

Timothy Hinton (ed.), *The Original Position*, Cambridge: Cambridge University Press, 2015, 281 pp.

In *The Original Position* Timothy Hinton gathered twelve papers that deal with the argument presented by John Rawls in his work on justice in political philosophy and ethics. The original position is, for the vast majority of political philosophers, a fundamental issue in Rawls's theory of justice and politics. It has been more than four decades since *A Theory of Justice* (1971) was published and philosophers still debate over various concepts that Rawls brought up in his book, especially about the original position and the sub-concepts it carries. In the preface, Hinton himself states three major reasons for the longevity of the original position argument. The reasons are, in order of appearance: 1. it captures our intuition that there are morally relevant and morally irrelevant considerations in the process of deciding what the principles of justice are and gives a fresh way of thinking about objectivity in political philosophy; 2. it raises a series of questions that are very important for political philosophers; 3. it has triggered the forming of many alternative positions in political philosophy. If you think about it, he writes, there probably hasn't been a conference concerning political philosophy in which the participants didn't mention Rawls since he published *A Theory of Justice*. So we can probably all agree that there is still the need for publishing books that analyse the concept of the original position.

Now that we have that covered, we need to say something about the collection of papers that Hinton edited. In *The Original Position*, twelve authors take different approaches to Rawls's concept by closely examining different aspects of the original position, laying out some criticism and defending or further criticising Rawls's views. It is a very complex subject but in this collection of papers authors present Rawls's arguments in a fairly simple manner before continuing with a complex analysis. This enables a somewhat unexperienced reader to follow the line of argumentation.

I shall now briefly introduce every paper from *The Original Position* and give a few comments on each of them, starting with the introduction. The introduction (by Hinton himself) gives us a quality insight into Rawls's conception of the original position. I shall give a wider overview of the introduction because it explains the basic components and principles of the original position and I won't repeat the explanations of those concepts when they come up (again) in the rest of the book.

After discussing the three reasons for the longevity of the original position argument I mentioned above, Hinton gives an overview of the original position by examining its position in *A Theory of Justice* (hereafter: *TJ*), the core of the argument and the changes Rawls made to the original position after *TJ*. The function of the original position in *TJ* is to stand "between our initial basic convictions and the more abstract principles to which inference will be made." The reason for standing in the middle is the fact that Rawls's conception of justice, justice as fairness, relies on our initial beliefs to take us to the principles that make up a constitutional democracy and are superior to utilitarianism. Because of the aforementioned reason Rawls puts the original position into a broader conception called "reflective equilibrium". The role of reflective equilibrium is to bring into coherence our basic convic-

tions. The original position does this by excluding biased convictions and reasons that we have. That is possible because we are behind the veil of ignorance, which means that we know all the general data about human life and different conceptions of a good life held by people but we do not know any specific data about ourselves and our own life. If we take all this into account, Rawls famously says we will choose two following principles of justice:

The Equal Basic Liberty Principle: Each person is to have an equal right to the most extensive system of equal basic liberties compatible with a similar system of liberty for others. (TJ, p. 250).

The Second Principle (which comes in two distinct parts, and in which the first part has a lexical priority over the second): (a) The Fair Equality of Opportunity principle: Social and economic inequalities are to be arranged so that they are attached to offices and positions open to all citizens under conditions of fair equality of opportunity; (b) The Difference Principle: Social and economic inequalities are to be arranged so that they work to the greatest expected benefit of the least advantaged group in society. (TJ, p. 83) [5]

In the part of the introduction which deals with the core of the original position argument, Hinton assesses the maximin rule as the basis for deciding what kind of society we want, the rule that tells us to choose an alternative in which the worst outcome is better than the worst outcome of the other alternative. He also states that we use maximin rule under conditions of uncertainty, and that the original position gives us those conditions. Furthermore, Hinton analyses the second argument for the original position and that is “the strains of commitment”. In that argument Rawls appeals to the sense of justice that the parties behind the veil of ignorance have. He continues by saying that they will not choose conditions that will prevent them from honouring the agreement they reach in living together in a society. That also gives stability to the political system. Hinton also writes about two important things that relate to the strains of commitment and treating people as free and equal. First, he assesses Rawls’s appeal to the social bases of self-respect. Second, he appeals to the Kantian principle in Rawls’s social contract by which we must not treat people as mere means, and that designates that we must share goods by appealing to factors that are not arbitrary.

In examining how the original position changed after TJ, Hinton takes two focal points. Firstly, he examines how Rawls shifted the focus of his theory from figuring what each of us believes about justice to identifying the principles of justice that give the best interpretation of modern liberal democracy. Rawls also focused on the reasonable pluralism in democratic society, which means that we must examine why people give different answers to important question and still remain reasonable. Secondly, Hinton examines Rawls’s shift to describing the original position as a device of representation. He states that these shifts in focus help Rawls in solving some problems in his theory, most notably to clarify the distinction between the reasonable and the rational, and to scale-down the ambitions of his theory.

Hinton concludes the introduction by giving an overview of the articles that compose the volume. I will not give an overview of this part because I will give my own overview and assessment of the articles.

The first paper in the collection is written by David O. Brink and it deals with the sustainability of justice as fairness as a counter position to classical utilitarianism (moderate claim) and to mixed conceptions of utilitarianism (ambitious claim). He argues that Rawls has a better chance defending his view against traditional utilitarian views and that mixed conceptions pose a harder problem to solve, although Rawls can defend the moderate claim without defending the ambitious one. In the beginning he assesses the concept of justice as fairness itself. He does this by focusing on the two basic principles used by Rawls. The first principle is the equal basic liberties principle. The second principle has two parts: the difference principle and the fair equality of opportunity principle. The hierarchy of the principles is as follows: equal basic liberties, fair equality of opportunity and the difference principle. This is the general conception of justice. Brink then establishes Rawls's hierarchy in the special conception of justice which is (for him) settled in this way: 1. equal basic liberties, 2. fair value of basic liberties, 3. fair equality of opportunity and 4. the difference principle [23]. The general conception is applied in societies below a certain material well-being threshold, and after we get past the threshold we apply the special conception because we aim to increase basic liberties in that situation. Brink also presents the *extraspecial conception* which distributes all the components of the special conception according to the difference principle which leads to a special conception that is more similar to the general conception. He thinks that this might diminish Rawls's arguments against the mixed conceptions. After that, Brink examines the contractual argument for the special conception, while focusing on the diminishing of the marginal utility and Rawls's use of the maximin rule. He focuses on the use of maximin to counter the use of principle of maximizing utility. Rawls states that the decision making behind the veil of ignorance is a process under circumstances of uncertainty. Brink states that this leads to two gaps in the argument. First, Rawls does not necessarily show that maximin is uniquely rational under uncertainty. Second, it is not shown why we have to decide under conditions of uncertainty in the original position. It is also stated that Rawls gives a harder condition concerning the diminishing of marginal utility when he introduces the aforementioned threshold because he insists that people don't care about additional goods after they receive the highest minimum. Concerning the unbearable situation that might occur if we don't use the maximin rule, Brink thinks that this prevents any risk taking, even a justified one and that it poses a problem for Rawls. After that part of the discussion, the author examines the strength of the special conception against the mixed conceptions. Mixed conceptions accept all of Rawls's principles, except the difference principle. Brink thinks that both mixed utilitarianism and sufficientarianism have strong arguments that diminish the strength of Rawls's arguments for the special conception. He concludes the article with the claim that even if Rawls isn't able to show that his form of liberalism is superior to other conceptions of liberalism, that should not diminish the significance of justice as fairness and that we could reshape the argument to create a stronger opposition to mixed conceptions. That concludes a very concise and clear overview of Rawls's efforts to show the superiority of his conception. Brink lucidly finds gaps in Rawls's arguments

but still isn't too hasty to just dismiss them, but rather tries to find ways in which the argument might be reshaped and that is probably the best part of the article.

In the second paper Gerald Gaus and John Thrasher analyse the problem of rational choice and the original position by examining models of Rawls and Harsanyi. The authors defend *The Fundamental Derivation Thesis*: the justification of a principle of justice J derives from the conclusion that, under conditions C, J is the rational choice of chooser(s) P [39]. They state that many authors don't take Rawls's claim that theory of justice is a part of the theory of rational choice. That is the reason for defending the Fundamental Derivation Thesis and setting aside question of consent. Gaus and Thasher begin with an appeal (and also Rawls's appeal) to rational choice as a common touchstone in a society that has conflicting ideas and intuitions about justice. The principles we come to must be identified as chosen from moral point of view and from the point of view of actual rational individuals, while being recognized as principles of justice. Both conditions are essential and give strength to the original position. Authors proceed by agreeing with Alexander's claim of primacy of individual rational choice, and the claim that it makes a more important part of Rawls's argumentation. They also state that rational choice enables individual choices to have an Archimedean point of view in the moral real. The central part of the paper is comprised from the analyses of the evolution of Rawls's original position and Harsanyi's model. In short, the early models of Rawls have the rational choice of individuals as their foundation, and do not use the veil of ignorance but use a form of the maximin rule. In the examination of the middle model, that culminate in *A Theory of Justice*, authors analyse the following changes in Rawls's theory: "the construction of the information sets; (2) the description of the choosers; (3) the more explicit role of maximin as a principle of rational choice: and (4) a switch in the role of maximin from primarily an argument for the egalitarian principle, to what seems to be the main argument in favour of "the difference principle," which is itself introduced in the middle models." [46]. The new setting enables the choosers to have an impartial (Archimedean) point of view, and together with the introduction of primary goods enables us to choose while using the maximin rule. The final model moves away from rational choice and gives a lot more weight to reasonableness. Gaus and Thrasher sum it up by agreeing with Gauthier and his claim that Rawls's models through the years satisfy the recognition requirement more than the identification one. In presenting Harsanyi's models, authors show how his models are different from Rawls's models. They present his efforts to show how his setting of the original position leads to the choice of average utilitarianism, through the axiomatic model and the usage of equiprobability (assigning equal probability to every outcome of the rules we accept in the original position) and the use of extended preferences (imagining ourselves in the position of other people and evaluating the situation from their point of view). Authors proceed to explain why it is likely that Harsanyi's view fails the identification test and how it might fail the recognition test. Gaus and Thrasher conclude that the Archimedean point of view is alien to most people and that Rawls's later conception, as well as Harsanyi's conception, use problematic principles of

rational choice. They believe that Rawls's early model has the best chance of solving this problem. The authors put focus on relatively neglected role of rational choice in Rawls's theory and their claim that contract theory is secondary to rational choice is certainly intriguing. Their analysis of identification and recognition conditions is very useful because it gives us another way of examining if the original position theories really generate principles of justice for our societies.

The third paper is called "The strains of commitment" and is written by Jeremy Waldron. In the paper Waldron argues that the strains of commitment argument is stronger than the arguments for using the maximin rule, and that Rawls should put more emphasis on the responsibility of people that need to honour the agreement after the veil of ignorance has been lifted. He tries to defend the strains of commitment argument against two big objections, the malcontents objection and the model-theoretic objection. The malcontents objection has two parts. Firstly, it states that people might reject Rawls's principles if people reflect on how much better off they would be under alternative principles. Secondly, the objection states that some people could reject Rawls's principles by stating that they would be better off if they weren't living under principles of justice at all. The answer to the first objection is that people should be able to live under principles of justice, and that they can't complain if they are not willing to live under Rawls's principles or only have strong preferences against it. The second part of the objection has a relatively short answer which states that people who are tempted to violate the principles of justice and want to benefit from previous injustice don't need to be taken into account in determining what justice is. The model-theoretic objection says that the strains of commitment argument uses features of application of the principles in society, while determining the principles of justice in the hypothetical model. But Waldron thinks that the base-model objection can be met by a deeper analysis of the liberal orientation of Rawls's theory. He does this by appealing to pluralism and publicity that guide our search for justice and give it a basic grounding in the liberal tradition, and by examining the original position as a heuristic device that helps us shape "model conceptions". He also criticizes Ackerman's attempt to construct an ideal theory with the perfect technology thought experiment. Waldron thinks that perfect technology (though useful in putting aside question of implementing the principles of justice) disregards three important features of liberalism: the state is not only our protector but the greatest threat to our rights (if we give it too much power), preservation of justice is mostly based on voluntary acts of individuals, and we build on those voluntarily acts that enable people to have mutual respect and to cooperate. Waldron concludes that we have the best chance of recognizing the limits of our agreement and capture the spirit of freedom and mutual respect if we use the strains of commitment argument. The paper itself is fairly simple, because it takes one big argument and two big objections against it, but that makes it very easy, understandable, and enjoyable to read. It is straightforward in giving us the answers to important questions of commitment to the principles of justice (once we agree upon them). In defending the strains of commitment Waldron also (quite successfully) defends the contractarian argument put forward by Rawls.

The fourth paper is written by John Christman, and is entitled "Our talents, our histories, ourselves: Nozick on the original position argument." Christmas focuses on Nozick's arguments against the original position and tries to show the reason why his critique fails, while he also tries to find some points of convergence between Nozick's and Rawls's theory. Author begins with a brief overview of Rawls's theory and the original position, focusing on the parts Nozick criticizes, especially the difference principle. He also gives a basic overview of Nozick's use of the Lockean proviso of leaving "enough and as good" for others while appropriating and exchanging goods in a society. From there Christman proceeds to lay out Nozick's criticism of the difference principle and the original position by analysing four lines of criticism that overlap. The first line of argumentation is based on sharing the benefits of social cooperation, and has two parts (both concerning the division of social surplus): considering life outside society for the better favoured, and their marginal contribution to the social product. The first part is based on picturing the better off as Robinson Crusoes that produce on their own island and don't need to share the product of their labour. This is quickly rejected by using Pogges critique of that approach and Rawls's claim that we cannot envision life outside society any more. The second part poses a better challenge to Rawls but still (according to Christman) fails because although it appeals to calculation of better marginal contribution by the better off, which is also needed in the usage of the difference principle, it fails to capture the need for deriving principles of justice (it still doesn't render the veil of ignorance as useless). The second line of criticism is based on bias against historical principles. The argument is based on the fact that the original position rules out some theories of justice, including Nozick's entitlement theory. Christman argues that Nozick uses micro examples to show how this is unfair, while he in fact disregards the purpose of the adopting the original position in a process of getting to unbiased institutions. The third argument is centred in slavery of the talented and the priority of liberty, which also relies of micro examples. Nozick states that taxation of the talented (who earn more) is like slavery and that it interferes with their liberty. Christman replies that policies which prevent them from getting too rich, don't interfere with their conception of the good and their pursuit of their life goals. The last objection is based on the arbitrariness argument, which claims that Rawls also takes into account arbitrary factors and that he doesn't justify deviations from equality. The answer to this criticism is in the appeal to the level of institutions, because "Rawls does not claim that arbitrary contingencies cannot play a role in how people end up in their relative position of social advantage." [90] Rawls claims that we should not take arbitrary contingencies into account when determining just institutions. Christman finishes the paper by giving general reflections on the original position and Nozick's entitlement theory, while comparing the two. He does this in two parts, first examining different meanings of personal entitlements of people and their complexity and then proceeds to briefly analyse justice in the non-ideal world. Christman's paper gives us a clear view of differences between Nozick's and Rawls's theories, as well as differences in their aims. He does a great job in using TJ to present Rawls's view, because Nozick criticizes that part of Rawls's work, but still explains

how Rawls changed his theory through the years, and how that also affects Nozick's critique of the original position. He also gives clear and simple answers to Nozick's arguments, not only through his own comments and secondary literature but also by appealing to Rawls himself.

The fifth paper, written by Matthew Clayton, deals with similarities and differences between hypothetical reasoning in Rawls's theory and Dworkin's theory. He does this mostly through the analyses of the role of hypothetical reason in their accounts of justice (Rawls's justice as fairness and Dworkin's equality of resources). Clayton begins with Dworkin's assessment of the original position, and supports the claim that although Dworkin states that a hypothetical contract isn't as binding as a real contract, he does not reject hypothetical reasoning as a whole but rather states that it is grounded in some deeper principle (for him that is right to equal concern and respect). Rawls's reply is that the original position is situated in a larger framework and its successful integration within a conception of justice, and he rejects the grounding Dworkin proposes. Clayton continues by briefly analysing Dworkin's concept of using thought experiments that do not involve hypothetical reasoning, an auction of resources and its envy test (which insures that no one wants the set of resources of anybody else in the end), which he combines with the hypothetical insurance theme. That includes putting individuals behind a "thin" veil of ignorance in which the people have more information than in Rawls's but still don't know what their chances are of being the one that lacks internal resources. Two objections that also arise are concerned with the difference principle, which according to Dworkin fails to respond to morally relevant differences between individuals and the original position that uses a veil of ignorance that is too thick and that it affects the fairness of a society. The question of excluding their conceptions of the good is problematic for Dworkin, but also for other authors (Clayton uses Nagel's objection), but Rawls tells us that under conditions of reasonable plurality and by virtue of "comprehensive doctrines" that exist, advancing our good might not advance the good of everyone (which is exactly what he wants to achieve). The line of argumentation that occupies Clayton in the remaining part of the text is Dworkin's effort of creating a connection between justice and an individual's values. He focuses on Dworkin's use of the envy test to show the value of using a thin veil of ignorance. The envy test enables us to compare ourselves with others, but we can be entitled to compensation only if we can't satisfy our life goals. In short, if we don't feel envy towards others, then we are equal. This is used to critique Rawls's approach that uses primary goods, and does not take into account that some people don't value primary goods as much. Clayton also explains Dworkin's *ex ante* envy test of insurance buying argument, and the hypothetical insurance market that eliminates information that can produce an unfair outcome. All this also gives "an account of equality that is responsive to people's ambitions for their lives". This is used to compare the thin and thick veil of ignorance, and during the comparison Clayton states that Dworkin's conception may be superior for comparing people's lives and that it makes principles of justice more acceptable to people. Clayton actually gives an excellent overview of challenges that Dworkin's view of liberalism poses to Rawls. Maybe the biggest factor is that Dworkin also wants

to achieve a society which is based on equality and liberalism, but (maybe) gives a better account of how people should compare themselves to others while using Rawls's own device, the veil of ignorance (which he modifies). Clayton captures that fact very clearly and understandably.

The sixth paper "Feminist receptions of the original position" is written by Amy R. Baehr, and in it Baehr evaluates the original position through feminist considered convictions while trying to see if we can have a plausible account of feminism that is also contractarian. She starts by giving ten feminist considered convictions about injustice at the level of social institutions and the society itself (or societies), while also introducing the conception of the gender system that we also find in Rawls's work. Baehr then considers two reasons, brought up by Rawls, the convictions could not be met by his theory. First is "ought implies can" related and is based on fixed features of the social world and the second is that the gender system might be amended only through measures that are ruled out by the principles of justice. She proceeds by taking into account coercive remedies in a well-ordered society. She analyses Rawls's account of just and unjust arrangements while examining the possibility of injustice towards women enduring in a well-ordered society. Baehr then, taking Rawls's instructions, tries to adjust feminist considered convictions to the principles of justice. Violence and discrimination are forbidden by Rawls's principles, but female primary parenting and sexist socialization aren't necessarily recognized as unjust. The possibility (and often sad reality) of women constituting the majority of poor people also isn't counted as unjust because the difference principle doesn't necessarily amend that situation. In short, the original position does not recognize some feminist considered convictions as unjust, and also prevents effective remedies towards others. Baehr also states that Rawls might propose reconciliation with most of the gender system. After that she gives two feminist proposals to modify original position. The first one is based on extending the scope of application of Rawls's principles, a proposition Baehr mostly bases on Susan Okin's feminist full basic structure view. The second proposal is based on an attempt to situate considered conviction about dependency into the initial situation by proposing the addition of not fully cooperating individuals to the situation. In the end, Baehr proposes that we take Rawls's instruction and continue the process of reflective equilibrium. The paper gives an interesting perspective of possibilities of forming liberal conception of feminism through Rawls's theory. While examining feminist considered conceptions and their status in a well-order society Baehr shows that Rawls's theory has problems in accommodating the demand that feminism poses.

David Estlund is the author of the seventh paper, which is entitled "G.A. Cohen's critique of the original position". In the paper, Estlund presents Cohen's critique through three lines of argumentation: "fact dependent foundations", "justice as regulation", and the claim that the original position gives to morally bad fact. He first present Cohen's relative and ultimate claim of fact-independence. The relative claim tells us that principles are grounded in deeper principles that depend on different facts, while the ultimate claim tells us that those principles are grounded in a principle that does not depend on facts. That forms a base for analysing Cohen's objec-

tion which is based on unearthing (Estlund names the concept) the deeper principles. Estlund first examines the formal objection, which states that Rawls's principles of justice in fact lie on deeper principles and considers a possible counter argument that may be found in Rawls's theory. He continues by analysing the substantive objection, which critiques Rawls's original position as a method that is made for choosing rules of social regulation and not for choosing the principles of justice. Estlund says that the two objections differ in the points of their critique: the formal objection is based on the facts and the substantive one is based on the notion of regulation. He states that the strong distinction between rules of regulation and principles of justice gives strength to Cohen's critique, especially if we closely examine it apart from the formal objection. After briefly appealing to Nozick's and Cohen's objections that Rawls is question begging in the process of deriving the principles of justice, Estlund moves to Cohen's critique that states that the original position incorporates values that have nothing to do with justice. Although he thinks that this objection is far more problematic for Rawls's theory, Estlund states that this objection relies on the problem of social policy. That is why he examines Cohen's objection based on tax brackets and exactness and differential care, arguing that Rawls's theory can be successfully defended from both objections. He concludes by presenting the third line of critique, the one about constructivism being sensitive to morally bad facts, while stating that although it is not an elaborated objection it still poses a serious challenge to the original position. The paper gives us an overview of one of the most elaborated critiques of the original position, which has grown during time. Estlund presents Cohen's view in a simple and understandable manner, just as he announces in his introduction. He gives answers to the critiques by showing how Rawls's view can be modified to accommodate the objections, while also showing how some objections fail because they are inconsistent and question begging. Still he manages to show us that we must take those objections seriously by pointing to some weak spots in the original position.

Timothy Hinton himself wrote the eighth paper in the collection he edited, entitled "Liberals, radicals, and the original position". Hinton aims to show how social theory shapes Rawls's liberal conception and his principles of justice, while also showing how radicals should contest his view. He begins with a brief overview of Rawls's concepts that are important for discussion with the radicals (two moral powers, veil of ignorance, self-respect), while showing that Rawls's work is dominated by a form of liberal legalism and primacy of the liberal freedoms. After that Hinton tries to show that Rawls chooses the parties in the original position to have an ideal-historical approach and work within the thin social theory, without using real history and rich normative or evaluative language. That, according to Hinton, opens Rawls to criticism from radicals. Then he presents an opposite view by presenting a simplified version of racial capitalism, and its factual part about the emergence of white domination with the development of capitalism, as well as its explanatory part which focuses on conventions that whites put in place for the purpose of racially dividing the world in order to dominate the blacks. This theory is explained and then put into the original position framework. Hinton does this to create an argument which

contrasts telic autonomy and individual sovereignty, and also contrasts liberal-democratic specification of the equal basic liberties principle with the radical-democratic specification. He argues that if we enable parties in the original position access to real history they would choose the radical specification, because they want to preserve their self-respect (and would do that more effectively) and because racial domination would prevent a large part of a society to develop telic autonomy (they would have a good position to form their own system of ends). Hinton also briefly discusses problems that arise while Rawls uses thin-ideal social theory to get to the second principle of justice. He finishes the paper with three objections to his argument: the appeal to the Ockham's razor in favour of Rawls's theory, the fact that Rawls presents four stages of implementing the principles of justice to laws and the claim that Hinton mixes them up and the ideal theory objection that states that Rawls focuses on the ideal and Hinton on the non-ideal cases. Hinton thinks that all these objections can be met as he puts forward his replies. The paper as a whole provides strong basis for arguing that Rawls does not produce principles that can effectively preserve our moral powers in a non-ideal circumstances, mostly because it does not appeal to real historical facts and thick social theory. Hinton manages to capture this problem while also giving a viable alternative using the radical view in the original position framework and shows how that other kind of forming the principles of justice can be more effective.

The ninth chapter is: "The original position and Scanlon's contractualism" written by Joshua Cohen. His aim is to present Rawls's Rational Advantage Model (his name for the concept) that is used in the original position while analysing the original position as a device of representation. He also compares Rawls's approach with Scanlon's approach through the usage of judgemental (Rawls) and substantive (Scanlon) individualism. Cohen starts by examining how the original position serves as a device of representation. He does this by analysing how usage of the veil of ignorance constrains our rational choice in the original position and how that rational choice promotes one's advantage is a society of free and equal persons who cooperate. The question is why use the Rational Advantage Model and the veil of ignorance. That is why Cohen proceeds to give a more detailed examination of the usage of the veil of ignorance. He tries to show that Rawls doesn't give sufficient reason for employing the thick veil of ignorance, and also tries to show that the ethical interpretation of the initial situation preserves the judgemental individualism in a contract view. He puts substantive individualism in contrast with Rawls's view, stating that his view satisfies only one version of substantive individualism, and that Scanlon's version (the Reasonable Objection view) raises a problem for the Rational Advantage Model. Cohen moves on to another objection of the Rational Advantage Model, which argues that the usage of the original position makes us use additional steps in the argumentation because we need to put in additional facts to the process (Cohen presents them as Further Facts). This raises the cost of using the original position. Cohen illustrates this by showing that the argument from self-respect can be deduced more directly without the use of the original position. Cohen finishes with the analysis of Scanlon's Reasonable Complaint Model and compares it with

the Public Reason Model, which is a part of Rawls's ethical interpretation. He argues that advantages that we can get by using both the Reasonable Complaint Model and the Rational Advantage Model are too costly or illusory, while arguing that the Public Reason Model represents normative political arguments in the best way. Cohen manages to present how the use of rational choice model in the device of representation carries problems that can be seen by closely examining how it works. The biggest problem is that it does not allow us to directly use our reasons for introducing our complaints or arguing for more equality in our society. He also shows that Scanlon's model doesn't solve those problems, because it mostly shifts focus from the rational to the reasonable while blocking some other useful features of Rawls's model.

In the tenth paper Andrews Reath explores "The 'Kantian roots' of the original position". Reath analyses the links between Kant's moral conception and Rawls's theory, while analysing similar concepts and the inspiration Rawls found in Kant's work. He starts by analysing Kant's concept of moral autonomy that is necessary to show how it forms the root of the original position. Reath gives an overview of the Formula of Universal Law, the Formula of Humanity, and shows how they pair up with the principle of autonomy in order to make the categorical imperative necessary and publicly acceptable. That autonomy gives us a part in the making of the universal law and gives us the basis of dignity which enables us to follow the Formula of Humanity. The analysis of Kant's moral constructivism shows that Kant also idealizes persons with specific rational and moral capacities and Reath uses Rawls's analysis of Kant's usage of the rational and the reasonable in order to show connections between their constructivisms. He also examines Kant's conception of a person which is the centre part of his conception, and examines three basic notions of Rawls (well-ordered society, the idea of the person, and the original position). Reath then analyses the Kantian roots of the original position, mostly through the analysis of the person as free and equal, while putting it in comparison with Kant's notion of autonomy. He also points to "parallels between Rawls's original position as a procedure of construction and Kant's CI-procedure" [215] and how justice as fairness contains different forms of autonomy that Kant stipulates. Reath gives an overview of Rawls's first appeal to Kantian interpretations and concepts in the 40th chapter of TJ and how he elaborated the use of Kant's theory in the "Kantian Constructivism". He concludes the paper by pointing to some other parallels between Rawls's theory and Kant, namely the way in which "the reasonable frames the rational", and the similar way in which the original position and Kant's conception lead to substantive normative principles. Reath ends the paper with a possible difference between Rawls's theory and Kant's conception, which arises from different bases on which they build their conceptions of persons. Reath provides us with an insightful analysis of Kantian roots of the original position, while also giving an overview of Rawls's interpretation of Kant's moral theory. This is very useful in examining the setup of the original position and Rawls's motivation for using the constructivist approach in his theory. Reath also shows us how all the concepts that Rawls uses result in the two principles of justice he advocates and how that correlates to Kant's effort of establishing universal moral rules through categorical imperatives.

Paul Weithman is the author of “Stability and the original position from the *Theory to Political Liberalism*”, the eleventh paper in the collection. He argues that the idea of self-stabilization of the principles of justice and the “self-enforcing argument” can provide answers to important questions concerning Rawls’s theory. Weithman first gives a brief view of the original position as a device of representation, because he later argues that it is an integral part of the self-enforcing. After that he lays out the three conditions of self-enforcement on the basis of theory of non-cooperative games (games that do not have a mechanism of coercion), and proceeds to apply them to agreement on Rawls’s principles of justice. That leads us to three conditions being modified for Rawls’s theory to be self-enforcing agreement: “(R1) The principles of justice that members of the well ordered society are to follow must be specified by terms of an agreement or contract among them...”, (R2) None of the members of the well-ordered society can have sufficient reason to deviate from principles of justice, at least so long as all the others comply with them, and all do comply...”, and (R3) The fact that the principles would be agreed to in the contract referred to in (R1) must be what brings it about that members of the well-ordered society comply with them, as (R2) requires, and the connection between the hypothetical agreement and the conduct referred to by (R2) must itself be established in ways which treat members of the well-ordered society...”. Each condition ends with the same citation from TJ (p. 19) “as moral persons, as creatures having a conception of their good and capable of a sense of justice”. Weithman tells us that satisfying conditions (R1), (R2) and (R3) would be, as he calls it, “Rawlsian self-enforcing”. He proceeds to argue that the original position satisfies the conditions (R1), (R2) and (R3). The biggest challenge is to show how the hypothetical agreement could cause compliance, and Weithman does that by arguing in favour of educating citizens through institutions by appealing to the publicity condition and the four-stage sequence. Having satisfied conditions of Rawlsian self-enforcing, justice as fairness becomes stable through self-stabilization (because the citizens themselves maintain justice of the basic institutions). After examining the self-enforcing, Weithman proceeds to present and analyse Rawls’s turn to political liberalism. In short, Rawls found inconsistencies in the TJ, and dealt with them by changing the basis of justice as fairness for the moral personality to political personality or citizenship (the shift is from the equal and free persons to citizens). Weithman examines the changes this makes to conditions of Rawlsian self-enforcing by presenting their political variants. By doing that he also explains how Rawls changed his view and some part of the argumentation to accommodate for the changes he made (for example the idea of an overlapping consensus which is an integral for arguing that political liberalism still accommodates the conditions of self-enforcing). Weithman concludes with examining the necessity of the original position. He argues that the original position is essential for providing stability and self-enforcement in the later stages, which makes it crucial for justice as fairness. Weithman manages to shed light on Rawls’s shift from TJ to Political Liberalism, while also providing additional arguments that strengthen the stability of the conception of justice Rawls advocates. He manages to do that by closely analysing the concept of self-enforcement, while showing how Rawls’s theory is self-enforcing in both forms.

In the last paper Gillian Brock gives an overview of the original position in *The Laws of Peoples* (also the title of the paper). Brock's aim is "highlighting the role played by the original position in arriving at guidance in international affairs." [247] She starts by briefly introducing the concept of the original position in TJ and then moves on to outline Rawls's Law of Peoples and its eight principles. There are three parts of further examination and they follow Rawls's applications of the original position in order to get to the Law of Peoples. The first one is applied to liberal people in determining their basic structures (internally) and the second one is applied during the process of agreement between representatives of liberal peoples (internationally). At the international level, the parties would come to agree, according to Rawls, on eight principles and three international organizations (concerning fair trade, concerning banking, and one similar to the United Nations). He applies the original position to the agreement between "decent peoples" (peoples that are not liberal but satisfy four conditions Rawls specifies for them to be dubbed as decent), while arguing that they will come to the same conclusions as the liberal peoples (also describing a hypothetical decent people Kazanistan). Liberal and decent peoples form a society of well-ordered peoples, based on mutual respect, but Rawls still does not think that his principles of justice should be applied globally. After presenting the shortly described outline, Brock turns to critical responses to the Law of Peoples, and they are: Pogge's objection concerning the international borrowing privilege and international resource privilege that benefit wealthy and powerful states, Rawls's notion of separateness which is opposed by globalization and integration, Rawls's unclear notion of a people, Rawls's exclusion of greater economic inequalities in the world and notion of human rights in the decent states. All this amounts to critics saying that Rawls's theory isn't realistic enough and is not utopian enough, although Rawls claimed that his Law of Peoples makes a realistic utopia. Brock proceeds to defend the Law of Peoples by appealing to Freeman's response that the Law of Peoples tries to shape foreign policies of the liberal peoples. Decent peoples serve as a theoretical construct that enables us to see with which peoples should liberal peoples cooperate with, and how to establish peaceful and stable world order. She proceeds to present counter-arguments, while claiming that Rawls endorses an incomplete list of human rights. Brock ends with arguments against claims that Rawls has an inadequate approach to addressing global poverty and that he tolerates non-liberal societies in a problematic way. First counter argument is a fairly simple one: Rawls thinks that giving resources to the poor is not enough. We should aim to reform their institutions in order to give them opportunities of effectively using resources. The second counter argument, in short, tells us that there might be other conceivable ways of developing, ways that don't include liberal society. Brock manages to tackle serious objection to the Law of Peoples by turning our attention to a more realistic goal of peace and stability, the goal that is also a condition for global justice. She manages to defend Rawls's claims about global poverty and human rights by showing us that he gives us more solutions that it may seem at first.

The Original Position represents a valuable contribution to critical examination of a theory of justice put forward by John Rawls. It gives us a clear and simple overview of Rawls's concepts by examining their sustain-

ability, through different examinations of critiques, roots and different application of Rawls's central concept, the concept of the original position. The book is suitable for people (in my opinion, especially students) who want to learn more about the foundations of the contemporary political philosophy but also for advanced readers and professors who want to tackle serious problems that are discussed in the collection. Hinton managed to collect papers that give a great overview because they cover a multitude of approaches to the original position.

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Amy Kind and Peter Kung (eds.), *Knowledge Through Imagination*, Oxford: Oxford University Press, 2016, 251 pp.

Imagination has become a fashionable topic, and its role in procuring knowledge has become a central challenge in the analytical debate on imagination (see, for instance, the 2006 issue of *Metaphilosophy* under the same title as the present collection, *Knowledge through imagination*). The present collection offers a well-organized range of interesting and challenging contributions. They are divided into three groups, the first encompassing taxonomical and architectural issues (featuring papers by M. Balcerak Jackson, P. Langland-Hassan and N. Van Leeuwen), and the second offering "optimistic approaches" (T. Williamson, J. Jenkins Ichikawa, the co-editor A. Kind herself, and J. Church). The optimism is balanced in the third part, featuring "skeptical approaches" by H. Maibom, Sh. Spaulding and by the co-editor P. Kung. I shall choose a paper or two from each group, with apologies to the rest of the authors. (For quotations, I put page numbers in brackets.)

Let me start with the "Introduction" by the editors. They note that "the puzzle of imaginative use concerns two distinct and seemingly incompatible uses to which imagination is often put. (1) Sometimes it is an escape *from* reality, and sometimes it is "used to enable us to learn about the world as it is, as when we plan or make decisions or make predictions about the future. But how can the same mental activity that allows us to fly completely free of reality also teach us something about it?" (Ibid.) How is the "instructive use" of imagination possible? The editors optimistically hope that a closer analysis will explain the joint possibility of the two uses, in particular the instructive one, and see the key to the explanation in constraints that thinkers-imaginers put upon their activity. The constraints come in two kinds. First, they "may be architectural; that is, they may result from our cognitive psychological architecture." (22) Second, the constraints may derive from more spontaneous sources, such as limitations that we voluntarily impose upon our imaginative projects (Ibid).

Amy Kind develops these ideas further in her paper "Imagining Under Constraints". She offers a characterization of imagining that involves a more active effort of mind than does supposition or entertaining a proposition (148), and quotes Kendall L. Walton's (1990) classic *Mimesis as Make-Believe: On the Foundations of the Representational Arts* (Harvard