consequentialist (42). Rawls's holistic social ontology "is closer to Hegel and Marx than to the tradition of methodological individualism predominant in the history of liberal thought" (56; and see 254, 260). This social ontology leads him to the view that "the main agents, in international relations, are not individuals, but 'peoples'" (234; and see 250). She adds: "Defining peoples in contrast to states should help build his case against individualism and moral cosmopolitanism" (242). Rawls defends not only a "holistic social ontology" but also a "holistic conception of justice" (61, 233, 254, 256). Nozick's theory is "individualistic and libertarian, whereas Rawls' theory is holistic and egalitarian" (63). Rawls's holistic conception of justice may bring him "to abandon liberal moral individualism altogether" (254; and see 273). Audard ac-

PROOF

2 *Ethics* January 2008

knowledges “how far he has traveled away from classical liberalism” (219). She writes: “It is obvious that we have here a version of liberalism that is less individualistic and more realistic than cosmopolitanism” (261). These themes bring him closer to Hegel than to Kant.

In my view, she should be applauded for these insightful observations. After all, despite Rawls’s explicit acknowledgment of Kant’s legacy, Rawls clearly and explicitly distances himself in *PL* from Kant’s and Mill’s comprehensive versions of classical liberalism. He even claims that “the comprehensive liberalisms of Kant and Mill would necessitate the oppressive use of power to endure as main comprehensive doctrines” (*PL*, 37; quoted by Audard on 186). However, given her commitment to the continuity thesis, she is forced to downplay, up to a certain point, this increasing Hegelian influence; according to her, Rawls remained mostly a Kantian philosopher throughout his life (284).

The second claim made by Audard is that Rawls has always given much importance to the democratic process involved in establishing the basic principles of justice. According to her, this was already true at the time when he wrote *TOJ*. It has been widely taken for granted that Rawls’s original position was a monological stance allowing one to establish the two principles of justice in some sort of a priori way without regard for the democratic process. But Audard claims that the famous device of the original position is one that “seeks to include democratic representation in the legitimating process itself” (15). The method of reflected equilibrium amounts in effect to the adoption of a true democratic process. Rawls’s conception of justice is aimed at empowering citizens (3). In her view, Rawls’s conception is, right from the start, much more context-dependent and historical than is generally recognized because of the role of a public conception of justice in defining a well-ordered society (58–59). For her, “even the basic concept of justice is shaped by a historical and political context, that of contemporary constitutional democracies, a claim that is assumed, but not fully elucidated in *A Theory of Justice*” (60). Even at the time of *TOJ*, it was already true that the principles of justice should not be “derived from any specific moral doctrine such as the Kantian notion of respect for persons and of their inherent worth and dignity” (7). She quotes Rawls himself: “The principles of justice are not derived from the notion of respect for persons, from a recognition of their inherent worth and dignity. . . . The principles of justice provide a rendering of these ideas but we cannot start from them” (7–8; *TOJ*, 513).

But were we all wrong in interpreting *TOJ* the way we did? Even if Rawls is in this book firmly committed to democratic procedures, does that mean that he is presupposing Western political culture? If he is so concerned about the democratic character of procedural justice, isn’t it rather because he takes for granted the possibility of achieving a universal agreement concerning our self-representations as moral persons, and thus as individuals who are able to fully exercise their rational freedom? And even if, in the original position, we are constrained to take into account considered judgments and achieve a reflective equilibrium on that basis, are we wrong to describe the procedure as monological? Is the original position a true instance of dialogue and deliberative democracy?

The third claim is the suggestion that Rawls has remained committed to

treat respect for persons *and* autonomy as core liberal values and practices within his own system, even at the time when he wrote *PL*. So when Rawls argues that he wants to disenfranchise himself from any particular comprehensive moral doctrine and mentions the views held by Kant and Mill, it is in the sense that “the moral doctrine of equal respect for persons can be adopted as a result for political purposes, not as a starting point” (7). Of course, “it would be a serious misunderstanding of the whole Rawlsian project to see this ‘deeper doctrine’ of autonomy as a starting point. Instead, the aim of the theory is to provide a satisfactory justification for it” (40). Rawls provides a conception of justice that is compatible with “moral autonomy as a comprehensive value of the sort advocated by Kant” (52). He is trying to “recast the comprehensive Kantian ideal of individual autonomy, explicit in *A Theory of Justice* and in OP [original position] arguments, in new, more acceptable terms in the context of pluralism and respect for citizens’ autonomy” (195). Autonomy is therefore still as important as respect (292).

I shall end this critical note by sketching an alternative picture. I shall argue that classical liberalism finds at its core three main theses that form together what could be called the doctrine of moral individualism, that is, the comprehensive view according to which (i) personal identity is prior to moral identity, (ii) individuals are the ultimate sources of moral worth, and (iii) autonomy is the most fundamental liberal norm. Most liberals are still committed to moral individualism, thus understood. This is roughly the view that Rawls embraced in *TOJ*. In *PL*, by contrast, Rawls avoids any commitment to moral individualism: (i) Political liberalism is a view based on a political conception of persons and peoples; it avoids comprehensive views (metaphysical or moral)—in particular, it remains neutral between individualistic and communitarian views about personal identity. (ii) Political liberalism also acknowledges the equal importance of persons and peoples, as two important agents intervening in the public realm; it leads one to accept that peoples as well as persons are autonomous sources of moral worth, and it has led Rawls to accept a second original position involving peoples. (iii) Finally, political liberalism is based on the fundamental principle of toleration and not on autonomy; autonomy is only a derivative notion and no longer the crucial principle. This is roughly the view held by Rawls in *PL* and in *The Law of Peoples* (Cambridge, MA: Harvard University Press, 1999; hereafter *TLOP*). If this picture is correct, then Audard would be wrong to argue for the continuity thesis and, in particular, wrong to suggest that in *PL* Rawls remains committed to treating autonomy as the most important liberal principle.

Autonomy is certainly a very important liberal principle, but in *PL* it is constrained and restricted to citizens, that is, to persons in their institutional identity. Rawls writes: “In affirming the political doctrine as a whole, we, as citizens, are ourselves autonomous, politically speaking” (*PL*, 98). But where does this restriction come from? The answer is that individuals experience the irreducible and reasonable pluralism of different comprehensive views that they entertain about themselves and it is from this fact that one can justify the principle of tolerance-as-respect for the purpose of stability. Therefore, autonomy applies only in the realm of the political, and it is exercised only by persons understood as citizens because of tolerance-as-respect. Audard is right to mention that the fact of pluralism is the main phenomenon that Rawls wishes to take into

PROOF

4 *Ethics* January 2008

consideration in *PL*, but she does not seem to realize that, because of reasonable and irreducible pluralism, the principle of toleration-as-respect has now replaced the principle of autonomy as the most important feature of Rawls's new account.

Rawls is committed to treat all agents that intervene in the public sphere as potential autonomous sources of moral worth. And so peoples, understood in terms of their institutional identity in accordance with political liberalism, may also be treated as autonomous sources of moral worth. Applying the principle of tolerance-as-respect in accordance with political liberalism forces us to respect all peoples understood as institutionally organized populations. One must not try to resolve the metaphysical debate between those who see peoples as mere aggregates of individuals and those who see them as complex social wholes. We acknowledge their institutional presence in the public realm as autonomous sources of moral worth only because we understand them in accordance with their institutional identity. So the autonomy of persons is also constrained by the autonomy of peoples, and this is also to be explained by the primacy of the principle of toleration.

If this interpretation is correct, then it is no longer surprising if Rawls appears to be holding holistic views about "ontology" and justice or to see him develop a law of peoples in which peoples become the subject of rights, and it is not surprising to observe a close connection to Hegel, since toleration-as-respect is a form of recognition and we all know how important this concept is for Hegel. Finally, it is not surprising to see Rawls going very far in the direction of toleration and being led to include decent hierarchical societies under the veil of ignorance in the second original position, even if these societies are not democratic and violate the full political autonomy of their citizens.

By contrast, Audard's interpretation makes it hard to see how Rawls can coherently argue both for moral individualism and for holism. She writes: "Note here that there may exist a tension between this holistic view of justice and Rawls' moral individualism expressed in his affirmation of the priority of the right over the good and of person's autonomy" (56; and see 230, 231, 249). But these tensions are left unexplained if individual autonomy is still seen as a core principle in *PL*. Indeed, if we stick to Audard's interpretation, the very problematic aspects of *TLOP* are left unexplained. She prefers forcing *PL* into the Procrustean bed of *TOJ* and treating many themes in *TLOP* as external to the spirit of Rawls's philosophy instead of explaining that work as a logical consequence of *PL*. Rawls is in *TLOP* led to reject universal protection for the full list of human rights in favor of a limited list, more compatible with national cultures and conceptions of justice. So she writes: "Such a consequence is extremely problematic and it is difficult to see it as part of a theory of justice. Both the respect for the fact of pluralism and for peoples' autonomy and self-respect lead him to adopt such controversial position" (231). Rawls's critique of liberal cosmopolitanism "threatens his own advocacy of moral individualism" (254).

In my view, these new trends can easily be explained, because they indicate that Rawls has rejected moral individualism and that he now adopts a version of liberalism based on toleration-as-respect and not on autonomy. Audard tries instead to argue that it confirms her own interpretation about the fundamental character of autonomy, except that sometimes the autonomy of peoples has precedence over the autonomy of individuals. Indeed, she claims that this talk about

the autonomy of peoples supports her interpretation of “respect for autonomy, here the autonomy of peoples, as the ‘deeper doctrine’ of the theory of justice,” even if this doctrine is “phrased in terms that are not clearly compatible with moral individualism” (231). But this is a very weak argument. The concept of autonomy that was supposed to be at the center of Rawls’s system was not autonomy in general but rather the autonomy of individuals. So the preference that Rawls suddenly seems to be granting to the autonomy of peoples in the overlapping consensus with decent hierarchical societies cannot be explained by the preservation of autonomy as a crucial principle. As a matter of fact, when he abandons political liberties, equality of chances, and the difference principle in the second original position, he seems to go completely against moral individualism. But Audard is unable to explain this radical change, and she is happy to notice that, in some sense, he remains at least faithful to the general notion of autonomy. A more coherent interpretation is that Rawls has been misled by an unrestricted form of application of toleration. Rawls’s political liberalism is responsible for the failures of *TLOP*, even if I do not think that the doctrine itself necessarily leads to these insuperable difficulties and unacceptable consequences. Other versions of the same approach could prevent us from the unhappy consequences noticed in *TLOP*.

Whatever can be said in favor of political liberalism and of a different application of its principles to the law of peoples, it is clear that it is this radically new version of liberalism that has led Rawls to sacrifice political liberties as a way to show toleration-as-respect toward decent hierarchical societies. I therefore strongly disagree with Audard’s interpretation. Nevertheless, I hope I was able to convey the interest and pleasure I found in reading her very interesting book. I predict that it will play an important role in the future for Rawls scholarship, and I therefore urge all Rawlsians to take her contribution very seriously.

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