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Liberalism and Social Theory after John Rawls

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Abstract: Does neo-Rawlsian political philosophy offer an adequate account of the social conditions of capitalism? In this paper, I present two arguments for thinking that it does not. First, I develop a historicist critique of liberal egalitarianism, arguing that it provides a vision of social reality that is intimately connected to the historical and ideological constellation that I call postwar liberalism, and as such cannot account for social reality since the neoliberal revolutions of the late twentieth century. Second, I explore arguments in Marxist and critical social theory that cast liberal egalitarianism as partial, on account of its inadequate portrait of capitalist society. In surveying responses to these critiques, I argue that merely extending liberal egalitarianism into new domains to account for how contemporary circumstances have changed since the mid-twentieth century cannot address the problem of its partial view of the social world. Taking seriously the insights of critical social theory and the study of capitalism should lead to a challenge to liberal egalitarianism, not an extension of it.

Keywords: liberalism, liberal egalitarianism, John Rawls, social theory, Marxism, critical theory, neoliberalism

Political philosophy, John Rawls wrote in 1966, must involve a study of "*conceptions of political society*", "a *view of human nature*", and the "*sociological facts* which affect the attempt to *realize* any social ideal, and which may in turn limit what is a reasonable ideal in the first place" (Rawls 1966–67). When Rawls was formulating his *A Theory of Justice* (ToJ) (1971) in the 1950s and 1960s, this was a view he regularly defended. Yet under his influence, the opposite was the case for much of the late twentieth century. Liberal egalitarian philosophy and its neo-Rawlsian offspring have had a minimalist account of society and the social. When political philosophers working in this tradition have attended to social conditions, it has usually been by appeal to a handful of unchanging 'sociological facts'—often stated with little interpretation—produced by other

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academic workers in the highly specialized social scientific intellectual division of labour. The field of knowledge known for its dedication to critically interpreting such empirical facts—social theory—has been largely sidelined by the concerns of normative theorists.

This situation is a byproduct of the philosophical world that Rawls helped to create. After Rawls, a new hierarchy of knowledge was put in place: as analytical political philosophy was remade with a novel conceptual vocabulary and a new founding myth and canon, liberal political philosophers redefined what counted as political philosophy and excluded alternative approaches to politics and society. They characterized these alternatives not as part of political philosophy proper—which came to be defined by its commitment to analytical and Rawlsian modes of argumentation and commitments—but as independent social theory. Social theory was coded as including a range of leftist or left-leaning theoretical and philosophical traditions, such as varieties of Marxism, post-Marxism, poststructuralism, feminism, subaltern and postcolonial theory, Black studies, queer theory, and so on, which were implicitly put outside the boundaries of political philosophy. The broader field of political theory—its practitioners often in much closer dialogue with, or themselves innovators within, those traditions—was reconstituted and redefined, in part, as non-Rawlsian. Not only did this impoverish political philosophy.[1] It also meant that the social conditions and substantive sociological facts that liberal political philosophers assumed—the facts that, to use Rawls's terms, affected and limited their ideals—went under-interrogated by those philosophers for many decades.

In this paper, I make this case by extending two arguments I put forward in *In the Shadow of Justice* about the relationship of normative theory to the study of social conditions within liberal political philosophy. First, I introduce my historicist critique of liberal egalitarianism. I argue that because of its inattentiveness to changing conditions, the liberal philosophy that surged to dominance with the publication of ToJ—a philosophy that encompassed liberal egalitarianism, justice theory, and the philosophy of public affairs—became a kind of untimely philosophy. As it took increasingly ideal-theoretic forms, its advocates stopped responding to social and economic change and dealt only with

1 I develop these arguments in Forrester (2019a), chapts. 2 and 8. For discussion of impoverishment claim, and for the argument that *In the Shadow of Justice* largely accepts Rawlsian hierarchies of philosophical knowledge, see Battistoni (2020), Smith (2021), Pineda (2021). I do not attempt to address these critiques here (though see Forrester (2022) for some responses). I also continue to use a definition of political philosophy that characterizes it as a distinctive form of inquiry to social theory, as Rawlsians themselves would.

politics conceived of as institutional regulation and individual moral action. This meant that many liberal philosophers, focused on normative theory, failed to grapple with the neoliberal transformations of capitalism, the state, and society.

Second, I will suggest that the way that Rawls abstracted from social conditions was, in the first place, inadequate. This inadequacy stemmed from his liberalism, which produced a partial portrait of social reality. Many political philosophers in the Rawlsian tradition are concerned primarily with freestanding normative theory (the possibility of which I do not discuss here). But insofar as they depend on sociological and historical claims about the emergence and character of states, societies, and markets, and insofar as they claim to offer engagements with actually-existing social arrangements, their liberal assumptions, I argue, produce at best partial—or, worse, mistaken—pictures of the social world. To develop this argument, which I will call the Marxian critique,[2] I survey several criticisms of liberal egalitarianism by Marxist and critical social theorists, many of which acknowledge that liberal egalitarianism has many normatively desirable elements. My focus here is not, however, on normative questions but on the limits of liberal egalitarianism's diagnoses of social reality. The Marxian critique casts egalitarian liberalism's framework for political analysis as ideological and neglectful of the structural tendencies and logics of capitalist life.

These two critiques invite a range of responses. I conclude by surveying these, and argue that while the first critique can be accommodated by radicalizing and extending liberal egalitarianism, the second is significantly more challenging. I conclude by suggesting some reasons why. My broader aim is to open up discussion of the proper relationship of political and social theory—a discussion that was neglected by those philosophers in Rawls's shadow whose theories assumed a set of sociological facts that reflected a partial view of the social world. However, I also suggest that if liberal political philosophers took seriously the insights of the second critique, as I think they should, this would entail giving up certain liberal egalitarian commitments and assumptions—particularly their visions of social

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2 In this paper, I do not differentiate between approaches to social theory that can be characterized as Marxist, post-Marxist, or socialist (or between quite different positions within the Marxist tradition). Instead, I group a range of theorists under the moniker of 'critical social theory'—a term often but not exclusively associated with the Frankfurt School, which I use here in a more inclusive sense—in order to develop the second critique of liberal egalitarianism, which I am calling Marxian.

and political change, which are at once insufficiently realistic and insufficiently radical.[3]

1 Liberal Egalitarianism: The Historicist Critique

In the Shadow of Justice is a history of the transformation that took place in political philosophy in the second part of the twentieth century. It explores the origins of Rawls's theory, and its triumphant reception, consolidation, and canonization. The book is also about the changing relationship between social conditions and political philosophy. It tells the story of how a form of liberal political philosophy that can usefully be termed neo-Rawlsianism—which encompassed faithful Rawlsianism, the philosophy of public affairs, applied ethics, and liberal egalitarianism and its offshoots—emerged from the post-Second World War order and the fracturing of this order.[4] One of the questions it asks is how to understand the relationship of the transformation of political philosophy to that of the welfare state settlement.

It has become conventional to see the 1970s as a time of crisis when social liberalism gave way to neoliberalism. As many sociologists and historians have shown, a new age of capitalism was born—of deindustrialization and globalizing capital markets, deepening financialization and privatization, and new forms of workplace discipline and asset appreciation (Adkins, Cooper, and Konigs 2020; Brenner 2006; Chamayou 2021; Cooper 2017; Duran 2017; Gilmore 2007; Rodgers 2011). This narrative, though indisputable in its broadest contours, can obscure the earlier origins of neoliberalism and understate the extent to which many of the features of neoliberal capitalism predate these late twentieth-century changes. As many historians have shown, it also risks reinscribing a nostalgic, and false, portrayal of a golden age of New Deal or postwar welfarism (before the corruption of capitalism) (see Callison and Manfredi 2019; Hinton 2016; Martin 2022;

3 For radical realist critiques of Rawlsianism see Geuss (2008), Finlayson (2015). For why there is no inconsistency between being realistic and demanding major social transformation see Finlayson (2017).

4 In Forrester (2019a), I characterized these related approaches under the moniker of 'liberal egalitarianism' or 'Rawlsianism'. By this I meant to include several related forms of philosophical egalitarian liberalism, including responses to particular arguments made by Rawls and his followers that disputed key liberal egalitarian claims (for example, luck-egalitarianism). In this paper, I continue to use liberal egalitarianism and Rawlsian in this way, though I have come to think that 'neo-Rawlsianism' would be a better descriptor to encompass the different post-Rawlsian tendencies, particularly the later generations of those philosophers who use Rawls's framework and arguments, and I use that term accordingly.

Plehwe, Slobodian, and Mirowski 2020; Slobodian 2018; Winant 2021). Yet it is nonetheless hard to contest that in many states, the postwar order had a particular political and ideological character. This has led some to suggest, most prominently Moyn (2018), that the rise of a liberal egalitarian political philosophy amid the decline of the welfare state is an ironic or tragic story: Rawls's theory functions as an owl of Minerva for the era of the welfare state.

In the Shadow of Justice made a different case. I characterized the history of liberal political philosophy as a 'ghost story', in which Rawls's theory lived on as a 'spectral presence' long after the conditions it described—and under which it had emerged—were gone (Forrester 2019a, xi). The theory functioned like a spirit from a different age. Rawls's ideas, mostly developed in the 1950s, reflected postwar US liberal ideological and philosophical assumptions. His social theory shared much with other liberal theorists of the postwar generation—especially his account of the possibilities of consensus, the nature of society and the state, the family-household structure, and the ethical potential of liberal citizens. But many of those theorists —consider, for instance, the fate of Talcott Parsons (see Brick 2006)—had their work challenged from the left in the 1960s. Rawls's ideas were not overturned: thanks to his lucky timing, his theory was unpublished and survived that turbulence unscathed. His postwar assumptions, taken to a 'higher level of abstraction' (Rawls 1971, 3), were preserved in a kind of philosophical amber through that decade's turmoil. By the time ToJ was published, and received as a major philosophical event, these assumptions had undergone a kind of idealization that made them particularly resilient. They were built into the background conditions of his vision of a 'well-ordered society'.

Rawls's theory endured and took hold when it did not in spite of the welfare state's crisis, but because of it. It both legitimated and aimed to reform a social world that was coming apart, providing a sense of philosophical order amid disorder—a ground for a new liberal consensus and a novel accommodationist politics. Although it was formulated as a kind of reformist mirror of postwar liberalism, it was at its most compelling as a form of consolation and solace to liberal philosophers, who invested his theory with significant power and authority, as that liberalism fractured. As politics moved to the right, Rawls's theory was consolidated as the paradigmatic left-liberalism, a great survivor from the mid-century. The circumstances in which the underpinnings of ToJ might have made sense as a living diagnostic theory passed, and yet 'Rawls's theory' lived on as a site of nostalgia and desire.

In this way, there is another ghost in my story—that of 'postwar liberalism'. Postwar liberalism here refers to an ideological configuration that emerged as a legitimation and representation of social and material circumstances in the postwar US. The circumstances of relative affluence and class compromise that

produced postwar liberal ideology were secured by US geopolitical hegemony and the public-private American welfare state. These circumstances generated a contradiction: that state organized economic and social life to guarantee goods of social citizenship for larger numbers of people than ever before, but it did so by stratifying class and entrenching hierarchies of race, ethnicity, gender, and sexuality through the asymmetrical protection of social and property rights, and through the promotion of the white heteropatriarchal family form (see Canaday 2009; Davis 1986; Hacker 2002; Katznelson 2005; Kessler-Harris 2001; Klein 2003).

These were circumstances that Rawls in many ways took for granted, and which lingered within the liberal philosophical imaginary as aspiration and constraint. Rawls was famously critical of many facets of capitalist welfare states (Rawls 2001), but the social and political institutions he imagined as necessary for justice nonetheless closely tracked the contours of the existing American state. His account of society and state emerged from this postwar ideological configuration, and from this era when many liberals were skeptical about the extension of the state and were looking for novel ways to both legitimize and criticize it (Forrester 2019a; Kornhauser 2018). In order to establish his view of human nature and relevant sociological facts, Rawls engaged with a wide range of postwar liberal scholarship—with economics and social science, sociology, political science, psychology, and law—much of which sought to legitimize, as much as to explain, the postwar settlement. Yet because when ToJ was published, it was Rawls's normative principles and their justification which mattered to his readers, the empirical grounding of the theory was not interrogated. As that book became a kind of philosophical ground zero, its social basis was therefore obscured: it was rarely the subject of philosophical debate, even as postwar liberalism continued to haunt political philosophy.

What did this mean for the subsequent relationship of political philosophy to an analysis of social conditions? On the whole, liberal philosophers, particularly theorists of justice, moved on from engaging the social sciences in the way Rawls had done. When they did engage with the empirical domain, it was in a different way—through the analysis of politics as a realm of public affairs. At the same time that Rawls's postwar liberal abstractions persisted in the fundamentals of liberal egalitarianism, this rapid-fire attention to problems of public affairs became the way that many political philosophers dealt with empirical topics and short-term political changes. What counted as a public affair was shaped by liberal commitments about what made a political event worthy of philosophical study—and about what counted as politics. In the aftermath of the Vietnam War and Warren Court, politics was synonymous problems of institutional regulation, constitutional questions in the courts, and what could be analyzed under the cover

of ‘applied ethics’. The politics of class power and social antagonism dropped out of sight. Social movements, workplaces, sexuality, and decolonization did not fit easily into this picture, except as objects to be regulated by law.

The combination of Rawls’s abstractions and the puzzle-driven approach to moral and political inquiry had a series of consequential effects for how political philosophers understood social and political life, especially social and political change. Because Rawlsians conceived the realm of politics in terms of social institutions and distributive justice on the one hand, and political action conceived of in the framework of individual moral responsibility and obligation, on the other, their conceptual apparatuses could not account for larger-scale social transformation. Questions about social change—about how society reproduces itself, how social orders develop historically, and what such changes involve—were not the province of liberal political philosophy. Their philosophical neglect was justified in Rawlsian institutionalist terms. As such, political philosophy got stuck justifying incremental change and institutional adaptation from a baseline of postwar social liberalism, in which the institutions that mattered were the juridical-legislative institutions of the liberal American state. The intimate relation between the Rawlsian vision of social justice and a liberal juridical framework meant that sites of social change, like the constitution and courts, and consensual forms of democratic politics, were prioritized, while more antagonistic forms of politics were removed altogether from the Rawlsian portrait of society.

All this enabled the Rawlsian inattentiveness to the social transformations of the late twentieth century. The fact that liberal juridical institutions persisted in that period created a false sense of continuity. Rawlsians missed the deep changes that went on in other areas: financialization and the transformation of international capital markets; the increasing privatization of the administrative state; deindustrialization, flexibilization, and the erosion of standard employment; changes in global divisions of labour and migration amid decolonization; and changes in the family-household structure, sexuality, and gender.[5] Some of these were translated into the conceptual vocabulary of political philosophy in worries about “the market” and its encroachment on community. But the liberal focus on courts, constitutions, and distribution meant that the detail of changes in the administrative state, in capital, labor, and empire, went on outside the purview of liberal political philosophy. Even where there were struggles to broaden the

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5 The study of these transformations have now spawned entire scholarly fields, but they were also well recognized by contemporary observers outside of liberal philosophy. For a few influential examples of the many contemporaneous efforts to grapple with these changes (some more successful than others) see Braverman (1974); Ehrenreich (1977); Gardiner (1976); Gorz (1980); Mies, Bennholdt-Thomsen, and Von Werlhof (1988), and Foucault (2010).

Rawlsian framework—to the family (Okin 1989) or the globe (Beitz 1971)—those who advocated doing so did not give sustained accounts of the normatively important ways in which social institutions themselves were changing.

I suggested in *In the Shadow of Justice* that these were the long-term consequences of Rawls's approach to social conditions. On the one hand, the ideal of society assumed by Rawlsians was untimely, importing as they did a portrait of postwar liberalism into the era of financialized capitalism. The fact that his theory was structured by postwar liberal concerns made the changes of the later era easier to sideline, such that they barely featured in the work of subsequent generations of liberal political philosophers. On the other hand, the urge to abstraction that preserved Rawls's social imagination in amber resonated with the political unconscious of the late twentieth century. The transformation of capitalism with the rise of the so-called 'knowledge economy', symbolic labour, and finance made the real economy seem further away from people's lives and abstraction a better way to grapple with its realities.[6] In this way, the turn to normativity was not just a mistake; as Nancy Fraser insists, it was also a kind of clue (Fraser and Jaeggi 2018, 8). But Rawlsians were not self-reflexive about how their own tendencies to normativity mirrored deeper shifts; this fact itself further eroded the diagnostic purchase of their theories. Liberal egalitarianism became a freestanding normative theory largely detached from an accompanying social diagnosis.

2 The Limits of Rawlsian Social Theory

So far, I have discussed Rawls's account of social conditions as if it provided a robust conceptualization of social life, at least by comparison with what came after it. If Rawls developed a social theory to accompany his normative one, and if normative and social theory grew disconnected as liberal egalitarianism surged to dominance, meaning that Rawls's theory lost its diagnostic purchase when social conditions changed, then this historical story would be one of simple decline. But did he? I have already suggested that the liberal institutionalist account of society Rawls provided could not deal with social change or capture the contradictions of postwar life. It was embedded within the ideology of 'postwar liberalism', which was not an accurate account of the circumstances of the postwar era, but a legitimation of them. I want to develop that thought here and to explore a second argument, that supplements the historicist critique: that Rawls's account of society was itself impoverished. It represented a limited and partial perspective

6 The classic diagnosis of this remains Jameson (1989).

on social and material reality, because Rawls's idealizations neglected crucial sociological facts—facts about exploitation, subordination, domination, and hierarchy.

This argument can be made both in historical terms and in the form of ideology critique (cf. Geuss 2008; Mills 2005). To understand it historically, let me return to my earlier claim that Rawls's account of social conditions reflected the assumptions of postwar liberalism. I argued in *In the Shadow of Justice* that his work was a kind of encyclopedia of postwar social science (Forrester 2019a, 105). Out of a range of studies, he developed a vision of society that flattened conflict and prioritized consensus. In doing so, he was indebted to an anti-interventionist liberalism that was critical of the New Deal planning state, borrowing ideas from liberal critics of the administrative state like Frank Knight. Beyond drawing from specific intellectual sources, however, Rawls also absorbed a less tangible postwar American ideology of the 'liberal consensus', which manifested in the faith that consensus—and justice—were possible with reforms to the American political system. He was optimistic that racial oppression and class inequality could be overcome within a political framework that looked a lot like the postwar United States. His was an optimism, above all, about the direction and fate of liberalism—and about the power of liberal institutions to free people to be moral (Forrester 2019a, chapts. 1 and 2).

This liberal institutionalism manifested in Rawls's view of society in a number of ways. It was expressed first in the metaphor of the game—a game both cooperative and competitive—that provided him with a picture of liberal institutions and portrayed a society of agreed-upon rules in which individual players had a limited number of available moves. Given the consensus on rules, in a game-like society, social divisions and tensions could be accommodated or diffused by legitimate institutional arrangements. The metaphor itself reflected the belief that society rested on a fundamental consensus about deep political principles—or at least that such a consensus was possible, given the right institutional conditions. Indeed, though Rawls's broader theory was about finding agreement, given the circumstances of disagreement—and though one of his key legacies was the elevation of a consensus-seeking theory which sought to make institutional arrangements justifiable to all—the possibility of consensus was assumed at a very deep level. This was true of the metaphor not only of the game but of society as a "cooperative venture for mutual advantage" (Rawls 1971, 4).

Rawls incorporated several other liberal assumptions into his social vision. First, the faith that a commercial market society, sufficiently well-ordered and regulated, could approximate justice. Second, that the state responsible for that regulation and market correction would be non-interventionist: this was a theme

that ran through Rawls's early portrayals of a nightwatchman state, his conservative Keynesian vision of the institutions necessary to stabilize capitalism, and his later account of predistribution and property-owning democracy. This Humean attachment to a self-regulating society and competitive game of exchange was, however, always underpinned by a countervailing third assumption, which fused elements of liberal and egalitarian traditions: Rawls's faith in the potential of moral persons to live together in communities. A vision of cooperative community thus also undergirded his social thought: as Roberts (2021, 579) has put it, in Rawls, a society of association coexisted with the society of exchange. What was always already there, both in potential and in the ideal, was the society of association. This was why Rawls's theory appealed to his Rousseauian interpreters and to ethical socialists and participatory democrats, who saw in his commitment to associational life a moral critique of markets.

However, as Tony Smith (2017) has argued, liberal egalitarianism did not provide a critical social theory, but an 'affirmative' one.[7] In contrast both to Rousseau and to many of those socialists who invoked a similar vision of what society could be like, Rawls's idealization of associational life did not always deliver a critique of existing social arrangements in liberal capitalist societies. Despite his criticisms of unjust political arrangements, Rawls affirmed various goods of such societies. Liberal egalitarians more broadly developed strong commitments to normative features they associated with them—to the conditions necessary for people to be autonomous agents who can pursue their life-plans, to deliberate within a shared space of reasons, in conditions of self-respect and equality. For Rawls, all these goods were potentially available in societies much like our own, if the institutional arrangements that he defended in ToJ were secured—institutions to provide constitutional guarantees to secure basic liberties, correct for market tendencies, and minimize the inequalities of class, status, wealth, and income about which he worried. Not only was it possible to agree about the terms on which we can live together; the institutions that could forge such a well-ordered society were also those that already existed, more or less, in the United States and Western Europe (courts, constitutions, legislatures, and various other institutions and practices for stabilizing economic life). It was assumed that liberal institutions, properly arranged, would be able to diffuse and neutralize injustice. No rupture or transition was necessary to secure these social benefits. The society

7 I became aware of Smith's work too late to include a discussion of it in Forrester (2019a), but I have learnt a great deal from it and will discuss some of its lessons below.

of moral institutions and individuals to which Rawls aspired was already there in embryo in postwar America.[8]

It was in idealizing social life in this way that Rawls evacuated his affirmative theory of diagnostic potential. Liberal egalitarianism, in turn, grounded its normative aspirations for reform in an affirmation of liberal social institutions as portrayed by postwar liberal ideology and social ontology. A contrast with critical social theory—informed by the Marxist critique of liberalism—is instructive here. Rawls and many of his followers provided analyses of the injustices produced by a range of classic political institutions, as well as particular forms of domination and inequality. But they left the deeper workings and tendencies of capitalism uninterrogated, as well as numerous other social dynamics and systems of oppression.[9] As Rael Jaeggi has argued, egalitarian liberals took a 'black box' view of the economy (Fraser and Jaeggi 2008, 4). Though they asked how wealth ought to be distributed, they did not address how it was produced and what counted as wealth in the first place; nor did they explore the organization of labour (or what counts as labour in the first place) (Fraser and Jaeggi 2008, 3). What lay beneath the Rawlsian world of the game was not a hidden abode of production and the social fact of exploitation, which revealed a true social reality in the relation of worker and capitalist that structurally constrained liberal freedoms and equality—a reality that would need to be abolished to make people free. Rather, it was a community of potentially moral persons, waiting for their own institutions to allow and enable them to live moral and flourishing lives. Liberal egalitarians did not imagine capitalist society as necessarily exploitative or definitionally class-divided, but contingently so.

Invoking this critical perspective offers a schematic but illuminating contrast between the Marxian view of enduring change as achieved only through the transformation of social reality, and the liberal egalitarian view, according to which it can be achieved through the improvement of political institutions. Another important contrast is in what constitutes the most important features of that social reality. Smith has argued persuasively that the fact that liberal egalitarians lacked a concept of capital—and began from an analysis of moral persons rather than the commodity form—allowed them to overlook how in capitalist market societies all social goods are subordinated to "the end, the good, and the flourishing of capital" (Smith 2017, xii). Thus, though liberal egalitarians might develop normative accounts of the unjust effects of concentrated economic and political

8 On the importance of this temporality to the postwar social theory of both liberals and the left see Brick (2006).

9 For an important defence of Rawls as sensitive to racial domination and ascriptive hierarchies see Terry (2021).

power, without a critique of capital and the capital/wage labour relation, their social theories were toothless. This was for a specific reason: they were led by their normative commitments to hold the misleading empirical view that institutional fixes can eradicate the injustices that, in fact, can only be enduringly addressed through the abolition of that relation (Smith 2017, 25). The social theory that Rawls developed was thus superficial and partial, because the '*sociological facts*' he considered—those which shaped his attempt "to *realize* any social ideal" and limited "what is a reasonable ideal in the first place" (Rawls 1966–67, 1a)—were the wrong facts.

They were the wrong facts, in part, because Rawls did not ask *whose* facts they were. As Mills (2005, 169) argued in his classic account of ideal theory as ideology, the Rawlsian form of idealization—an idealization of social institutions, social ontology, capacities, and the cognitive sphere, which ignored social locations and oppression in the name of strict compliance theory—obfuscated many general facts about society, above all the realities of racial domination. This partiality and obfuscation was not a surprise from the point of view of critical theory. Even when the young Rawls was at his most attentive to sociological facts, he took on the easy liberal empiricism of the postwar social sciences, without acknowledging how such findings were products of social structures and ideologies that reinforce assumptions, norms, and perspectives that reflect the experiences and interests of privileged groups. Rawls thus produced what was an accurate and reasonable account of society as it appeared to him—that is, a convincing account of the social situation he, and others like him, found themselves in.[10] But this combination of empiricism, idealization, and ideological biases resulted in a blindness to important realities, which was endorsed by subsequent political philosophers, ultimately because of their own similar biases. The world of the dominated and the hidden abodes of exploitation and social reproduction that would be revealed with what Mills (2005, 175–6) called a "different map of social reality" remained out of sight.

3 Normative and Critical Responses

What are the implications of these two different critiques for our understanding of liberal egalitarian political philosophy's capacity to diagnose contemporary social conditions? Though I see them as complementary, they are separable, and they invite different kinds of responses. One response to the historicist critique is

10 There are many powerful accounts of ideologies of domination that take this form, but perhaps the most powerful is MacKinnon (1989).

to remedy the gaps in Rawls's liberal vision of society, by updating its account of social arrangements and addressing the changes in social conditions that have taken place since the postwar era to make the social bases of normative theory more robust. A response to the second is to develop an alternative account of those arrangements, which begins not from an affirmation of their broad contours but from a challenge to them.

In *In the Shadow of Justice*, the history I told developed the historicist critique. I argued that certain features of the Rawlsian framework desensitized philosophers to major transformations in capitalism. Rawls's initial commitment to a minimalist state and wariness about state agency and power led him to generate a hollowed-out account of the workings of the administrative state. This conceptual framework occluded much about the nature of state power and agency, such that the changes in the capitalist state that took place in the 1970s were obscured (Forrester 2019a, chapt. 7). The institutional and legalistic vision of change at the heart of Rawls's theory also resulted in other agents of social change—as well as the role of social movements, the power of labour, and general dynamics of agentic collective transformation—being set aside (see Pineda 2021). The account of consensus obfuscated novel social conflicts, divisions, formations, and alliances. More generally, liberal egalitarians focused overwhelmingly on distributive equality in the present at the expense of attending to histories of accumulation, expropriation, and development, with significant implications for how empire, international order, capitalist development, racial domination, and ecological change were understood (see Forrester 2019a, chapt. 7, epilogue and Forrester 2019b). All this, I suggested, left liberal egalitarianism ultimately lacking in diagnostic power.

In recent years, political philosophers working in the neo-Rawlsian tradition have sought to remedy many of these limitations. They have used and applied Rawlsian and neo-Rawlsian ideas (as well as those of analytical Marxists) to address problems of economic democracy, privatization, capital mobility, work, time, migration, and supply chains (see e.g. Cordelli 2020; Cordelli and Levy 2021; Fine and Ypi 2016; Frega, Herzog, and Neuhäuser 2019; McKean 2020; O'Neill 2020; Rose 2016). Many of these treatments, all of which tackle pressing problems in contemporary social, political, and economic life, address changing social conditions by extending liberal egalitarian principles into new domains, updating Rawlsian frameworks to account for new developments, or by asking familiar questions of new problems. By establishing a more accurate picture of empirical conditions, the aim of many of these treatments is to propose better principles. In this way, a reformed and revitalized liberal egalitarianism might do again what liberal egalitarians have always done best: provide the tools for thinking about institutional inequality—tools that are useful, above all, to policy-makers—but in a way

that grapples more successfully with contemporary challenges. Moreover, since empirical conditions today are considered by many of these philosophers to be far worse than those about which Rawls wrote, updating egalitarianism has also entailed radicalizing it. We are witnessing a new wave of analytical socialism (see e.g. Gilabert and O'Neill 2019; O'Shea 2020; Schweickart 2002; Stanczyk 2012; Wollner 2020), which includes a Rawlsian socialism that combines socialist commitments with the methods and insights of liberal egalitarianism (see e.g. Arnold 2020; Edmundson 2017; O'Neill 2008, 2020; Ypi 2018).

However, when liberal egalitarianism is extended into new domains, many of Rawls's original assumptions—and that of the tradition that was constructed around him—are often left intact. This is not only true at the level of normative commitment but of sociological description, and it is this level with which I am preoccupied here. For instance, in Chiara Cordelli's brilliant critique of the privatization of the administrative state, egalitarian assumptions about the empirical and normative characteristics of the juridical-legislative apparatus of the capitalist state remain largely in place (Cordelli 2020). In much contemporary work, Rawls's basic social and political diagnoses—his founding assumptions about what society is like—thus persist into twenty-first century political philosophy. These diagnoses not only shape the interpretation of contemporary pressing political problems and their solutions, but also how the history of the last decades is understood. The liberal egalitarian interpretation of late twentieth-century history is told in terms of political success and failure, according to which the determining factor is the presence of adequate political will (Smith 2017, chapt. 9). For instance, the changes that go under the banner of the neoliberal revolution are characterized as political failures (failures to regulate finance, for instance, or manage trade). These interpretations of history imply a faith in institutional design similar to that which was baked into Rawls's theory: the solution to contemporary injustice is still better policy and making institutions more just. Even as political philosophers extend liberal egalitarianism in new and important directions, they thus retain its basic assumption that the injustices and inequalities of capitalist market societies are contingent and can be remedied with institutional fixes. The form of Rawls's solutions remains fitting, even if their content needs to be improved upon.

The reforms that liberal egalitarians advocate as a result of these updated diagnoses may well entail desirable improvements on the status quo, which many liberals and socialists alike would embrace. This is true especially of the kinds of institutional changes recently proposed by egalitarians, Rawlsian socialists, and theorists of property-owning democracy to reverse the wrongs of privatization, financialization, and the increasing inequalities of rentier capitalism (see e.g. Cordelli 2020; O'Neill 2020; O'Neill and Williamson 2012; Thomas 2016).

Such extensions might be sufficient to respond to the historicist critique. Indeed, that critique may well provide ballast to the view that the current task for a normative theory sensitive to social conditions is to update the egalitarian account of injustices and inequalities to grapple with contemporary capitalist realities.

Yet this would entail taking the historicist critique at its weakest, by viewing it as implying the simple story of decline. I rejected this above, on account that a declinist story does not involve a challenge to postwar liberalism itself. The importance of that challenge is clearer if we begin from the second critique of liberal egalitarianism. According to the Marxian perspective it embodies, these extensions of egalitarianism are insufficient, because they leave in place capitalist social forms—not only economic structures of ownership and control but the broader capitalist organization of life. This second critique therefore points in a different direction: it demands a deeper social diagnosis and critical social theory, and a wholesale challenge to, rather than an extension of, liberal egalitarianism.

There is a long tradition of critiques of liberalism and the liberal social imaginary that offer such alternatives, the most trenchant from the Marxist tradition of social theory and the feminist, anti-colonial, and Black radical theorists who have inherited many of its preoccupations and commitments. I argued in *In the Shadow of Justice* that Rawlsians have, on the whole, either ignored, diluted, or tried to domesticate such critiques. Nonetheless, several aspects of these traditions have been incorporated into academic philosophy, as philosophers of gender, race, and class—in keeping with the trajectory of social theory since the 1980s—have focused attention on the agency and epistemology of dominated and oppressed agents and, in turn, illuminated the partiality of the liberal social ontology that underpins much egalitarianism (see the influential accounts in e.g. Collins 2004; Harding 1993; Hartsock 2004; Haslanger 2007; Mills 1998; Mills 1999). More recently, some egalitarians have called for changes that would move normative theory in a critical direction: as Ypi (2020) has written, “we need to replace the metaphor of cooperative games with a vision of society able to incorporate the demands of those that are not interested in playing the liberal game but in fundamentally changing its rules”.

Other aspects of these critical traditions, most notably the analyses of capitalist forms, structures, and processes beyond the imaginary of liberal institutions, are harder to incorporate. Taking seriously such analyses would involve a rethinking of the methodological focus of liberal political philosophy on individuals and institutions. This challenge to philosophy has recently been made by Fraser and Jaeggi, who fault egalitarian liberalism for its continuing conceptual neglect of

the system named capitalism.[11] They have argued that the turn to normativity among left-liberal philosophers (egalitarians and critical theorists alike) resulted in normative questions becoming divorced from "the analysis of societal *tendencies* and to a diagnosis of the times" (Fraser and Jaeggi 2018, 5; my italics). Even though many neo-Rawlsians see capitalist societies as generating unacceptable injustices—and see various features of market societies as impermissible from the point of view of justice—the fact that they lack an account of capitalism as a system means that their social theory is impoverished and their capacity for critique diminished. For without an account of, for instance, the relation between forms of social organization and capital accumulation, or of how dominant social agents achieve and stabilize those forms, they miss how normatively desirable institutional fixes reinscribe inequalities they were designed to attenuate.

What does this impoverishment of social theory mean in practice? At stake here is the interpretation of social reality and its history, and the place of that interpretation in political and normative theory. Take again Smith's objections to liberal egalitarianism and the contrast he draws between it and Marxism broadly construed. The liberal egalitarian argument is not that capitalist society does not generate normatively objectionable situations and injustices. Just as Rawls himself thought that actually-existing liberal societies had to be improved and reformed, the stock and trade of liberal egalitarianism is the diagnosis of social wrongs, many of which are staple features of capitalist society. As such, many liberal egalitarians will recognize the unjust and exploitative realities of capitalist society as described by Marxists. But they do not share the diagnosis. For Smith (2017, chapts. 4–6), this is because, without an account of capital and the capital/wage labour relation, they miss a crucial layer of social reality.

This omission has a range of further implications for analyses of political change. It means that liberal egalitarians do not assign importance to the fact that the actually-existing liberal state is a capitalist state—that it is an agent of domination as much as an agent of legality and justice—or that capital's power is a public power. Nor do they attend to how, in capitalist societies, asymmetries of social power and the ideologies of the dominant shape the very institutions that purport to work for the common good, and that consensus within such societies will definitionally be imposed on subordinated classes by processes of domination, and that a focus on legitimacy and justice alone occludes these processes. This difference in the realm of diagnosis and in the interpretation of social reality results in liberal egalitarians and their critics having divergent

11 For a historical account of the waxing and waning of the liberal study of capitalism, see Brick (2006).

understandings of the processes by which their normative commitments might be instantiated in practice.

A critique of liberal egalitarianism of this kind is thus not only concerned with the familiar socialist argument that liberal egalitarian principles themselves require something more demanding than objections to liberal institutions, markets, or privatization, and that, properly understood, they should point to a critique of capitalism itself. Rather, there is an additional challenge: egalitarian liberals do not recognize that the very dynamics of capitalist societies they find objectionable may not be remediable by the institutional fixes they advocate. If the Marxian diagnosis is correct, liberal egalitarian solutions risk being unfeasible, detached, and myopic. Smith gives the example of liberal egalitarian treatments of work: when egalitarians advocate removing the worst of structural coercion in labour markets, they do not acknowledge that such labour markets may be essential to the regulated market societies they otherwise defend (Smith 2017, 198). Another example: liberal egalitarian critics of neoliberalism who aim to abolish neoliberal financialization but retain capitalist social relations suggest that neoliberal injustices can be regulated, fixed, and contained by institutions not unlike those Rawls defended, and that under the right conditions, the capitalist state and markets can be legitimate. The Marxist response is to say that the dynamics and tendencies of capitalism cannot be so easily contained.

4 Beyond Rawls's Shadow

Of these two responses to the limitations of the Rawlsian vision of society and its implications for social diagnoses today, the second represents a perspective that is often neglected or taken for granted as either incorrect or easily met by liberal political philosophers. But I find it compelling. It poses an important challenge for normative theories that care about feasibility—those which, after Rawls (2006), want their utopias to be realistic (even when those utopias are decidedly non-Marxist). For diagnoses of historical and present social conditions impact both the desirability and feasibility of normative political theories (even those theories that insist on the autonomy of normativity). In the case of neo-Rawlsianism, it seems to me that a consideration of the broad dynamics of capitalist market societies today—one that included an analysis of the capital/wage labour relation, social reproduction, and uneven development, as well as crises of overaccumulation, climate, finance, and care[12]—would make a real difference to the kind of political theory produced, more than the response to the weak version of the historicist

12 I adapt this list from Smith (2017) and Fraser (2016).

critique implies. Considering these social dynamics suggests that the institutions on which Rawlsians rely to produce and stabilize justice cannot actually fulfil these functions in capitalist societies. By beginning with an account of society as a game or a cooperative venture for mutual advantage, and avoiding an adequate account of the structural tendencies of capitalist society, liberal egalitarians have come erroneously to believe that the institutions their visions of justice defend and promote can satisfy their own commitments to justice and equality. This is a mistake that arises from a truncated social theory. It was a mistake for Rawls, but the transformation of capitalism over the last decades makes it an even graver mistake today.

What I am suggesting is that the Rawlsian institutionalist liberal vision can only appear as an adequate response to injustice if it takes as given a partial account of social reality and change. Many liberal philosophers since Rawls have taken the view that the task of normative political philosophy is to reform our existing institutions in order to adjust for the political failures of the twentieth century, without dramatically transforming and transcending current conditions. I cannot share the faith that our existing liberal institutions can neutralize capitalism's downsides. To sustain this view today depends not only on the same partial social theory but, as I have suggested, a particular interpretation of recent history too—one that characterizes the neoliberal changes since the 1970s as a failure of political will, rather than a complex project of state power that responded to capitalist dynamics by doing work to enable and sustain new regimes of accumulation, circulation, exploitation, and expropriation, and new forms and ideologies of domination. It is this liberal interpretation of history that makes possible and tenable a certain kind of normative vision and account of the tasks of political philosophy—a vision which points to the conditions of the postwar order, before the neoliberal fall, as reproducible.

In this way, the social vision at the heart of liberal egalitarianism still turns on an idealized vision of postwar liberalism, with its institutions regulating and remedying the corruptions of market societies. But if we do not see those conditions as reproducible—and if we try to consider both the logic and the history of capitalism—then different concerns come into view. The contemporary crisis of care and climate change, alongside the transformation of work and production with the rise of the gig economy, microwork, and the spread of informality—all of which is transforming the wage relation (see Crouch 2021; Jones 2021)—puts us in new territory. So does the recognition that not only was there no golden age of postwar affluence and equality to which we can return; there are also a range of social dynamics and tendencies—including, importantly, the political role of the unconscious, which I have not discussed here—that thwart and frustrate our attempts to actualize our normative ideals.

For many social and political theorists and philosophers, the task today is to build a theory that grapples with the realities and injustices of contemporary capitalism—not just its classic features (the privately owned means of production, free labour markets, the dynamic accumulation of capital) but the novel forms of work, accumulation, underdevelopment and semi-proletarianization that we are witnessing, as well as the crises of social reproduction and climate. There are plenty of theorists doing such work—across a range of fields and disciplines, both inside and outside political philosophy, and in ways that push against its boundaries as constructed by neo-Rawlsians. The question remains whether normative theorists in the egalitarian tradition who are used to dealing with problems of distributive and institutional justice will join them—and what it would look like for them to do so. Some have done so already, though there are many material reasons why they may not, including the neoliberalization of the university and its concomitant pressures on academic philosophy (see McKeown 2022). What I have suggested here is that getting outside of Rawls's shadow, beyond the institutionalist framework that he and his followers established, would require bridging the gap between normative and social theory and giving up on the vision of society built from the postwar liberal ideology of consensus and games, individuals and institutions. I have also defended the view that building an adequate social theory of capitalism, that is attentive to its systemic and structural features, would point far beyond the boundaries of liberalism. Indeed, joining liberal normative theory to such a social theory might entail giving up on the diagnostic powers of that tradition. It might entail the dissolution of liberal egalitarianism altogether.[13]

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