

**John Rawls
and
The Evolution of Liberalism**

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ABSTRACT

This paper relates public sector innovation to the evolving ideology of liberalism in western democracies, highlighting the shift from the growth of the liberal welfare state in the decades following World War II through the transition of the 1970s that culminated in the triumph of neoliberalism in the past forty years—a period in which the welfare state and government regulation has been reduced and market-driven public policy, austerity, and a sometimes unsubtle drift toward authoritarianism has taken place. During this time, political philosopher John Rawls became the most influential political thinker of his time as he evolved from the principal theorist of democracy with respect to concepts of freedom and justice to a critic of neoliberalism and a tentative and perhaps reluctant advocate of a social democratic alternative.

Key words: Liberalism, justice, liberty, equality, neoliberalism, property rights, J. S. Mill, welfare capitalism, liberal socialism.

Introduction

Innovation is all about change. But the story doesn't begin or end there. Innovation must always be understood in context, and the context must always include an element of politics—broadly understood as the relations of power and authority in whatever organization (public, private, not-for-profit) chooses to introduce innovation.

The context of innovation, moreover, must include a framework of political thought. Innovation is not just method; it is also purpose. It is intended to influence social relations. That context of purpose is what separates the Boy Scouts from the Hitler Youth, Franklin Delano Roosevelt's "New Deal" from Joseph Stalin's first "Five Year Plan," Pierre Trudeau's official policy of Multiculturalism from Donald Trump's futile efforts to build "a big beautiful wall." All were "innovations," but they cannot be seriously discussed without reference to their content, purpose, and underlying assumptions about how and to what ends societies work.

Inequalities are arbitrary unless it is reasonable to expect that they will work out for everyone's advantage, and provided that the positions and offices to which they attach, or from which they may be gained are open to all. — John Rawls, 1958

In the private sector, my trusty online "business dictionary" tells me that innovation is "the translation of an idea or an invention into a good or service that creates value or which customers will pay" (Businessdictionary.com, nd). A handier definition can hardly be found, for all questions of ethical and moral assessment are cheerfully deflected. Judgement is made in

terms of the inexorable logic of the marketplace. If people wish to purchase pet rocks, vaping paraphernalia, concert tickets, or a new automobile, they will do so and any concept of social improvement is finessed. The market rules and, in words falsely attributed to the utilitarian Jeremy Bentham, “the quantity of pleasure being equal, push-pin is as good as poetry.”

In the public sector, matters are more complicated. While it is true that public sector innovation is the translation of an idea or invention into a good or service that fulfills a real or apparent social need or aspiration for which citizens will vote, there is a distinctly political as opposed to a narrowly economic aspect to innovation. It must be judged in terms of a measure of benefit that is larger than mere private desires. If governments wish to spend far-famed taxpayer dollars on public transit, public libraries, nuclear power plants, or nuclear weapons, the calculation of “value” will incorporate more factors than are evident on a financial balance sheet.

Public sector innovators, however, have been notoriously bad at defining what their core concept means. The Organization for Economic Cooperation and Development (2019), for example, tells us that innovation is important because technology is changing the relationship between citizens and government, citizens are better informed about government, public expectations of governments have grown, governments are pressured to respond to a range of “challenges,” and new ideas and approaches are needed. This, however, tells us precisely nothing about what those innovations can and should be.

The language is entirely without content or context. It is quite literally meaningless and therefore useless. It says nothing about the nature or the putative definition of benefits. In whose interests are innovations to be made? What criteria determine the nature of the benefits? Are the innovations intended to refine, reform or revolutionize current practices? What existing arrangements will be disrupted? Who bears the cost? To address such questions, it is necessary to probe deeper. A rationale for change must be presented. That rationale, whether its formulators know it or not, will come with baggage, a history, a political agenda, and competing advocates and detractors.

Although Rawls’s principles of justice were in many ways radical, they were not novel. What was new was Rawls’s mode of argument. He asked a question fundamental in political philosophy.

– Jedediah Britton-Purdy, 2019

Central to the understanding of public sector innovation, of course, is the political culture in which innovations are imagined, developed, implemented, evaluated, and either pursued or jettisoned. Definitions of the nature of promised benefits are ideological—not in the pejorative sense of “false consciousness,” but in the sense that public sector innovations are most often attempts by governments to meet an expressed commitment to some coherent set of political priorities and to reflect practicable, community-minded, policies.

Political success is not conveniently measured in statements of profit and loss, dividends, market share, and in the manner of a callous corporate cash nexus. It is at least marginally and derivatively philosophical. At least in well-functioning democracies, it depends on whether the public approves of government actions. That approval, of course, will depend on economic

performance (no government will willingly and knowingly introduce a program that will leave the country bankrupt), but it will also entail other considerations having to do with notions of justice, equity, liberty, and other immaterial beliefs and social conditions.

In describing, analyzing, explaining and evaluating innovation in the public sector, connecting innovation to overarching issues of political purpose cannot be avoided. No matter how pragmatic, expeditious, or even hypocritical and self-serving a politician or a political party might be, governments are *not* businesses. They must calculate financial incomes and expenditures to be sure, but they are intended to serve a larger purpose. And, no matter how pragmatic, expedient, power-hungry, cynical, hypocritical or self-absorbed a leader, a movement, a political party or a government may be, innovations are necessarily the embodiment of some core beliefs about how the public sector should be run.

As most of us live in countries that are described as liberal democracies—however elastically defined—our institutions are in some fashion designed according to liberal principles. This is not, of course, to say that they are all recognizably fruits from a common tree. Liberalism is one of the more elusive terms in the political lexicon. As a philosophy or ideology, like the American poet Walt Whitman, liberalism regularly contradicts itself: it is large, it contains multitudes. Nonetheless, in order to understand what public sector innovation *is*, how it is used, explained, justified and evaluated, it is essential to understand how it relates to the political theory of liberalism.

Something that seems normal today began with a choice that made sense at a particular time in the past, and survived despite the eclipse of the justification for that choice. – J. McWhorter, 2011
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This essay is divided into four sections. Firstly, I make some sweeping but, I think, not wholly inaccurate statements about how people today think of time and change. Then, I apply those notions to our understanding of recent history and current events. I go on to give examples of how we frame our discussion of political ideas, and conclude these remarks with some thoughts about “liberalism” in contemporary society.

With this in mind, I address the thought of John Rawls (1921-2002), a prominent and arguably the most important American political philosopher of the late twentieth century. I wish to consider the conundrum that he confronted during his last three decades from the publication of his masterwork, *A Theory of Justice* (1971), to his death in 2002. That conundrum—the tension between freedom and equality—continues to plague anyone interested in assessing the state of “liberalism” as a political philosophy, theory, or ideology today.

Time Lines

It is conventional among members of our species to believe in linear time and to try to understand the past in sequential, manageable segments. We sometimes call this “periodization.” So, for example, we divide geological time into discrete Eras (the Paleozoic, the Mesozoic, and

Cenozoic), with each of them further subdivided into numbers of smaller units. In disciplines from anthropology to zoology, there is not always a scientific consensus about such divisions.

So, we are now poised uncertainly at the alleged end of the Holocene epoch, and the putative beginning of the Anthropocene Era (Malhi, 2017). What separates the present from the past is said to be the unprecedented influence of our species upon the biosphere. The justification for identifying such a bold step is, perhaps, merely another measure of humanity's vanity. Even as we commit ecocide, we insist on making it "all about us" (Pyne, 2019). Whether this new label sticks or fades away as a passing fashion among people preoccupied with matters such as climate change, mass extinctions, and plastic pollution is uncertain; but, its sudden popularity (Crutzen, 2002) does hint at how capricious chronology can be. Such terms are "socially constructed"; nature itself may be far more complex, convoluted, and just plain messy.

Even more whimsical, however, is the way we divide up the "ages" of human civilization. For example, we often speak of the "stone age," the "bronze age," the "iron age," the "atomic age" and now the "information age." Then, when we put our habits of thought instead of our technologies in the forefront, other arrangements are proposed. Will Durant's eleven-volume *Story of Civilization* (1935-1975) provides one notable example of the type. As a high school student in the 1950s, however, I was more attracted to the cheap Mentor Books' paperback series on the "great philosophers," who were duly allocated to categories such as the *Age of Belief* (1954) from Augustine to Averroes, the *Age of Reason* (1956) from Bacon to Leibniz, the *Age of Ideology* (1956) from Kant to Nietzsche, and the then-contemporary *Age of Analysis* (1955) from Pierce to Sartre." None of these designations have, of course, an uncontested meaning. No one can say for sure what their ultimate legacies might be. They are made for convenience alone, and their makers are notoriously fickle.

Those who believe the strength of our institutions will win the day miss the slow but steady effort to undermine the social fabric that makes them possible—by habituating us to cruelty, by treating facts as fictions, and by suspending the idea that we each, regardless of our national affiliation, are worthy of respect.

Melvin Rogers, 2019

Still less reliable is our custom of conjuring distinct historical periods out of centuries or even decades. So, we tell ourselves that the 1920s roared, the 1930s were dirty and depressed, the 1960s endured sex, drugs, and rock-and-roll, and so on. (Don't get me started on the current generational fetishes featuring fictive distinctions among "boomers," "millennials," gen-Xers, Gen-Yers, Gen-Zers, and anyone born since last Thursday. These are labels slapped on people according to the rebranding methods of their cell phones and software. As Edgar Allan Poe put it: "only this and nothing more.")

Perhaps the worst of all, however, are the efforts made to take philosophical, literary or ideological terms and try to disclose their lineage in terms of the "history of ideas." This paper addresses "liberalism" as a political idea, but even getting "liberals" to agree on a definition or a heritage is difficult. It gets worse when we cross boundaries of space and time. By some lights, men such as John Milton (1608-1674) and John Locke (1632-1704) can be held integral to the

liberal tradition, and identified as among its founders. Yet, imagining them agreeing with, or even comprehending, the values of self-described “liberals” today beggars belief.

Even today, a quick inventory of former US president Barack Obama’s opinions on such issues as universal single-payer health insurance and capital punishment as well as certain admittedly evolving beliefs about gender-based minority rights would put him comfortably in the right wing of the contemporary Conservative Party of Canada. It’s complicated.

All of this portends trouble when we then introduce dynamics and speak of the evolution and development of human beliefs, behaviours, institutions, technologies, philosophies and ideologies. It taxes the mind to understand exactly how “liberals,” “conservatives,” “socialists,” “abstract expressionists,” “virtue ethicists,” dress designers, jazz musicians, and “smart phone” inventors can be understood in their various lineages. If pressed to think too closely about such matters, we are well advised to foreswear the “great chain of being” and admit that connections are flimsy at best, spurious at worst, and sometimes dangerous. If, for example, we imagine that a pedigree also entails a preordained step in the direction of a teleological future, we commit the fallacy of “historicism. Hegelians, Marxists, and even liberals have fallen victim to myths of ineluctable progress that lead us to be suspicious of deviants, revisionists, and heretics.

It is nonetheless tempting to think that we belong to a tradition with a venerable past and a triumphal future. We like to think that we are fated to impose order upon chaos and to impute the will of a grand design (intelligent or otherwise) upon our development. We insist that there is a “big picture,” where there may, in fact, be only contingency and eccentricity. Admitting unpredictability, quirkiness, randomness, and pure dumb luck to the sequence of events is not reassuring. It can undermine nothing less than our belief in the meaning of life; on the other hand, it allows for greater human agency and imposes human responsibility (qualities that might be attractive to some “liberals”).

Understanding the perils of such exercises in making grand historical narratives, but unable to push back effectively against our impulse for coherent story-telling, I shall try to parse the meaning of events in merely *living* memory and to categorize them logically (what caused what), linguistically (what did we call it), and chronologically (when did it all take place). This exercise, of course, is largely idiosyncratic—it is, after all, my subjective story—but it might seem familiar with at least a few of you.

<p>I should like to begin in the first person singular, shamelessly revealing my own concerns. Perhaps this will help others to do the same. A conspicuous example of egocentricity may induce others to realize not only that it is all right to begin with one’s very self—that it is possible to get away with it—but also that one can thereby be led to concerns that are anything but selfish. — Henry S. Kariel, 1968, p. 1</p>
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Expressing this story should serve at least one purpose. By starting in the first person singular and describing my own perspective, I hope to encourage others not only to do the same, but to grasp how completely each of us possesses a singular version of events. Our necessarily subjective accounts, when adequately stated, probed, prodded, and tested against the accounts of

others will at least make it clear that our ideas about the strengths and weaknesses of public policy come from somewhere, and that place has a deeply autobiographical source for each of us.

Terms such as liberalism summarize a compendium of beliefs, attitudes, assumptions, and approaches that can not only be used to track personal histories, but also to reveal at least partly hidden prejudices. So, when we are faced with public policy choices, we can better appreciate how our decisions are already partly made by the personal intellectual histories that we bring and which we cannot, without reflection and concentration, deeply question.

Public policy innovation, in short, is the conscious application of unconscious or, at best, partly conscious principles and preferred practices that exist outside our “selves” in the collective culture and that have within them evidence of commonalities and contradictions of which we may be only vaguely aware. For public policy innovation to be rational, coherent and to have much chance of success, it is wise to detect and discern its connection to external patterns that connect it to contexts already established.

So, when I try to summarize the world as I have known it, I typically turn my attention to what pass for my professional interests and concentrate on matters of politics and governance (mainly in North America and Europe) from the end of World War II to the imminent conclusion of the melodrama of the impeachment of the current American president. Of necessity, I do so mainly through the conventional conceptual lenses of the related fields of political science, political sociology, political philosophy, and political economy—the only intellectual domains in which I can claim even a fragile, imperfect, superficial acquaintance.

Every gun that is made, every warship launched, every rocket fired signifies, in the final sense, a theft from those who hunger and are not fed, those who are cold and are not clothed. This world in arms is not spending money alone. It is spending the sweat of its laborers, the genius of its scientists, the hopes of its children.

– Dwight D. Eisenhower, 1953

When I thus exercise my imagination, I am able to picture three sequential parts that help me to simplify a complex, multidimensional narrative to the point where, although obviously doing great violence to anything akin to “truth,” I am nonetheless able to speak about events in more-or-less coherent and digestible pieces. Having dissected the past three-quarters of a century, I can correlate those pieces with an imagined evolutionary conversation about what is called “liberalism.” And—hey, presto!—a pattern appears. It is no doubt distilled from fragments and false memories; still, it is a pattern of sorts and it can, should I summon up the courage, be one that I can test against the similarly partial recollections of others. Here, then, is one version of the past as I have chosen to see it. It provides the frame within which particular pictures can be painted. It can then be compared to alternative, complementary, and conflicting frames. Establishing the similarities and differences among them is a primary step toward innovation theorizing, planning, and implementing. Without taking this obvious, but rarely undertaken process of context clarification, obstacles, compromises of convenience (which rarely resolve underlying inconsistencies), and eventual disruptions are inevitable.

Foremost in such considerations is the fact that most of us, at least in North America, inhabit a world that is bound up in the rhetoric and reality of liberalism—broadly and often inconsistently understood.

The Liberal Ascendancy (1945-1970)

If we set aside the unpleasantness of the Cold War with its insanities of instructing elementary school students to hide under their desks in the event of a nuclear attack, the anti-communist hysteria that led to American “McCarthyism” with its repression of dissent, the edgier parts of the Civil Rights and the Anti-War movements, the youthful excesses of the “counter-culture” in the late 1960s, the illusion that the American Empire was destined to prevail, that the remnants of European colonialism would seek to emulate Western values, and so on, it is actually possible to look at the period from 1945 to 1970 with some modest satisfaction.

The Bretton Woods conference in 1944 (Markwell, 2006) hosted delegations from forty-four Allied nations who met to discuss the prospects for international monetary order and free trade and to make recommendations for the regulation of international fiscal and financial policy, once the peace treaties were signed in 1945. Over the next decades, the international economy gained some stability. Domestically, the major liberal democracies undertook reforms that encouraged guarded cooperation among government, business, and labour. A “grand bargain” of collaboration or, at least, contained conflict among major contesting sectors promoted improvements in productivity, prosperity, and economic equity. Public sector innovation was carried on in remarkably robust ways. They were undertaken in a context in which liberalism meant the possibility of government playing a positive role in guiding a capitalist economy toward the dual goals of increasing affluence and of ensuring that increasing riches were shared more or less equitably among business and labour. Adequate taxation to permit public investment was regarded as legitimate and a mixed public-private economy was embraced as the public sector assumed responsibility for providing basic services and undertaking massive projects such as transportation, communication, energy production and distribution, education, health care, and social assistance. Of course, the enthusiasm for government intervention varied from country to country; however, even those most committed to what Thurman Arnold (1937) had puckishly called the “folklore of capitalism,” the idea of an expanded public sector was grudgingly deemed a necessity for a healthy economy in the new modern era.

<p>Liberals have spent most of the last quarter-century down in the dumps, and we seem to like it there. – Crawford Gillian, 2005</p>

Social welfare programs adequate to permit a decent quality of life for most citizens had the related benefit of providing a reliable and mostly compliant workforce. Commercial slogans told us that technology and social progress went nicely together. We could “live better electrically” and achieve “better living through chemistry.” People talked of the liberating potential of computers, robots, and labour-saving devices (not imagining that the time saved would produce chronic unemployment and precarity as much as emancipation from drudgery). We smiled confidently and ignored dystopian novels that cast light on the darker side of the future (Vonnegut, 1952). We didn’t worry much that “smart technology” would outsmart us.

Meanwhile, much to the dismay of Marxian critics, the middling and working classes of advanced capitalist societies were, from the perspective of aspirant revolutionaries, bought off with the *bread* of welfare “entitlements” and the *circuses* of “popular entertainment” (Marcuse, 1964; Horkheimer & Adorno, 2002).

It’s true that some home-grown “beatniks” and “hippies,” as well as a few transplanted “existentialists” and “Zen Buddhists” may have complained about alienation and the meaninglessness of middle-class life as both dream and reality. Most people, however, enjoyed the security and optimism that starkly contrasted with the tribulations of the “great depression” and the horrors of totalitarianism that culminated in the Second World War—itsself the greatest indulgence in bloodshed that our species had yet unleashed upon itself.

Retreat into commercialism, materialism, and the comforts of private life may not have met the ambitions and expectations of bloody-minded revolutionaries, but a steady job, a liveable wage, paid vacations, publically and privately sponsored health insurance, expanding educational opportunities, a reasonably up-to-date automobile, and access to tranquilizing nightly entertainment on black-and-white television sets seemed sufficient gratification for most folk in a generation that had witnessed unrelenting unemployment and Adolf Hitler.

Complacency was not too great a price to pay for humble creature comforts, belief in measured social progress, technological improvements, and a political system that permitted most people to vote but, importantly, also allowed people to remain apathetic and thus implicitly to demonstrate their overall satisfaction with the enjoyment of democratic rights without the demand for overt displays of democratic citizenship. The liberal welfare state had arrived, and there was much to be content, if not entirely smug about.

As the liberal project evolved, it had to reckon with a new force not present in the seventeenth or eighteenth centuries—great corporations and private economic power that translated into political power. – Robert Kuttner, 2019
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Just a little past the optimally opportune moment, John Rawls’ *A Theory of Justice* gave philosophical heft to American liberalism as envisioned in President Lyndon Johnson’s prosecution of the mid-1960s “war on poverty” and the dream of building the “great society.” Both were inspired in large measure by the stark revelation by Michael Harrington (1962) that, despite visible improvements in middle- and working-class circumstance, some 25% of the American people lived, hidden from view, in economic hardship. Both commitments to social improvement were extinguished, like Johnson’s presidency, in the rice paddies of Vietnam. Rawls’s book, however, did not come too late to dominate the discussion of liberalism as it transitioned from being the dominant ideology to a set of political assumptions in retreat.

Liberalism on the Rocks (1970-1980)

The period from 1970 to 1980 was one of disorder and dismay. To maintain the pretext of coherence, I choose to identify the dissemination of the (in)famous “Powell Memorandum” (Powell, 1971) and President Jimmy Carter’s “malaise speech” (Carter, 1979) as the symbolic

“book-ends” of the shift away from successful “liberalism” and toward the reversal of fortune that we call the rise and triumph of “neoliberalism” or “conservatism,” as some Americans peculiarly prefer to call it.

The humiliation of the defeat in Vietnam, the embarrassment of being held hostage (figurative and then literally) to Iranian oil and the OPEC nations, the resentment among unreconstructed racists over desegregation and the rise of “black power,” the feeling that taxpayers’ dollars were being unjustifiably redistributed to the undeserving poor, the male hysteria in the face of “women’s lib,” and the evangelical anger that immorality was being sanctioned (particularly in the wake of *Roe v. Wade*, the US Supreme Court decision permitting abortions) while criminals were being coddled (e.g., the *Miranda* ruling that allowed accused criminals to escape punishment because of such “technicalities” as being denied access to legal counsel upon arrest), combined with high rates of inflation and unemployment to create a “crisis” that caused people to despair and to lash out at the false and failed promises of “liberalism.”

Rooted in the Goldwater insurgency in 1964 (with Hillary Clinton as an early onset “Goldwater Girl”) and finding vindication in the “Reagan Revolution” in 1980, the attack on liberalism in theory and practice grew quickly and eventually found success. Youthful enthusiasms no longer involved following Mick Jagger (fighting) and Aretha Franklin (dancing) in the streets, but retreated to the flashing lights of the discos and the mind-numbing rhythms of the Bee Gees. In time, the 1987 Hollywood film *Wall Street*’s lead character, Gordon Gecko, would declare that “greed is good,” and the legacy of Franklin Delano Roosevelt was pretty much buried. The public sector lost credibility and legitimacy. Innovation was redefined as retreat.

The Neoliberal Ascendancy: 1980-2020

Once President Reagan (ably assisted by British Prime Minister Margaret Thatcher) took over, the USA was declared open for business again. Whether governed by Republicans (Reagan, the Bush family, and the current president) or by Democrats (Bill Clinton and Barack Obama), the country changed rhetorically and ideologically as well as politically and economically. Who can forget Reagan’s 1984 campaign slogan “It’s morning again in America”? Who can dismiss his joke that the most terrifying nine words in the English language were: “I’m from the government and I’m here to help.”

Each person participating in a practice, or affected by it, has an equal right to the most extensive liberty compatible with a like liberty for all. — John Rawls, 1958

“Liberalism”—not merely as a label for purportedly failed “progressive” social and economic policies, but also as a focus of attack by people distressed by feminists, civil rights supporters and their appetite for “affirmative action” initiatives and talk of “restorative justice” and “reparations” for slavery and the cultural genocide of indigenous communities, as well as their uncommon fondness for immigrants, welfare recipients, advocates for relaxed regulation of illicit drugs and increased regulation of firearms—became a term of opprobrium.

The “culture wars” were begun and fought with zeal (Hunter, 1991; Shor, 1992), while President Clinton (intentionally?) bungled the effort to provide Americans with long-promised universal, public health insurance, successfully transformed reformist “welfare” into reactionary “workfare,” and established a school-to-prison pipeline that massively increased the number of Americans (and disproportionately African-Americans) in jails and penitentiaries, a program that Joe Biden—at or near the centres of power throughout—has trouble renouncing even today.

Progressive public policy shrivelled as funds were withdrawn from social assistance as well as cultural and civilian infrastructural investment. In fact, major public sector growth seemed limited to law enforcement, increasingly privatized correctional institutions, and the growing amount of the military deployment contracted out to mercenaries, notably to the firm Blackwater (later rebranded as Xe Services and now known as Academi) which was founded by Erik Prince, the billionaire younger brother of President Trump’s Secretary of Education, billionaire Betsy DeVos.

Labour laws were blatantly re-written to crush trade unions and solidify the powers of employers. Health care and education endured rigorous fiscal constraints, and policy changes were made that limited access to public services. Increased corporate access to public lands and deep sea resources was granted, while even modest environmental protection legislation and programs were curtailed. Austerity for the people and huge tax breaks for the dominant classes were introduced and continue today. And, thanks to income tax reductions for the wealthiest Americans and the most profitable corporations, the national debt did not appreciably shrink, but that’s another story. Throughout, innovation took the form of the reorganization of the public sector.

<p>It is only in the last few decades that democracy has been overwhelmed by a rampant and resurgent capitalism. – Robert Kuttner, 2019</p>

Within the government itself, corporate business practices were imposed under the slogan, “new public management.” Whatever parts of the public sector could not be privatized or rolled into “private-public partnerships,” which cleverly privatized profits, while socializing losses, were subjected to restructuring and modernization. Affect management techniques created social and political fissures among public sector workers. Metrics and carefully calibrated outcomes provided performance measures to reinforce hierarchies. Technologically mediated communications ensured a depersonalized workplace and waves of external consultants were deployed to recommend a reinvented workforce with emphasis on precarity and resulting uncertainty, to say nothing of missing benefit packages and the possibility of building a sense of professional pride and responsibility.

And, of course, the whole society witnessed the greatest transfer of liquid wealth and capital assets from the working and middling classes to the already obscenely rich. While ordinary people’s income effectively flat-lined, capital accumulation and (the “great recession” notwithstanding) incomes in the largest financial, commercial, manufacturing, resource extraction and, more recently, information industries boomed (Domhoff, 2019; Inequality.org, 2019).

The post-World War II liberal consensus (Hartz, 1955; Hofstadter, 1965) and the norms of representative democracy itself are now widely described by writers of diverse political views (Dionne, Ornstein & Mann (2017); Frum (2018); Galston, (2018); Levitsky & Ziblatt, (2018); Piketty, (2019); Toplišek, (2019) as being “in crisis” if not actually shattered. In its place, there has emerged an atmosphere of harsh, revanchist social Darwinism, replete with racist, misogynist, homophobic, xenophobic, Islamophobic, nationalist themes that have been carefully blended with “supply-side economics,” laced with Christian “fundamentalism,” and mixed with “neo-isolationism” to generate a seemingly indefatigable “base” of support for the current American president.

Obsequiously and embarrassingly deferential to enormous private sector corporations while rhetorically opposed to “globalization” and gripped with a deep resentment of “elites” (which seem to include coastal artists and intellectuals, white-collar professionals, public sector workers, and anyone who could be defined as living well off “taxpayers’ money,” having “soft” jobs, and displaying condescension toward hard-working, patriotic Americans), people now called “populists” are in thrall to bombastic demagogues whose main rhetorical skills involve shameless self-promotion, relentless lies, and the art of ugly insult.

Our ideal of ultimate improvement went far beyond Democracy, and would class us decidedly under the general designation of Socialists. — John Stuart Mill, 1873

Public intellectuals articulating the variously labeled “conservative” and/or “neoliberal” perspectives have occasionally appeared, chiefly repackaging the rhetoric of billionaire-sponsored organizations such as the “Tea Party” and the corral of commentators on “talk radio” and “Fox News.” Some successfully affect the manners of thoughtful patricians, while others present superficially plausible arguments in support of social hierarchies that are buttressed by carefully selected findings from evolutionary psychology and tough-minded anthropologists. More often, what pass for credible arguments come from self-promoters and second-rate scholars such as Jordan Peterson. They are joined by “experts” in the employ of well-endowed “think tanks” and “research facilities” from Grover Norquist’s widely known Cato Institute to the Koch-sponsored Americans for Prosperity Foundation. All of these have been empowered and energized by the US Supreme Court’s notorious ruling in *Citizens United*, which awarded constitutional rights of “free speech” to corporations and pitched the United States into a political free for all (who can afford it). Enormous sums of money can now be spent on political campaigns to buy elections using mass and social media outlets. Sufficiently well-endowed PACs can waste little to no effort developing and disseminating powerful images and slogans in support of various policies and preoccupations. Most of these, however, lack *gravitas*.

So, apart from the early free-market economists such as F. A. Hayek and Nobel Prize-winning libertarian Milton Friedman, sporadic magazine columns in the late William F. Buckley’s *National Review*, occasional best-selling authors from the much admired, but studiously unread Allan Bloom (1987) to the incendiary felon Dinesh D’Souza (2017), and the legacy of Leo Strauss (1899-1973) still preserved in the efforts of the “West Coast Straussians” with their epicentre in the Claremont Institute in San Bernardino County just east of Los Angeles, California, there simply has not been a substantial philosophical defence of the hegemonic,

neoliberal ideology over the past forty years. The same cannot be said of the loquacious if lately somewhat lugubrious liberal tradition in America.

John Rawls made a singular contribution to American thinking about the liberal tradition and was, himself, an excellent example of a man whose ideas noticeably evolved from the time that his masterpiece placed him at the centre of American political thought until his last years. In his later days, he seemed to experience a rather profound shift which, in some ways, echoed that of John Stuart Mill (1806-1873), his predecessor of a century before. Mill, of course, is the consummate liberal democrat. He is mainly remembered for his classic treatises, *On Liberty* (1859) and *Considerations on Representative Government* (1861); but, he must also be understood as the author of *Socialism* (1879), published posthumously by his widow and underappreciated collaborator, Harriet Taylor. Rawls may never achieve Mills' stature as a philosopher for the ages, but he does well enough as a sage in the digital age. It matters what he thought because anyone seriously engaged in public policy formulation and innovation must deal honestly and earnestly with the issues that he raised. To assess Rawls, however, we must first consider the thinkers of American liberalism at its apex. He, above all, set the framework within which practical political thought must contemplate social change.

What the Deep Thinkers Thought about Post-War Liberalism

In the decades following World War II, notable economists, drawing on the work of John Maynard Keynes (1936) and finding inspiration in the erudition of John Kenneth Galbraith (1952, 1958, 1967), guided informed thought about how to deal with increased demand for prosperity and growth by encouraging a mixed private-public economy. Well-connected literary and historical writers such as Arthur Schlesinger Jr. (1949) and Lionel Trilling (1950) generated a running commentary on the cultural and social advances of liberal democracy as well as donating some somewhat sycophantic biographical writings on Franklin Delano Roosevelt, Harry S. Truman, John F. Kennedy, and Robert F. Kennedy.

<p>Practical men, who believe themselves to be quite exempt from any intellectual influence, are usually the slaves of some defunct economist. Madmen in authority, who hear voices in the air, are distilling their frenzy from some academic scribbler of a few years back.</p> <p>– John Maynard Keynes, 1936, p. 241</p>
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At the same time, a new generation of empirical political scientists, notably of the “behavioural” (Eulau, 1963) and “systems” (Easton, 1965) persuasions, sought to discredit the passions of fanatics for extreme ideologies on the left and right. They substituted pragmatic, pluralist formulas for conflict resolution in place of faith in abstract ideals and utopian aspirations. They wanted elected representatives and appointed officials to understand politics as a free give-and-take among a plurality of legitimate groups whose interests would be expressed and distilled into manageable policy innovations in a civilized set of institutions that would ultimately resolve conflicts by holding regular elections in which political parties would engage in a free and fair electoral competition. Freed from ideological absolutism, disdainful of demagoguery, and respectful of all points of view that respected others, the liberal tradition was seen to be in good hands.

Meanwhile, philosophers of language in the analytical tradition, logical positivists, and knowledgeable, well-meaning technologists also found ways to promote rational thought and to improve people's lives without the intervention of metaphysics, never mind insurrectionist politics that would threaten the socio-economic foundation of liberal democracy. Experiments in cybernetics, rational decision making, and game theory pressed home the idea that Engels' ultimate hope (also echoed by Lenin) for a future in which "the government of persons would be replaced by the administration of things" might not be as impractical as it appeared. And, better still, it could be achieved in a technocratic society with a humane managerial class making decisions in what would indubitably be the public interest. The state, to be sure, would not "wither away," but its coercive powers might be placed under the control of good-hearted Weberian technocrats equipped with algorithms and artificial intelligence devices that would satisfy all to the maximum degree possible by stripping politics of the disagreeable, irrational, dysfunctional clashes among inherently adversarial, avaricious, and quite possibly amoral factions.

Rawls's work in the mid-twentieth century ushered in a paradigm shift in political philosophy. In his wake, philosophers began exploring what justice and equality meant in the context of modern capitalist welfare states. – Katrina Forrester (2019)

So, for example, in my old academic cubby-hole of political science, the Cold War, the nuclear arms race, the repression of national self-determination in the "third world," and other pathologies notwithstanding, champions of reason in politics intermittently announced the death of classical political philosophy and the domestication of what was prettily called "normative" political theory. Having seen what ideals disconnected from reality could do in the hands of visionaries, tyrants and madmen, they preferred a more disinterested, detached, dispassionate, objective, realistic, scientific approach to politics and governance in which "facts" were distinguished from "values," and "values" from "political behaviour" Though somewhat more adventuresome than rats in psychologists' Skinner Boxes, the rulers and the ruled could be observed, hypotheses could be tested, and reliable assessments of people's activities in comfortable democracies could be conducted.

It was, of course, in this academic context that "public administration" became a major sub-field of political science. It supplied the methods and models whereby the effective implementation of policy making organizations could be refined and the knowledge acquired could be applied to administrative development (Braibanti, 1969; Riggs, 1964) in emerging nations as well as to the public sector in countries already familiar with Weberian norms and bureaucratic techniques. Properly understood, there was little to be feared from the expansion in size, function and specialized skills of the professional civil service in the United States, Canada, Western Europe, and eventually throughout the world.

Whether urging the rejection of abstract, essentially contested revolutionary ideologies or promoting the abandonment of value-laden political terms such as "justice" as scientifically meaningless (they can't be described and analyzed in the "real world"), responsible thinkers urged the pursuit of pragmatic solutions to conflict. There was prudent concern about ideological adversaries in places such as the USSR and China (which seemed to many to be interchangeable opponents), but there was also confidence that political liberalism, economically supported by

managed capitalism, would triumph if for no other reason than that its truth was self-evident and that even those deluded into thinking otherwise would eventually come to their senses (albeit sometimes with a little necessary prodding).

In the communities they investigated, political scientists drew the conclusion that liberal democracies were defined and sustained by a system of pluralist politics in which there was certainly friction and sometimes serious quarrels; however, so resilient were political institutions that no faction was apt to be permanently defeated, no battle eternally lost, and all legitimate interests would respond to temporary losses by rising to fight another day. Active elites and complacent followers were satisfied that competitors were permitted to join or support political parties that aggregated those competing interests and participated in a competitive struggle for the people's vote (Schumpeter, 1942; Mackie, 2009). Out of such arrangements, it was firmly believed, opposing values would be tested, and the general good of the polity would be guaranteed. It was liberal democracy at its messiest, but also most messianic; it was representative democracy at its finest. According to political sociologist Seymour Martin Lipset, it was "the good society in operation" (1960: 403).

What Deep Thinkers Declined to Think and What John Rawls Added

Turning toward rational, technological, instrumental solutions to public problems, the new philosophers, theorists, and empirical students of politics backed away from traditional modes of political thought. They dismissed the "great conversation" that encouraged the contemplation of thinkers from Plato and Aristotle, through Augustine and Aquinas, to modernists from Machiavelli through Hobbes, Locke and Rousseau, to Kant and Hegel, Marx and Mill. They disdained moralistic judgements, excessive partisanship, and talk of abstract, non-negotiable truths, and absolute, transcendental values. They were especially impatient with insurrectionist language that might destabilize what were understood to be self-correcting political systems with the capacity to ensure social stability and enough equity to satisfy all but the most abnormal demands on the "system."

<p>A few decades earlier, Rawls had thought that welfare-state capitalism could approximate his ideal of a just society. After the damage wrought by the Reagan Revolution, he concluded that it could not.</p> <p style="text-align: right;">– Ed Quish, 2018</p>
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The grand tradition of political philosophy, they intoned, was dead. New ways to conceptualize and investigate political life were needed and, for the most part, these new methods were thought to be satisfactorily in place. Measurable variables, whether to be found in public opinion surveys, authoritative government statistics, or individual participant studies could supply the data needed for advanced statistical methods and techniques. Aggregate data and personal interviews alike could be interpreted using methodologies such as multivariate factor analysis.

From such projects, political realities based on observation and application of empirically operationalized concepts could tell us much more about political *reality* than the unproven assumptions and unsupported speculation of word spinners who could not even agree on the

meaning of the terms they employed in their idle chatter (Weldon, 1953). Whether reflecting pessimistically on the alleged irrelevance of the western canon from Plato on down, or speaking optimistically about the potential of the scientific study of politics to describe, analyze, explain, and assess political behaviour with no need to muse about the good society (real or imagined), a barely concealed contempt became a common feature of academic and professional discussion.

One of the few candidates for the status of an exception to this rule was John Rawls. The initial impulse for his life's work originated in the relatively conventional Episcopalian Church (Rawls, 2009). It was intensified in personal tragedy (two younger brothers contracted diphtheria and pneumonia from him and respectively perished (Pogge, 2007). It deepened when he experienced an encounter with "the reality of sin, faith, and the divine presence" (Benhabib, 2019) while a student at Princeton in the early 1940s. He was further challenged by his hideous experiences as an infantryman in World War II, his exposure to the devastation of Hiroshima, and finally his demotion to the lowest rank of private for refusing an order to punish—unjustly, he thought—a fellow soldier (King, 2014).

Loneliness, once a borderline experience, has become an everyday experience of the ever growing masses in our century. Once a population is lonely, totalitarian governments will find it far easier to govern, for lonely people find it hard to join together.
– Hannah Arendt, 1953

The cumulative result was his abandonment of his religious faith, but not of his passion for moral clarity. His inquiries broadened out into a more expansive humanist tradition and he spent his academic career in the quest for a secular, rational basis for durable moral precepts, methods, and judgements. His supporters and critics alike participated in this journey for half a century. The essence of Rawls' primal idea of justice can be stated succinctly.

According to Rawls, in the good society:

- everyone should have an equal right to the greatest freedom compatible with allowing the same freedom for others; and
- socio-economic inequalities are to be arranged so that (a) they offer maximum benefit to the least advantaged and (b) they provide equality of opportunity for everyone to rise to the top.

The formula is deceptively simple. It also fits wholly within the liberal tradition. It focuses on individuals, not classes (either an aristocracy with privileges to be defended or a proletariat with revolutionary aspirations to overthrow their exploiters). It deals with "process" rather than "substance." It is more concerned that a law be passed within the rules of proper parliamentary procedure and constitutional restraint or that trials be conducted observing proper rules of evidence and cross-examination than that particular legislation be "good" for the polity or that a jury verdict wrongly absolve a "guilty" person. As long as decorum was maintained, justice would take care of itself. The improvement of each particular individual was better assured by the free pursuit of individual happiness within competitive rules that were commonly understood than by being submerged in a collective identity.

A Theory of Justice, however, was far from just an updated parliament guide to rules of procedure which sought to take into account egalitarian ideas about the allocation of values and the distribution of goods in the context of capitalist welfare states. Working within the emerging framework of postwar social democracy, writes Katrina Forrester (2019), generations of political philosophers have “elaborated a body of abstract moral principles that provide the philosophical backbone of modern liberalism.” These ideas,” she went on, “are designed to help us see what justice and equality demand—of our society, of our institutions, and of ourselves.”

According to Forrester, “Rawls’s philosophical project was a major success.” He laid the foundations for “a robust consensus about the fundamental rules of the game” and presented a view of “the governing concepts and aims of political philosophy [that] have, for generations, been more or less taken for granted.”

Rawls represents the best of the liberal tradition, and his theory of justice offers a rigorous defense of liberalism’s most humane hope: a democratic welfare state that preserves capitalism while also keeping it in check. – Ed Quish, 2018
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Except, of course, that they haven’t or, at least, are no longer today. The advent of neoliberalism in theory and practice may not have been accompanied by articulate supporters in the early years of neoliberal hegemony. It may not have been sustained by powerful arguments against the postwar liberal consensus. Even in light of the implosion of the USSR in 1989 and liberal capitalism’s moment of unalloyed triumphalism in the years between the “collapse of communism” and the arrival of a new global adversary in the wake of the destruction of the World Trade Center and other sites of terror on September 11, 2001, there was an acute absence of serious philosophical or even theoretical work in the political movement that undermined, damaged, and ultimately usurped the comfortable liberal compromise, grievously damaged the material accomplishments of postwar liberalism, and delegitimized the ideological and practical values of postwar, liberal America. Not only has the postwar consensus fallen apart in practice, but its destroyers have displayed no great interest in elaborating a philosophical edifice to explain, celebrate, and justify their alternative to liberal democracy.

Rawls had hoped that his elegant theory of justice could, with appropriate extensions to deal with all manner of practical problems and contingencies, be applied to matters of global ecology, issues of intergenerational justice, questions of what are now known as “identity politics,” and his chief initial concern, “distributive justice” that addressed questions of who gets what, when, where, how (Lasswell, 1936) ... and maybe why. Access to wealth, income, opportunity, self-respect, community support as well as an explication of what we owe others seemed primed to flow logically and consistently from his initial premises. Instead, in Forrester’s judgement, Rawls’ work has become a “ghost story,” the “last gasp of a dying ideology” (Forrester, 2019).

The explanation is not that any gifted theorists have invalidated Rawls’ arguments. Rather, in the fifty years since the publication of *A Theory of Justice*, the material conditions and the political organization of liberal democracies have changed. Leaving aside both the overarching issues of environmental degradation, the almost unfathomable matters of technological transformation of the economy and social relations, and the patterns of international

tension among the various waxing and waning political and economic powers, the most immediately distressing and directly visible issues concern the growing gap between the tiniest fraction of the population and the vast majority in terms of income, wealth, and consequent political control.

In addition to measurable wealth and indebtedness, access to political power has declined precipitously, social media have profoundly altered and undermined civil discourse, and an array of gender and racial stresses have led to internal divisiveness such that social divisions and mutual resentments increasingly define the polity. Furthermore, in the wake of the decline of liberalism, alienation especially in the form of enormous increases in reported (and pharmaceutically treated) mental diseases and disorders have become epidemic. Reciprocity, let alone kindness, are plainly not esteemed values or virtues among the ruling classes and therefore unlikely to be encouraged in the current political culture.

Rawls' methods have recently been criticized as being obsolete. He had sought to provide helpful advice and counsel to well-intentioned people eager to smooth out the wrinkles in welfare liberalism, to increase the incremental reforms that had convinced President Johnson that the United States was on the cusp of becoming the "great society" by finally addressing the last intransigent forms of poverty still on display in the "other America" (Harrington, 1962) and to show that the dispossessed in society were fully capable of being rescued and rehabilitated by the sprawling welfare state. Today, however, technocratic liberalism, the affection for universal social programs, and the legitimacy of government cures for capitalist excesses seem to be coming to an end, or worse.

Liberal democracy may indeed be under siege: but if we are to constrain the tyranny of dictators on one flank and the rule of overweening global corporations on the other, democracy is all we have. – Robert Kuttner, 2019

Especially in the past decade and with ostensibly increasing ferocity, the rise to prominence and, in some cases, almost uncontested power by such national leaders such as Donald J. Trump in the United States, Boris Johnson in the United Kingdom, Victor Orbán in Hungary, and Vladimir Putin in Russia, along with lesser figures such as Sebastian Kurz in Austria, Jussi Halla-aho in Finland, Marine LePen in France, Jörg Meuthen in Germany, Matteo Salvini in Italy, Jaroslaw Kaczyński in Poland, Janez Jansa in Slovenia, Santiago Abascal in Spain, and Recep Tayyip Erdoğan in Turkey have combined to mock and mendaciously cut away at what is left of the optimism, equity, and increasing prosperity of the liberal era.

Not all the aforementioned politicians are (or even have a good chance of becoming) heads of government in the immediate future, but all have substantial support among a variety of conservatives, nationalists, populists, religious extremists, and neo-Nazis. All are located in at least nominally democratic countries. They ought not to be underestimated.

Beyond Europe, there are also heads of government such as (currently indicted) Benjamin Netanyahu in Israel, Narendra Modi in India, Jair Bolsonaro in Brazil, and Rodrigo Duterte in the Philippines who have further upset and unsettled advocates of liberal democracy. Each represents a political party or movement with unique qualities in countries with markedly different histories,

cultures and political institutions. They share, however, a tendency toward nationalism, authoritarianism, and apparent indifference, if not hostility, to many of the norms associated with liberal democracies.

Whether in attacks on the free press, independent judiciaries, the legitimacy of opposition, or the promotion of intolerant nationalism, the denigration of opposition parties and opinions, or a cult of personality involving the leader himself, such governments have been labelled “illiberal” democracies. As such, they pose a threat to the main traditions of western democratic practices as they have evolved since the early European Enlightenment, grown during the era of democratic reform, industrialization and the emergence of the (post)modern information society.

Taken seriously, Rawls’s principles would require a radical transformation: no hedge funds unless allowing them to operate will benefit the homeless? No Silicon Valley IPOs unless they make life better for farmworkers in the Central Valley? A just society would be very different from anything the United States has ever been.

Jedediah Britton-Purdy, 2019

The shadow that they cast makes it easier to imagine that the tide of expanding democratic values may be turning and that liberal democratic commitments are not being helped by, for instance, the ease with which countries such as Canada and the United States are willing to enable or to participate in coups-d’états or attempted coups such as those that have been undertaken in Bolivia and Venezuela—nations with a plausible claim on democratic practices which pose no threat to their neighbours, but which have annoyed the USA and others because of their domestic economic and social policies.

So, what are Anglo-American and other liberal democracies to think, say, and do while world politics are merely precarious and not yet wholly shaken? What, in particular, are liberal democratic thinkers in the tradition of John Rawls to make of current events? And, crucially, despite the seemingly partial eclipse of liberalism, is there reason to believe that the light has not been extinguished, but that the flame may be ignited again?

The Primacy of Property in the Social Contract

First, let us examine Rawls’ principal theory itself. It was crafted as a defence of “property-owning democracy.” Like the founders of the American republic before him, Rawls took private ownership of property very seriously. He did not exclude public ownership, co-ops, or worker-owned enterprises, but he appeared to give private ownership preferential treatment. While it is true that he did not subscribe to the view of American founding father and first Chief Justice of the US Supreme Court, John Jay, who argued that “the people who own the country ought to govern it” (Hofstadter, 1948, 15-16), Rawls did see property rights as a crucial subset of negotiated rights among people who shared a “stake” in society, its conditions, and its decision-making processes. He was an individualist, who regarded personal rights to ownership of the fruits of one’s labour to be an essential human good. He displayed no categorical antagonism or antipathy toward capitalism *per se* and initially praised its benefits (he was initially admired by

libertarian F. A. Hayek, though there is little evidence that the admiration was mutual). He was, however, alert to its excesses and understood that it should be kept in check.

In *A Theory of Justice*, Rawls tried to distinguish among five economic systems from *laissez-faire* capitalism through welfare capitalism to liberal socialism and state socialism, with “property-owning democracy” in an ambiguous relationship to the middle two. The term is not always adequately explained. It shares its aims of economic equity with liberal socialism, but it allows more private ownership; it shares methods with welfare capitalism, but is more committed to “justice as fairness.” Resisting the temptation to place it in the middle position of three on a Likert scale of five between Milton Friedman and Joseph Stalin, it is enough to say that Rawls’ attempts to salvage the political freedom that, until recently, has been commonly associated with free enterprise and market economies, while providing a well-ordered approach to economic equity. (Those interested in pursuing the matter will find great help in an excellent collection of essays, *Property-Owning Democracy: Rawls and Beyond*, edited by O’Neill and Williamson (2012).

Political philosophers now must either work within Rawls’ theory, or explain why not. – Robert Nozick, 1974: 183.
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For current purposes, however, it is sufficient to start with the principle notion of formal equality. Rawls famously invited us to participate in a “thought experiment.” He asked us to imagine a state (neither necessarily nor completely different from the state of nature proposed by social contractarians such as Hobbes, Locke, and Rousseau) in which free and equal persons jointly agree to decide upon principles of social and political justice and to commit themselves to living according to them. Rather than being a place of aggression and violence in desperate need of a supreme authority to whom people would willingly surrender their natural liberties in exchange for security (Hobbes), a place of innocence where free people had yet to be corrupted by civilization people (Rousseau), or a condition part-way between in which individuals, through their labour, are able to acquire property and benefit from laws for its protection passed by a government that ruled with their consent (Locke), Rawls started by positing a group of rational people whose decisions are limited by a “veil of ignorance.”

From this “original position” in which the parties are denied information about their own sex, race, social status, economic class, personal assets and abilities, or any other individual trait, Rawls asks what moral rules would forcibly disinterested observers make, knowing that they would later be bound by them (Hinton, 2015). As Rawls (*A Theory of Justice*, p. 208) explains, assuming people are equal and “all are similarly situated and not one is able to design principles to favor his particular condition, the principles of justice are the result of a fair agreement or bargain.” The resulting principles, then, would necessarily be designed to provide the greatest possible fairness, but not necessarily the greatest possible happiness, as might befit a utilitarian mentality which Rawls most emphatically found disagreeable.

Like Jürgen Habermas (1981; 1990) and his creation of the “ideal speech situation” as a form of discourse ethics and an idealized template for people, acting in good faith, to resolve conflicts through rational discussion devoid of unequal access to information, unequal oratorical skills, or asymmetrical power relationships, Rawls was offering a counterfactual neo-Kantian

idealization capable of producing a standard according to which we can judge the fairness or unfairness of our own situation and take what measures we choose to improve it. Much like Kant's "categorical imperative," it was not a "realistic" solution as much as a method of thinking about practical questions in a way that could optimize outcomes for all.

Rawls' approach evolved naturally from his early theological fixation on the roots of evil to his attempt to devise a secular justification for distributive justice in a manner consistent with "game theory" (Gališanka, 2017). Not necessarily out of compassion, generosity, or a belief in the virtue of reciprocity, but simply out of rational self-interest, Rawls believed that rational choice would maximize an ethic of fairness (Gališanka, 2019). Why promote misogyny if one were later to discover that one was a woman? Why promote racism if one were later to discover that one was a member of a despised minority? Why tolerate poverty or slavery if one were to discover that one was a wage-slave or chattel property?

Those who believe the strength of our institutions will win the day miss the slow but steady effort to undermine the social fabric that makes them possible—by habituating us to cruelty, by treating facts as fictions, and by suspending the idea that we each, regardless of our national affiliation, are worthy of respect.

– Melvin Rogers, 2019

Rawls, of course, did not limit his inventory of important rights to property (or, as Jefferson skillfully put it in the American *Declaration of Independence*, "the pursuit of happiness"). He was also a stout defender of the entire catalogue of rights and freedoms that eventually showed up in various bills, charters, declarations, and other primarily aspirational expressions of faith from the French Revolution's *Declaration of the Rights of Man and of the Citizen* in 1789 to the United Nations' *Universal Declaration of Human Rights* in 1948. So, he advocated freedoms of speech, assembly, association, religion, and the like. Still, by giving first place to his defence of "basic liberties" and second to his concern for "social and economic inequalities," it seems clear that Rawls understood the social contract to be based mainly on individual rights, with the common good as an ancillary feature—important, but derivative. Modified capitalism, not socialism, was his apparent preference.

The problem with Rawls' approach from the beginning is not that he wanted to establish a formal method for making judgements about the morality of economic and political arrangements. Moral philosophers at least since Kant have dabbled in "categorical imperatives," ethical principles, and moral standards that are universal, procedural, disinterested, objective, rational, and unconditional. They need not rely on the investigation of particular cases or take into account motives, calculations of consequences, or the complications of "virtue ethics"; rather, they mean to establish the criteria upon which specific, substantive cases may be judged.

What Rawls (2001) only later seemed to realize, if only partially and opaquely, is that capitalism—whether in its *laissez-faire* or welfare state form—is *inherently* incapable of providing either the political equality or the economic opportunity that his concept of justice demands. He came to understand that capitalism *inevitably* disallows the political equality that would make deliberations about fairness to be possible. The problem is not that his formula for

achieving fairness through deliberation was faulty in principle, but that the preconditions in which that principle can be applied are simply unavailable in a capitalist society.

Rawls' faith in the adaptive qualities of capitalism was "soured" by the destructive effects of globalization, corporatization, increasing structural inequality, climate change, and the inadequacies of political representation under the laws and conditions of representative democracy, especially using single-member plurality electoral systems. His assumption that the legal and governmental institutions of liberal democracy would be able to compensate for the compulsion of capitalism to expand like a metastatic economic tumor destroying the body politic has not been supported by the evidence. The liberal democratic project may not yet have failed utterly, but it is under increasingly greater pressure since the fall of twentieth-century totalitarianism; this time, however, the fault is internally generated. And, as Benhabib (2019) explains: "if the project of liberal democracy ends, it will be because we have failed to achieve equality and dignity amid the economic and political systems awash in money, commodities, and consumerism."

The Redemptive Results of Rawlsian Reasoning

None of these concerns and criticisms require that Rawls be jettisoned. There is much that is salvageable. As William Edmundson has written, "the key idea is this: the means of production are those capital assets that, if not owned by everyone jointly, are known to lend themselves to relations of dominance and subordination between those who own and those who do not own, and between those who collect rents and those who must pay them" (Edmundson, 2017, 150).

Any liberalism which is not also radicalism is irrelevant and doomed.

– John Dewey, 1935

It is conceivable that both "welfare capitalism" and "liberal socialism" (as well as the Rawlsian regime of "property-owning democracy") can allow for substantial amounts of public ownership as well as private ownership. While one tilts toward equality and the other toward freedom, pragmatic compromise was once praised as the unique brilliance of "high liberalism" at its zenith. If stringent rules governing the accumulation and maintenance of wealth can be devised, can an effective balance of liberty and equity, freedom and equality not be redeemed?

What matters most may be finding answers to the empirical questions of determining:

- how and to what extent private ownership and market imperatives can be either tamed or tolerated, while still maintaining liberty and justice;
- what assets must be brought under public ownership and control if capitalism is to be prevented from permitting the corporate sector to so monopolize the means of production, the media of information dissemination, and the effective control of the state to the extent that equality is rendered unachievable; and

- unique to this familiar discussion at the present and in the foreseeable future: to what extent must public control over resource extraction, manufacturing, and environmental regulation be minimally required to avoid imminent ecological catastrophe.

There is urgency in addressing these questions. If the inextricably linked political, economic and environmental issues at stake are in the disproportionately powerful hands (*pace* former US President Dwight D. Eisenhower) of the “financial-commercial-military-industrial-technological-ideological-political-informational-intelligence complex,” how can conventional liberal bromides hope to ameliorate the hazards before us? And, if they cannot, what available means can be deployed to restructure fundamentally the institutions and organizations necessary to dissolve dominant global, regional, and national power arrangements, while still keeping faith with elemental considerations of liberty and equity?

Followers of Rawls, Habermas, and other neo-Kantians seeking ethical paths out of the dark forest of capitalist hegemony face tremendous obstacles and capitalism, incidentally, describes not only the economic system in place in formal liberal democracies, but in most other systems including the “Leninist capitalism” of contemporary China (Huang, 2017).

Liberal democracy may indeed be under siege; but if we are to constrain the tyranny of dictators on one flank and the rule of overweening global corporations on the other, democracy is all we have. – Robert Kuttner, 2019, p. 38.

There are immense political and legal roadblocks to prevent the kind of rational discourse liberal democrats like Rawls recommend. The public good is largely prevented by constitutional protections of capitalist rights over workers and consumers and the ongoing assault on the ecological stability and sustainability of the planet. Especially in the United States, campaign finance and corporate control of the major print, broadcast, and social media increasingly make the election process a questionable symbolic ritual. As the economic crisis of 2008-2009 and the manner in which the financial system was rebuilt demonstrate, the interests of the people did not match the power of the dominant economic powers. And, of course, in the Anglo-American democracies, the refusal of the governing authorities to consider electoral reform in some variation on the theme of proportional representation ensures that pro-capitalist parties will be automatically elected—often with grotesque artificial majorities—and distort the results of elections for the foreseeable future. Add to these examples, the current American president’s condescending and galling tweets about teenage environmental activist Greta Thunberg’s celebrity (Rozsa, 2019), and the prospects for ecological recovery appear slim.

A half-century ago, Rawlsian reasoning appeared, like Martin Luther King’s arc of history, not only to be bending toward justice, but his practical political outlook was shifting, of necessity, toward socialism. Now, almost two decades after his death, the material conditions required to provoke the credible demand for change have intensified; but, so have the energies of those who control the powers of technology, finance, communications, and the state. We may no longer enjoy the flexibility of attitude or the effectiveness of citizenship as we experience what Sheldon S. Wolin (2015) called “managed democracy” and the politics of “inverted totalitarianism.” We should not, however, abandon our remaining capacities to think and to act in a manner that would permit innovative solutions to what may seem to be insoluble problems.

Perhaps the best way to achieve the “original position” (or something akin to it, perhaps in the form of renewed constitutional conventions) is to reassert suppressed or repressed rights of citizenship, to the extent that they can be reclaimed.

John Rawls did not counsel acquiescence in the logic of subservience and deprivation. He wanted us to engage the world positively and not resign ourselves to it. So, I leave the last words to Ed Quish (2018): “To change the world, we can’t just abstractly imagine a better future, but need to grasp how contradictions in our society create opportunities for emancipation.” Rawls helps to define the criteria of a free and just society. He equips us with the vocabulary necessary to shape the no longer discretionary but rather the required change. Says Quish (2018) in (what else?) the *Jacobin*: “Accepting the world as we find it is a precondition of action, but affirmation blunts the experiences of injustice created by a world where most of us don’t share in the abundance we create.”

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