

Review of Daniel Chandler *Free and Equal*

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President X, "OK Prof. Hit me!"

John Rawls, "The first principle of a just society is that everyone should have equal and extensive basic liberties. You know, freedom of association, freedom of religion, that sort of thing."

President X. "Got it. Next!"

John Rawls, "There must be fair equality of opportunity. Not just anti-discrimination laws, but genuine high-quality education for all, so everyone can develop their potential if they have the motivation."

President X. "Neat. What else?"

John Rawls, "Finally, we should make sure the worst of are made as well off as possible in terms of income and wealth. Not simply maximize GDP but make sure economic life works to the greatest benefit of the least advantaged, even if corporate profits fall."

President X, (Doubtfully) "Uh-huh .... So, anyway, how do we do all this?"

John Rawls, "Oh, it's your job to work it out. I only tell you what to aim for."

President X, "And it took you 560 pages to come up with that?"

Although this Aaron Sorkin-style dialogue surely never took place, it encapsulates, I think, a fifty-year frustration that has clouded political philosophy since the first publication of John Rawls's *A Theory of Justice* in 1971, often regarded as the greatest work of political philosophy written in English since the nineteenth century or even further into the remote past. Rawls presents an inspiring vision which, so it seems, has failed to inspire. While Robert Nozick's sparkling *Anarchy, State, and Utopia*, published just two years later in response to Rawls, has been heating the blood of libertarian-leaning policy makers ever since, no progressive politician has ever been seen waving a copy of *A Theory of Justice* at their political opponents. Economist and philosopher Daniel Chandler regards this as a badly missed opportunity and in his attractively written and strongly argued *Free and Equal* he attempts to show how to be a Rawlsian in policy right here, right now.

It is slightly ironic, though, that Chandler has chosen to embark on this project at this moment, at a time when Rawls is coming under intense waves of critical pressure in the academy. Raymond Geuss has led a crusade accusing Rawls of a type of indulgent and destructive abstraction; Charles Mills has probed Rawls' worrying lack of attention to questions of race; and Katarina Forrester has been one of several authors who has explored Rawls' as a landmark in the history of ideas – very chastening for those of us who read *A Theory of Justice* as an undergraduate when it was considered hot and new. Yet in the countless scholarly books and articles written on Rawls, very few have attended to Chandler's task of working out how to create a Rawlsian policy world.

Chandler sets out, then, to convince us that a Rawlsian approach to policy is both desirable and feasible, and to accomplish the first leg he provides a clear and helpful summary of *A Theory of Justice*, its significance, and, just as important, Rawls' argument for it. The theory itself was introduced in the fake dialogue above. Essentially it has three principles. The first two – the basic liberty principle, and the fair opportunity principle – are broadly familiar in being the goal of democratic liberals everywhere. Rawls's innovation is to push them further than many have done, and to interrogate their details. What, for example, does it mean to give people genuinely equal liberty to run for political office? For Rawls and Chandler, it would rule out the current practices of campaign finance we see in the United States, and require some pattern of equal funding for competitors.

Rawls's real distinctiveness, however, lies in his third principle – 'the Difference Principle' – which takes us out of previously familiar territory. Insofar as I've been able to ascertain, Rawls was the first philosopher explicitly to demand that society should be arranged to make the worst off as well off as possible in terms of income and wealth. It's worth pausing on this a moment. The implication is that if it is possible to make society's worst off group better off, without making any other group fall below the position the worst off group is at now, then our society is unjust. We are not talking 'trickle down' as some of Rawls's careless critics have suggested, but maximizing the fortunes of the worst off. This is a truly radical claim, and on this measure there probably has never been a just society. Even societies with

genuine concern for those who are worst off have never made raising their position the highest priority. An obvious first thought is that the Difference Principle requires absolute equality: the way to make the smallest slice of the cake as large as possible is to cut the cake into equal portions. But Rawls is sensitive to the idea that how the cake is cut may, over time, influence its size. It may be, for example, that without market pricing and incentives total output would fall dramatically, and everyone would lose, but for the market to work there have to be at least some inequalities. If so, Rawls would accept that the resulting inequalities are just, but only for as long as they make the worst off as well off as possible, although Rawls's does limit the Difference Principle with what he calls 'the just savings principle' to make provision for future generations.

One clear attraction of Rawls's work is the boldness, clarity, and concision of his theory, which encapsulates a progressive sentiment in just a few, straightforward, lines. Had he presented just this, buoyed up with florid rhetoric, it would still have made a very significant contribution to political philosophy. But florid rhetoric isn't Rawls's style, and what made *A Theory of Justice* not only a contribution to political philosophy but one of the truly great works is Rawls' method of argument. This is the development of social contract theory: the device of the 'original position'. Rawls's insight is that many disagreements about justice are the result of perhaps unconscious bias in which people reason in ways that are influenced by their interests and values. If this is so then devising a way in which we can reason unbiased by interests and values will provide a purer perspective on justice. And this is what Rawls does. He asks us to imagine ourselves in a situation in which we don't know our race, religion, talents, interests, character, gender, values, or anything else that might influence our judgement. He then asks us to consider what principles of justice we would want to govern our society. The task, then, is to work out how you would like your society to be if you didn't know your place in it. His suggestion is that if you don't know where you personally will end up you would want every position to offer as high a chance of a good life as possible. You would not want anyone to be discriminated against, offered diminished opportunities, or left languishing with few resources, because it could be you. In fact, he says, you would choose his principles of justice.

The combination of Rawls' principles of justice and the argument from the original position is a heady brew, and it has kept political philosophy intoxicated for the last fifty years. Is the original position the right way to think about justice? Would Rawls's principles really be chosen? Are the principles correct? But, as noted by Chandler, there has been much less attention to what a Rawlsian society would be. And this is where he steps in.

I use the term 'Rawlsian' advisedly. Chandler doesn't take us through the labyrinth of Rawls's own publications, or the vast secondary literature, and readers of *Free and Equal* could get the impression that Chandler's reading of Rawls is based purely on those original 560 pages of the 1971 edition of *A Theory of Justice*. But Chandler is not so much presenting Rawls's approach to policy but what might come to be called a *Rawlsist* approach, and attention to the endnotes shows that Chandler is drawing on Rawls's many other writings, right up to his book *Justice as Fairness: A Restatement*, published in 2001, just a year before his death, as well as extensions to his ideas presented in works by interpreters and commentators, such as Samuel Freeman, Thomas Nagel, Frank Michaelman, and even Jurgen Habermas. Chandler squeezes substantial consequences out of mere fragments of Rawls. Earlier I mentioned that Rawls qualifies the Difference Principle with the 'just savings principle' but in fact Rawls barely develops this idea for himself. Yet Chandler repeatedly mentions it to justify adding a concern for climate change to the Rawlsian package. Chandler also goes as far as advocating at least one policy, Universal Basic Income, that as he notes, Rawls himself rejected. Chandler's goal, then, is to present a joined up approach motivated and inspired by Rawls, rather than a faithful, literal, rendering. And as a way of making Rawls relevant to policy this seems exactly the right thing to do.

What, then, is the fruit of this endeavour? In Part Two Chandler takes us through a multiplicity of policies in the areas of freedom, democracy, equality of opportunity, shared prosperity, and democracy at work. He provides a fine and perceptive guide to many proposals that are being discussed in progressive politics, and shows how they can work together. Although many of the policies are familiar, it is impressive to see them combined in a single work. Indeed, Chandler has done more than most to consider the implications of taking Rawls's principles as a whole. Although Rawls insisted that the principles were presented in 'lexical order' in that basic liberties had to be assured before we move to

questions of opportunity, and fair opportunity takes priority over economic well-being, Chandler makes a convincing case that the principles actually work better if they are treated as interlocking. For example, a fair opportunity principle on its own seems compatible with gross inequalities, as we see, for example, in salaries paid in professional sport. Although in theory subservient to the fair opportunity, the Difference Principle, in Chandler's account instead places limits on the positions that should be available for competition. High fliers can be given only the rewards that flow from a system that benefits everyone.

The policies that Chandler recommends for the UK, regarding such things as early years and vocational education, campaign finance laws, workplace democracy, citizens' wealth fund, funding for cooperatives, universal basic income, civic education (including national civic service), a written constitution, greater protections for speech, and many others, are argued for skilfully. They are the staple of progressive policy debate, in academia, in think tanks, and no doubt over kitchen tables, at least in a certain type of kitchen. Naturally all can be contested either in themselves or as the most natural development of a Rawlsian approach, but these are much-needed contests. It is a welcome reminder of what progressive politics should be, away from recent emphasis on, for example, on being the toughest on immigration and crime.

The puzzle that motivates Chandler's book, though, is why Rawls has made so little impact on politics and policy. One might suggest that academia and policy are simply different worlds, but this is just not true. The abiding complaint against British politics is that too many politicians studied PPE – Philosophy, Politics, and Economics – at Oxford. Well, it would be a remarkable student who could take that degree and not spend bleary-eyed nights trying to come up with new objections to Rawls for the essay for tomorrow's tutorial. Gordon Brown certainly knew Rawls's work and Ed Miliband even studied political philosophy at Harvard. So why hasn't Rawls influenced the direction of the Labour Party? Well, perhaps he has, but by seepage rather than name. But it's possible that the line of influence goes the other way. Rawls studied at Oxford in the 1950s and spent time with thinkers such as the legal philosopher H.L.A. Hart, who was close to Labour Party intellectuals. When *A Theory of Justice* was finally published, this is what British philosopher Stuart Hampshire wrote about it, in his review in the *New York Review of Books*, in 1972.

[A] noble, coherent, highly abstract picture of the fair society, as social democrats see it. In England, books about the Labour Party's aims —for example, those written by Douglas Jay and Anthony Crosland since the war—needed just such a theory of justice as this, stated in its full philosophical generality. This is certainly the model of social justice that has governed the advocacy of R. H. Tawney and Richard Titmuss and that holds the Labour Party together. Society must repair the cruelties of nature, and it exists not only to preserve law and order but also to correct the natural differentials between the strong and the weak, and to give institutional support to self-respect, which is for Rawls a primary value.

According to Hampshire then, John Rawls was the theorist the Labour Party needed in 1971. Earlier, in the mid-1940s, Labour politicians had argued that inequalities in society were acceptably only if they were to the benefit of everyone. Rawls' highly significant twist is that inequalities are just only if they are to the greatest benefit to the worst off. But the continuity between Rawls and the Labour Party is telling.

Yet within a few years the post-war progressive settlement was crumbling, and a new Hayekian broom pushed the ideological certainties of thinkers like Crosland into the dark corners. Is now the time for a suitably revised and refreshed Rawls? The question is, though, what could Rawls now add to the policy debate? Many of the policy proposals Chandler mentions are under investigation around the world, some have been tried, and others are in fuller development already. Hence the policies themselves are already part of the political culture. What can Rawls offer? One is a unified approach, which is certainly welcome. But perhaps the most memorable aspect of Rawls theory is the argument for that approach. Could this be what is needed now to make a difference? Chandler is not optimistic, writing "Politicians are unlikely to get elected by giving speeches explaining the original position thought experiment" (p. 277). Sure, if that's all they do, he must be right. But think of Neil Kinnock's superb 1983 speech. "I warn you, if Margaret Thatcher wins on Thursday, I warn you not to be ordinary. I warn you not to be young. I warn you not to fall ill. And I warn you not to get old – if Thatcher wins on Thursday." Is this how a skilled speechwriter might present the original position? Maybe it's time for some florid Rawlsian rhetoric after all.