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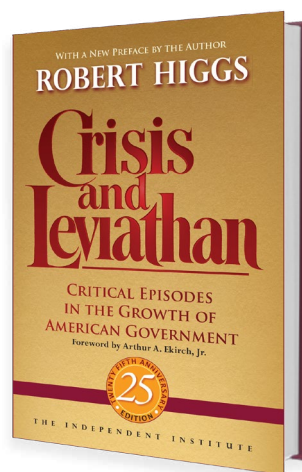
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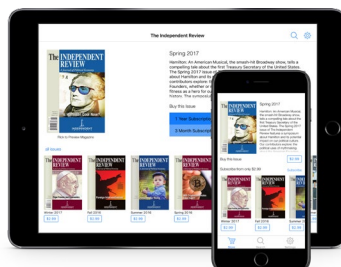
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Reconciling Rawls and Hayek?

◆

GARY CHARTIER

John Tomasi's thoughtful and provocative book *Free Market Fairness* (Princeton, N.J.: Princeton University Press, 2012) offers, in effect, a Rawlsian justification for Hayekian classical liberalism. It seeks to show both that there is good reason to take seriously the concern for the worst-off built into Rawlsian "high liberalism"¹ and, at the same time, that a classical-liberal political order of a certain sort can satisfy the concerns underlying the Rawlsian project. The book has already been the subject of considerable scrutiny and the topic of multiple conversations (its first printing sold out within a month), and it seems likely to play a significant role in shaping current discussions of the nature and future of the liberal tradition. It deserves careful attention.

I

John Rawls famously supposes that we should regard as just the set of social institutions that would be endorsed by people deliberating in "the original position," behind a "veil of ignorance"—unaware not only of their own social positions, but also of all sorts of other information, including their own conceptions of the good life. Such people, Rawls supposes, would settle on basic principles, including respect for certain basic liberties and a requirement—the "difference principle"—that

Gary Chartier is a professor of law and business ethics and associate dean of the Tom and Vi Zapara School of Business at La Sierra University.

1. Tomasi's repeated use of this phrase, coined by Samuel Freeman, for the kind of statist-leftist view Tomasi associates with Rawls, among others, is a persistent, if subtle, reminder of the arrogance of too many of the view's proponents: Who describes his own position as "high" with a straight face?

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inequalities in material goods be permissible only to the extent that they tended to benefit the least well-off socioeconomic class, the working poor.

For Rawls, the basic liberties enjoy “lexical priority”: they cannot be infringed in the interests of material well-being (though Rawls sometimes seems to have doubts about this stipulation). These liberties do not include protections for rights to own productive property and engage in market exchange. And although the difference principle is said to be intended as a constraint on the “basic structure” of rights, institutions, and so forth rather than as a guide for individual policy choices, Rawls seems at points to see it as licensing substantial, ongoing interference with the distribution of wealth that results from voluntary transactions.

Tomasi seeks to show that the essential shape of Rawls’s theoretical approach to establishing the content of justice can be maintained even as it is modified to render it much more market-friendly. Rights to use and exchange productive property can, he maintains, be justifiably incorporated into the list of lexically prior basic liberties because of their importance in enabling people to engage in economic production, a crucial aspect of individual self-authorship. And knowledge of sociology and economics can help to shape the application of the difference principle in such a way that redistributive activity by the state is minimized, precisely on the basis that a genuinely free market benefits the working poor more than any realistically conceivable alternative. Tomasi labels his preferred approach “market democracy.” He suggests that in its willingness to treat concern with the least well-off as crucial to the justification of political institutions, this approach is, perhaps surprisingly, at one with that of a diverse array of classical liberal and libertarian thinkers, including Herbert Spencer, whom he rightly notes should not be dismissed as a Social Darwinist or misanthrope.

Tomasi emphasizes that a variety of “high-liberal” positions can be transformed along market-democratic lines. He focuses specifically on Rawls’s own theoretical approach, however, because of its influence and the extent to which it has been developed and refined and because he finds it personally appealing. He recognizes that market democracy, like Rawls’s own preferred social democratic interpretations of his position, “liberal democratic socialism” and “property-owning democracy,” can be worked out in multiple ways. Tomasi looks specifically at two: “democratic limited government” and “democratic laissez-faire,” with the latter most closely approaching the ultraminimal night-watchman state.² Each proves to be as defensible, Tomasi argues, as liberal democratic socialism and property-owning democracy: each can reasonably be endorsed by deliberators in the original position, given general sociological knowledge and other available data. But market democracy is finally to be preferred to Rawlsian social democracy because it is more

2. In view of Murray Rothbard’s rejection and denunciation of the state, readers may be puzzled to find that the latter “regime type resembles the political structures advocated by libertarians such as Murray Rothbard” (p. 116).

inspiring, offering a more appealing conception of cooperative human life and personal self-development.

II

There is a lot to like about *Free Market Fairness*, especially Tomasi's regard for the economically vulnerable, his desire to build bridges and move past stale debates, and his sympathetic and careful readings of multiple political theorists. (Consider his provocative development of the idea that as long as justice is understood as concerned with constitutional design rather than with piecemeal tinkering with individual transactions, F. A. Hayek can be understood as defending a conception of social justice because of his concern with the impact of property rules and related legal standards on the economically vulnerable.) And Tomasi's project qualifies as an impressive tour de force: after all, Rawls's project is characteristically understood as grounding and as intended to ground a kind of social democratic political order that features extensive and persistent state intervention into the economy. To show that it might plausibly be thought compatible with a quite different sort of politics is a distinct achievement. Tomasi's book should help to awaken both Rawlsians and Hayekians from their dogmatic slumbers.

At the same time, there is, of course, room for disagreement. For example, it is difficult to see quite why Tomasi continues to insist that education should be a state-secured function (he prefers funding by vouchers or tax credits to state delivery). He notes that a perfectly good Hayekian argument can be made for the view that the market ought to be used to discover what works well in education (though he reminds us that Hayek himself favored state funding of education). Even if one favors the state's existence and operation, and even if one thinks the state should be involved in meeting the challenge of poverty and economic vulnerability and insecurity, it would seem more efficient and less market distorting for the state to mount a basic income scheme that ensures that people have the resources to purchase the educational services they want than for it to fund education directly or to channel resources to schools through vouchers or tax credits. Direct or indirect state funding tends to ensure that the amount of money spent on the education sector will be fixed (which encourages inefficiency and prevents market dynamics from reducing costs); it enmeshes the state in the control of educational content and delivery mechanisms; and it prevents people from exploring all of the educational options they might pursue, with the effect both that their choices are unnecessarily limited and that nonstandard options, such as the Khan Academy, do not receive the attention they deserve and lack the opportunity to outcompete traditional alternatives. (The same sorts of point obviously might be made with regard to state involvement in the provision of health-care services.)

Self-authorship replaces self-ownership in Tomasi's view, but he never clearly explains, at least to my satisfaction, why self-ownership is an inadequate premise for normative political reasoning. My own bias is that self-ownership is best seen as a

conclusion rather than as a starting point for such reasoning; I do not tend to treat self-ownership as foundational, and I think there are better grounds for libertarian political theory. But I think Tomasi owes defenders of self-ownership a better explanation for his rejection of their view than he has offered so far.

Production is an important aspect of self-authorship for many people, as Tomasi notes when he argues that the freedom to own productive property should be among the basic liberties. But of course it is not as important for everyone. In contrast, consumption has become a vital means of self-authorship for almost everyone in developed societies (as well as for many in less-developed societies): people's life plans include consumption choices, and they signal their self-constructed identities through various sorts of consumption. The economic liberties matter because they involve not only the freedom to acquire goods and services for consumption, but also the freedom to engage in the kind of productive economic activity needed to make consumption *possible*. As a general matter, production is for the sake of consumption, and I think Tomasi would have done well to give more attention to consumption's liberating quality as an aspect of self-authorship.

For Tomasi, “[g]rowth has changed the premises upon which the ‘economic paternalism’ of the early social democratic theorists was based” (p. 110). And that claim is surely right. But even absent the reality of economic growth, paternalism would have been questionable. Among other things, the deprivation to which the theorists to whom Tomasi refers saw as warranting paternalism is best seen not as a consequence of market freedom, but rather as an outgrowth of large-scale depredation that took place over several centuries and of ongoing efforts to endow the wealthy and well connected with privileges. This deprivation arguably resulted not from market freedom, but from its violation.

Tomasi suggests, in effect, that we need to choose between institutions that maximize workers' incomes and those that maximize their control over their workplaces. But for workers who care about participation in workplace governance, who want due-process protections against arbitrary bosses as well as other sources of dignity and security in work life, freeing the markets may be the strategy needed to achieve their goals. Kevin Carson's work, in particular, has highlighted the ways in which state-secured privilege tends to increase the likelihood that workplaces will be hierarchical, impersonal, and inflexible. One can perfectly well share the republican appreciation for democratic, human-scale workplaces while affirming that such workplaces can be fostered precisely not by mandating democratic structures, but rather by eliminating the privileges that prop up hierarchies.

Tomasi is, if anything, too kind to the sorts of statist regimes Rawls calls “liberal democratic socialism” and “property-owning democracy.” As Tomasi notes, basic economic and sociological knowledge is available even behind the veil of ignorance. There are plausible arguments to the effect that such regimes generate incentives for political actors to engage in self-dealing mischief and for economic actors to reduce work and to seek political rather than economic success. Even if we suppose that such

arguments are too contentious to count as appropriate inputs at this stage, it is nonetheless the case that Misesian and Hayekian points about the impossibility of socialist calculation and the knowledge problems confronting all attempts to plan on a top-down basis render liberal democratic socialism a nonstarter and pose serious problems for property-owning democracy. Thus, although market democracy might be seen as preferable to these social democratic alternatives because it is more inspiring, it should also be seen as superior to them in light of credible social theoretic analysis.

All these objections, however, are relatively minor quibbles. Tomasi has shown that accepting concern for the worst-off as a justificatory requirement for a defensible political order is compatible with defending a generally noninterventionist politics and that market democracy can reasonably be understood as, at least, on all fours with social democracy from a high-liberal perspective. One may still reasonably wonder about the standpoint from which Tomasi seems to think political deliberation ought to proceed, its goals, the norms by which it ought to be governed, and the general conclusions it ought to reach. In the remainder of this review, I focus in particular on his understanding of the state and of property rules.

III

“Webs of private commitments grow as self-authoring individuals interact voluntarily within the framework of public morality,” Tomasi observes. “But,” he says, “it is that public framework that defines the moral character of market democracy” (p. 88). If he means that private interactions should take place within the framework of an objective moral order, then he is surely right. But he does not seem to mean simply this. Rather, when he talks about “the framework of public morality,” he appears to mean basic rules for social interaction that democratic political institutions create.

Rawls seems to have come increasingly to understand his own project as a matter of spelling out the implications of the political morality that underlies Western democracy (rather than, say, as a matter of providing a justification for that morality). In this understanding, a broadly Rawlsian starting point for the construction of requirements of justice seems to presuppose the existence of the democratic state. I take Tomasi to follow Rawls here. He seems to treat democratic limited government and democratic laissez-faire as the most obvious classical-liberal alternatives to standard Rawlsian social democracy because he takes democracy as his assumed starting point and because he treats democracy as a mechanism for managing the state. When he maintains that society is “a public thing,” he seems to have in mind the idea that it is unavoidably structured by political institutions—by democratic deliberation. But this idea seems to me to be in need of demonstration. The question is precisely whether political institutions are needed at all or whether people cannot, in fact, create fully consensual, bottom-up structures for the resolution of disputes and the maintenance of social order.

Tomasi evidently accepts the Rawlsian view that a society is a cooperative venture for mutual advantage, so that the participants in the society can reasonably regard the

shared products of their efforts as theirs to distribute. Rawls's principles of justice seem to be answers to this sort of question: What principles should a collective decision maker employ in determining how collectively owned resources ought to be distributed? But this question appears to me to presuppose that it is reasonable for any person or group to take responsibility for the distribution of resources in an entire society. I think the metaphor of "cooperative venture" tends to mislead at just this point. People deliberating behind the veil of ignorance might reasonably be expected to ask precisely whether they should be understood as engaged in a common project *in the relevant sense*—and to answer "no."

If the resources in a given society are the state's to distribute, it is surely right that state actors are obligated to avoid making arbitrary distinctions among members of the society. The actors who frame a constitutional order for a democratic state similarly can act fairly or unfairly, and the constitutional rules that ground state redistributive activity can thus be regarded as fair or unfair, depending on the choices of those who framed it. Further, if such a state were responsible for parceling out the product of social cooperation in light of constitutional rules, the framers of these rules could be said to act justly or unjustly with respect to the distribution of wealth. And in these sorts of cases, (distributive) justice as fairness might well make sense, whether precisely in Rawls's own preferred form or not. But the prior question—whether there ought to *be* a societywide constitutional order or whether resources generated within a society are, indeed, the state's to distribute—still needs to be resolved. For if they are not, then state actors can hardly be said to act unjustly if they fail to enact something like Rawlsian distributive justice.

The characterization of a society as a cooperative *venture* for mutual advantage seems to imply that the society has some sort of collective identity. However, a society is better seen instead as the sum total of a vast number of cooperative interactions. We can speak of a general pattern in accordance with which social cooperation leads to mutual advantage, but that situation is quite different from a social contract in which people agree to engage in a shared enterprise and determine how best to divide the proceeds of the enterprise. A society is not an enterprise.

Social cooperation—extended cooperation involving multiple networks of strangers—does not depend on the existence of a "society," at least if a society is understood to be a geographically delimited entity with a stable population governed by a state. Cooperation among distant strangers can occur as long as they are linked by the right sorts of conventions and institutions, which can be consensual, fluid, and nonterritorial. Whatever a society is, it is not a common venture; so the participants in it do not seem to have any collective claim to its fruits based merely on their participation in it.

IV

The proper locus of moral deliberation should be the particular person faced with a moral choice. To begin by assuming, instead, that it is a group of people deliberating

on behalf of an entire society is to assume what needs to be demonstrated. All moral choices are ultimately personal ones. That reality does not mean that these choices cannot have institutional consequences, of course: I can be morally required to support the creation of certain institutions; I can be morally required to perform in certain ways as an institutional actor; and I can be morally required to take account of institutional rules in particular ways. But these conditions are quite different from supposing that I can be obligated to develop or defend institutional rules as some sort of universal legislator when I am no such thing and when it is not clear that anyone is entitled to play the part of such a legislator.

Morality is a feature of choices (or of the character traits that underlie them), and justice is an aspect of morality, so justice is finally a property of actions. The notion that justice is, as Rawls says, the first virtue of institutions makes sense, to be sure, if this phrase is really a shorthand way of saying that institutional actors have the responsibility to act justly—that justice is the first virtue of institutional actors acting in their official capacities. Such actors clearly can act reasonably or unreasonably, fairly or arbitrarily. And they can certainly act unreasonably when parceling out resources with which they have been entrusted in the interests of everyone they are supposed to serve. But whether they have been thus entrusted, whether they would or should be, is precisely what is at issue.

Fairness is, essentially, nonarbitrariness. We can understand it as a matter of declining to make arbitrary distinctions among those our actions affect—to avoid discriminating between people in ways we would not be willing to accept were our roles and theirs reversed and, in addition, to avoid discriminating except in pursuit of a genuine aspect of well-being (friendship, say). We do not need the original position or the veil of ignorance to operationalize fairness in this sense, but these imaginative devices can help us to think about what it might mean to choose nonarbitrarily. At least, they can do so as long as we remember that none of us chooses for an entire society, that none of us *can* do so.

Property rules can be fair without presupposing that anyone is responsible for the overall distribution of wealth. As long as it would be fair—nonarbitrary—for the members of the relevant population to support a given set of rules, it can be clear that these rules are consistent with fairness, applicable to everyone, and framed with everyone's interests in mind, even though they do not involve any attempt to determine a pattern for wealth distribution.

The question of what property rules are fair can be seen as logically prior to the question of whether there can or should be states. Deliberation behind the veil of ignorance can in principle be a device designed to identify the responsibilities that particular persons will have in virtue of the demands of fairness. But these demands need not be framed in light of the presupposition that a state exists or that everyone's resources are ultimately at the state's disposal (or, for that matter, that individuals and families hold just claims). Instead, the focus of deliberation might reasonably be on the rules that ought to govern initial and subsequent acquisition, given that at first no

one owns any physical object except his own body. I suggest that if no individual owns anything, but no collectivity does either, it will be reasonable for people to opt for rules that allow for initial acquisition through effective possession, subsequent acquisition through consensual transfer, and exclusive control of what is justly acquired. People deliberating in the original position would have good reason to embrace such rules in light of their capacity to promote or embody such values as autonomy, incentivization, peacemaking, reliability, simplicity, and stewardship (and the impact of potential rules on the working poor might obviously be taken into account in determining their appropriateness). Each deliberator, not knowing his or her own place in a given social order, would have good reason to prefer that decisions regarding unowned property be made in light of such rules.

If this sort of analysis is right, then specific moral rules regarding property can be framed and justified without regard to state action. Therefore, from a moral perspective, property rights can indeed be “radically prior” to the state because they can, in principle, be justified without reference to state action. Moreover, they can be seen as radically prior in another sense because stable social conventions can ground property rules—and, more broadly, the institutions needed to enforce those rules in a complex society.

The choices involved in determining rules and maintaining the relevant institutions can be morally assessed without regard to the existence of the state, not least because they would apply whether a state existed or not, and the morality of the acts involved in establishing a state and implementing its directives can therefore be assessed against the background provided by the baseline elements of a morally defensible property system. Thus, in particular, the considerations that underlie the rules could—and I think would—provide good reason for the rules to be understood as precluding nonconsensual redistribution once they were in place. Even if this condition were simply a strong but defeasible presumption, there might well be further reason to oppose the creation of an entity with the power and authority to engage in this sort of redistribution.

V

Elaborating his preferred approach to justifying political authority, Tomasi repeatedly refers to what people “can accept” rather than what they “do accept.” That is, he is concerned with what it would be reasonable for them to accept rather than with their actual consent. Thus, it seems as if it is finally reasonableness, not acceptance, that does the relevant work. Despite appeals to equality of authority, it is not obvious that Tomasi’s model leaves room for people to say “no” to the state (rather than, say, to particular state policies or actors).

Tomasi owes us a better explanation of why actual consent is not required, at least presumptively, to ground political authority. Although he repeatedly invokes “democracy,” the conception of democracy he employs has less to do with elections

and parliaments than one might think, and this construction perhaps suggests a road not taken. “In morally neutral terms, we might say that a society is democratic to the extent that fundamental political power is held equally by all members of that society” (p. 285 n. 86). But if democracy is to be understood this broadly, as an affirmation of *equality of authority*, then it can be a feature of a society from which centralized political decision making is entirely absent. It can be—and it *should* be because among persons with equal claims to political power, no one has a natural right to rule. No one can rightly assert that he is entitled to dominate any of the others. And this constraint, in turn, suggests that a society whose members have equal claims to political power would be one in which not only representative political institutions but also decision making by means of some sort of direct democracy would necessarily be justifiable only on the basis of actual consent.

After all, representatives in representative democracies and majorities in direct democracies claim to exercise authority over other people’s lives; and if people are politically equal, where would such power come from absent consent? That one person enjoys the support of others is not self-evidently a reason for him to enjoy any legitimate authority over those whose support he does not enjoy. People who value not being dominated—which is to say, most people—might well prefer, behind a veil of ignorance, that political authority not be exercised over them without their consent. And if the state’s nonconsensual character renders it illegitimate, the enterprise of asking what the state ought to do as regards wealth distribution is stopped cold in its tracks.

Suppose, alternatively, that the state’s nonconsensual character counts against its legitimacy only on a *prima facie* basis: suppose, that is, that the presumption against nonconsensual rule can be overcome in some cases for some reasons. The obvious reasons here are the maintenance of social order and the provision of care for the economically vulnerable. Even so, it would be entirely reasonable to ask whether social order can be maintained and the economically vulnerable nourished in the state’s absence. Considerable evidence suggests that people can organize themselves to restrain aggression, resolve disputes, and provide social services to the working poor without Leviathan’s involvement. Given the presumption against nonconsensual rule and the multiple risks associated with a state’s establishment—given states’ obvious potential for plunder and war—the fact that the state does not seem to be necessary as a source of social order or care for the vulnerable suggests that supporting the state’s creation or purposefully working to maintain a state’s existence is unreasonable.

VI

States are inherently very dangerous. The war making in which they have persistently engaged and to which their taxing power and their leaders’ desire for glory and public acclaim render them exceptionally prone, which obviously victimizes the most vulnerable around the world on a persistent basis, is an especially good example of

their danger. But the state's tendency to constitute and serve the interests of an exploitative ruling class provides a further reason to avoid its creation, support, or maintenance.

Tomasi grants (pp. 199–200) the importance of public-choice analysis of the behavior of state actors, but he does not incorporate the full-blown class-theoretic analyses of such libertarians as Charles Comte and Charles Dunoyer, Franz Oppenheimer, Albert Jay Nock, Walter Grinder and John Hagel, Murray Rothbard, and others. This kind of analysis plausibly suggests that the state as a whole is an engine of predation and has consistently been employed for purposes of class exploitation.

The recognition that such is the case provides a crucial basis for responding on Tomasi's behalf to the wrongheaded analysis in a recent review of *Free Market Fairness* by Andrew Joseph Koppelman. Koppelman argues that the state has been redistributing wealth upward—by cutting taxes on the wealthy and reducing welfare benefits to the poor. It is easy to respond with an eye roll: letting people keep resources to which they are justly entitled is hardly a matter of redistributing wealth *to* them. But Koppelman is nonetheless onto something: the state *does* redistribute wealth upward in a wide variety of ways, from massive theft and land engrossment to intellectual property privileges to subsidies to bailouts to licensing rules to building codes to zoning regulations to sales taxes to limits on access to land and capital—all tend to make and keep people poor. In *these* ways, the state persistently shifts resources to the wealthy and well connected. Eliminating state-secured privilege and remedying state-perpetrated wrongs can therefore deal with the problem of upward redistribution while allowing (in Jeremy Weiland's apt phrase) the free market to eat the rich. What is needed, in brief, is the state's elimination, not its strengthening.

Libertarian class analysis provides a reason to be skeptical about the capacity of constitutional constraints on a centralized state to prevent class exploitation. There is no way to rule out exploitative mischief in principle, but the more widely power is dispersed and the less centralized, monopolistic authority enjoys legitimacy in the public's eyes, the fewer opportunities for exploitation are likely to present themselves.

VII

A fully consensual political order would be unlikely to be a direct or representative democracy. It would be much more likely to be stateless—to lack any sort of geographical monopolist claiming to control the determination and protection of legal rights. As an alternative to democratic limited government and democratic *laissez-faire*, we might call this sort of political order *market anarchy*. An interesting exercise would be to ask whether market anarchy might be understood as a species of market democracy in Tomasi's sense—whether the general approach to justification Tomasi employs can be used to show that market anarchy meets the demands of social justice.

The relevant justification would presumably note that such an order can be expected (in the absence of stultifying state-secured privileges and state-provided

subsidies and state-mandated regulations) to foster economic productivity in ways that would boost the well-being of the working poor.³ Also grounding market anarchy's claim to meet the demands of social justice would be a number of other factors. Given that poverty in a generally wealthy society is in large part structural, and given that structural poverty is a consequence of state-secured privilege as well as state-tolerated and state-perpetrated mischief, the elimination of the state and the rectification of past and ongoing injustice would deal effectively with the problem of structural poverty. Redistribution effected through the operation of a privilege-freed market might be expected to eradicate the effects of past privilege. Solidaristic assistance might be expected to aid those affected by economic vulnerability and insecurity, and nonstate social institutions might be expected, as they have done in the past, to provide effective remedies for economic insecurity and vulnerability.

The institutions of market anarchy would not *guarantee*, of course, that any individual instance of economic insecurity or vulnerability on the part of a working poor person would be remedied (any more than other sorts of market-democratic or social-democratic institutions could do so). But they can clearly be seen to do so in a reliable, predictable manner,⁴ especially through the elimination of state-fostered structural poverty.

VIII

There is little reason to want a state, and Tomasi has supplied no new justification for the top-down determination and enforcement of legal rules. The Rawlsian framework for the justification of state action that Tomasi employs arguably assumes what ought to be demonstrated—namely, that a “social product” is ripe for collective distribution by the members of a given (likely state-governed) society. And even if the Rawlsian justificatory framework be accepted, it need not be seen as warranting a state, as Tomasi seems to suppose, because it might be seen as warranting the establishment and maintenance of market anarchy.

3. We might, for example, recognize that minimum-wage laws tend to lead to unemployment among the urban poor. Given the value of employment opportunities for those affected by minimum-wage laws, people framing property rules, operating behind a veil of ignorance, would know enough to structure the rules in a way that precluded such laws; or, to put it differently, they would know enough to realize that structuring rules in a way that permitted such laws would not be necessary (and would, indeed, be undesirable).

4. Even with these sorts of considerations in place, the difference principle cannot be adopted whole cloth as a precise guide to state policy. We can talk in general terms about the tendencies of particular institutional structures to benefit the working poor, but there are, of course, considerable limits on our ability to predict what will happen in particular classes of cases. More than that, however, if we grant that the various aspects of well-being are incommensurable, it will not be possible to establish any objective rank ordering of states of affairs featuring diverse instances and kinds of welfare. Thus, we would often be unable to predict, except at a very general level, what the impact of a given institutional design would be on the working poor, and we would be unable to rank possible outcomes in a way that allowed us to say that one was clearly superior to others with regard to the welfare of the working poor. It makes sense to talk about institutional approaches that benefit the working poor and others that ignore or harm them, but I suspect that we cannot do much more than reach such rough conclusions.

However, *Free Market Fairness*, thoughtful, well written, and ecumenical in temper, seems effectively calculated to foster interesting reflections on and exchanges about the merits of markets and property rights and how they might be understood within the terms of the tremendously influential Rawlsian paradigm. It can also be seen as spurring conversation about alternative left-wing libertarian analyses that might be less inclined to accept the existing framework of Western democracy as a given. Thus, people who value markets and care about the economically vulnerable will find Tomasi's book both a spur to thought and a springboard for conversation inside and outside the broad liberal tradition, and for that gift we have good reason to be grateful.

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