

## Reviews

*In the Shadow of Justice: Postwar Liberalism and the Remaking of Liberal Philosophy* by Katrina Forrester (Princeton: Princeton University Press, 2019).

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Katrina Forrester's study of John Rawls and the theory of justice sets out to put Rawls' thought and work into historical context, analysing both its inception and development, and its reception and influence. Forrester's story emphasises the continuing significance of Rawls' engagements with and commitments to 1940s criticisms of state power, and his 1950s-60s engagements with projects of social democracy consistent with markets and an incentive oriented rather than commanding state. One strand of her argument (Ch 1) is that Rawls should not be understood, as he often has been, as a philosopher of the 'great society' and the welfare state. Instead, his engagements and commitments with respect to civil rights, disobedience (Chs 2, 3), and social equality (Ch 4) in the context of 1960s and 70s anti-war and anti-racism protests were always constrained by the principle that religion, family, and employment are domains of voluntarism, to be protected from compulsory state power; while his commitments with respect to liberty and equality themselves were always constrained by the ideal of 'property owning democracy' in which financial capital, as well as land, buildings and commodities are definitely private property even with all the monopolistic potentiality that entails. Her story also emphasises the long shadow Rawls' theory has cast over the academic disciplines of political philosophy and theory – arguing that it has led to intellectual bias in the topics that are studied, the methods that are used, and understandings of its nature and purposes.

As intellectual history the book offers an absorbing account of post WW2 anglophone (of which more below) academic circles in interaction with public policy, dealing with the challenge to traditional political theory from international relations (Ch 5) and concern about global crisis (Ch 6) as well as the disputes between socialism, liberalism, and libertarianism (Ch 7). We don't learn a lot about the people, but the chronological presentation, with a focus on seminar presentations as much as on publication dates, means we learn a good deal about philosophical and theoretical disputes and ideas of justice, obligation, equality, and war, in this context, and in particular what was at stake for the protagonists. At stake above all was philosophical consistency and coherence: to what kind of equality, and what kind of egalitarian principles, can one commit, logically consistent with what kind of liberty and principles of

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freedom? But relevance also mattered, to academics who wished to evaluate legislation and case law, and legal and political institutions of freedom, equality, and obligation, and to speak publicly, sometimes, about the justifiability or otherwise of redistributive taxation, protest, draft refusal, affirmative action, or reparations.

What difference such a documented and detailed (rather than assumed, broad brush) account of historical context and interaction makes to our engagement with Rawls' philosophical texts is, of course, another matter. Beyond the straight historical interest of the intellectual trajectory of an individual and a network, Forrester wants to show that rather than being radically novel, the elements and strands of Rawls' theory were continuous with earlier debates, contributions and publications. This includes the themes and approaches that shifted in the development of the earlier into the later Rawls, such as that from rational choice and game theory to the sense of justice. She also wants to analyse the historical, material and social factors that supported the uptake of Rawls' theory as a compelling statement – widely received as an arresting innovation, changing the terms and frame of academic philosophical debates, and also influencing wider cultural and party political articulations of social relations and justified authority. (Think of how commonplace – and vague – references to 'the poorest' now are in public discourses. This surely can be attributed in part to the influence of Rawls' difference principle.)

Rawls' theory of justice casts a long shadow, putting into the shade those who stand after him, making it difficult for them to shine. An obvious step is out of the shadow, sideways, to focus on issues that Rawls' theory of justice omits (for no theory can do everything). A problem, according to Forrester and, it must be said, of many other critics not of Rawls but of Rawlsianism, is that those in the shadow of Rawls can't hear, or won't listen to, or can't comprehend, or simply reject and exclude from concern, anyone who stands outside its bounds, and in particular anyone who comes up with an account of human subjectivity, or of political power, or of normativity in social relations, which is inconsistent with the Rawlsian scheme. Either that, or the challenge is reinterpreted in order to make it consistent and assimilable. There are obvious problems with a 'theory' that is endlessly interpretable so as to be consistent with everything, and a priori treated as unfalsifiable.

Forrester says that challengers to Rawls have to be insiders. She deals (Ch 8) with the challenges from the 'communitarian' philosophers Walzer, Sandel, MacIntyre and Taylor, with Shklar's and Williams' 'realist' criticism, and with Cavell's and Rorty's

conventionalism. It's quite true that the work of all of these, and of other named white, mainly male, philosophers identified with Ivy League or Oxbridge universities, dead and alive, can be interpreted as strictly consistent with Rawls' scheme, as no challenge. The four 'communitarians', in particular, hastened to repudiate conservative or radically particularist readings of their social and political theory, and to endorse liberal political and ethical values. Of course, Rawls' scheme, widely drawn as political liberalism, is ambiguously consistent with communitarian authority, with communicative ethics, with foundationalism and anti-foundationalism, with instrumentalist and realist accounts of theory, with human subjects as modelled by rational action theory and the conflicted, split, contradictory subjects of psychoanalysis. There isn't scope, in Forrester's book, to examine the wider circles and networks of thinkers, including non-anglophone contributions and references, developing philosophical analyses of political power and authority in relation to subjectivity and identity, and to ethics, whose starting points and endpoints are located outwith Rawls' shadow.

One issue here is that many critics of Rawls, friendly or hostile, who turn to this book will be struck by its omission of authors who are salient for them. It would be invidious to enumerate the list of thinkers, from feminism, from race theory, from critical theory, from critical legal studies, from phenomenology, and hermeneutics, and so on, whose criticisms and critiques of Rawls and Rawlsianism this reviewer expected to get a mention in the index but who don't – because each of us, probably, will have their own list. But this raises the question again, of what's at stake here. Forrester adverts to the paths not taken by those in the shadow of Rawls. How could a polity get from where it is to any full realisation of justice – how might relevant and effective coalitions be built (p. 231)? The sociological significance of parties, factions, movements, pressure groups, and other political aggregations and collectivities, as well as communities, kinship networks, and cultural groups, and these institutions' mediation of state and individual, calls for a developed jurisprudence, political theory, and ethics that is difficult to square with the standpoint of 'the legislator', or with ideal proceduralism (pp. 209, 236). What happens to political theory and philosophy if we begin from the idea that sex and gender relations in modern societies are lastingly patriarchal (albeit in a modern way)? Or begin with the fact that although deadly structures of race and ethnicity are not for us held in place legally as they have been (and still are) in some contexts, they are every bit as fateful,

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every bit as deadly? One thing that happens, of course, is that we are driven to the questions: *why*, and *how*, and *what's going on?*

Two possibilities arise with respect to the theory of justice. First, that these questions are bracketed, on the reasonable basis that a theory cannot do everything at once. It can seem, though, within the shadow, that these questions are not so much bracketed as expunged. Forrester's adversions to what is bracketed or expunged – the paths not taken – are obviously sketchy, as tackling negatives perhaps necessarily is. The second possibility is that such questions are, in fact, both canvassed and responded to, implicitly and sometimes explicitly, by Rawls in *Theory of Justice* and in *Political Liberalism* – and that explicating and interrogating his answers to such questions is an important element of engagement with his work. A number of Rawls' critics, including a number who are discussed by Forrester but also many who aren't, take this second tack: asking about the Rawlsian individual subject, or the nature of authority in relation to power, or how race is conceptualised in the Rawlsian scheme, and putting those Rawlsian answers – inferring from what he explicitly did say, to what he could or must say – into relation with alternatives. These and other enquiries and debates extend far outside Rawls' shadow. With respect to the first tack – bracketing, expunging ... Well, such questions, obviously, cannot be expunged, not really, not by any philosophy worth the name. Questions of ontology, metaphysics, and power, are proper, and significant, objects for philosophical analysis. It is undoubtedly true that some philosophers have, in the last fifty years, vigorously denied that this is so – that epistemology is all of philosophy, or that procedures are the only philosophically and politically respectable focus for theory, or that logical possibility is the only significant modality. But all the time, numbers of philosophers and theorists – including some who are mentioned or discussed in Forrester's pages – have persisted with enquiry into how it can be the case that what is the case is the case: how can sex simultaneously be taken for granted and denied significance? How can the violent enforcement of racial difference not count as enforcement, or as violent? How can political action and conduct be relegated to the domain of the 'mere' ('that's a merely political matter')?

It's not quite true that these questions, associated debates, and these contributions, to social metaphysics, methodology, and ethics, in relation to political power, are entirely eclipsed by Rawls' shadow. Forrester's book lays the ground for more detailed analyses, I should guess, of the links and nodes – the interpersonal connections (links), intellectual and emotional pathways of individuals (nodes),

the decisions regarding allegiance and alliance (and employment) – that have led us to a world in which it can plausibly, convincingly, be said that one is either a ‘Rawlsian’ or not, a world in which there is a viable identity and function of Rawlsian gatekeeper. But it’s very possible that those future studies, taking philosophers’ work in the round not just in relation to Rawlsianism, will also open up worlds beyond Rawls’ shadow, illuminated by other suns which do not cast a shadow that exceeds their own magnitude.

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One approach to the science/philosophy interface involves using the analytical tools of philosophy to illuminate the foundations of some scientific discipline. The sciences make use of concepts like SPECIES, INFLATION etc., and one adopted goal of philosophy is ‘making sense’ of these notions: explaining what they mean, where they apply, how they cohere, etc. Another reverses this strategy, using established scientific concepts and theories to answer pre-existing philosophical questions.

These interfaces are not, obviously, independent. Well-understood scientific concepts are liable to contribute most to naturalistic philosophy. So, in the best cases, we find ‘boot-strapping’ between science and philosophy. Recent cognitive science presents an exemplary case of this sort of positive feedback, especially the strand centering on the *representational* picture of mind.

Foundational work in this tradition came from philosophers<sup>1</sup>, and philosophically-minded scientists<sup>2</sup>, and explicitly aimed at resolving traditional philosophical questions. Most centrally: how is the

<sup>1</sup> See, for example, Jerry A. Fodor (*The Language of Thought*, (Harvard University Press, 1975); *Representations: Philosophical Essays on the Foundations of Cognitive Science*, (Harvester Press Brighton, 1981)).

<sup>2</sup> See, for example, Allen Newell, & Herbert A. Simon (*Human Problem Solving*, (Prentice-Hall Englewood Cliffs, NJ, 1972)), Noam Chomsky (*Rules and Representations* (Columbia University Press, 1980)) or Zenon Pylyshyn (*Computation and Cognition* (MIT Press, 1984)).