

between external demand and motivating power" (p. 122), an issue at the heart of current discussions in analytic ethics and moral philosophy.

Because of the limitations endemic to Adorno's original critical enterprise, Bernstein hasn't yet formed a fully articulated position in contemporary ethics. Nonetheless, he brings important insights to current discussions and leaves one wanting to discover more, not less, about a redirected Adornian—or perhaps Bernsteinian—ethical alternative.

RACHEL R. ROSNER  
*Northwestern University*

Freeman, Samuel, ed. *Cambridge Companion to Rawls*.  
Cambridge: Cambridge University Press, 2002. Pp. 598. \$65.00 (cloth); \$24.00 (paper).

John Rawls's recent death has naturally prompted some synoptic commentary, but work on Rawls in the last decade has been dominated by the dramatic turn he took with his second book, *Political Liberalism*, in 1993. Whereas his 1971 masterpiece, *A Theory of Justice* (hereafter *Theory*) had seemed to address the fundamental question, "What is justice?" the second book appeared to render such a question impertinent. If, as Rawls now argued, political power can only be justified in terms that are acceptable to the diverse perspectives that thrive in free societies, then, since those perspectives differ on fundamental matters, political justification must not get too fundamental. Rawls came to revise his account of political legitimacy in order to meet this demanding constraint. He offered a "political conception of justice"—a conception for political purposes, not to be confused with an account of the real (whole) truth about justice. This innovation sometimes leads commentators to exaggerate the discontinuity and neglect the deep unity of the Rawlsian corpus. With the exception of his third book, *The Law of Peoples*, this volume takes up all phases of Rawls's thought. The collection shows that Rawls's body of work can successfully be treated as a coherent political philosophy. In what follows, I propose only to sketch and engage a few arguments from a few of the book's essays.

Rawls argues in *Theory* that since much in life is owed to luck (such as the "natural lottery" determining what we are like, or where we are born), there is no moral case for letting these contingencies determine our different prospects. On the other hand, it is reasonable, Rawls thinks, to hold people responsible for their own choices to some extent. Even if brute luck is not a moral basis for distributions, option luck, or misfortune that a person has voluntarily risked, is more legitimately taken into account.

This distinction suggests that individuals engaging in risky behavior have no claim on social resources, since they are responsible for any misfortune they have voluntarily risked. So, if you ride your bicycle without a helmet, why should the rest of us pay for the ambulance and hospital fees when you fall and crack your skull? You knowingly took that risk. The harshness of this conclusion leads some theorists to doubt that the brute luck/option luck distinction can bear very much weight.

In his contribution, Norman Daniels argues that the complex Rawlsian view does not have these harsh implications. Society should help citizens who are badly off in certain ways partly so that they can participate in a democratic political system. The system would lose its moral basis if many citizens were unable to participate on roughly equal terms. So the overall conception of justice requires us to prevent this so far as possible.

As we have seen, a Rawlsian approach is unlikely to take a stand on what you really deserve. This is a deep matter, open to reasonable disagreement. So one way to look at the issue is to say that the truth about justice is not an appropriate question for a political conception of justice, given reasonable disagreement on deep matters. Even if risky behavior might really cancel any moral entitlement to collective assistance of certain kinds, we cannot appeal to this controversial view of responsibility. This would allow Rawls to accept that people are responsible for their option luck, but without condoning consequences that would incapacitate people in their roles as citizens.

If we are to preserve citizens' capacities because this is part of true justice, then there is no need to bring in the fact that the luck view is controversial among reasonable people. Consulting the range of reasonable views makes sense if we are constructing a political conception of justice of the kind Rawls famously invents in his later work, but he acknowledges that the most reasonable political conception of justice could conflict with the truth about justice (*Political Liberalism* [New York: Columbia University Press, 1993], pp. 128–29). Which way is Daniels interpreting Rawls? Does the appeal to democratic capacities come in because it is part of true justice, or because this element makes the overall conception acceptable to all reasonable people?

Daniels says that on Rawls's view there is no compromise with, or shortfall from, true justice (p. 255). It is not as if justice really might require the complete elimination of differences that are owed to morally arbitrary contingencies, Daniels says. Rather, justice itself takes a more complex view and ends up only mitigating but not removing these differences. That seems to mean that Rawls, in effect, asserts the view that the brute luck/option luck view is not the truth about justice. As a reading of the mature view, this sounds too metaphysical and insufficiently political for Rawls's purposes.

But, as Daniels also says (pp. 255–56), some reasonable citizens dispute the brute luck/option luck view, and so it is unavailable in political justification according to Rawls even if it might be the truth about justice. Rawls's project of devising a political conception of justice gives him reason to avoid asserting the brute luck/option luck view of justice, but also to avoid denying it. In that case, the complex view is not put forward as the truth about what justice requires.

Daniels is correct in saying that the complex view is not some compromise between the moral truth and other "pragmatic" considerations. That would be the wrong way to characterize a political conception of justice that is designed to honor a (purported) moral truth about which considerations can be legitimately marshaled in political justification. Rawls insists that his mature view is still a moral view. But it is confusing for Daniels to say that on Rawls's view "what justice requires" is something more complex than the luck view allows. That would mean contradicting the luck view rather than avoiding it. It can seem to confirm the suspicions of Raz and others that, in the end, the only conception

of justice that matters is the true one (Joseph Raz, "Facing Diversity: The Case of Epistemic Abstinence," *Philosophy & Public Affairs* 19 [1990]: 3–46). That would undermine Rawls's political liberalism at a deep level. Daniels skillfully shows us enough of Rawls's view to see that political liberalism can avoid the luck view without deciding whether it is true. Rawls's view, as I suggested earlier, doesn't purport to avoid the truth about everything, or even all moral things, but it does avoid the truth about what is truly just. I suspect Daniels's main point could accommodate all this: Rawls's conception of justice is not a compromise between moral matters and other pragmatic constraints but is a fully moral conception. Still, we should be clear, it is not a conception of the truth about justice but, for moral reasons, a political conception of justice that may or may not be true.

Rawls advocates a rule of public discourse, which we might call the rule of public reason: for people in certain positions, and on certain issues, the exercise of public political power should not be advocated or defended except by appeal to a conception of justice that can be accepted by all reasonable citizens despite their differences on many comprehensive matters (Rawls, *Political Liberalism*, p. 217. Rawls speaks of a duty of civility that requires citizens to be prepared to justify their exercises of political power in terms drawn from public reason. This duty is what I am calling the rule of public reason). It is a moral rule that Rawls thinks citizens should follow, and not any kind of censorship. On the other hand, effective rules of public reason certainly do result in people voluntarily withholding certain ideas and arguments, and so it is a legitimate question what kind of loss this would be.

Rawls limits the filtering power of the idea of public reason in several ways (see his final view in "The Idea of Public Reason Revisited," included in *The Law of Peoples* [Cambridge, Mass.: Harvard University Press, 1999]). I want to focus on one that Scanlon discusses in his chapter. There is a mantra Rawlsians use to help hold off the charge that the rule of public reason filters too much public discourse (I like to use it myself): "It only applies to constitutional essentials and matters of basic justice" (see Rawls, *Political Liberalism*, p. 137). Scanlon offers an explanation for this feature, which I will call the focus on fundamentals.

Consider Rawls's "liberal criterion of legitimacy": "Our exercise of political power is fully proper only when it is exercised in accordance with a constitution the essentials of which all citizens as free and equal may reasonably be expected to endorse in the light of principles and ideals acceptable to their common human reason" (*Political Liberalism*, p. 137). This is not a rule of public reason—of what people should say in public political argumentation. A natural corollary, though, would be a rule of public reason prohibiting citizens from offering justifications that do not really succeed as justifications according to the criterion of legitimacy. The criterion of legitimacy does not itself limit or restrict public discourse, but an effective rule of public reason does. The criterion of legitimacy does not even refer to the practice of publicly offering reasons for political actions, whereas the rule of public reason is specifically about those practices. As Scanlon says, it is a "norm of political conduct" (p. 160).

If the rule of public reason can be limited to fundamental matters, there would be less narrowing of public discourse as a result. What would explain restricting it in that way? In explanation, Scanlon says that if the institutions of

politics “have the right sort of justification, then this justification also supports legislation enacted through the procedures they define” (p. 163). Their having the right sort of justification would seem to be determined by the criterion of legitimacy, which Scanlon does not directly discuss, and not by the rule of public reason and its constraints on political conduct. So I take Scanlon to be suggesting that, first, the criterion of legitimacy’s focus on fundamentals is explained by pure procedural justice, and then that whole structure transfers over to the rule of public reason. If only fundamental matters need generally acceptable grounds (as determined by the criterion of legitimacy), then only fundamental matters need to be defended in generally acceptable ways in public (part of the rule of public reason).

It is true that the liberal criterion of legitimacy already incorporates an obvious focus on fundamentals, focusing on “a constitution the essentials of which all citizens as free and equal may reasonably be expected to endorse” (p. 137). Indeed, it can seem as if a law might be “fully proper” or legitimate even without any generally acceptable justification of its own, so long as it is passed in accordance with a constitution that does have such a justification. Call that the fundamentalist interpretation of the liberal criterion of legitimacy. On that interpretation, the requirement of generally acceptable justification would not apply to ordinary exercises of political power at all, since they are justified by being produced by a justified constitutional process. It doesn’t matter whether that (“pure procedural”) idea of justification is generally acceptable or not.

On this view, most political power, which is exercised through ordinary law, would not need a generally acceptable justification. Fundamentalism, then, is a strange position, and I doubt that it is the best interpretation of Rawls. The focus on fundamentals does not entail fundamentalism. An alternative interpretation rests on a certain understanding of what it is to endorse constitutional essentials. Consider a constitutional provision stating that laws shall be passed by a legislature composed of popularly elected representatives. A person might endorse this provision in either of two ways. Thin, or fundamentalist endorsement, would be to endorse the idea that this is how valid laws (the things that shall count as laws) will be made, without endorsing this as a basis for the legitimacy of the resulting laws, the permissibility of enforcing them. Thick endorsement would be to accept that valid laws are to be made this way, and endorse this as rendering the resulting laws legitimate. If the criterion of legitimacy only means that citizens need to be able to endorse constitutional essentials in the thin or fundamentalist sense, then the result is the strange fundamentalist interpretation of legitimacy: laws would be legitimate even if they have no generally acceptable justification at all. It would be enough that they proceed from a constitutional system that has one.

But when someone endorses a constitution, that often means that they endorse it as a basis for the legitimacy of the resulting laws and policies. On that reading, the liberal criterion of legitimacy turns out to require generally acceptable justification for all laws, not just the fundamental matters. Ordinary laws must be produced in accordance with a constitution that all reasonable citizens accept as providing a pure procedural justification for that law. So all laws, fundamental and nonfundamental, must be justifiable in terms acceptable to all reasonable citizens. This seems to me the more plausible criterion and

the best interpretation of what Rawls means by the endorsement of constitutional features.

That may seem to be a small point, but it importantly affects the question of why the rule of public reason should focus on fundamentals. The fact that Scanlon points to, that ordinary laws are legitimated indirectly by an appeal to pure procedural justice, would not immediately explain this. If all laws need a generally acceptable justification, albeit sometimes a purely procedural one, then the natural corollary for public reason would seem to require generally acceptable argument for fundamental and nonfundamental matters alike, albeit sometimes purely procedural argument.

Scanlon's idea may be this: when the issues are not fundamental, participants may appeal to nonjustifying considerations, such as elements of their own controversial comprehensive views. Justification is to be provided elsewhere by an appeal (as I have emphasized, a generally acceptable one) to the process itself. This idea of public reason would permit, say, legislators to appeal to controversial elements of their comprehensive doctrines so long as it is understood that the larger justification requires the procedural element as well. If this is the view, then it might be clearer to say that the rule of public reason only constrains speech offering political justifications, and that much ordinary political discourse is not justificatory discourse, but something else. Then the rule of public reason does not exempt nonfundamental matters in any way: when one is offering a political justification (rather than, say, plumping for an outcome) it must take place in terms acceptable to all reasonable people, and this will often be by an appeal to the law's source in a certain kind of political procedure.

In any case, this account raises two questions: First, what is it about the political process, in which people may appeal to nonjustifying considerations (such as comprehensive doctrines), that provides justification? Scanlon speaks of the fairness of such a process (p. 163). But we would need to know more, since procedural fairness could be more easily provided by drawing straws rather than maintaining vast public institutions of deliberation, election, and legislation. Perhaps it is some special kind of procedural fairness, but what kind?

Second, if a process of appealing to nonjustifying considerations can justify the outcomes in ordinary legislative procedures, why isn't such a process permissible also on fundamental matters? Why must Supreme Court justices operate within the constraining terms of public reason, offering genuinely justifying considerations, rather than appealing to the wider range of considerations available to legislators or ordinary citizens? Perhaps the court's procedure lacks the procedural kind of justification, but saying that would require a fuller account of the two procedures—legislative and judicial—and the kind of pure procedural justice that is being claimed for one but not the other.

This issue about the scope of the rule of public reason is only a small part of Scanlon's concern. His chapter brings the idea of public reason, which is prominent in Rawls's later work, together with two ideas—reflective equilibrium and the original position—drawn from the deep approach to justification that is present in Rawls from the very beginning. Scanlon's discussion of the relation between these three ideas is a profound demonstration of the underlying unity of Rawlsian philosophy.

Charles Larmore, in his contribution, proposes a different way of answering the charge that the rule of public reason cramps public discourse. Even if the scope of that rule is limited by the focus on fundamentals (constitutional essentials and matters of basic justice), Larmore worries that it might still be too restrictive if it applies to all public political discussion of fundamentals. He proposes to distinguish “open discussion” from “decision making” and to interpret the rule of public reason as only applying to decision making (and then, only to decision making about fundamental matters).

Rawls has a further device of his own for addressing this worry about cramped public discourse, but Larmore argues for an alternative solution. Rawls’s idea is that the expression of one’s deeper comprehensive approach to fundamental political matters might have legitimate purposes other than the offering of a public justification for preferred laws and policies. Someone might be speaking only to fellow believers, or bearing witness, or steering an unjust society in a more just direction before there is any hope of appealing to common ground, and so on (see Rawls, “Public Reason Revisited”). Rawls came to believe that the expression of comprehensive views in public political discussion was not any particular sign of sectarianism or intolerance. All he required (Larmore calls this “the proviso”) was that everyone possessed and eventually offered what they sincerely believed to be generally acceptable grounds for their favored political choices, in addition to whatever controversial comprehensive considerations they might also have expressed. This unfetters public discussion to some degree, without abandoning the idea of public reason.

Rawls’s proviso, requiring only that justifications conforming to public reason be offered eventually, does not rely on Larmore’s distinction between two forums: open discussion and decision making. As a result, Rawls might seem to condone the offering of comprehensive arguments even in forums of political decision making, so long as public reasons are also forthcoming. For example, the legislator on the floor of the assembly might present his religious views about the sanctity of human life from conception, the moral equivalence of abortion and murder, and the eternal fate of women and doctors who commit this mortal sin. Or, still in the assembly, a legislator might convey the pope’s insistence that legally recognized gay marriage is an abomination in God’s eyes. Larmore recoils, preferring to corral the religious arguments off into non-decision-making forums. (Keep in mind that no legal restrictions on expression are at issue here in any case.)

As I understand Rawls’s view, the strictures of public reason apply only when a citizen is offering her argument as a sufficient justification for a certain exercise of political power. She might give political arguments of other kinds, for other purposes, and there her discourse may range more freely. Public reason constrains public discourse that has a specific justificatory aim. Larmore prefers to let public reason constrain discourse only in certain forums, regardless of the speaker’s aims. Call Rawls’s proposal the *aim criterion* and Larmore’s the *forum criterion*.

The forum criterion needs to be able to identify forums of the two different kinds. I suppose Larmore would identify the floor of the assembly as a decision-making forum. But what about the editorial page of the newspaper, the speech in favor of a candidate, the interview on the television news program? Do these

examples of political speech occur in decision-making forums or not? The difficulty is not simply that a few cases are hard to categorize. These are pretty important cases.

Perhaps the idea is that political debate outside of official political institutions is outside of the decision-making forum, and Larmore would not apply the strictures of public reason in those contexts. But when the question is who shall be the legislators (just for one example), citizens are the decision makers. When is that question not at stake in public political debate? There is no official space in which people debate electoral decisions and so no identifiable decision-making forum. If all public debate in electoral matters counts as "open discussion," then virtually all political expression by ordinary citizens would be outside the reach of the rule of public reason. Surely, Larmore would not wish to respond by placing all public political discussion in the decision-making forum. His aim is to exempt large parts of political expression (in "open discussion") from the cramping strictures of the rule of public reason. So how can Larmore's distinction between forums be used to determine the scope of the rule of public reason?

Perhaps Rawls's aim criterion could be combined with a forum criterion. For example, perhaps all official expression by Supreme Court justices ought to be covered by public reason as unambiguously in a decision-making forum. At the other extreme, political expression by ordinary citizens might have no determinate location inside or outside of a decision-making forum and so could be governed by Rawls's aim criterion. Still, in the middle, what about the floor of the legislative assembly? Is a Muslim legislator morally forbidden to express or explain, in that space, his religious perspective on the matters before the house, even if "in due course" he acknowledges the need to give generally acceptable grounds for his actions? Can there be no "open discussion" in the assembly? Should we recoil from the Muslim example, the abortion example, and the gay marriage example, even if the legislator in question explicitly acknowledged that the comprehensive grounds are not adequate justifications for the imposition of political power on her fellow citizens, and even if she went on to justify her actions in terms drawn from public reason? I suspect that Rawls's aim criterion, which could allow those kinds of expression, is more to the point than Larmore's forum criterion. The forum of the Supreme Court might be so thoroughly decisional that we ought, as a rule of thumb, to interpret the aim of all discourse in that forum to be the aim of political justification. In that case, the aim criterion and the forum criterion do not diverge. Rawls says the Supreme Court is the "exemplar of public reason," and this seems to be part of what he means.

The book's editor, Samuel Freeman, has chosen important topics and excellent authors, in addition to contributing an authoritative sixty-page introduction. Moreover, the papers are generally extremely good, and some will be of lasting importance.

The book would make a terrific basis for a graduate seminar, and several of the papers are among the best things available for advanced undergraduates seeking a state-of-the-art critical perspective on Rawls's thought (granted, a perspective that is largely sympathetic to Rawls). For that use, I would single out Martha Nussbaum's piece on "Rawls and Feminism." Her title suggests a narrow focus, and it may indeed be the best contribution to that topic we have so far.

But it is also, along the way, a sympathetic presentation of many of the leading critical perspectives on Rawls more generally, and a very solid presentation of possible Rawlsian replies. If students in a political philosophy course were to read only one piece of secondary literature on Rawls, this one would be hard to beat.

Finally, here is the full list of authors in order of appearance: Samuel Freeman, Thomas Nagel, Joshua Cohen, T. M. Scanlon, Amy Gutmann, Philippe Van Parijs, Norman Daniels, Burton Dreben, Onora O'Neill, Charles Larmore, Frank Michelman, Samuel Scheffler, Stephen Mulhall with Adam Swift, and Martha Nussbaum.

DAVID ESTLUND  
*Brown University*

Galston, William A. *Liberal Pluralism: The Implications of Value Pluralism for Political Theory and Practice*. New York: Cambridge University Press, 2002. Pp. 150. \$55.00 (cloth); \$19.00 (paper).

Political liberalism has shaped a new consensus among liberal academics. In order to generate wide assent, political principles cannot proceed from a general moral conception, that is, a comprehensive philosophical or religious doctrine. Philosophical justifications for the use of coercion need to be purged from discussion about ultimate moral values and their structure. In his new book, William Galston seeks to reverse this trend. He rejects the move toward a free-standing political theory and embraces a comprehensive pluralist approach to politics. The result is liberal pluralism, a distinct approach to the problem of diversity in liberal communities. This is a liberalism that argues, echoing Ira Katznelson, for “the right not to offer a reason for being different” (p. 37).

Galston starts out by outlying the theoretical foundation of his liberalism. Three concepts are central to his approach: expressive liberty, political pluralism, and value pluralism. Expressive liberty, the core idea of theoretical, nonpolitical liberalism, is a presumption in favor of “individuals to live in ways that express their deepest beliefs about what gives meaning or value to life” (p. 28). Political pluralism reflects the idea that social life comprises multiple sources of authority and sovereignty—individuals, parents, associations, and churches—not one of which is dominant for all purposes and under all circumstances. Thus understood, liberalism is more about legitimate difference than about the protection of autonomy.

Galston sees the nature of diversity in moral terms and, therefore, grants it moral priority throughout. He elevates value pluralism to a special place in his defense of diversity. Against a philosophical tradition that affirms that all genuine goods are compatible, value pluralism is the view that values and goods are competing and heterogeneous. This heterogeneity makes impossible a comprehensive ordering among them. Ordinary experience suggests that when people act, they are faced with competing moral claims that cannot be settled by appeal to a permanent hierarchy, or a summum bonum, that transcends the