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Capitalism, Justice, and the Boundaries of Liberalism

<https://doi.org/10.1515/auk-2022-2018>

Abstract: The argument of Katrina Forrester’s *In the Shadow of Justice* explains the present neglect of Rawlsian thinking in the social and political world beyond academia. She there convincingly shows how its deep assumptions, conceptual framing and narrow view of what constitutes politics disabled it from grappling with the subsequent massive transformations of capitalism. Her second argument, advanced in her article and questioned here, offers an ideology critique of Rawlsian thinking that claims, in its strongest version, that such thinking fails to acknowledge that capitalism is not reformable and that this failure derives from its liberal assumptions. What is needed, she claims, is a critique that implies the feasibility of attaining a post-capitalist world that is based on a theory that goes beyond the boundaries of liberalism.

Keywords: Rawls and Rawlsianism, capitalism, liberalism, critique, ideology, reform

John Rawls died in 2002. At the year’s end, the *New York Times* published its annual selection of obituaries under the title ‘The Lives They Lived’. It included the great jazz singer Peggy Lee, the diplomat Cyrus Vance, the comedian Spike Milligan, the terrorist Abu Nidal and two Harvard figures: Charles Ditmas, the official keeper of the university’s seventy or so antique clocks since the 1940s and David Riesman, author of *The Lonely Crowd*, whom *The Times* described as ‘the most influential sociologist of the era’. Rawls was not included.

That Rawls was the most influential political philosopher of that era is beyond dispute. Arguably he has remained so until our own. Or rather, as Katrina Forrester suggests, it is his shadow that long outlasted him and continues to do so to this day. Even before the publication of *A Theory of Justice* appeared in 1971, drafts were widely circulated and ever since then his ideas have been omnipresent. Some expounded and interpreted them, some developed and extended them across space and time, some criticized them more or less severely, some opposed and

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some rejected them but none could escape them. Thomas Nagel's book *Equality and Partiality*, published in 1991, is dedicated to "John Rawls who changed the subject" (Nagel 1991, v).

Yet that influence has never extended far beyond the walls of academia and indeed within them beyond the world of anglophone and anglophone-friendly philosophers, and, to some extent, students of policy-making and economists. How should we account for this unconcern on the part of the social and political world with the ruling ideas central to those professionally engaged in giving a philosophical account of its workings?

1 Forrester's First Argument

In her paper for this symposium Forrester offers two arguments. The first—many-layered and convincing—is fully developed in her book *In the Shadow of Justice*. It provides a really illuminating answer to this question. In short it is that "the urge to abstraction. . . preserved Rawls's social imaginary in amber", eroding "the diagnostic purchase of [his successors'] theories" as capitalism was radically transformed in the late twentieth century (Forrester 2022, 8).

Several layers of this argument are worth singling out. *First*, the claim that Rawls did indeed begin with a social imaginary—one which embodied the prevalent assumptions, including those of social scientists, of its time of origin (though I recall an early review by the sociologist W. G. Runciman describing the book as innocent of sociology). Forrester is right to remind us that, though published in 1971, it reflected the optimism, complacency and accommodationism of what she calls 'postwar liberalism', legitimating and seeking to reform a world, which she calls 'the postwar golden era', soon to fall apart. Her epithets recall the *trente glorieuses* in Europe, what 'socialism' meant to Labour revisionists in Britain, such as Anthony Crosland and John Strachey, and the talk of inclusive pluralism by political scientists, such as Robert Dahl, and the 'end of ideology' by sociologists in the United States, when Seymour Martin Lipset could write that "the fundamental problems of the industrial revolution have been solved: the workers have achieved industrial and political citizenship; the conservatives have accepted the welfare state; and the democratic left has recognized that an increase in over-all state power carries with it more dangers to freedom than solutions for economic problems". (Lipset 1960, 401–3) And, as this last quotation indicates, she is also right to observe that this social imaginary also expressed a distrust of too much planning, or interventionism, by an administrative state.

A *second* layer concerns the abstraction typical of philosophers that was to preserve this imaginary for decades, protecting it from the wholesale fracturing of the postwar world from the 1970s on, and from engaging with the work of the

social scientists and historians that documented and analyzed it. Academic prestige was undoubtedly at work here—a “new hierarchy of knowledge” (Forrester 2022, 2) as she suggests—reminding me of Pierre Bourdieu on academic status hierarchies.

A *third* layer focuses our attention on the costs of this insulation. What went unperceived from within the shadow was

financialization and the transformation of capital markets; the increasing privatization of the administrative state; deindustrialization, flexibilization and the erosion of standard employment; changes in global divisions of labor and migration and decolonization, and in the family-household structure, sexuality and gender. (Forrester 2022, 7)

Now, she adds, we are in ‘new territory’, facing the

crisis of care and climate change, alongside the transformation of work with the rise of the gig economy, microwork and the spread of informality—all of which is transforming the wage relation. (Forrester 2022, 18)

An admirable summary, to which I have nothing to add.

A *fourth* layer is her identification of the distinctive, experience-distant and un-sociological concepts, characteristic of Rawlsian thinking, that facilitated this narrow vision of social realities, focusing on distribution and institutional justice, signaled, we should note, by its vocabulary, such as the ‘basic structure’, ‘primary goods’, ‘least advantaged’, and so on; by the analogy of the game (whose rules all accept); and by the deep assumption of consensus (later in Rawls’s thinking to become overlapping), taken either to be already present or else attainable within the existing framework once reformed—that, in short, society can plausibly be viewed as a ‘co-operative venture for mutual advantage’.

And *fifth*, following on from this, is the very conception of what counts as *political* in this long-dominant strain of political philosophy. She acutely observes that it has largely been policy-oriented and focused on “the juridical-legislative institutions of the state”, notably on “courts, constitutions and distribution”, neglecting “more antagonistic forms of politics”, as manifested in social movements and workplaces, and in relation to sexuality and decolonization. Its vision of the scope of politics is, indeed, well captured by the very name of its main and prestigious scholarly vehicle, *Philosophy and Public Affairs*: linking topics and puzzles about official institutions and distributive justice with issues in ‘applied ethics’ concerning individual moral responsibility and obligation. Hence, her first argument concludes, “the Rawlsian inattentiveness to the social transformations of the late twentieth century” (Forrester 2022, 7).

2 Forrester's Second Argument

Whereas this first argument criticizes the political philosophy deriving from Rawls in its various incarnations culminating in 'liberal egalitarianism', revealing its limitations and selective blindness, the second takes a different course. The need is not to update, reform and revitalize liberal egalitarianism, Forrester here argues, but rather to offer a "deeper social diagnosis and critical social theory" of the "dynamics and tendencies of capitalism" that no longer accepts its "basic assumption that the injustices and inequalities of capitalist market societies are contingent and can be remedied with institutional arrangements" (Forrester 2022, 14). This argument at its strongest makes the following claim (I use 'strongest' to refer to the strength of the claim, not to its persuasiveness): that the philosophy in question is not just 'impoverished', 'limited', and 'partial', but *mistaken*, since its adherents 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 argument has two components: one concerns what philosophers believe, while the other invokes an account of capitalism that shows their beliefs to be mistaken.

Regarding the *first*, Forrester advances what she calls "a form of ideology critique" of a set of "assumptions, norms, and perspectives that reflect the experiences and interests of privileged groups" (Forrester 2022, 12). This raises a question with which, in reading and re-reading her essay, I have been wrestling. What exactly is the target of her critique? There are several possible answers—"the founding assumption that Rawls made about what society is like"; "a form of liberal political philosophy that can usefully be termed neo-Rawlsianism" (Forrester 2022, 4), postwar liberalism, left-liberalism, anti-interventionist liberalism, liberal egalitarianism, or else, most plausibly, here and there throughout, liberalism *toutcourt*.

Answering this question is important, for, if her critique is of liberalism as such, extending beyond Rawls and the neo-Rawlsians, then it is a very strong claim: namely, that liberalism itself is not only incompatible with socialism but a barrier to its realization. Such a view contrasts with that of such liberals in the past as John Stuart Mill, L.T. Hobhouse and John Dewey and with that of many socialists, notably the Italian anti-fascist Carlo Rosselli. "The day will come", Rosselli projected in his book *Liberal Socialism*, "when this word, [liberal] . . . will be claimed with proud self-awareness by the socialist: that will be the day of his maturity, the day when he wins emancipation at least in the domain of the spiritual". With this recognition, socialism for Rosselli becomes "liberalism in action; it means that liberty comes into the lives of poor people, not just a privileged minority or even a privileged majority, for there is no real liberty for

people without a minimum degree of economic autonomy and the chance to escape from the grip of material necessity” (Rosselli 1994, 84–6).

We should, in passing, note that Marx himself might well have endorsed the strong claim of incompatibility, since, as I have discussed elsewhere (Lukes 1985), he was consistently scornful of the liberal language of ‘justice’ and ‘rights’, viewing it as ‘obsolete verbal rubbish’, destined to become irrelevant in the future truly human communist world. That post-capitalist world, where material scarcity has been overcome, would be emancipated (a favorite term of critical theory) from this and other conditions that render such talk meaningful—emancipated, that is from what Rawls calls the very circumstances of justice. For Marx and for Engels communism would be a social form based on material abundance and beyond justice.

If indeed Forrester is making the strong claim in relation to liberalism, we need to know just what features of a liberal outlook constitute its mistaken view of the future of capitalism that a post-liberal vision would avoid. One essential feature, which Forrester characterizes as ‘deep’, is the commitment to potential *consensus*. Thus she writes of “the liberal belief that society rested on a fundamental consensus about deep political principles—or at least that such a consensus was possible”—a belief reflecting the metaphor of the game. Here Rosselli would agree with her. For him “liberal” meant “a complex of rules of the game that all the parties in contention commit themselves to respect, rules intended to ensure the peaceful co-existence of citizens”. It meant “to restrain competition . . . within tolerable limits [and] to permit the various parties to succeed to power in turn” (Rosselli 1994, 94). Rosselli’s liberal socialism, as political theorist Nadia Urbinati has noted in her introduction to his book, requires “loyalty to a framework that presupposes an antagonistic and pluralistic society” (Katznelson 2020; Lukes 2022; Rosselli 1994, xxxvi; see also Walzer 2020).

A *second* feature of liberalism, to be dispensed with on this strong view, is the classic liberal answer to the recurrent question of reform versus revolution: the belief that “no rupture or transition” from capitalism is needed to bring about a better world. (Rawls, Forrester observes, assumed that the society and individuals to which he aspired were “already there in embryo in postwar America” (Forrester 2022, 4). Marx, we may recall, used the same metaphor to picture what she sees as necessary, namely “dramatically transforming and transcending current conditions”).

Other features of liberalism Forrester cites are the faith that a ‘commercial market society’ could approximate justice, a bias to non-interventionism in the economy and a ‘vision of co-operative community’, or ‘association’.

The *mistake* that the philosophers Forrester criticizes make is therefore straightforward and clear. It is a mistaken belief about what is possible. It

is to fail to see that, since “capitalist society is necessarily exploitative or definitionally class-divided” (Forrester 2022, 11), political regulation of labor and capital markets can never succeed in stabilizing justice in capitalist societies—and that, given the radical transformation of capitalism over the last decades, this mistake is all the graver today. Hence we need a critical theory for our times that is “beyond the boundaries of liberalism” (Forrester 2022, 19).

3 Comment

This second argument raises many questions that will need further attention in the discussion that will doubtless be generated by Forrester’s critique. One, which I have already raised, concerns what looks like the indeterminacy of its target. If, as seems most likely, it is meant to be liberalism as such, further questions arise. One can argue endlessly, and fruitlessly, about what is to be meant by ‘liberalism’, but, whatever the conclusion of such a discussion might be, I confess to experiencing considerable discomfort, given the dismal historical record of actually existing socialism, and especially in these times, when we are invited to go beyond the boundaries of liberalism in the name of a critical theory of capitalism. The question is: does this mean extending its boundaries or rejecting its essential or constitutive features?

Let us consider those features. *First*, consensus. It is easy, given the ever more tribal politics of our time, to look back upon the Rawlsian postulate of a society-wide ‘co-operative venture for mutual advantage’ as an ideological euphemism for class compromise (*vide* Lipset). But what alternative to the prospect of unending class warfare with no ‘end game’ in view is there than that of Rosselli’s eventual peaceful co-existence of citizens, in which, in Lea Ypi’s pertinent words quoted by Forrester, those presently uninterested in playing the liberal game are incorporated—by changing its rules and extending its boundaries? To dismiss as ‘liberal’ one side of this debate is simplistic.

Second, the old question of the transition to socialism: reform or revolution? Throughout the Marxist tradition, and the history of socialism, answers to this have, since Marx and Engels themselves, of course ranged across the spectrum from cumulative reforms to violent rupture. Recall, for instance, Rosa Luxemburg debating with Eduard Bernstein’s ‘abstract’ revisionism, arguing for democratic struggle with aims reaching beyond the existing order of society.

The same objection applies to, *third*, the issue of the appropriate role of market mechanisms under socialism and, *fourth*, the role and limits of state intervention in the economy—as though there were not a long and rich history of debates and evidence-based research concerning these matters within the Marxist tradition.

Hard-line orthodoxy has typically rejected the position that these matters admit of degrees rather than exclusive alternatives, which suggests that it is too easy to label such a position is a liberal illusion.

Fifth, Forrester asserts that Rawls incorporated the liberal assumption that moral persons can “live together in communities”—that a “vision of co-operative community undergirded his social vision”. She is, of course, right to challenge Rawls’s assumption that such a vision is “available in societies much like our own”, which he assumed to be “nearly just”. But the liberal versions of such a vision are, if anything, far more sober and detailed and less “idealized” than the sketchy utopian projections ventured by the early Marx, who was always understandably reluctant to write recipes for the cookshops of the future (Forrester 2022, 10).

Liberalism is not, however, only an ‘ism’. To be liberal is to view and engage in politics with a definable set of attitudes (admirably exhibited, for instance, by Rosselli). These include a constant awareness of the dark side of politics, against which Max Weber warned. Corruption, violence, and tyranny are so easily unleashed when elites arbitrarily acquire power, no less when they act through the state in the name of a noble cause. These are dangers to which the theoretical system of Marx, like the communist states it inspired, is largely blind. On the assumption that these dangers are real and perennial, there will always be a need for constitutions and courts that protect individual rights and for institutions of civil society, including a free press and unfettered opposition.

I turn, finally, to the heart of Forrester’s second argument: the mistake she attributes to Rawls and the Rawlsians: of failing to produce “a critique of the capitalist social form itself”. Short of that, she suggests, that “if (*sic*) the Marxist diagnosis is correct”, their solutions “risk (*sic*) being unfeasible, detached and myopic”. So it is not clear to me how *strong* a version of this charge she is making. For she also writes: “the dynamics and tendencies of capitalism cannot be so easily contained”. (Why ever suppose this would be *easy*?) and declares that she “cannot share the faith that liberal institutions can neutralize capitalism’s downsides” (Forrester 2022, 18).

We should, I think, admit that a certain ‘faith’ (which I take to mean something like optimism of the will in discouraging conditions) is operative on both sides of this argument. For an unequivocally strong version, we should turn to a work on which Forrester draws in support of her case, namely Tony Smith’s book *Beyond Liberal Egalitarianism*. Smith, by contrast, evinces a certainty about what is possible and what is impossible that can only be warranted from deep within a Marxist world view. No form of capitalist market society, he writes,

can effectively eliminate structural coercion in labor markets, domination and exploitation in the labor process, or powerful tendencies to overaccumulation, financial crises, environmental, and uneven development. (Smith 2017, 337)

Capitalism, he concludes,

never was and never will be defensible by liberal egalitarian standards, not even as a 'second best'. (Smith 2017, 352)

There are of course many varieties of capitalism and there will doubtless be many more. Smith's book examines only three alternative 'second-best' social forms that all fall short of such 'effective elimination' and in the last chapter it offers a brief sketch of a "democratic society beyond the reign of capital" that, it is claimed, might not do so. Is such a society feasibly attainable? Smith's answer to this is not encouraging. It is, he writes, "not ruled out by logic, by biology, by anthropology, or by the historical fact that it has not been institutionalized yet (after all, no institutional framework that has ever existed has always existed)". (Smith 2017, 347)

"A dogmatic insistence", Smith adds, "that a feasible and normatively superior alternative to capitalist market societies is impossible is just that: dogmatic". (Smith 2017, 347) He is certainly right about that. But, conversely, to claim that such an alternative is feasible does require a very considerable leap of faith. Indeed, it requires, in Charles Mills's telling phrase cited by Forrester, a 'different map of social reality'.

As I see it, we need to pursue the implications of Forrester's first argument. Rawls, his successors and critics have succeeded admirably in the philosophical task of clarifying and refining our normative thinking about justice, but they failed to grapple with the massive changes our world has undergone. This failure is not, however, as she suggests, due to their liberal assumptions. In our present, non-idealized, dystopian, crisis-ridden social reality, we need to have faith that there are more proximate, feasible alternatives to what exists than 'dramatically transforming and transcending current conditions'—alternatives that will lead to a more just, viable and sustainable form of life on the planet.

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