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Editorial

**THINKING ABOUT CLASS, RACE, GENDER:
HIMANI BANNERJI AND G.A. COHEN ON
CAPITALISM AND SOCIALISM**

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Socialism is, at minimum, a twin enterprise. It is at once a critique of capitalism and an argument for moving beyond capitalism to a world in which social relationships are governed by the principle, “From each according to ability, to each according to need.” Put another way, socialism is first a critical appraisal of the actually-existing political economy of capitalism and second, an argument for a particular kind of post-capitalist world. Among others, G.A. Cohen has argued that under scientific socialism – as elaborated by Marx and Engels and perhaps more especially by Rosa Luxemburg – the two projects were united (Cohen 2001, 73-78; 100-115). The reason that the socialist critique of capitalism and the project for a socialist society were one and the same endeavour is that the socialist solution to capitalism was immanent in the historically unequal and exploitative class relationships that are at the heart of capitalism. Out of the successful revolutionary struggle of the majority working class against the dominance of the minority capitalist class would emerge an unprecedented moment, the beginning of human history. Rid of limiting reifications like “the economy” and “the market” and most importantly, of the unequal social relations underlying them, human beings would self-consciously and democratically organize social relationships together. Democratic decision-making, in the best socialist variants, would no longer be confined to a narrow and artificially carved-out formally political realm but would also include the economic realm and other aspects of social life. This new socialist society would meet the particular needs of each human being, while sharing social burdens (Cohen 2008, 138), so enabling the fullest expression of human potential for each and all.

For scientific socialists, there was, however, no need to argue for the socialist project, in the absolute, since it was an inevitable consequence of revolutionary class struggle emerging within capitalism. As Cohen observes (2001, 109), although Marx, Luxemburg and many less well known activists and authors made (and some continue to make) great personal sacrifices in the name of socialism, ostensibly these sacrifices were not over an uncertain future, but rather to speed along an inevitable, ultimately victorious revolutionary working class struggle (Cohen 1995, 3, 6). Yet, if it is a certainty that capitalism will not last forever, anymore than feudalism or other modes of production in human history, it is not obvious that socialism, and specifically democratic socialism, will inevitably succeed capitalism. Cohen argues that in particular, there is no world-wide immiserated working class with nothing to lose that will emerge to carry out the socialist revolution (for instance, Cohen 1995, 7-9) and no ecological possibility of the superabundance that will make equality unproblematically attainable, since many wants cannot be met under the ecologically-necessary conditions of reduced consumption. If Marx and others in his wake elaborated a very helpful explanation of capitalism and a trenchant critique of capitalist injustice (or of objective exploitation, as Marx would have it) and if socialism remains a compelling political project, socialism is no longer an inevitability but simply one possible -- and possibly unlikely -- political future among others.

Social Location and Socialist Theory

To explore the tension between the socialist critique of capitalism and socialism as a more just way of organizing social relationships, I look at the work of two scholars, sociologist Himani Bannerji¹ and the late philosopher G.A. Cohen. G.A. Cohen's work is the focus of the articles and research notes in this special issue, drawing on a Socialist Studies conference organized in 2010 by libertarian philosopher Jan Narveson, who contributes a comment on Cohen's work and afterward to this issue.

Himani Bannerji and G.A. Cohen were born just one year apart, 1942 and 1941 respectively. Each spent many formative years in Canada and each was an immigrant, Bannerji coming to Canada from Bengal, India and Cohen leaving Canada for Britain as a doctoral student. Both experienced discrimination and prejudice on ethnic/racial grounds. Both explicitly characterize themselves as committed to socialist struggles, so that both operate at least partly on the margins of academia, where Marxism has been of

¹ Due to technical difficulties with the audio file, we regret we are unable to publish the interview of Bannerji conducted by Sherene Razack, herself a devastating critic of the interlocking systems of injustice that are capitalism, patriarchy and racism (see, for instance Razack 2008), originally planned for this issue. We hope to be able to publish it in the next volume in some form.

declining significance over the last several decades -- if far from dead, as their own lively work, among others, attests.

Yet, despite these generational, biographical and political affinities, Cohen and Bannerji espouse quite different socialisms. I will suggest these have their roots in their respective social locations. As Bannerji would insist, biographical differences are not only about personality and talent, family and culture. Rather, more often than not, they are an expression of power, and of how power operates to include and to exclude. Indeed, they are even about how power operates to create certain socially meaningful and consequential categories of actors in the first place. In her own words, for example, Bannerji became a “woman of colour” within the settler state of Canada. And of course, “power” is never generic, but always occurs in historically-specific forms, for instance, as class relations.

In other words, biography is always-also about the personal experience of political power, the ways that, as Bannerji reminds us, “the political is personal,” to invert the well-known feminist slogan (Bannerji 2000, 88). In this way, the account that I offer of Bannerji and Cohen’s intellectual biographies emphasizes the weight of history on the ways their respective socialist engagements developed.

Himani Bannerji: Sociology from the Margins

Himani Bannerji is Bengali-Canadian. Following tenured professorship in India, she was for a long time a precarious academic in Canada before finally becoming a tenured professor at York University, in the Department of Sociology. As noted, Bannerji emphasizes how, within the context of London, England and later in Canada, she *became* an immigrant, ethnic, a “visible minority” within a white supremacist nation conceptualized in terms of the two warring “solitudes” of the colonizers, English and French (Bannerji, 2000, 88). Within the patriarchal, imperialist capitalist configuration of the Canadian state, with its commonsensical racialization that interpellates people of colour as such (2000, 65), Bannerji became an implicitly inferior “other” against an universalized white male norm, whether the referent is the French or English-speaking colonizer.

Of course, Bannerji’s personal entwinement in colonial relations did not begin with her arrival in Britain and Canada. Already in India, she had been enrolled in a school where English was the language of instruction and Shakespeare the centre of a wholly British canon, taught to Bengalis in a self-conscious effort to create an English-speaking Bengali elite thoroughly tied into the colonial imaginary (Bannerji 1995, 55-56). It was, however, as an immigrant, that Bannerji first felt the full force of the painful and dehumanizing process of becoming an inferior other – and this across all spheres of life, including academia and in the realm of feminist politics.

Taking English literature classes at the University of Toronto, for instance, Bannerji felt her presence in and contributions to the class were, at best, irrelevant to the professor and other students, at worst, an intrusion on the 'normal' convivial course of class discussion (Bannerji 1995, 57-58). Her life experiences were made to seem completely irrelevant to and were entirely absent from course materials, and her person was made thoroughly alien through numerous small remarks, as with eminent professors who asked if she felt cold wearing a sari in the Canadian winters. Indeed, she felt so thoroughly alienated that she discontinued her PhD studies and only took up her university career again many years later. This time, thanks to writers like Frantz Fanon, Audre Lorde and Dorothy E. Smith, she was armed with the beginning of a reflexive, critical awareness of the political structures underpinning her feelings of isolation as an immigrant woman of colour (Bannerji 1995, 60).

In her re-started academic career, Bannerji sought to become, not simply an "object" produced by the relations of ruling, but a political subject. She set herself the task of writing and teaching in order to lay bare and resist relations of domination, so laying the path for a new, feminist, anti-racist socialist world (1995, 106), rooted in what Bannerji calls "an actively revolutionary knowledge" (1995, 81). Inevitably, as one of the first non-white woman academics in Canada, this was a lonely business. Bannerji's allies were less often flesh and blood partners and more often texts written by far-flung black, Indigenous and other nonwhite women engaged in a similar political and theoretical struggle. Moreover, being armed with a reflexive awareness of the practical ways that oppression operates within academia, did not make the experience of oppression any less painful in everyday practice. Bannerji writes that within the classroom, she was constantly reminded that she was an exception to the university rule: "As a body type I am meant for another kind of work—but nonetheless I am in the classroom", exercising a kind of authority as a professor (Bannerji 1995, 61). Both as a consequence and symptom of this, she has had to continually establish her status as an equal before her students and to colleagues, an often exhausting business. At times, white students and colleagues, including those explicitly committed to feminist and historical materialist approaches, sought to empathize or express white guilt. Apart from the very rare exception of feminist scholar Dorothy E. Smith, however, her colleagues were not prepared to engage in systematic analyses of the ways their own teaching, research and collegial relationships are implicated in racist and patriarchal relationships (Bannerji 1995, 111).

More often than not, the public, professional academic experience of teaching and research was painful, even enraging. But within the classroom, pain and rage could not be directly expressed. Instead, Bannerji coped by splitting her "professional" self from her personal self. The personal self submitted to the violent gaze of mostly white students and colleagues, a gaze simultaneously reflecting and enacting "centuries of 'knowing' of existential and historical racism" (Bannerji 1995, 102). The professional self transformed that experience into analysis, one that stretched from the classroom to the history of the

world. Thus, Bannerji teaches and writes in order to make clear the connections between, for instance, the social violence of the classroom gaze she experienced and the racist ideologies of colonizers who need(ed) to justify the violent takeover of “brown” peoples and their lands, so that these could be reorganized within colonial class relationships (1995, 99-120).

Within academia, Bannerji’s marginality was accentuated by her Marxism. It is not difficult to imagine how her officially precarious university status, throughout much of her career, could be justified by so-called objective standards of academic excellence. Thus, publication in mainstream journals, using mainstream theories less disturbing to existing power relationships than Marxism is necessary for scholarly advancement (Smith 2004, 37-44). Moreover, it is telling that Bannerji feels compelled to specify her own anti-racist and feminist orientation within mainstream Marxism. Like most academic theories, mainstream Marxism remains premised on the wholly unjustified assumption that it is possible to talk about actually-existing social relationships in capitalism whilst abstracting from -- that is, ignoring -- the simultaneously racialized and gendered but also ableist and heterosexist nature of social life. As if, writes Bannerji, “nothing much is to be learned about the nature of economic, social and political organization...by studying lives or concerns of women of colour” (1995, 43). By insisting on the centrality of the simultaneous experiences of race, gender and class oppressions within the historically specific configuration of world capitalism, Bannerji seeks to challenge a canon that institutionalizes these as “objectively” minor dynamics – but the immediate price is to be dismissed as a scholar concerned with “minor” issues.

This status as inferior outsider was and is not confined to academia. Mainstream feminist politics, Bannerji writes, ironically sought to silence women of colour and working class women, all while insisting on giving “women” a public voice (1995, 41-54). And, there was and is the everyday racism. Riding with her daughter on the subway in Toronto, for instance, fellow passengers watched as she struggled to free her child from being jammed in the doors, all the while making comments about “you people” not knowing how to properly ride the metro system (1995, 13). In short, Bannerji’s early, precarious existence within academia and Canada cannot be separated from her social existence as a non-white woman in a white settler nation.

Yet, if objectively caught in relations of domination and oppression, Bannerji is not simply a victim of those relations. As she writes about herself, “I am object, but also subject” (1995, 104). Bannerji did find both literary and flesh and blood allies in academia and beyond, in her struggles, and she has continued to engage in projects of pedagogical but also political resistance. Moreover, if her work is firmly committed to critique, it is likewise insistent about the possibility and necessity of revolutionary, emancipatory social transformation. Finally, Bannerji is a poet, too. Like her sociology, her poetry – what might be referred to as “resistance poetry” (Armstrong 2001, xvii)-- speaks both of the violence of many contemporary social relationships and of the possibility of transcending

that violence: she writes of broken birds who are, nonetheless, also phoenixes rising (Alvarez 2007, 18).

G.A.Cohen: Success at the Centre

G.A. Cohen's childhood was spent in working-class Jewish Montreal. He grew up in a Russian émigré family committed to communism. Like Bannerji, Cohen experienced ethnic hatred as well as the sometimes frightening marginality and even criminalization associated with active socialist politics. The left-wing and bilingual Yiddish-English primary school he attended was closed following a raid by Quebec's 'Anti-Red' brigade (Cohen 2001, 27-30). Following this, Cohen assiduously hid his communist convictions from his classmates until his teenage years, when he was accidentally politically 'outed' and realized to some surprise that being identified as communist had a certain cachet among his adolescent friends. Whatever the rebellious allure this affiliation gave him in the eyes of his classmates, however, Cohen remained all-too aware of the brutality of anti-communist activities by the Quebec police and he writes of the fear he felt as a child and young adolescent when carrying out semi-legal errands for his communist parents and their friends.

Following the closure of his primary school, Cohen attended English protestant schools, partly in order to avoid the more explicit anti-Semitism at the French Catholic ones. Inevitably, this left him exposed to what he refers to as 'genteel' Protestant anti-Semitism (Cohen 2001, 28). As a Jewish child growing up in Montreal, this included formal discrimination, including signs at public and private establishments forbidding entry to Jews and discriminatory entrance requirements at McGill University that meant Jewish students had to outperform Christians in order to be accepted. It also meant exposure – and the everpresent fear of exposure -- to other forms of everyday, informal anti-Semitism, including insults shouted out in the streets and barbs aimed at Jewish students by their teachers. As Cohen remarks, it only took the very occasional anti-Semitic slur yelled out in the street to instil a long-lasting feeling of vulnerability (2001, 34).

Cohen writes that these experiences of discrimination enhanced his own sense of Jewishness, as well as feelings of vulnerability, exclusion and even self-loathing (2001, 34-37). Remembering a male teacher who revelled in anti-Semitic asides in the classroom, for instance, Cohen describes the destructive ways that deference to the authority represented by such a teacher meant that, "you have a kind of deference to his views that Jews are not quite human, or that they have all too many of the less agreeable human characteristics, and that doesn't help you to respect yourself" (Cohen 2001, 37). In the same book, he insists on "how damaging racism is to the self-respect of its victims" (188). The "big wide

non-communist world”, (Cohen, 1995, 247) as Cohen refers to it, was not necessarily a friendly and too often a hostile, place.

In spite of the ambient, often vicious anti-communism and anti-Semitism of his Montreal youth, Cohen succeeded in undergraduate studies at McGill University. Cohen offers this assessment of his survival of anti-Semitism in his youth: “I experienced anti-Semitic attitudes as a Jewish child in Montréal, but the consequences of that for us were not very severe, since, unlike many other victims of racism, we Jews had assets (not least ones of culturally induced self-confidence) that made the ambient anti-Semitism relatively ineffectual with respect to our life chances” (Cohen 2008, 367). Cohen went on to complete his doctoral studies at Oxford; he had also been accepted into the doctoral programme at Harvard, but declined. Subsequently, he became faculty at University College, London, where he worked for twenty-two years, before becoming Chichele Professor of Social and Political Theory, in 1985, so returning to Oxford at All Souls College. In short, by mainstream definitions, G.A. Cohen had a very successful university career, firmly at the academic centre of an old imperial power.

Nonetheless, success was not unmarked by continuing experiences of discrimination and marginality. Michael Rosen, for example, writes that eyebrows were raised to see a Marxist at All Souls (Rosen 2010, 13). In his writing, Cohen is forthright about the anti-Semitism of contemporary Britain (2001, 38), although he suggests that in his early academic career in Britain anti-Semitism was so muted that he could not identify with British Jews, who were simultaneously more religious and more assimilated than he felt. (Nor were they Yiddish speaking Russian émigrés, which was Cohen’s own Jewish inheritance). Although Cohen does not talk about the experience of being an academic with working class roots, it is not implausible – if far from certain --that this created some sense of dissonance and ambivalent sense of belonging. Cohen was well-known for his informality and lack of inhibitions: who knows how this irreverence might be connected to his working class origins and experiences of anti-Semitic discrimination and exclusion?

Finally, Cohen may also have suffered from material disadvantages, relative to other academics, as a consequence of his socialist orientation. Just over a decade ago, when he was already well-known, Cohen remarked that if, like most professors, he was relatively rich, he was also ‘quite poor, *as professors go*’ (Cohen 2001, 150, italics in original). Cohen is not forthcoming about why, writing about “various reasons that need not be laid out here” (150). Nonetheless, in the contemporary capitalist world and particularly given restraints on public funding of universities, professors of philosophy are likely to be less well remunerated compared to professors in – for instance – relatively better-endowed business departments, who are oriented to the practical workings of everyday market societies. Generally speaking, socialist philosophers are less well known and in demand compared with liberal superstars like Rawls, who owe their renown and enthusiastic acceptance partly to the fact that they espouse theories congenial to existing capitalist power relationships. Despite important networks of solidarity amongst many

left scholars, socialist professors' ideological marginalization has disadvantageous material consequences, relative professors with more acceptable political leanings.

Yet, it seems clear that G.A. Cohen did not only benefit from Jewish solidarity, as he mentions above, in carving out his academic career. Rather, within contemporary capitalism, maleness and "whiteness" are nonproblematic -- or "transparent" to borrow Frantz Fanon's term. Bannerji became a visible minority within the context of the imagined multicultural community of England and Canada, including within academia. In contrast, Cohen appears to have been more easily absorbed into mainstream academia in Oxford, England, despite his committed socialism and Jewishness. To paraphrase Bannerji, as a body type, Cohen's white maleness is meant for the kind of work done in a university classroom -- particularly, it might be argued, in an Oxford classroom. As a consequence, Cohen's status as a professor did not need to be constantly and repeatedly achieved, but was to a large extent already-acquired. The flip side of Bannerji's exclusion and marginalization within academia as a racialized woman of colour is Cohen's less-difficult inclusion as a white man, possessing the automatic -- and professorial -- authority that a particular (white, male) body represents.²

Both Bannerji, the sociologist, and G.A. Cohen, the philosopher, make important contributions to socialism as a critique of capitalism and socialism as a more just way of organizing social life. Not surprisingly, however, given their distinct social locations, Himani Bannerji and G.A. develop different socialist critiques of capitalism and arguments for a socialist future, as a more just way of organizing human relationships. Their approaches are not always complementary. Moreover, there are uneven dangers in their respective contributions to the socialist critique and the socialist social project.

Himani Bannerji and the Sociology of Socialism

To twist a phrase of Cohen's, Bannerji has been concerned with the "hard factual carapace" (Cohen 1995, 6) of capitalist social relationships as they are lived, both historically and in a variety of national settings, including India, Canada and elsewhere. Bannerji insists that any clear-eyed assessment of actually-existing capitalist relations must recognize the ways that race, gender and class oppressions are inextricably meshed together in social experience. "Race, gender and class" are too often recited in this way: in serial but also rote fashion, with the artificial separation marked by the commas between

² This maleness and perceived whiteness is not a "privilege" that Cohen could simply and single-handedly renounce. It is not as if gender and race is a matter of personal choice. Rather, they are a consequence of social relationships -- that of course, Cohen also participated in -- that render some individuals, like Cohen, male and white in the same movement that others become women and "minorities", while simultaneously positioning men and whites as superior and femaleness and "otherness" as inferior. Of course, if Cohen could not renounce white privilege, he could analyse and critique racist relations -- and he sometimes did (for instance, Cohen 2008, 345-50), within his more general argument for socialist justice.

each word. In fact, the experience of race, gender and class are always “all together” and “all at once” (Bannerji 2005, 144). A human being is not first, a woman, then, a person of colour, and third, working class. Rather, she is always all-at-once: race, gender and class are inseparable as “coffee and milk” once they have been mixed up together (Bannerji 2005, 149). As Bannerji observes, the women who mistook her for the cleaning woman of a building she was in, had no trouble simultaneously thinking about race, gender and class (Bannerji 1995, 12). Theory cannot do less, if it does not want to engage in a misleading fragmentation of actual experience. The problem is at once conceptual and political: conceptual since it reifies as separate objective “fragments” what are unified social experiences (Bannerji 2005: 146) and political since this fragmentation is then reproduced in strong distinctions between communities and movements, that then have difficulty accomplishing unified political action.

Bannerji often starts from experience, including her own, to explore actually-existing relations under capitalism. This approach is based on the observation, already cited earlier, that the “political is personal”. Inevitably, we are enmeshed in the politics – the political economy -- of the world, which is nothing more than relations among human beings. But, there is nothing transparent about experience (Bannerji 1995, 55-98). Rather, processes of domination and exclusion are normally hidden through the commonsense sense of everyday ideologies that rewrite these relationships of oppression as natural, inevitable even desirable for most people. Experience must be interpreted -- and interpreting in counterhegemonic ways is anything but spontaneous. Bannerji was not born an anti-racist feminist socialist, but become one. Similarly, it was only after encountering the writings of Fanon, Lorde, Smith and others that Bannerji was able to “see” many years later that her feelings of loneliness and irrelevance as a university student were a product of racism (Bannerji 1995, 56). Racism here is interpreted materially – as a pragmatic, social fact, existing in everyday, often institutionalized relationships that, for instance, define what “matters” within the classroom as the history and stories of white, European bourgeois people. In such a reading, personal experience is analytically explainable only within the understanding of a worldwide context of the historically specific configuration of capitalist imperialism that brings people together in definite, unequal class relationships, a configuration that is legitimated by ideas that racialize both whites and brown people, whilst positing whites as superior to others.

Bannerji observes that hegemonic ideas are not uniform and homogenous. On the contrary, they are frequently contradictory, because they shift pragmatically to fit with the interests of dominant classes in particular historical moments and situations (Bannerji 2001, 48). For instance, in the colonial imaginary of the past and present, brown men are variously construed as authoritarian, barbaric, violent and effete. Brown women are then seen as requiring rescue from enlightened white Europeans, although this stereotype of brown women as victims is not stable either. Yet, Bannerji insists, in investigating ideas, it is not enough to examine the specific, practical and contradictory content of hegemonic

ideas, although of course this is vital. (Too often, Bannerji argues, this description of ideological content is where postmodern theorists, with their emphasis on the discursive and the intertextual, stop). Rather, it is necessary to understand the epistemology behind the ideological content, the methods through which knowledge is produced (Bannerji 2001, 20-31). Ideas and culture are always-also social, that is, created in distinct, material relationships and conditions; the “knower” does not exist outside of the social relationships studied, but instead is located within them.

In her book *Inventing Subjects* (2001), for instance, Bannerji explores how “India” is produced as an object of knowledge within specific circumstances. William Jones, author of a once-authoritative text of India, was at the time of writing, the head of the colonial justice system. His aim, as administrator, was to seek to create “a just and benevolent rule over India in keeping with its own nature” (2001, 35), in Bannerji’s words. Thus, Jones’ India is a fixed, ancient society which has, however, been corrupted by weak, submissive but potentially powerfully deceptive “native” actors, including deliberately unreliable translators. (Hence Jones’s insistence on the importance of learning local languages, to better survey potentially subversive native go-betweens (Bannerji 2001, 41). The role of the British rulers, in the justice system in particular, is then justified as the “restoration” of authentic ancient law to India, as written up in centuries-old scripts, against the dissembling natives (Bannerji 2001, 40-41; 48). British colonial rule, resistance by the colonized and the colonial relationship itself disappear in Jones account (Bannerji 2001, 36). Instead the dominant story – underwritten by Jones own “authoritative” social and cultural history of India -- is that of the problem of applying authentic Indian law to Indians. As this example suggests, ideas have content, which matters. Here, for instance, is the more or less familiar trope of an ancient civilization that has been degraded by its own inhabitants and now requires rescue from civilized interpreters, who are in fact colonizers. But that content is only explainable via thorough examination of how and why ideas are produced (Bannerji 2001, 28), in this case, as expert knowledge, by and ultimately for the colonizers --but in the name of the wellbeing on the colonized.

Shifting her critical gaze to Canada, Bannerji demolishes the argument that official “multicultural” policy in Canada represents a liberatory or progressive programme. In her book, *Dark Side of the Nation* (2000), Bannerji unmasks multiculturalism as an ideology premised on the English or French colonial state paternalistically “granting” recognition to racialized others defined as if they are segmented and internally culturally homogenous communities. At best, the state positions itself in a “patron-client” relationship, with rewards granted on the basis of state-evaluated “good conduct” (Bannerji 2000, 116). At the same time, this emphasis on static, robust cultures means that the problems caused by racist, exclusionary practices may be attributed to inadequate, pathological, even criminal “cultures” among “minorities”. In this way, the oppressed become responsible for their own domination:

when young black men are shot by police, the explanation is that young black men are violent, the consequence of growing up in an impoverished, inferior culture (Bannerji 2000, 116).

In fact, however, multiculturalism is not primarily about its ostensible object, culture. Rather, multiculturalism is about the construction of shared “community” identities based on bodies and skin colour. In this way, it is multiculturalism that creates “visible minorities” (Bannerji 2000, 31; 104; 11-112; 116). Brown bodies become visible in contrast to normative hence “invisible” white ones. At the same time, nonwhites are labelled *minorities* because then their demands, in any case restricted to very limited power sharing, can be legitimately ignored in favour of what is implicitly redefined as “majority” white politics, whatever the actual numbers. In practice, an important function of official multiculturalism is to write out the possibilities for genuine politics. Questions of power, of racism, of workers’ rights, of family reunification for migrant workers (Bannerji 2000, 44), are all erased in a unique focus that is supposedly “culture” but that is, in fact, about reifying racialized communities. This characterization of important swathes of the Canadian population, including migrant workers and others, undermines possibilities for political action based on the “genuine contradictions in our society” (Bannerji 2000, 120). The horizontal potential for struggles based upon the reality of unequal social relations – struggles against racism, against violence against women, against poverty, against heterosexism (Bannerji 2000, 119)-- is lost in the official “recognition” of supposedly internally homogenous, but separate and fragmented, ethnic communities.

As Bannerji insists, however, her critique of historically specific kinds of oppression that are an everyday part of actually-existing capitalist relationships is not the end point of her work (1995, 83-89). Rather, she is interested in a detailed description and explanation of how relations of inequality work and why they take the historically specific forms they do, in order to better consider how they may be subject to revolutionary transformation. Analyses matter, Bannerji argues, because they imply different politics of resistance for social actors who are never simply victims of the relations of domination in which they act, but also potentially revolutionary actors. In particular, Bannerji points out that the failure to conceptualize race, gender and class inclusively comes at significant political cost to socialist movements, who lose support from much of the working class when race and gender are dismissed as irrelevant or as “distracting” from class issues (Bannerji 2005, 147). Symmetrical problems exist for movements of racial justice that ignore class as a “white” issue or among women who argue that the fact of being a woman is of primordial significance “over and above” considerations of class and race. Capitalist injustice succeeds in part because it has successfully fragmented what is, in fact, the unified social experience of class-gender-race (Bannerji 2005, 155-157). Socialist justice will only succeed insofar as it based on recognition that class-gender-and-racial justice, can only advance altogether and all at once.

Ultimately, for Bannerji, the critique of capitalist social relations throws into relief the urgency of creating radically new ways of living. The political goal is new social relationships, ones that allow human beings to freely and joyfully re-create themselves and the world around them (Bannerji 2001, 203). Underpinning this is what Bannerji refers to as an “ethical” commitment, a universal humanist affirmation that begins with an understanding of herself as a being in the world and “presuming the same for others” (Bannerji 1995, 13). In a world that assumes only white men’s messages are of universal relevance, it bears repeating that Bannerji’s socialist aspiration is not for a particular segment of humanity. She does not write exclusively for nonwhite women. Instead, her socialist aspiration is a universal one, for revolutionary transformation towards a more just social world for all. Fanon, too, emphasized his own history and identity as a ‘nègre’ while simultaneously affirming: “Je me sens une âme aussi vaste que le monde” -- I feel in myself a soul as immense as the world (Fanon 2011, 176). Bannerji claims no less.

G.A. Cohen and the Moral Philosophy of Socialism

G.A. Cohen, an analytical philosopher, offered a life-long defence of socialism, although the kind of socialism he defended changed over the years, as did the way he went about defending it. The book that made Cohen’s name was *Karl Marx’s Theory of History: A Defence* (2000), a collection of essays that takes the central arguments set forth by Marx and examines them, piece by piece, taking care, as Cohen explains, to be precise of statement and rigorous in argument (Cohen 2000, xviii). Against looser and more romantic representations of Marxism – what Cohen sometimes memorably referred to as “bullshit Marxism” -- analytical philosophers are bound, Cohen writes, to ask themselves: “precisely what does *this* sentence contribute to the developing exposition or argument, and is it true?” (Cohen 2000, xxii, italics in original). In this way, Cohen sought to subject Marxism to the “rule of reason” (Cohen 2000, xxiv). His “defence”, which includes a thoroughgoing scrutiny of all major Marxist concepts, from class to the means of production to fetishism to the relationship between base and superstructure, ultimately led Cohen to reject some key Marxist arguments. Notably, this included the rejection of determinist theses about the inevitability of socialism. As I noted in the introduction, the inevitability thesis depends in Cohen’s view upon untenable arguments about the emergence of a large, world-wide, impoverished working class with nothing to lose and on the equally untenable prospect of material abundance without natural, ecological limits.

What was left of his Marxist commitment, Cohen argued, was “the foci and preoccupations, the aspirations and values, of traditional Marxism” (Cohen 2000, xxiv). In particular, Cohen argued that the main questions that remain to inspire contemporary historical materialists, to paraphrase a summary of his own work by Tom Mayer, are:

What do we, as socialists, want? Why do we want it, especially as contrasted with capitalism? And finally, how can we achieve it, given the improbability of a working class-led socialist revolution? (Cohen 2000, xxv). Arguably, Cohen's entire career was spent seeking to answer these questions.

By his later years, Cohen had entirely shed his commitment to historical materialism, insofar as this can be interpreted as requiring the development of "bold explanatory theses about history in general and capitalism in particular" (Cohen 1995,6). Increasingly, Cohen's writing was devoted to what he characterized as a typical normative political philosophical endeavour: the search for "timeless truths" and specifically for ultimate, "fact-insensitive" principles of socialist justice. Cohen justified this normative turn on the grounds that since socialist revolution is not inevitable, the only way to bring about a more just socialist world is through rigorously argued moral appeals. Specifically, Cohen maintains that bringing about socialism demands widespread acceptance of egalitarian commitments based on a new "ethos", which he describes as a "structure of responses" informing individual motivations (Cohen, 2001, 128). The socialist ethos is rooted in (the realizable possibility of) a sense of shared community or fraternity among people who see each other in non-instrumental terms, as fellows to whom they must justify their own way of living (Cohen 2008,15). For Cohen, socialism is a normative political project, informed by the rigorous establishment of coherent arguments on the basis of key principles – notably a commitment to egalitarianism -- that direct human responses within social life conceived as community.

In defence of socialism, both as a desirable way of organizing social life and as a feasible political possibility (Cohen 2009), Cohen attacked some of the stoutest defenders of the principles underlying capitalism or said to underlie capitalism. *In Self-ownership, Freedom and Equality* (1995), for instance, he wrote against the libertarian Nozick. There, he suggested that a better name for libertarians of Nozick's ilk would be "entitlement theorist" (Cohen 1995, 72), since their concern is less with freedoms than with rights to property: after all, the rights of property owners frequently decrease the freedom of nonowners, but this is not what exercises libertarians like Nozick (Cohen 1995, 60). Cohen argues that among entitlement theorists, Nozick, at least, makes patently false claims about things coming into the world with entitlements already attached to them – so conveniently forgetting not only the continuing existence of unowned commons, like the air and pavement, but also the historical fact that at a particular moment things privately unowned became privately owned (Cohen 1995, 73). And, Cohen goes into considerable detail to refute Nozick on this point, among others, arguing that there is no conceivable, legitimate way that "full liberal private property" could be formed, that is not simply theft and that does not leave others worse off than if the acquisition had been left privately unowned (Cohen 1995, 77-78).

Typically for Cohen, this argument against a libertarian defence of private property ownership becomes the occasion for revisiting and refining "traditional"

socialist claims. In this instance, Cohen argues that Marxists sometimes sound like entitlement theorists, when they argue that one of the reasons that workers' justly revolt against the capitalist system is because their labour entitles them to the products of their labour – and yet, part of this labour is appropriated, stolen, by capitalists as profit. Cohen observes that this Marxist entitlement proposition, grounded in the labour theory of value, is not compatible with another Marxist value: distribution to each according to needs (Cohen 1995, 153). He concludes that socialists better let go of the idea of entitlement to the product of one's own labour, if they are truly committed to the contradictory piece of socialism that is most worth holding onto: organizing social life so that each receives what is necessary to lead a decent, fulfilled life and shares social burdens.

In subsequent books (see, for instance, Cohen 2008), Cohen tackled the liberal philosophy elaborated by Rawls, in particular, his well-known “difference” principle. According to this principle, inequalities are just insofar as they are necessary to improve the lot of the least-well off. But, this Rawlsian principle suffers from a number of failings, considered both in itself and within the broader framework of justice that Rawls erects around this principle. For instance, Cohen argues that Rawls has an untenable vision of the just society, based on conformity to just coercive “basic structures” particularly the law (Cohen 2001, 132-140). This Rawlsian vision, Cohen maintains, artificially separates out “basic structures” like law from other formally “noncoercive” structures, like the family, that – in fact -- critically shape life chances. It doesn't make sense, Cohen argues, to maintain that a law is unjust because it entrenches male dominance, while ignoring the ways that patriarchal attitudes practically entrench gender inequalities within families, in everything from housework to the education of children (Cohen 2008, 137). As Cohen puts it, “To the extent that we care about coercive structure because it is fateful with regard to benefits and burdens, we must care equally about the ethos that sustains gender inequality and inegalitarian incentives” (Cohen 2008, 138).

For a society to be just, Cohen argues, there must be much broader considerations than those allowed by Rawls in his exclusive focus on coercive “basic structures”. For Cohen, social justice must prevail in at least four distinct realms. These are (1) the basic formally coercive structures, like law, which use preventative barriers and deterrent penalties to prevent certain behaviours (Cohen 2008, 144); (2) other formally “noncoercive” structures, like the family, where sanctions typically take on forms like criticism, disapproval, ostracism, and even in extreme cases, violence; (3) the prevailing social “ethos”, understood as a “set of sentiments and attitudes” that informs normal practices (Cohen 2008, 144); and (4) individual choice, where it is recognized that individuals do exercise choice but within contexts of heavy social conditioning and potentially high costs for deviating from dominant practices (Cohen 2008 141; 144). Only when justice prevails across all four of these domains, Cohen argues, can a society be said

to be just. Yet, in terms of their importance for revolutionary social change, not all of these domains are equal.

Across his later work, Cohen maintains that it is change in the social ethos that informs broad social transformation. For instance, Cohen suggests, an early ecologist may seem like a social freak and the ecological practices she carries out may seem especially burdensome. But, as ecological consciousness spreads, the ecologist increasingly appears to be quite ordinary, the practices of reducing consumption, recycling and similar activities become “normal” and the sense of burden associated with carrying them out decreases (Cohen 2008, 142). The ecological social “ethos” becomes the new norm, radically changing everyday social practices and relations as a consequence, which then reinforce the ecological ethos. Of course, it is this conviction about the importance of social ethos to transformative social change that motivates much of Cohen’s work, although in his later writings Cohen stresses that he is also interested in justice “as such”, for him a separate matter from the actual practice of (socialist) justice (Cohen 2008, 306-307).

In his accessible short essay *Why Not Socialism?* (2009), for instance, Cohen seeks to make the content of the socialist ethos explicit, explain why it is desirable and convince readers of its feasibility. He begins with his often-used example of the camping trip. Of course, as Cohen acknowledges, camping trips -- which Cohen himself did not especially favour as a pastime (Cohen 2009, 10)-- have some special characteristics. They are typically made up of small, mostly self-selected groups, where there is relatively easy mutual surveillance. Nonetheless, the camping trip is suggestive, insofar as it represents a common experience during which socialist values of community and egalitarianism seem “natural” and naturally desirable. At the same time, during a camping trip, market values and practices look strange and even reprehensible: few would countenance one camper eating all the fish, just because she owned the fishing rod. In short, the camping trip makes socialist values look less exotic and more feasible, all while highlighting the ways that normal capitalist values may come to seem, at best, morally suspect as a way of organizing social relationships. Through reasoned argument and examples like this one, Cohen seeks to convince readers of the reasonableness and desirability of socialist values of “community and (egalitarian) justice” (Cohen 2009, 80, my insertion). Why not socialism in all aspects of social life, including the economic realm currently governed by an acquisitive, inegalitarian ethos?

In this view, individuals have a critical responsibility that they arguably did not under Marx’ historical materialism, with its inevitable unfolding of history. Indeed, Cohen writes quite early on that “behaviours of individuals are always where the action is, in the final analysis” (Cohen 2000, xxiv). But, this does not mean that socialism is a politics that happens only in the minds of individuals or even in the minds of many individuals living together in communities. It is not enough to have isolated individuals – no matter how numerous -- convinced of the rightness and possibility of achieving

socialist values. Rather, to be successful against a capitalist system that is largely “self-sustaining” socialists require “the power of organized politics” (Cohen 2009, 81). Socialism will only ever come about through the collective struggle of human beings. These are not, however, Marx’ historical actors: they are not necessarily working class and even if they are, they are not only engaged in an “objective” effort to improve the lot of their class and reduce the suffering attendant to capitalist inequalities. Rather, they are motivated by community-oriented and egalitarian values. These socialist values that cannot be assumed, or taken for granted, but must be rigorously thought out and then vigorously defended. In the end, socialism is a fundamentally moral endeavour.

The Future of Socialism

Both separately and together, Bannerji and Cohen suggest that the contemporary capitalist world is, for far too many, intolerable and unjust. This implies the need for radical transformation. At the same time, it is because they use the vantage point of a more just, socialist world, that they are able to denaturalize and morally condemn what appears to be the commonsensical, inevitable and even desirable ways of organizing social life that are typical within capitalism. As Bannerji observes, it is because she writes with a vision of “resistance and revolution” that she is able to locate herself and understand her experiences and those of others: “How would I get out of the dead end of a violent ‘now’, if I did not know what was possible?” (Bannerji 1995, 10).

Nonetheless, their respective emphases are different. Bannerji is most acute in her critique of the multiple aspect of actually-existing capitalist oppressions, simultaneously encompassing race-gender-class, as well as in her discussions of the sometimes contradictory and partial efforts of dominated actors to overcome these. Cohen offers detailed critiques of the principles said to underlie capitalist market societies, but spends less time analysing how capitalist social relationships actually work in practice. Much more energy is used to convince readers, both sympathetic and not, of the moral value and intellectual coherence of the socialist project, as a particular kind of egalitarian philosophy. Arguably, Bannerji focuses on the problems of capitalism; while Cohen offers detailed reasons to support socialism.

There are dangers associated with a more exclusive emphasis on one or the other aspect of socialist theory. In particular, socialism as critique risks, in some variants, becoming a paralysing overdeterminism, so that the current injustices of capitalism become social practices seemingly destined to be reproduced, even if they no longer appear natural nor morally justifiable. On the other hand, socialism as prescription, if unhinged from an appreciation of the dynamics of actually existing capitalism, risks both the reasonable charge of utopianism and the somewhat different problem of a false universalism that, in fact, reproduces ‘commonsense’ justifications or naturalizations of historically-specific oppressions.

At best, socialist theories address both elements, of critique and of prescription, keeping them in creative tension. Thus, Bannerji is careful to emphasize that her critique of capitalism, in its various historically specific incarnations, has implications for socialist practice. In particular, she calls for a historical materialist analysis that does not shy away from the complexity and specifics of oppressions within world capitalism. This means moving away from either/or formulations to more socially-accurate – and therefore more potently mobilizing – theories of social change. In her own words:

there is enough ground in Marx' works to create social movements that need not choose between culture, economy, and society or 'race,' class, and gender to organize politics of social revolution. Going beyond gestures of intersectionality, coalition, and social cohesion, Marxists have recourse to a non-fragmentary understanding of the social that could change the world as we know it (Bannerji 2005, 157).

For those developing Cohen's work, Cohen has already largely refuted the charge of "utopianism" in his strenuous attention to the details and coherence of the socialist project. His "thick" and detailed defence of socialist principles, in itself, makes the socialist project more present and credible.

However, Cohen can be criticized for engaging in a debate with "universal" aspirations with participants who are anything but. The frequency in Cohen's citations of other white, male analytical philosophers -- Elster, Roemer, sociologist E.O. Wright and so on, for the Marxist side, but then also Nozick, Rawls, Narveson and so on, for the opposition -- does suggest there is a problem with Cohen's socialist philosophy. This mirrors contemporary historical materialist debates, which too often reflect this kind of non-arbitrary exclusiveness among participants. Since it is clearly not obvious to nonwhite scholars and activists why Cohen's approach matters – there is no dialogue with such scholars– there is a burden on those following in Cohen's footsteps to consider how links can be made. If it remains a minority, white man's game, socialism has no future. Within academia and philosophy departments, as well as beyond them, there needs to be outreach to explain why socialism, its values of community and egalitarianism, matter for nonwhite men and women in the dominated classes. For such outreach to be meaningful, many socialists need to begin to educate themselves: this means socialists must take seriously the huge literature by black, Indigenous and other "minority" men and women scholars on social injustice and social, if not always socialist, justice.

Cohen does write about the injuries of racism and he talks about the neglected importance of identity to human beings, within traditional Marxism (on this last point see, for instance, Cohen 2000, 341-363). These are promising entries to a bridge for dialogue with socialist scholars, including those in other disciplines, that -- like Bannerji - - take race and gender seriously. The aim here is not to blame, but to mobilize and to

offer analysis, in order to begin to build socialism beyond its current narrow base to create a society-wide socialist movement. Surely a socialist ethos of “community and egalitarianism” requires no less than a concerted effort to broaden the socialist community and have a socialist debate among equals, who are not all of the same minority (white male) background.

We live in times when there supposedly “is no alternative” to capitalism, despite repeated crises and their devastating effects for the dominated classes. In this environment, it is already a meaningful expression of resistance to proclaim, as Bannerji and Cohen do, that there is a possible and desirable alternative: socialism. The challenge ahead is to make the socialist possibility relevant – not to a small minority – but to each and all.

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Introduction

G.A. COHEN'S SOCIALISM: SCIENTIFIC BUT ALSO UTOPIAN

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Mots-clés

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The death of an important scholar often occasions tributes and reminiscences about the thinker's significance and impact. The death of G.A. (Jerry) Cohen, on August 5, 2009, attests to this phenomenon to a remarkable extent. No sooner was Jerry's passing made known than there was an outpouring of expressions of sadness, affection, and esteem from many people, ranging from close friends, colleagues and students, to those who had met him but once, or whose encounters were limited to hearing him speak in a crowded lecture hall, or reading his writings.

There are many reasons for this unusual response. First, of course, there is Cohen's stature as an outstanding political philosopher and exemplary teacher. A second, crucial, reason is Cohen's personality and his unique ability to connect with people. He was a warm and generous person, with an enormous and irrepressible sense of fun and mischief, humanity and kindness; his joke-telling was legendary, as was his keen sense of friendship and loyalty.

Another reason for the huge response to Cohen's passing is the kind of political philosopher he was, whose intellectual interests were bound up with his personal commitments, the source of which were his family background. These commitments are manifest in all his writings but are particularly manifest in his recent academic inquiry into the relation between principles of justice and the obligations of those who espouse them. Born of personal experience and demanding of us that we consider our own personal relation to our political creed, Cohen's political philosophy thus has a specially compelling character.

All this accounts for, along with the many personal essays, blogs and reminiscences, the appearance of some recent significant publications paying tribute to

Cohen's contribution (see *The Journal of Ethics* 2010; Sypnowich 2006; Cohen 2011). This volume of *Socialist Studies/Etudes Socialistes* joins them, taking as its particular focus homage to Jerry Cohen as both philosopher and socialist. The sense of profound loss is evident in the depth of philosophical engagement and keen personal connection exhibited in the papers that follow, papers that are written both by scholars who knew Cohen personally and others who did not.

In this introductory essay I consider Cohen's intellectual career in light of the themes of the essays that follow, suggesting that Cohen's work might be thought of as developing a unique conception of socialism that is, to coin a phrase, *both* utopian and scientific. Cohen's analytical Marxism brought a salutary rigour to left wing thought, which although it sought to transcend certain limitations in Marx's methodology, was in an important sense true to Marx's aspiration to be scientific. At the same time, however, I will contend that Cohen was also a utopian socialist in the best sense. Cohen was adamant that one should not give up on an ambitious aspiration for an emancipated human society. This is manifest in his commitment to a radical approach to justice based on "principles" rather than "facts," and moreover his contention that a consistent egalitarianism involves personal contribution to the amelioration of disadvantage. That is to say, socialism, for Cohen, would involve an ambitious conception of community, where Marx's principle of "from each according to his abilities, to each according to his needs", would guide both society's institutions and individuals' behaviour.

Utopian v. Scientific Socialism

The contrast between utopian and scientific socialism first appears in the 1849 *Communist Manifesto* in which Marx and Engels (1978) castigate socialists such as Robert Owen and Charles Fourier for being utopian in their methods and goals. For Marx and Engels, these early socialists are utopian because, "They reject all political, and especially all revolutionary, action; they wish to attain their ends by peaceful means, and endeavour, by small experiments, necessarily doomed to failure, and by force of example, to pave the way for the new social Gospel" (Marx and Engels 1978, 498). For Marx and Engels, the limitations of utopian socialism can be attributed in part to the under-developed character of the working class and its class struggle; the "fantastic pictures of future society" were "painted" by utopian socialists "at a time" when the proletariat was "still in a very undeveloped state" (Marx and Engels 1978, 498). According to the doctrine of historical materialism, genuine social change emanates from existing historical processes and thus the working class must seize the opportunities presented by a crisis in capitalism, rather than conceiving of revolution as an act of mere will and the realisation of good ideas. Thus Marx scoffed at "recipes for the cookbooks of the future" (Marx 1978, 299). Engels amplified this argument thirty-one years later in his essay "Socialism:

Utopian and Scientific.” There he contends that, in contrast to the utopian approach, “socialism became a science thanks to Marx, who contributed “the materialistic conception of history and the revelation of the secret of capitalistic production through surplus value” (Engels 1978, 700).

Cohen’s concern to set radical thought on a new, scientific basis did not take hold at the beginning of his career as a philosopher. His intellectual trajectory is interesting (see the introduction Sypnowich 2006). Born in 1941 to Jewish Communist parents who were active in the garment industry’s union movement, Cohen grew up in a milieu of radical politics. At the age of four the young Jerry was sent to a Jewish Communist school. He stayed there until the age of eleven when the school closed after raids by the “Red Squad” of the Quebec police in an era of virulent anti-communism. He grew up thoroughly imbued with radical ideas. However, as an undergraduate at McGill University, and then as a graduate student in Oxford, Jerry did not pursue philosophy in order to develop his political ideas. Rather, under the tutelage of philosophers such as Gilbert Ryle at New College in Oxford, Cohen was keen to acquire the techniques of analytical philosophy. This was unusual; left-wing students tended to reject Oxford philosophy, regarding it, Cohen recalls, as “bourgeois, or trivial, or both.” However, Cohen felt no such hostility. “I came to Oxford already steeped in Marxism, and so, unlike most of my politically congenial contemporaries, I did not look to university philosophy to furnish me with ideas that mattered...” (Cohen 1988, xi).

For some time, therefore, Cohen’s politics could not be discerned in his philosophy. Moreover, when he began tackling Marxist themes as a philosopher, it was at first unaffected by the analytical approach in which he had been schooled. Like many on the Left at the time, Cohen was attracted to the work of the French Marxist Louis Althusser, whose grand statements seemed “exciting and suggestive” if difficult to pin down (Cohen 2000, xxi). By the late 1960s, however, Cohen began taking an analytical approach to Marxist questions in a number of articles, culminating in the 1978 publication of *Karl Marx’s Theory of History: A Defence* (2000) winner of the Issac Deutscher Memorial Prize. Cohen subsequently described the volume as “homage to the milieu in which I learned the plain Marxism which the book defended,” reflecting “gratitude to my parents, to the school which had taught me, to the political community in which I was raised (Cohen 2000, xxi). The book also reflected a self-conscious effort at rethinking Marxist method, to avoid the tendencies of the Left to murky thinking, tendencies to which Cohen himself, as he ruefully admits, had been prey in his poststructuralist phase, even if he had ultimately “resisted its intoxication.” The book on Marx was thus, not just a tribute to the politics of his family, but also how he “settled accounts” with his “Althusserian flirtation” (Cohen 2000, xxii).

Cohen’s celebrated book thus inaugurated a new school of thought of “Analytical Marxism” which counted among its adherents a diversity of left-wing scholars, all intent

on setting tough intellectual standards for the inquiry into socialist principles. They drew on the logical analysis of philosophy, the techniques of neoclassical economics and the rational choice theory of contemporary political science. Throughout the 1980s Cohen met with his analytical Marxist colleagues regularly and published a number of articles on questions of exploitation, class, historical materialism in an analytical vein (see Cohen 1988 for a collection of some of these writings)

Cohen's Scientific Socialism

Just as Marx and Engels conceived historical materialism as a new, superior methodology for the critique of capitalism, Cohen can be said to have consciously sought a new scholarly approach, only this time informed by some of the methods and standards of analytical philosophy, and moreover producing a form of analysis critically to bear on the claims of Marxism itself. Cohen himself invited the analogy with Marx and Engels on the matter of being scientific. Cohen notes Engels's tribute to Marx as the founder of "scientific socialism" which, like Cohen and his colleagues, used "the most advanced resources of social science...within the frame of a socialist commitment," and which "exploited...what was best in the bourgeois social science of his day" (Cohen 2000, xxiii). Indeed, Cohen laments that if Marxism had been called instead "scientific socialism," then Left-wing critics of analytical Marxism would not have been disposed to ask the "unproductive question" of whether analytical Marxism is Marxist (Cohen 2000, xxvii).

What makes analytical Marxism scientific? I will identify five respects, drawing on Cohen's thoughts on the subject, as well as his philosophical writings. The first respect can be described as a broad commitment to philosophical sharpness. This, paired with an unabashed commitment to socialist ideals, meant that Cohen had an invigorating impact on Oxford political philosophy when he returned in 1985 to take up the Chichele Chair in Social and Political Theory at All Souls College. For Cohen, claims should be precise and clear; arguments should be disciplined and rigorous. These qualities are conveyed in the famous avowal that analytical Marxism was "no-bullshit" Marxism. The analytical Marxist responds to criticism by taking "precise measure of the force of the assault in order to alter his position in a controlled and scientifically indicated way." The bullshitter, in contrast, "simply shifts to another unthought-through and/or obscure position, in order to remain undefeated" (Cohen 2000, xxvi).

Thus Cohen took issue with Marxism itself and some of its substantive commitments. For example, Cohen targeted the Marxist theory of history which he contended was seriously impaired by what he dubbed the "obstetric" view of the inevitable birth of communism from capitalist preconditions (Cohen 2000a, 75-77). Marxism is almost unique in its aspiring to be, not just a normative theory about the injustice of capitalism and the superiority of communism, but also a predictive theory

which forecasts the demise of one social order and its replacement by a superior alternative. For Cohen, the predictive aspect is “patently false,” and moreover exemplifies the tendencies of Marxism to resist real standards of confirmation since the Marxist can keep altering the temporal measure in order to salvage its predictive claims.

Connected to this is a second way in which Marxism is infected with wooly thinking: that is, its lack of specification of the nature of communism itself, particularly its relations of justice. For Cohen, attending to this gap in the Marxist tradition certainly did not imply soft-peddalling the radicalism of Marxian ideals. This lacuna prompted Cohen to look outside of the Marxist tradition and consider liberal debates for more precise rendering of the principle of mitigating disadvantage.

Cohen began by analysing the work of the libertarian Robert Nozick and his conception of self-ownership. Nozick's ideas had many affinities with Marx's idea of proletarian exploitation and the claim that the individual is sovereign over his or her person and powers. However, for Cohen, in the libertarian case, the commitment to private property takes precedence over the ideal of the person as free, self-determining being; in Cohen's compelling argument, Marxism emerges as the philosophy with the more principled stance on liberty. Marxism recognises how property relations can constrain a person's opportunities and powers, so that, in order to defend freedom, one must attack private property.

One of Cohen's papers in this period had the subtitle “Why Nozick Exercises some Marxists more than he does any Egalitarian Liberals,” (Cohen 1990) to communicate the irony that thinkers at some distance from libertarians on the political spectrum have more in common with libertarians than do their politically more proximate liberal bedfellows. But the allusion to egalitarian liberals also presaged another focus in contemporary political philosophy that was to emerge in Cohen's writings. By the 1980s, the era of glasnost and Thatcher, Cohen was investigating the principles and arguments of contemporary liberal egalitarianism.

For Cohen, the most important arguments for redistributing wealth were coming from liberals such as Rawls. However, Rawls's argument for redressing the position of the worst off had several problems. First, Rawlsian justice was premised on the arbitrariness and injustice of inequality, and yet it conceded that the productivity necessary to attend to the have-nots might require incentives that permit the wealthy to retain much of their economic advantage. Second, this raised a larger question about the extent to which theories of justice should be construed as regulative policies tailored to non-ideal circumstances, or principles that transcended matters of fact.

Third, Cohen took the view that a defining feature of rigorous thought was that it eschew the kind of holism antithetical to the detailed analysis of particulars in their own right; “micro-analysis is always desirable and always *in principle* possible” (Cohen 2000, xxiii). Indeed, Cohen unabashedly deployed scientific vocabulary on this point, urging

“resolution to a more atomic level.” Pre-analytical Marxism was “scientifically undeveloped,” according to Cohen:

... rather in the way that thermodynamics was before it was supplemented by statistical mechanics, and, in each case, because of failure to represent molar level entities (such as quantities of gas, or economic structures) as arrangements of their more fundamental constituents. It is one thing to know, as phenomenological thermodynamics did, *that* the gas laws hold true. It is another to know *how* and *why* they do, and that further knowledge requires analysis, in the narrow sense, which statistical mechanics provided by applying Newton’s laws to the molecular constituents of gases. Partly similarly, to claim that capitalism must break down and give way to socialism is not yet to show how behaviours of individuals lead to that result. And nothing else leads to that result, since behaviours of individuals are always where the action is, in the final analysis (Cohen 2000, xxiii-xxiv).

This focus on the particular, the idea of isolating a particular question from more general themes or ideas, made for a tough-minded approach whereby socialist commitments had to be parsed into distinct premises and conclusions and tested for their validity.

A fourth respect in which Cohen’s method is self-consciously scientific is that he considers philosophical inquiry to involve intellectual progress, building on previous rudimentary understandings to come closer to the truth, just as scientists build on past discoveries in their investigations to find the explanatory structures that disclose the character of observed events. Thus Cohen criticises Jon Elster for being “too insistently analytical” in his rejection of functional explanation, noting that “analytical Marxists can disagree about what stage a particular discipline or sub-discipline had reached or should be expected to have reached, on pain of condemnation as unscientific...” (Cohen 2000, xxiii). This “progressivist” view is apparent also in Cohen’s analogy with science referred to above: Pre-analytical Marxism was “scientifically undeveloped,” according to Cohen, “... rather in the way that thermodynamics was before it was supplemented by statistical mechanics.”

Related to this is a fifth sense in which analytical Marxism purports to be scientific. This is its anti-pluralism. Analytical Marxists have no truck with other approaches. This might seem at odds with the openness of Cohen to non-Marxist political philosophies; after all, he was certainly prepared to find merit in liberal, even libertarian argument. However, this openness was of course in part born of his frustration with what he saw as the paucity of traditional Marxism. It was the analytical nature, in large part, of liberal views which made their influence salutary.

According to Cohen, before analytical Marxism, there may have been non-analytical Marxist theories which were intellectually respectable. However, once these theories encounter analytical Marxism, then they “must either become analytical or bullshit.” The analytical Marxist, it would appear, considers his Marxism as “uniquely legitimate.” Here we see an affinity with a feature of the thought of Marx and Engels that is not wholly attractive. Consider the Communist Manifesto’s scathing dismissal of other socialist views:

In proportion as the modern class struggle develops and takes definite shape, this fantastic standing apart from the contest, these fantastic attacks on it, lose all practical value and all theoretical justification. Therefore, although the originators of these systems were, in many respects, revolutionary, their disciples have, in every case, formed mere reactionary sects (Marx and Engels 1978, 498-499).

Of course, the issue of pluralism is tricky. Different approaches may shed light on different aspects of the socialist ideal. More discursive analyses might be illuminating of some questions not considered by analytical Marxists. Rejecting outright all other approaches other than one’s own, however much one’s approach seems superior to others, can thus seem dogmatic.

It might appear Cohen himself had something like this thought in mind when he advised his students to entertain seemingly foggy notions as they philosophise: “One should aspire to clarity, but one should not avoid possible insight for the sake of avoiding unclarity.” However, I think this tip was intended not to confirm the value of alternative ways of doing philosophy but rather as an acknowledgement of the halting steps one must take in the uniquely valuable analytical project of aspiring to clarity (Cohen 2011, 224-225). Thus for Cohen if one eschews relativism and seeks truth, a diversity of intellectual positions indicates confusion, not greater insight. Moreover, Cohen would say analytical Marxists are prepared to have their arguments corrected; indeed, that is, among other things, what distinguishes them from “bullshit Marxists”.

Thus the analytical Marxists did not agree on a number of questions; take for example Cohen and Elster’s dispute on the question of functional explanation. It is just that analytical Marxists are unmoveable on the question of what method is best placed to reveal the defects of an argument. Nonetheless, there is something somewhat disquieting about this insistence on one path to philosophical enlightenment. Moreover, in a post-Soviet era, one cannot help but wonder if this severity about doctrine seems a holdover of old-style orthodox Marxism which had illiberal political consequences so abhorred by Cohen.

Some academics keen on rigorous analysis can be callous or dismissive. Cohen, in contrast, was always humane in his dealings with those less analytically minded. It might be said that Cohen's students would often find in his manner a kind of intimidating fierceness about philosophical rigour, even if he was at the same time encouraging, affectionate and kind. It was often difficult to follow the wise counsel he gave his diffident followers: "a bad way to never make a mistake is to shut up and say nothing" (Cohen 2011, 225) if one feared that what one would say would not meet his high standards. However, the significant philosophical contributions of a number of Cohen's students suggest his tutelage – both tough and kind – worked. His "take no-prisoners" approach to Marxist theory set a standard that inspired students even if it also may have scared some of them a little. Certainly Cohen's uncompromising commitment to analytical rigour made for a scientific approach to Marxism which had a profound impact on the development of contemporary political philosophy.

Cohen's Utopian Socialism

Cohen was in a significant sense a utopian socialist, not in Marx's sense of offering 'fantastic' predictions about an ideal future, but insofar as he was prepared to endorse a radical alternative to existing society. Moreover, for all his fierce denunciation of sloppy philosophising, the harsh critic also possessed a fundamental sympathy for his fellows, whose needs and interests are crucially, he contended, the responsibility of us all. If we profess to be egalitarians we should not just look to the state to execute the principles of justice; but rather ourselves endeavour, in our everyday activity, to realise our political commitments.

If this sounds a little moralistic, it ought to be stressed that Cohen was not preachy or sanctimonious. Indeed, he bristled a little at the title for the collection of essays in his honour, noting with his usual wit that the "egalitarian conscience" might suggest that he is "holier than I am. I am certainly not holier than I am; indeed, it's a good bet that I am not even holier than thou." The idea of an egalitarian conscience, he feared, made him seem "so grim, so inspecting, so admonishing, so unremittingly judging" (see "Thanks" in Cohen 2000, 249). Cohen judged bad philosophy strictly, but he was not a strict person; he was certainly not a puritan about his socialism. In conversation he expressed impatience with puritanical figures such as Orwell or Wittgenstein who lived, at times, as though to be an egalitarian involved a kind of purity, a foreswearing of earthly pleasures.

The idea of conscience remains illuminating. Generosity, a constitutive feature of Cohen's character is exemplified by his conception of socialism itself, where people live in fellowship, sharing resources in a commitment to egalitarian principles of distribution regardless of talent or ability. In Cohen's last publication, *Why Not Socialism?* (2009) he elaborates this idea with the example of a camping trip where resources are shared on the

basis of need, and all contribute what they can. In such a context, inequalities that are permissible according to the bar of justice – e.g. those that result from individuals' decisions to work less hard or take risks with their share of resources – might be problematic by what might be called the criterion of community. Inequality undermines reciprocity; if you are poor, however much the result of your own choices, you are cut off “from our common life” (Cohen 2009, 36-39). Cohen endorsed “luck egalitarian” theories which held the mitigation of disadvantage applied only in cases of bad brute luck, rather than “option luck” where deliberate gambles or foolish decisions left one badly off. But he recognised that such arrangements, though justice, would adversely affect community, an important egalitarian value.

This little book, which has come to prominence since Cohen's death, has prompted some controversy about Cohen's relationship to liberal egalitarian justice. I noted that when Cohen began looking at political philosophy outside the Marxist tradition, he turned first to the work of the libertarian Robert Nozick; however, his main focus came to be the work John Rawls, and his liberal egalitarianism, since individualism about labour and resources had to give way, he thought, to the principle of redistribution. Cohen deployed the same analytical method as Rawls, but he took issue with Rawls's position, arguing for what might be thought of as a truer Marxian approach to capitalist inequality, which calls for a transformation in consciousness and a more thorough-going egalitarianism. Rawls was thus, it may be said, insufficiently utopian by Cohen's lights. (Of course, for libertarians such as Jan Narveson in this volume, Rawls himself is problematically redistributive.¹) Readers of the interesting paper by Duan Zhongqiao and Yi Lang on Cohen's influence on Chinese philosophy might conclude that in light of the example of a society with both a precarious commitment to socialist equality and a persisting attachment to murky dialectical thinking, Cohen's combination of scientific method and utopian ideals is salutary indeed.

The question of how much equality might demand of us became the centrepiece of Cohen's later work. ‘If You're an Egalitarian, How Come You're So Rich?’ (see Cohen 2000 (a) and Cohen 2001) was the humorous title that Cohen formulated to pinpoint his misgivings about how little Rawlsian justice can demand of people's personal commitments. The title is, of course, irresistible, prompting wry grins among students at its very mention, and some imitations.² Libertarians such as Narveson get a rejoinder in

¹ ‘There is not, it seems to me, a genuine case for the egalitarian principle, and thus for regarding a *justification* along the lines of “incentives” as prerequisites for legitimizing our perfectly normal behaviour in markets and other contexts of social life - much less for regarding these as injustices that we performe had probably best put up with under the circumstances.’

² I've encountered in paper titles, blogs, reviews, the following: ‘If you're an egalitarian how come you're trying to sell an undergraduate arts degree that costs more than an MBA?’ ‘...how come you're a philosopher?’ ‘...how come you claimed so much in expenses?’ ‘...how come you wanna be so poor?’

Colin Macleod's paper where he takes up the question of the rich egalitarian to suggest it is the libertarian who is particularly vulnerable to this challenge. After all, if the libertarian argues that charity, not state redistribution, is the just way of remedying disadvantage, the personal burden would seem particularly acute for the rightwing critic of social justice. David Rondel, in contrast, suggests that the demand that principles of distributive justice bear on people's personal choices lacks an important premise about whether any inequality not remedied by social institutions is sufficiently "morally serious" so as to warrant an extension of duty to individual citizens. Pablo Gilabert has a similar point in mind when he commends sufficientarianism, wherein the distributive principle seeks to ensure all members of the community have sufficient resources, which he argues is the most congenial to Cohen's embracing of community.

Some commentators wonder whether any theories of liberal justice can survive Cohen's criterion of community. Jeffrey Noonan also focuses on the sufficiency criterion, contending that Cohen's socialism is "not essentially an egalitarian doctrine" since the Marxist ideal of communist society is better understood as founded on the principle of life sufficiency rather than a "bourgeois perspective of invidious interpersonal comparisons that any abstract metric of equality presupposes." For Nicholas Vrousalis, the ideal of community is not a supplement to justice, it contradicts it, and thus Cohen's more radical Marxist ideal of decommodification casts considerable doubt as to whether even a revisionist liberal egalitarianism is compatible with socialist community.

It can be argued that the ideal of community which seeks flourishing lives for all members, rather than the acquisition of goods, is not in fact founded on the principle of equality. Recall Marx and Engels's own disdain for the bourgeois criterion of "equal right" and their contention that whilst it may be useful as a transitional principle in the fledgling socialist society, the ideal communist society would transcend such parsimonious measuring of one's due with the communist ideal of the satisfaction of need. In light of this, it is a suggestive claim that the Marxist Cohen was in some sense at odds with himself in looking to liberal egalitarianism to correct the vagaries of the socialist tradition.

However, to separate the two parts of Cohen is to diminish what is among his most compelling contributions: the marriage of justice and community. Justice involves community insofar as remedying inequality involves, in its most ambitious form, foregoing the idea that distribution must be based on market success. Community, according to Cohen, is expressed in the "antimarket principle according to which I serve you not because of what I can get in return by doing so but because you need or want my service" (Cohen 2009, 39). Thus, for Cohen, Rawls's difference principle fails the test of

'...how come you don't believe in genetic enhancement?' '...how come you read bedtime stories to your children?' '...how come you're so inegalitarian about your body?' '...how come you send your children to private school?'

community, but it also fails by Rawls's own lights, that of justice, which depends on the ideal of community in order to override the logic of the market. Theories of justice which permit constraining egalitarian distribution for reasons of incentives betray their own principles. If all members of the community are committed to the principle of equality, the talented among them cannot turn around and demand higher pay. To do so is to put them, as Cohen says, "outside the community" (Cohen 2009 (a), 32).

This critique of incentives is part of the view that, contra Rawls, a theory of justice should require that individuals devote themselves to the remedy of inequality in their personal choices more generally, rather than conceiving of the pursuit of egalitarian distributive principles as the prerogative of state institutions. There may be pragmatic grounds for falling short of these demanding egalitarian principles, given facts about human behaviour, but Cohen insists these facts should have no part in a theory of justice. Rawls, he contends, misidentifies the question of justice with the question of what principles we should adopt to regulate our affairs. And while "facts may constrain possibilities of implementation and determine defensible trade-offs (*at the level of implementation*) among competing principles", the principles themselves are unaffected by such considerations. "Failure to distinguish between rules of regulation and the principles that justify them leads to confusion of different questions" in particular, questions about decisions and action as opposed to norms and ideals (Cohen 2009 (a), 269).

Whether Cohen was fair to Rawls is a matter of considerable debate. Loren King in this volume suggests that Cohen misconstrues Rawls's purpose, since justice as fairness refers not just to matters of regulation but also the way in which we should arrive at mutually acceptable regulative principles consistent with our conceptions of justice. It is for this reason that King suggests that although Rawls and Cohen are at odds over the concept and conception of justice, they might in fact converge over the more practical matter of regulative principles. For his part, Alistair Macleod avows that strands in Rawls's writings commit him to positions at no great distance from those Cohen favours despite the fact that these positions are at variance with some of Rawls's most familiar expressed views. For King, Rawls in fact sought optimal principles of regulation that might be consistent with a variety of conceptions of justice. I am not sure that Cohen would have agreed; after all, he concedes that we may need to settle for Rawlsian regulation in the imperfect institutions of justice within which we find ourselves. But that is a long way from the ideal of justice itself. And this ideal is central for Cohen.

Interestingly, whilst some commentators find the influence of Rawls at odds with Cohen's Marxism, rendering it too moderate, others contend that Cohen's critique of Rawls makes him insufficiently Marxist. The latter objection centres on the compatibility of utopianism and realism in egalitarian theory. For the charge is, in essence, that the utopianism of Cohen is at odds with his claims to being scientific.

The target here is Cohen's argument for a theory of justice that eschews the domain of facts, which it is argued, undermines the claims of Cohen to providing, like Marx, a scientific approach to radical politics. Lea Ypi's essay draws on Plato's dialogue *Parmenides* to suggest infinite regress threatens Cohen's search for ultimate fact-independent principles. Particularly interesting is her suggestion early in the paper that the eschewal of facts is profoundly un-Marxist. Cohen's preoccupation with high theory divorced from political action is in tension with his Marxist position since "in the case of Marx, any attempt to isolate principles from the world of facts, any theoretical stance which is also not a political one cultivates a doctrinaire spirit." Likewise Kai Nielsen takes issue with Cohen's more recent work, finding it at odds with his "masterful" work on historical materialism; moreover, he contends, such metaethical accounts, even if they are right, have little to do with the project of socialism. The worry about the utility of political philosophy also prompts Kofman to complain that "some consideration" of how theories "bear on the facts of the human condition" is essential for their justification.

It is worth pondering the role of utopianism in political thought. Political philosophy is distinctive in that in its very effort to address the normative question of how we are to live in common, it must take account of an empirical reality which throws up, for example, the problem of scarcity, the constraints of human nature, the dynamics of social change. The more radical our political philosophies, the more they seek to transcend this empirical reality. To that extent they inevitably risk looking utopian, being unrealistic or ungrounded in the facts of politics and power. Yet of course political philosophy cannot be reduced to a mere assent to the world as we find it; it must be a normative enterprise, concerned with human progress and social improvement. So it is related to the utopian, in some sense, at least in its aspiration. Thus Cohen feared that if justice and equality were not "rescued" from "facts," the result would be a diminished ambition for normative political theory. Here "utopian" means articulating principles, established independent of factual considerations, and arguing that political reality should be made to conform to them. Of course, the principles established by such a method may be very minimal in their aspirations and thus the society that conformed to them would not have the characteristics normally associated with a utopia. However, in Cohen's case, the principles constitute a vision of society that is thoroughly egalitarian, and to that extent it might be dubbed utopia.

Conclusion

Jerry Cohen's final contributions affirm his commitment to an ambitious ideal of socialism, derived from Marx's idea of "communist man" who transcends narrow bourgeois egoism. In essence, Cohen is a utopian socialist – not in the sense attacked by Marx, where one simply posits a better society without thinking about the historical

circumstances that might get us there – but in the best sense of proposing a robust set of egalitarian ideals. This is evidenced in his insistence on a radical approach to justice based on “principles” rather than “facts,” and moreover his contention that a consistent egalitarianism involves personal contributions to the pursuit of equality. In Cohen’s insistence that the ambitions of political theory should transcend the world of facts, many thought he had parted company with the scientific basis of the Marxist tradition, suggesting that Marx’s critique of utopian socialism would ironically apply to Cohen himself, the political philosopher who counted his most important achievement to be the revival of a scientific approach to socialist ideals. However, for Cohen, what makes Marxist political philosophy scientific is not the data of science, but an approach characterised by rigour and discipline. Indeed, for Cohen, the project of distinguishing facts from principles was itself illuminated by the application of such a scientific approach.

Cohen was right to demand that political philosophy be understood within the domain of ideals. A political theory that seeks to dispense with utopian objectives, the aspiration to an ideal, is paradoxically, utopian itself. Utopia per se is of course not a live option; the ideal society will always be beyond the grasp of flawed mortals. But some kind of utopian imperative, such as that of equal human flourishing, community, the equal realisation of human needs, which seeks to go beyond the given, is essential to the very task of political philosophy, and certainly the political philosophy of G.A. Cohen. We should, like Cohen, affirm the utopian aspiration in political philosophy without falling prey to a utopianism about how to achieve that aspiration.

To the surprise of many of his friends and admirers, towards the end of his life Cohen defended the conservative idea of “conserving intrinsic value.” Cohen insisted this “conservative attitude” involved an appreciation for the fleeting things of value that are vulnerable to change and destruction. Cohen’s conservatism, he underscored, did not entail a conservative view on matters of justice; indeed, he noted that sometimes social change is required to protect those things of value, “to revolutionize our situation.” He noted that “one thing Karl Marx said about the socialist revolution was that that revolution was necessary to preserve the fruits of civilization against the ravages of capitalism” (Cohen 2011 (a)). The idea of preserving value is perhaps what animates this volume itself – to hold on to the ideas and the example of a unique philosopher and socialist. Essential to Cohen’s uniqueness is that he was both scientific and utopian, and that marriage made for a particularly stimulating and rigorous intellectual contribution that we should cherish and nurture. As Jerry said to me once, quoting Ezra Pound: “what thou lovest well remains, the rest is dross.”

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Comment

COHEN ON RAWLS ON INCENTIVES AND EQUALITY

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What Cohen calls the “Incentives Argument” was intended, as I put it in my earlier papers on the subject (see Narveson 1976; Narveson 1978; Narveson 2002; Cohen 2009, 27 quotes the 1978 version), to enable us to steer a principled course between Scylla and Charybdis, where Scylla is pure egalitarian socialism, and Charybdis the pure free market society. The latter Rawls calls the “system of natural liberty,” by which he essentially means an economic system in which there is “a competitive market economy.” In such an economy, he says, “the particular efficient distribution which results in any period of time is determined by the initial distribution of assets, that is, by the initial distribution of income and wealth, and of natural talents and abilities” (Rawls 1971, 72).¹ (This characterization of a system in which what people *do* with those “assets” is what counts, is oddly typical of these discussions, not only by Rawls. The consequences of that curious omission are, I think, considerable, as was pressed by Robert Nozick, among many, and will be touched on again in this discussion.)

Rawls is perhaps best known for his Second Principle of Justice, which says that we may deviate from a general condition of equality in the “distribution” of what he calls “Primary Goods” only if the effect of this deviation is to improve the situation of the worst off. The Two Principles, in their first occurrence in *A Theory of Justice*, go as follows:

¹ References to Rawls (1971) are to pages in *A Theory of Justice*.

First: each person is to have an equal right to the most extensive basic liberty compatible with a similar liberty for others.

Second: social and economic inequalities are to be arranged so that they are both (a) reasonably expected to be to everyone's advantage, and (b) attached to positions and offices open to all (60).

He adds that both are "a special case of a more general conception ..." namely this: that "All social values - liberty and opportunity, income and wealth, and the bases of self-respect - are to be distributed equally unless an unequal distribution of any, or all, of these values is to everyone's advantage." (62)

But the (a) part of the second principle is later refined thus: "social and economic inequalities are to be arranged so that they are ... (a) to the greatest benefit of the least advantaged, consistent with the just savings principle ..." (302)

We will ignore the issues involved in the just savings principle. The question is: just what is the actual substance of this principle, as stated?

When Rawls says, "to the *greatest* benefit of the *least* advantaged" there is a question just what this means. For if we suppose that a situation of equality, whatever he meant by that, is coherent - that is, that the envisaged "equality" is possible at all - then the claim that an *inequality* could possibly be of benefit to those emerging with the lesser "share" is puzzling. For after all, why would it not be possible to do whatever it is that produces the inequality in question in such a way that it *didn't* produce that inequality? If the net benefit to someone, A, is greater, why can't it be redistributed among the rest, as apparently called for by the wording of the principle, in such a way that those benefits are equally divided among all instead of skewed toward A?

Let's for the moment table all of the horrendous difficulties involved in claiming that a set of n (>1) persons could exemplify equality in the envisaged sense. This is generally done, insofar as it is done at all, by confining the discussion to income and wealth, which after all are more or less commensurable in monetary units. (Even that is problematic. A dollar in central Vancouver is not obviously the same as a dollar in Tillsonburg, Ontario, population 14,822. But never mind.) Whether it is legitimate to do that is one thing - after all, there are, Rawls says, other primary goods besides income and wealth, notably liberties and rights, and it is specified in his first principle that liberties are to be equal and maximal - moreover, that it is to have lexical priority over the other principle altogether. The significance of that will be considered shortly, but meanwhile, confining the discussion to the financial dimension enables us to point up the impending difficulty. If "we" - the people, whoever they are, who are to do the "distributing" in question - argue that "we" should "give" a higher income to the potentially more productive Jones than to the less productive Smith, *because* that will maximize the income of the worst-off, then it surely looks as though it would be possible to give Jones a

smaller income for doing the same thing, and distributing the results equally to all. This will make the worst off literally as well off as they all can possibly be, because they can't all do better than *the same as everybody else*. Jones, of course, as an individual, could do better - perhaps a lot better, as in the case of today's many billionaires and multimillionaires. But he can't do so *and* have an income that is in principle redistributable, *and* use it for himself instead of doing the redistributing in question - not if he thinks that justice requires him to benefit the poor *as much as possible*.

For there to be any difference, then, between sheer equality and the allegedly better inequality envisaged by the Difference Principle, we need to suppose that there are people, like Jones, who could produce more, but as a condition for doing that "more" insist on a greater share for themselves: says Jones, "no greater share for me, no deal - take it or leave it!" At this point, though, a dilemma looms. Rawls is on record as having it that equality is the "benchmark"² of justice, and the principle as stated surely seems to support the reading that what this means is that we are *required as a matter of justice* to bring it about that people are, in the relevant respect, equal. Or at least, we are, unless somehow some *other* component of justice requires us to allow the disparity in question. But the consideration appealed to is *incentive*³, and the trouble with that is that incentive is a matter of the will. Jones acts from self-interest when he insists on this greater payment for his services, even though they do, he claims, benefit others (including the worst-off, let us suppose) as well. But surely self-interest cannot justify what is *otherwise an injustice*? The point of justice, indeed of morals in general, is surely to *override* self-interest, in some principled way, when the operation of self-interest gets us into problems. So, saying "but it's not what I want!" can't be a sufficient reply to "It appears to be unjust!" Only if justice *allows* the kind of self-interest envisaged can it be a satisfactory reply. But we are supposing that income differentials are allowable *only* if they are *necessary* to improve the lot of the poor, and one cannot appeal to self-interest in support of this as a *necessity*. (We'll not consider the proposition that moneymaking might be an irresistible compulsion.)

² What Rawls says (62), exactly, is this: "Imagine, then, a hypothetical initial arrangement in which all the social primary goods are equally distributed: everyone has similar rights and duties, and income and wealth are evenly shared. This state of affairs provides a benchmark for judging improvements. If certain inequalities of wealth and organizational powers would make everyone better off than in this hypothetical starting situation, then they accord with the general conception." Cohen and I see problems with this last claim.

³ Rawls also mentions costs of training (151), but these are not, as such, primary goods. Of course, one might view, say, a university education purely as a nice way to spend one's time, in which case we would have an expenditure of a primary good (money). But of course Rawls means the costs of the sort of training envisaged as being necessary to enable the agent to produce the more whose benefiting of the poor is what makes Rawls suppose that it might after all be just to depart from equality in that way. And those are not primary goods.

Horn One

It appears that the “difference principle” cannot in fact justify any of the envisaged inequalities.

However, we started out with an equal-liberty principle that is yet stronger, in the Rawlsian official format, than the difference principle. *All* are entitled, always, to *the most extensive* basic liberty compatible with a similar liberty for (all) others. Many of us will insist that, given the characterization, “most extensive,” this principle ought to apply not only to social and political liberties but to economic ones as well - that is, the liberty to exchange services and goods with others, on a basis of agreement among the exchangers. And when it comes to economic ones, this surely looks as though it would mean, *market* liberties: that is, the freedom to exchange one’s exchangeable resources with others willing to engage in such exchanges.⁴ In the market system, people are able to own things, and the notion of ownership means that they are at liberty do what they want with them, without fear of forcible interference from others, so long as they respect the rights to persons and properties of all others. Thus they can not only work on these things, changing them in various desired ways, but they can also make free exchanges with others who, after all, also have this same liberty. Of course, no such exchanges may literally *injure* third parties, and we stipulate that accordingly. (Undoubtedly many will claim that such exchanges *do* injure third parties; we will consider that further below.) An effect of the market system is no doubt very likely to be that some people, as time goes by, enjoy greater incomes and possess greater capitals, than others.

Rawls attempts to head off the inference from his first principle to economic rights by stipulating that we’re talking about the “right to hold (*personal*) property” (61, my emphasis). But this stipulation comes across as quite arbitrary. No doubt Rawls, in some kind of deference to Marx, thinks that capital is somehow intrinsically different, though the difference could only be that capital is productive property while something called “(personal) property” is not. In a later chapter on economic systems, Rawls

⁴ Rawls argues, indeed, that socialist institutions could incorporate market arrangements. To do this, we need to distinguish sharply between “the allocative and the distributive functions of prices. The former is connected with their use to achieve economic efficiency, the latter with their determining the income to be received by individuals in return for what they contribute.” (273) Sufficient discussion of this claim would take us far beyond the limits of this paper, but suffice it to say that most contemporary market proponents would deny that this distinction can be made in the principled way required to get it off the ground at all. It assumes the existence of a redistributive state, but how *that* can be brought about without violating the property rights definitive of the market economy is a mystery. (See, for example, Anthony de Jasay’s (2002) masterly analysis of “market socialism”.)

suggests that “All regimes will normally use the market to ration out the consumption goods actually produced” (270). Somewhat in the tradition of the later John Stuart Mill, he says “It is evident, then, that there is no essential tie between the use of free markets and private ownership of the instruments of production” (271). I shall take it as given that the separation of production and distribution required for these remarks to make sense is impossible. Valuable services and goods are produced by someone; if that someone is free to perform them or not, as he chooses, then to claim that we can coherently restrict production but not distribution is to go back on any commitment to freedom in general. People produce for purposes, and if those purposes are thwarted, freedom diminishes. If there are genuinely free markets, it is impossible to prevent the scope of market activity from including instruments of production. Any restriction that prevents people from using market-purchased assets for productive purposes is obviously a *restriction* on human activity. This is not to say that such restrictions cannot be made - obviously they can. But it is to say that those restrictions necessarily restrict *market freedom*, which is the essence of the system of natural liberty, so far as the “primary goods” of income and wealth are concerned.

Obviously, personally *held* property can also be productive while it's at it (and, of course, often is). Indeed, if we broaden the notion of production, as we should, to include the production of satisfactions of all kinds, then the whole point of any sort of property is to be “productive.” Investments, of course, are with a view to producing personal property for others, the customers who buy them. But why is this supposed to make so fundamental a difference to the theory of *justice* that we get to exclude holding such property as a right, when all the other liberties are made into such rights? That the result of such holdings might be economically unequalizing is, of course, agreed, but that disequalization should be a sufficient ground for trumping a general liberty principle claimed to have *lexical priority* is, to put it mildly, not obvious. It appears, indeed, question-begging.

Perhaps a word should be added here regarding economic liberty. Cohen, of course, is notorious for arguing that have a low income restricts one's liberty⁵. Without

⁵ See Cohen (1995, 38-66) among many others. The obvious point that you may, if you wish, forcibly prevent me from taking your car without permission, and thus that private property as an institution “restricts freedom” is no criticism whatever of the characterization of the market economy, with its extensive property rights, as being a system of freedom. I have a right of freedom to do x only if nobody is allowed to deprive me of x, and in turn those other person's freedom to restrict *my* freedom (of that kind - what we would usually refer to as “theft,” is intrinsic to the system. In like manner, the law against murder restricts people's liberty to kill - that's what it's *for*. (It is strange that Cohen should for so long have considered this to be a reason for denying the market system's claim to be a system of freedom. At one point, he does seem to recognize this: “Taxing him pretty unequivocally reduces Chamberlain's freedom: to think otherwise, you have to believe an implausible story about knock-on effects, or fancy Marxists stuff

belaboring that, the point is that *if* we are to take the first principle at what can reasonably be thought to be its face value, without arbitrary or ideologically motivated stipulations, it would imply that we all have the *right* to do precisely what Jones is envisaged above as doing : namely, holding out for a greater income for himself as his condition for producing more for others. In doing that, of course, he is doing what economic agents in general are normally envisaged to be doing: viz., ordering their activities so as to maximize their net incomes in interaction with others. If we impose the Liberty principle so understood, though, the result will be that Rawls' difference principle *cannot* be realized simultaneously with the first principle, except on one, very special, condition: namely, that the incentives operating on economic agents are themselves egalitarian - that is, that each economic agent, as an individual, is also an egalitarian by sympathy, preferring an equal outcome for all to an outcome in which he himself gets more. As I pointed out, and as Cohen in turn insists, it is perfectly *possible* for people *not* to act in the way that "economic agents in general" are normally assumed to act, namely with a motivation to increase *their own* incomes independently of those of others (except, of course, their trading partners, each of whom is in turn attempting, successfully, to improve his or her own situation when they make these exchanges).

In comment on this, we should surely say: Well, yes, it *is* possible - some in this world are rather like that - but many others, and very likely most people, are decidedly not. And if the liberty principle is taken at face value, then those who are not like that, and who are capable of differential production, will *have the right* to those higher incomes than others, provided only that they get them in free exchange with others.

So, now: where does this leave us with the difference principle? In insisting that just activities "maximally benefit" the worst off, *subject to the priority of the liberty principle*, how much of a difference, between benefit to producer and benefit to bottom-level citizen, would be enough to get the imprimatur of the difference principle? That is to say, how much of a difference that arises when we are acting within our right to economic liberty, will be able to fulfill the requirements of the difference principle insofar as there is anything left for it to do? The pure communist distribution is (we are assuming) the equal distribution of money and property, and the few among capable producers who are pure communists will split their incomes accordingly (whatever that means when we have populations in the millions). But what about the rest, who do *not* deliberately set out to benefit the poor as much as they possibly can? The lower limit, surely, is reached when the effects of Jones's economic agency is to do *nothing* for the poor, one way or the other. That leaves them no better, but also no worse off than before. Now the liberty principle, in making economic liberties into a universal *right*, prohibits violence and fraud: economic benefits may not be derived from threatening evils to others nor from cheating

about how deeply free we all really are when we are all equal together" (Cohen 1995, 55. But the ensuing paragraph re-mires him in the confusion I'm alluding to here.)

them. Thus this lower limit is already implied by the liberty principle anyway - it needs no separate specification or derivation. So: now it seems that the Difference Principle, as a principle of *justice*, is completely dispensable - the second principle can simply be deleted without loss.

Horn Two:

That, then, is Horn Number Two: if we accept those interpretations of Rawls' principles, it appears that Rawls should be a pure libertarian. (Although the above argument has been couched entirely in economic terms, similar ones would confirm that civil liberties should likewise be of benefit to all, by virtue of being equal and maximal.) And so, he has not managed to steer, as I put it, the envisaged principled course *between* the Scylla of pure egalitarian socialism, and the Charybdis of pure free market society. The dilemma, then, is that, contrary to what he surely intended, and to what almost all of his sympathizers supposed, there really *is* no principled way to stop short of either pure communism or pure market capitalism, insofar as this liberal theoretical approach to theory of justice is our guide.

It might be held that some kind of "mix" of the two is possible. And of course, there not only could be, but there clearly is, such a mix, so far as real-world economic systems are concerned -- indeed, what we have today, in all the wealthy countries, is just that: all their economies are partly market and partly state-administered welfare states. But the trouble is that these mixed systems stand in need of principled justification, and on the face of it, that is what they lack, *if* Rawls is in general right about the fundamental principles of justice.

Rawls does not like either of these alternatives, though his main theoretical inclination seems to be against the market liberties. One of his main intuitions in *A Theory of Justice* was that the "system of natural liberty," which in effect is the libertarian system, is *unjust*:

The existing distribution of income and wealth, say, is the cumulative effect of prior distributions of natural assets - that is, natural talents and abilities - as these have been developed or left unrealized, and their use favored or disfavored over time by social circumstances and such chance contingencies as accident and good fortune. Intuitively, the most obvious injustice of the system of natural liberty is that it permits distributive shares to be improperly influenced by these factors so arbitrary from a moral point of view" (72).

And he adds, “The liberal interpretation of the two principles seeks, then, to mitigate the influence of social contingencies and natural fortune on distributive shares” (73).

We should ask: what makes Rawls (and Cohen) think that the existence of differences in natural talents among us, these difference being, unsurprisingly, devoted to advancing the good of the lives of those who have them, is *unjust*? Note that Rawls does *not*, like Marx, point to long-ago genuine injustices, such as conquest and enslavement, as affecting current distributions. Those would be problems that any market enthusiast would agree need addressing somehow.⁶ But Rawls is referring to these inequalities *themselves*, being employed in the market manner, within the framework of respect for the lives, liberties, and properties of all others. The question is, why is *that* supposed to be “unjust”?

What Rawls points to, as we saw, was the “moral arbitrariness” of these differential “distributions” of talents. But he fails to see that this moral arbitrariness, which is obvious enough - we cannot, after all, be blamed for having been born the way we were - does *not* imply the “injustice” he imputes to it. The fact that Jones has a natural talent for a sort of production that others will desire sufficiently that its possessor, if he works at it right, will become quite wealthy, does not mean that Jones is doing anything wrong when he does so. Indeed, on the face of it, he’s simply acting naturally - “in accordance with his nature” which in this case is, self-interested. Jones undermines no one’s liberty in doing the things we have in mind here. He therefore, by Principle One, has a right to do them, and the moral arbitrariness of the “distribution of talents” enabling him to do so is no fault of his - nor, in a sense, any virtue. However, in the eyes of those who benefit from his productions, those talents *will* be regarded as “virtues” in the broad sense of qualities that it is desirable to have. But no one, after all, does this “distributing” - which indeed makes the employment of the word ‘distribution’ dubious in the circumstances. And therefore, even if somehow God should have made men equal (something we should not without examination concede anyway), the fact that he did not is in no way an imputation of *injustice* to those among his creatures who happened to “get a greater share.”⁷ Making someone liable for being more creative, stronger, faster, more alert, etc., etc., than the normal run of humans is no part of any sane theory of justice.

Perhaps it will be said that egalitarianism does not “make people liable” in that way. But after all, taxation, for example, is compulsory, and potentially enforced by imprisonment and the like. To insist that someone’s use of her talents, when the effect is to unequalize her income relative to many others, may be forcibly constrained along some schedule devised by the government of the day, is precisely to “make them liable.”

⁶ For example, there’s the famous passage in Robert Nozick’s (1974) *Anarchy, State and Utopia*, 230-31. There has been much published discussion of this passage, e.g. Colin Farrelly (2004, 49). For my own further discussion, see Narveson (2009).

⁷ For further, see Narveson 1997 and Narveson 2002, especially 54-56.

Rawls, to be sure, does not envisage that socialism would necessarily be an attempt to impose radical economic equality. We may, of course, accept this as a generalization about the various systems that have been introduced under the name of ‘socialism,’ just as we may agree that actual political economic systems can be devoted to all sorts of things, irrespective of ideological profession or labeling. But we are here interested in fundamental features of Rawls’ social theory, not day-to-day politics, and for these purposes, we don’t have to, or want to, get involved in the myriad of possibilities indicated. For Rawlsian principles, as he says, involve the “distribution” of what he calls *primary goods*, which includes “All social values - liberty and opportunity, income and wealth, and the bases of self-respect.” Regarding these, there is a fundamental argument for an initial stance of equality: they, he says, “are to be distributed equally unless an unequal distribution of any, or all, of these values is to everyone’s advantage” (Rawls 1971, 62). Later this is refined or restated as the familiar Difference Principle, which has it that if equalities are to be accepted, it must be under the requirement that they maximize the index of primary goods of those “at the bottom,” which, roughly, are the poorest. (How we would factor “liberty, opportunity and the bases of self-respect” into the metric is, to put it mildly, no easy matter. Even trying to understand what the envisaged equality would mean in strictly economic terms is a daunting prospect.) But I take it that Cohen believes that the egalitarianism that Rawls takes to be the “benchmark” is, somehow, definable, sufficiently so that his criticisms can make sense.

Moreover, if he is right, then Rawls would not be able to defend any of the intermediate systems, in which there is a mix of market elements and public ownership of the means of production. And, of course, all of the non-liberal systems -- in which society’s resources are devoted to such “public benefits” as the building of heroic statues of the Great Leader -- are simply out of consideration here: Cohen and I, and most of us, are liberals, holding that what should matter to any government (or, any moral principle claiming to be plausible) is what matters to the individual people being governed, rather than what matters to their leaders such as the Central Committee, or according to some social philosopher.

Now, the problem facing Rawls, as I argued (as noted earlier, see Narveson 1976; 1978; 2002) and as Cohen agrees, is this. If we start out with a claim that all that stuff is to be distributed equally, and this is taken to be the “benchmark” of justice, then how are we to render a departure from equality just? To this Rawls has only two answers: costs of training and *incentive*. The former, however, are essentially irrelevant, since they are not, *prima facie*, primary goods. But incentive is another matter. If the idea is indeed that equality is a “benchmark” in the sense of a *prima facie* requirement, then someone who insists on more for himself as a condition of producing more for others would be trying to make his own preferences override a *prima facie* requirement of justice. But whatever can do that, mere individual preference can’t: justice is to override such preferences -

that's what it's essentially *for*. Some would find this easy by suggesting that there are other requirements of justice besides equality; the talented can spend more money on their families, perhaps, or some other causes endorsed by justice. It is not clear that there are any other such available, however.

Thus Cohen quotes my little dialogue from the second version of that article.⁸ Much of his chapter on Incentives is an intensely worked-up restatement of that argument. Our questions are: is there any sort of escape for Rawls? And if not, which prong of the dilemma should we take: Equality, or free market?

I identify the latter with libertarianism; some would cavil at this. At the risk of making an already much-lengthened discussion still longer, I remind the reader that the Libertarian view is that force may be used *only* to counter force. It may *not* be used to promote other social objectives, including ones that the reader, or writer, may think to be good ones. I further take it that our subject here, political justice, is *essentially* about the permissible uses of force. Laws require us to do or not do various things, and require us in the sense of making us liable to punishments if we do not comply. So the question of justice is: when may we intervene, forcibly, to prevent someone's doing what he would like to, possibly even to damage him physically or mentally? In the libertarian's view, the "somethings he would like to" include operating with various things that can also be exchanged; thus, market freedom.

2. Cohen on incentives

Now let's turn briefly to Cohen's own (2009, 27-86) exploration of this topic in the opening chapter of *Rescuing Justice and Equality*. "The Incentives Argument" consists largely of a detailed expansion of the general argument presented above.⁹ Let's, fairly briefly, follow it in his exposition.

⁸ "Well-Off: Look here, fellow citizen, I'll work hard and make both both you and me better off, provided I get a bigger share than you.

Worse-Off: Well, that's rather good, but I thought you were agreeing that justice requires equality?

Well-Off: Yes, but that's only as a benchmark, you see. To do still better, both of us, you understand, may require differential incentive payments to people like me.

Worse-Off: Oh. Well, what makes them necessary?

Well-Off: What makes them necessary is that I won't work as hard if I don't get more than you.

Worse-Off: Well, why not?

Well-Off: I dunno ... I guess that's just the way I'm built.

Worse-Off: Meaning, you don't really care all that much about justice, eh?

Well-Off: Er, no, I guess not." (Narveson 1978 quoted in Cohen 2009, 27).

⁹ I thought this was the first such analysis of the argument. But Tom G. Palmer, in *Realizing Freedom* (2009) has pointed out that Thomas C. Grey (1973) discovered what amounts to the same problem.

Cohen: “Left-wing liberals deny the factual claim that the vast inequalities in Britain or America actually do benefit the badly off, but they tend to agree that if they did, they would be justified, and they defend inequalities that really are justified, in their view, by the incentive consideration. That is a major theme in John Rawls’s work. For Rawls, some people are, mainly as a matter of genetic and other luck, capable of producing more than others are, and it is right for them to be richer than others if the less fortunate are caused to be better off as a result. The policy is warranted by what Rawls calls the difference principle, which endorses all and only those social and economic inequalities that are good for the worst off or, more generously, those inequalities that either make the worst off better off or do not make them worse off: in this matter there is a certain ambiguity of formulation in Rawls, and in what follows I shall take the difference principle in its more generous form, in which it allows inequalities that do not help but also do not hurt the worst off.” (29¹⁰)

That difference, we should bear in mind, is critical. If we could not act justly without directly benefiting *everyone* worse off than ourselves, or even without *benefiting* the “worst off” - assuming we can determine who those are - action would be well and truly stymied. The non-harm condition is far more realistic, as a requirement. We should bear in mind, however, that it is part and parcel of the market view that Rawls means to be opposing that *no one*, including therefore the worse- and the worst-off, are to be literally *harmed* or *hurt* by one’s actions.

No doubt it will be said, in criticism of the market system, that a business that moves into a community and then outcompetes many rivals whose employees are consequently thrown into unemployment *would* hurt those people. At that point, considerable economic analysis is needed. Increased efficiencies in an economy always “hurt” the inefficient, but not in the way that, for example, brigands burning down their houses would hurt them. Rather, it’s that the people who formerly employed them profitably can no longer do so, and so the benefits previously rendered to those employees by those particular employers - their salaries or wages, especially - are no longer available to give to them. This of course makes them, for the present anyway, worse off than they would have been if they had been able to remain employed. Of course, under the circumstances, they *can’t* remain employed in just that way, since their being so is contingent on its being worthwhile for their particular employers so to employ them, which it no longer is (indeed, those employers themselves are quite possibly unable to continue the business.) However, a market economy supposes some flexibility in the set of employable people, and in a case like the above, it is to be expected that the resources now made available will be employed by other entrepreneurs who will hire those people to do new and, hopefully, in the end, better-remunerated things. (The poor in

¹⁰ Parenthesized numbers are page references to the Cohen volume.

contemporary Canada, say, are wealthy by comparison with the poor in 1850 Toronto or 1750 New York.¹¹)

The example of Wal-Mart comes to mind. That firm tends to be spectacularly successful, and is so because its prices are much lower than the competition's. Of course that hugely benefits all the customers of that firm - who are very numerous in any given locale; and many of those customers are among the poorer in that community. *Those* people's real incomes are now increased, since their incomes now go farther. And the money they aren't spending on the more expensive goods of the out-competed firms is now available for spending on something else - including things that the new entrepreneurs in question will expectedly come forward to supply - and which they hire the lately unemployed to help produce. And that *can* be a basis for claiming that the greater incomes of the owners and managers of Wal-Mart do their bit for the Difference Principle. (Many "left-wing" thinkers will of course dispute much of the economics asserted in the above account, though I don't think Cohen would have. It is the basis of the immense "material" progress that we expect, and observe, in thriving market economies.) Meanwhile, the point is that in the usual meaning of "harm" and "hurt", doing what is properly so described to *anybody* is forbidden by morality and specifically by the "bourgeois" morality leftists tend to decry. Respect for persons, their liberties, and their property, is, obviously, essential to the free market philosophy. The issue with the "left" has to be whether some kind of political initiative that *prohibited* market activity of the kind described could actually benefit the "badly off," in any longer run. Such more nearly "pure" cases of socialism as Soviet Russia, Maoist China, and Fidel Castro-governed Cuba, do not provide much encouragement for the socialist in that regard.

Cohen adds that the real concern of the socialist egalitarians he has in mind is: "why should some people be *badly* off, when other people are so *well* off? That is not the same as the colorless question, Why should some people be better off than others?" (30-31), noting that he didn't think many egalitarians would worry about the difference between millionaires and billionaires, even though that gap is enormously greater than the gap between an ordinary income-earner and the typical poor person, at least in a contemporary well-off society such as ours; the problem rather is "that there is, so they think, unnecessary hardship at the lower end of the scale." (31) Thus they think that "equality would be a good thing because it would make the badly off better off. They do not think it a good thing about equality that it would make the well off worse off." Indeed, they think that "if leveling down were necessary, then equality would lose its appeal." (31) This is especially interesting since any initiative to this end brought about by the coercive means of government *necessarily* "levels down" in the sense that it makes those better off

¹¹ In this essay, I lean on common knowledge of how things are these days. Clear and insightful analyses of the situations of the contemporary poor in Canada are provided by Sarlo (1996) and Eberhardt for the United States (2008).

whose incomes are taxed to this end worse off than they would have been absent the tax. This is income, after all, that they *really have* - it isn't that some wealthy persons are worse off than they conceivably hypothetically might have been; it's that they are rendered worse off in terms of income that they do *actually have* prior to the tax. When someone's income is literally taken from him, under threat, rather than reduced as the result of fair market competition, it is reasonable to speak of "harm" in a more literal sense. Political initiatives aimed at "redistribution" do, then, literally harm some people (the wealthy) in order to help others (the poor.) "Leftists" may also claim, of course, that these greater incomes are not got by liberty-respecting means, or they may hold that liberty-respecting is either no part or not a very important part of justice. There is considerable reason to think that Cohen, at any rate, is not among those. (His Chapter 5, "The Freedom Objection" as well as earlier work of his, makes that clear.) At any rate, he appeals to no such arguments in his dealing with the Incentive Argument.

Community

Well, what's the problem? Cohen puts it as follows:

... I believe that the idea that an inequality is justified if, through the familiar incentive mechanism, it benefits the badly off is more problematic than Rawlsians suppose; that (at least) when the incentive consideration is isolated from all reference to desert or entitlement, it generates an argument for inequality that requires a model of society in breach of an elementary condition of community. The difference principle can be used to justify paying incentives that induce inequalities only when the attitude of talented people runs counter to the spirit of the difference principle itself: they would not need special incentives if they were themselves unambivalently committed to the principle. Accordingly, they must be thought of as outside the community upholding the principle when it is used to justify incentive payments to them (32).

On the face of it, what Cohen says here has the problem that "the principle" was supposedly capable of generating a scheme for genuinely justifying inequalities. Why, then, would a community *upholding* that principle not be able to include those who come out on the upside of such inequalities? It seems to me that Cohen is implicitly leaning here on the point I emphasized above: that *justice* is normally understood to be incompatible with simple self-interest as such - it is, indeed, intended to curb our presumptively natural impulses to prefer ourselves by whatever means - and thus that if the inequalities envisaged are due to the self-interest of those who insist on them (as they

surely are), then there is scope for claiming that those persons are not wholly sympathetic to the starting point of equality that both Rawls and Cohen - and everybody? We'll see about that - agree to be essential to justice.

This bringing in of the notion of "community" is interesting, but puzzling. In context, what is envisaged is a community of people *upholding that principle*, although in the phrase's first occurrence - "a model of society in breach of an elementary condition of community" - no such restriction is implied. In that sentence, the reader is certainly to be forgiven for taking that Cohen thinks that use and acceptance of the argument for inequality violates *community* - not merely the "community" of those who think that the rich cannot claim to be justified in getting rich by normal market means unless in the process they think that the *point* of their excessive wealth is, nothing more nor less than, to improve the lot of the very poor.

It is, we might also note, quite unlikely that the poor themselves think any such thing - *their* efforts are aimed at improving their *own* lot, by and large. (Thus, for example, many of the poor buy lottery tickets, in hopes of quickly propelling themselves out of their current economic echelons; few of those poor, if they do win sizable amounts, turn around and give virtually all of it back to the community.)

So far, then, Cohen and I, I believe, are in complete agreement about the essentials here. If we take the achievement or at least promotion of equality as a *prima facie* moral requirement, then we have to regard individuals who refuse to devote their efforts to that end except on condition of superior payoffs to themselves, as being at least *prima facie* thereby shown to be acting contrary to justice. If we are right about that, then, the only question, is: yes, but which way do we bounce? Do we go along with Rawls's First Principle (as I understand it, and as I claim most people would), calling for general respect for liberties all around, including economic ones? Or do we take the Difference Principle as preemptive, with its implication that inequalities of income can't actually be *justified* at all? In affirming the priority of liberty, it seems to me, Rawls should be taking the first option. He simply fails to see the trap he has set for himself, to put it somewhat baldly. Cohen's is a more complicated case, however, for unlike Rawls, he turns out not to be talking about what we might think.

In devoting so much of *Rescuing Justice and Equality* to the further and detailed exposition of this problem for Rawls and Rawlsians, we must ask, what's the point? - since, after all, the problem has already been appreciated by others (myself and Grey, at least, among Cohen's predecessors). In my view, Cohen must think that in the process, the case in favor of egalitarianism has in some way been forwarded. But I'm doubtful about that too. After all, he appears to be simply assuming the truth of egalitarianism and then pointing out that Rawls has the above problem. Further, he is ready to agree that the strategy of manipulating incentives is probably the plausible way to go, in real-world terms, given that a strategy of imposing egalitarianism isn't likely to (as indeed it isn't):

And scarcity in the Marxist sense is not poverty of supply but the wider circumstance that, to secure what might be a quite reasonable supply, most people must spend most of their time engaged in labor that interferes with self-realization. ...

Under such a condition, and it is a huge and difficult question whether we are still in it, it might be right to tolerate and even, sometimes, to nourish, incentive motivation, despite the fact that it contradicts justice. Sometimes the difference principle in its lax interpretation can be recommended as a first virtue of social institutions, because we cannot get justice, and the injustice that goes with incentives is the best injustice we can get (84-5).

Here Cohen assumes that the departures from equality expected in a market economy are really *injustices*. But readers should bear in mind that he has not even tried literally to prove, or even to argue for, that claim. Thus far, he is simply arguing on the basis of the Rawlsian text. Later on (Chapter 6, “The Facts,” and Chapter 7, “Constructivism”), Cohen devotes a lengthy theoretical discussion to a claim that normative principles must ultimately be “fact-independent.” This thesis, he notes, is “meta-ethical, because it is a thesis about principles that is silent about which principles should be accepted and which rejected ...” (257) His own view is that justice’s being equality is an ultimate, fact-independent thesis. Thus “while unequalizing Pareto improvements on equality may represent sound policy, such (possibly) sound policy does not promote justice” (317)... “I am far more convinced that legislating for an inequality that incorporates this sort of brute luck produces an injustice than that either the Rawlsian or the Scanlonian procedure for determining what is just is sound. In my view, the Scanlonian and Rawlsian procedure do not yield justice, precisely because “accidental” inequalities are unjust ...” (318) - and, strikingly, he says “Of course, some readers will not share the egalitarian intuition... that is at the heart of the present disagreement ...” (318).

I find this disheartening. We are, after all, talking about *social* justice, a normative theory for *interpersonal* contexts. If Cohen accepts that some readers will not *share* his intuition, and recognizes it to *be* an intuition, then he would seem to be in the standard intuitionist sand-trap: no intuitionist can literally defend his view, because all such views are required, according to their analysis, to be ultimate, beyond the reach of any factual sort of findings. Can a theory for the world we live in, with its many different persons who, considerably, do not share his intuitions, really be of the general sort that he, or his predecessors such as Ross and Ewing, say it is? I would think not.

Especially, we should return to what has been regarded (correctly) as a basic of this subject: that what *justice* is concerned with - justice as *distinct* from the most general

normative principles without further distinction - is the use of *socially approved coercion* in a community (ultimately, *the* community, of the whole human social world.) We do not have a principle of *justice* if all it says is, “here, this is better than that!” Rather, we have a principle of justice when it says, “You may be *compelled*, if you won’t do it voluntarily, to comply with the following ...” And Cohen, as I have argued elsewhere, astonishingly accepts that we may *not* use such force to do all sorts of nice things, such as helping lame persons across intersections or, even, feeding starving children. He would not “take the Stalinist plunge and force the doctor to doctor” or more generally to apply coercion to occupational choice, or to enforce noncommercial promises, and more (221).

These points suggest that Cohen would at least be edging close to the libertarian’s view - that we are to harm *no one* except *only* if that action was intended to deal with uses of force that were not motivated in that way, but only by self-interest. And yet he does “qualmlessly allow coercive taxation”, adding, “For epistemic and deterrence reasons, coerced labor would remain unacceptable, but would it be acceptable even if there were no practical or epistemic obstacles to it? I think not ... Income taxation forces you to give money on the basis of (fairly) readily determined information about your income.” ... (221) In the end, “Coercive progressive taxation can be justified on the egalitarian welfarist ground that *on average* welfare is higher the more wealth a person has: we only need confidence in the averages, we need not invade individual psyches, to tax on a welfarist basis.” (222) But this, he also says, is a matter of “nonideal theory” rather than the theory specifying what would happen in the fully just society. He still thinks that that ideal one would be fully egalitarian, where, say, “taxation on behalf of equality would not need to be coerced. But there might still be a state, that is, a central organizing body, that proposes a tax structure of egalitarian inspiration around which people would voluntarily coordinate.” (221) As usual, then, Cohen’s egalitarian intuitions are brought in to justify invasions on freedoms that Cohen would otherwise be hard put to justify. Like Rawls, the fact that someone has more is regarded as in itself fundamentally objectionable, and thus ground for what, in the case of privately acting individuals, would be regarded as theft.

Incentives Again

Let’s now go back to the general question of the role of incentives in theories of justice. Rawls holds that the prospect of superior gains constitutes an acceptable incentive for doing what will otherwise contribute to the well-being of the poor. Cohen denies that such incentives would be just, given the egalitarian starting-point that appears to animate much of Rawls’ *A Theory of Justice*, though he accepts that perhaps we should, for reasons of practicality (in effect) go along with policies allowing such incentives. Are either of them right? Is what makes it just for someone to engage in normal commercial dealings - to make, and accept, arrangements with some others that will make him (and

his trading partners) better off - the fact that this arrangement will *also* conduce to the well-being of the poorest? More precisely, is that not only just, but a *necessary condition* of its being so, as both Rawls and Cohen maintain?

Neither Rawls nor Cohen is an enthusiast for labored definition, but there are surely many philosophically discussed notions that might profit from some such labors - the notion of justice itself, as I've complained above, being one of them. Incentive itself is another, along with the much-employed word "distribution." In this favored left-liberal terminology, economics is concerned with the "distribution" of, roughly speaking, interpersonally transferable resources, and an *incentive* is a sort of reward, as with primary school teachers' gold stars for good behavior and the like. Incentives, in such contexts, are essentially exogenous to their recipients.

Such talk is seriously misleading, indeed distorting. In the most general sense, everyone is always acting on some or other sort of incentive: an "incentive" is what impels the agent to act. But in that most general sense, obviously incentives do not need to come essentially "from the outside." The person driven by sheer curiosity has thereby an incentive to engage in research, regardless of what someone else might or might not offer him in order to engage in such behavior. We might say that he *needs* no incentive, though we might better say that he needs no *externally provided* incentive.

Now in the world of what we call "the economy" a great many people are acting in such a way as to attempt to maximize their net incomes (roughly speaking - which is enough for present purposes.) This can be done in many ways: by armed force, by applying for a government grant or inducing some official to give your firm a special handout - or by engaging in commerce. The rules of the market economy forbid the first, and its serious proponents would claim that it also forbids the second. But when it comes to the third, we need to bear in mind that there are plenty of activities that are of none of these three types, though they have economic aspects - notably private charities and philanthropies, engaging in which is done essentially because of the social motivations of their main actors. Employees of philanthropies may have just been "looking for a job" and have no special extra sympathy for the cause that their employers are devoted to, but the philanthropists themselves, providing sizable fractions of their incomes, sometimes in the multiple millions or, in the most spectacular cases, billions of dollars, and plainly not thereby seeking essentially to maximize their *incomes*, in the usual narrow sense of that term. And again, there are many who devote themselves to aesthetic pursuits, without even social benefit to others foremost in their minds - they do it for their own pleasure and satisfaction. To preserve the axioms of economics as often understood, we would have to say that they are trying to maximize their "psychic income" or some such. And indeed, we might as well retreat to the innocuous formulation that they are trying to maximize their *utility*, a characterization that tells us nothing at all about the detailed motivations of the agents. The point, however, is that talk of "distribution" as though

there was some kind of overarching agency whose necessary business it is to *distribute* various benefits to sundry persons for sundry reasons is very far from capturing these realities. The idea of “distribution” at all is simply inapplicable to some of these.

And in the case of many others, notably our central purely commercial ones, the term is misleading because when we *pay* someone for some service that we want done for us, we do not see ourselves as issuing a “reward” or “distributing” in any other sense than that we have some sort of budget and our purchase, we suppose, is consistent with our budgetary constraints. We do not have either the poor or the rich in mind: what we have in mind is the desirability of having this person perform this service (including such services as transferring to us the right to a certain new car, or innumerable other services as those done for some of us by opera singers or professors of Renaissance History), as compared with taking some other option available within our price range, or not spending our money at all at this point but taking a nap or going for a walk instead. These sorts of good “things” are the stuff of life, and not the stuff of some dictator or mysterious godlike being or some government deciding how to parcel out a bunch of goods that might as well have fallen from the sky (as in Nozick’s delightful “manna from heaven” example.) They are, instead, the result of interaction of our interests and our personal resources.

Rawls and Cohen point to the utter arbitrariness of our initial genetic endowment (from our point of view, that is - our parents may possibly have supposed that they would have an offspring much as you or I actually turned out to be, and be happy accordingly) - “so arbitrary from the moral point of view” as Rawls puts it. And they seem to think that this points to a potential *injustice* in the *distribution* of those very endowments. I am, of course, far from alone in complaining about the attempt to apply any notion of justice at this level. From the point of view of each individual one of us, our “endowments” are simply facts, starting-points. They are not up for “distribution” on that, or any, score. They are, indeed, starting points in the sense of where we go from, to make such use as we may. It is absurd to suppose that the not-so-bright get to *complain* about the existence of the very bright, and neither is it for them to *complain* that the possessors of those superior capabilities do not use them specifically for the alleviation or amelioration of their situations. Appreciating these “existential” points about our general situations leads us either to be grateful when the gifted and bright and energetic do things that in fact do make our own lives much better than they would otherwise be - or to using our abilities to inveigle, or coerce, such potential benefits. We have strong reasons to resist these latter uses of people’s abilities - that’s where the “social contract” idea becomes plausible. But there simply is no basis for insisting that the *point* of our *having* the abilities we do, in the cases where they are potentially productive of benefits to others, is to produce those very benefits. They are what they are, and what we’re going to do with them is up to us.

But in the absence of some such basis, there is also no traction for the radically egalitarian premises upon which Rawls and Cohen pursue their cases. We take things as they are, we do the best we can - and that "best" will, as I think both Cohen and I would have agreed, be much advanced by a general recognition of rights to be and do as we are, compatibly with the same right extended to all. There is a genuine case for that. There is not, it seems to me, a genuine case for the egalitarian principle, and thus for regarding a *justification* along the lines of "incentives" as prerequisites for legitimizing our perfectly normal behavior in markets and other contexts of social life - much less for regarding these as injustices that we perforce had probably best put up with under the circumstances. Humans deserve better than that.

Afterward

When I first met Jerry Cohen, he was that rarity - a Marxist with a sense of humour. That was back in the 1970s, when advanced versions of his interesting study, Marx's Theory of History, got read/expounded by him at the University of Waterloo (at my instigation). Over the years since, the humour remained even as the Marxism tapered off, to be either refined, or, according to your ideological lights, transmogrified into his recent luck-egalitarian format - one that I, with many, have not found all that easy to understand nor to agree with.

The hospitality continued, too, including a memorable visit with him at All Souls College, where I was wined and dined in wonderful style. I will never forget his taking me over to the window of his rooms, pointing to the magnificent view of the Sheldonian and various Oxonian towers, and saying, in the context of a discussion of relative salaries at North American and British universities, "Well, Jan, tell me: what is *that* worth?!" Point made. Of course it also made me reflect that for someone claiming to be an Egalitarian, the question arises - why do we have to talk in terms of money? Inequalities in terms of who gets to have what magnificent-or-awful views in the course of his or her life are surely at least as telling- I should think, really very much more - than just inequalities of incomes. But I digress!

Over those years too, I read almost everything of his (I think - there's a lot!), and continued in various ways to disagree with much of it. Most signally, and somewhat painful to me, there is an exchange in *The Journal of Ethics* (1998) ending with a critique of my piece by Jerry to which, alas, I never responded. When news of his sudden and unexpectedly early death reached me (within a remarkably few hours of the event), my second thought, after astonishment and sorrow, is that now if I ever responded to that criticism, there'd be no one to reply in return - a response that I would certainly have found interesting and probably chastening.

He died while I was reading the then-new *Rescuing Justice and Equality*, and that

generated my third thought, which was to spread the news around to my colleagues in Canada to run a symposium at the Learned Societies meetings in Montreal in May 2010. The CPA secretaryship kindly enabled me to get an invitation out to all CPA members to contribute to this symposium (and for many, it was also the source of the news of his death), and as luck would have it, a number responded that was compatible with putting almost all of them on the program.

I proposed this program to the CPA program people of the time, and they said that sounded just fine. Alas, I took them to mean that it had been accepted. But after having heard nothing for a couple of months, I wrote to inquire and discovered I was beyond the deadline for submission! Luckily, a member of the Society for Socialist Studies (SSS) stepped in and saved the day, offering to take it under its wing. Panel saved! Many thanks to the SSS people for inserting this big panel into their already very full schedule. And many thanks to Elaine Coburn for proposing to publish a substantial selection of the papers, and to invest a great deal of her time in editing the set.

In this note I won't try (yet again) to set forth our differences. Cohen was remarkable in his perception of the plausibility of the major criticisms of the socialism to which he was attached as, virtually, a birthright. I encountered such criticisms early on, and quickly abandoned what little taste I had for socialism at that time; he, on the other hand, persisted in various ways, though whether what he ended up with is, strictly speaking, socialism, is for others to judge. Meanwhile, there is the question of how much strictly rational analysis and discussion has to do with all these differences. My hope and belief is that it's a lot. People often make reference to "intractable differences" among theorists (and among real people, too), especially about matters of social theory and practice. A meta-ethic such as what he seems to profess in his magnum opus has the unfortunate property that it would seem, apart from luck, practically to guarantee the intractability in question. My flirtation with intuitionism - a flicker, really - was even more short-lived than my flirtation with socialism: retreating to a philosophical stance that guarantees against the sort of accountability that we hope for from naturalism of some sort seemed (and seems) to me an unhappy ideological move. The rest of us need to keep working on that one.

It remains to state the obvious: that Cohen's contributions to philosophy are awfully interesting and beautifully set forth. Those of us who knew him personally know how much more there was to miss than what is found only on all those interesting pages.

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Research Note

G.A. COHEN'S INFLUENCE ON CHINESE ACADEMIA

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Abstract

This research note surveys G.A. Cohen's influence on Chinese academia by looking at four of his contributions, namely: applying analytical methods in Marxist studies; providing a sober understanding of the relationship between markets and socialism; defending and upholding socialist egalitarianism; and summoning Marxists to engage in moral justification of socialism.

Résumé

Cet note de recherche offre un aperçu de l'importance de G.A. Cohen dans le monde universitaire chinois en regardant quatre de ses contributions:

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en utilisant des méthodes analytiques dans des études marxistes; en offrant un éclairage sobre des relations entre les marchés et le socialisme; en défendant et en soutenant l'égalitarisme socialiste; et en demandant aux marxistes de s'engager dans les justifications morales du socialisme.

Key words

analytical methods, market socialism, moral justification; socialist egalitarianism,

Mots-clés

méthodes analytiques; socialisme de marché; justification morale; égalitarisme socialiste

As the founder of analytical Marxism and a world-famous political philosopher, G.A. Cohen is not only influential in Western academia, but has also exerted an important influence on Chinese academia. With a great sense of honour, when he lectured at Renmin University of China in 1995, Cohen said to his Chinese audience, "I am informed that there used to be a very notable Canadian in China whose name is Norman Bethune. Actually he is a friend of my mother, who is also a member of the communist party of Canada."¹ If Bethune is considered to have made a significant contribution to China's anti-Japanese war through his spirit of internationalism, then Cohen should likewise be considered to have influenced Chinese academia through his analytical method and strong belief in socialism. So far, Chinese scholars have translated four of Cohen's works: *Karl Marx's Theory of History: A Defense* (1989, 2008)², *Self-Ownership, Freedom and Equality* (2008), *If You're an Egalitarian, How Come You're So Rich?* (2009) and *Why not Socialism?* (2011). Furthermore, a collection of his selected works, under the title *Between Marx and Nozick: Selected works of G.A. Cohen* (2007) was published in China in 2009, and more than sixty essays on his thought have appeared in leading Chinese academic journals. Moreover, so far about ten graduate students and PhD candidates have chosen Cohen as the topic, or part of the topic of their theses.³ Specifically, Cohen's contribution to Chinese academia may be appreciated by examining the following four aspects of his thought: applying analytical methods in Marxist studies; providing a sober understanding of the relationship between markets and socialism; defending and upholding socialist egalitarianism; and summoning Marxists to engage in moral justification of socialism.

¹ Norman Bethune (1890-1939) served as a volunteer doctor during China's anti-Japanese war (1937-1945). Due to bad working conditions, he was infected while performing surgery and died from a blood disease. The Chinese people are grateful to this Canadian hero, and have built several memorials for him.

² There are two Chinese editions of this book. One is translated from the 1979 original edition, and the other is from the 2000 edition.

³ This statistical data is from China National Knowledge Infrastructure (www.CNKI.net).

Applying Analytical Methods in Marxist Studies

Cohen's earliest influence on Chinese academia was his application of analytical methods in the interpretation of Marxian theory. The Chinese edition of Cohen's first book, *Karl Marx's Theory of History: A Defense*, was made available to Chinese Marxist scholars in the late 1980s. By then these scholars had been influenced for a long time by the Soviet Union's orthodox textbook philosophy, and later by European continental Marxists such as Lukacs and Althusser. Chinese scholars found the methods of Anglo-American analytical philosophy used in Cohen's book novel and inspiring, making Marx's theory very clear and consistent, and soon began to adopt these methods in Chinese Marxist studies. This represented an important development in studies of Marxism in China, since as the well-known Chinese Marxist scholar Yu Wujin once said:

Contemporary Chinese scholars, especially Marxist scholars, have inherited the obscure style of Chinese traditional culture and hardly get any serious training in analytical philosophy and logic. That's why they have been indifferent to Anglo-American analytical philosophy, yet attracted to the ambiguous style of European continental philosophers. They are often obsessed with unimportant details and hardly make any groundbreaking achievements in fundamental theories (Yu Wujin and Chen Xueming 2002, 506).

Yu pointed out that the greatest defect of contemporary Chinese Marxist studies lies in the lack of clear definition of concepts and analysis, and hence he argued that the explicit and rigorous style emphasized by Cohen is worth learning. He suggested that Chinese Marxist scholars employ analytical methods into their research. (see Yu Wujin and Jin Yaomei 2009, 7)

As the influence of Cohen's book prevailed, many Chinese textbooks on foreign Marxism started to adopt Cohen's use of analytical methods; for example, drawing upon the way Cohen reinterprets such classic concepts in historical materialism as productive forces and relations, and economic base and superstructure through logical and linguistic analysis, and building upon Cohen's reconstruction of the relations among those concepts through functionalist explanations (see Zeng Zhisheng 1998; Wangwei and Pang Junjing 1999; Duan Zhongqiao 2001; Yu Wujin and Chen Xueming 2002; Zhang Yibing and Hu Daping 2003; Yan Hongyuan and Song Huifang 2004; He Ping 2009). Some Chinese Marxist scholars adopted Cohen's analytical method but provided a different interpretation of historical materialism from Cohen (see Duan Zhongqiao 2009, 376).

However, it should be noted that even though Chinese scholars highly praised Cohen's methods of analytical philosophy in reconstructing Marxism, most don't agree

with all of his opinions and arguments. For instance, many Chinese Marxists disagree with Cohen's rejection of dialectics. They don't think that the dialectic way of thinking reduces the lucidity of theory; on the contrary, they believe it can make the theory more explicit and concrete. A good example of this is Marx's use of dialectic logic in *Das Capital* (see Duan Zhongqiao 2001, 171; Cao Yutao 2009; Meng Qinglong 2011). Some other scholars disagree with Cohen's claim that functional explanation is intrinsic to historical materialism. They argue that the functional explanation is forced upon Marx by Cohen, although it does help to combat false interpretations of historical materialism, including simplistic readings of Marx that depend upon concepts like "overdetermination" and "structural causality". Marx already very clearly stated the relation between productive forces and productive relations as well as the relation between base and superstructure, and Cohen's application of functional explanation only makes those relations more complicated, and harder to understand. (see Yu Wujin 2008; Yue Changling 1989; Duan Zhongqiao 2001, 2005; Zhang Yibing and Hu Daping, 2003)

Providing a Sober Understanding of the Relation between Market and Socialism

Another influence of Cohen on Chinese academia is his understanding of the relation between the market and socialism. After "building a socialist market economy" was officially set as the goal of Chinese economic reform in 1992, Chinese scholars started to seek an ideal way of combining socialism and the market; thus various currents of market socialism prevailing in the West were imported into China. Cohen presented several speeches on market socialism in 1995 when he was invited to China as a guest speaker. He said in his speech:

I believe that it is good for the political prospects of socialism that market socialism is being brought to the fore as an object of advocacy and policy: these socialist intellectuals, even some of the fashion-driven ones, are performing a useful political service. But I also think that market socialism is at best second best, even if it is the best (or more than the best) at which it is now reasonable to aim, and that many socialist intellectuals who think otherwise are indulging in wishful thinking.¹

He criticized the market for two reasons. First, the market is unjust in its distribution. Although the market bases its distribution on contribution to production, its distribution principle still bears a defect. Marx pointed out in his *Critique of the Gotha*

¹ The main content of Cohen's speech was later translated into Chinese, and published in the *Journal of Renmin University* (no.3, 1996), with the title "Comments on Market Socialism".

Programme that “to each according to his contribution” is a right of inequality, just like all other bourgeois rights, because “it tacitly recognizes unequal individual endowments and thus productive capacity as natural privileges” (Karl Marx and Frederick Engels 1968, 324). While market socialism may remove the income injustice caused by differential ownership of capital, it preserves the income injustice caused by differential ownership of endowments. Second, the market is mean in its motivational presuppositions. In a market society, the immediate motive to productive activity is some mixture of greed and fear. Such motivation is against the socialist values of reciprocity and community. The market only has instrumental value and it is “intrinsically repugnant”, but many people are blinded by its extrinsic value. According to Cohen, as far as a middle-range political program is concerned, market socialism is probably a good idea, but it is at most second best compared with genuine socialism. Moreover, most market socialists’ claims for it are overly grand and, thus, should not be accepted.

Although it was Western theories of market socialism on which Cohen commented, his comments still helped Chinese scholars gain a comprehensive understanding of the market. After China began to aim at a socialist market economy, just as Cohen observed about some Western market socialists, many Chinese scholars were blinded by the instrumental value of the market and took the market to be a solution to all social problems in China. As a socialist from a developed capitalist country with a mature market system, Cohen uncovered the defects of the market, which provides a warning to those Chinese scholars who blindly worship the market economy. Some Chinese scholars point out that Cohen made them realize market socialism is still a considerable distance from genuine socialism. Hence, “China should gradually change the market distribution principle into a socialist egalitarian principle. The result of market distribution should be adjusted, in order to narrow the income gap and achieve a more equal and, thus, a more just socialist distribution” (Liu Minghe 2002, 37). Some other scholars point out that Cohen raised a question for them, namely, how does China manage to keep the advantages of the market in information organizing while eliminating its shabby motivation and unjust result? They put forward that in constructing a socialist economy, China should try its best to reduce the unwanted side-effects of the market. Measures that can be taken include breeding the proper social ethos to encourage people to help each other and leveling national income by taxation (see Ding Wenxiang and Zhang Jinjian 1995). All in all, Cohen’s sober understanding of market socialism has broken the wishful thinking of some Chinese scholars about the market, and, thus, has become an important reference of the Chinese theory of the socialist market economy.

Defending and Upholding Socialist Egalitarianism

Cohen’s third influence on Chinese academia concerns his thought on socialist

egalitarianism. Since the 1990s, due to the implementation of social and economic reform, China has made significant achievements in the economy, while at the same time some social injustices also emerged, such as an income gap and unequal opportunities. So many Chinese scholars began to do research on theories of social justice. With a lack of tradition of political philosophy, they took Western political philosophers as their models and made modifications of their theories. As seen from a survey of publications on this topic, for almost ten years Chinese scholars have focused on liberal philosophers such as John Rawls, Ronald Dworkin and Robert Nozick,¹ trying to find some implications for Chinese society in their theories. For example, they try to use Rawls' difference principle to tackle the problem of income gaps and socially disadvantaged groups. In short, liberal political philosophy has been the dominant subject studied by Chinese academia for at least the past two decades.

In the beginning of the 21st century, some Chinese scholars became familiar with Cohen's political philosophy, and realized that "G.A. Cohen's value and importance goes beyond the Marxist circle, and that he is also a recognized theoretician in Western political philosophical circles, an active and radical figure in the academic community of social justice and equality" (Xu Youyu 2011, 70). They discovered that Cohen strongly attacked liberal political philosophy, including Nozick's libertarianism and Rawls' liberal egalitarianism, and argued for an alternative, socialist egalitarianism, which is the exact theory China ought to borrow. Hence, Cohen's thoughts on political philosophy have received more and more attention, especially his books *Self-Ownership, Freedom and Equality* (2008), *If You're an Egalitarian, How Come You're So Rich?* (2009) and *Why not Socialism?* (2011), which have been translated into Chinese. And recently more and more essays have emerged by Chinese scholars on his political thought. For Chinese scholars, Cohen has demonstrated that Nozick's attack on socialism based on the principle of self-ownership is untenable, that the inequality tolerated by Rawls's difference principle is unjust, and that socialist egalitarianism aims at eliminating inequalities caused both by social differences and by natural differences. One Chinese scholar comments that Cohen helps Chinese academia see "the inequality and injustice covered by the equal and just slogans of contemporary liberals" and "the possibility of a more just future society" (Zhu Jusheng 2010, 88). Another scholar holds that although Cohen's socialist egalitarianism and his criticism of Nozick and Rawls are based on realities and problems peculiar to Western society, they still deepen our understanding of fundamental concepts of political philosophy such as freedom, equality and justice. And this has had positive effects on the theory of a harmonious socialist society with Chinese characteristics² (see Liu Jingzhao

¹ Some communitarian figures such as Alasdair MacIntyre also attracted much attention.

² The idea of "socialist harmonious society" which incorporates concepts of social justice and equality was brought up by Hu Jintao, the General Secretary of the Party and President of China in 1994. For a discussion of this idea, see Baogang Guo and Sujian Guo, eds., *China in Search of a Harmonious Society*, Lanham, Maryland: Lexington Books, 2008.

2009). It must be recognized that not all Chinese scholars accept Cohen's view. A scholar, also a proponent of liberalism, argues that Cohen's socialist egalitarianism is too radical to be compatible with human nature and social reality, and that Cohen fails to take into account the incentive mechanism after the realization of radical equality. He also argues that Cohen has not adequately addressed the alienation of power that may be caused by giving absolute power to administrative groups in order to realize his egalitarian standard. And he thinks this is an important point because this proved to be serious problems in China's earlier practice of socialism¹ (See Xu Youyu 2011).

Summoning Marxists to Engage in Moral Justification of Socialism

Cohen's last -- but not least-- influence on Chinese academia is his emphasis on the necessity of morally justifying socialism. As is known to many, shortly after his second book, Cohen turned from historical materialism to political philosophy. This phenomenon has had a strong effect on Chinese Marxists. Influenced by Soviet textbook Marxism, the Chinese Marxist academic circle has long been dominated by a rigid interpretation of historical determinism. Chinese Marxists, just like those classical Marxists described by Cohen in his *Self-ownership, Freedom and Equality*, are preoccupied with historical and economic analyses of socialism. They never dabbled in normative concepts, such as justice, freedom and equality, but devoted their intellectual energy to "the hard factual carapace" surrounding these values. (Cohen 1995, 5) They believed that there is a factual foundation for the historically inevitability of socialism and economic equality; thus, they don't bother to think about why socialism and equality is morally right or more desirable than capitalism. However, their ignorance of normative thinking is questioned by Cohen in his explanation of why he turned to research in political philosophy. He argues that those historical facts emphasized by classical Marxists, such as the rise of an organized working class and the greater material abundance brought by continual development of productive forces which classical Marxists believed would guarantee ultimate equality are no longer self-evidently inevitable. So if we still wish to sustain a socialist commitment, we can no longer rely on historical inevitability; rather, we should convince people that socialism is morally right and desirable, which brings an intellectual need to philosophize about values and principles. A Chinese Marxist scholar comments that Cohen's view has given some enlightenment to Chinese Marxists. He said, "new facts and changes in the contemporary world have transformed values and normative concepts such as equality and justice, which used to be ignored in classical Marxism, into vital subjects for today's Marxists. It is an important and

¹ This scholar points out that in Mao's later years when Chinese society tried to implement radical egalitarianism, the people's commune movement resulted in authoritarian politics and a backward economy. Chinese people went through unimaginable sufferings during that time.

challenging task facing us.” (Duan Zhongqiao 2006, 34)

The main reason that traditional Marxists pay little attention to moral principles is because according to historical materialism, values and norms are subordinate to — and change with— economic factors, and given this law, it is thus impossible to talk about trans-historical normative truth. But Cohen reminds us that the view that ultimate normative truth is historically invariant can be in line with the law that historical circumstances or economic factors affect what norms and principles (of justice, for example) demand, because timelessly valid principles have different implications at different times. (see Cohen 1995, 2) This view undoubtedly provides Marxism a justification for engaging in normative theory. A Chinese Marxist scholar has commented,

Today, we have realized that the historical inevitability of socialism and the moral justification of socialism are two totally different issues. For a long time, we haven't been able to distinguish them, and even replaced the latter with the former. That is why normative problems such as justice, equality and right have long been omitted in the Marxist tradition. (Wang Xingfu 2011, 57).

Now, an increasing number of Chinese Marxists agree with Cohen on the point that the realization of socialism cannot rely solely on the development of productive forces, but has also to rely on the guidance provided by the correct values, norms and principles (see Zhu Jusheng 2010; Duan Zhongqiao 2006; Yuan Jiuhong and Zhu Jusheng 2010; Wang Xingfu 2011; Li Yang 2011; Wang Zengshou 2010; Li Huarong and Qiao Ruijin 2008). They agree that it is now necessary for contemporary Marxists to know about all of today's competing theories of justice and equality, and state clearly their own egalitarian view. As a result, more and more publications on justice from a Marxist perspective are emerging in Chinese academia.

It should be noted that although Chinese Marxists agree with the necessity of a moral justification for socialism expounded by Cohen, they don't agree with his doubts on the theory of historical inevitability. According to them, the realization of the ultimate goal of equality relies fundamentally on material bases such as the productive forces, and it cannot be attained solely by moral argument and/or advocating social justice, even if moral justification of socialism is now necessary. They criticize Cohen insofar as he argued that the possibility of realizing socialism depends solely on people's political beliefs and values, and so gave up seeking a material basis for socialism, a return to the Utopian socialism and moral idealism criticized by Marx. They hold that equality, according to Marx, presupposes certain historical conditions, and if equality is enforced without regard for the material basis of it, the inevitable result is political dictatorship or an authoritarian regime, fake formal equality, a decline in production resulting from

repressed incentives and the denial of people's creativity, and universal poverty (See Ge Siyou 2008; Yao Guohong 2008; Li Huarong and Qiao Ruijin 2008; Zhu Jusheng 2010; Li Yang 2011).

Conclusion

Above we outlined four dimensions of Cohen's influence on China's academia. Although his specific arguments and opinions are not all accepted by Chinese scholars, the clarity and enlightenment he provided are widely acknowledged. Chinese Marxists especially admire his non-dogmatic attitude toward tradition, his honesty about science and truth as a Marxist, his strong commitment and unceasing efforts as a socialist, and his spirit of facing realistic problems and updating theories accordingly as a general theoretician. We believe that as China's opening-up and reform deepens, the significance of Cohen's influence on Chinese academia will be increasingly recognized by more and more Chinese scholars.

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Article

IF YOU'RE A LIBERTARIAN, HOW COME YOU'RE SO RICH?

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Abstract

This article examines the bearing of political philosophy on one's personal behaviour. I review the 'rich egalitarian problem' posed by G.A. Cohen and consider a variant of this problem called the 'rich socialist problem'. I argue that once we adopt a nuanced view of what adequate fidelity to one's political principles requires there is a satisfactory solution to the rich socialist problem. Finally, focusing on Robert Nozick's highly influential historical entitlement theory, I explain the 'rich libertarian problem' and explain why, perhaps somewhat surprisingly, it is more intractable than the rich socialist problem.

Résumé

Cet article analyse l'importance de la philosophie politique pour le comportement personnel. Je passe en revue 'le problème de l'égalitarien riche' posé par G.A. Cohen et considère un problème analogue 'le problème du socialiste riche'. Je maintiens que dès que nous adoptons un point de vue

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nuancé sur ce que requiert la fidélité à des principes politiques, il y a une solution satisfaisante au problème du socialiste riche. Enfin, me tournant vers la théorie très influente de Robert Nozick sur l'habilitation ('entitlement') historique, je pose 'le problème du libertarien riche' et j'explique pourquoi, étonnamment, c'est un problème plus difficile à résoudre que celui du socialiste riche.

Key Words

egalitarianism; G.A. Cohen; libertarianism; Robert Nozick; socialism

Mots-clés

egalitarisme; G.A. Cohen; libertarisme; Robert Nozick; socialisme

It can be difficult to display fidelity to one's principles. To paraphrase Tom Lehrer, a rich egalitarian may feel a bit like a "Christian Scientist with an appendicitis" (Lehrer, 1965, track 6). The egalitarian and Christian Scientist both want something that their principles appear to forbid. The Christian Scientist wants an operation that his religious commitments condemn as medically unnecessary and impious. The egalitarian wants to keep a share of resources that her political principles suggest is not necessary to meeting her needs and is unjust.

In the concluding chapter of his *If You're An Egalitarian, How Come You're So Rich?* G.A. Cohen (2001) addresses the understudied problem of the bearing of political philosophy on one's personal behavior. He considers whether rich self-professed egalitarians can reconcile their commitment to distributive equality with their belief that it is morally *permissible* to keep a greater share of resources than they would have under a just distribution. Cohen dubs this the 'rich egalitarian problem' (Cohen 2001, 177). He reviews a variety of possible solutions to the problem but argues that none has sufficient justificatory force to solve the problem. Egalitarianism takes many different forms and this means that the precise shape of the rich egalitarian problem may vary with the specific variety of egalitarianism a rich egalitarian embraces. For instance, it is likely that the demands placed on a person by fidelity to equal opportunity for welfare (Arneson 1989) will differ from the demands of fidelity to equality of resources (Dworkin 2002) and both will differ from fidelity to simple income equality. Similarly, as I explain below, it matters whether one conceives the egalitarian conception of justice to which one professes allegiance as comprised by a single distributive principle (e.g., equality of income) or by a cluster of complementary political ideals about the character of a just society. I think the problem about what fidelity to one's principles requires is more fruitfully explored by considering a variety of egalitarianism that consists in a cluster of ideals. So in my discussion, I will examine a variant of the rich egalitarian problem that I will call the 'rich socialist problem'. Socialism, I shall assume, is a normative theory about the social and political features of a just society. The rich socialist problem, which I

elaborate in greater detail below, asks about the moral status of the personal behavior of a person who claims to be committed to socialist ideals yet who enjoys a greater share of resources than she believes she would have if society conformed to a socialist conception of justice.

It is commonly thought the tension between political ideals and personal behaviour is particularly acute for rich egalitarians, and perhaps especially for rich socialists. However, I will suggest that there is a satisfactory solution to the rich socialist problem and that, at least in our unjust world, it is actually the rich libertarian who faces a tougher justificatory challenge than the rich socialist. I will proceed as follows. First, I will quickly review some salient features of Cohen's discussion of the rich egalitarian problem that are relevant to framing the rich socialist problem. Second, I will explain why features of socialist principles furnish at least *some* rich socialists with an acceptable justification for retaining *some* of their wealth. However, the moral character of the justification is nuanced and does not provide unqualified moral vindication of rich socialists. In particular, I will argue that it does not follow from the fact that rich socialists do not act wrongly by not divesting themselves of the share of resources to which they believe they are not justly entitled that rich socialists should not aspire to make their personal behaviour more fully harmonize with their egalitarian distributive principles. Third, focusing on Robert Nozick's highly influential historical entitlement theory, I will outline the rich libertarian problem and explain why, perhaps somewhat surprisingly, it is more intractable than the rich socialist problem.

From The Rich Egalitarian Problem to The Rich Socialist Problem

The rich socialist problem poses a puzzle about the moral justification of one's personal behaviour in relation to the cluster of political principles one espouses as a socialist. More specifically, it is a puzzle about the demands of a socialist conception of justice on one's personal conduct. In order to frame the rich socialist problem, it may help first to review Cohen's presentation of the rich egalitarian problem. Cohen's discussion focuses on the apparent tension between an agent professing belief in (some variety) of distributive equality as a fundamental demand of justice while simultaneously believing that it can be morally (and politically) acceptable for one to keep a greater than equal share of resources. A number of general points are worth making about the problem.

First, the basic issue concerns the availability of an adequate moral *justification* of personal behaviour rather than the availability of considerations that furnish an *excuse* for personal conduct that is wrong. As Cohen notes the puzzle is not about *akrasia* (Cohen 2001, 157). Second, there must be some reasonably determinate answer to the counterfactual question of what share of resources an agent who is currently rich would have under a more just distribution. In other words, there must be a way of roughly

calculating how much the rich egalitarian has in excess of a just share of resources. In practice, determination of this excess may prove extremely difficult for a variety of reasons but here I will assume that the excess can be identified with sufficient precision for us to say with confidence that many rich egalitarians in our world enjoy a fairly large excess of resources. (Henceforth I shall simply refer to the share of resources an agent has beyond a just share as ‘the excess’ and I will assume rich agents would view the loss of the excess as a significant loss.)

Third, it must be possible for the rich agent to do something with the excess that will plausibly contribute to the advancement of or closer realization of egalitarian principles of justice. For instance, divestment of the excess by a rich agent must make some agents who are unjustly disadvantaged somewhat less disadvantaged or it must make some difference to advancement of egalitarian political objectives (e.g., by improving the electoral prospects of an egalitarian political party.) However, the effect of divestment of the excess on the overall degree to which justice is realized need not by itself be large. As Cohen argues, the egalitarian case for giving away the excess is not undermined simply by the fact that such giving would, in the context, be “a drop in the ocean” (Cohen 2001, 161). Fourth, the moral convictions that generate the problem are convictions about justice. So what is sought (if the tension Cohen identifies is to be satisfactorily resolved) is an explanation of why considerations of egalitarian justice permit a rich agent to keep (at least some) of the excess.

Cohen’s presentation of the rich egalitarian problem leaves the precise form of egalitarian justice to which the rich egalitarian is committed only vaguely specified. What matters to Cohen is only that the rich person affirms a principle of distributive equality that implies that the rich person has an excess and could productively give the excess away. Cohen suggests that the rich egalitarian problem can be generically formulated by considering the apparent tension between the following triad:

A believes in equality.

A is rich (which means that A does not give a relevant amount of his money away).

(A believes that) A’s behaviour is not out of line with his own principles. (Cohen 2001, 157)

For some varieties of egalitarian justice, especially those that focus narrowly on resource distribution, the rich egalitarian problem may well be intractable. However, many conceptions of egalitarian justice are defined not by a single, simple principle of distributive equality but rather by a constellation of egalitarian commitments that include, but are not exhausted by, a principle of distributive equality. In short, a belief in equality as a principle of justice may be more complex than Cohen’s generic presentation allows. Such is the case, I believe, with a credible socialist conception of egalitarian justice. So I propose to frame the rich socialist problem by offering a fuller characterization of the

dimensions of a socialist conception of egalitarian justice than Cohen provides in his treatment of the rich egalitarian problem in *If You're An Egalitarian, How Come You're So Rich?* However, in characterizing the main tenets of socialist justice, I will draw upon claims made elsewhere by Cohen about socialist principles.

First, following Cohen, we can begin by saying that socialists are committed to a complex form of equality of opportunity which “seeks to correct for all unchosen disadvantages, disadvantages, that is, for which the individual cannot herself reasonably be held responsible whether they be disadvantages that reflect social misfortune or disadvantages that reflect natural misfortune” (Cohen 2009, 18). Second, socialists endorse a principle of communal reciprocity that limits the extent to which outcomes otherwise compatible with equality of opportunity are acceptable (Cohen 2009, 38-39). This principle emphasizes the importance of collective commitment to one’s fellow members of political community. Third, socialists are committed to a division of moral labour such that the realization of equality of opportunity and community reciprocity is facilitated primarily through state institutions, laws, and regulations that coordinate individual behaviour, meet basic needs and secure for each person a just share of resources that they are free to devote to their own projects. As Marx said we seek an “association in which the free development of each is a condition of the free development of all” (Marx and Engels 1998, 28). The division of moral labour does not mean the realization of justice is solely the responsibility of governments. However, socialists can embrace Mill’s point that given a suitable institutional background, the facilitation of each person’s self-development is usually best achieved by each person focusing their attention and energy on advancing their own flourishing and the flourishing of their family and friends (Mill 1983, 27).

So rather than relying on individuals to coordinate their behaviour in a way that secures distributive objectives that facilitate the ‘free development of all’, we set up rules and institutions that furnish persons with a just share of resources. Each person is then free to devote their share of resources to pursuit of their own life plans and projects. Socialism is best achieved through collective action and socialists should be disposed to work within, support and rely upon those state institutions and policies that best secure distributive equality and community reciprocity. Given satisfactory institutional arrangement and social rules, socialist ideals are usually best realized if persons play within the rules rather than aiming directly and individually to secure egalitarian distributive goals.

Fourth, the socialist commitment to equality has a crucial democratic component. Just socialist institutions should enjoy democratic legitimacy that reflects the equal political standing of persons in political community. In political contexts where there are reasonably legitimate democratic processes socialists should pursue egalitarian objectives via these processes. That is, they should form non-violent political parties that participate in elections and other democratic activities. They should seek to implement socialist

ideals by winning the support of the electorate and thereby gaining political power. A further important element of the socialist commitment to democracy is recognition of the political legitimacy of many non-socialist political results. Where adequate democratic systems are in place, socialists should accept as legitimate laws, policies and institutional arrangements that are generated through democratic processes when they fall short of or even violate socialist requirements of distributive justice or community reciprocity. This does not mean that socialists are bound to accept as legitimate grossly oppressive or exploitative arrangements that win the endorsement of a democratic majority. But legitimate democratic outcomes can be unjust, from the point of view of socialism, without being tyrannical.

It is also important to emphasize that a democratic system itself can have legitimacy even if it does not fully epitomize a socialist conception of democracy. For instance, democratic socialists may hold that democratic ideals would be more fully realized through a system with proportional representation than through a single-member-plurality system. But they can accept that a political party that wins power in a reasonably well functioning single-member-plurality system can legitimately form government and exercise political power. Similarly, socialists may credibly argue that the overall fairness of democratic processes is diminished by significant social and material inequalities between citizens of the sort characteristic of most contemporary Western democracies. However, once some suitable threshold of political equality is met – e.g., that there are free and fair elections in which all adult citizens have an equal vote and in which there are decent guarantees of freedom of association, speech and assembly – they can accept that democratic processes are legitimate albeit flawed. There is, of course, room for debate about the exact conditions that must obtain for a political system to be at or above the threshold necessary for legitimacy. Moreover, it's possible that the legitimacy of some (perhaps many) putatively democratic systems is severely compromised by economic inequalities that effectively marginalize the views and interests of disadvantaged and vulnerable citizens. However, I will proceed on the perhaps optimistic assumption that the societies in which the problem of the rich socialist arises are one in which the democratic systems in place, though far from perfect, meet the conditions of basic legitimacy.²

With this brief characterization of socialist justice, the rich socialist problem can now be framed. Unlike the rich egalitarian, the rich socialist seeks to display sufficient fidelity not simply to a single standard of distributive equality but to the foregoing

² Although I cannot supply the requisite supporting evidence here, I think the Canadian democratic system currently meets the threshold of basic legitimacy. Even though there are many ways in which Canadian democracy could be significantly improved, the current system is sufficiently fair and free for the outcomes it generates to have political legitimacy. This is, I hasten to add, quite different from viewing outcomes generated by Canadian democracy as just.

constellation of principles. So let us suppose that the rich socialist believes in equality of opportunity, community reciprocity, the division of moral labour via collective action, and democracy. She lives in a reasonably democratic (i.e., legitimate) but non-socialist state and she is committed to working within the legitimate though not perfect democratic system to achieve socialist reforms to laws, policies and institutions. She devotes some of her time, energy, and money to supporting the socialist cause. However, the democratically legitimate institutions confer upon her a share of resources that she can recognize as excessive (in the sense defined above). She can divest herself of the excess in a way that can, very modestly, advance egalitarian distributive objectives. Yet keeping the excess, though not a necessary to meeting her needs, contributes to her self-development³ and loss of the excess would diminish the overall quality of her life. Although she devotes a portion of the excess to socialist causes, she does not give all of the excess away.⁴ Our question is whether or perhaps in what sense the rich socialist so described is guilty of moral failure. To address this question, we need to consider the concept of moral failure in relation to personal behaviour a bit more closely.

Forms of Moral Failure

The most obvious kind of moral failure occurs when an agent deliberately violates, betrays or fails to display sufficient fidelity to an authoritative moral principle. Such behaviour we usually characterize as morally wrong or bad. Of course, the bad behaviour may be excusable but it is still wrong – i.e., morally impermissible. Commonsense morality seems to suggest that conduct that is not wrong is morally permissible. And it seems to follow from this point that an agent's behaviour does not constitute a moral failure if it falls into the category of permissible conduct. But we also make distinctions of moral appraisal within the category of morally permissible conduct. In particular, we characterize some morally permissible conduct as supererogatory. Such behaviour achieves (or at least is credibly aimed at) a highly commendable moral outcome but the conduct is not obligatory. So although an agent who does not act in such a fashion fails to

³ By this I mean that she can use the excess to advance projects that she values and reasonably views as important. For instance, if her conception of the good involves appreciation of art and music, she can use her excess to attend excellent concerts and visit great art galleries around the world. Although it is true that material resources can be directed towards conspicuous consumption of the sort that contributes nothing to genuine human flourishing, the pursuit of many genuine human goods is enhanced by material wealth. I assume that the rich socialist can, to some significant degree, lead a genuinely better life by keeping the excess than by giving it away.

⁴ I assume, without further argument, that the self-professed socialist who does not devote any of her excess to advancing socialist justice betrays her principles and acts wrongly.

advance some morally important objective, we do not view the failure to act in a morally heroic fashion as an objectionable moral failure.

However, our evaluative reactions are, I think, more complex in the range of behaviour that is between morally heroic and morally wrong. One type of behaviour is what I shall call *decent* moral behaviour. Decent moral behaviour is morally permissible in the sense that it displays sufficient fidelity to relevant moral principles such that we would not characterize it as bad or morally wrong. It is justified by relevant moral principles. Yet it somehow falls short of giving full expression to the principles that seem applicable to the evaluation of action. We can say of such conduct that it adequately but does not fully honour the relevant principles bearing on the moral evaluation of personal behaviour. Such behaviour is, from the moral point of view, 'good enough' or 'decent'. It is 'suboptimal' yet not wrong. In between decent moral behaviour and heroic moral behaviour is what I will call *good or optimal* moral behaviour. This is behaviour that more completely honours the principles bearing on the assessment of personal conduct and displays a kind of moral excellence lacking in merely decent conduct. It is the sort of moral excellence we can reasonably aspire to attain in our personal conduct and we can admire and seek to emulate persons whose behaviour is morally optimal. But there are boundaries to optimal moral conduct that are exceeded by heroic moral behaviour. The latter usually involves special effort or sacrifice that serves laudable moral objectives well but which goes beyond what optimal fidelity to moral principles entails.

To sum up: I have distinguished four kinds of moral personal conduct: bad, decent, good, and heroic. First, bad conduct fails to display sufficient fidelity to applicable moral principles. It is morally impermissible. Second, decent or suboptimal conduct is sufficiently commensurate with moral principles to be considered permissible (and hence not wrong). But decent conduct does not fully honour the principles relevant to the assessment of personal conduct. Third, good or optimal conduct fully honours relevant moral principles. Fourth, heroic conduct advances important moral objectives through action that can be praised but not reasonably encouraged. Bad conduct constitutes moral failure but it's less clear whether decent conduct should be considered a moral failing. It is, at best, a highly qualified form of moral failure that seems more nuanced than the moral failing Cohen worries about with regard to the rich egalitarian. Recall that Cohen's worry is that the rich egalitarian acts wrongly or in a morally unjustifiable fashion.

If we accept something like this typology we can now consider whether the rich socialist I described is guilty of moral failure and more specifically whether the rich socialist acts wrongly by failing to give all of her excess away. In order to answer this question, we need to consider whether the conduct of the rich socialist displays sufficient fidelity to the constellation of principles that comprise the socialist conception of justice. Let me concede from the outset that the rich socialist's behaviour is not good (or optimal) in the sense I have outlined. She could more fully honour socialist principles by giving more of her excess away. Moreover, we can say it would be laudable but probably not

heroic for her to give her excess away. To be heroic, we might expect her to give much more than her excess away and to devote herself single-mindedly to political action in the name of socialism. But it's much less clear that the rich socialist dishonours her ideals sufficiently for us to view her behaviour as wrong or as a betrayal of her principles. After all, she does not endorse the laws and institutions that confer upon her an unequal share of resources. She supports democratic activity designed to change them but she also acknowledges that the existing laws and institutions are reasonably legitimate from a democratic point of view. Moreover, they are not sufficiently unjust, in her view, to constitute tyranny. If sufficient numbers of her fellow citizens support democratic reform she will, in the spirit of community reciprocity, willingly accept the burdens on her that institutional reform will entail. By the same token, in the absence of a broad reciprocal commitment from her fellow citizens she is unwilling to shoulder burdens that others like her could but do not take on. She is disposed to willingly comply with a democratically legitimate division of moral labour necessary to the achievement of socialism. But in the absence of such democratic socialist solidarity she is inclined to devote most of the resources that the current, democratically legitimate, regime confers upon her to her own projects. Such reluctance to go it (more or less) alone in the pursuit of socialist ideals is arguably not especially admirable, but it is not unjustifiable. So in my view, the behaviour of the rich socialist is decent, not morally wrong.

Her conduct is analogous to the person who plays by the rules of a game that have been adopted through a reasonably fair process by the other players of a game. The player may believe (correctly) that the rules confer an unfair competitive advantage on him and he supports a suitable rule change to remedy this problem. He could, moreover, take individual action to mitigate the unfair effect that the current rules has on some other players. But he refrains to do so. This player's conduct does not give the fullest expression to the ideal of good sportsmanship but it is not wrong. I would not even call him a poor sport.

I have suggested that the character of the rich socialist's fidelity to the constellation of socialist principles that constitute the democratic socialist conception of justice is sufficiently serious and robust to meet the justificatory burden implicit in Cohen's challenge. An important element of my proposal is that there is a plurality of justifiable ways for an agent to respond to and integrate the different facets of one's socialist principles. Of course, the personal behaviour of some self-professed socialists will constitute a failure to be sufficiently responsive to socialist principles. Such behaviour will be wrong. But within the category of justifiable ways of responding to and integrating socialist principles personal behaviour will vary to the degree that it is laudable. Given her principles and given the context of a legitimate democratic system, the personal behaviour of our rich socialist is justifiable in the sense that it displays adequate sensitivity to socialist principles. But this does not mean that it could not be better (without being heroic). If this is right we have a partial solution the problem of the rich

socialist. It is morally acceptable to be a rich socialist even if it's morally admirable to be a somewhat poorer one.

The Rich Libertarian Problem

I now want to contrast the situation of the rich socialist with that of the rich libertarian. The rich libertarian professes allegiance to Robert Nozick's version of libertarianism. Thus he endorses Nozick's view that "a minimal state limited to the narrow functions of protection against force, theft, fraud, enforcement of contracts, and so on, is justified; that any more extensive state will violate persons' rights not to be forced to do certain things, and is unjustified; and that the minimal state is inspiring as well as right" (Nozick 1974, ix). He embraces the historical entitlement theory of justice according to which inviolable entitlement to property is established through satisfaction of the principle of just acquisition provided by the Lockean proviso (Nozick 1974, 178-182) and through voluntary transfers of justly acquired property (Nozick 1974, 160). He believes that the state, no matter what level of popular democratic support it enjoys, cannot employ its coercive power to redistribute property in the name of equality or to secure public goods. On this view, respect for individual property rights is politically paramount and permits only a minimal night watchman state. Our libertarian agrees with Nozick that "a more extensive state violates peoples' rights" (Nozick 1974, 149). So the libertarian repudiates the socialist idea that collective state action can be legitimately used to secure equality of opportunity or to promote the common good. This does not mean that our libertarian is hostile to all forms of social solidarity favoured by the socialist. However, desirable outcomes for the community must be pursued wholly via the voluntary actions of individuals. In this respect, the division of moral labour endorsed by the libertarian is strongly oriented toward individuals and the voluntary organizations they create and away from democratic state action.

We may suppose that through luck, talent and hard work our libertarian has done well in market transactions and has amassed his share of resources without recourse to the use of force, fraud and theft against other property owners. Like the rich socialist, the rich libertarian he enjoys a much greater share of resources than most others in his society and he is vastly better off than the worse off in his society. He opposes the liberal welfare state, even in those respects that benefit him, and lends political support to the establishment of a minimal state. However, the rich libertarian also knows the current distribution of resources has been significantly affected by a long history of force, fraud and theft. Moreover, he knows that the initial assignment of private property rights amongst past generations violated the principles of just initial acquisition. For instance,

he knows that colonialism and the establishment of slavery⁵ were gross violations of libertarian property rights and he also knows that these, and countless other instances of historical injustice, cast a dark shadow over the moral acceptability, from the point of view of the historical entitlement theory, of current holdings.

In light of these facts, the rich libertarian is highly confident that the current distribution of property is tainted and morally suspect. It's quite possible that he has a greater share of resources than he would have had there not been a long history of violations of the historical entitlement theory of justice. He certainly cannot establish that the property he currently controls is justly his. Moreover, he is aware that the historical entitlement theory requires rectification of violations of the Lockean proviso and the principle of justice in transfer. Just like the rich egalitarian or rich socialist, the rich libertarian can identify, with reasonable determinacy, an excess. He thinks Nozick provides a reasonable way of identifying this:

lacking much historical information, and assuming (1) that victims of injustice generally do worse than they otherwise would and (2) that those from the least well-off group in society have the highest probability of being the (descendants) of victims of the most serious injustice who are owed compensation by those who benefitted from the injustices (assumed to be those better off, though sometimes the perpetrators will be others in the worst-off group), then a rough rule of rectifying the injustices might seem to be the following: organize society so as to maximize the position of whatever group ends up least well-off in the society (Nozick 1974, 231).

The perhaps surprising implication of a libertarian principle of rectification of this sort is that material inequalities in our world are presumptively unjust.⁶ So a reasonable approximation of the rich libertarian's excess, is the amount of resources he has above

⁵ Nozick does not discuss specific examples of historical injustice in any detail but concedes, as any reasonable person must, that there have been grave injustices that are relevant to assessment of current property rights. On the example of American slavery, he cites with approval Boris Bittker's *The Case for Black Reparations* (New York: Random House 1973), (Nozick 1974: 344, n 2).

⁶ Where there is inequality, some persons are worse off than others and this raises the issue of whether redistribution can improve their situation. Of course, as Rawls pointed out in discussion of the difference principle, there can be cases in which inequalities work to the greatest advantage of the least advantaged. This adds some complexity to proper calculation of the 'excess' of the rich libertarian because we might discover that the maintenance of some inequalities works to the benefit of the worst-off. But we can suppose that the principle of rectification presumptively favours distributive equality and that this presumption can be overridden in the special case in which inequality is to the advantage of the least advantaged.

what he would have if resources were equally distributed. Moreover, given Nozick's plausible speculation about the probable effects on the descendants of the victims of historical injustice, it makes sense for the rich libertarian to view people in the worst-off group as those to whom compensation is most likely owed. By forming the judgement that the worst-off are unjustly deprived of resources, the rich libertarian does not appeal to non-libertarian considerations. Rather he accepts the logic of his own principles of historical entitlement and makes a reasonable judgement about what kind of rectification for violations of the principles of acquisition and transfer is appropriate in current circumstances.⁷ The theory requires him to acknowledge the influence that historical injustice has had on current property holdings and to find a way in which ugly legacy of historical injustice can be neutralized. The rich libertarian can divest himself of his excess and although he cannot alone fully remedy the injustice, he can materially improve the lot of the worst-off and move his society somewhat closer to the allocation of private property rights required by the historical entitlement theory.

However, unlike the rich socialist, the rich libertarian does not believe that democratically authorized collective state action can be legitimately employed to redistribute resources. By contrast, he believes in the minimal night watchman state. The rich libertarian realizes that many of his fellow rich libertarians have, as determined by their own principles of justice, an unjust share of resources but he also knows that most of them will not give their excess away. In effect, the constellation of principles to which the rich libertarian claims allegiance do not permit him to appeal to the democratic legitimacy of the unjust property regime nor can he work towards the implementation of a democratically imposed system of redistribution because his principles forbid the kind of democratic collective action involved in government taxation. After all, taxation, on his view, is a disguised form of forced labour (Nozick 174, 169). And even if his principles, permitted some coercive state action in the name of a principle of rectification, he

⁷ I assume we cannot offer a precise answer to the impossibly complex counterfactual question of exactly who would have exactly what share of resources if the principles of justice in acquisition and transfer had been respected throughout history. It's possible, though not epistemically ascertainable, that some who are well off now would have been even better off were it not for the legacy of historical injustice. Similarly, it's possible, though again not epistemically ascertainable, that some who are relatively poor now would have been even poorer if libertarian principles had been respected. However, we do know enough about the long history of grave violations of libertarian principles to credibly believe that the current distribution of property is sufficiently morally tainted to throw into question, *from a libertarian point of view*, current property holdings. Since we know this and since we cannot coherently reconstruct history with a view to determining what a just distribution of property is now, the libertarian has no recourse but to formulate a rough principle of rectification along the lines sketched by Nozick. So it is the libertarian's own account of rectification that permits him to identify the excess to which he cannot claim an entitlement.

believes that the creation of the coercive state necessary to effect redistribution⁸ is deeply regrettable. Moreover, he realizes that his fellow citizens do not politically support such an option. Whereas the rich socialist has some reason to think it is acceptable for her to keep her excess, the principles of the rich libertarian seem to condemn his keeping his unjust excess. He should no more keep his excess than he should keep property that he knows to be stolen. (The excess is like stolen property in the sense that it is property to which one does not have just entitlement and it is property to which others can claim just entitlement. The principle of rectification implies both that a rich person is not entitled to the excess and that others (i.e., those who are the worst off) can lay claim to it.) So it seems that minimal fidelity to the libertarian principles requires him to give the excess to the worst-off, even if other similarly situated rich libertarians refuse to do so.

With this argument in place, we can now try to situate the conduct of the rich libertarian who keeps his excess in the framework of moral behavior I sketched earlier. His conduct is certainly not supererogatory. Morally heroic action in the name of libertarian principles would require the libertarian to make dramatic sacrifices of his own well being in order to improve the situation of the worst-off. Similarly, we cannot characterize his conduct as good since full fidelity to his principles would require the libertarian to fully divest himself of his excess and to work tirelessly to persuade others to do so. But it is also difficult to characterize his conduct as decent since, unlike the rich socialist, the constellation of principles to which the libertarian subscribes provide no basis on which to resist the demand to divest himself of his excess. The force of the imperative to divest is located in the normative primacy of property rights on which libertarianism is predicated. The rich libertarian knows that he has in his possession property to which others have a right. So by keeping his excess, he violates the rights of others⁹ and conduct that violates rights must be wrong. In a sense the rich libertarian is condemned by the simplicity of a theory that treats property rights as normatively basic and inviolable.

Given the plausible premises about the legacy of historical injustice on current property distribution, the rich libertarian problem actually seems more intractable than the rich

⁸ The redistribution of resources sanctioned by the theory does not appeal to a 'patterned principle of distributive justice' of the sort rejected by libertarians (Nozick 1974, 150-160). Rather redistribution would take the form of the reestablishment of property rights of the sort that roughly parallels the return of stolen property to rightful owners.

⁹ There may be some epistemic indeterminacy about the identity of those among the worse off whose property rights are violated. But from a libertarian point of view, one cannot claim an entitlement to property that is not yours simply on the grounds that you do not know exactly to whom it really belongs. The principle of rectification may only provide approximate guidance about such matters. But if we are guided by it, persons with a less than equal share of resources can claim that those with more than an equal share have some of the resources to which the disadvantaged are entitled.

socialist problem. Cohen rightly pressed the rich egalitarian problem. Even if I am right, rich democratic socialists should not be morally complacent or smug about their wealth. Their conduct may be decent but it is not good. But in the spirit of Cohen's earlier critical work on libertarianism, I conclude with the following question that is, I believe, harder than the parallel question posed to socialists: If you're a libertarian, how come you're so rich?¹⁰

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¹⁰ Like so many other political philosophers, I learned a great deal from G.A. Cohen. So I would like to dedicate this essay to his memory. For helpful discussion and feedback, I would like to thank Matthew Clayton, Avigail Eisenberg, Alistair Macleod, David Schmitz, Andrew Williams, Jan Zwicky and two anonymous referees for the journal. I would also like to thank Jan Narveson for organizing the symposium in honour of Cohen at which I presented the initial version of this essay.

Article

G.A. COHEN AND THE LOGIC OF EGALITARIAN CONGRUENCE

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Abstract

In this article, I argue that G. A. Cohen's defense of the feminist slogan, "The personal is political", his argument against Rawls's restriction of principles of justice to the basic structure of society, depends for its intelligibility on the ability to distinguish—with reasonable but perhaps not perfect precision—between those situations in which what Nancy Rosenblum has called "the logic of congruence" is validly invoked and those in which it is not. More importantly, I will be suggesting that the philosophical shape of Cohen's critique makes it difficult for him to supply the required criterion, and that the methodological "intuitionism" he claims to be committed to is at odds with his larger argument against Rawls concerning the subject of justice.

Résumé

Dans cet article, je maintiens que la défense par G.A. Cohen du slogan féministe 'ce qui est personnel est politique', son argument contre la restriction des principes de justice de Rawls à la structure basique de société, dépend pour son intelligibilité de la capacité à distinguer - avec une précision raisonnable mais peut-être pas parfaite - entre ces situations où ce que Nancy Rosenblum a appelé 'la logique de congruence' est invoquée avec validité et celles où elle ne l'est pas. Plus fondamentalement, je suggère que la forme philosophique de la critique de Cohen ne lui permet pas de fournir le critère de distinction approprié et que l'« intuitionnisme » méthodologique auquel il se dit

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fidèle est en contradiction avec son argument général contre Rawls au sujet de la justice.

Keywords

distributive justice; G.A. Cohen; intuitionism; John Rawls; subject of justice

Mots-clés

G.A. Cohen; intuitionnisme; John Rawls; justice distributive; sujet de justice

“The principles of justice for institutions must not be confused with the principles which apply to individuals and their actions in particular circumstances. These two kinds of principles apply to different subjects and must be discussed separately.”

- John Rawls, *A Theory of Justice*

According to John Rawls, and to liberals more generally, social justice and personal morality answer to different principles. Principles of justice that preside over what Rawls has famously called “the basic structure of society” are not the same as the normative principles that govern individual moral conduct. This does not mean that it is a category mistake to say that individuals may sometimes conduct themselves unjustly; only that locutions like “immoral but not unjust,” or “unjust but morally tolerable” are not contradictory or unintelligible.² The liberal Rawlsian view is simply that there is a crucial distinction between (a) what we owe to each other *collectively*, through the social and political institutions that represent us and sometimes act in our name, and (b) what we owe to each other *individually*, as discrete men and women.

Here we find that quintessentially liberal idea: a “moral division of labor”. A division of labor of this sort will seem plausible, one suspects, for anyone who agrees with Rawls that, “...the correct regulative principle for anything depends on the nature of that thing” (Rawls 1971, 29). The correct principles for social institutions are different from the correct principles for individuals, then, in virtue of the banal truth that social institutions and persons have different natures. Unlike social institutions, men and women routinely seek the warm ties of loyalty, love, solidarity, and affection; they engage in projects of self-creation; they are capable of being inflamed, disgusted, alienated,

² As Rawls pointed out, “Many different kinds of things are said to be just and unjust: not only laws, institutions, and social systems, but also particular actions of many kinds, including decisions, judgments, and imputations. We also call the attitudes and dispositions of persons, and persons themselves, just and unjust. Our topic, however, is that of social justice. For us the primary subject of justice is the basic structure of society, or more exactly, the way in which the major social institutions distribute fundamental rights and duties and determine the division of advantages from social cooperation.” (Rawls 1971, 7)

invigorated; they can suffer from psychic sickness, *akrasia*, depression, and much more too. Principles of personal morality, Rawls has it, *precisely because they depend on the unique nature of persons*, differ from the principles of justice that apply to the basic social institutions of a society.³

G.A. Cohen has powerfully and elegantly argued against one instantiation of this Rawlsian division of labor, suggesting that Rawls's restriction of principles of distributive justice to the basic structure of society (but *not* the personal choices of citizens made within that structure) turns out to be "morally incoherent". If distributive justice consists in giving each person her due, and if some principle is indeed a correct principle of distributive justice, then, Cohen has it, "there is no good reason why the *very* principles that govern the basic structure should not extend to individual choice within that structure"⁴ (Cohen 2008, 359). Cohen does not say that the complete set of normative principles for social institutions is identical with the complete set of normative principles for private citizens. His claim is the more modest one that principles of *justice* apply, even if other sorts of principles do not, both to the basic structure and — "in appropriately different fashion" (Cohen 2008, 10) — to personal choices made within the structure.

At the heart of Cohen's argument against Rawls is a transposition from institutions to citizens, from politics to persons. It involves a particular form of what I shall call, borrowing a phrase from Nancy Rosenblum (1994), "the logic of congruence". Rosenblum herself introduced that phrase to identify and criticize a view according to which civic associations within a democracy must themselves be internally democratic, but readers should be able to see that the same "logic" — the same extension or transfer of normative principles from the purview of one subject (the basic structure) to another

³ Or, as Thomas Nagel well summed up the idea: "Institutions, unlike individuals, don't have their own lives to lead." (Nagel 1991, 59)

⁴ This is close to the view that Liam Murphy (1998) calls "monism", which says that no distinction can be drawn between the institutional and the personal where *fundamental* normative principles are concerned. If such fundamental principles apply anywhere (i.e. the basic structure) they therefore apply everywhere (i.e. personal choices within the structure). Murphyan monism is a view about which Cohen claims, surprisingly, to "have no definite view". (Cohen 2008, 397) Whatever the differences between Murphyan monism and Cohen's view — and there are certainly subtle differences between them — it seems clear that Cohen's position cannot be understood as a wholly negative, anti-dualist one. While Cohen does insist that his "ambitions are not general in this domain," (Cohen 2008, 398), he does suggest, more affirmatively, that "principles of distributive justice, principles, that is, about the just distribution of benefits and burdens in society, apply, wherever else they do, to people's legally unconstrained choices. Those principles, so I claim, apply to the choices that people make within the legally coercive structures to which, so everyone would agree, principles of justice (also) apply." (Cohen 2008, 116) Thus, we can safely assume that on Cohen's final, considered view, principles of distributive justice *always* bear on individual choices and never *only* bear on the basic structure. This sounds like a brand of monism to me, but even if it is not, the logic of congruence I am labeling Cohen with is intended to be something stronger and more affirmative than a merely negative anti-dualism. See Pogge 2000 for a valuable discussion of these issues.

(individual citizens) — is the decisive issue in the dispute between Cohen and Rawlsian liberals.

The *logic* of congruence stands in nearly perfect contrast to the *logic* of a division of labor. Whereas division of labor arguments claim that two things are rather different and need to be assessed by different principles — *viz.*, Rawls's argument about institutions and persons⁵ — congruence arguments claim that two things, while perhaps different, should nevertheless be assessed by the same principles. It is worth recalling here that the strict moral congruence at its centre was precisely the aspect of utilitarianism to which Rawls in *A Theory of Justice* most strongly objected. Utilitarianism rejects the very possibility of a moral division of labor between institutions and persons: it puts forward a single, all-encompassing moral principle, a principle intended to apply without qualification to all moral subjects — individuals and societies alike.

It is also important to notice that both congruence and division of labor arguments bear on the question concerning the proper subject of principles, not the merits or demerits of the principles themselves. The question is not: *What are the correct principles?* but rather: *To whom or what do the correct principles, whatever they are, apply?* Just as Rosenblum's opponents make the state and civic associations "congruent" by insisting that both be bound by the same democratic principle(s), Cohen insists on the congruence between institutions and persons insofar as adherence to principles of distributive justice is duly (though differently) required of both. Cohen's "congruence" is not perfect, however, since he grants individuals the prerogative to depart from unqualified adherence to principles of justice in their personal lives (within reasonable but admittedly vague limits).⁶ As he says, "The prerogative grants each person the right to be something other than an engine for the welfare of other people: we are not nothing but slaves to social justice." (Cohen 2008, 10) This important concession notwithstanding, it remains the case that Rawls supports a division of labor between the basic structure and individual citizens vis à vis distributive justice, and Cohen counter-supports a congruence between them. The two sides of the dispute are easily spotted in what Kwame Anthony Appiah has to say in his own brief discussion on the matter:

Liberalism, in most accounts, is indeed concerned with moral equality: the state is to display equal respect towards its citizens. Where we go wrong is to suppose that *individuals* should be subject to the same constraint. Social justice may require impartiality — or evenhandedness, or fairness, or

⁵ See this essay's epigraph.

⁶ In line with what Samuel Scheffler (1982) has called "agent-centered prerogatives". More recently, David Estlund (1998) has argued in favor of widening the scope of the prerogative for reasons deriving from ties of loyalty, love, and affection. Cohen addresses Estlund's argument in the appendix of *Rescuing Justice and Equality*.

(under some construction) ‘neutrality’. But social justice is not an attribute of individuals. An individual can no more be required to be impartial among his fellow creatures than he can be obligated to administer his own currency system. Here we find the ‘logic of congruence’ at its most grotesque. (Appiah 2005, 228)

In this paper, I want to consider the “congruence” question in the form which I regard as most germane to the dispute between Cohen and Rawls about the subject of justice: *When can a moral duty legitimately be extended or transferred to someone else in those cases when, for whatever reason, an institution or person fails to meet the duty that is properly theirs?*

I take it as obvious that there are duties that are rightly transferred in some situations and erroneously transferred in others, thus disqualifying “always” and “never” as candidate answers to my italicized question. The proviso “in those cases when, for whatever reason, an institution or person fails to meet the duty that is properly theirs” is crucial for Cohen’s side of the argument. For it is one thing to say, as liberals characteristically do, that it is the responsibility of the state to deliver distributive justice, and another thing entirely to claim that no analogous distributive duty falls on individual citizens when the state does *not* meet that responsibility.⁷

It will be my argument in this paper that Cohen’s general defense of the feminist slogan, “the personal is political”, his claim against Rawls that principles of justice apply both to institutions and persons, depends for its intelligibility on the ability to distinguish — with reasonable but perhaps not perfect precision — between those situations in which the logic of congruence is validly invoked and those in which it is not. Put another way, I will be arguing that, in order for his argument against Rawls to succeed, Cohen must tell us something general about when and under what kinds of circumstances duties may be validly extended or transferred. More importantly, I will be suggesting that the philosophical shape of Cohen’s critique and the so-called “radical pluralism” to which he claims he is committed makes it difficult for him to supply what I claim he must. While I do not argue that this argument wholly vindicates Rawlsian liberals from Cohen’s

⁷ It is important to note here the close relationship between questions about congruence and questions about transfers or extensions of duty. If individuals and institutions are made congruent with respect to some principle, then it follows as a matter of course that individuals will sometimes be on the hook, so to speak, for certain transfers or extensions of duty. Plainly put, if *Citizen Q* and *Institution L* are bound by the same normative principle, *p*, then *Citizen Q* will sometimes have an obligation to do what *p* requires, at minimum, if and when *Institution L* fails to. Hence, the transfer or extension of duty question follows from and depends on the congruence question. For all legitimate transfers or extensions of duty, the logic of congruence has been invoked backstage. Where there is a legitimate transfer or extension of duty, the duty receiver has necessarily been made “congruent” with the duty dispenser as it concerns some normative principle.

challenge, it does, as I will try to demonstrate only briefly towards the end of the paper, provide some powerful reasons for following Rawls in regarding “the basic structure of society” as the primary subject of social justice.

Let me begin with a preliminary comment about some curious methodological remarks that Cohen makes in the introduction to *Rescuing Justice and Equality*. Cohen there tells us that he is an adherent of the conception of moral and political philosophy that John Rawls in *A Theory of Justice* identified as “intuitionism” — a conception which Cohen himself prefers to call “radical pluralism”.⁸ According to this view (supposedly more popular among “Oxford types” than “Harvard types”), “we determine the principles that we are willing to endorse through an investigation of our individual normative judgments on particular cases, and while we allow that principles that are extensively supported by a wide range of individual judgments can override outlier judgments that contradict those principles, individual judgments retain a certain sovereignty.” (Cohen 2008, 4) For intuitionists, a certain fuzziness or vagueness about our moral responsibilities is unavoidable. They believe that there is no precise, general answer to questions like: “How do you decide when to struggle against injustice and when to devote yourself to private projects and self-creation?” or “What percentage of my time and effort should be devoted to increasing the sum of human happiness and what percentage to my personal hobbies?” As Richard Rorty suggests, such questions are just as hopeless as the question, “Is it right to deliver n innocents over to be tortured to save the lives of $m \times n$ other innocents?” If so, what are the correct values of n and m ?” (Rorty 1989, xv) Cohen and Rorty agree that there are no deep algorithms for resolving moral dilemmas of this kind. They agree that “unstructured trade-offs”, “intuitive balancing”, and a “mass of normative requirements that we negotiate without method or compass” are our fate. (Cohen 2008, 5) In dealing with questions about the scope and content of our moral responsibilities, they agree that, “we are simply to strike a balance by intuition, by what seems to us most nearly right.” (Rawls 1971, 34)

I happen to be sympathetic with this “intuitionist” methodological picture, which is only to say that I agree with Cohen that the moral precision and neatness sought by non-intuitionists simply isn’t in the cards (it is *not* to express a sympathy for the “Trolley Car” brand of ethical reflection endemic among intuitionists of a certain stripe). Yet it is difficult to recognize Cohen the self-professed “intuitionist” in much of what is written in *Rescuing Justice and Equality* and elsewhere. It is unclear, more particularly, whether an intuitionist of Cohen’s ilk would be permitted to argue in precisely the manner Cohen is

⁸ That Cohen prefers to call this view “radical pluralism” is slightly misleading in my opinion since it folds into Rawlsian “intuitionism” a view along the lines of (Berlinian) value pluralism. Such folding is explicitly objected to by Rawls, who says that, “a conception of justice can be pluralistic without requiring us to weigh its principles by intuition.” (Rawls 1971, 35) Intuitionism is principally about method for Rawls, and needn’t require any further theses about the nature of value.

wont to argue: to pronounce unequivocally (in general and at the level of theory, as it were) that “the personal is the political,” that principles of justice must apply to the basic structure as well as legally unrestrained personal choices within the structure. Wouldn’t the more responsible intuitionist path involve examining individual cases, and, following the advice of Frances Kamm (of whose “standard deontology” Cohen enlists himself a member), trying to uncover rules by way of “intuitive judgments about many cases”? (Kamm 2002, 337) If, as intuitionists believe, “individual judgments [about particular moral cases] retain a certain sovereignty,” (Cohen 2008, 4) then the appropriate intuitionist response to the question “Is the personal political?” should never be a simple “yes” or “no”. It should rather be something like, “Well, it depends on the context. Tell me more about the particular situation you have in mind and I’ll tell you what my hunch is.” The two examples I introduce and discuss below are offered in the spirit of this “more responsible intuitionist path”.⁹

Duties in a Just Society and Duties in an Unjust Society

Liberal egalitarians typically believe that individuals ought to be excused from bearing the distributive burdens that legitimately belong to the state. Here again is our old friend, a moral division of labor. The argument for such a division of labor is commonly made on the basis of Rawls’s distinction between “two kinds of moral powers”, and the division of standpoints in each of us that accompanies it.¹⁰ Commitments that spring from “our capacity for a sense of justice” need not generate identical commitments with respect to “our capacity for a conception of the good” (beyond our personal choices about whether or not to promote, support, and comply

⁹ Cohen seems committed to this vague, case-by-case kind of approach when questions about the scope and limits of the one’s personal prerogative (to depart from strict adherence to principles of justice in our private lives) arise. There is no algorithmic precision to be had here, he thinks, and I am tempted to agree. Notice, however, that the very existence of a Cohenian personal prerogative *already means* that principles of justice bear on private choices. The prerogative just tells us how much or how far they bear. If the existence of the prerogative means that, “we are not *nothing but* slaves to social justice” (Cohen 2008, 10, my emphasis), then that surely means that, on Cohen’s view, we are also slaves to social justice — it just turns out, so the prerogative reminds us, that that’s not *all* we are.

¹⁰ See Rawls 1971, 505-510 and Rawls 2001, 18-24. The distinction drawn by Ronald Dworkin between personal preferences and external preferences is also relevant. The former has to do with one’s “own enjoyment of some goods or opportunities,” the latter with “the assignment of goods and opportunities to others” (Dworkin 1977, 234). A similar idea lies at the heart of Richard Rorty’s (1989) view that private projects of self-creation need not be consolidated philosophically with the public, liberal project of reducing suffering and cruelty. Rorty’s “liberal ironist” is committed to making her private life beautiful and her public life humane; she is ready to admit, however, that these two commitments may have little or nothing to do with each other. It is essential to all such liberal views that human beings have the capacity to separate — even if only provisionally and temporarily — questions that arise about their own conceptions of a good life from questions that arise about just social and political arrangements.

with the rules of a just political order).¹¹ I may think, for example, that elderly citizens ought to be entitled to a certain modicum of state-sponsored care. I may be passionate about the issue, regarding the distribution of such care as a fundamental imperative of justice (as incidentally I do). But it does not follow that *I*, in my capacity as individual citizen, have a corresponding duty to provide such care *personally*. In a discussion of care for the elderly, Michael Ignatieff eloquently brings this liberal conclusion into focus.

As we stand together in line at the post office, while they cash their pension cheques, some tiny portion of my income is transferred into their pockets through the numberless capillaries of the state. *The mediated quality of our relationship seems necessary to both of us. They are dependant on the state, not upon me, and we are both glad of it...*In my name a social worker climbs the stairs to their rooms and makes sure they are as warm and as clean as they can be persuaded to be. When they get too old to go out, a volunteer will bring them a hot meal, make up their beds, and if the volunteer is a compassionate person, listen to their whispering streams of memory. When they can't go on, an ambulance will take them to the hospital, and when they die, a nurse will be there to listen to the ebbing of their breath. It is this solidarity among strangers, this transformation through the division of labour of needs into rights and rights into care that gives us whatever fragile basis we have for saying that we live in a moral community. (Ignatieff 1984, 9-10; quoted in Waldron 1993, 382. Emphasis added.)

Our community is “moral” not because it is comprised of a collection of discrete individuals, each of whom can be counted on to act as morality requires. It is instead a community built upon our capacity for a conception of justice, a conception according to which, as Cohen glosses it, “some aims which are rightly pursued by government...are not aims that citizens themselves can and/or should be expected to pursue (apart from the pursuit of them in which citizens engage when they support those aims politically).” (Cohen 2000, 148) “[T]he demands placed by justice on government do not belong on the backs of individuals, as such;” Cohen continues, “individuals discharge those demands collectively, through the government that represents them.”(Cohen 2000, 148)

And yet, however attractive the liberal ideal sketched by Ignatieff might be thought to be, what if the government failed to meet the demands placed on it by justice? Would a personal duty to provide care for the elderly then fall on individual doctors, nurses (and others involved in providing care for the aged)? It isn't necessary to speculate

¹¹ In a similar vein, T.M. Scanlon distinguishes between “principles of justice” and “principles of individual conduct”. (Scanlon 1998, 228)

on the right answer to this question, but readers might wish to consider whether they would be satisfied with the reply “But it’s not my job. It falls to the state to take care of old people” coming from individual nurses or physicians who denied any such personal duty. One need not endorse a view like Shelly Kagan’s (1989), according to which morality obliges us to make the world as good as possible, in order to agree with Cohen that a reply along these lines is morally indefensible.

Cohen thinks that Rawlsian liberals find themselves in a similar predicament: they are at once committed to principles (of justice) as a requirement of justice in institutional design, but indifferent to those very principles as a requirement of personal morality — even when the distributive justice they endorse for institutions does not obtain.¹² Liberals who exclude personal behavior from what Cohen (1997) calls “the site of distributive justice” thus demonstrate an insensitivity to the important point that,

[T]he question ‘What does justice demand of individuals in a just society?’ is not the same as the question ‘What does justice demand of individuals in an *unjust* society?’...I ask whether egalitarians who live in an unequal society (one...whose government...fails to enforce, and will continue to fail to enforce, whatever equality it is that these egalitarians favor) are committed to implementing, so far as they can, in their own lives, the norm of equality they prescribe for government.¹³ (Cohen 2000, 149)

This is a profound challenge for Rawlsian liberals, and I will come back to it in a moment. It will be enough to note here that Cohen’s argument for an egalitarian *ethos* in personal choices does not wholly depend on whether or not a society’s basic structure is just. Cohen’s argument is that justice demands an egalitarian personal *ethos* both of citizens living in a society with a just basic structure, and — equally, though more urgently to be sure — of citizens living in a society without a just basic structure.

¹² Cohen criticizes Dworkin’s “equality of resources” on exactly this score: “Within Dworkin’s theory of equality, the locus of the norm of equality proper...is the relationship between the state and those whom it claims the right to govern. Because it claims that right, the state must treat its citizens with equal respect and concern, on pain of being a tyranny, and it must *therefore* distribute resources equally to its members. *But if the state fails to do so*, then no analogous duty falls on individuals. It is not the individual’s duty to treat everyone (relatives, friends, and strangers alike) with equal respect and concern.” (Cohen 2000, 164. Emphasis added)

¹³ In failing to implement in their own lives the norm of equality they prescribe for government, it is important to distinguish between individual behavior which: (a) runs contrary to the egalitarian norm, and (b) (merely) isn’t motivated by the egalitarian norm. After all, the fact that I am committed to principle X doesn’t mean I must always and only act from a sense of X.

“But it’s not my Job”

The general question put before us by Cohen, then, is the following: *When does a personal duty to do X follow from someone else’s failure to do X?* Taking the intuitionism Cohen claims he is committed to seriously, let us consider two different cases:

(a) *The Case of the Lifeguard and the Drowning Person* (Paraphrasing Cohen): “If it’s the lifeguard’s duty to save the drowning person, and the lifeguard isn’t doing it, and I can swim to save that person, it’s not an acceptable answer to the question ‘Why didn’t you save him?’ to say ‘It was someone else’s duty’”¹⁴

(b) *The Case of the Attendant and the Public Washroom*. If it’s the attendant’s duty to keep the toilets in the public park clean, and he or she isn’t doing it, and I can easily spend a few minutes cleaning up (a mop and other supplies, let us say, are sitting in plain view), it is an acceptable answer to the question ‘Why didn’t you tidy up?’ to say ‘It was someone else’s duty’.

These two cases are not offered in the spirit of a *reductio ad absurdum*. On the contrary, I think Cohen is perfectly correct about *The Lifeguard Case*. I simply want to claim (I hope uneccentrically) that the logic of congruence applies in the first case but not in the second. Or, put another way, whereas the lifeguard’s duty is legitimately extended to me in (a); the attendant’s is not in (b). How shall we account for this?

Following the intuitionist’s creed that “we must strike a balance by what seems to us most nearly right” allow me to submit that the valid extension of duty in the lifeguard case is distinguished from the invalid extension of duty in the attendant case by the boring truism that death by drowning is far more serious, morally speaking, than the momentary unpleasantness of a neglected washroom. It is in the end the moral seriousness of *The Lifeguard Case* that sets it apart from the moral innocuousness of *The Bathroom Attendant Case*. There are many different ways to make this point, I suspect — and many details over which to fuss — but allow me to use the phrase “moral seriousness” as shorthand for whatever it is that makes these cases different; whatever it is precisely that extends to us a duty in the one case, and fails to do so in the other.

The conclusion that moral seriousness holds the key to distinguishing between the valid and invalid transfers of duty in our two cases is by no means without consequence for Cohen. If that conclusion is on the mark, it turns out that Cohen’s question — “What

¹⁴ This is Cohen’s own example. I paraphrase his words from a short interview he gave with *Philosophy bytes*.

does justice demand of individuals in a society *with* a just basic structure?” — depends in part for its answer on the further questions: “How dire is the situation?”, “How badly off do those at the bottom of society happen to be”?, “How much inequality is there?”, “How morally serious is it?” and so on. If valid transfers of duty are distinguished from their invalid counterparts in virtue of their more acute moral seriousness, then Cohen’s argument that principles of distributive justice should bear on people’s personal choices is lacking an important premise, *viz.*, the premise that principles of justice, when applied in limited Rawlsian fashion to the basic structure alone, would result in levels of inequality that were sufficiently “morally serious” so as to warrant an extension of duty to individual citizens. It is difficult to see how Cohen could object to the insertion of this premise into his argument. After all, if he was willing to concede that justice demands different things of people living in just and unjust societies — roughly, that we are called upon personally to be more thoroughgoing egalitarians where and when there is more inequality — hasn’t he already conceded, in virtue of the first concession, that our duties exist on a continuum, that they shift according to context, that they change with circumstances? Unfortunately, no such premise figures in the official version of Cohen’s argument against Rawls. On the contrary — and it is here in particular that he seems to betray the “intuitionism” or “radical pluralism” to which he claims he is committed — Cohen is emphatic that his argument does not depend on the (possibly) rather small range of inequality that might obtain if, as Rawls envisioned, principles of justice were restricted to the basic structure only. Any argument to that effect, we are assured, doesn’t touch the *philosophical* point that Cohen is making.

My central criticism of Rawls is within political philosophy, not within public policy: it is not the *heart* of my contention that a society that is just by Rawls’s lights exhibits *too much* inequality, although I indeed believe that...But what I centrally reject is a certain justification for inequality, a certain representation of the conditions under which it is just. I reject that justification regardless of how *much* inequality it would actually justify, or might be thought by Rawls to justify...To the extent that mine is a critique of a *justification*, it is no objection to that critique to say, as a number of my critics have said, that the *amount* of inequality that the Rawlsian justification of it would justify is for various reasons not great...It is no answer whatever to ‘This justification of inequality doesn’t work’ to say ‘Oh, well, that shouldn’t worry you too much, since the justification won’t justify too much inequality anyway. *Other things* are helping to take care of that.’...Philosophy is interested in grounds, not ranges, of inequality. (Cohen 2008, 382-383)

Yet if we suppose, as several commentators have, that a society organized in accordance with Rawlsian principles of justice would in fact have *very little* inequality, should that not to some extent influence where on the continuum of moral seriousness, as it were, Cohen's call for an extension of principles of justice was rightly placed?¹⁵ Might we not in that case ask Cohen to explain why extending principles of distributive justice to people's private choices wasn't more akin to the *Bathroom Attendant* case than the *Lifeguard* case with respect to moral seriousness? In short, if Cohen is interested in *grounds* not *ranges* of inequality, then he must offer us a principled criterion, a *ground* — one which does not make use of "moral seriousness," or some other relevantly similar notion — to distinguish between the valid transfer of duty in the *Lifeguard* case and the invalid transfer of duty in the *Attendant* case. If it is true, as I have been urging, that the logic of congruence is properly invoked in some situations but improperly invoked in others, Cohen must show that the transfer (or extension) of duty at the heart of his argument against Rawlsian liberals is indeed one for which the logic of congruence is properly invoked. My argument, in short, has been that this conclusion cannot be demonstrated in abstraction from judgments about the moral seriousness of the inequality that prevails when principles of justice are applied in Rawlsian fashion to the basic structure alone, but also that Cohen explicitly deems any such judgments, *philosophically speaking*, out of bounds.

On the Attractiveness of Rawlsian Justice

I confess to having no idea how to answer the general "congruence" question at the level of theory, without recourse to the details of a particular moral situation in which questions of duty-transfer arise. It is not clear that Cohen knows either (indeed, it might be thought definitive of his "radical pluralism" that no such answers can be given here).

Such murkiness about the scope and content of our moral duties in various circumstances only underscores, I believe, the overall attractiveness of Rawls's conception of justice. By restricting the ambit of justice to "the basic structure of society" Rawls has effectively made complex (intractable?) puzzles about our moral duties in specific cases irrelevant to the appraisal of a society as just. "[P]art of the reason why Rawls thinks that

¹⁵ I do not argue here that a society that is just by Rawls's lights would *in fact* have very little inequality. Nobody really knows with any certainty how a Rawlsian society would *actually* be like, given among other things that there has never been anything like such a society. I am only interested in the *conditional* claim that *if* the inequality that prevailed in such a society was minimal and not acutely morally serious, then that should have some bearing on the dispute between Rawls's division of labor position and Cohen's "congruence" counter-position. Cohen, however, denies that that conditional has any such bearing whatsoever — even *if* the (Rawls permitted) inequality was minimal, Cohen would still disapprove of it on the grounds that it was not adequately justified — and I am suggesting that he is mistaken to look at things in this way.

we should focus on the basic structure of society,” Christine Korsgaard rightly points out, “is that this way we can avoid having to make moralizing judgments about individual cases.” (Korsgaard 1993, 61) This doesn’t mean that such moral questions don’t matter — that making moralizing judgments about individual cases is always and everywhere a bad thing to do. Nor does it mean that we should simply declare that no precise answers can be given on the subject and move on to more pressing matters, though that too, certainly, is one kind of possible response. It merely suggests that it needn’t be a *theory of justice* whose task it is to answer questions about our moral responsibilities in particular cases. It is not defeatist to say that such questions can be addressed by other theories. It pays to remember that justice is not the only consideration that bears on the question, “What ought to be done?” Labeling something “unjust” is not the only way in which to disapprove of it. A theory of justice can be silent about our moral responsibilities in specific cases — as Rawls’s theory surely is — and remain none the worse *as a theory of justice* for that.

Rawls’s is a conception of justice fit for modernity’s disenchanted universe, accentuating that justice has nothing to do with “cosmic fairness” — with how the universe or its inhabitants might have otherwise been — nor with the wrath of an invisible deity. Contrary to what Plato may have held, it also disqualifies human souls as rightful bearers of the designation “just”.¹⁶ As Rawls himself may have expressed it, restricting the subject of justice to “the basic structure” helps us see justice as “political, not metaphysical”. I agree with Brian Barry, moreover, when he points out (in a passage cited by Cohen in *If You’re and Egalitarian How Come You’re So Rich?*):

If Rawls had achieved nothing else, he would be important for having taken seriously the idea that the subject of justice is what he calls ‘the basic structure of society.’...When we talk about the basic structure... we are concerned with the way... institutions work systematically so as to advantage some and disadvantage others. Rawls’s incorporation of...a social structure into his theory represents the coming of age of liberal political philosophy. For the first time, a major figure in the broadly individualist tradition has taken account of the legacy of Marx and Weber. (Barry 1995, 214)

Like Marx and Weber — and we might also mention their Frankfurt School heirs — Rawls was concerned about injustice *built into the system* as it were, and not simply with individual men and women who might sometimes act in unjust ways.

¹⁶ I don’t mean to suggest, however, that on Rawls’s view no sense can be attributed to talk of just and unjust souls. See footnote 1 above.

It is hard to imagine Cohen having been moved by this way of thinking. He imbued the activity of philosophy with a kind of Platonic purity that is difficult to square with Rawls's efforts to "stay on the surface, philosophically speaking". *Philosophical* questions on Cohen's view were insulated from everything else; quarantined from other kinds of questions and concerns. The question "What is justice?" was perhaps paradigmatically a philosophical one for Cohen, and as such, could not be influenced in the slightest by any impure, non-philosophical, considerations — considerations having to do with feasibility, say, or other (merely) practical matters.¹⁷ Again and again in *Rescuing Justice and Equality* we find Cohen affirming the purely philosophical and conceptual nature of the question "What is justice?" In point form only, consider seven examples:

(1) Rawlsian constructivism is hopelessly off the mark, Cohen argues, because it conflates the outcome of an idealized procedure — the Original Position — with the different and independent question of what justice *is*.

(2) Cohen rejects Elizabeth Anderson's critique of the "luck egalitarian" view of justice (cf. Anderson 1999) on the grounds that it mistakenly runs together questions of bringing about justice in the world with the philosophical question about justice's real nature. As Cohen writes: "difficulties of implementation, just as such, do not defeat luck egalitarianism as a conception of justice." (Cohen 2008, 271)

(3) Cohen rejects the view according to which feasibility (or even possibility) establishes the bounds of justice. "If justice is, as Justinian said, each person getting her due, then justice is her due irrespective of the constraints that might make it possible to give it to her."

¹⁷ The details of Cohen's metaethical and metaphilosophical thinking are far too unique, numerous, and complicated to fully unpack here. However, I have been suggesting that a certain tension exists between Cohen's (self-ascribed) "Platonism" about justice — justice *just is*, always the same, enduring, untouched by the facts and everything else of this world — and the intuitionism (in Rawls's sense of that term) to which he is committed. The former encourages Cohen to say bold, general, non-contextual sorts of things that sit uncomfortably (which is not to say that they are conceptually incompatible) with the latter. To affirm, as Cohen does, that "the personal is the political" is to say something general, something indifferent to context and circumstance. A large part of my argument in this paper has been that a Cohen-style intuitionist should be made nervous by such general, context-indifferent pronouncements, that they should be much more comfortable examining principles contextually, on a case-by-case basis. That was the kind of point my *Lifeguard* and *Attendant* examples were designed to emphasize. When it comes to justice, however, it seems as though Cohen abandons this vague, intuitive, case-by-case approach and prefers to speak in general, context-independent ways.

(Cohen 2008, 252-253)¹⁸ In fact, Cohen thinks it is “overwhelmingly intuitive” that, “facts about practicality and feasibility...do not affect the content of justice itself.” (Cohen 2008, 278-279) On Cohen’s view, there is nothing confused or misguided in the sentence-form, “Justice requires X even though bringing about X is impossible”.

(4) Against a strong current of political-philosophical thought, Cohen maintains that justice does not imply the possibility of coercion, state or otherwise. “[W]e don’t learn what justice fundamentally is by focusing on what it is permissible to coerce” (Cohen 2008, 148). Elsewhere Cohen writes, “The sentence form ‘x represents an injustice’...[does] not mean ‘x represents an injustice that ought to be rectified by the state’.” Rather, it means “more elementarily, that the world is less than fully just by virtue of the presence of x in it.” (Cohen 2004, 4)

(5) Cohen immunizes the question, “What is justice?” from David Hume’s influential ruminations on ‘The circumstances of justice’. Cohen’s argument is that identifying the circumstances under which questions about the achievement of justice arise does not shed light on the different question concerning *what justice is*.

(6) In response to Andrew Williams’s (1998) “publicity argument” according to which “it should be possible to *tell* whether or not a principle of justice is being followed,” — which is to say that it is necessary both that justice be done *and be seen to be done* — Cohen says, “whether or not publicity is a *constraint* on...*social rules of regulation*...it is not a constraint on what *justice is*.” (Cohen 2008, 344)

¹⁸ Ronald Dworkin has been an articulate defender of the opposite view. As he writes in response to Cohen, “[I]t is theoretically misleading, as well as pointless, to say that justice demands what even people with the best and most selfless will cannot do: that it is unjust that people who are born horribly crippled are not cured, for example, when there is no cure. Justice is relational: it is a matter of how people should treat one another, not of how the world should otherwise be...That relational view of justice encourages even those political philosophers who write at the most abstract level to focus their attention on what can actually be done, and political philosophy is most interesting as well as most valuable when that focus is secure...[when that focus is secure] we show how justice is feasible and therefore why it is all but imperative.” (Dworkin 2004, 344)

(7) Lastly, when Daniel Weinstock (2000) suggests that “by dropping Rawls’s requirement of well-orderedness from our picture of the just society, we might be able to resist Cohen’s...claim that only a society in which people *choose* justly can hope to be truly just,” Cohen replies that Weinstock’s proposal no more shows that such a society would be “truly just” than “dropping the requirement on pianos that they have keys enables us to say that there exist keyless pianos.” (Cohen 2008, 173)

These are precisely the sorts of things one would expect to hear from someone with Cohen’s metaphilosophical predilections — someone who, like Cohen, has “found it necessary to reach up to the pure concept of justice” (Cohen 2008, xvi). I believe that I speak for Rawls when I say that I know neither what “the pure concept of justice” is supposed to be exactly, nor what the activity of “reaching up for it” consists in. As if the correct method with which to answer the question “What is justice?” is simply to close one’s eyes tightly and meditate, or as if the pure idea of justice has been out there all along, waiting patiently for the right philosopher to come along and apprehend it correctly. But we are now getting into metaphilosophical waters too deep to navigate here.

Remembering Jerry Cohen

Since this paper was originally written for the occasion of a special symposium dedicated to the life and legacy of G.A. Cohen, it seems fitting to conclude with some brief personal reflections about Cohen the man and the philosopher. Sadly, I never had the opportunity to meet Jerry (as his friends called him), but I have come to feel nevertheless — from stories I have heard about him, and mostly from his lucid, witty, brilliant writings — that I actually knew the man quite well. My impression of him may well be largely delusional, but I have a strong sense, or so I feel, about *who* Jerry was; what he cared about; what mattered to him; about the sorts of things he found philosophically interesting; the kinds of jokes he enjoyed, and so on. Much of this has to do with the fact that Jerry was an unusually generous autobiographical writer. Most philosophers treat biography as (at best) irrelevant to the philosophical enterprise, or (at worst) as a distraction from it. Not so for Jerry. His books and essays are crammed with personal stories and anecdotes: about his parents and their journey of immigration from Europe to Canada, his coming of age in a *Yiddishkeit* Communist household in Montreal; about the “genteel anti-Semitism” he experienced as a boy; about the playground politics of Morris Winchewsky school, and so much more.

These autobiographical writings were (and are) fascinatingly moving to me. I suspect this has to do in part with the fact that Jerry and I are members of the rather smallish clan of Canadian, Jewish, Leftist political philosophers (which is only to point out that I feel a certain kinship with Jerry; it is not to suggest that I consider myself even *remotely* his equal within this clan). I felt, and feel, a certain sense of pride about Jerry, for I saw in him someone very much like myself: Canadian, non-religiously Jewish, on the political left, from similarly immigrant and impeccably proletarian families. And if someone like Jerry could rise to the distinguished echelons of Oxford University and the frontier of world philosophy; if someone like Jerry could find himself hobnobbing with the likes of Gilbert Ryle, Bernard Williams, and Isaiah Berlin, then surely I might stand a chance at landing a job somewhere teaching philosophy.

Jerry's untimely passing in 2009 has robbed us of one of the great political philosophers of a generation. He is unquestionably one of my favorite philosophers, though, perhaps strangely, I happen to think that he was mistaken about a great many things philosophically. (In fact, I think he was wrong more often, and about more things, than other philosophers about whom I feel simply indifferent). Some of what I believe Jerry to have been mistaken about is outlined in this paper. But those mistakes — if I am right that they are indeed mistakes — do not detract at all from the great respect and admiration I have for him.¹⁹

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Article

COHEN ON SOCIALISM, EQUALITY AND COMMUNITY

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Abstract

In this article I discuss G. A. Cohen's account of the principles animating the socialist ideal. In his book *Why Not Socialism?* Cohen argues that socialism is based on two principles of radical equality of opportunity and community. Although I am quite sympathetic to Cohen's contribution, I identify what I take to be some problems in it and suggest ways to overcome them. I challenge Cohen's claim that although the principle of radical equality of opportunity is a principle of justice, the principle of community is only a wider moral requirement. I argue that to fully account for the role and weight of considerations of community within the socialist ideal, and to justify the limitations on liberty that they would impose in practice, we have reason to see some of them as more stringent demands of justice. More specifically, I propose a construal of some of the demands of community as focused on sufficientarian

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concerns with basic needs and on requirements to protect equal political status and self-respect, and explain how, so construed, the demands of community relate to demands of equality of economic opportunity and to the protection of personal and political liberty.

Résumé

Dans cet article, je discute le point de vue de G.A. Cohen sur les principes qui animent l'idéal socialiste. Dans son livre 'Pourquoi Pas Le Socialisme?' Cohen maintient que le socialisme est basé sur les deux principes d'égalité radicale de l'opportunité et de la communauté. Même si je partage assez largement cette conception, j'en identifie quelques problèmes de mon point de vue et suggère quelque pistes pour les combler. Contre Cohen, je ne pense pas que le principe d'égalité radicale d'opportunité soit un principe de justice, alors que le principe de communauté serait seulement un impératif moral plus large. Je maintiens qu'afin de rendre compte pleinement du rôle et du poids des considérations sur la communauté dans l'idéal socialiste, et de justifier les limitations sur la liberté qu'elles imposeraient en pratique, nous avons raison de penser que certaines d'entre elles expriment des demandes fortes de justice. Plus spécifiquement, je propose de reformuler certaines demandes des communautés centrées sur des préoccupations d'autosuffisance relatives à des besoins fondamentaux et sur les conditions de protection de l'égalité politique et du respect de soi, et j'explique comment, sous cet angle, les demandes d'une communauté sont étroitement liées à des demandes d'égalité d'opportunité et de protection de la liberté personnelle et politique.

Key words

community; equality; freedom; G. A. Cohen; socialism

Mots-clés

Communauté; égalité; G.A. Cohen; liberté; socialisme

Is socialism a desirable ideal? What principles ground it? In *Why Not Socialism?*² G. A. Cohen argues that the socialist ideal is indeed desirable, that we have reason to favor the general implementation of the principles of radical equality of opportunity and community on which it relies. Cohen also considers the issue of the feasibility of socialism. His agnostic conclusion on this issue is that we do not now know whether socialism is feasible or infeasible, although we can realistically envisage multiple partial approximations and instantiations of its demands. In this paper I focus on Cohen's discussion on desirability.³ Although I am quite sympathetic to Cohen's contribution, I identify what I take to be some problems in it and suggest ways to overcome them. I

² Cohen (2009). Parenthetical page numbers in the paper refer to pages in this book. For helpful explanations of how this book fits within Cohen's overall corpus of writings, see Cunningham (2009) and Vrousalis (2010).

³ I discuss Cohen's treatment of the issue of feasibility in Gilbert (2011). See also the important recent discussion in Wright (2010).

challenge Cohen's claim that although the principle of radical equality of opportunity is a principle of justice, the principle of community is only a wider moral requirement. I argue that to fully account for the role and weight of considerations of community within the socialist ideal, and to justify the limitations on liberty that they would impose in practice, we have reason to see some of them as more stringent demands of justice. More specifically, I propose a construal of some of the demands of community as focused on sufficientarian concerns with basic needs and on requirements to protect equal political status and self-respect, and explain how, so construed, the demands of community relate to demands of equality of economic opportunity and to the protection of personal and political liberty.

Cohen's aim in his short book is more suggestive and exploratory than systematic. Thus in this paper I do not aim at criticizing Cohen's work for not doing what is not meant to do. My constructive aim is, instead, to pursue the exploration further, identifying additional challenges and proposing fruitful ways to address them. Thus, the goal of this paper is to further frame the issue of how we should think about the principles grounding the desirability of socialism.

Socialist Principles of Equality and Community

Cohen suggests that the socialist ideal is framed by two principles.⁴ The first is a principle of equality of opportunity, and the second is a principle of community. In this section I reconstruct these two principles and in the following sections I probe their status and relation.

Equality of opportunity can be construed in different ways, according to the obstacles to people's life chances that are deemed morally desirable to remove or mitigate in an egalitarian way. Cohen proposes a "socialist," "radical principle of equality of opportunity," which includes but goes beyond two other principles of equality of opportunity. The "bourgeois" principle demands that we remove obstacles to life chances springing from certain formal and informal status constraints, such as those undermining the life prospects of serfs in a feudal society or of members of certain groups in societies with a racist culture. Non-discrimination regulations constitute an example of implementation of this principle. The "left-liberal" principle goes further, demanding that we remove inequalities in life prospects that result from unchosen social circumstances such as the social class in which people are born. This principle grounds redistributive

⁴ Cohen presents these principles first as an elucidation of the kind of view that we would adopt if we were thinking about how to organize our affairs as co-participants in a camping trip, and then proceeds to argue that their implementation is also desirable in the wider context of a modern society. Even further, he says that socialists might want these principles to apply on an international scale (p. 46). For simplicity, I will focus here only on the context of a domestic society, leaving aside the issues of local and global justice.

policies, such as the funding for excellent public education, that offset the initial disadvantage faced by people belonging to poorer households. But this principle is insufficient in that it does not address inequalities in life chances that spring from people's differences in native talents. The radical, socialist principle completes the response to the inegalitarian impact on life chances of unchosen circumstances by demanding that we also attend to differing natural endowments. Thus:

[S]ocialist equality of opportunity treats the inequality that arises out of native differences as a further source of injustice, beyond that imposed by unchosen social backgrounds, since native differences are equally unchosen ... Socialist equality of opportunity seeks to correct for *all* unchosen disadvantages, disadvantages, that is, for which the agent cannot herself reasonably be held responsible, whether they be disadvantages that reflect social misfortune or disadvantages that reflect natural misfortune. When socialist equality of opportunity prevails, differences of outcome reflect nothing but differences of taste and choice, not differences in natural and social capacities and powers (p. 17-8).⁵

The socialist principle of equality of opportunity (hereafter SPE) does not demand equality of outcome. It is compatible with inequalities of benefit that result from people's choices against a background of equality of opportunity. Cohen mentions three kinds of inequalities of this kind. The first concerns differences with respect to certain specific goods. For example, Amy may end up having more income than Ben, while Ben more leisure time than Amy. This kind of difference is not, according to Cohen, one we need to worry about. The reason is that it does not constitute "an inequality all things considered," as "comparable aggregate enjoyment obtains" (p. 25). We are assuming here that each person's packages of benefits reflect their preference regarding different goods. Thus, Amy and Ben are equally content given that Amy values income more than Ben and Ben values leisure more than Amy.

Cohen considers two other kinds of inequalities that do involve differences in overall benefit. The first ranges over inequalities resulting from "*regrettable choice*," and the second concerns inequalities arising from "*option luck*" (p. 26). Thus, Alberto may end up having less of a good G than Beatriz, even though Alberto values G just as much as Beatriz does and has equal initial chances to get it, because Alberto puts less effort to obtain it (a regrettable choice), or because Alberto chooses to engage in a risky activity one of whose possible outcomes is a diminished ability to access G (thus undergoing bad

⁵ This is the so-called "luck-egalitarian" principle, according to which "an unequal distribution whose inequality cannot be vindicated by some choice or fault or desert on the part of (some of) the relevant affected agents is unfair, and therefore, *pro tanto*, unjust" (Cohen 2008, 7).

option luck). An example of the first case is Alberto's careless decisions regarding training and education, and an example of the second case is Alberto's choice to engage in gambling or risky investments.

These forms of inequality of outcome are problematic for socialists because socialism includes, besides a commitment to SPE, a commitment to a principle of community. This principle (hereafter PC), is first formulated in the following, general form:

The requirement of community ... is that people care about, and, where necessary and possible, care for, one another, and, too, care that they care about one another (p. 34-5).

Cohen discusses two modes of expression of PC. The first is geared to narrowing the inequalities that might emerge in a context in which SPE operates. In such a context, people committed to PC would feel that their communal bonds are weakened if some of them turn out to face many more challenges in their lives than others due to significant inequalities of income and other material advantages. They may then choose to eliminate some social arrangements leading to such inequalities, or to offset some of their results.

The second mode of expression is "communal reciprocity." This expression of PC is not focused on narrowing inequality that SPE allows, but on shaping "human relationships" in such a way that they "take a desirable form:"

Communal reciprocity is the antimarket principle according to which I serve you not because of what I can get in return by doing so but because you need or want my service, and you, for the same reason, serve me (p. 39).

The relationship between us under communal reciprocity is not the market instrumental one in which I give you because I get, but the noninstrumental one in which I give you because you need, or want, and in which I expect a comparable generosity from you (p. 43).⁶

⁶ It is important to note that the kind of community Cohen has in mind is not the one envisaged by some "communitarian" views according to which social and political cooperation must proceed on the basis of shared thick conceptions of the good life. The solidarity at stake is not the narrow solidarity of specific groups or associations, but a human solidarity that can in principle extend universally (see note 3 above). See also Cohen (2008, 42-45), where a kind of "justificatory community" is invoked, in which political proposals are tested on the basis of whether they could be justified in intersubjective encounters amongst those affected. Such form of community is supposed to function in diverse social settings, and is thus "not some soggy mega-*Gemeinschaftlichkeit*" (Cohen 2008, 45). As Vrousalis (2010, 213) helpfully remarks, this

Although communal reciprocity involves, like market reciprocity, acts of giving and taking, there is a crucial difference. Communal reciprocity is not moved by “fear” or “greed,” but by the valuing of “the conjunction *serve-and-be served* as such” (p. 42).⁷

Community and the Pluralism of Grounds of Justice

Cohen acknowledges that there might be a problem once we think about the relation between PC and SPE. PC is supposed to “constrain” (p. 12), “temper” (p. 34), and “curb” (p. 35) the inequalities that SPE permits. Can this be done without conflict with what justice demands?

I believe that certain inequalities that cannot be forbidden in the name of socialist equality of opportunity should nevertheless be forbidden, in the name of community. But is it an *injustice* to forbid the transactions that generate those inequalities? Do the relevant prohibitions merely define the terms within which justice will operate, or do they sometimes (justifiably?) contradict justice? I do not know the answer to that question. (It would, of course, be a considerable pity if we had to conclude that community and justice are potentially incompatible moral ideals). (p. 37)

How should we think about this potential conflict? One possibility is indeed to think that PC either (a) constrains or (b) contradicts justice. This possibility would presuppose that PC is a moral demand that is not also a requirement of justice. This interpretation appears to hold for Cohen when he says that the inequalities permitted by SPE

idea of mutual justifiability resembles the key demands of Habermas’s discourse ethics. For Habermas’s key discursive principles, and their exploration at the political level, see Habermas (1996, 104-111).

⁷ Cohen appears to assume that an ethos of equality and community is necessarily at odds with market practices. Roemer (2010, 258-261) challenges this view, arguing that the “coordination function” of markets can be decoupled from their current (in capitalism) “material incentives” function. Socialism’s distributive institutions could eliminate the “fear” factor, and the socialist ethos could overpower the “greed” factor. Motivation to work could still exist on the basis of a will to serve, develop one’s capacities, gain appreciation by others, etc. (For another account of how markets need not be at odds with socialism see Wright 2010, 261-265.) Vrousalis (2010, 197) explains Cohen’s view of the market as involving counter-egalitarian and counter-communitarian motives by saying that Cohen talks about the market in the specific context of what Marx called a “generalized commodity production,” in which the motive of profit is constitutive. It is not clear to me, however, that Cohen does not acknowledge that there could be other, non-profiteering incarnations of the market. He in fact refers to one of them when discussing Carens’s proposal. Carens (1981) envisions a society that uses markets to signal optimal intersections between the demand and supply of goods and services, but taxes all incomes to equality, thus using the coordination function of markets while dropping their current (capitalist) motivational and distributive functions (Cohen 2009, 63-65, 69).

“contradict community” but are “not condemned by justice” (p. 34).⁸ This claim would actually force one to think that PC contradicts justice, and it thus yields option (b). One could perhaps rephrase Cohen’s claim to yield option (a), by making the application of SPE conditional upon wider moral constraints (imposed by PC) being met. In both cases, justice would have to be seen as a non-trumping moral value. This is something that many would find implausible.

Although I do not argue here that there are no moral grounds that can override justice, I want to suggest that we do not need to take Cohen’s tack. We can instead see PC, at least in so far as it limits the inequalities permitted by SPE, as itself a requirement of justice.⁹ If we see it this way, then PC would not determine the outer bounds of justice per se, but limit the application of a specific demand of justice (viz. SPE). On this interpretation, SPE is a pro tanto principle of justice among others, the scope and weight of whose application cannot be determined without weighing it against other pro tanto principles of justice in an all things considered picture of what justice demands in certain circumstances.

The advantages of pursuing this approach are mainly two. The first is that we do not need to answer the question Cohen does not know how to answer: we do not need to think about how community as a non-justice value might limit justice, and we can deflect the need to “conclude that community and justice are potentially incompatible ideals”.¹⁰ The second advantage is that this approach helps us to develop a plausible construal of justice as including several demands besides economic equality of opportunity. On this pluralist view, determining what we owe to each other, as a matter of justice, in our social life, involves weighing a diversity of grounds of justice as they might apply in different circumstances. I do not only think that this view of justice is intrinsically plausible; I also think that there is textual evidence that Cohen himself accepts it.¹¹ This pluralist approach could not only factor in some demands of community as demands of justice.

⁸ Similarly, when Cohen says that “the socialist aspiration is to extend community and justice to the whole of our economic life” (pp 80-1), he seems to assume that community is not an aspect of justice.

⁹ How are demands of justice different from wider demands of morality? This is an important question that Cohen does not answer in the book we are examining here. We do not find much help in his other recent book, *Rescuing Justice and Equality*. There Cohen defines justice by appeal to the “ancient dictum that justice is giving each person her due” (Cohen 2008, 7). But many obligations that we normally take to pertain to morality in the wider sense also involve giving persons their due.

¹⁰ Of course, as the rest of this paper shows, this does not mean that we will not have to face difficult questions about the balancing of different moral considerations *within* the domain of justice. Furthermore, I am not denying that there are valid questions about the relation between moral considerations of justice and other moral considerations that do not pertain to the domain of justice.

¹¹ See Cohen (2008, 4-5, 7-8) where pluralism of grounds of justice is assumed to exist, and the need for all things considered judgments balancing them is acknowledged. For an illuminating discussion of Cohen’s approach to justice in this book see Tomlin (2010). Notice, furthermore, that there is nothing in what Cohen says in *Why Not Socialism?* that prevents him from endorsing principles of justice other than SPE.

We can, for example, see considerations about the importance of personal choice and political self-determination as also grounds of justice. These are considerations that already operate in Cohen's book, and it makes sense to think about how they, like PC, might weigh against SPE and other grounds.

I will thus explore how we might think about (some interpretations of) PC as a ground of justice. I will entertain two considerations, and pursue them in the two sections following the next one. The first refers to specific ways in which PC might weigh against SPE, and the second concerns the relation between PC and considerations of personal choice and political self-determination. In each case, I will have to imagine more circumscribed interpretations of communal, non-instrumental caring than the one presented by Cohen in his statement of PC. This is unavoidable, as the general idea of community as presented in that statement is quite vague. That I do not consider every conceivable and important aspect of the ideal of community is important to keep in mind, as I briefly explain in the next section.

Some Caveats and Distinctions

Before presenting the specific interpretations of PC just promised, I want to introduce a few caveats and distinctions to prevent misunderstandings and to respond to some possible objections.

The first caveat is that the requirements of community that I will proceed to identify are not meant to exhaust the ideal of community. We can distinguish, for example, between forms of concern that address people's wants and those that address their needs. Both appear in the third passage from Cohen regarding communal care that I quoted at the end of the second section. However, in what follows I will only focus on forms of community that target needs (in particular basic needs). The following caveats further develop the present point that I do not pretend in my discussion to exhaust the content of community.¹²

The second and third caveats are related with each other, and concern my treatment of the distinctions between principles of justice and wider principles of morality and between demands focused only on outer behavior and those focused also on attitudes or maxims. The second caveat is that I do not claim that all demands of community are demands of justice. For example, we could say that saying "Good morning" to your neighbors when you encounter them on the stairs of your building when you leave it in the morning is an appropriate expression of community, but we would not want to demand such a practice as a matter of justice. I have no quarrel with this point. Not all forms of communal treatment are owed to others as duties of justice.

¹² For more on the ideal of community in Cohen see the rich discussion in Miller (2010).

But this is compatible with the point that some of them are, and this conceptual possibility is enough for my purposes.

The third caveat addresses the following possible objection. Communal reciprocity, as presented by Cohen, is centered on the inner attitudes underpinning people's interactions, not merely on the outer behavior (and the distributive outcomes) that such interactions also involve. To respond, it is true that I will largely focus on principles of community ranging over outer behavior. But (and this is the third caveat) I think that they have a natural counterpart at the attitudinal level that should also be pursued. I agree with Cohen that demands of justice should focus on the fostering of a certain ethos in addition to the design of institutions imposing certain forms of regular behavior.¹³ What I proceed to say can and should be extended so as to include recommendations concerning the political culture of a socialist society.

Let me elaborate on the last point to dispel a further objection. Someone might complain that to envisage (as I will) coercive institutions to secure communal behavior and outcomes is inconsistent with the ideal of community. For example, a coercive mechanism securing Alicia's contribution to the fulfillment of Bertrand's needs might recruit non-communal motivations (on the part of Alicia) such as fear or greed, which are the opposite of a communal motivation such as generosity or solidarity. In response, we can notice that coercive schemes could recruit both communal and non-communal motivations, and that this may be all things considered acceptable. To see this, we need to notice that in nonideal circumstances (and perhaps in most feasible circumstances) people display both communal and non-communal tendencies. Coercive institutions may be justified (as we will see below) to secure the outcomes that communal concern seeks to secure in the face of obstacles springing from people's non-communal attitudes. But institutions can express communal concern on the part of citizens in their capacities as both law-makers and law-abiders. Citizens can, *out of communal concern*, design and obey institutions that foster communal behavior and outcomes. Why not skip the coercive institutions and just go for communal behavior motivated by communal concern? The answer is: because community oriented citizens also recognize their (and others') motivational frailty, which they offset through institutional mechanisms generating extra-incentives. Certainly this is less than ideal, but it may be all things considered acceptable in the face of some tough facts of the world.¹⁴ Furthermore, this acceptance of institutional mediation can, and should, be coupled with a demand to progressively expand (for example through education and public debate) an ethos of

¹³ See Cohen (2008, ch. 3).

¹⁴ It is important to notice that Cohen himself appears to envisage coercive institutional implementations of the ideal of community when he suggests that that ideal may ground "forbidding" certain practices that lead to inequalities of outcome that undermine community (see p. 37).

communal concern that limits the need of coercion and of instrumental rather than solidaristic incentives.¹⁵

Consider a final objection before proceeding. Is not the whole exercise just semantic relabeling without practical consequence? Given that Cohen himself recognizes that justice as socialist equality of opportunity can conflict with other moral demands, and perhaps needs to yield to them, isn't he allowing for the kind of pluralism and weighing I am calling for? In any case, should we not join Joseph Raz in his puzzlement, reported by Cohen, concerning why we should care so much about what does and what does not belong to justice?¹⁶ What is crucial, we could say, is that we get a clear picture about the content, structure, and relative weight of different moral demands. Whether we call them demands of justice is not decisive. Although I agree that, at the end of the day, it is true that what is crucial is indeed that we have such a picture of our overall moral duties, I still think that considering whether justice includes further demands is valuable for two reasons. The first is that we may simply want to know why some demands of community cannot also be seen as demands of justice. I think that they can, and I find no

¹⁵ As I explain in Gilibert (2011), we have reason to adopt a transitional standpoint spanning long-term historical change. A transitional standpoint is the standpoint taken by political agents in the process of changing central features of the institutional and cultural environment in which they act. Such agents envisage trajectories of reform involving dynamic duties. These duties are peculiar in that they are not merely focused on what is to be done within certain circumstances, but also on changing certain circumstances so that new things can be done. Interestingly, Karl Marx seemed to adopt a transitional approach in his discussion of the two stages of a "communist society" presented in his "Critique of the Gotha Program" (Marx 1978). The two stages differ as follows. First, in the higher stage, unlike in the lower stage, there is no material scarcity, division of labor is eliminated, and labor becomes inherently attractive. Second, distribution of consumption goods in the higher stage tracks people's needs, whereas in the lower stage it responds to workers' productive contributions (after a set of resources are put aside to secure the reproduction of basic economic and political institutions, the satisfaction of people's basic needs for education and health care, and the provision of benefits for those unable to work). Whereas the lower stage distributes to each according to their contribution (thus following what some Marxists call the Contribution Principle), the latter instantiates the slogan "from each according to their abilities, to each according to their needs" (the Needs Principle). The Contribution Principle is justified as a pragmatic imperative; its role is to create incentives to increase productivity to make the higher stage of communism attainable. Marx's rationale for limiting the demandingness of distribution in the lower stage is a pragmatic concern with feasibility, not a principled rejection of deeper communal reciprocity or equality. Marx worries that in its lower stage a communist society is "in every respect, economically, morally and intellectually, still stamped with the birth marks of the old society from whose womb it emerges" (Marx 1978, 529). Marx thinks that the Contribution Principle is only a transitional principle, and he clearly sees it as evaluatively inferior to the Needs Principle. The former condones the inequality of rewards that result from individuals having different natural endowments (productive abilities and talents). It is the same principle that "regulates the exchange of commodities," and is "still constantly stigmatized by a bourgeois limitation" (Marx 1978, 530). The fundamental objective is to make the implementation of the "higher" Needs Principle more feasible.

¹⁶ Cohen (2008, 289-90 n. 14).

argument in Cohen's text to the contrary. The second, and more important reason, is pragmatic. Demands of justice are commonly given a certain pride of place in political contexts, so that they are seen as having at least *prima facie* priority. Showing that such a domain of demands includes demands of community (and, as we will see, demands of liberty) will thus make the consideration of their tension with demands of equality of opportunity more salient and urgent.¹⁷

How PC Might Weigh Against Inequalities Permitted by SPE

There are at least two ways in which we may interpret PC in such a way that it grounds plausible limits on the inequalities condoned by SPE.¹⁸ One is to link PC with a basic sufficientarian principle according to which we owe each other assistance to reach a minimal threshold of advantage.¹⁹ This minimal threshold can tentatively be seen as comprising the bundle of goods access to which is a precondition for living a minimally decent life. Such a bundle could include, for example, basic provision concerning food, shelter, clothing, and health care. It is in principle possible that some of the individuals who start on equal footing end up below this threshold as a result of regrettable choices and bad option luck. And it would not be far-fetched to say that they are entitled to be brought back to the threshold by others, at least when achieving this would not involve extreme sacrifices on their part. This would require redistribution from the prudent to the imprudent, but it may not be unreasonable to demand it if we see that citizens have reason to take steps to insure *everyone* against predictable frailties and imperfections of human and social life.

Another plausible interpretation of PC is to link it with a concern for status equality and the conditions of self-respect. Some forms of redistribution, even if they unsettle outcomes consistent with SPE, may be warranted if they are necessary to sustain the equal standing of members of a political community. One example of this kind of concern involves securing what Rawls called the "fair value of political liberty".²⁰ As we will see shortly, socialists care about securing people's political self-determination. One,

¹⁷ As I said above (see note 10), pluralism about the domain of justice is in fact in tune with Cohen's considered view.

¹⁸ The limitation may occur, as Cohen suggests, by forbidding certain transactions yielding the relevant inequalities, or, alternatively, through redistribution altering the outcomes of the transactions without forbidding them. A possible important difference between these options is that the second is less constraining of personal choice.

¹⁹ For a comprehensive recent discussion of sufficientarianism see Casal (2007).

²⁰ Rawls (1999, 197-9, 245). Miller (2010: 240) also argues that Cohen's discussion fails to consider this kind of status concern, and the concomitant need to identify some "secure entitlements." I disagree with Miller, however, in that I don't think that introducing these considerations should motivate the rejection (as opposed to the qualification) of the luck-egalitarian principle involved in SPE.

status-based, reason to care about it is that its presence involves a public recognition of everyone as an equal fellow member of the political community who can actively determine its shape besides being passively shaped by it. Now, securing this political status requires that people have access to certain material resources permitting them to enter the political sphere with comparable bargaining power. Where great inequalities of outcome occur, the bargaining power of the worse-off would certainly be seriously depressed unless background mechanisms of redistribution are in place. In addition, the presence of substantially unequal life prospects may undermine the self-respect of those facing significantly lower life prospects. This loss would of course be linked with the diminution of status regarding political influence, but it could ramify into further spheres of action, as the consequences of past inequalities affect subsequent attempts to pursue social advantages.²¹

The foregoing specifications of PC in terms of transfers catering for sufficientarian and social and political status considerations would amount to forms of communal care that can limit the scope of the inegalitarian outcomes compatible with SPE. It is worth noting that these transfers do not aim at eliminating inequalities compatible with SPE. The point is just to reduce them. They do not then saturate the space of distributive considerations in such a way that the idea of responsibility for one's choices underlying SPE is given no room. Responsibility still has weight, but it does not have an absolute one. Its force is checked on the basis of the great importance of other concerns such as caring for each other's survival, self-determination, and self-respect.

Someone might ask: Shouldn't we simply drop SPE? SPE is a case of "luck egalitarianism," which is typically the target of two criticisms. The first is that it demands too much as a principle of justice by requiring compensation for natural misfortune. The second is that it may be too severe, allowing people to suffer unduly because of bad decisions or "option luck". Perhaps we should adopt a different form of egalitarianism. PC already points in the direction of a "social" or "political" conception of equality. This kind of conception is for example defended by Anderson (1999) in her proposal of "democratic equality," which focuses on securing the capabilities for citizens to function as social and political equals. It is not saddled with the demandingness and the harmful severity of a "distributive equality" seeking to compensate for inequalities resulting from natural (and other forms of) misfortune. In addition, it already mobilizes the two concerns I identified under PC: it directly accounts for equal status and self-respect as constitutive concerns of the egalitarian ideal, and it accounts for basic sufficientarian entitlements as indirectly justifiable as preconditions for secure social and political participation.²²

²¹ For a helpful discussion of how inequalities compound over time, with deleterious consequences on people's ability to confidently pursue their life projects, see Barry (2005, 44-45).

²² I thank a referee for suggesting that I address some of the concerns mentioned in this paragraph.

I think, however, that we should stick to a pluralist framework including a “luck egalitarian” consideration that is weighed against other pro tanto grounds of justice (such as those springing from PC and personal and political liberty). Regarding the first criticism to luck egalitarianism, let me make three points. First, I do not think that it is unappealing for a distributive outlook to target inequalities resulting from natural misfortune. This goal is sometimes disparaged by saying that it is strangely focused on “cosmic injustices.” For example, considering the case in which one’s neighbor is more prone to cancer than oneself. Miller (2010, 234-235) says that “if God were committed to benefitting humanity, God would be unjust in doing less for my neighbor than for me, since there is no basis for discrimination”; but, Miller continues, this reasoning does not seem to apply to oneself here on earth, as Cohen should recognize given that his approach does not rely on theism. One might here be moved to do something for one’s neighbor to pursue “a goal of relief for affliction, not equality.” But this is not right. Why would it be unjust for God not to weigh natural misfortune but not for us when, let’s say, we decide what social arrangements (such as those concerning health care) to favor? In both cases the same egalitarian goal seems appropriate: equalize access to health resources, factoring in natural misfortune, to the extent that you reasonably can. Of course, if God existed, God would be able to do much more than us, but we could do a fair amount, and so we should.

Perhaps the idea is that our concern for justice should be relational, and that the idea of “distributive equality” (including concern for misfortune) misses that. What matters from the point of view justice is whether we live with others in ways that involve domination and exploitation. We should eliminate those if we are to live as equals. We do not need to also try to redress inequalities in life chances due to natural misfortune. Now, I certainly agree that the relational concerns mentioned are crucial, and should be added to the platform of pro tanto grounds of justice. But why stop there? To relate to others in a way that really shows equal respect and concern, we would have to recognize that each one of us has reason not only to resent domination and exploitation. We also have reason to seek opportunities to live flourishing lives, and to resent having fewer such chances than others though no choice or fault of our own. Seen from the supply side: we should not only be concerned with the issue whether we relate to others so that we dominate, exploit, or oppress them. We should also relate to others in such a way that we grant them the same expansive opportunities to live a flourishing life that we seek and think we are entitled to have. Luck egalitarianism need not assume atomistic egoism and self-sufficiency as the norm for human beings. It may express a solidaristic and egalitarian concern for the well-being of all.²³

²³ As Cohen puts it when describing the ideals behind the “camping trip,” “people [should] cooperate within a common concern that, so far as possible, everybody has a roughly similar opportunity to flourish,

Of course, such a concern is constrained by considerations of responsibility. But (and this is the third point), responsibility is indeed an important consideration as soon as we take into account the issue of the fair allocation of burdens of cooperation in a social world where resources are scarce. The concern for responsibility in luck egalitarianism is appealing because it tracks the intuition that we should be mindful of the fact that our life choices may impose costs on others.²⁴

The last point partially responds to the second criticism, according to which luck egalitarianism is too severe towards those suffering from bad “option luck.” Responsibility is important. However, I think that the second criticism is also partially right, and this is why I think that SPE should be qualified by reference to the sufficientarian and status-egalitarian aspects of PC.²⁵ But as I said I don’t think that this acknowledgment should carry us over to rejection of SPE. SPE still has important (although limited) room for operation. Furthermore, I do not think that the conception of “democratic equality” captures the basic sufficientarian element of PC properly. Of course, to secure the capability to function as equals (in the relevant senses for this conception), people must have available what the sufficientarian distribution described here demands (and more). However, it is important to have a separate basic sufficientarian principle for two reasons. The first is that part of the value of meeting basic needs is independent from the contribution this makes to rendering status equality possible.²⁶ The point of not letting people starve is not only the indirect one of securing that they are able to vote or participate in public deliberation. Furthermore, we can encounter (hypothetical or real) scenarios in which trade-offs between basic

and also to relax, on condition that she contributes, appropriately to her capacity, to the flourishing and relaxing of others” (pp. 4-5).

²⁴ As Kymlicka (2006) argues, this mindfulness could be seen as part of the ethos that should animate an egalitarian society. We should “look critically at the claims of resources we make, and ... ask ourselves whether we are trying to gain economic privileges from our undeserved natural talents, and/or to externalize the cost of our choices to others” (Ibid., 23). This scrutiny could be a self-directed requirement, and thus perhaps circumvent the common criticisms that luck egalitarianism demands charging institutions with the infeasible or intrusive task of tracking the choice / circumstance distinction in the condition of contributors and recipients of distributive policies, and that it leads to humiliating treatment of the “deserving poor” or the “negligent” through speech acts evaluating differences in their natural endowments and their life choices (Ibid., 20-22, 23-25, 31).

²⁵ Social and political status equality could be presented as a separate principle of equality alongside SPE. I think that this would be a good idea. The reason why I present status egalitarian considerations under the heading of PC in this paper is that I am proceeding through an internal discussion of Cohen’s framework. But I think that there are many forms of equality that are worth endorsing, both intrinsically and instrumentally. For an illuminating articulation of several egalitarian principles, including status equality, see White (2007, ch.1).

²⁶ This point is also made in Wolff (2010, 349). Wolff also calls for a pluralistic approach to justice (involving, for example, the balancing of considerations of fairness and respect).

sufficientarian and other demands (including status-based ones) occur, and we cannot make sense of them unless we distinguish the former from the latter.

PC, Freedom and Coercion

A possible worry about PC is that it may unduly constrain people's room for personal choices. As Cohen acknowledges, socialists care about securing for everybody some such room (pp. 22-4, 47-8, 76). One can, in fact, say that securing some amount of personal freedom is a matter of justice. But of course there is the question of how much room we are entitled to. Not being strict libertarians, most socialists do not think there is an absolute entitlement. Redistribution along SPE certainly constrains people's choices in significant, but justifiable, ways. What about PC? Does it depress people's personal liberty in unjustifiable ways?

This question becomes appropriately salient once we see PC as a stringent demand of justice, as one of the typical features of justice is that it delimits the boundaries of individuals' liberty. (If we did not see PC as a stringent demand of justice, then it would be harder to understand how it could ever limit liberty.) To answer this concern we can do two things. The first is to consider the implementation of PC through non-coercive mechanisms, and the second is to consider it in terms of coercive mechanisms. In both cases I assume, with Cohen and with most socialists, that personal freedom is a ground of justice, but also one whose prescriptive content and weight depends on overall judgments considering other grounds.²⁷

Imagine first that the transfers implementing PC could be secured without coercion. We might imagine that the state could be, as Engels, following Saint-Simon once thought it would be, reduced to the "administration of things, not of persons." Or, less unrealistically, we could imagine that some of the state's distributive tasks are, while others are not, implemented coercively. Either way, let us imagine that we have institutions implementing PC non-coercively. These institutions would provide the logistics for the transfers, but it would be up to the individual choice of citizens to voluntarily donate funds for such allocation to take place. One can say that there is here a moral limitation of personal choice even if there is no coercion backing it. Even if nobody may coerce Anne (who is quite rich) to give away part of her income to support sufficientarian or status based transfers for the benefit of Benjamin (who is quite poor), it might still make sense to say that Anne is not entitled to all of her income when she could give away part of it to favor Benjamin without incurring unreasonable sacrifice. Of course

²⁷ This assumption is of course the target of libertarian challenges to redistributive theories. I will not address these important challenges here. See Narveson (1988), and Nozick (1974). For Cohen's systematic response to libertarianism, see Cohen (1995). I discuss some libertarian arguments in Gilbert (2006) and (2010).

we can assume, as many do, that injustice and liability to coercion co-vary, and that this co-variation is essential to what justice is. But some, including Cohen, do not accept this assumption. As we saw (in the fourth section) the site of justice can be seen as wider than the set of coercive institutions of a society. If this view is correct, then it would indeed make sense to say that transfers based on PC can involve just limitations of the room for personal choice (for example regarding the use of income) even if no coercion is marshaled.²⁸

Imagine now (more realistically) that transfers implementing PC are backed by coercive institutional mechanisms, such as taxation. Presumably, the implementation of SPE can, and normally would, be implemented (at least partially) through coercive institutional mechanisms of this kind. Transfers implementing PC might also proceed in this way. Would this be acceptable given the additional costs regarding personal freedom? This case would be different from the one considered in the previous paragraph because the limitation on freedom would not only constrain the range of goods an agent is entitled to use without an obligation to cater for community oriented demands. In addition, the liability to coercion limits the ability of the agent to decide whether they act in accordance with their community-based obligations without facing interference from others.²⁹

²⁸ It is of course possible to say that no freedom is limited here, as it is up to the agents under moral obligations to decide whether they discharge them. But my concern here is not freedom of choice in this general sense, but the extent of people's prerogative to act as they want without having to cater for others' demands. In *Rescuing Justice and Equality* Cohen makes the first point (about non-coercive obligations not limiting freedom of choice) (Cohen 2008, 192, 198-9). But he also acknowledges the possibility of conflict between a personal prerogative and particularly demanding pictures of people's obligations. There is, according to Cohen, a "legitimate personal prerogative" which "grants each person the right to be something other than an engine for the welfare of other people: we are not nothing but slaves to social justice" (Cohen 2008, 10; see also 220). This prerogative is not, however, absolute. Each agent, in their practical deliberations, must seek to ascertain its legitimate boundaries by weighing it against other appropriate demands of justice that apply to the circumstances under consideration (Cohen 2008, 220).

²⁹ To see this difference, consider a parallel example involving two cases.

Case 1: A and B are two survivors of a shipwreck. They are at sea on board two lifeboats. Before leaving the sinking mother ship, they had to choose among the available lifeboats. A and B could both choose from two lifeboats, one being clearly better than the other. A took a longer time to choose than B, thinking that perhaps the mother ship would not sink after all. As a result, A ended up boarding the defective lifeboat. Now A's lifeboat is sinking. A will die unless rescued by B, who is nearby, on board an excellent lifeboat that could hold both A and B (and some others) without significant risks. Is B morally entitled to refrain from rescuing A?

Case 2: The same as Case 1, but add now a third survivor, C, who is on the lifeboat with B. C, unlike B, cannot swim, and thus cannot jump into the water and rescue A. But C is physically stronger than B, and can credibly threaten B by saying that they will break B's arm if B refuses to rescue A. Is it morally acceptable for C to coerce B to rescue A in this way if B would not do it voluntarily?

A justification of this further limitation of freedom could be based on several considerations. First, we can compare the relative moral weight of (a) the two losses of freedom mentioned in the previous paragraph and (b) the loss in terms of secure survival and status that would accrue to some if PC is not implemented. If the implementation of PC does not involve unreasonable sacrifices, and there is still plenty of room for people to pursue personal projects without interference from others, then it seems clear that (b) outweighs (a). Of course, it would be better if (a) did not include the threat of coercion. But if such a threat is crucial to prevent free-riding or to provide assurance to those who want to help without being “suckers,” then the additional loss may, all things considered, be justified.³⁰

An additional point concerns the importance of political self-determination, a crucial aspect of the ideal of freedom besides personal liberty. In a socialist society, redistributive mechanisms would be controlled by those affected by them through procedures of political self-determination. Socialists normally take equality of opportunity for political influence to be amongst their core demands.³¹ Political self-determination is relevant to our discussion in several ways. First, it provides (as we saw when arguing for PC-based limitations of the inequalities compatible with SPE) one of the grounds for PC-based redistribution. Avoiding extreme inequalities is a precondition for securing the fair value of political liberty.

Second, political liberty would be an important tool for those affected by coercive public institutions to keep them in check. This would include the ability to challenge

³⁰ Of course, not all forms of coercion would be acceptable. A Stalinist conscription of forced labor, for example, would likely be unacceptable. Here I have in mind fairly mild coercive mechanisms such as taxation. See Cohen (2008, 221-222) on why this form of coercion is not very troublesome and how it might be better than the alternatives in securing as much overall freedom as we can get. And securing as much overall freedom as we can get is indeed the relevant aim. It is no decisive objection to socialism to show that freedom would be limited in it in some way if any feasible alternative would limit freedom even more. Arguably, once we understand “freedom” in its multiple senses (including capability to function in valuable ways, avoid undue interference, and avoid domination) then we can see that capitalism, with its highly anti-community and anti-equality tendencies, is in fact quite likely to render people less free than a non-authoritarian socialism. For illuminating discussion of how capitalism hampers the “real freedom” of workers and the relatively poor (to pursue their life plans, to bargain in the market, to be self-directing at the workplace, and to affect the shape of the political process), see Wright (2010: 50-52, 81-84) and Van Parijs (1995, ch.1).

³¹ Cohen refers to democracy as part of the socialist ideal in Cohen (1995: 253, 261). See also, for example, John Roemer’s account of socialism in terms of three demands of equality of opportunity for (a) self-realization and welfare, (b) political influence, and (c) social status (Roemer 1994, 11-15). Wright (2010: 12-20) construes socialism as being animated by egalitarian principles of “social justice” and “political justice” (both involve status considerations, and the latter emphasizes democratic empowerment). For an argument justifying economic socialist redistribution as a precondition for the feasibility of a robust, deliberative form of democracy, see Joshua Cohen (1989). A deliberative form of democracy should be appealing to someone committed to Cohen’s idea of “justificatory community” (see note 5 above).

potential overreach in the limitation of personal freedom, which is an inherent risk of any political system.

Finally, coercive institutional structures can be not just potential threats to personal freedom but also their protectors and enablers, and thus normally citizens have reason to favor their presence. The issue is how they can be framed in such a way that the multiple concerns of justice are catered for in justifiable ways. To find the optimal balance, political liberty is again desirable. Besides the considerations of status and of accountability (indicated above), political liberty has the epistemic significance of affording those affected by political decisions the opportunity to participate in the discovery of the appropriate balancing of considerations that should ground them. In this respect, one can see concerns about community and personal freedom as being among the substantive guidelines framing the public deliberation of politically free agents.

These three considerations certainly do not eliminate the tension between individual liberty and political self-determination.³² But it is hard to imagine how this tension could be eliminated. The relevant task is, rather, to find an appropriate balance. I do not think there is any ready and compelling algorithm to dissolve it. And the same applies, I think, to tensions involving other fundamental grounds of justice. But what makes the socialist ideal (and Cohen's extraordinary contribution, with perhaps some amendments suggested here) so inspiring is that it keeps all of their components (the various concerns for freedom, community, and also equality) firmly in play.³³

³² The danger is for the right to political self-determination to become the right of everyone to monitor the personal life of each. The sphere of genuine personal choice might shrink under the pressure of having to behave in ways that others would approve of. The risk is that of having a "free society" that is not a "society of free people" (Van Parijs 1995, 15-17), but rather one where "the 'self-government' spoken of is not the government of each by himself, but of each by all the rest" (Mill 1991, 8). Socialists are, but should be more, alive to this risk. Thus, for example, when Wright (2010, 12) states his principle of "political justice," which calls for "*all people [...to] have broadly equal access to the necessary means to participate meaningfully in decisions about things that would affect their lives*" he perspicuously includes reference to both "*the freedom of individuals to make choices that affect their own lives as separate persons*" and "*their capacity to participate in collective decisions which affect their lives as members of a broader community.*" However, his subsequent discussion of this principle's content and implications does not seem to me to address the possibility of tension between its two components. The boundaries between the two spheres assumed in the principle is always a subject of difficult negotiation. (Further discussion is also needed to address the possible tensions between the principle of "political justice" and the principle of "social justice" calling for "*broadly equal access to the necessary material and social means to live flourishing lives.*" Although the implementation of each principle is normally likely to contribute to the implementation of the other, conflicts could arise here as well. Just as the democratic will of the people may sometimes fail to protect personal freedom, it may also fail to select optimal opportunity sets for flourishing lives.)

³³ For helpful comments I thank the referees for *Socialist Studies*, Roberto Gargarella, Anca Gheaus, Carol Gould, James Johnson, Holly Lawford-Smith, William Clare Roberts, Adam Swift, Patrick Tomlin, Daniel Weinstock, Jurgen De Wispelaere, Lea Ypi, and audiences at Columbia University, McGill University, the

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Article

G.A. COHEN AND THE ETHICAL CORE OF SOCIALISM: EQUALITY OR LIFE-SUFFICIENCY?

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Abstract

In this paper I will critically examine G.A.'s Cohen understanding of equality as the normative foundation of socialism. Cohen consistently maintained that inequality was the primary social problem systematically generated by capitalism, and that equality was the primary normative foundation of the socialist alternative. The general question that I want to pose in this paper is: is Cohen's understanding of equality as the normative foundation of socialism consistent with his general conception of socialism as a systemic alternative to capitalism? I will answer that it is not, because equality is not the best normative foundation for socialism conceived of as a systematic alternative to capitalism, and that elements of Cohen's own work imply a deeper normative foundation in what I call the principle of life-sufficiency.

Résumé

Cet article examine la façon dont G.A. Cohen comprenait l'égalité comme l'un des fondements normatifs du socialisme. Cohen a argumenté que l'inégalité est le premier problème social du capitalisme, et que l'égalité est le premier fondement normatif de l'alternative socialiste. Dans cet article, je m'interroge sur la cohérence entre l'idée portée par Cohen selon laquelle l'égalité est le fondement normatif du socialisme et sa conception générale du

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socialisme comme une alternative systémique au capitalisme. Je répondrai à cette question par la négative, dans la mesure où l'égalité n'est pas le meilleur fondement d'un socialisme qui cherche à constituer une alternative systémique au capitalisme, et où certains éléments du travail de Cohen suggèrent un fondement plus profond dans ce que j'appelle le principe d'« autosuffisance ».

Keywords

Cohen; equality; life-sufficiency; Marx; socialism

Mots-clés

“autosuffisance”; Cohen; égalité; Marx; socialisme,

In *Rescuing Justice and Equality* G.A. Cohen argued that “what gets socialists going politically” is the question of “why should some people be *badly* off, when other people are so *well* off?” (Cohen, 2008, p. 30-1). Cohen notes that this question is not identical to the question of why some people are *less* well off than others. In that comparative question there is no reference to “absolute levels of condition” (Cohen, 2008, 31). Thus, what motivates socialists, according to Cohen, is the problem of why so many people must exist at or below the absolute minimum conditions of human life.

What they find wrong is that there is, so they think, unnecessary hardship, at the lower end of the scale. There are people who are badly off and who, they believe, would be better off under an equalizing distribution. The practically crucial feature of the situation is that the badly off are worse off than anyone needs to be, since an equalizing redistribution would enhance their lives (Cohen, 2008, 31).

This apparently simple argument raises at least three questions that lead into the heart of the relationship between socialism, liberalism, and egalitarianism central to Cohen's distinguished career in political philosophy. The first is internal to any egalitarian philosophy, socialist or liberal: assuming that people can be made better off by an equalizing distribution, *what* exactly ought to be equalized. This is the question that initiated the ‘equality of what’ debate that began in the 1980's with Sen's Tanner Lectures and in which Cohen, along with Ronald Dworkin, and Richard Arneson, was a vigorous participant (Sen, 1980; Dworkin, 1981; Arneson, 1989; Cohen, 1989). The second distinguishes liberal from socialist egalitarians: what are those goods which capitalism cannot distribute equally (thus making *socialist* egalitarianism necessary)? The third question speaks to a normative debate internal to the history of socialism, in particular the broad Marxist tradition: is the essential problem of capitalism inequality such that the normative basis of socialism is equality?

In this paper I will primarily be concerned with Cohen's answer to question three. I will have occasion to discuss Cohen's contribution to the equality of what debate, but only in so far as it has implications for his conclusion that equality is the normative foundation of socialism. While there are many norms implicit in the socialist project, I believe that Cohen treats equality as fundamental, and I believe this because, as the quotation above illustrates, he took the struggle against inequality to be the central motivating problem of socialist politics. While Cohen abandoned the revolutionary Marxism of his youth and early career, he never abandoned the deeper Marxist value-commitment to a world that transcended the selfish egoism and structural inequality of capitalism. He consistently maintained, from his self-critical engagement with the problems of orthodox Marxism in *Self-Ownership, Freedom, and Equality* to *Rescuing Justice and Equality* that inequality was the primary social problem systematically generated by capitalism, and that equality was the primary normative foundation of the socialist alternative, however the achievement of that alternative be envisioned. The general question that I want to pose in this paper is: is Cohen's understanding of equality as the normative foundation of socialism consistent with his general conception of socialism as a systemic alternative to capitalism?

I will answer that it is not, because equality is not the best normative foundation for socialism conceived of as a systematic alternative to capitalism, and that elements of Cohen's own work imply a deeper normative foundation. This alternative normative foundation I will call the principle of life-sufficiency. It is the deeper, and thus better, normative foundation in the sense that if it were realized it would solve the sorts of problems that a more equal society would solve, in addition to problems that equality, even of a substantive, socialist sort, would not solve. I will argue that this principle is distinct from principles of distributive equality because principles of distributive equality abstract from differences between people and ignore potential environmental impacts of equalizing consumption at ever higher material levels. As I will demonstrate, the principle of life-sufficiency is implicit but undeveloped in the works of Marx and Engels and also, crucially, Cohen. I will unpack my argument in three steps. In the first, I will explicate what I take to be Marx's and Engels' critique of equality as the normative foundation of socialism and set out their alternative grounding. In the second I will turn to the work of Cohen, spelling out his understanding of equality as the normative foundation of socialism, his reasons for this conclusion, the content of his socialist equality principle, but also what I take to be *his* alternative grounding. In the concluding section I will demonstrate more precisely how these alternative groundings imply the principle of life-sufficiency and explicate its general social implications.

I: Marx and the Critique of Equality

While Cohen believed that historical and social changes warranted the repudiation of orthodox, revolutionary Marxism, he remained committed to socialism as a systematic alternative to capitalism. “Any attempt to realize the socialist ideal runs up against entrenched capitalist power and human selfishness. Politically serious people must take those obstacles seriously. But they are not reasons to disparage the ideal itself” (Cohen, 2009, 80). I will examine what Cohen takes this ideal to be, and the essential role that equality plays in it, in the next section. I begin with this point in order to explain the reason why I take Marx’s and Engels’ critique of equality to be relevant to the evaluation of Cohen’s socialist egalitarianism. Cohen does not repudiate that which he takes to be the deepest values of socialism and he never repudiates Marx’s and Engels’ signal contribution to the explication of those values. Hence, that which Marx and Engels had to say about the relationship between capitalism, socialism, and equality is relevant to the assessment of Cohen’s attempt to establish equality as the foundational value of the socialism.

On first examination it appears that there is almost no evidence to support the belief that Marx or Engels believed that equality was a central value, much less the foundational value, of socialist society. Every place one looks— in Marx’s early philosophical works, in his political pamphlets, in his systematic political economy, in Engels’ elaborations of historical materialism—one finds equality either criticised and dismissed or reduced to a distinct political goal.

One of Marx’s first systematic examinations of the relationship between equality and the future alternative society he defended occurs in the *Economic and Philosophical Manuscripts of 1844*. Marx is abundantly clear that what he means by communism is not equality of wealth or resources or anything else one might care to equalize.

The thought of every piece of private property as such is at least turned against wealthier private property in the form of envy and the urge to reduce things to a common level, so that this envy and urge even constitute the essence of competition. Crude communism is only the culmination of this envy and of this levelling-down (Marx, 1975, 295).

Let us note two claims whose importance is crucial to the argument of the rest of the paper. First, Marx acknowledges that there is some political value to the demand for equality, in so far as it generates opposition to accumulated wealth. Second, this political value is only negative, i.e., it states what communism is against but not what it is for. As we will see, while communism may be *against* definite forms of inequality, it would be wrong to conclude that the value it is primarily *for* is equality.

Indeed, even inequality as a negative value motivating opposition to capitalism is ultimately an inadequate motivation, because the ability to recognise inequality does not entail understanding of its systematic causes. For Marx and Engels moral outrage had to

be combined with understanding of the social causes of the mass poverty that were the object of that outrage. The real cause of inequality, for Marx and Engels, is the class structure of capitalist society. The critique of capitalism thus must ultimately be directed against its class structure, not inequality of wealth or resources. As they argue in the *Communist Manifesto*, “the immediate aim of the Communists is ... [the] formation of the proletariat into a class, overthrow of the bourgeois supremacy, conquest of political power by the proletariat” (Marx and Engels, 1986, 48). As Engels later elaborated, if “equality” has any meaning as a goal of socialist struggle, it is only in the sense that it is synonymous with the overthrow of class rule. In his polemic with Durhing Engels examines the differing meanings of equality in bourgeois and in proletarian politics.

After admitting that the demand for equality has been a historic demand of both feudal peasant and modern workers, Engels concludes that “the real content of the proletarian demand for equality is the *abolition of classes*” (Engels, 1959, 147-148). But abolition of classes is not *essentially* an alternation in the distribution of resources under capitalism, but the end of capitalist social relations and values altogether. Struggles over the distribution of wealth and resources are already central to capitalist society; the struggle for socialism is thus not a struggle for a different distribution of wealth and resources, but a struggle for a different society. The meaning of this distinction can be clarified by turning to a brief examination of Marx’s further arguments against equality in *Capital* and *Critique of the Gotha Programme*.

It is true that Marx and Engels were willing to employ the idea of equality as a slogan and mobilising tool, but their goal was never to make it the bedrock distributive principle of socialism. They do not make it the bedrock principle of socialism because they tend to regard *formal* equality as the bedrock principle of capitalist society which creates the legal-political space the proletariat requires to develop its more radically transformative agenda.

The best example of this line of argument is found in *Capital, Volume One*, where Marx discusses the struggle between capitalists and workers over the duration of the working day:

There is here, therefore, an antinomy, right against right, both equally bearing the seal of the law of exchanges. Between equal right, force decides. Hence it is that in the history of capitalist production, the determination of what is a working day, presents itself as the result of a struggle ... between the class of capitalists ... and the working class (Marx, 1986, 225).

Equality of rights is not unimportant because, as I noted above, it creates a legal and political space for working class mobilisation. While the immediate goals of these mobilisations might be thought of in terms of creating a more equal material distribution

(of work time, or whatever other resource might be the particular issue of contention) successful struggles for more equal distributions of resources will not collectively add up to a socialist society. For that to happen, as Marx and Engels made clear, the class structure of capitalism must be abolished.

The structural problem that necessitates the radical transformation of capitalist class structure is not inequality of wealth or resources but rather exclusive class control of the natural and social conditions of life-maintenance and development. It is this structural dependence of human life on capitalist markets that makes the working class dependent and unfree in its life-activity under capitalism. The deepest value underlying socialist society is thus, as Engels put it, “the organization of society in such a way that every member of it can develop and use all of his capabilities and powers in complete freedom and without thereby infringing the basic conditions of this society” (Quoted in Lebowitz, 2006, 13).

This thought, drawn from an early draft of the *Communist Manifesto*, is more fully developed in Marx’s most extended critique of the principle of equality in *The Critique of the Gotha Programme*. Here Marx’s target is the *equilsand* proposed by the German Social Democratic Party: equality of labour. Equality of labour meant that all labour would be paid at the same rate and only differences due to different quantities of labour supplied would be permitted. Again, Marx accepts, as a matter of historical necessity, that such transitional metrics of socialist distribution might be required, but he is careful to emphasise that to the extent that such abstract metrics must be applied to the distribution of social resources, it is because society is still to that extent rooted in the older capitalist system. “Hence *equal right* here is still in principle—*bourgeois right*” (Marx, 1978, 530). Remember that this claim is made in the context of a critique of the idea that equality of labour ought to be the principle of socialist distribution. When we keep this context in mind it is clear that the target of Marx’s critique is not, as it might appear, the idea of “bourgeois right” in the abstract, but equal rights as the normative foundation of a socialist system of distribution. He believes that this transitional form is an advance over capitalism in so far as it would attenuate the structural class privileges of capitalism, but he remains critical of the idea of equality, whether construed formally, in relation to rights, or substantively, as the normative foundation of socialist distribution. “Equality” of whatever sort is a problematic normative foundation for socialism because it is an abstraction which masks what is really essential to human life, which is *neither* the formal rights humans might share in common with others nor how much of something people have in comparison with other people, but what they require as concrete individuals to ‘develop their capabilities and powers in complete freedom.’

Marx rejects *any* metric of equality as *the* normative foundation of a socialist society because all metrics only function by abstracting from the differences that make people real as individuals. Different individuals, he claims, “are measurable only by an equal standard ... in so far as they are taken from one definite side only” (Marx, 1978,

530). The truly radical difference between socialism and capitalism is that socialism will secure to each person the natural and social conditions of freely individuating themselves across all dimensions of human experience and activity. Engels makes this point very clearly: “The development of industry will provide society with a quantity of products *sufficient* to satisfy the needs of all (emphasis added)” (Engels, 1973, 92-93). Achieving this goal requires a principle of distribution governed by the goal of satisfying human needs, not for the sake of ensuring *consistency* with any abstract metric of equality between people, but rather ensuring *sufficiency* for each to accomplish their projects. The argument is summed up in Marx’s aphorism defining the distributive principle of the fully developed socialist society (communism): “From each according to his abilities, to each according to his needs” (Marx, 1978, 531). There is thus abundant textual evidence to support the claim that Marx and Engels were willing to employ the idea of substantive equality as a mobilizing tool, but also that they consistently regarded the value of equality as more bourgeois than socialist, and not therefore the *fundamental* value upon which the justification and organization of socialist society would rest.

This textual evidence notwithstanding, the claim that Marx’s and Engels’ conception of socialism is *not* fundamentally egalitarian has proven controversial. Alan Wood, for example, reads the textual evidence as I do, concluding that Marx “regards ‘equality’ as a confusing and outmoded way of representing the goal of abolishing class distinctions ... [and he favours abolishing class distinctions] because he thinks it will lead to other things he values, such as increased human freedom, well-being, community, and individual development or self-actualisation” (Wood, 1981, 212). Yet this reading is rejected by critics like Kai Nielsen, who see no opposition between these goals listed by Wood and constantly asserted by Marx and a certain form of egalitarianism. For Nielsen, the deepest form of egalitarianism affirmed by Marx is what one might call moral egalitarianism and Nielsen calls fairness: “the demand that ...social structures be put in place designed to enhance the lives of *everyone* where it is taken to as a fundamental guiding principle that the life of each person count and count equally”(Nielsen, 1988, 294). In order to realize this principle, Nielsen goes on to argue, more equal distributions of wealth and resources than are possible under capitalism are necessary: “someone ... who thinks classlessness is important will think social equality is important. Unless we want to attribute a very extensive confusion to Marx and Engels, we cannot say that they valued classlessness and did not value equality as a goal” (Nielsen, 1988, 318).

Cohen, as I will now go on to argue, agrees with the general conclusion arrived at by Nielsen, regarding Marx’s critique of capitalism and the distributional principle of fully developed socialist society as egalitarianism. Yet, as the debate between Wood and Nielsen makes clear, there is much normative ambiguity in Marx, ambiguity which is bifurcated between Wood and Nielsen in their debate, but is internal to Cohen’s contribution, or so I will argue. In the next section I will examine Cohen’s understanding of the role of egalitarianism in a socialist society, but also bring out the ambiguity. In the

final section I will attempt to resolve that ambiguity by arguing for the superiority of the life-sufficiency principle of distribution implied in Marx, Engels, and I will show, Cohen as well.

II: Cohen: Egalitarianism and Socialism

Cohen knows the core texts of Marxism as well as anyone and so he is aware of the arguments that Marx levelled against egalitarianism. Nevertheless, Cohen persists in reading even the principle of fully developed socialism (communism) as an egalitarian principle. “The achievement of Marxist equality (from each according to his abilities, to each according to his needs) is premised on a conviction that industrial progress brings society to a condition of such fluent abundance that it is possible to supply what everyone needs for a richly fulfilling life” (Cohen, 1995, 10) Why does Cohen regard this as an egalitarian principle, when, at least on the surface, Marx and Engels did not. Cohen regards it as an egalitarian principle because, viewed from the standpoint not of what each consumes and utilises (which will differ) but what each is able to achieve, the principle valorises equal outcomes for all. In other words, the equality at work in Marx’s aphorism is general equality of condition leading to general equality of outcome and achievement: each is furnished with the resources each requires for the equally free development of their capacities. All are thus equally free to contribute to the social whole in the way each sees fit:

An overflowing abundance renders it unnecessary to *press* the talent of the naturally better endowed into the service of the poorly endowed for the sake of establishing equality of condition and it is therefore unnecessary to trench against or modify self-ownership, in order to achieve that equality. (Cohen, 1995, 122)

Cohen’s subsequent development of his own conception of equality results from his claims that the historical, social, and political conditions have changed so drastically that no one can any longer plausibly believe that a society that satisfies the conditions laid down in Marx’s aphorism is possible. Cohen’s more nuanced views on the role of equality in socialism emerge out of his re-assessment of political possibility. I will explicate that reassessment and then move on to unpack more carefully Cohen’s later views on equality in general and socialist equality in particular.

Cohen, as I noted, reads Marx’s aphorism as an egalitarian principle which is no longer of live practical value, because the assumptions upon which it rests, both technological and political, have been falsified. He argues that the predictions that Marx made about universal working class solidarity have been shown false and that his

assumptions about the power of technology to overcome natural scarcity have been refuted by the growing intensity of environmental crisis:

We cannot share Marx's optimism about material possibility, but we therefore also cannot share his pessimism about social possibility, if we wish to retain a socialist commitment. We cannot rely on technology to fix things for us: if they can be fixed, we have to fix them, through hard theoretical and political labour. (Cohen, 1995, 11)

In Cohen's view, Marx's social pessimism lay in his assumption that *only* absolute abundance could overcome the tendencies towards selfishness and conflict. Since the twentieth century has awoken to the ecological limits to absolute material abundance, this assumption of Marx's must be dropped.

Once socialists drop the utopian hope for absolute equality of freedom to pursue life-projects, they must confront a set of hard political and philosophical problems that the absolute abundance assumption allowed them to avoid. "We have to seek equality for a context of scarcity, and we consequently have to be far more clear ... about what we are seeking, and how it can be implemented, institutionally" (Cohen, 1995, 10-11). These arguments are found in the egalitarian liberal tradition, with which socialists must now come to terms, and from which they must learn. "An attempt to pursue a consistent egalitarianism in political philosophy will be found within the literature of contemporary liberalism, which Marxists must, accordingly, address" (Cohen, 1995, 160). It was as a result of this conclusion that he began to take the "equality of what" debate seriously, as a potential source for a realistic principle of socialist organization.

Cohen's first major contribution to this debate was the paper "On the Currency of Egalitarian Justice." Cohen develops his position through critical engagement with the arguments of Rawls, Sen, Dworkin, and Arneson. My interests here are confined to Cohen's own answer and its relevance to the general problem at issue: is equality the normative foundation of socialism? In general, Cohen concludes, a just society must ensure what he calls "equal access to advantage." The key contribution to the debate, as Cohen sees it, made by his argument is to make clear the importance of the distinction "between choice and luck in shaping peoples fates" (Cohen, 1989, 907). Where inequalities arise from real choices that people make and can be held accountable for, there is no moral problem. Where inequalities result from bad luck—for example, the class into which one has been born—there is a *social* responsibility to correct for these disadvantages. "The right reading of egalitarianism," Cohen argues, is the one whose "purpose is to eliminate *involuntary disadvantage*, by which I (stipulatively) mean disadvantage for which the sufferer cannot be held responsible, since it does not appropriately reflect choices that he has made or is making or would make." (Cohen, 1989, 916). Cohen regards equal access to advantage as a more demanding form of

equality than equality of primary goods (Rawls), capabilities (Sen), resources (Dworkin), or welfare (Arneson).

Cohen's entry into the 'equality of what debate' enabled him to pose and answer questions more or less foreign to the Marxist tradition: what role do tastes play in the production of inequalities, do inequalities that result from expensive tastes involve questions of justice, what is the difference between luck and choice, and, most generally and most importantly, what are the social conditions of responsibility for one's choices? Cohen does not directly consider the more particular question of what the significance of these arguments are for the understanding of the problem of the normative foundations of socialism (which remains in the background here even though that is the problem that motivated his turn towards the liberal debate). Nevertheless, its significance for addressing that problem is clear: if it is the case that socialists can no longer reasonably expect technological developments to simultaneously produce universal revolutionary consciousness and the material conditions that ensure a successful revolution, then they need a new idea of equality as their guiding norm. The idea of equality which is both appropriate to conditions of scarcity and best preserves the socialist project to which Cohen always remained committed is his conception of equal access to advantage, as the most thoroughgoing material equality of any of the alternatives on offer in the equality of what debate.

The connection between Cohen's intervention in the liberal equality of what debate and his abiding socialist commitments is made more clear in his systematic critique of Rawls in *Rescuing Justice and Equality*. The relevance of his argument for present purposes concerns the way in which Cohen exposes and calls into question the justice of the idea—which Rawls shares with neo-classical economics—that inequality is essential as motivation for those with capital to invest it in ways that better satisfy the interests of the worst off than available alternatives. “The persuasive power of this defence of inequality,” Cohen contends, “has helped to drive authentic egalitarianism, of an old-fashioned, uncompromising kind, out of contemporary political philosophy. The present essay is part of an attempt to bring it back in” (Cohen, 2008, 87). Cohen thus remains a critic of the capitalist assumptions underlying Rawls argument without having to fall back on the utopian assumptions of classical Marxism whose intrinsic problems led him into the equality of what debate in the first place.

However, Cohen's defence of “old-fashioned” egalitarianism in *Rescuing Justice and Equality* does not include a systematic explication of what a contemporary socialist alternative would require. Rather, its significance for a socialist alternative is primarily negative, in that it exposes the way in which traditional capitalist incentive structures are assumed by Rawls, even though he claims to be neutral with regard to the choice between capitalism and socialism (Cohen, 2008, p. 163). In order to understand the positive significance that equality has for socialism we must turn to a short text which turned out

to be Cohen's final contribution to the problem of the normative foundation of socialism: *Why Not Socialism?*

In *Why Not Socialism?* Cohen defends the desirability of socialism by employing an extended metaphor, a camping trip taken by a group of friends, in which each contributes in their own way to the satisfaction of the needs of the others and in turn is enabled to pursue those pursuits that most interest them. Some cook, some clean, some fish, some hike. In other words, in return for a contribution to the satisfaction of others needs, each is able to pursue their own goals—from each according to their abilities, to each according to their needs. The camping trip exemplifies, according to Cohen, “the socialist way, with collective property and planned mutual giving.” (Cohen, 2009, 10) He then further explicates the “socialist way” by articulating the two normative principles upon which it rests: a socialist equality principle and a principle of community.

The socialist equality principle is distinguished from both classical liberal equality and left-liberal equality in so far as it corrects for disadvantages “that arise out of native differences as a further source of injustice, beyond that imposed by unchosen social backgrounds” (Cohen, 2009, 17). Moreover, socialist equality of opportunity depends upon addressing the underlying structural causes of inequality of opportunity under capitalism: “Importantly, the removal of blocks to the opportunity of some people does not always leave the opportunities of the initially better placed intact ... I underline this point because it means that promoting equality of opportunity is not only an *equalizing*, but also a *redistributing* policy” (Cohen, 2009, 14) This last point makes Cohen's general egalitarian theory of equality of access to advantage politically concrete. One might thus think of the socialist principle of equality of opportunity as a species of the genus equality of access to advantage. It is what results when the general egalitarian principle is applied under conditions of class inequality, as the justification for the changes to the distribution of resources that capitalist class structure causes.

I agree—as any socialist would—that capitalism is marked by structural inequalities in “access to advantage.” These structural inequalities appear as radically unequal opportunities for life-experience and enjoyment of the people who inhabit opposite ends of the income scale. Socialism of any sort must therefore be concerned with and propose realizable means of addressing these inequalities. At the same time, I do not believe that even this exigent form of equality is *the* normative foundation of socialism, and I believe that Cohen's second principle, the principle of community, points us in the direction of why it is not.

Like any principle of equality, the socialist principle of equality of opportunity depends upon interpersonal comparisons in its determination of what is an acceptable and what is an unacceptable form of inequality:

Preferences across income and leisure are not in principle different from preferences across apples and oranges, and there can be no objection to

differences in people's benefits and burdens that reflect nothing but different preferences, *when*, (which is not always) *their satisfaction leads to a comparable aggregate enjoyment of life* (Cohen, 2009, 19).

The problem, from a socialist point of view, is that *as a principle of equality*, socialist equality of opportunity abstracts from the content of what counts as “enjoyment of life” for each and for all, and instead focuses on the problem of interpersonal comparisons relative to an abstract metric of equality. This comparison of concrete individuals according to an abstract standard is exactly that which caused Marx to *reject* equality as the normative foundation of socialism, because he always maintained, from his earliest philosophical work to his death, that socialism depended upon the ability of people to transcend the bourgeois perspective of invidious interpersonal comparison that any abstract metric of equality presupposes.

In Cohen's work this Marxist argument re-appears, although he does not see it as in tension with the socialist principle of equality. Nevertheless, if we think carefully about what his principle of community must presuppose about people and their relationships, a definite tension becomes evident. The principle of community maintains that “people care about, and, where necessary, care for, one another, and, too, care that they care about one another” (Cohen, 2009, 34-35). Principles of equality—even the principle of socialist equality of opportunity-- do not presuppose that people care that they care about one another, only that they have the same amount of something as everyone else according to whichever metric of equality is being employed. Assuming equality, they could, without violating the spirit or the letter of the principle, care nothing further about each other. But such indifference would contradict the principle of community, and make socialism as a systematic alternative to capitalism impossible.

Cohen explicitly links acceptance of the principle of community to a rejection of the forms of social relationship that define capitalist market society. The principle of community “is the anti-market principle according to which I serve you not because of what I can get in return by doing so, but because you need ... my service, and you, for the same reason, serve me” (Cohen, 2009, 39). In other words, the principle of community starts from the assumption that human beings are interdependent and cannot flourish as individuals save through cooperation and sharing of resources for the sake of ensuring our natural and social life-requirements are met. This assumption is distinct from the assumption of socialist equality, because, again, *equality* is a comparative term. It does not specify that which human beings *require* as natural and social beings in order to develop their capacities freely, nor does it establish any criteria or limits to the content of the capacities developed. But the principle of community, as his explication above implies, does: my capacities are to be realized in ways that satisfy others' needs in a virtuous circle of mutual self-development.

The virtuous circle of need-satisfaction and capacity realization contrasts systematically with the principles of capitalist society.

Within market society ... the choices of others massively confine each individual's pursuit of her own choices, but that fact is masked in market society, because, unlike what is true on the camping trip, in market society the unavoidable mutual dependence of human beings is not brought into consciousness, as a datum for formal and informal planning (Cohen, 2009, 48).

It is essential to note that the object of formal and informal planning is not who gets how much of what in comparison with others, but with whether what each does contributes to the satisfaction of the needs of all the others. In other words, the *raison d'être* of planning is to ensure that everyone's life-horizons are as wide as possible, by ensuring that the social forces generated by 'private' market decisions are constrained, not, in the first instance, by considerations of equality, but by considerations of shared need, of community, of care for the well-being of each and all.

III: Socialism, Life-Coherence, and Life-Sufficiency

Thus, the key tension in Cohen's work is between a principle of equality that relies on interpersonal comparisons and abstracts from the content of what people actually require and do, and a principle of equality which looks beyond interpersonal contrast to new relations of recognized interdependence and mutual need. What Cohen does not tell us is what in fact our fundamental needs are. In this silence he follows Marx, who, despite invoking the concept of need throughout his career never anywhere rigorously distinguishes it from the consumer demands his critique of capitalism ought to have led him to distinguish them from. In fact, in crucial places Marx out and out conflates needs with consumer demands, as when he argues, in "Wages, Price, and Profit," that a person remains content with a modest house that satisfies her need for shelter until her neighbour builds a "palace." The person in the modest dwelling then feels compelled to "need" a bigger house (Marx, 1973, 163; Noonan, 2006, 123). What the person feels, however, is not a fundamental need, if we define needs as objective and universal life-requirements, and objective and universal life-requirements as those resources, practices, relationships, and institutions which, if we are deprived of them, cause demonstrable harm to our lives and life-capacities (McMurtry, 1998, 164). The link between needs and capacities established in Marx's principle of fully developed socialism implies such a universal and objective definition of needs as life-requirements, but it is nowhere spelled out.

Cohen also does not spell out any rigorous distinction between needs as life-requirements and consumer desires—between the resources etc., that human beings require to live and freely flourish and the things etc., that capitalist consumer markets require us to purchase if it is to accumulate capital. Yet, the definition proposed here is not completely foreign to Cohen's work, but implied in his prescient ecological arguments against the implications for the natural worlds of the unlimited abundance Marx imagined fully developed socialism to entail:

the development of the productive forces runs up against a resource barrier. Technical knowledge has not stopped, and will not stop growing, but productive power, which is the capacity (all things considered) to transform nature into use-value, cannot expand *pari passu* with the growth of technical knowledge, because the planet earth rebels: its resources turn out not to be lavish enough for continuous growth" (Cohen, 1995, 7).

Thus socialism requires not unlimited abundance, but economic development governed by the principle of *life-coherence*, and not equal levels of consumption at ever higher levels, but consumption limited by the principle of *life-sufficiency*.

The principle of life-coherence is implied by Cohen's ecological critique of the utopian demand for unlimited growth. Against the demand for unlimited growth the principle of life-coherence claims that only such patterns of economic development and social appropriation of resources is materially rational that "consistently enables ecological and human life together" (McMurtry, 2011, 14). This contrasts both with the capitalist system-requirement for endless economic growth, which Cohen, as a socialist, opposes, and Marx's blind faith in the powers of productive force development, which Cohen, as a self-critical socialist, also opposes. The principled basis of that opposition is not fully explicated in Cohen's work. Nevertheless, the life-coherence principle clearly satisfies that which is implied but unstated: the idea that economic growth must be life-serving in order to be good, and it can only be *human* life-serving if it does not destroy the natural basis of *all* life on earth. Social institutions and individual choices are thus life-coherent when they preserve and improve the life-enabling and life-developing powers of natural and social fields of life and life- incoherent when they degrade the former or employ the later to serve the particular interests of a definite social group against the shared life-interests of all, including the privileged group.

The principle of life-coherence exposes another hidden danger of making equality the normative principle of socialism. Equality can be achieved by raising up or lowering down, *but in either case the term 'equality' itself can tell us nothing about whether production and distribution is either life-coherent or life-incoherent*. That is, there is no contradiction, from the standpoint of any principle of *equality*, in socio-economic systems which strive for social equality at such a level of material abundance that

impossible strains are placed on the natural environment. In order to see this problem the goal of equality must itself be grounded in the principle of life-coherence, for only if we view human society in the context of the global field of life-support do the limits to material abundance become clear. Once we begin to think of consumption not in capitalist terms, as an instrumental requirement of endless money-value growth, but in terms of what is actually required for a happy and fulfilling life, the problems of equality and inequality take on a different appearance, nicely captured by David Schweickart's question: "Would we be concerned about inequality if everyone in our society had enough?" (Schweickart, 2011, 94). My response is that no, we would not be (or, we would not any longer be ethically obligated to be concerned about it). Thus, if we rethink the goal of equality in a life-coherent way, we are led, I suggest, to a reformulation of the fundamental goal of socialism: not equality of opportunity in the abstract, but *life-sufficient* provision of that which is universally required in order for each to live as a happy, engaged, fully contributing social self-conscious agent to the communal whole. This claim raises the obvious question of what exactly is required if that goal is to be realized for each and all.

I have defended a tripartite set of fundamental human life-requirements in other works over the past five years (Noonan, 2008, 118-37; Noonan, 2008a, 31-55, Noonan, 2009, 377-393, Noonan, 2011, 117-134, Noonan, 2012, forthcoming.). These sets of life-requirements comprise the physical-organic requirements of biological life (including food, water, shelter, clothing, and health care), the socio-cultural requirements of human life as a social self-conscious agent, (including familial love and care, education, access to natural beauty and artistic creation, a sustainable economy which produces life-valuable goods and enables all which require meaningful and non-alienated work to find it, and democratic participation across major social institutions) and the temporal requirements of free human activity, (comprised of an experience of time as an open matrix of possibilities for action and requiring for its realization the release of as much life-time as possible from the demands of coercive external routines). The satisfaction of these life-requirements is not intrinsically but instrumentally valuable as the natural and social conditions for the free development of those sentient, cognitive, imaginative, and creative capacities that distinguish human life and make it good and worth living. These life-requirements are to be distinguished from both consumer demands (whose satisfaction has no life-value) and instrumental conditions for the successful realization of any project whatsoever. While the instrumental conditions for the successful realization of any projects are needs relative to that project, only those projects which have instrumental or intrinsic life-value deserve social support. Projects that are manifestly life-destructive have no legitimate claim on natural or social wealth. The principle of life-sufficiency does not mandate that everyone receive an equal share of each life-requirement satisfiers or equal resources to pursue their life-valuable projects, but sufficient life-requirement satisfiers to ensure their life and free agency, subject to the principle of life-coherence as

stated above. It is life-sufficient provision that can ensure the full developing everyone's social self-conscious agency in ways that contribute, as Cohen's principle of community demands, to the satisfaction of others' life-requirements and thus the development of their social self-conscious agency.

The principle of life-sufficient production and distribution thus implies intrinsic limits on the demands people make on natural and social resources. That does not mean that it mandates an ascetic life-style or subordinates individual happiness to reified conditions of environmental health. "Sufficiency" means sufficiency not just for mere biological life but human life, life as a socially self-conscious creative agent who is able and who enjoys contributing to the preservation of the natural system of life-support and the socio-cultural system of life-development. It re-grounds happiness from the illusory and all-too-ephemeral pleasures of the shopping mall to the activity of living as a unique, individual, creative member of complex communities. This form of life is, I believe, exactly the form of life that is demanded by Cohen's principle of community. Both envisage socialist society as a virtuous circle in which individuals' find meaning in their life as creative agents realizing their capacities in ways which serve the life-requirements of their fellow citizens, and are served in turn by them. There are innumerable particular ways in which this vocation can be lived: growing the food we need, building and fixing things our lives require, teaching, healing, caring for, cleaning, cooking, and reflecting upon and improving the existing ways of accomplishing these essential tasks. This virtuous circle is made the principle of social reality to the extent that social wealth is liberated from its form as private money-capital to become collectively controlled resources used to fund the institutions and practices that our lives as socially self-conscious agents require. Productivity gains, instead of being realized as higher profits and higher unemployment, are realized as more socially available time for free exploration and activity.

The principle of life-sufficiency is normatively more basic than even socialist equality of opportunity, since equality, socialist or otherwise, implies no intrinsic limits on that which people may demand, because equality is relative to an abstract metric, and it makes no demands on others or oneself, beyond holding oneself to levels of demand that do not exceed the abstract metric. "Life-sufficiency," by contrast, is objectively determinable by that which is required for life as a socially self-conscious contributing agent—water, not pop, attractive, well-made, and climate appropriate clothing for all, not *haute couture* for the few, love, care and friendship, not domination, instrumentalization, and violence, education and creativity, not the vapid distractions of capitalist consumer culture, and the experience of time as an open matrix of possibilities for action, not the external burdens of imposed routines devoid of intrinsically interesting activity. The contributions that each life makes to the creation of such a world are thus both intrinsically valuable, as the enjoyed expression of one's own capacities and talents, and

instrumentally valuable, as real contributions to the conditions of other people's good lives.

If we think the principle life-coherence and the principle of life-sufficiency together we arrive at what I regard as the deepest normative foundation for socialism. This foundation can be expressed in a revised version of Marx's famous aphorism: "from each according to his or her capacities to make life-valuable contributions to nature, society and others' individual lives, to each according to his or her real life-requirements for the sake of his or her own self-development." This fundamental principle is implied by Cohen's principle of community, because it is a principle that demands that individual action proceed from knowledge of mutual interdependence, not as a negative limit on what one can do as an individual, but as a positive enabling condition and the *raison d'être* of good action.

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Article

JAZZ BANDS, CAMPING TRIPS AND DECOMMODIFICATION: G. A. COHEN ON COMMUNITY¹

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Abstract

This paper studies G. A. Cohen's account of community, in the context of his forceful critique of (Rawlsian) liberalism. I begin by discussing the two general forms of Cohen's conception of community, justificatory community and communal reciprocity, contrasting them with Marx's. I argue, first, that Cohen offers a compelling critique of liberalism, which successfully brings to the fore a difficulty liberals have making sense of, indeed attaching value to, community. I then argue that Cohen's novel account of community is in deep and problematic tension with his own theory of justice. Finally, I try to show, against liberals of most persuasions, that the second form of fraternity, which warrants the diminution or eradication of fear and greed from human relationships, is incompatible with commodification, i.e. with markets for human labor power. I thus try to vindicate Cohen's view that 'every market, even a socialist market, is a system of predation'.

Resumé

Dans cet article j'étudie la conception de la fraternité dans l'œuvre de G.A. Cohen, dans le cadre de sa critique du libéralisme Rawlsien. Il y a deux formes générales de la fraternité chez Cohen: la "communauté justificative" et la "réciprocité communale". Je soutiens que Cohen offre une critique convaincante du libéralisme, en montrant que des libéraux ont du mal à donner du sens à la notion de la fraternité. Puis j'essaie de montrer que la notion même de la

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fraternité chez Cohen est en tension profonde avec sa propre théorie de justice. Enfin, je soutiens que la seconde forme de fraternité chez Cohen, qui justifie l'élimination de la peur et de l'avidité des relations humaines, est incompatible avec la marchandisation, autrement dit, la réciprocité communale est incompatible avec un marché du travail. Je donc essaie de faire valoir le point de vue de Cohen, selon lequel "tous les marchés, même un marché socialiste, sont des systèmes de prédation".

Keywords

community, difference principle, market socialism, equality, Rawls, Marxism

Mots clés

communauté; égalité; principe de différence, socialisme de marché, Rawls, Marxisme

Marx's philosophical trajectory began, as is well known, with a "humanist" critique of Hegel and the Young Hegelians (with whom Marx was originally associated), eventually developing into a "materialist" theory of society and history.³ G. A. Cohen's philosophical trajectory was, in many ways, the reverse of Marx's: from his early elaboration, and defense, of historical materialism in the 1970s and 80s, Cohen gradually moved towards normative political philosophy, which figures prominently in all his writings from the 1990s until his death in 2009.

This paper studies Cohen's later, humanist thought.⁴ In particular, it focuses on an important but neglected strand of his thought, his account of fraternity or community.⁵ Community is significant not only because it may have intrinsic value (see Wolff 1968), but also because it was, and remains, a significant point of difference between liberals and socialists, or, to the extent that liberals can be socialists, between liberals and communists. What I will try to do is offer a more unified account of Cohen's views on community than he himself provided. One reason why it is sometimes difficult to reconstruct Cohen's views into a unified set of theses has to do with the fact that most of his normative ideas are developed in the midst of polemic, and hence of immanent arguments. An argument is immanent, in my special sense, when it grants (some of) the opponent's premises and derives from them conclusions she cannot accept (without intuitive cost). This way of

³ For excellent recent discussion of Marx's early work see Leopold (2007) and Brudney (1998). By contrasting Marxian humanism and materialism I mean to assert no opposition between these two conceptual schemes, nor anything like an "epistemological break" in Marx's work. On these questions I remain agnostic for the purposes of this essay.

⁴A reevaluation of Cohen's defense of materialism is task of epic proportions that cannot be undertaken here. For an attempt to reconstruct Cohen's conception of socialism, see Vrousalis (2010).

⁵Since Cohen treats "community" and "fraternity" as synonymous, I shall follow him here and use them interchangeably.

doing philosophy⁶ is productive, but it is also piecemeal. If you are in the business of testing every brick, you understandably fail to examine the overall structure. The upshot is that any sort of reconstruction of Cohen's own views has to rely substantially on conjecture and speculation about their content and connections.

In the first section, I sketch some parallels between Marx's humanist thought and Cohen's normative political philosophy. In the second section, I outline Cohen's community critique of Rawlsian liberalism. In the third section I describe Cohen's take on the connections between Rawlsian liberalism and community. In the fourth section I discuss the tension that arises in Cohen's normative work between the values of justice and community and argue that it may well go deeper than he thought. And in the fifth and final section, I try to vindicate Cohen's view that "every market, even a socialist market, is a system of predation" (Cohen 2009, 82), by arguing that community, as he understood it, requires decommodification.

Marx and Cohen on Community

Marx's writings are replete with allusions to community, its forms in pre-capitalist society, its gradual dissolution under capitalism, and its culmination under communism.⁷ Moreover, the dissolution ushered in by capitalism is posited as necessary for moving beyond "feudal idiocy" and parochialism.⁸ As part of this process, large scale enclosures, privatization of the means of production and the separation of men from their means of subsistence (their "radical chains"), all conspire towards the establishment of a class-divided society based on a capitalist division of social labor. In that society, the dominant form of relationship between human beings is one of "mutual indifference". Marx does not deny that capitalism exhibits a certain form of reciprocity. Indeed, the market form of reciprocity is, he says, a "natural precondition of exchange" (Marx 1973, 244). But that is not the rich form of reciprocity Marx envisages for communism:⁹

[Market] reciprocity interests [the subject to an exchange] only in so far as it satisfies his interest to the exclusion of, without reference to, that of the other. That is, the common interest which appears as the motive of the whole is recognised as a fact by both sides; but, as such, it is not the motive, but rather it proceeds, as it were, behind the back of these self-reflected particular

⁶Cohen labels his intuitionist approach to doing philosophy, in which "individual judgments retain a certain sovereignty", the "Oxford", as opposed to the "Harvard", way (Cohen 2008, 3-4).

⁷ For Marx's characterization of community under communism, see, for example, Marx and Engels (1975, vol. 3, 293-306), Marx (1986, 32), Marx (1973, 'the Chapter on Money').

⁸ See, for example Marx and Engels (1975, vol. 12, 126). For an influential argument defending Marx's "dialectic of labor" along these lines, see Cohen (1974).

⁹ I am here grateful to Keat (1981).

interests, behind the back of one individual's interest in opposition to that of the other. (Marx 1973, 244)

The reciprocity congealed in exchange relationships is said by Marx to have an "abstract universality" (Marx and Engels 1975, 28, pp. 40-41). It is a vehicle for the creation, and satisfaction, of more and richer human needs, a process which releases humanity from the limited and parochial relationships of feudalism. The abstract universality of capitalist exchange relationships is transcended under communist production, where free cooperative labor forms the basis of "truly human" relationships, i.e. relationships in which "man's *need* has become a *human need*" and where, "the *other* person as a person has become for him a need." (Marx 1986) Crucially, Marx does not infer that communist social relationships will be dominated by altruism or love: "the individuals' consciousness of their mutual relations will, of course... no more be the 'principle of love' or *dévouement* than it will be egoism." (Marx and Engels 1975, 5, 439)

As we shall see in sections III and IV, Cohen's work in normative political philosophy echoes this tentative understanding of Marx's communist community. But first I want to discuss Cohen's characterization of Marxian communism. He pictures it as follows:

imagine a jazz band in which each player seeks his own fulfilment as a musician. Though basically interested in his own fulfilment, and not in that of the band as a whole, or of his fellow musicians taken severally, he nevertheless fulfils himself only to the extent that each of the others also does so, and the same holds for each of them. There are, additionally, some less talented people around who obtain high satisfaction not from playing but from listening, and their presence further enhances the fulfilment of the band's members. (Cohen 1995, 122)

Here's his explanation of the analogy:

[A]s I understand Marx's communism, it is a concert of mutually supporting self-fulfilments, in which no one takes promoting the fulfilment of others as any kind of obligation. I am not, of course, denying that each delights in the fulfilment of others. Unless they are crabby people, they probably do so. But no such delight is required: it is not something in the dimension of affect which is supposed to make communism possible. (Cohen 1995, 123)

The emphasis on free, spontaneous, cooperative activity, largely in the absence of categorical interpersonal obligations, makes the jazz band analogy particularly apt.¹⁰ In a “well-ordered” jazz band improvisation takes place such that all members realize to the full their capacities and talents: each band member leads, and is in turn led, by the others. The emphasis is therefore not on altruism or duty, but rather on the development of free individuality: “Each joins [the band] to fulfil himself, and not because he wants it to flourish for any independent reason.” (Cohen 1995, 137)

Now a question immediately arises: how is it possible that everyone can partake of this “concert of mutually supporting self-fulfilments” in a world where the “circumstances of justice”, i.e. non-unlimited abundance and non-unlimited altruism, obtain? How can Marxian communism, in other words, avoid the “struggle for necessities”, the concomitant “generalised want” and that “old filthy business” which characterizes class-divided societies (Marx and Engels 1975, 5, 48)? Cohen interprets Marx as saying that, under communism, the circumstances of justice no longer obtain:

[I]n Marx’s good society, productive resources are available, gratis, to all, but the individual remains effectively sovereign over himself... An overflowing abundance renders it unnecessary to press the talent of the naturally better endowed into the service of the poorly endowed for the sake of establishing equality of condition... (Cohen 1995, 122)¹¹

It is Marxian optimism about communist abundance that makes possible “truly human”, “mutual indifference”-transcending, relationships that Marx favors (in the absence of a massive change in human attitudes, which Marx disavows).¹² Cohen rejects this optimism about resource abundance (Cohen 1978, 207, Cohen 1995, 5-12, 118-131, 135). He argues that it must be replaced by “voluntary equality”, i.e. equality of condition motivated by widespread social and individual commitment to that value (see below).

¹⁰ It lends itself to an “Aristotelian”, rather than “Kantian”, reading of Marxian communism, where the former places emphasis on individual self-realization, and the latter on self-realization-independent moral obligation. To the extent that the Aristotelian reading of communism is too optimistic about material possibility, and therefore about the feasibility of the form of society it envisages, it must either be significantly revised, or wholly abandoned, in favour of the Kantian one. Cohen takes the Kantian route in his normative political philosophy.

¹¹ Cohen argues that a commitment to this sort of *Star Trek* superabundance also explains the “life’s prime want” passage in Marx’s *Critique of the Gotha Programme* (Marx 1986). See Cohen (1995, 124-127) and Cohen (1978, 204-207).

¹²“It was because he was so uncompromisingly pessimistic about the social consequences of anything less than limitless abundance that Marx needed to be so optimistic about the possibility of that abundance.” (Cohen 1995, 11)

Although Cohen rejects the jazz band conception of communism,¹³ he does take on board Marx's critique of the distinction between the *droits de l'homme* and the *droits du citoyen*:

Above all, we note the fact that the so-called rights of man, the *droits de l'homme* as distinct from the *droits du citoyen*, are nothing but the rights of a member of civil society – i.e., the rights of egoistic man, of man separated from other men and from the community... Only when the real, individual man re-absorbs in himself the abstract citizen, and as an individual human being has become a *species-being* in his everyday life, in his particular work, and in his particular situation, only when man has recognized and organized his 'own powers' as *social* powers, and, consequently, no longer separates social power from himself in the shape of *political* power, only then will human emancipation have been accomplished. (Marx and Engels 1975, 3, 168)

Marx's complaint entails that "political emancipation" preserves, indeed implies, the insulation of one area of life, civil society, from democratic accountability and control.¹⁴ As we shall see, Cohen gives a new expression to this complaint against liberalism through a comprehensive attack on its most prominent contemporary defender, John Rawls. Cohen's attack, if successful, afflicts not only liberals, but all defenders of markets.¹⁵

Community and Liberalism

Cohen came to political philosophy through a critique of Robert Nozick's political philosophy (see Cohen 1995). It was Nozick's work that "roused [him] from what had been [his] dogmatic socialist slumber." (Cohen 1995, 4) Having thus tread the path from historical materialism to normative political philosophy, Cohen inevitably had to face up to the massive edifice of Rawlsian liberalism.¹⁶

According to Rawls, the primary subject of social justice is the "basic structure" of society, a set of institutions including its constitution, legal system, the family, and so on.

¹³ He deems it necessary to note that, for Marx, community is "a *means* to the independently specified goal of the development of each person's powers." (Cohen 1995, 123, emphasis in original) To the extent that Cohen here ascribes to Marx an instrumental view of (the value of) community, Cohen's own account of community is at odds with this ascription. For, as we shall see, Cohen thought community to have intrinsic value.

¹⁴ See (Marx and Engels 1975, 3, 154) for Marx's distinction between the "communal" being of political community and the "profane" being of civil society.

¹⁵ I postpone the task of clarifying the term "market" for section IV.

¹⁶ For a telling passage explaining his enamourment to Rawls' moral philosophy, see Cohen (2008, 11).

Rawls argues that a “well-ordered” society must regulate its basic structure to conform with his two principles of justice, as they are derived from an “original position” of free and equal rational choosers.¹⁷ Rawls derives his favored principle of distribution, the so-called difference principle, by invoking the device of the original position. According to the difference principle “social and economic inequalities are to... be to the greatest benefit of the least advantaged members of society” (Rawls 1999, 72) Between 1992 and 2009, Cohen largely occupied himself with criticizing the conclusions Rawls draws from the device of the original position and, eventually, with attacking the “constructivist” reading of that position itself. (Cohen 2008, Feltham 2009) One of those conclusions was Rawls’ view that the difference principle represents a plausible

interpretation of the principle of fraternity... The difference principle... does seem to correspond to a natural meaning of fraternity: namely, to the idea of not wanting to have greater advantages unless this is to the benefit of others who are less well off... Those better circumstanced are willing to have their greater advantages only under a scheme in which this works out of the benefit of the less fortunate. (Rawls 1999, 90)

Cohen’s strategy consists in pointing out a series of central ambiguities in Rawls’ “basic structural” reading of the subject of justice, and in his understanding of community. Cohen’s argument has, roughly, two steps. He sets out by showing that there exist certain individual choices which fall under the purview of social justice and which Rawls cannot exclude, on pain of arbitrariness. He then argues that, were a case to be made that these individual choices manifest Rawlsian fraternity, then that fraternity would be too ‘thin’ to merit the name. If these two steps are successful, then Cohen will have shown that the most influential contemporary defence of liberalism is inadequate on at least one ground, that of community. The rest of this section discusses Cohen’s two steps.

The first step in Cohen’s argument involves an immanent critique of Rawls’ “basic structure restriction”.¹⁸ This critique is indispensable to Cohen’s project, for community applies irreducibly to relations between individuals, rather than relations between structures. Cohen confronts Rawls with a dilemma: either the basic structure, the “primary subject of justice”, does include personal behavior, or it does not. If it does not include personal behavior, then its specification is purely arbitrary. If it does include personal behavior, then it fails to exclude what Rawls (and other liberals) wish it to exclude, namely personal behavior. Let’s examine each horn of the dilemma more closely.

¹⁷For an introduction to Rawls’ work, see Pogge (2007).

¹⁸This critique was first published in a 1997 essay, entitled “Where the Action Is: On the Site of Distributive Justice”, reappearing as chapter 3 in Cohen (2008).

On the first horn, Rawls circumscribes his subject of justice by saying that it is only the major institutions of society that have a direct and profound bearing on the distribution of benefits and burdens among citizens. Thus it is only those institutions that come under the purview of justice. Cohen's argument is that there is nothing about personal behavior *within* major institutions to rule out the possibility of oppression, exploitation and injustice supervening on such behavior alone. So the basic structure of society must include more than these institutions. On the second horn of the dilemma, Rawls can put forward an expansive account of the basic structure, such that it includes personal behavior. But that, Cohen argues, makes him into:

a radical egalitarian socialist, whose outlook is very different from that of a liberal who holds that "deep inequalities" are "inevitable in the basic structure of any society". (Cohen 2008, 129)¹⁹

For Cohen, a "radical egalitarian socialist" is someone who believes that equality applies not only to structures, but also to individual behavior. Radical egalitarian socialists ought to support the feminist slogan "the personal is political" because they are radical socialists, and endow that slogan with egalitarian content (through what Cohen calls an "egalitarian ethos"), because they are egalitarians.

This completes the first step in Cohen's attempt to "out-Kant" Rawls: social justice does not exempt personal behavior from the demands of justification. The second step requires him to show that certain forms of personal behavior, which do call for justification, cannot meet the demands of a community worth its salt. The form of personal behavior that exercises Cohen is that of talented incentive-seekers. He argues that there exists no compelling "I-thou" Rawlsian justification that the talented can offer to the nontalented for benefiting from market-generated inequalities (such as: "the inequality between you and me was necessary to make you better off").²⁰ The inability of the talented to offer this sort of justification turns on an ambiguity as to what "necessity" consists in. Given the centrality of this *démarche* for Cohen's account of community, I propose to study it at some length.

In his Tanner lectures, entitled "Incentives, Inequality and Community",²¹ Cohen attacks Rawlsian liberalism for its tolerance of inequality (in the relevant metric). The attack takes two general forms. As in his basic structure critique, Cohen insists that, since

¹⁹The first horn of the dilemma has been defended by Joshua Cohen (2001) and the second horn by Estlund (1998). Cohen responds to both in Cohen (2008, 374-394). Andrew Williams is the only author I know who has argued that the dilemma is not exhaustive. See Cohen (2008, chapter 8) for a response to Williams.

²⁰ By "the talented" Cohen means all those "fortunate people" who are "so positioned that, happily, for them, they do command a high salary and they can vary their productivity according to exactly how high it is." (Cohen 2008, 120)

²¹ Reprinted as the first chapter of Cohen (2008).

justice judges personal behavior, and since the talented in Rawlsian society will get more than the nontalented, Rawlsian liberals are committed to “giving to those who have”. (Cohen 2008, 86)²² What, then, can justify the fact that the talented will fail, in a Rawlsian society, to contribute, say, the same amount of work at a higher rate of taxation for the benefit of the nontalented less well-off? According to Cohen, such behavior is normally unjust. “Normally” is of importance here: a refusal to work the same amount of hours at a higher tax rate (or more hours at the same tax rate) can be caused by an agent’s unwillingness to work longer hours, or by the practical impossibility of doing so without impugning one’s own life projects.²³ That is, sometimes the talented *can’t* produce the same at a higher tax rate, and that’s a perfect excuse, indeed a justification, for not so producing. But sometimes they *won’t* produce the same at a higher tax rate.

To the distinction between “can’t” and “won’t” there correspond, roughly, two readings of the difference principle. The *strict reading* of the difference principle “counts inequalities as necessary only when they are, strictly, necessary, that is, apart from people’s chosen intentions.” The *lax reading*, on the other hand, “countenances intention-relative necessities as well. So, for example, if an inequality is needed to make the badly off better off but only *given* that talented producers operate as self-interested market maximizers, then that inequality is endorsed by the lax, but not by the strict, reading of the difference principle.” (Cohen 2008, 69) If the lax difference principle entails “giving to those who have”, then we should favor the strict difference principle on *justice grounds*.

But Cohen also develops a (justice-independent) argument in favor of the strict difference principle, on *community grounds*. I discuss this presently.

Community against Liberalism

Cohen’s community-based argument for the strict difference principle goes as follows:

I believe that the idea that an inequality is justified if, through the familiar incentive mechanism, it benefits the badly off, is more problematic than Rawlsians suppose; that (at least) when the incentive consideration is isolated from all reference to desert and entitlement, it generates an argument for inequality that requires a model of society in breach of an elementary

²²Recall that the original impetus in favor of equality in the formulation of the difference principle issues from a belief that the unequalizing effect on distribution of “natural and social contingencies” is unjust. For “it permits distributive shares... arbitrary from a moral point of view.” (Rawls 1999, 63) To be talented is therefore to be privileged in the offending sense: it is to be so “positioned” or “gifted” as to (be able to) reap a higher “distributive share” in a “morally arbitrary” way.

²³ Cohen accepts an “agent-centered prerogative” of individuals to “pursue self-interest to a reasonable extent.” (Cohen 2008, 61)

condition of community. The difference principle can be used to justify paying incentives that induce inequalities only when the attitude of talented people runs counter to the spirit of the difference principle itself: they would not need special incentives if they were themselves unambivalently committed to the principle. Accordingly, they must be thought of as outside community upholding the principle when it is used to justify incentive payments to them. (Cohen 2008, 32)

Cohen's conception of community takes as its point of departure the *interpersonal test*:

This tests how robust a policy argument is by subjecting it to variation with respect to who is speaking and/or who is listening when the argument is presented. The test asks whether the argument could serve as a justification of a mooted policy when uttered by any member of society to any other member. (Cohen 2008, 42)²⁴

The interpersonal test in turn furnishes a necessary condition²⁵ for what Cohen calls *justificatory community*:

A justificatory community is a set of people among whom there prevails a norm (which need not always be satisfied) of comprehensive justification. If what certain people are disposed to do when a policy is in force is part of the justification of that policy, it is considered appropriate to ask them to justify the relevant behaviour, and it detracts from justificatory community when they cannot do so. It follows that an argument for a policy satisfies the requirement of justificatory community, with respect to the people it mentions, only if it passes the interpersonal test. (Cohen 2008, 42-3)

Justificatory community is then said to “contribute to”, or be “indicative of”, community *tout court*, a moral notion Cohen compares to friendship (Cohen 2008, 43). In effect, justificatory community restricts the class of admissible inequality-types to those that pass the interpersonal test. Moreover, Cohen claims that this class rules out lax specifications of the difference principle. A well-ordered society must therefore affirm

²⁴There are two readings of this test. On the *metaethical* reading, it expresses an intrinsic property of all moral claims as second-personal (Anderson 2010). On the *ethical* reading, it expresses a substantive moral requirement. According to the ethical reading, if P is patently motivated by, say, vileness, and/or has committed vile acts, then P cannot (always) justifiably or excusably condemn others of vileness, even if what P says is substantively true. See Cohen (2006a) for discussion of the substantive reading.

²⁵ Though not sufficient: see the “Martian” passage in Cohen (2008, 44).

and practice the strict difference principle, thereby enforcing (some measure of) his egalitarian ethos. Here's Cohen's poignant challenge to Rawls:

Two brothers, A and B, are at benefit levels 6 and 5, respectively, in New York, where they live. If they moved to Chicago, their levels would rise to 10 and 5.1, respectively. If they moved to Boston, they would rise to 8 and 7. Is fraternity, as Rawls means to characterize it, consistent with A proposing that they move to Chicago? If so, it is a thin thing. Or is Rawlsian fraternity strictly maximinizing? (Cohen 2008, 78)²⁶

Why is Rawlsian fraternity a "thin thing", unless 'strictly maximinizing'? In response to this question, Cohen defends an analogy between a kidnapper and a talented egoist. He asks us to imagine a kidnapper directly addressing an ultimatum to the kidnapped child's parents:

Children should be with their parents.
Unless you pay me, I shall not return your child.
So you should pay me (Cohen 2008, 39)

The justification given by Rawls for paying higher salaries to the talented is analogous in structure:

Economic inequalities are justified when they make the worst off people materially better off. (Major premise)
When the top marginal rate is 40 percent, (a) the talented rich produce more than they do when it is 60 percent, and (b) the worst-off are, as a result, materially better off. (Minor premise)
Therefore, the top tax should not be raised above 40 percent to 60 percent.
(Cohen 2008, 34)

Cohen claims that there is a strong affinity between the two arguments.²⁷ To see this, all we have to do is imagine the latter argument articulated by the talented and addressed directly to the worse-off nontalented. If we do that, we will observe that both the kidnapper and the talented egoist *make* the minor premise true. That is, the kidnapper

²⁶"Poignant," because Rawls evokes the image of the family to explain how community is related to the difference principle.

²⁷ He grants, of course, that the behaviour of the kidnapper and the behaviour of the talented egoist are disanalogous in many respects (Cohen 2008, 41). But there is one respect, he thinks, in which they are analogous, namely in encroaching upon justice and community.

makes it true that, if he does not get the money, he will not return the child. Likewise, the talented who insist on high salaries or profits make it true that, if they do not get the high reward, they will work less hard, to the detriment of the worse-off. The kidnapper's conditional violates community because it fails the interpersonal test: his illocutionary acts place him beyond the pale of an embarrassment-free dialogical relationship with the child's parents. (Cohen 2008, 41-46) If the analogy with the talented is valid, and if non-thin community requires justificatory community, as Cohen claims, then the posture of the talented is unacceptable on community grounds.

I have, so far, tried to sketch Cohen's two-pronged attack against Rawlsian liberalism in the context of a broader argument for an egalitarian ethos (strictly speaking, for an intention-inclusive subject of justice). On the first prong, Cohen advances intention-inclusion on justice grounds: allowing the talented to be better off than the less talented is "giving to those who have". On the second prong, Cohen advances intention-inclusion on community grounds, by arguing that in Rawlsian society the dialogical relationship between the talented and the untalented can never be embarrassment-free.²⁸ How are these two grounds in favor of the egalitarian ethos related? I address this question presently.

Community and (or against?) Justice

Cohen's normative political philosophy manifests a deep ambivalence as to the connection, and indeed the compossibility, between justice (roughly: equality)²⁹ and community (roughly: justificatory community). Consider, first, Cohen's characterization of the kidnapper:

although what is (mainly) bad about the kidnapper is not his voicing the argument, but his making its minor premise true, he should still be ashamed to voice the argument, just because he makes that premise true. The fact that in some cases he would do further ill not to voice the argument does not falsify the claim that in all cases he reveals himself to be ghastly when he does voice it. (Cohen 2008, 40)

²⁸Of all the discussions of Cohen's critique of incentives I know, only Richard Miller (2010) has noticed that the justice grounds and the community grounds for intention-inclusion constitute distinct arguments. The reason why many commentators fail to distinguish between them is that Cohen himself is ambiguous as to the exact relationship between justice and community.

²⁹Cohen did not accept the difference principle as the best conception of (distributive) justice. He defended an alternative theory that came to be called *luck egalitarianism* (Cohen 1989, 2004). Luck egalitarianism is founded on the intuition that it is morally bad, because unfair, if A is worse off than B through no fault or choice of A's own.

This paragraph implicitly distinguishes between *makings* (of the minor premise true) and *voicings* (of the conditional ransom demand). The supervening dialogical relationship between parent and kidnapper clearly puts the kidnapper beyond the pale of community. But the passage does not make sufficiently clear whether the making is a necessary condition for the voicing being bad, or indeed whether the making is a necessary condition for the justifiability or aptness of feeling shame. In other words, we are not told whether injustice is a necessary condition for lack of community. Granting that both the kidnapper and the talented egoist do injustice, it does not follow that injustice is necessary for lack of community. Cohen's examples do, however, seem to gesture in this direction, for they furnish a plausible *explanation* as to why the voicings are wrong. Cohen makes his ambivalence explicit in a short book published a month after his death, entitled *Why not Socialism?* (Cohen 2009).

I am rich, you are poor, because of regrettable bad choices... and not therefore because of lack of equality of opportunity. You have to ride the crowded bus every day, whereas I pass you by in my comfortable car. One day, however, I must take the bus, because my wife needs the car. I can reasonably complain about that to a fellow car-driver, but not to you. I can't say to you: "It's awful that I have to take the bus today." There's a lack of community between us of just the sort that naturally obtains between me and the fellow car driver... I believe that certain inequalities that cannot be forbidden in the name of socialist equality of opportunity should nevertheless be forbidden in the name of community. But is it an *injustice to forbid the transactions that generate* those inequalities? Do the relevant prohibitions merely define the terms within which justice will operate, or do they sometimes (justifiably?) contradict justice? I do not know the answer to that question (Cohen 2009, 35-6, emphasis added, see also Cohen 1989).

Cohen is here asking not whether justice (sometimes) conflicts with community. Rather the question is: *given* that –Cohen's conception of– distributive justice will sometimes produce conflicts between the realization of that justice and the realization of community,³⁰ is it unjust to forbid the transaction-types that generate this conflict? The example Cohen gives is of a lottery, in which all can (freely) enter, starting from a state of equality. The lottery generates massive inequalities of condition, which are inapposite to embarrassment-free dialogical relationships: "even though there is no injustice here, your

³⁰Cohen refers explicitly to a "trade-off between fraternity and fairness" in Cohen (2006b, 443). Anderson (2010, 5-6) is, however, mistaken in her judgment that Cohen's fraternity critique of incentives requires a luck egalitarian premise, i.e. a premise embodying Cohen's *own* theory of fairness. For that critique is immanent, i.e. goes through even on the assumption that justice requires some sort of difference principle.

luck cuts you off from our common life, and the ideal of community condemns that, and therefore also condemns the running of any such lottery.” (Cohen 2009, 38)

The putative conflict runs yet deeper than Cohen envisages. Let’s assume, plausibly, that the idea of community at work in the passage above is, or partakes of, justificatory community.³¹ Cohen’s rationale for introducing this particular account of community is that not doing so permits too much inequality (and perhaps that community has intrinsic value). Now, both the talented egoist case and the bus case involve too much inequality. Of course the former case is unlike the latter, in that the talented egoist is, by assumption, benefiting from injustice, whereas the car driver on the bus is not. But both cases are said to involve transgressions of community. Why, then, dismiss the theory of justice that endorses incentive-seeking, but retain the theory of justice that endorses inequality in car-ownership? In other words, if justificatory community suffices to defeat Rawlsian justice, because that justice supports community-diminishing inequality, why does it not *also* suffice to defeat Cohenite justice, instead of (merely) making that justice “contradict” community? Cohen’s argument against Rawls seems to afflict his own account, like a fox that bites its own tail. Cohen can respond in two ways. He can say that the form of community tentatively broached in *Why not Socialism?* does not imply justificatory community. Alternatively, he can insist that his original, anti-Rawls argument was purely immanent, and he himself does not accept justificatory community. Both responses purchase consistency at the cost of emptiness, for each leaves us in the dark as to what Cohen actually thinks about community.³²

I now want to argue that a certain division of moral labour underlies Cohen’s commitments to justice and community, such that justice is concerned primarily with outcomes, whereas community is concerned primarily with individual motivation. With respect to the role of the egalitarian ethos for justice, Cohen writes:

Under abnormal conditions, justice might be consistent with *universal self-interested maximising*: if, for example, talents and utility functions are identical, then initial equality of tangible assets might be considered sufficient for justice. (Cohen 2008, 73, emphasis added)

It follows that, in the possible world in which self-interested maximizers get universal equality, justice is fully done. It is, of course, very unlikely that this possible world will become actual, but the modal claim shows that Cohen is a *consequentialist*

³¹ There is strong textual evidence that Cohen views the lack of justificatory togetherness in the bus case and the incentives case as relevantly similar (compare Cohen (2008, 45) and Cohen (2009, 36))

³²In light of all these difficulties, perhaps Cohen is better off giving up luck egalitarianism –his own theory of justice. Cohen was, in fact, flirting with rejecting, or at least significantly revising, luck egalitarianism towards the end of his life. See Cohen (2011, 124-147) for Cohen’s doubts about his own view and Vrousalis (forthcoming) for an argument that these doubts were well-founded.

about justice. Consequentialism about justice asserts that justice evaluates only states of the world, viz. distributions, independently of the motivation or standing of the agents that bring them about.³³ That Cohen asserts consequentialism about justice can be more clearly corroborated from a passage that discusses James Meade's social-democratic model:

Suppose that all citizens have the same tastes and talents, or at any rate that no differences among their tastes and talents would prevent an initial state-enforced equality of resources from reproducing itself under subsequent market-maximizing behaviour. Here the Meadian prescription [of people acting altruistically at the ballot box, but selfishly in their everyday lives] would be sound, from a purely egalitarian point of view (*as opposed to from the point of view of an egalitarianism enriched by a principle of community*). But the required conditions will never obtain. Selfish market behaviour will induce inequality of reward, and state intervention could mitigate but not (consistently with efficiency) reverse that tendency. (Cohen 2008, 175, emphasis added)

Since the Meadian prescription is "sound", consequentialism about justice is true. But the same passage confirms that Cohen *rejects* consequentialism about *community*. For the italicized fragment implies that "the principle of community" judges more than person-independent states of the world.³⁴

Cohen's "somewhat concocted" notion of justificatory community is very promising, but turns out to be in tension with his own theory of justice.³⁵ I now want to discuss yet another important notion in Cohen's normative thought, that of communal reciprocity.

Fear, Greed and Commodification

Cohen holds that markets (in a sense to be made clear presently) are inapposite to justice and community. He argues this on justice grounds in his two essays on luck egalitarianism (Cohen 1989, 2004), but I believe his normative political philosophy has to

³³ Consequentialism seems to be at odds with Cohen's claim that "justice in citizens was put, above, as a necessary condition of a just society." (Cohen 2008, 129) I believe much emphasis needs to be placed on "was put", since Cohen's argument, in this context, is purely immanent.

³⁴For further discussion of the significance of motivation, see Cohen's discussion of kidney donation and prostitution, where the "the wanted thing is yielded for the wrong reason". (Cohen 2008, 223-5)

³⁵ He also does not say what the relevant class of actions falling under justificatory community is. Cohen's argument against the basic structure restriction entails that this class is much broader than liberals are inclined to think, but we are left in the dark as to how much broader.

be read in light of this belief.³⁶ Cohen (2009) develops an anti-market argument on grounds of community by enlisting two “modes of communal caring”.³⁷ The “first mode” is something like justificatory community, and is illustrated by the bus case (see p. 14 above). The “second mode”, dubbed “communal reciprocity” is:

...the antimarket principle according to which I serve you not because of what I can get in return by doing so but because you need or want my service, and you, for the same reason, serve me. Communal reciprocity is not the same thing as market reciprocity, since the market motivates productive contribution not on the basis of commitment to one’s fellow human beings and a desire to serve them while being served *by* them, but on the basis of cash reward. The immediate motive to productive activity in a market society is (not always but) typically some mixture of greed and fear, in proportions that vary with the details of a person’s market position and personal character... the market posture is greedy and fearful in that one’s opposite-number marketers are predominantly seen as possible sources of enrichment, and as threats to one’s success. (Cohen 2009, 38-41)

Why not Socialism? is full of passages reminiscent of Marx’s critique of market society: the “abstract”, but “selfish” form of market reciprocity, the alienation of producer from consumer and product, the semblance of independence “founded on dependence”, and so on. By contrast, in a society where human relationships are regulated by communal reciprocity, people can properly be said to constitute each other’s need, and the emphasis is not just on how they *fare*, but also on how they approach and treat one another. Fear and greed thus cease to be the dominant motives in their everyday lives and are replaced by dialogically acceptable mutual concern.

Liberals (of Rawlsian and non-Rawlsian persuasions) object to this identification of market motivation with motivation by fear and greed. Jeremy Shearmur, for example, discusses “mixed motive” systems in connection with the market for blood, adding that “there seems to be no special reason to insist on austere altruistic motives here” (Shearmur 2003, 264-5). Drawing upon Andrew Carnegie’s life, Hillel Steiner also argues that neither fear, nor greed are necessary elements “in the motivational explanation of market behaviour.” (Steiner forthcoming, 9)

The liberal objection confuses different senses of the term “market”. As I understand that term, there are two kinds of markets. The first kind is innocuous, the second is devilish. An innocuous market system is what may be called *small-scale commodity production*: a network of markets, where people bring their privately owned

³⁶ I argue this in Vrousalis (2010).

³⁷ Cohen does not say how these two modes are related or, indeed, whether they are consistent.

wares for trade, to the exclusion of a labour market.³⁸ Injustice or lack of community may supervene under small-scale commodity production, but that social formation is not intrinsically unjust or unfraternal, and can be regulated to produce both justice and community. A non-innocuous market system is what Marxists call *generalized commodity production*: a network of markets, where people bring their privately owned wares for trade, and which includes a labour market. Indeed, what distinguishes capitalist from pre-capitalist modes of production is that, under the former, and unlike the latter, capital has invaded the sphere of production, and turned labour power into a commodity.³⁹

I maintain that the distinction between different forms of commodification sheds light on Cohen's remarks about community, and therefore on his opposition to the sort of "handling" that capitalism (regulated or not) generates:

The capitalist market does not, of course, require people to handle people roughly, but... the market does require people to *handle* people, to manage them, in a particular sense. Business is, among other things, people treating people according to a market norm –the norm that says they are to be dispensed with if they cannot produce at a rate which satisfies market demand... Business turns human producers into commodities. (Cohen 2000, 181)

The distinction shows, I think, how wrongheaded the liberal "mixed motives" response is. The capitalist market, *qua* generalized commodity production, by definition involves treating humans like commodities. Moreover, commodification must perforce institutionalize fear and greed, for otherwise it cannot perform its functional role. It institutionalizes fear because the owner of labour power (who does not own means of production) will always be under (the threat of) unemployment, poverty, alienation, misery, and so on.⁴⁰ It institutionalizes greed because no owner of the means of production can maximize his profit without maximally exploiting (in both the ethically neutral, and the non-neutral, sense) his workers. To be sure, not all market relationships constitute institutionalizations of instrumental treatment of others, as small-scale commodity relations demonstrate (e.g. my relation to the local grocer). Furthermore, no moral complications need arise with commodification if I get my wealthy neighbour's child to help me move my sofa in return for some pocket money. Commodification is

³⁸ This is, roughly, what Marxists (not Marx) call 'simple commodity production'.

³⁹What distinguishes capitalism from pre-capitalism is therefore neither private property, nor the profit motive, nor the existence of capital: all of the above pre-date capitalism and are necessary, but not sufficient for capitalist production. It is the generalization of commodity production that completes the set of sufficient conditions.

⁴⁰ For a more dramatic description of the evils of commodification, see Marx (1992, 799)

objectionable if and when it embodies or implies some sort of domination, i.e. the instrumental treatment of others through power over them.⁴¹

A rough and ready liberal response to this argument may grant that capitalists, *qua* capitalists, must behave with greed, and that workers, *qua* workers, must behave with fear under the structural constraints capitalism imposes. But one may then respond that there exist systems of *market socialism* that very nearly eliminate the suspect forms of motivation, or render them morally negligible. One such form of market socialism has been defended by Joseph Carens. Cohen was sympathetic to the Carensian model, which he called the “Platonic ideal of market socialism.” (Cohen 1995, 264) Here’s his characterization of that ideal:

Carens described a society in which what looks like a standard capitalist market organizes economic activity, but the tax system cancels the disqualifying results of that market by redistributing income to complete equality. There are (pretax) profit-seeking capitalists, and workers who own no capital, *but* people acknowledge an obligation to serve others, and the extent to which they discharge that obligation is measured by how close their pretax income is to what would be in the most remunerative (and therefore, on standard assumptions, the most socially contributing) activity available to them, which taxation effects a fully egalitarian posttax distribution of income. Here, then, producers aim, in an immediate sense, at cash results, but they do not keep (or otherwise benefit from) the money that accrues, and they seek it out of a desire to contribute to society: a market mechanism is used to solve the social technology problem, in the service of equality and community. (Cohen 2009, 63-64)

The Carensian ideal is “Platonic” because, unlike other forms of market socialism, it makes sufficient space for eliminating objectionable inequality in both alienable and inalienable resources.⁴² But even if superior to other forms of market socialism, it is still

⁴¹ I discuss this, and related questions, in “Why Marxists Should be Interested in Exploitation”, which is available from me upon request.

⁴² Important models of market socialism have recently been drawn up by Roemer (1994) and Schweickart (1996). Both Roemerian socialism, which equalizes individual shares to the means of production, and Schweickartian socialism, which gives all members of workers’ cooperatives an equal say over the management of the means of production imply (more or less) equalization of *alienable* resources. But what happens if, say, the more talented members of a cooperative down the road consistently make more money than others? Schweickart, unlike Cohen (and unlike Roemer), takes the resulting inequality to be not unjust. Yet the resulting inequality of resources and power is hardly congenial to Schweickartian economic democracy. Carensian market socialism can address that form of inequality and is, in that respect, more attractive.

inferior to a system of “planned mutual giving” (Cohen 2009, 10), such as the planned giving of a “well-ordered” camping trip. The reason some inferiority remains even under Carensian socialism is that it fails to meet Cohen’s standard of communal reciprocity. To see this, consider what Carens requires of the typical capitalist: in the morning he goes to work, and treats others exclusively as sources of enrichment, fires and hires them, and so on. The typical worker, on the other hand, views the capitalist, and his fellow workers, as constant threats to his own autonomy and self-respect.⁴³ In the afternoon the capitalist and the worker join hands, and return home together to enjoy their high –and equal– levels of material wealth. In the afternoon they “storm heaven”, but in the morning they must reluctantly take their chances in a profane world. The scent of bourgeois schizophrenia is in the air.⁴⁴

But what’s wrong with schizophrenia?⁴⁵ I say nothing about schizophrenia in general, but the bourgeois schizophrenia defended by market socialists is morally problematic, or, at least, it must be for someone (like Cohen), who affirms the value of community. For the relevant analogy is surely with someone who kidnaps your child in the morning and returns it (with some added benefit) in the afternoon. Market socialism, even Carensian market socialism, is generalized, self-reproducing kidnapping, in the sense that both the victims of kidnapping and the victims of the market (in the non-innocuous sense of “market”) are dominated: only a handful of workers are ever given a reasonable exit option from the sort of institutionalized relationship that breeds fear and/or greed, in which their lives are embedded are reproduced.⁴⁶

To be sure, under Carensian socialism, market domination results in substantial net benefits for the receivers of post-tax redistribution (whereas in the case of kidnapping the domination typically results in net harm for parents and child).⁴⁷ But this does not detract from the inherently objectionable features of the relationship in which market agents are embedded, at least during their working lives, including the tendency of this relationship to generate yet another “nursery for those vices of character” which include servility and

⁴³ He proceeds cautiously, ‘timid and holding back, like one who is bringing his own hide to market and has nothing to expect but –a tanning.’ (Marx 1992, 280) Threats to one’s self-respect survive even if he is guaranteed to *earn* as much as others do, or indeed to *fare* as well as they do.

⁴⁴ Interestingly, one of Hayek’s (1944) arguments for capitalism is the *depoliticization* it effects, i.e. its distancing of politics from the economy. This feature is, in turn, said to “protect” democracy. For a rebuttal of Hayek, see Schweickart (1996, 206-224).

⁴⁵ This question was put to me by Hillel Steiner in the course of my presentation of this objection.

⁴⁶ “The market, one might say, is a casino from which it is difficult to escape...” (Cohen 2009, 33) The casino, we may add, is situated on a large boat and enforces a strict policy of fear and greed. Those who fail to wear fear and greed on their face during their gambling endeavours are summarily thrown out to sea.

⁴⁷ Market domination is not a form of agent-less domination (whatever *that* is): if the market dominates, then some agents are *eo ipso* dominating others.

greed.⁴⁸ Since communal reciprocity by definition rules out these “vices of character” and the structures that generate them, Carensian socialism is inconsistent with communal reciprocity.

Let me summarize the argument of this section. Cohen thought communal reciprocity to be a value of “supreme” importance. He also held that value to be inconsistent with standard market motivations, such as fear and greed. Liberals counter his criticism by arguing that markets are consistent with “mixed motives”, which need not involve fear and greed (or, at any rate, their morally suspect forms). To this I have responded, on Cohen’s behalf, that whatever motives people happen to (want to) have, once we properly disambiguate the term “market” we will come to see why the capitalist market has an intrinsic tendency to generate fear and greed. The liberal rejoinder says that elimination or minimization of fear and greed is possible under a system of market socialism (e.g. resembling Carens’ model). To this I have replied that even such a system will fail to meet Cohen’s standards of communal reciprocity, since (Carensian) market socialism upholds the liberal distinction between “earthly” and “heavenly” aspects of the social world, in a way that imposes forms of domination on (a part of) peoples’ lives. I conclude that full realization of communal reciprocity requires the abolition of such relationships. It requires, in a nutshell, the decommodification of human labour power: decommodification is necessary for community.⁴⁹ I do not, of course, pretend that this is exactly what Cohen thought. All I have said is that communal reciprocity sets high standards, that these standards can’t possibly be met when people are treated as commodities (not even for eight hours a day), that all market-based societies (whether capitalist or market socialist) thus fail to embrace those standards, and that Cohen never balked at this conclusion. Indeed, he wholeheartedly embraced it.

This essay has sketched and critically assessed Cohen’s account of community. His work can, I think, shed fresh light on this neglected, but very important, value. The distinctive moral significance of socialism, and its capacity to represent itself as distinct from liberal egalitarianism, may yet hinge upon the understanding and prominence socialists attach to that value.

⁴⁸ I am paraphrasing Mill (1869, 66), who is here describing the relation of “superiors to dependents” in the context of the traditional family. His description nevertheless applies as much to ancient slavery, as to the contemporary wage relation.

⁴⁹ Cohen dismissed the view that decommodification is *sufficient* for communal reciprocity. Section IV of *Why not Socialism?* is devoted to the question whether it would be possible, using a form of social technology morally superior to that of the market, to produce a reasonably efficient and egalitarian economy on the basis of communal reciprocity. His answer is that we do not know whether such a technology will ever be forthcoming, which has the -only slightly encouraging- consequence that it is false that we now know that such a technology will never be forthcoming. And, because “every market, even a socialist market, is a system of predation”, it follows that we should not give up on “our attempt to go beyond predation” (Cohen 2009, 82).

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Research Note

CONCEPTS, CONCEPTIONS, AND PRINCIPLES OF JUSTICE

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Abstract

G.A. Cohen argues that Rawlsian constructivism mistakenly conflates principles of justice with optimal rules of regulation, a confusion that arises out of how Rawls has us think about justice. I use the concepts/conceptions distinction to argue that while citizens may reasonably disagree about the substance and demands of justice, some principled convergence may be possible: we can agree upon regulative principles consistent with justice, as each of us understands it. Rawlsian constructivism helps us find that principled convergence, and this too is a conception of justice.

Résumé

G.A. Cohen pense que le constructivisme confond les principes de justice avec les règles de régulation optimale, une confusion qui découle de la manière dont Rawls pense la justice. En utilisant la distinction entre les concepts et les conceptions, j'affirme que, bien que les citoyens puissent

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Je suis professeur de sciences politiques à l'Université Wilfrid Laurier, avec des intérêts dans les théories de la justice, la théorie du choix rationnel, et les questions morales dans la gouvernance urbaine et mondiale. Je remercie trois examinateurs pour leurs suggestions très utiles, et je suis reconnaissant à Jan Narveson, Colin Macleod, et les autres participants à l'atelier en mémoire de G.A. Cohen organisé par la Société d'études socialistes en mai 2010, à l'Université Concordia à Montréal. J'ai rencontré Jerry Cohen seulement deux fois, mais dans ces brèves conversations j'ai été ému par sa générosité et son perspicacité. En regardant en arrière sur ces échanges éphémères, j'imagine bien qu'il a dû être un extraordinaire professeur et collègue, et à quel point il va nous manquer.

raisonnablement contester la substance et les exigences de la justice, un accord de principe est possible: nous pouvons convenir de principes régulateurs compatibles avec la justice, comme chacun de nous la comprend. Le constructivisme Rawlsien nous aide à trouver cet accord de principe, et cela aussi est une conception de la justice.

Keywords

Rawls, G.A. Cohen, constructivism, justice, justification

Mots Clés

le constructivisme; G.A. Cohen; la justice; la justification; Rawls

G.A. Cohen's central complaint against Rawlsian constructivism is that it mistakenly conflates principles of justice with optimal rules of regulation, and this confusion arises out of the way Rawls has us reason about justice. I argue that this criticism is avoided on a different understanding of Rawls's aims.

Early in *A Theory of Justice*, Rawls notes the distinction between concepts and conceptions of justice, pointing out that while we might agree on the broad contours of a *concept* of justice, we can still reasonably disagree about the precise substance and particular demands of justice—that is, our favoured *conception* of justice. We can take this point further: reasonable people may disagree not only about conceptions of justice, but also over the concept of justice itself. Yet in both cases – divergent conceptions, and deeper disagreement about concepts – some principled convergence may be possible, where we can agree upon regulative principles broadly (or at least sufficiently) consistent with justice, as each of us understands it. Rawlsian constructivism helps us find that principled convergence, and this too is a conception of justice: justice is fairness not only with respect to basic rights and distributional considerations, but also with respect to the relationships between our concepts and conceptions, on the one hand, and the authoritative principles of justice that bind us, on the other.

I will begin with a brief account of the central features of Rawlsian constructivism. I'll then detail Cohen's complaint, and conclude by showing how my interpretation, which emphasizes the concept/conception distinction in *A Theory of Justice*, rescues Rawlsian constructivism from at least this line of criticism.

Rawlsian Constructivism

Rawls insists that “a conception of justice cannot be deduced from self-evident premises or conditions on principles; instead, its justification is a matter of the mutual support of many considerations, of everything fitting together into one coherent view” (1999, 19). We begin with considered moral judgements made under favourable

conditions. These judgements are not brute intuitions: they are provisional but stable conclusions we reach after reflection under conditions favourable to the sincere and sustained exercise of our rational capacities. Our conclusions reflect not just our own introspection, but our engagements with others, and especially with traditions of scientific inquiry and philosophical argument to which we have access—our reflective equilibrium is wide, not narrow.² Some of these judgements are firm convictions – “provisional fixed points which we presume any conception of justice must fit” (18) – but others are less certain, and several may conflict. Given this, we try to formalize our judgements into principles, and arguments for their interpretation and ordering, while keeping in mind whatever reliable insights we gain from background facts and theories. We then test our theory against our judgements, to see if the former does indeed clarify the latter, and provide principled resolution of conflicts among our judgements.³

The original position is Rawls's constructive procedure for generating principles for the basic structure of society, that we then judge against our considered judgements, working back and forth until we achieve reflective equilibrium. The salient features of this procedure – the circumstances of justice, rational and reasonable parties who take one another to be free moral equals, and the veil of ignorance – are also subject to the method of reflective equilibrium: we reflect on what constraints are most reasonable to impose on arguments for and against principles for free moral equals who seek fair terms of social cooperation. Reflective equilibrium thus does considerable work in Rawls's account: it is critical both to settling on principles that reflect and organize our considered judgments, and to defining the features of a procedure that constructs those principles.⁴

Rawlsian constructivism consists, then, of three interrelated and complex features: (1) the idea of considered judgements; (2) a constructive procedure for generating principles that interpret and order these judgements; and (3) a process of reflective equilibrium applied to (i) our considered judgements, and both (ii) the elements of the constructive procedure, and (iii) the principles generated by that procedure. The original

2 This way of interpreting considered judgements as intimately historical and public is strongly suggested in *Theory* (§§ 4,9) and especially *Justice as Fairness* (§§ 9-10), but my formulation is based on Daniels (1973), especially his discussion of independent background theories that inform and constrain the more narrow process of bringing our principles and arguments in line with our most robust considered moral judgements.

3 A critical concern with this understanding of reflective equilibrium and coherentist justification is circularity: how can judgements and principles justify themselves? (for instance, see Haslett 1987). And if wide reflective equilibrium invokes background theories (about the natural world, human evolution and psychology, economic processes) as either inputs or constraints as we seek coherence between judgements and principles, then why isn't that background sufficient for grounding our justifications? Why appeal to coherence, rather than correct foundations? There are plausible (but not unassailable) answers to these questions, but I only note the broad contours of this debate to distinguish Cohen's concern with Rawlsian constructivism, which is *not* a variation on the circularity objection.

4 On this see Scanlon (2003), esp. §2.

position, for Rawls, models our considered judgements about fair terms of social cooperation among free moral equals and the “appropriate restrictions on reasons” that parties so understood may offer to one another in support of particular principles (Rawls 2001, 17). The principles that emerge from this procedure in turn clarify and organize our considered judgements about morality and justice.

Against Constructivism

Cohen thinks the entire constructivist exercise is predicated on a mistake. Principles of justice – whatever they are – do not emerge from a constructive procedure. Rather, they are fundamental; they “represent our convictions. They are not things we decide to have and consequently work to install or instill or maintain” (Cohen 2008, 277). In contrast, “we *create*, or *adopt*, rules of regulation, to order our affairs: we adopt them in the light of what we expect the effect of adopting them to be” (276). Rawls presents reflective equilibrium as a model of moral justification, but Cohen insists that “it is our principled convictions that justify what we do, and that includes the doing that is adopting rules of regulation” (277).

Cohen allows that we can still ask properly philosophical (or at least, normative-theoretical) questions about rules of regulation: we can ask what they ought to be. The question of what justice *is*, however, does not – and *cannot* – take that form:

The question “what is justice?” is a philosophical question, and there is no coherent question of the form “What ought justice, or the principles of justice, to be?” the incoherence of that question reflects the status of justice as something that transcends rules of regulation (Cohen 2008, 277).

The problem, then, with constructivism as Rawls deploys it is not merely that he courts (bad, not harmless) circularity, or that he must smuggle in foundational claims to support a coherentist account of justification. The problem, Cohen suggests, is much deeper:

According to constructivism, fundamental principles of justice are derived from judgements (that do not themselves reflect principles of justice) about the right procedure for generating principles of justice, together with facts of human nature and human society (2008, 280).

Constructivists are muddled, Cohen believes, on several related points: they inappropriately apply general facts in constructing principles that are properly

understood as fact-insensitive and unconstructed; in doing so they confuse general principles of regulation with principles of justice, and they “miscast applied principles of justice in the role of fundamental ones” (280). Furthermore, at least part of this confusion arises from the very epistemic procedure they privilege:

however the different versions of constructivist theories of social justice differ, whether in the nature of the selection procedure they mandate or in the principles that are the output of that procedure, they all assign to principles of justice the same role. That role is determined by the fact that constructivism's legislators are asked to elect *principles that will regulate their common life* (283).

That, Cohen suggests, is exactly the wrong question to be asking about justice.

Concepts, Conceptions, and Constructivism

I will not engage directly with the full scope and force of Cohen's argument supporting these claims. Instead, I want to see if the claims themselves still cohere as a critical thesis if we take the task and subject of Rawlsian constructivism to be more subtle than what Cohen (not unreasonably) supposes—that is, straightforwardly identifying principles of justice.

This will seem a strange strategy indeed, given that Rawls seems obviously to think of reflective equilibrium and the device of the original position as together a way of generating his favoured principles of justice. I think, however, that what Rawls says about concepts and conceptions of justice suggests a different task for reflective equilibrium and the original position as a constructive procedure. My favoured reading makes better sense of the direction Rawls took in later work, attending to the problem of public justification given the fact of reasonable disagreement.

Early in *Theory*, after describing “a public conception of justice as constituting the fundamental charter of a well-ordered human association” (1999, 5), Rawls offers the following distinction:

Existing societies are of course seldom well-ordered in this sense, for what is just and unjust is usually in dispute. Men disagree about which principles should define the basic terms of their association. Yet we may still say, despite this disagreement, that they each have a conception of justice. That is, they understand the need for, and they are prepared to affirm, a characteristic set of principles for assigning basic rights and duties and for determining what they take to be the

proper distribution of the benefits and burdens of social cooperation. Thus it seems natural to think of the concept of justice as distinct from the various conceptions of justice and as being specified by the role which these different sets of principles, these different conceptions, have in common (1999, 5).

Now, we might think that Cohen's charge applies with full force here. Rawls, after all, seems to be thinking of the concept of justice, and the various conceptions of that concept, as primarily regulative. They establish "a fundamental charter" and assign "basic rights and duties" and determine "the benefits and burdens of social cooperation." These are principles of regulation, not of justice. Most damning is the specification condition Rawls asserts: that the concept of justice is given by convergent elements of differing conceptions. Since the conceptions are assumed to be regulative in Cohen's sense, then we can expect the set of shared elements to be regulative as well, so Rawls is still mistaken about the concept of justice, confusing it with optimal terms of regulation.

This is too quick, however. Rawls then goes on to describe the concept of justice as "a proper balance between competing claims" distinct from the conceptions that yield principles "for identifying the relevant considerations which determine this balance" (1999, 9). This, then, is what justice *is*, for Rawls.

To be sure, Rawls then in the same breath claims that the concept of justice is defined "by the role of its principles in assigning rights and duties and in defining the appropriate division of social advantages. A conception of justice is an interpretation of this role" (9). That may well be *a* defining role, but we need not read Rawls here as simply equating justice with that (regulative) role. That is, we needn't read Rawls as giving merely regulative content to the concept of justice. Rather, he also defines the concept of justice in terms of a role that Cohen readily allows: shaping regulative principles in accord with whatever agreement is possible about what justice is and what it demands of us.

I think this is the best way to understand the tasks of reflective equilibrium and the original position in Rawls's account of justice as fairness. Wide reflective equilibrium gives us (*inter alia*) conceptions of the concept of justice. It may even yield divergent understandings of the concept itself. The original position then generates regulative principles consistent with convergent elements of both conceptions and concepts of justice—points of convergence the successful identification of which is also an important task of the device of the original position.

Recovering Rawlsian Constructivism

Cohen faults Rawls for failing to respect a vital definitional distinction between fundamental justice and optimal regulation. I think that Rawlsian constructivism

proceeds from the implicit assumption that Cohen's distinction cannot be expected to settle the question of what justice is and what it demands by way of regulative principles. There are, of course, several reasonable understandings of what justice is. The primary task of Rawlsian constructivism, on my reading, is to find some space of convergence among these competing conceptions, even when they are conceptions of distinct concepts of justice; and then to ask what regulative implications follow from the substance of that convergence.

Cohen thinks that we need to be clear about justice, and then turn to questions of regulation, recognizing too that there are other virtues besides justice that our regulative principles may need to reflect (2008, 286). The error of Rawlsian and any other constructivism, on Cohen's view, lies in favouring an epistemic procedure that cannot discover fundamental principles of justice, or any other fundamental values. But I think Rawlsian constructivism, especially as it evolves through *Political Liberalism* (2005) and into *Justice as Fairness* (2001), does discover things about justice, as well as constructing regulative principles in accord with these discoveries. The device of the original position helps us find optimal principles of regulation consistent with a variety of *conceptions* of justice that interpret the *concept* of justice chiefly in terms of regulative consequences for a society characterized by reasonable moral pluralism. The original position discovers points of convergence among these conceptions—convergence that hopefully reflects some agreement on what justice *is*, which is one way to understand why Rawls quickly and decisively rejects a mere *modus vivendi*, and worries about stability “for the right reasons” (Rawls 2005, xxxvii). It isn't that the device of the original position has us asking the wrong questions to get at justice. Rather, Rawlsian constructivism assumes that (1) our considered judgements in reflective equilibrium are (*inter alia*) about the concept of justice and our favoured conception of that concept; and (2) we have distinctive and plausible supporting judgements about the ways in which regulative principles fall out of that concept and our favoured conception.

So contra Cohen, Rawls does have an answer to the question: what is justice? Justice is fairness. Fairness with respect to matters of regulation, certainly; but also fairness with respect to how we arrive at mutually acceptable regulative principles consistent with our concept and favoured conceptions of justice. Rawls supposes that most reasonable people, after due reflection under favourable conditions, will often agree roughly on what justice is (the concept of justice) while also affirming divergent interpretations (conceptions) of justice. Sometimes, of course, these same reasonable people will even disagree about the very concept of justice. Rawls's theory, as it evolved from *Theory* through *Political Liberalism* and later work, took seriously the likelihood of reasonable disagreement over both conceptions and concepts of justice, but hoped that we might nonetheless find principled ways to live together with a shared political conception of justice.

Rawlsian constructivism is importantly a process of ensuring that shared regulative principles are, to the greatest extent possible, consistent with our considered judgements about what justice is. If those judgements are formed against a backdrop of sustained reflection under favourable conditions, then the complaint that constructivists confuse regulative principles with principles of justice rather misses the point. *We*, each of us, may well know what justice is. What we need to determine is how to proceed when we disagree among ourselves (and occasionally with ourselves!) about justice – what it demands, and sometimes even what it is – yet still desire to live together as free moral equals, according to shared regulative principles consistent with justice, as each of us understands it. Rawlsian constructivism strives to give us an answer to *that* question: what is justice for free moral equals who reasonably disagree about what justice is and what it demands? The resulting political conception is of justice as fairness.

Concluding Thoughts

There are, to be sure, cogent arguments against constructivism in ethics, and Cohen's is not the only plausible complaint against Rawlsian constructivism in particular. These are subtle and important debates, and while I have my own views on several of these disputes, my aims here are modest. I am not defending constructivism for ethical justification, nor do I hope to persuade any and all critics that Rawlsian constructivism is the best approach on offer. I only mean to defend a decidedly Rawlsian constructivism against Cohen's specific charge that Rawls and other constructivists ask the wrong question about justice. There is a plausible way to understand what Rawls is up to that is faithful to the spirit (if not always the precise letter) of *A Theory of Justice*; this interpretation makes a good deal of sense in light of themes in Rawls's later work, and avoids the force of Cohen's complaint. I thus conclude that, on a plausible reorientation of Rawls's arguments about the aims and substance of reflective equilibrium, on the one hand, and the workings of the original position, on the other, the concerns Cohen raises about constructivism are rather less troubling than they might at first seem.

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Article

THE DOMAIN OF DISTRIBUTIVE JUSTICE: PERSONAL CHOICES, INSTITUTIONS, STATES OF AFFAIRS

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Abstract

This article examines G.A. Cohen's celebrated critique of the Rawlsian doctrine of "the basic structure as subject." Cohen describes the principal difference between his and Rawls's view of "the site of distributive justice" - that is, of "the sorts of items to which principles of distributive justice apply" - by claiming that whereas in his view "*both* just rules *and* just personal choice within the framework set by just rules are necessary for distributive justice," the Rawlsian view is that "distributive justice and injustice are features of the rules of the public order alone." Despite the acuteness of Cohen's criticisms of the Rawlsian positions he targets, there are important strands in Rawls's view of the domain within which judgments of distributive justice can be made that are not adequately reflected in these positions. When these ambiguities in Rawls's writings are given due weight, it emerges that the similarities between the views Rawls and Cohen take of the task of a theory of distributive justice are more striking than the differences. The only major difference, arguably, concerns the status of judgments about the "personal choices" the members of a society must make when their options are unconstrained by just institutional rules - that is, when the alternatives they can opt for are neither required nor prohibited by

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these rules. For Rawls these are choices they are at liberty to make in any way they please. According to Cohen, however, at least some of these choices must be made by direct appeal to the principles of distributive justice that underpin just institutional rules.

Résumé

Cet article analyse la critique justement célèbre par G.A. Cohen's de la doctrine de Rawls concernant « la structure de base comme sujet ». Cohen décrit la différence principale entre son point de vue et celui de Rawls sur « le lieu de la justice distributive » -- c'est à dire les « types d'objets auxquels les principes de justice distributive s'appliquent » -- en soulignant que, tandis que pour lui, « les règles justes et les choix personnels justes dans le cadre de règles justes sont nécessaires pour la justice distributive », pour Rawls « la justice distributive et l'injustice sont des résultantes des seules règles d'ordre public ». Malgré la pertinence de la critique par Cohen de cette position de Rawls, certaines réflexions de Rawls quant au domaine de validité des jugements de justice distributive ne s'y conforment pas pleinement. Quand ces ambiguïtés des écrits de Rawls sont évaluées à leur juste mesure, il émerge que les similarités entre les visions que de Rawls et de Cohen sur les enjeux d'une théorie de la justice distributive sont plus frappantes que les différences. La seule différence majeure, peut-être, concerne le statut des jugements à propos des « choix personnels » que les membres d'une société doivent prendre quand ces options ne sont pas contraintes par des règles institutionnelles justes - c'est à dire, quand les alternatives parmi lesquelles ils peuvent choisir ne sont ni requises ni interdites par ces règles. Pour Rawls, ce sont des choix qu'ils sont libres de faire comme il leur plait. Chez Cohen, en revanche, certains de ces choix au moins nécessitent de se référer directement aux principes de justice distributive qui sous-tendent des règles institutionnelles justes.

Key words

distributive justice; institutional outcomes; institutional rules; personal choices; procedural justice.

Mots-clés

choix personnels; justice distributive; justice procédurale; règles institutionnelles; résultats institutionnels;

Autobiographical passages in Cohen's publications and interviews confirm that his commitment to social equality has been a constant feature of his moral, political, and philosophical outlook through the several (in many ways strikingly different) phases of his career. Instilled in him by his early upbringing in a communist household in Montreal, this commitment provided part of the inspiration when, as an "analytical" Marxist, he tried to rid Marxism of its attachment to historical materialism, and it provided the driving force behind his long engagement, in a later period, with Nozickian libertarianism. In the final decade of his life, it was the impetus to his impressively detailed critique of Rawlsian doctrines, enabling him to refine his distinctive version of a

doctrine of egalitarian justice. In the last book published during his lifetime – the award-winning *Rescuing Justice and Equality* – sparring with Rawls allowed him to “rescue” both justice and equality from the embrace of those liberal egalitarians with whom he still had disagreements.

However, the overlap between Cohen’s final positions and those he attributes to Rawls is extensive – particularly if his potentially controversial exegetical claims about the Rawlsian corpus can be successfully challenged. On central issues of distributive justice – for example, about the role of incentive-providing schemes in generating unjust economic inequalities – the differences are evident enough on the surface. However, despite Cohen’s acute expository skills, doubts can be entertained about how deep the disagreements run, partly because of uncertainty about how the role played by the Difference Principle in the Rawlsian doctrine of “justice as fairness” is to be characterized. On the question of the boundaries and contours of the domain within which debates about the content of a doctrine of distributive justice must be conducted – concerning the many different subjects about which judgments of distributive justice can be made and the logical relationships that obtain between judgments of these different kinds – there is also a good deal of surface disagreement between Cohen and Rawls. In his 1997 article in *Philosophy and Public Affairs* (“The Site of Distributive Justice”), and both in his Gifford Lectures (published in 2000 under the title *If You’re an Egalitarian, How Come You’re So Rich?*) and in *Rescuing Justice and Equality* (2008), Cohen elaborately critiques the Rawlsian doctrine of “the basic structure as subject” that ostensibly forms the core of Rawls’s view of the kinds of judgments of distributive justice his own theory of “justice as fairness” is designed to illumine.

While this doctrine can plausibly be represented as forming an important part of the backdrop to Rawls’s substantive theory of “justice as fairness,” the issues it raises are more conceptual or methodological than expressly normative. It purports to identify the kinds of things (the “subjects”) of which justice and injustice can intelligibly be predicated when judgments of distributive justice are made but it provides no answers to expressly normative questions about whether these judgments can be justified or about the principles under which these judgments can be subsumed when they are justifiable. Rawls’s view of the domain within which judgments of distributive justice can be made – and of the logical interconnections between these judgments – could consequently be accepted by those who disagree with the substance of his account of distributive justice. Differences of view about the domain of distributive justice ought to be resolvable independently of resolution of substantive disagreements about the content of a doctrine of distributive justice. Indeed, substantive disagreements can only be perspicuously articulated if it’s clear what the questions are to which judgments of distributive justice provide possible answers. Thus if it’s agreed that social institutions -- legal, political, economic, etc. -- can be characterized as “just” or “unjust,” disagreements about whether,

in given circumstances, this or that institution (and the rules governing its operation) should be said to be just or unjust (and related disagreements, at a higher level of generality, about the principles that underpin defensible judgments about the justice or injustice of institutional arrangements) can at least be clearly stated.

Without denying that Cohen's substantive views about justice and equality are at odds in some important respects with the substance of Rawls's ("justice as fairness") account of egalitarian justice -- and while skirting questions about what these differences amount to -- I want to explore the differences Cohen claims there are between their respective views of the domain of distributive justice.²

In one central criticism Cohen directs at Rawls's view of the domain within which questions of justice arise,³ he takes issue with the doctrine that the primary subject of judgments of justice is the "basic structure" of society. According to Cohen,⁴ "egalitarian justice is not only, as Rawlsian liberalism teaches, a matter of the rules that define the structure of society, but also a matter of personal attitude and choice." He describes the principal difference between his and Rawls's view of "the site of distributive justice" -- that is, of "the sorts of items to which principles of distributive justice apply" -- by claiming that whereas in his view "both just rules and just personal choice within the framework set by just rules are necessary for distributive justice," the Rawlsian view is that "distributive justice and injustice are features of the rules of the public order alone."⁵ My aim is to explore Cohen's critique of what Rawls has to say about the domain of distributive justice and show that the similarities between their views are more striking than the differences. If their views converge more than they diverge, the explanation is neither that Cohen's objections to the positions he criticizes are ineffective nor that these positions cannot plausibly be attributed to Rawls. Rather, the explanation is that there are scattered strands in Rawls's writings that commit him to positions that are at no great

² Since Cohen's sudden death on August 5, 2009 means that we can no longer look forward to his always acute and memorable responses to critiques of his work, it is more important than ever for interpreters and critics of his assessments of Rawlsian doctrines not to misrepresent his views. I would like to record that, in a graduate seminar at Queen's University during his week-long visit to the Philosophy Department only months before his death, he indicated, in response to the informal presentation of a version of this manuscript, that he agreed that in his view judgments about the justice of institutional outcomes are more fundamental than judgments about the justice of institutional rules -- and that the sharpness of his disagreement with the Rawlsian doctrine of the "basic structure as subject" is diminished if Rawls's principles of "justice as fairness" can be seen (as he agreed they can) as having their primary application to the states of affairs brought about by the institutions that belong to the "basic structure" and as applying only derivatively to the institutions themselves.

³ G.A. Cohen, *Rescuing Justice and Equality* (Harvard University Press, 2008), pp. 125-126. See also *If You're An Egalitarian, How Come You're So Rich?* (Harvard University Press, 2000) and "Where the Action Is: On the Site of Distributive Justice" (*Philosophy and Public Affairs*, 26, 1997, pp. 3-30).

⁴ *If You're an Egalitarian, How Come You're So Rich*, x

⁵ *op cit*, pp. 3-4

distance from those Cohen favors despite the fact that these positions are at variance with some of Rawls's most familiar expressed views.

Two Questions

Two questions need to be distinguished if the crucial differences between Rawls and Cohen about the domain of distributive justice are to be pinpointed. The first is about the boundaries within which judgments governed by principles of distributive justice are made. The key concern here is whether judgments of this or that sort – for example, about the everyday conduct of individuals – should be allowed to count as judgments of justice, and if so, under what conditions. The second is about the relations that obtain between judgments of the various kinds that fall within the domain of justice. The important issue here is the interpretation and assessment of Rawls's well-known claim that judgments about institutions (particularly those that form what he calls “the basic structure” of society) enjoy a certain “primacy” in relation to other judgments of justice.

Both questions require attentiveness to diversity in the judgments to which principles of distributive justice are applicable, particularly diversity in the subjects of judgments of justice. But the focus differs. In the first question, the focus is on whether a judgment of this or that kind – about the choices individuals make, or the rules that give structure to institutional arrangements, or the states of affairs that eventuate, whether from the choices of individuals or from the workings of institutions (or both) – should count as a judgment of justice. In the second, the focus is on the logical relations that obtain between judgments of justice of different kinds, particularly on whether any of these (judgments about institutions, for example, to cite those Rawls represents as “primary”) are logically more fundamental than the rest.

On the boundaries of the domain of distributive justice, at least three issues need to be clarified (whether in Rawls's position as he propounds it, or as Cohen conceives it). (1) Are the institutions that for Rawls constitute the “primary” subjects of judgments of distributive justice institutions governed by rules that impose legally enforceable obligations? Cohen attacks Rawls's doctrine of the “basic structure as subject” partly on the ground that Rawls collapses “basic structure” into the “legally coercive” structure. (2) Does Rawls exclude from the domain judgments about the conduct of individuals, including “personal choices” made by people in everyday life? (3) Do judgments about states of affairs – brought about by the implementation of institutional rules, for example – fall within the domain of distributive justice?

Regarding the logical relations that obtain among judgments of the various sorts that ‘count’ as judgments of distributive justice a number of issues can be identified. Some clarify Rawls's view of the domain of justice, others clarify Cohen's critique of Rawls. (a) One central issue is the relationship between judgments about institutional

rules and judgments about individual conduct. (b) A second, more sharply relevant for Cohen than for Rawls, is the relationship between judgments about the justice of people's everyday "personal choices" (especially those Cohen identifies as being made "within" the rules of the basic structure, where these are choices he regards – unlike Rawls – as governed by principles of distributive justice) and judgments about the states of affairs that result from these choices. (c) A third is the relationship in which judgments about the justice of institutions (and institutional rules) stand to judgments about the states of affairs that eventuate from the workings of institutions.

Both sets of questions will be taken up, some briefly, some in detail, in what follows.⁶

The Rawlsian "Basic Structure" and the "Legally Coercive Structure"

Cohen claims that Rawls conceives of the domain of distributive justice too narrowly by representing all judgments of justice as judgments about a society's "basic structure" and then conceiving of the "basic structure" itself too narrowly. He claims that Rawls restricts institutions that belong to the "basic structure" to those governed by "legally enforceable" rules,⁷ thereby excluding many that ought to be included. If this claim can be sustained, then even the view that judgments about institutional rules fall within the domain of distributive justice – a view central to the Rawlsian doctrine of "the basic structure as subject" – is open to criticism as too narrowly drawn.

What is the basis for Cohen's claim that the Rawlsian "basic structure" can be identified with the "legally coercive structure"?⁸ A curious feature of the case Cohen presents is that he does not think this claim has a straightforward exegetical basis in what Rawls actually says about the "basic structure." Scrutiny of these passages – and Cohen devotes a good deal of attention to their interpretation – makes it clear that Rawls is not

⁶ Recent discussions of the Cohen-Rawls debate include: Liam Murphy, "Institutions and the Demands of Justice" (*Philosophy and Public Affairs* 1998); David Estlund, "Liberalism, Equality, and Fraternity in Cohen's Critique of Rawls" (*Journal of Political Philosophy* 1998); Michael Titelbaum, "What Would a Rawlsian Ethos of Justice Look Like?" (*Philosophy and Public Affairs* 1998); Thomas Pogge, "On the Site of Distributive Justice: Reflections on Cohen and Murphy" (*Philosophy and Public Affairs* 2000); A.J. Julius, "Basic Structure and the Value of Equality" (*Philosophy and Public Affairs* 2003); Arash Abizadeh, "Cooperation, Pervasive Impact, and Coercion: On the Scope (not Site) of Distributive Justice" (*Philosophy and Public Affairs* 2007); Samuel Scheffler, "Is the Basic Structure Basic?" (in Christine Sypnowich, ed., *The Egalitarian Conscience: Essays in Honour of G. A. Cohen* 2008); and Seanna Shiffrin, "Incentives, Motives, and Talents," (*Philosophy and Public Affairs* 2010). See also Alistair M. Macleod, "G.A. Cohen on the Rawlsian doctrine of the basic structure as subject," *Social Philosophy Today* Vol 26, 2011.

⁷ *Rescuing Justice and Equality*, footnote on p. 133. (See K.C. Tan, "Justice and Personal Pursuits," *The Journal of Philosophy* 101 (2004), p. 346.)

⁸ The legal rules governing family and economic arrangements form a (perhaps rather small) sub-class of the rules that structure relationships within the family and the economy.

unambiguously committed to limiting the institutions that belong to the “basic structure” to those governed by legally enforceable rules.⁹ On the contrary, Cohen recognizes that Rawls oscillates between identifying the “basic structure” with the “legally coercive” structure and conceiving of it more broadly as comprising all those social institutions that have a major impact on the distribution of “primary goods” across society.¹⁰ In face of this ambiguity in key passages, Cohen might have opted for a charitable interpretation instead of saddling Rawls with commitment to the much narrower (“legally coercive structure”) account – especially since a restrictive construal rules out the applicability of principles of distributive justice both to a society’s family arrangements and to the (non-legal) rules that govern much of its economic life.

How, then, does Cohen argue that Rawls is more fundamentally committed to this narrower account? The argument is that Rawls is committed to drawing a sharp distinction between the rules that constitute and regulate the functioning of the institutions which belong to the basic structure and the everyday actions of the individuals who are subject to these rules, and that this distinction breaks down once we cross the line that divides legally enforceable institutional rules from other institutional rules (like those governing family arrangements). Whereas the personal choices of the members of a society can be at odds with legally enforceable institutional rules without the very existence of the rules being undermined, in the case of institutions like the family, the rules that shape everyday family interaction cannot be so much as identified independently of the day-to-day choices family-members make in compliance with them. The idea seems to be that legally enforceable rules are legislated into existence and remain “on the books” (so to speak), awaiting application by judges and administrators, whether or not there is a high level of compliance with them on the part of those who are subject to them. By contrast, the rules that serve to constitute such social institutions as the family can only be identified by reference to the patterns of behavior exhibited by family members.¹¹

However, Cohen’s argument that Rawls is committed to a narrow (merely “legal”) construal of the basic structure despite some of his more expansive remarks is fragile. The claim that only legal institutions qualify for inclusion in the basic structure because only such institutions permit a reasonably sharp distinction between the conditions under which rules can be said to exist and the conditions under which there is general compliance with such rules on the part of the individuals subject to them overlooks the many examples of institutional rules which, though not legally enforceable, do not differ from legally enforceable rules in this respect. Just as legally enforceable rules can be misapplied by those charged with their administration – the police, or lawyers and judges

⁹ For this broader interpretation, see, e.g., Rawls, *A Theory of Justice* (1971), pp. 6-7

¹⁰ *If You’re an Egalitarian, How Come You’re So Rich?*, pp. 129-130

¹¹ *Rescuing Justice and Equality*, pp 132-140

– so too in the case of such institutions as universities, in which a variety of rules regulate the admission of students and the appointment and promotion of faculty and staff, administrative officers can misapply the rules without the very existence of the rules being in jeopardy. It may be objected that the existence of the rules is endangered if a pattern of administrative disregard for them comes to be established. There's obviously something to this objection, difficult though it may be to specify just how much systematic misapplication of the rules there has to be before they become a "dead letter." However, a precisely parallel point can be made about legally enforceable rules. They too will cease to exist – become a "dead letter" – if the relevant authorities, systematically and consistently, refuse or fail to apply them.

Even in the case of institutions belonging to "the informal structure" of a society – governed by rules that exist in virtue of some social convention or social consensus – it isn't true that no distinction can be drawn between the conditions under which the rules can be said to exist (as part of a society's "informal structure") and those under which there is general conformity to the rules among the members of a society to whom they apply. Conventions governing family arrangements exist even if there happens to be something (significantly) short of general conformity to them on the part of family members. Just as we can ask how far those to whom legal rules apply generally adhere to them in practice, so too we can ask, in the case of the conventions governing family arrangements, how far family members generally adhere to them in practice.

Whether or not Rawls's account of the basic structure makes it easy for such institutions as the family to be represented as belonging to the basic structure, they cannot be said not to belong merely because the rules that regulate their operation aren't legally enforceable rules. The feature Cohen represents legally enforceable institutional rules as having – viz. that they permit a (sharp) distinction to be drawn between questions about their existence and questions about the degree to which individuals who are subject to their authority choose to comply with them – is not a uniquely identifying feature. It doesn't serve to mark them off from the rules that regulate the operation of such social institutions as the family or what Cohen calls a society's "informal structure."

Questions about precisely which institutions are amenable to assessment from the standpoint of distributive justice are, of course, questions to which narrower and broader answers can be supplied. Cohen thinks that Rawls's view of the domain of distributive justice is too narrow since it (allegedly) excludes all social institutions except those governed by legally enforceable rules. Unclear though it may be, at the margin, how widely, in the event, Rawls (or Cohen) may want to demarcate these boundaries – and Cohen's view might well be more expansive than Rawls's – Cohen's argument doesn't show that Rawls' view is, in this respect, indefensibly narrow. From a Rawlsian perspective such institutions as the family may well qualify as part of the domain of distributive justice. The rules governing family arrangements – even if (as Cohen claims) they enjoy the status of rules only because they are sustained by nothing more than social

convention or social consensus – may well be amenable to assessment from the standpoint of distributive justice.¹²

Individual Conduct and the Domain of Distributive Justice

Cohen sometimes gives the impression that for Rawls principles of distributive justice apply only to “the basic structure” of society and therefore have no bearing on the personal choices made by individuals in everyday life. For example, as noted, Cohen writes that whereas in his own view “*both just rules and just personal choice within the framework set by just rules are necessary for distributive justice,*” Rawls’s view is that “*distributive justice and injustice are features of the rules of the public order alone.*” (Italics supplied.)¹³

It would, however, be a mistake to suppose that judgments about individual conduct are simply excluded by Rawls from the domain of distributive justice and a mistake to think that Cohen attributes such a view to him. A more careful examination of Rawls’s position – and of the target Cohen sets himself in his critique of Rawls – reveals at least three ways in which Rawls recognizes such judgments as judgments which must be made, at least indirectly, in the light of considerations of distributive justice.

First, Rawls recognizes that in the application to particular cases of the institutional rules that satisfy principles of distributive justice, it is individuals who make the necessary decisions. The decisions of public officials -- all those individuals whose job it is to administer institutional rules – are thus indispensable to the implementation of principles of distributive justice.

Second, the institutional rules officials are required to administer also generally impose obligations on members of society who occupy no administrative position. Sometimes, the rules require the ordinary members of a society to act in specified ways – as when they are required to file an income tax return every year or to inform the health authorities if they contract a communicable disease. Sometimes, the rules confer rights on all members of society, which all are under an obligation not to violate. Provided the institutional rules which are the immediate source of the duties and rights of members of the public at large are rules that satisfy principles of distributive justice, judgments about the actions individuals perform when they either carry out their duties or violate the rights of others must be allowed to count as judgments we make by appeal to considerations of distributive justice – indirect though the appeal may be.

¹² In his “The Idea of Public Reason Revisited” (*Collected Papers*, ed. Samuel Freeman, Harvard University Press, 1999, pp. 573-615), Rawls writes: “The family is part of the basic structure, since one of its main roles is to be the basis of the orderly production and reproduction of society and its culture from one generation to the next.” (*op cit*, p. 595)

¹³ *If You’re an Egalitarian, How Come You’re So Rich?*, pp. 3-4

Third, all the members of a democratically organized society are under a standing obligation, as citizens, to participate in the political life of the society with a view to ensuring that institutional arrangements are so structured as to secure the adequate implementation of principles of distributive justice. Thus, the decisions individuals make when they vote, join political parties, stand for public office, or participate in movements for social change are amenable to assessment from the standpoint of distributive justice.

Rawls's view of the domain of distributive justice cannot, then, be represented as unduly narrow on the ground that he excludes judgments about the justice of individual actions. The sharp opposition Cohen sometimes posits between Rawls's doctrine of the "basic structure as subject" and his own view that people's "personal choices" are also assessable from the standpoint of distributive justice gives the impression that this is part of his critique of what Rawls says about the domain of justice, but it is a mistake to suppose that Cohen accuses Rawls of this kind of narrowness.

Nevertheless, Cohen levels a similar charge against Rawls. He does think Rawls takes too narrow a view of the personal choices that qualify for assessment from the standpoint of distributive justice. The judgments about such choices Rawls recognizes form a mere sub-class of the judgments that ought in Cohen's view to be included in the domain of justice.

Choices "Within" Institutional Rules and the Domain of Distributive Justice

Although Cohen recognizes that Rawls's view doesn't preclude the raising of questions of distributive justice about certain choices individuals make in daily life, he insists that Rawls wrongly exempts certain other choices individuals make -- "within" the rules of the (Rawlsian) "basic structure"-- from scrutiny in the light of principles of distributive justice.¹⁴ The difficulty is to see both (1) what sorts of choices these are, and (2) why there is a difference of view, between Rawls and Cohen, about their status.

(1) It's important to be clear about the force of the distinction between the choices that Rawls thinks can be assessed from the standpoint of distributive justice and those that cannot.

What do choices to which the rules of the (Rawlsian) basic structure are applicable have in common? They are choices that the rules of the basic structure either *require* or *forbid* people to make. Principles of distributive justice are indirectly applicable to all such choices: the principles have a *direct* application to the rules that regulate the making of these choices (which is why the rules belong to a just "basic structure") and consequently they apply *indirectly* to these choices. When people conform to the rules of

¹⁴ *If You're an Egalitarian, How Come You're So Rich?*, p. 148

a just basic structure, they can be said to be acting justly; when they violate these rules, they are acting unjustly.

An assumption underlying this view has an interesting implication. The assumption, of course, is that to characterize a choice as “just” is to view it as *required* by a just institutional rule (and thus as indirectly required by principles of distributive justice) and that to characterize a choice as “unjust” is to view it as *forbidden* by a just institutional rule (and thus as forbidden indirectly by principles of distributive justice). The implication is that when the alternatives between which people make their choices are neither required nor forbidden by just institutional rules (and therefore by the principles of distributive justice that underpin the rules), the choices are neither “just” nor “unjust”: they are “left open” by the rules of the basic structure.

When Cohen charges that some personal choices are wrongly exempted by Rawls from assessment by reference to principles of distributive justice, he must be taken to be referring to choices “left open” by the rules of the basic structure: it is these he frequently refers to as choices “*within*” the basic structure.

However, Cohen does not think that whenever people make choices “left open” by the basic structure they are making choices that are either required or forbidden by principles of justice. If this were the case, then – in Cohen’s view – all the choices people make would be amenable to assessment from the standpoint of principles of distributive justice: some would be required or forbidden by the institutional rules belonging to a just basic structure and the rest required or forbidden by direct application of the principles of distributive justice that underpin a just basic structure.

How, then, does Cohen draw a distinction within the class of choices “left open” by the rules of the basic structure, between those that are and those are not subject to assessment by appeal to considerations of distributive justice? The short answer is that the distinction has to be drawn in the light of what he says about the “personal prerogative” people have to make some of the choices “left open” by the rules of a just basic structure without reference to principles of distributive justice.

However, this account isn’t developed in detail. Consequently, it’s a matter of conjecture how often – or seldom – people can invoke a personal prerogative when making choices “left open” by the rules of the basic structure. The larger the class of choices covered by a personal prerogative proves to be, the smaller the class will be of the choices left open by the rules of the basic structure to which Cohen holds considerations of distributive justice apply -- and the smaller the difference in practice will then be between Cohen’s and Rawls’s view of the domain of distributive justice.

(2) Whether the class of personal choices “within” the rules of the basic structure to which principles of distributive justice are thought by Cohen to have an application is a large or a small class, why do he and Rawls disagree about whether they are possible subjects of judgments of distributive justice? The reason is that they are at odds about

whether principles of distributive justice are ever *directly* applicable to the choices people make. Rawls holds (in Cohen's view) that these principles apply directly only to the rules of the basic structure and that their application to the choices people make when they obey or flout these rules is therefore indirect: the choices are just or unjust only because they can be assessed by appeal to institutional rules to which principles of distributive justice are directly applicable. Cohen's position, by contrast, is that principles of distributive justice have both an indirect and a direct application to the choices people make. The application is indirect when they choose to conform to (or violate) the rules of a just basic structure, because the justice of these rules has first to be determined by appeal to principles of distributive justice. However, principles of distributive justice also have a direct application to choices "left open" by the rules of a just basic structure – provided these are choices that are (a) neither required nor forbidden by these rules and (b) not covered by a personal prerogative that exempts them from scrutiny in the light of principles of distributive justice.

Personal Choices, Institutional Rules and Justice in Distribution

If personal choices "left open" by the rules of the basic structure and not protected by a personal prerogative are in Cohen's view choices that must be made in the light of considerations of distributive justice -- and if the exclusion of judgments about these choices from the domain of justice is a principal source of Cohen's complaint that Rawls takes too narrow a view of this domain – Cohen owes us an account of how precisely the relevant "considerations of justice" are brought to bear on making such choices.

There are three possibilities for which there is (some) support.¹⁵ (1) First, the inclusion in the domain of justice of the judgments about the justice of "personal choices" that Cohen says Rawls excludes is to be effected by adopting a broader view than Cohen alleges Rawls is prepared to take of the institutions that belong to the so-called "basic structure" of society. If such a broader view is adopted and institutions like the family are counted among those to which principles of justice are applicable, then personal choices constrained by the rules that regulate the operation of these (additional) institutions can be represented as choices individuals make (at least indirectly) in the light of considerations of justice, despite the fact they are choices "left open" by the rules of the basic structure when it is identified with the "legally coercive" structure. (2) Second, choices "left open" by the rules of the basic structure are choices individuals make when their behavior is governed by an "ethos" of distributive justice – where by "ethos" Cohen

¹⁵ *If You're an Egalitarian, How Come You're So Rich?* (Lectures 8, 9, and 10), and *Rescuing Justice and Equality* (Chapter 3)

means, roughly, a settled disposition to do whatever justice requires.¹⁶ (3) The third possibility is that choices “left open” by the rules of the (Rawlsian) basic structure must be made by direct appeal to principles of distributive justice without the mediation of institutional rules of any kind.

(1) The first of these accounts reflects an important strand in Cohen’s critique: Cohen does object to the Rawlsian doctrine of “the basic structure as subject” on the ground that it embodies too narrow a view of the kinds of institutional arrangements to which principles of distributive justice are applicable. But the central question to which Rawls and Cohen (are said by Cohen to) return different answers *there* is whether judgments about the justice of institutions and institutional rules are more diverse than the Rawlsian doctrine of the basic structure would allow if the basic structure is identified with the “legally coercive” structure. *Here*, the question is whether personal choices “left open” by the rules of the basic structure are choices about which judgments of justice can be made. Of course, extending the range of institutions and institutional rules to which principles of justice are applicable has implications for what must be said about the justice of the choices individuals make in situations in which institutional rules have an acknowledged application. Thus, just institutional rules that are not legally enforceable do generate justice-based requirements and prohibitions for the individuals subject to them and these are neither required nor forbidden by the rules of the “coercive basic structure.” However, although the choices people make when they comply with or breach these requirements and prohibitions are neither required nor forbidden by the coercive basic structure, they don’t count as “choices *within* just rules” if, as in Cohen’s characterization, the personal choices Cohen thinks, against Rawls, ought to be included in the domain of justice are choices “left open” by the rules of the basic structure.

(2) The trouble with the second view -- that the role played by an “ethos” of justice helps explain how personal choices “left open” by institutional rules are to be made in the light of considerations of justice -- is that we need to be given a more fundamental account of what the rationale is for the particular dispositions individuals are deemed to have when their conduct is said to be regulated by such an “ethos.” No coherent account can be given of the disposition to make just choices if it takes no account of the fact that the primary application of principles of distributive justice cannot -- logically “cannot” -- be to “dispositions.” We can identify the disposition to act justly or to make just personal choices only by reference to principles of justice whose primary application is to things other than dispositions – that is, to the actions or choices that flow from the dispositions

¹⁶ *If You’re an Egalitarian, How Come You’re So Rich?* (p.128), where he calls it “a structure of response lodged in the motivations that inform everyday life.”

rather than to the dispositions themselves. For example, if we say of actions or choices of type *alpha* that they are actions or choices which exemplify the disposition to act or choose justly, this is informative only because we can specify, independently, what makes actions or choices of type *alpha* “just.” So when Cohen claims, against Rawls, that there are personal choices individuals are under an obligation of justice to make even though this obligation is not imposed by just institutional rules, and even though, consequently, the rationale for these choices must be independent of the justice of institutional rules, the choices can’t be said to be just (when they’re just) because they’re motivated by an ethos of justice. The relevant justice considerations must be brought to bear in the first instance on choices: only in a derivative, indirect way, through application to choices that manifest the disposition, can the disposition itself be characterized as just.

(3) The third account goes some way towards explaining how judgments about the justice of the personal choices “left open” by the rules of the basic structure can be made without appeal either to institutional rules or to an ethos of justice. Principles of distributive justice that enable us, in their application to institutional rules, to make judgments about the justice or injustice of these rules can also be applied *directly* to some of the choices people make and this holds the key to our ability to pronounce on the justice or injustice of these choices without either subsuming the choices under institutional rules that have been vetted by the application of principles of justice to them or representing them as flowing from an ethos of justice.

What else is involved in applying principles of distributive justice *directly* to the personal choices “left open” by institutional rules? An important passage in Cohen’s writings helps point the way to an answer. When he is setting the stage for discussion of the Rawlsian doctrine of the “basic structure as subject,” he presents what he calls “a background point” about the difference between Rawls and himself “with respect to the site or sites at which principles of justice apply.” He writes:

My own fundamental concern is neither the basic structure of society, in any sense, nor people’s individual choices, but the pattern of benefits and burdens in society: that is neither a structure in which choice occurs nor a set of choices, but the upshot of structure and choices alike.¹⁷

Unlike Rawls, Cohen does not assign logical primacy, among judgments of distributive justice, to judgments about the institutional rules belonging to the basic structure but to judgments about states of affairs, understood as constituted by determinate distributions of the benefits and burdens of social life. Judgments about institutional rules are viewed as derivable from judgments about states of affairs because,

¹⁷ *Rescuing Justice and Equality*, pp. 125-126

and so far as, their implementation can be expected to contribute to a just distribution of the benefits and burdens of social life. This view of Cohen's about the primary 'site' of distributive justice provides the obvious answer to the somewhat puzzling question raised earlier about the rationale for Cohen's claim, against Rawls, that there are certain personal choices (made "within" the rules of the basic structure) that are assessable by direct appeal to principles of distributive justice, without the mediation of the institutional rules that belong to a just basic structure. The answer is that the choices in question can be characterized as "just" or "unjust" by asking whether or not they contribute *directly* to justice in the distribution of benefits and burdens. The claim that personal choices "within" the rules of the basic structure can be represented as just by direct appeal to the Difference Principle is thus tantamount to the claim that they contribute directly to maximization of the income and wealth of the worst off members of society. This view stands in contrast to Rawls's view because for Rawls – as Cohen interprets his position here – the Difference Principle applies directly only to the rules belonging to the basic structure and only indirectly to the choices people make through conformity to these rules. The Difference Principle cannot be invoked in support of judgments about the justice or injustice of the choices people make "*within*" the rules of the basic structure, because Rawls is committed to holding that such choices are neither required nor forbidden by these rules and that there is no other way (for example by direct invocation of the Difference Principle) that these choices could nevertheless be characterized as just or unjust. Cohen's view, by contrast, is that the choices people make "within" the rules of the basic structure can be required or forbidden by the Difference Principle -- precisely because the Difference Principle can be applied directly to these choices, by asking whether they help to maximize the share of income and wealth of the worst off members of society. For Cohen, but not for Rawls, the Difference Principle has both an indirect application (to choices required by the rules that qualify for inclusion in a just basic structure) and a direct application (to some choices people make "within" these rules), and both of these applications can be rendered intelligible because it is states of affairs (constituted by determinate distributions of the benefits and burdens of social life) that are the most basic subjects of judgments of distributive justice. Choices required or forbidden by institutional rules that contribute to a just distribution of benefits and burdens are, for that reason, deemed just. Similarly, some choices people make "within" these rules contribute directly to a just distribution of benefits and burdens and are, for that reason, deemed just.

Do Cohen and Rawls Disagree about the Status of Outcome-oriented Judgments of Justice?

Cohen accords "primacy" within the domain of distributive justice to judgments about *states of affairs*, not to judgments about the justice of *institutions*. States of affairs are constituted by determinate distributions of the benefits and burdens of social life,

distributions that are (for the most part¹⁸) brought about by a society's institutions. The strikingly outcome-oriented¹⁹ posture he adopts places him at odds with the Rawlsian doctrine that it is judgments about institutional rules that are basic and that judgments about the states of affairs these rules help bring about are admissible judgments of distributive justice only because they are derivable from judgments of justice about the rules belonging to the basic structure. According to this merely "proceduralist" interpretation of Rawls's view, judgments about the justice of institutional outcomes can be accommodated only as derivative judgments of distributive justice.

Since Cohen reverses the order of dependence between judgments about rules and outcomes, it is surprising that his critique of the doctrine of the basic structure as subject does not exploit this difference by issuing a direct challenge to the Rawlsian dictum that the "primary" subjects of distributive justice are institutions. His critique of the Rawlsian doctrine of the basic structure as subject, while embodying complaints both about the narrowness of the Rawlsian "basic structure" and about the exclusion from the domain of distributive justice of (at least some) personal choices people make "within" the rules of the basic structure, fails to engage directly with the Rawlsian dictum that the "primary" subjects of judgments of distributive justice are institutions.

I want to argue that the dictum misrepresents the position Rawls is committed to taking about the relationship between justice-judgments about institutional rules and justice-judgments about institutional outcomes: there is in fact no deep disagreement between Cohen and Rawls about this structural feature of the domain of distributive justice. Both assign logical primacy to judgments about the justice of states of affairs.

Despite his sponsorship of the view that judgments about institutions are "primary" –which implies that judgments about the states of affairs institutional

¹⁸ The qualification here allows for the role of personal choices "within" institutional rules in contributing *directly* to a just distribution of the benefits and burdens of social life.

¹⁹ Whether an outcome-oriented account of judgments of distributive justice – an account, that is, that represents the application of "just" and "unjust" to institutions as deriving from their (primary) application to the states of affairs these institutions help to bring about – should be characterized as consequentialist depends on how "consequentialism" (as a term of art in philosophy) is to be understood. If, as is often the case, it is a label for the doctrine that the "right" (including the "just") is what contributes to "maximization of the good" – and in this use "consequentialism" and "utilitarianism" are often treated as more or less interchangeable terms – Cohen's outcome-oriented account is *not* consequentialist. If, however, the term is understood more broadly – as it is by Thomas Pogge in *John Rawls: His Life and Theory of Justice* (Oxford University Press, 1999, pp. 43-44) when he writes that "a moral criterion is consequentialist when it judges candidates solely by their consequences or effects" and that this "leaves entirely open which effects are morally relevant and how such morally relevant effects are to be scored" -- Cohen's account qualifies as consequentialist. So understood, it's a form of *justice* consequentialism because it holds that institutional outcomes can be characterized as "just" or "unjust" on the basis of *direct* application to them of principles of distributive justice.

arrangements help to bring about are somehow derivative – Rawls’s own principles of justice must be taken to apply in the first instance to states of affairs and only derivatively to institutional rules. The reason is that institutional arrangements that satisfy such principles as the Equal Liberty or Equal Opportunity principles can only be viewed as “just” *because* the distribution of the primary goods to which these arrangements contribute – the distribution of “freedom” and of educational and occupational “opportunity” -- is the (equal) distribution mandated by these (Rawlsian) principles of justice.

What about Rawls’s Difference Principle? Does it too apply in the first instance to institutional outcomes and only derivatively to institutions? In support of a standard (merely “proceduralist”) reading of the Difference Principle it is often pointed out that Rawls expressly claims in certain well-known passages that questions of economic distribution – the distribution of income and wealth– are to be handled as questions of “pure procedural justice”²⁰ and that an economic distribution can be deemed just only if it is generated by economic decisions that conform to the rules of a just economic system, where these rules are just if in some direct way they satisfy the Difference Principle. An economic distribution brought about through adherence to the rules of a just economic system is represented as “just” *whatever it is*, precisely because it is a distribution generated by conformity to these rules. The justice of any given distribution of income and wealth is thus a function of the justice of the economic decisions that have generated it and these decisions, in turn, are just in virtue of their conformity to the rules of the economic system. The rules that give content and structure to a society’s economic institutions can be seen to be just by the *direct* application of the Difference Principle. There is no *independent* criterion of the justice of an economic distribution.

On this merely “proceduralist” reading of the status of Rawls’s Difference Principle, it would obviously be a mistake to attribute to Rawls the view that judgments about the states of affairs brought about by adherence to the rules governing the economic system provide the *basis* for judgments about the justice of these rules and the rule-grounded economic decisions that bring these states of affairs about.

Nevertheless, the view that questions of economic distribution can be handled as questions of “pure procedural justice” seems incompatible with Rawls’s endorsement of the Difference Principle as the principle by reference to which the justice of economic distributions is to be determined. This is because the Difference Principle can only be applied *indirectly* to the assessment of the rules that give shape to an economic system. It is only by trying to ascertain whether adherence to the rules of a given economic system will typically generate a distribution of income and wealth across society as a whole that maximizes the income and wealth of the worst off members of society that a judgment can be reached about the justice, from the standpoint of the Difference Principle, of the

²⁰ John Rawls, *A Theory of Justice*, pp. 74-75

rules themselves.²¹ The primary application of the Difference Principle has to be to the states of affairs that typically eventuate from the conformity of economic agents to the rules of a given economic system. It is consequently only derivatively that the rules themselves can be said to satisfy the Difference Principle. The content of the Difference Principle thus gives Rawls's account of economic justice a more outcome-oriented cast than seems to be permitted by his professed commitment to the handling of questions of economic distribution as questions of "pure procedural justice." Indeed, since the Difference Principle itself provides an "independent criterion" of the justice of an economic distribution, the question of just economic shares is in fact treated by Rawls as a question of (what he calls) "imperfect procedural justice." This is because, as Rawls himself puts it, "(t)he characteristic mark of imperfect procedural justice is that while there is an independent criterion for the correct outcome, there is no feasible procedure that is sure to lead to it."²²

That the problem of economic distribution is actually one of "imperfect procedural justice" can be confirmed both (1) by contrasting what Rawls says about justice in the distribution of income and wealth with a certain sort of libertarian version of Nozick's doctrine of economic justice and (2) by noting a respect in which the Difference Principle resembles the Utilitarian principle of utility-maximization.

(1) The instructive contrast here is between Rawls's view of economic justice and a rather specific version of libertarianism. This version has close ties to an important part of Nozick's "historical entitlement" account of distributive justice in that it follows Nozick in his insistence on the importance to justice in economic distribution of fully voluntary interaction between members of society in the economic domain. However, in making the voluntariness of economic interaction the centerpiece of their account of economic justice, defenders of this version of libertarianism represent the voluntary transactions principle as a "stand-alone" principle that does not need to be applied – in the way Nozick insists it does – in conjunction with another principle of justice, the principle of justice in the (initial) "acquisition" of economic assets. Whereas Nozick holds that a market-determined economic distribution is just only if it can be established *both* (a) that the pre-transaction distribution of economic assets was a just distribution (by the principle of "justice in acquisition"), *and* (b) that market participants have interacted over time in a fully voluntary manner (in line with the principle of "justice in transfer"),²³ libertarians (of the sort in question) dispense with requirement (a) and represent (b) as a sufficient condition of the justice of market-determined distributions of

²¹ This is confirmed by the account given by Thomas Nagel in his contribution to *The Cambridge Companion to Rawls*, edited by Samuel Freeman (Cambridge University Press, 2003), p. 71.

²² John Rawls, *A Theory of Justice*, pp. 74-75

²³ Robert Nozick, *Anarchy, State, and Utopia* (Basic Books, 1974), pp. 150-153

economic assets. While this version of libertarianism is much more difficult to defend than Nozick's doctrine – given the importance of requirement (a) to the elaboration of an account of economic justice along “historical entitlement” lines – it has an interesting feature, in that it would enable the problem of just economic distribution to be handled as a problem of “pure procedural justice.” This is because the principle of voluntary transactions in the unqualified version that is the hallmark of this sort of libertarianism can be applied without any (even oblique) reference to the distribution of economic and other goods that is effected over time by voluntary market interaction. The voluntary transactions principle (in its unqualified version) is satisfied when market interaction satisfies a single condition – that is, when market participants buy, sell, or exchange the goods and services they own or control in a fully voluntary manner. There is no call for scrutiny of the distribution of economic assets brought about by the transactions to which market participants are parties. *Whatever* the consequences of these transactions happen to be – and it is immaterial whether or not the consequences were intended, or foreseen, or foreseeable – they have no absolutely no bearing on whether the transactions themselves were voluntary. For theorists for whom satisfaction of the voluntariness requirement is the only condition that must be fulfilled for market-generated economic distributions to be declared to be just, these distributions can be declared to be just *whatever* they are. Judgments about the justice or injustice of states of affairs – states of affairs constituted by determinate economic distributions, for example – can thus be represented by libertarians of this kind as derivative judgments of distributive justice. An economic distribution is just if and only if the economic transactions that have brought it about were fully voluntary. Since the justice of economic transactions can be determined -- by appeal to the voluntary transactions principle – without any reference to the outcome of these transactions, the problem of justice in economic distribution can be handled as a problem of “pure procedural justice.”

Things are very different for Rawls, given his sponsorship of the Difference Principle as his principle of economic justice. Unlike the (unqualified) voluntary transactions principle, *its* content requires attention to the consequences of economic interaction. The principle cannot be given any determinate content without foregrounding questions about the distributive upshots of alternative ways of structuring the rules that govern economic interaction. For the rules of an economic system – the rules to which market participants are required to conform – to satisfy the Difference Principle, they must be rules that contribute to maximization of the income and wealth of the worst off members of society. The problem of just economic distribution must thus be seen to be a problem of “imperfect” procedural justice, not a problem of “pure” procedural justice.

(2) If we set aside our surprise at Rawls sometimes indicating that a “pure procedural justice” approach to questions of economic justice should be adopted, there is

really nothing surprising about Rawls's doctrine of economic justice having to be characterized as outcome-based. Indeed, the Difference Principle is strikingly similar to the principle of utility-maximization in this respect. That Utilitarianism is an outcome-oriented normative doctrine is uncontroversial because it represents the moral defensibility of institutional rules as a function of the contribution these rules (can be expected to) make to the bringing about of states of affairs in which social "utility" is maximized. Although as a critic of Utilitarianism Rawls isn't prepared to link defensible principles (including the principles of "justice as fairness") to maximization of "social utility," his Difference Principle calls for (economic) institutional arrangements to maximize the income and wealth of the worst-off members of society. For Utilitarians and Rawls alike, the criterion of the moral defensibility of economic institutions is the role they play in bringing about a specific kind of outcome: maximization of social benefit for society as a whole in the one case, maximization of the income and wealth of the worst off members of society in the other. If Utilitarianism can be classified as an outcome-oriented doctrine, so too must Rawls's doctrine of economic justice.

Do Cohen and Rawls disagree, then, about the status of outcome-oriented judgments of justice? They agree that judgments about the justice of the states of affairs brought about by a society's institutional arrangements can be made. They agree, consequently, about such judgments falling within the boundaries of the domain of distributive justice. However, they disagree about the relationship that obtains between judgments about the justice of institutional rules and judgments about the justice of institutional outcomes -- *if* Rawls can be taken at his word when he assigns logical primacy to judgments about institutional rules. However, the Rawlsian dictum that the "primary" subjects of judgments of distributive justice are institutions (and not the states of affairs in which they eventuate when implemented) is inconsistent with the content of Rawls's own principles of distributive justice, including the Difference Principle. Given the reasonableness of "resolving" this inconsistency by saving the substance of the doctrine of "justice as fairness," the conclusion that ought to be drawn is that, at bottom, there is really no difference between Cohen and Rawls. They must be taken to agree that judgments about distributive outcomes are logically more fundamental than those about the institutions that belong to a society's "basic structure." Despite its "proceduralist" façade, Rawls's own theory -- "justice as fairness" -- is outcome-oriented in substance.

Conclusion

On the question of the boundaries and contours of the domain of distributive justice -- about the sorts of judgments that count as judgments of distributive justice and about their logical interconnections -- the surface differences between the views of Cohen and Rawls conceal important underlying similarities. They agree that principles of distributive justice can be applied to the following: institutional rules (including those

that belong to the “basic structure” of society), individual conduct (in particular the actions performed, or the decisions made, when individuals obey or disobey, apply or misapply, just institutional rules), the attitudes and dispositions of individuals (when these motivate them to help realize justice in society), and states of affairs (where these are constituted by determinate distributions of the benefits and burdens of social life). They also agree -- if surface disagreement generated by the Rawlsian dictum that the “primary” judgments of justice are judgments about institutions is set aside -- that a certain logical priority, among judgments of distributive justice, must be accorded judgments about the justice or injustice of states of affairs. Judgments about the justice or injustice of people’s attitudes and dispositions, their actions and decisions, and judgments about the justice of a society’s institutions (including those that belong to the “basic structure”) are all indebted, directly or indirectly, to judgments about the justice or injustice of the states of affairs constituted by determinate distributions of the benefits and burdens of social life.

Where do they disagree? It might be thought that they disagree about how broadly the institutions belonging to the “basic structure” should be conceived. If it were only institutions governed by legally coercive rules that qualified, in Rawls’s view, for inclusion in the basic structure, Cohen’s insistence that institutions governed by non-coercive rules (rules established and maintained by social consensus, for example) ought also to be included would point to an important difference between them. However, despite the fact that he sometimes targets the narrower view, Cohen recognizes that there is textual evidence for Rawls’s acceptance of the broader view.

There is firmer basis for thinking that they do not to see eye to eye about whether people’s personal choices *within* the rules of a just basic structure can be characterized as “just” or “unjust” – that is, about whether such choices are either required or forbidden by principles of distributive justice. Rawls (in Cohen’s view) is committed to excluding judgments about personal choices of this sort from the domain of distributive justice because (a) principles of distributive justice can be applied to matters of individual conduct and choice only indirectly (by reference to the institutional rules to which these principles have a direct application), and (b) personal choices “within” institutional rules are neither “just” (required by these rules) nor “unjust” (forbidden by these rules). The truth of (b) can be taken for granted: indeed it is true by definition, given Cohen’s (stipulative) characterization of choices “within” the rules of the basic structure as choices these rules neither require nor forbid. Establishing the truth of (a) is altogether more complicated, and I haven’t tried in this paper to determine whether it’s true or not. Whether (a) can in the end be ascribed to Rawls depends, in large part, on whether Rawls thinks justice can be fully achieved “by structural means.”²⁴ For “structural means” to

²⁴ In an interesting paper of Bertrand Russell’s (“Reflections On My Eightieth Birthday,” in *Portraits from Memory, and Other Essays*, Allen & Unwin 1956), he nicely anticipated the view that justice in society can

suffice for the achievement of justice in society, two very demanding conditions would have to be fulfilled. First, a society's institutional rules would have to be in conformity with principles of distributive justice. Second, these rules would have to be consistently obeyed or observed by all to whom they apply. Cohen clearly thinks that justice in society cannot be reliably achieved by merely "structural means." He takes this view not merely because the two "structural" conditions cannot in practice be fully met, though he of course recognizes how crucial it is to the achievement of justice in society for its institutional rules to satisfy principles of distributive justice and for those who are subject to these rules to obey them consistently. He also recognizes that the cause of justice may sometimes need to be advanced by choices people have a justice-based obligation to make even though the obligation has its source, not in institutional rules that satisfy principles of distributive justice, but in the principles themselves.

To see the obligation to make certain choices "within" the rules of the "basic structure" as grounded in principles of distributive justice is tantamount to recognizing that even judiciously articulated institutional rules can never be fine-grained enough to capture all the requirements of justice in particular situations. These requirements can only be identified, in situations not adequately "covered" by just institutional rules, by direct appeal to the principles of justice that underpin the rules. Thus, when this sort of appeal has to be made to the Difference Principle to determine what is involved in making personal choices "within" the institutional rules that satisfy the Difference Principle, the choices in question are choices that would make a direct contribution to maximizing the share of income and wealth of the worst off members of society.

To the question how Cohen's view of the boundaries and contours of the domain of distributive justice compares with Rawls's view, the general answer, then, is that the similarities are more striking than the differences. This has gratifying implications for the larger – and more interesting -- question how, and how far, their substantive doctrines of distributive justice differ, since it means that, on most issues, such disagreements as there may be can generally be clearly articulated. If, here and there, their substantive views are at odds, at least they are largely at one about what the crucial questions are.

only be secured if, in addition to establishing just institutions, the members of a society are prepared to be governed, in many of the "personal choices" they make, by principles of distributive justice. Russell wrote: "There are those who hold that everything depends on institutions, and that good institutions will inevitably bring the millennium. And, on the other hand, there are those who believe that what is needed is a change of heart, and that, in comparison, institutions are of little account. I cannot accept either view. Institutions mould character, and character transforms institutions. Reforms in both must march hand in hand."

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Article

FACTS, PRINCIPLES AND THE THIRD MAN¹

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Abstract

In the dialogue entitled “Parmenides” Plato introduces an objection to his own theory of ideas, one that he never managed to answer, dubbed by Aristotle as the “Third Man” argument. According to that objection, the theory of ideas is threatened with infinite regress when examining why a specific Platonic form (say, justice) is predicated of a particular set of facts. This article seeks to show how any defence of fact-insensitive principles like the one

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offered by G.A. Cohen in his recent book “Rescuing Justice and Equality” is vulnerable to a similar objection. Cohen wants to insist that, when showing why facts support principles, the process of reason-giving is finite and terminates in fact-independent comprehensive principles. But something like the Third Man argument undermines Cohen’s conclusion just as it does Plato’s. The search for ultimate fact-independent principles is indeed threatened by infinite regress.

Résumé

Dans le dialogue intitulé ‘Parménides’ Platon introduit une objection à sa propre théorie des idées, à laquelle il n’a jamais réussi à répondre, appelée par Aristote l’argument du « troisième homme ». D’après cette objection, la théorie des idées est menacée par une régression à l’infini lorsque l’on examine comment une forme platonique spécifique (par exemple, la justice) s’établit à partir d’un ensemble particulier de faits. Cet article cherche à montrer que toute défense de principes insensibles aux faits, comme celle offerte par G.A. Cohen dans son livre récent, *Rescuing Justice and Equality* est vulnérable à une objection semblable. Cohen voudrait montrer que lorsque l’on montre pourquoi certains faits soutiennent des principes, le processus explicatif est fini et se termine dans des principes complets qui sont indépendants des faits. Mais, quelque chose de semblable à l’argument du troisième homme est susceptible de saper les conclusions de Cohen comme celles de Platon. La recherche pour des principes ultimes indépendants des faits est bien menacé par une régression à l’infini.

Keywords

facts; G.A. Cohen; ideals; Plato; principles

Mots clés

faits; G.A. Cohen, idéaux; Platon; principes

I.

“Any attempt to realize the socialist ideal”, claims G. A. Cohen in *Why not Socialism?* “runs up against entrenched capitalist power and individual human selfishness. Politically serious people must take these obstacles seriously”. However, continues Cohen, “they are not reasons to disparage the ideal itself” (Cohen 2009: 80).

Marx would have been puzzled to read this statement. For him a society much like the one Cohen describes is precisely not “an ideal to which reality will have to adjust itself”. It is not “a state of affairs to be established”. It is “the real movement which abolishes the present state of things” (Marx 2000: 187).

Against Cohen’s attempts to distinguish sharply between considerations of desirability and issues of feasibility, between the principles of socialism and the facts of

the real world,³ stands Marx's conception whereby particular normative principles are framed in response to the very real conflicts expressing the need for them. Cohen, like Plato, is not afraid of political utopia. Marx, like Aristotle, perceives morality as shaped by the concrete social and political institutions in which human rationality manifests itself. In the case of the former, normative principles need to be carefully separated by the facts that we invoke in support of them. Otherwise, Cohen claims, such facts will contaminate our principles, and lead to confusion, confusion which, according to Cohen, "generates disoriented practice" (Cohen 2009: 80). In the case of Marx, any attempt to isolate principles from the world of facts, any theoretical stance which is also not a political one cultivates a doctrinaire spirit, the spirit of crass socialists who say: "Here is the truth, kneel down here!" (Marx 2000: 44.). For Marx, "to get its sins forgiven, humanity only needs to describe them as they are" (Marx 2000: 45).

Cohen's and Marx's statements reveal two different methodological positions, two alternative ways of thinking about the role of normative theory, its place in the world we experience, and its relation to existing political action. In the case of Cohen, theory takes pride of place; whether it reflects existing concerns and commitments, whether it motivates political action, and whether it succeeds in changing the world is all of secondary importance. Priority should be given to articulating fundamental principles, and only in a second step reflect on if and how they might relate to facts. In the case of Marx, on the other hand, political action fills theory with content; it is what makes it relevant, it is what gives it bite. Uncoupling normative theory from political cultivates moral hypocrisy and might end up even strengthening the endorsement of the existent state of affairs.

In the pages that follow I shall not engage with a direct comparison between these two different approaches.⁴ I shall instead limit myself to focusing on what I earlier called Cohen's Platonic utopianism, and examine the logical argument that underpins his attempt to conceptualize the proper relation between facts and principles. And I shall argue that Cohen, much like Plato, is vulnerable to an objection that Plato himself never managed to answer, dubbed by Aristotle as the "Third Man" argument. According to that objection, the theory of ideas is threatened with infinite regress when examining why a specific Platonic form (say, justice) is predicated of a particular set of facts. I will try to show how any defence of fact-insensitive principles like the one that has been offered in Cohen's methodological discussions on the relationship between facts and principles is vulnerable to a similar objection. Cohen insists that, when showing why facts support principles, the process of reason-giving is finite and terminates in fact-independent comprehensive principles. But something like the Third Man argument undermines that

³ For further discussion of the issue, and an analysis of how the separation between desirability and feasibility requirements is also present in other writings of Cohen see Gilabert 2011.

⁴ For a discussion of the virtues and limits of each see Ypi 2011, chapter 2.

conclusion just as it does Plato's. The search for ultimate fact-independent principles is indeed threatened by infinite regress.

Of course, the fact that Cohen's enterprise is fraught with difficulties does not necessarily mean that Marx's method is the right way to go. But illustrating these difficulties might be instructive to point to the need for integrating with an alternative account, one which is more open to establishing constructive links between theory and practice, rather than insisting that normative theory matters no matter what the facts are.

The paper proceeds as follows. Section II illustrates the defence of fact-insensitive principles. Section III introduces the parallels between the search for fact-insensitive principles and Plato's defence of the role of ideas. Section IV explains how one famous objection to the theory of ideas - the "Third Man argument" - applies also to the defence of fact-insensitive principles. Section V takes this issue further in clarifying the premises of the Third Man argument and shows how they affect the defence of fact-insensitive principles. Section VI examines an important objection to the application of the Third Man argument to the defence of fact-insensitive principles. Section VII concludes.

II.

The defence of fact-insensitive principles (for short: "the thesis") can be summarized as follows: "A principle can reflect or respond to a fact only because it is also a response to a principle that is not a response to a fact". Or, to put it otherwise, "principles that reflect facts must, in order to reflect facts, reflect principles that don't reflect facts." (230).⁵

The defence of the fact-insensitivity of principles rests on three core premises. The first premise is the following:

G1: Whenever a fact supports a principle there is always an explanation for *why* F supports P, i.e. an explanation of why F represents a reason to endorse P (236).

This premise does not receive or require too much attention. Cohen points out that the specific reason for which facts support principles is provided by the second premise of the argument. That second premise (which could also be stated conditionally) claims the following:

G2: The explanation invoked in the first premise implies a more ultimate principle that explains why F supports P.

⁵ Citations in the text refer to page numbers of (Cohen 2008).

The defence for this argument is, somewhat disappointingly, merely to challenge anyone reflecting on why that fact supports the principle to come up with an example in which the above does not occur.⁶ But on a less ad-hominem (and more logically pertinent reconstruction) it is easy to see how the premise relies on the combination of two assumptions. Both assumptions are implicit in the explanation that defenders of the thesis give for “why anything grounds what it grounds”. The first assumption relies on the idea that given certain facts, there is always (at least) one *more* ultimate principle that explains why any set of facts gives us reasons to endorse a certain set of principles. Call this the “the one-over-many assumption”. Cohen goes some way to clarifying further this assumption when arguing that once we admit, if only conditionally, that there is an explanation for why facts support principles, then a more ultimate principle is invoked (236).

The “one over-many-assumption” is itself strengthened by a supplementary argument. That argument claims that no set of facts supports a set of principles just by virtue of themselves - if it did there would be no need for further enquiry. Call this “the non-self explanation assumption”. Cohen acutely notes that this assumption is only introduced in the second premise of the argument. Indeed, as far as the first premise is concerned, “it is allowed here to be an explanation (albeit a singularly unsatisfying one) of why p (if it indeed does) supports p that they are the same proposition” (236). So the first premise of the argument allows for self-explanation but the second does not. The second premise therefore makes a stronger argument by adding to the first premise that it is implausible (or perhaps unsatisfying) to say that a claim supports itself simply by virtue of itself.

Notice that the one-over-many assumption and the non-self explanation assumption are distinct from each other. There may be cases in which the one-over-many assumption applies in such a way that allows for self-explanation. So for example, if we state that “people should not harm each other” and then ask why, we might respond: “because harm causes pain” and then conclude the reason-giving sequence with an utterance like “pain is bad”.⁷ If the utterance “pain is bad” were endorsed without further enquiry, it would play the role of a “one-over-many” assumption which does not deny the possibility of self-explanation; we could say that “pain is bad because pain is bad”. In order to proceed with the sequence, as Cohen’s argument requires, we ought to be able to deny the possibility for self-explanation to “pain is bad”. Cohen never says that the “non-self explanation” premise only applies to facts and not to principles, and for good reasons;

⁶ The weakness of the defence has already been noted in the excellent critique of Thomas Pogge, see (Pogge 2008: 456).

⁷ Notice that in Cohen’s broad definition of fact, utterances of the type “pain is bad” are legitimately considered as factual descriptions (258).

that would turn his entire argument into a *petitio principii*. But what then is to stop the sequence of interrogation from going on forever?

The answer to this question is provided by the third premise of the argument.⁸ That premise denies that the sequence of interrogation could proceed endlessly not by endorsing “self-explanation” but by relying on something often referred to as “the clarity of mind assumption”, the idea that the person (or theory) affirming certain principles has a clear grasp both of the principles that she (it) holds and of the reasons for holding them (233, 237).⁹ The difficult question, to be raised at the end of the paper, is whether this premise (and the arguments that go with it) does the job that is required from it to prevent the logical flaw that, as we shall shortly illustrate, the argument independently generates.¹⁰ For now, let me put these caveats to one side and summarize the conclusion of the thesis.

The conclusion asserts that there is an ultimate fact-insensitive principle (or several such).¹¹ The central contention of this paper, constructed with reference to a familiar objection that I will elaborate in the next few pages, is that the argument as it stands does not lead to such principle (or principles) but to a vicious logical problem. The objection I will introduce to support my claims shows that in a way similar to Plato’s theory of ideas, the defence of fact-insensitive principles is indeed threatened with infinite regress.

III.

One does not need to engage in deep exegesis to illustrate some relevant similarities between the defence of the fact-insensitivity of principles and the Platonic

⁸ Thomas Pogge notes the absence of an appropriately formulated third premise in Cohen’s defence of fact-free principles and proceeds to provide one in the following way: “Iteratively applied to any fact-sensitive principle, the elimination of facts terminates in a wholly fact-insensitive principle (which holds regardless of *all* facts)” (Pogge 2008: 456-7). Note however that only the “non-iterative application” part plays a significant role in this formulation. If we bracket that addition, Pogge’s statement ceases to sound like a premise and already contains the conclusion of the argument.

⁹ It is rather unfortunate that in responding to possible objections, Cohen has conceded that one could deny the clarity of mind requirement without damage to any of the argument’s premises (247). If we are authorized to deny the clarity of mind then we are entitled to put to one side one of the main claims in support of the third premise. But it then ceases to be clear how the premise could be independently defended. I shall return to this issue in the following pages.

¹⁰ In the final part of the paper I argue that the claims that are used to establish the third premise are not compatible with some of the restrictions Cohen places on the argument he presents. Readers interested only interested in this part of the paper but not to the analogy with Plato’s theory of ideas, might also skip the pages that follow and go to the penultimate section.

¹¹ Cohen continues: “that will be exposed if you continue that interrogation for as long as may be necessary, and *if* the person knows what her principles are and why she holds them” (256).

theory of ideas. In a particularly revealing passage of *Rescuing Justice and Equality*, Cohen records his agreement with the Platonic method of philosophical enquiry and its ability to transcend the facts of the world in the search for ultimate fact-insensitive moral principles. As he explicitly puts it:

I agree with the Socrato - Platonic view that led Socrates to reject illustrations of, for example, just behaviour as providing a proper answer to the question “What is Justice?”: no list of examples reveals what it is about the examples that makes each an example of justice. Until we unearth the fact-free principle that governs our fact-loaded particular judgments about justice, we don’t know why we think what we think just is just. And we have to retreat to (what we consider to be) justice in its purity to figure out how to institute as much justice as possible inside the cave (291).

To understand what is at stake in the identification with the Socratic-Platonic view, it may be worth unpacking this passing reference to Plato’s allegory of the cave. A rough summary will suffice for our purposes. According to that famous Platonic allegory, the unfortunate inhabitants of the cave are born and have always lived under the ground, with their legs and necks tied in such a way that forces them to look straight and prevents them from turning their heads. The only thing that inhabitants of the cave are able to observe, and take to be real, are the walking and talking images reflected on the walls of the cave through a fire burning between them and the road. When one of the prisoners is set free to walk out of the cave, he is dazzled by the real light, pained to see the Sun and surprised to discover that the images and sounds that people in the cave have been exposed to, and have confused with reality, are but ephemeral shadows with no existence of their own.

In a way similar to the defence of fact-insensitive principles mentioned above, the point of the Platonic allegory is to illustrate how to think about ideas and in what way to perceive the relationship between first principles and the transitory, human experiences in which they are contingently reflected. Images in the cave have no independent standing; they simply cast the light that the fire and the Sun shed on them, just like fact-sensitive principles only obtain validity by appealing to the authority of more ultimate fact-insensitive principles. There is, of course, a relevant disanalogy. Plato seems¹² committed to a kind of metaphysical foundationalism that defenders of the thesis we are examining carefully try to avoid. Yet not much that is relevant to the argument at this point depends on emphasizing that contrast. The similarity we are exploring relates to the

¹² I say “seems” because as I go on to illustrate below, one could also interpret Plato’s thesis as being stated merely conditionally.

process of reason-giving which underpins any attempt to clarify why facts may support principles. The relevant analogy therefore concerns the logic of the argument rather than its metaphysical or ontological or epistemological (or all of these in conjunction) premises. This is in keeping with the restrictions Cohen himself has placed on the argument, claiming that the defence of fact-insensitive principles, is neutral with regard to the “is-ought” controversy, the objectivity of principles, the prospects of realism and holism and other such issues (230).

Cohen explicitly adopts a Platonic metaphor when he argues that “facts cast normative light only by reflecting the light that fact-free first principles shine on them” (267). Plato refers often to the analogy with light to explain the relationship between ideas and objects of the world. He argues that the presence of objects that exhibit different colours and our ability to see things are insufficient unless a third element, the light, is taken into account.¹³ “[W]hen our eyes are directed towards things whose colours are no longer bathed in daylight, but in artificial light instead, then they are less effective and seem to be virtually blind, as if they didn’t even have the potential for seeing clearly”. However “when they are directed towards things which are lit up by the sun, they see clearly and obviously do have that potential” (508c-d).

This, Plato argues, is how we should think about our mind in relationship to ideas. When the objects to which it directs attention are “lit up by truth and reality, then it has [...] intelligent awareness and knowledge”. But when they are in the dark or when nature corrupts them through generation and decay “then it has beliefs and is less effective because its beliefs chop and change, and under these circumstances it comes across as devoid of intelligence”. For Plato, only “the sight of the character of goodness leads one to deduce that it is responsible for everything that is right and fine, whatever the circumstances”. In the phenomenal realm goodness is “the progenitor of light and of the source of light, and in the intelligible realm it is the source and provider of truth and knowledge” (508 d- 508 e).

In a similar way, defenders of the fact-insensitivity of principles argue that if any facts support principles at all, it is only because they appeal to more ultimate fact-insensitive principles. Affirming these principles survives the denial of contingent facts of the world, in the same way in which directing the mind to intelligible entities (like ideas) to explain why transitory objects are what they are, survives the decay of these objects. After a few steps in the correct chain of reasoning, fact-insensitive principles are able to explain how other principles are reflected by facts without need to appeal to examples in which those facts are displayed. As in Cohen’s passage cited above, we do not find out what courage is by pointing at examples of courageous action, rather, it is because we

¹³ “Even if a person’s eyes are capable of sight, and he’s trying to use it, and what he’s trying to use look at is coloured, the sight will see nothing and the colours will remain unseen unless there is also present an extra third thing which is made specifically for that purpose” (Plato [unknown] 1994: 507d-507e).

have the idea of courage that we are able to identify such cases as cases of courageous action.

But the similarities between the defence of the fact-insensitivity of principles and the Platonic theory of ideas are not limited to the metaphors we have examined. Defenders of fact-insensitive normative principles and followers of the Platonic theory of ideas share the same process of reason-giving. In both cases, the answer to relevant “why” type of questions is obtained through a particular method of enquiry defined by Socrates as the “dialectical method”.¹⁴ This is a way of proceeding through which reason seeks an explanation for why certain facts support principles and this explanation ultimately transcends the mere concatenation of these facts. It is given by fact-free principles, which are in turn intuitively clear. Existing factual properties of things, Socrates explains, are considered mere starting points but the grounds that explain why these things display precisely these properties cannot be identified with them. The process of reason giving takes us beyond the starting assumptions; these are considered “not as first principles, but only as [...] steps and points of departure” (511b). Dialectic, Socrates clarifies, is “the only field of enquiry whose quest for certainty causes it to uproot the things it takes for granted in the course of its journey [...] When the mind’s eye is literally buried deep in mud, far from home, dialectics gently extracts it and guides it upwards” (533d).

Both defenders of the theory of ideas and advocates of the fact-insensitivity of principles ultimately rely on the evidence provided by intuitions to explain why anything grounds what it grounds. The typical method of proceeding in the Socratic case is to start by asking, for example, how a particular moral property could be defined (e.g. virtue, courage or justice). The objector comes up with an example of conduct in which one of these properties is displayed. Then Socrates responds by either challenging the example or illustrating the unforeseen consequences of that definition or by extending it to other cases that the objector had initially failed to take into account. The sequence of interrogation goes on until we encounter a self-evident more fundamental principle which is in turn assessed either against itself or against its consequences. In this case the philosopher is able to display something like the property of the “clarity of mind”: the fundamental principles at the summit of our moral judgments appear to us as being obvious and if they survive the test they become part of a coherent system, whereas if they fail they are rejected.¹⁵

A similar dialectical approach seems also endorsed by defenders of the fact-insensitivity of principles. Cohen reports admiration for the way in which first-order principles of justice are identified in Plato’s *Republic*. “The lovers of sights and sounds” he

¹⁴ Not to be confused with Hegelian and Marxian dialectic.

¹⁵ See the explanation of the editor in (Plato [unknown] 1994). For a further discussion of Plato’s intuitionism see Dahl 1991.

argues, think that it is enough to provide examples of just behaviour in order to reach the fundamental principles of justice. As Cohen further explains:

they scarcely recognize the question: What is justice, *as such*? In a world where the facts are F, they believe that P constitutes justice, and they do not abstract even so far as to see that they believe, independently of the facts, principles of the form: *if F then P*. Plato thinks, and I agree, that you need to have a view of what justice *itself* is to recognize that justice dictates P when F is true. That is how justice transcends the facts of the world (291).

The commitment to a similar mode of reasoning is also apparent in the self-understanding of the difference between intuitionist approaches (some version of which is endorsed by both Plato and Cohen) and the constructivist method adopted by opponents of fact-insensitive principles (e.g. Rawls).¹⁶ In the former case, Cohen argues, “we determine the principles that we are willing to endorse through an investigation of our individual normative judgments on particular cases, and, while we allow that principles that are extensively supported by a wide range of individual judgments can override outlier judgments that contradict those principles, individual judgments retain a certain sovereignty.” When proceeding in a similar fashion, he continues “we refine, and we thereby reach, our deepest normative convictions” and when facing a conflict between these first principles we are “simply to strike a balance by intuition, by what seems to us most nearly right”.¹⁷

Both Platonists and defenders of the fact-insensitivity of principles therefore believe that the normative explanations we can obtain for any existent set of factual statements are bound to proceed upwards until they reach an ultimately fact-independent principle (or several such). Both moreover believe that our intuitions, especially when refined through philosophical reasoning, provide a credible enough guide on the definition, properties and overall plausibility of such ultimate fact-insensitive principles. For both there is no need for further proof to argue, for example, that justice (however we understand it) is what makes just acts just, or that the good (if there is any) is what makes good things good. In what follows I will refer to commitments of this form as an instance of self-predication (SP).

But before proceeding with the argument it may be necessary to clear the ground from a couple of fundamental critiques. Firstly, some might argue that even though Cohen relies on intuitions in order to clarify what justice is, that part of his argument is

¹⁶ For a more detailed discussion of the dispute see (Ronzoni and Valentini 2008; Kurtulmus 2009; Jubb 2009)

¹⁷ (Cohen 2008) citing Rawls.

not related to his general defence of the relationship between facts and principles. However, I doubt that Cohen would want to see the two points isolated from each other in such a way. In *Rescuing Justice*, the argument on facts and principles serves his critique of Rawls's rival methodological approach (constructivism): it is invoked at various points to strengthen Cohen's arguments on the nature of justice and to clarify the distinction between fundamental principles of justice and rules of regulation.¹⁸ Even if we concede that one does not need to be an intuitionist to endorse Cohen's argument on the relationship between facts and principles, the two issues are by no means entirely unrelated. Exposing some flaws that might arise when investigating further their link helps to reconsider the larger methodological implications of the fact-insensitivity thesis.

Secondly, some might object to the analogy between the Platonic theory of ideas and the defence of fact-independent principles by emphasizing that the latter is only conditionally asserted whereas Plato's arguments are loaded with ontological judgments about the real structure of the world. Cohen, for example, argues that even if he ultimately agrees with Plato that justice is the same thing across and independently of history, that extreme anti-relativism is not part of the doctrine defended in his book that justice is fact-free (291). The reason for that claim is of course that in its weaker version the defence of the fact-insensitivity of principles is only conditional and takes the form: "if any facts support principles, then ... etc etc". In this case nothing needs to be conclusively said about the real structure and composition of our normative world.

Since this paper is concerned only with the logical structure of Plato's and Cohen's arguments, the distinction should in any case be irrelevant to the general point we are trying to make. However, it is also worth insisting that, on a more generous interpretation of Socrates' mission, the arguments provided in *The Republic* could also be considered conditional. At one point, after introducing the allegories of the Sun and of the cave as metaphors for discussing the mind's ascent to the idea of good, Socrates disarmingly admits to Glaucon that "only God knows if this is actually true". He then goes on to make several statements of the form "whether true or false, my opinion is that..." (517b). It is curious to observe Socrates confessing that he is, after all, expressing merely "an opinion", especially if we consider that at this stage of his thought, Plato has already distanced himself from the Socratic irony of the earlier dialogues. But with that more revisionist interpretation in mind, it may be easier to show how Plato could have been the first philosopher ever to doubt the validity of his own theory of ideas. This, at least, is what the

¹⁸ Consider for example the following passage: "I believe that, whatever their content may be, fundamental principles of justice are in no way dependent on the nature of any facts. [...] I thereby affirm that constructivists miscast applied principles of justice to the role of fundamental ones" (281). For more evidence of the link see also how the "clarity of mind assumption" is invoked in the critique of constructivism (p. 279, note 6). The distinction between fundamental principles of justice and rules of regulation figures prominently in Cohen's critique of Rawls's theory of justice, see esp. ch. 7 of *Rescuing Justice*.

devastating argument he introduces against himself in the dialogue entitled *Parmenides* goes on to show.

IV.

“It is rare enough to find a philosopher employing his best resources to construct an argument which, were it valid, would have destroyed the logical foundations of his life's work. What is rarer still and [...] absolutely without parallel in the pages of Western philosophy, is to find a man who faces such an emergency as Plato did” (Vlastos 1954). The emergency, known after Aristotle as the “Third Man argument” (Aristotle [unknown] 1998: esp. 90b17, 1079a13, 1039a2) erupts in one of the most complex Platonic dialogues: *Parmenides*. The text describes the encounter between a young philosopher named Socrates and the “venerable” Eleatic philosopher Parmenides who interrogates Socrates on the main definitions and fundamental premises of his own theory of ideas and then lays down a series of logical, epistemic and metaphysical challenges. Among those, the Third Man argument, is well-known for being one that Plato himself considered among the most intractable - a suspicion reinforced by the absence of an official response to it either in *Parmenides* itself or in any of the later dialogues.¹⁹

Parmenides' reported challenge begins by inviting Socrates to confirm the relevance of the distinction between things in the factual world and the principles that they reflect.²⁰ After obtaining Socrates endorsement of the distinction, Parmenides

¹⁹ Here I cannot even begin to do full justice to the immense body of literature that the Third Man argument has generated. My reconstruction follows the path-breaking analysis of Gregory Vlastos, see (Vlastos 1954) and (Vlastos 1955) but my reconstruction of the arguments relies on the overlapping features of the many conflicting interpretations that Vlastos' analysis has generated rather than taking sides. Where taking sides has proved unavoidable, I have indicated in the footnotes which interpretation has been followed but I have done so without contributing anything new to that particular interpretation. Readers who are not familiar with Plato should note that much of the critical literature does not dispute the fact that the Third Man argument constitutes a valid logical inference. What commentators disagree upon is the extent to which Plato's theory of ideas has textual support to counter the Third Man objection, the consistency of jointly affirming two of its central premises and the plausibility and possible extension of the “self-predication” assumption. I agree with Wilfrid Sellars that there is no inconsistency in the joint affirmation of these premises (see (Sellars 1955) and I also agree with Sandra Peterson that the self-predication assumption is a plausible one (see (Peterson 1973) but I do not have space here to further justify my claims. Overall, my paper is limited to considering how the objection could apply to the defence of the fact-insensitivity of principles; it does not enter the substantive controversy among Plato scholars.

²⁰ Socrates, he said, I admire the bent of your mind towards philosophy; tell me now, was this your own distinction between ideas in themselves and the things which partake of them? [...]And would you also make absolute ideas of the just and the beautiful and the good, and of all that class? - Yes, he said, I should” (*Parmenides* 130).

continues to press. His argument is now targeted at the method Socrates adopts in the course of his dialectical enquiry: he wants to know “whether Socrates means “that there are certain ideas of which all other things partake, and from which they derive their names; that similars, for example, become similar, because they partake of similarity; and great things become great, because they partake of greatness; and that just and beautiful things become just and beautiful, because they partake of justice and beauty?” (Parmenides 131-2). And once again, Socrates agrees that this is what he means.

The logic of Socrates’ enquiry is similar to that followed by defenders of fact-insensitive principles. We have observed the latter agree with the Socratic - Platonic method which brings them to identify first principles of justice by intuition, while relying on examples of just behaviour only as a way of starting their dialectical exercise. When asking why anything grounds what it grounds, defenders of fact-insensitive principles maintain that in the process of unearthing the reasons we have for devotion to specific normative commitments, we also discover our endorsement of superior and more fundamental fact-free principles. If challenged by Parmenides to repeat why they think this is the case, they would answer by making the same intuitionist point that we have seen Socrates make: “you need to have a view of what justice *itself* is to recognize that justice dictates P when F is true” (291). But would they also be subject to the same objection we are about to outline?

To answer that question we need to consider the details of Parmenides challenge. The text reads as follows:

- I imagine that the way in which you are led to assume one idea of each kind is as follows:—You see a number of great objects, and when you look at them there seems to you to be one and the same idea (or nature) in them all; hence you conceive of greatness as one.²¹
- Very true, said Socrates.
- And if you go on and allow your mind in like manner to embrace in one view the idea of greatness and of great things which are not the idea, and to compare them, will not another greatness arise, which will appear to be the source of all these? ²²
- It would seem so.
- Then another idea of greatness now comes into view over and above absolute greatness, and the individuals which partake of it; and then another, over and above all these, by virtue of which they will all be great, and so each idea instead of being one will be infinitely multiplied.²³

²¹ First premise.

²² Second premise.

²³ Conclusion.

This is the crucial passage. The argument leads Parmenides to question the logical foundations of the entire theory of ideas because, if formalized, the challenge applies to any first principles that philosophers could claim to have identified through the method that Socrates describes (and defenders of the thesis we are examining seem to endorse).²⁴ The contemporary reader should not be misled by the metaphysical oddity of the specific example (the concept of greatness) that Parmenides provides to challenge the Platonic theory of ideas. As we shall shortly see, the argument is especially valid if we substitute “greatness” with evaluative predicates of the kind that defenders of the fact-insensitivity thesis endorse.²⁵ To understand this point, we need to unpack the logical premises that contribute to the argument, and consider how they are also present in the thesis we are examining.

V.

To see the logical structure of the “Third Man”, consider a simpler formulation of Parmenides’ argument taking the example of justice:²⁶

1. There are a plurality of circumstances we call just (fact).
2. If a plurality of just circumstances are all of them just, there is at least one principle of justice in virtue of which all of them are just (one-over-many).
 - 2a. Any plurality of just circumstances and the principle of justice in virtue of which they are all just is itself a plurality (condition for pluralities).
3. Justice is such that if any circumstance that we call just is inspired by its principles then that circumstance counts as just (self-predication).
 - 3a. No just circumstance is just in virtue of itself (non-self explanation).
4. There are infinitely many principles of justice (conclusion).

²⁴ “These, Socrates, said Parmenides, are a few, and only a few of the difficulties in which we are involved if ideas really are and we determine each one of them to be an absolute unity. He who hears what may be said against them will deny the very existence of them—and even if they do exist, he will say that they must of necessity be unknown to man; and he will seem to have reason on his side, and as we were remarking just now, will be very difficult to convince; a man must be gifted with very considerable ability before he can learn that everything has a class and an absolute essence; and still more remarkable will he be who discovers all these things for himself, and having thoroughly investigated them is able to teach them to others”. Ibid.

²⁵ On the plausibility of self-predication in these cases see the discussion on Pauline predicates in Peterson 1973: 457-462.

²⁶ I owe this simplification to (Peterson 1973) who is in turn inspired by (Strang 1963) and (Geach 1965)

The first premise of the argument is a fact. The second premise says that if a number of things, a, b, c, participate in P, there must be another predicate P1 that has an extension such that if a, b, c, participate in it, then they are P. The third premise says that if a, b, c, and P1 are all P, then there must be another predicate, P2 that has an extension such that if a, b, c, and P1 participate in P, then they are P. The conclusion asserts that this process can go on infinitely.

Now let us see how this argument could apply to the premises of an example endorsed by defenders of the fact-insensitivity thesis, that of keeping promises.

Step 1: It is good to keep promises.

Argument:

1) There are a plurality of circumstances in which a certain principle (e.g. keeping promises) P applies (fact).

Step 2: When promises are kept, promisees can successfully pursue their projects.

Argument:

2) If there is an explanation for why a certain principle P is predicated of a plurality of circumstances, there is at least one other principle P1 in virtue of which we apprehend those circumstances as circumstances of which P is predicated (one-over-many).

Step 3: If promisees can successfully pursue their projects when promises are kept, we should help them pursue their projects.

Argument:

3a. If there is an explanation for why a certain principle P and another principle P1 are predicated of a plurality of circumstances, then there is another principle P2 in virtue of which we understand those circumstances as circumstances in which P and P1 are predicated (self-predication).

3b. No plurality of circumstances explains itself (non-self explanation).

Conclusion: There are infinitely many principles.

The first premise (1) is simply a restatement of the starting point for defenders of the fact-insensitivity thesis. The second premise (2) recalls what defenders of fact-insensitivity believe, which is that if any facts support principles (call them type 1 principles), then there are further principles (call them type 2 principles) that explain why those facts support those initially considered (type 1) principles. The first leg of the third premise says that if there are further (type 2) principles that explain why facts support initially considered (type 1) principles, then there are even more ultimate (type 3) principles that explain why the further (type 2) principles explain the facts that support the initially considered (type 1) principles. The second leg of the third premise repeats the non-self explanation premise: that for any set of circumstances, P and the explanation for P cannot be the same proposition.²⁷ The conclusion is that, given these premises, the search can go on forever.

As we have seen, the premises that contribute to generate this infinite regress are the same in both the standard interpretation of Socrates' account of ideas in Parmenides and in the defence of fact-insensitive principles. Both theories hold three assumptions: the one-over-many assumption; the self-predication assumption; and the non-self-explanation assumption. The first is needed to show why anything grounds what it grounds and we have seen it appear in both the first and the second premise of Cohen's argument. The second is embedded in the identification of more and more fundamental principles via the intuitionist method that both Cohen and Plato endorse. The third premise is necessary to deny the possibility of concluding the process of reason-giving by simply appealing to the self-evidence of fact-sensitive principles. Given these premises, infinite regress seems hard to avoid, and Parmenides' challenge remains a plausible one.

Defenders of fact-insensitive principles would probably object to this finding by arguing that it is possible to block the infinite regress by reminding us of the third requirement of their thesis, which claims that the process of reason-giving when explaining why facts support principles is bound to stop at some point. Let us examine further this argument.

VI.

The denial of an endless sequence of interrogation in the process of reason-giving (that is to say: the validity of the third premise mentioned at the beginning of this paper) is grounded on three further claims.

²⁷ Recall that the restriction that the second premise of Cohen's argument (p. 236) affects what is affirmed in the first premise: "it is allowed here to be an explanation (albeit a singularly unsatisfying one) of why p (if it indeed does) supports p, that they are the same proposition. The restriction introduced in the second premise is precisely to deny what is allowed in the first premise: self-explanation.

First claim:

G3.a. It is implausible to think that a sequence of interrogation can go on indefinitely. If you disagree try to construct one (237).

Second claim:

G.3.b. It is implausible to think that a sequence of interrogation can go indefinitely: it would require something like an infinite nesting of principles, and few will think that there exist a relevantly infinite number of principles (237).

Let us leave aside the challenge of the first claim²⁸ and focus on the second one. The difficulty here is that the claims seem incompatible with the requirements of the overall argument. Indeed, G.3.b contributes to establishing the third premise at the price of violating one of the thesis central stipulations. Knowing the number (or nesting) of principles implies taking a stand on a central meta-ethical dispute and saying something positive about the objective existence of normative principles (as opposed to their subjective or merely conditional endorsement). So accepting that claim is incompatible with the idea a thesis that professes itself neutral with regard to central meta-ethical disputes (257). The difficulty with the latter claim (G.3.b) is that it makes the validity of the premise it is supposed to ground depend on taking a stand with regard to an issue that consistency requires better be ignored. If the thesis is not interested in the nature and status of specific principles (central meta-ethical dispute) but only in what people are committed to when they make certain utterances (as a matter of logic), how can establishing the thesis depend on what people think about how many principles there are or, for that matter, how many principles there are, regardless of people think? In trying to establish the validity of the third premise, the claim violates the thesis' meta-ethical neutrality.

Third claim: the clarity of mind requirement:

G.3.c. It is implausible to think that a sequence of interrogation can go on indefinitely.

The further explanation for this premise is that an unending sequence of justification would run against the requirement that “she who affirms P has a clear grasp of what her principles are and of why she holds them for we can surely say that a person who cannot complete the indicated sequence, because she has to go on forever, does not know why she holds the principles that she does” (237).

²⁸ The weakness of this claim has already been noted by Thomas Pogge, see footnote 2, above.

Clearly, this is not a psychological requirement for, we are told, the thesis is indifferent to particular psychological circumstances (256). More persuasively, it is a claim about the structure of our normative commitments, or rather the structure of the principles that, we think, constitute “the objective normative truth, *if* there is such a thing”. The clarity of mind requirement postulates that the fact-insensitivity thesis applies to anyone who has a “clear grasp both of what her principles are and of why she holds them (where grasping “why she holds them is short for knowing what she thinks are the grounds of the principles” rather than for “what causes her to hold them”)” (233).

Cohen recognizes that a similar requirement may encounter obstacles if someone insists that norms are formed under factual constraints and that it does not make sense for us to confront absurd or counterfactual situations (for example that of a zygote/fetus that progresses towards a less and less baby-like condition) with a view to disclosing the ultimate principles on which they may be grounded. In this case, he concedes that objectors might be right to accept the three premises but deny the clarity of mind requirement (247). But this move seems hard to justify. If the clarity of mind requirement is necessary (as shown in the formulation of G.3.c. above) to render acceptable the third premise of the argument, it is not clear how one could reject that requirement and continue to endorse “the three premises”. Indeed, denying the validity of the clarity of mind will commit us to denying the validity of at least one premise of the argument: the third one (G.3). Having done that, we are authorized to proceed as if the argument were composed only by the two premises that we have already assessed.

It is also important to notice that the clarity of mind requirement stands in some tension with the non-self-explanation assumption introduced in section 2 above. If the search for fact-supporting principles is bound to stop at the identification of one fact-insensitive normative principle (or several such), what is the source of validity of that ultimate principle? Intuitionists would probably answer that the more ultimate principle we have encountered is, well, “intuitively” plausible. To say that ultimate principles are intuitively plausible is to say that they are valid in and of themselves. This in turn is similar to endorsing claims of the form: “justice is just”. But doesn’t this violate the central explanatory stipulation with which we started, that the explanation of why a claim is true cannot be the claim itself? If it does, the non-self-explanation premise is endangered. If it does not, the clarity of mind assumption would end up undermined.

VII.

The objection that Plato raised in *Parmenides* against his own theory of ideas is a serious one. As we have illustrated, that objection interestingly applies to one of the most ambitious recent attempts to explain the structure of our normative commitments and the weight that factual judgments ought to bear in moral reasoning. The obstacles that the

theory faces are not external; they are internal to the assumptions with which the argument starts. Given these obstacles, defenders of fact-insensitive principles face a choice. If they abandon the “non-self-explanation” assumption they will have trouble initiating the sequence of interrogation from which the demonstration of fact-insensitive principles is supposed to follow. If they abandon the “self-predication” assumption they will have to re-negotiate the intuitive plausibility of ultimate fact-insensitive principles. If they drop the “one-over-many assumption” they will deprive principles of their explanatory potential.

If the argument presented here on the relationship between facts and principles is valid, the limitations of discovering fact-independent principles are not psychological or epistemological but logical. This is an unfortunate consequence for an argument which was supposed to only make a point about logic in the first place. But the implications may be even wider. They force us to reconsider the way in which we go about constructing the relationship between facts and principles, widely understood, and between normative ideals and political practice, more narrowly considered. To end up where we started, a stronger argument is needed if we are to be convinced that, for example, socialism is an ideal worth defending even without any support from the facts rather than the real movement which abolishes the present state of affairs.

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Article

RESCUING POLITICAL THEORY FROM FACT-INSENSITIVITY

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Abstract

G. A. Cohen, in his *Rescuing Justice and Equality*, argues that fundamental moral principles do not rest on factual grounds. I contest that and

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argue instead that all fundamental moral principles (indeed, all moral principles) are fact-sensitive. They are the most deeply embedded principles in an interdependent web of beliefs—beliefs which include factual beliefs. Indeed, all functioning moral beliefs, moral principles and moral practices are in such interdependent webs. There are no fundamental moral principles which are fact-insensitive. What is fundamental are the most deeply embedded moral principles in interdependent webs of belief and practice. If you will, forms of life.

Resumé

G.A. Cohen, dans son livre *Rescuing Justice and Equality*, maintient que les principes moraux fondamentaux ne reposent pas sur des bases factuelles. Je conteste cette idée et argumente que tous les principes moraux fondamentaux (en fait tous les principes moraux) sont sensibles aux faits. Ce sont les principes les plus profondément enracinés dans des faisceaux de croyances interdépendantes – croyances qui comprennent des croyances factuelles. Toutes les croyances et pratiques, tous les principes moraux fonctionnels sont pris dans ce genre de faisceaux interdépendants. Il n’y a pas de principes moraux fondamentaux qui soient insensibles aux faits. Plus ils sont fondamentaux, plus les principes moraux sont profondément enracinés dans des faisceaux interdépendants de croyances et de pratiques. Ainsi en est-il des façons de vivre.

Key Words

anti-fundamentalist; fact-insensitive principles; fundamentalist; practices; reflective equilibrium

Mots-clés:

anti-fondamentaliste; équilibre réflexif; fondamentaliste; pratiques; principes insensibles aux faits

I

It is the burden of Chapter 6 of G. A. Cohen’s *Rescuing Justice and Equality* to establish that “fundamental principles, that is principles that are not derived from other principles, do not rest on factual grounds” (Cohen 2008a, 278). I shall contest that. There are, I shall argue, no fundamental principles—something like a first cause or some necessity on which all contingencies rest—in Cohen’s traditional sense, outside of mathematics and logic. What contrariwise are often and should be called ‘fundamental principles’ are the most deeply embedded principles in a web of belief or a cluster of practices. As such, they are interdependent with other elements of the web of belief, including factual ones, derived from or interlocked with other propositions (sentences), rules and principles in a system of practices. This argument is close to Rawls, since for Rawls fundamental principles should be understood in a Quinean sense as the most deeply embedded, central, and *in that way*, the most fundamental, in a web of

interconnected, interdependent beliefs or cluster of practices. We can put it behaviorally by saying they are the last beliefs we would give up. (Even people with a reasonable clarity of mind may be unaware of what they are and only discover them when under political and moral stress, or they may never discover them at all.) There are no unjustified justifiers on which all justified justifiers rest. Where and how justifications come to an end is always a contingent and contextual matter.

This is perhaps too hedgehoggish. Before I go foxish, or try to, I want to make one further hedgehoggish remark that underlies my argumentative strategy. Cohen, his strikingly brilliant and analytical acuity notwithstanding, writes as if Wittgenstein, Waismann, Sellars, Quine, Davidson, Rorty, Putnam, Hacking and Brandon had never written. I am not claiming these philosophers exhaust the field or that any of them have it just right or that they say the same thing. They manifestly do not. For instance, Wittgenstein, but not Quine, would firmly reject naturalized epistemology, scientism and naturalism. Yet they agree about anti-essentialism, anti-foundationalism, and the rejection of Hegelian radical holism. Rorty is deeply historicist while Quine is not. But together they set out a non-foundationalist, anti-essentialist, fallibilistic, holistic, contextually sensitive perspectivist account of thought along with a suspicion of *a priori* doing any substantive work. However, Cohen, with his talk of the nature of justice, justice *as such*, pure justice, the essence of justice, *a priori* truths, and *a priori* self-evident principles, does not face the challenge of such philosophers. He goes in for an essentialist, foundationalist conception of justice for all possible worlds and so sets a task that cannot and need not be carried out. It is remarkable and disconcerting to find a Marxist in Platonic robes taking such issues seriously (Cohen 2008a, 291).

In what follows, we will not get something that will decisively end argument with a final, absolutely true set of substantive principles, including fundamental ones known to be absolutely true for all times, climes and for all possible worlds. But this does not at all mean anything goes. It is true that nothing is decisive. We never escape contingency and fallibilism. But as we bat around the arguments, seeking a more comprehensive, firmer coherence with a wider, more varied battery of considered judgments (what Cohen calls intuitions), we gain a better coherence of such considerations and a more comprehensive, well-warranted view. We do not want an empty coherence. Rather, judgments so intertwined require coherence of *considered judgments* with *some* independent warrant, with a wide sampling at all levels of abstraction coherently arranged, with empirical facts and empirically grounded theory. With this we have a coherence of a far wider scope than simply a coherence of considered judgments (moral intuitions); we have a better, more comprehensive coherence (Nielsen 2008).

I claim and seek to show that the best we can hope for is a *wide, reflective equilibrium* of considered judgments and coherent moral arguments of the kind I set forth in equilibrium, along with empirical observations and arguments nested in a

coherent whole, and that this best is all we can get and is sufficient. No single observations, but the assembly of the arguments and observations is the strength of a judgement, in keeping with my view that justifications of beliefs occur not through appeal to bald statement or by appeal to timeless, universal principles but through fallibilistic empirically-based and context sensitive inquiry.¹

II

I will state briefly Cohen's account of the relationship between facts and normative principles (hereafter simply called principles). Cohen claims that "facts ground principles only in virtue of further principles that are not grounded in facts [principles that are, that is, fact-insensitive] and principles that explain why the given facts ground given [fact-sensitive] principles" (Cohen 2008a, 251). He remarks, "I claim that all principles that reflect facts reflect facts only because they also reflect principles that don't reflect facts, and that the latter principles form the ultimate foundation of all principles, fact-reflecting principles included" (Cohen 2008a, 254).

What Cohen calls his strong thesis, which he takes to be demonstrable, is that it is false "that justice is wholly fact-sensitive" (Cohen 2008b, 6). Cohen claims the very "influence of alien factors [for example, factual considerations] on the output of the constructive procedure [a procedure employed by constructivists for identifying justice] means that what it produces is not fundamental justice and is sometimes not justice at all" (Cohen 2008b, 8). Suppose one asks what the proper role of fundamental principles of justice is. Cohen's answer, *pace* Rawls, is that they have no proprietary role apart from "the obvious role of spelling out what justice is" (Cohen 2008b, 8). But, as such, justice itself, Cohen claims, has no role.

So how does Cohen argue for these counter-intuitive claims? He says:

The view that all principles for governing human life are sensitive to facts about human life sounds reasonable... but I believe it to be demonstrably mistaken...it cannot be true of *all* principles that they are sensitive to fact and that it is true of *some* principles only because it is false of other, fact *insensitive*, principles which explain why given facts ground fact-sensitive principles...*a principle can reflect or respond to a fact only because it is also a response to a principle that is not in response to a fact...*principles that

¹ I was fortunate in my two anonymous reviewers. However, the first seems to suggest that these meta-philosophical issues can reasonably be resolved or dissolved by bald statement or snappy argument. I would reply that Hillary Putnam is right on in saying that what can be put in a nutshell belongs there. The second reviewer rightly appreciates my argument as an effort to establish a wide reflective equilibrium in response to Cohen's mistaken *philosophist* quest for absolute, universal and *a priori* truths.

reflect facts must, in order to reflect facts, reflect principles that don't reflect facts.

My thesis depends on what it is for a principle to be a principle and, more particularly, on what it is for a fact to ground a principle. The thesis is not restricted in scope to principles that are in some or other sense correct. The thesis applies to anyone's principles, be they correct or not, *so long as she has a clear grasp both of what her principles are and of why she holds them* (where "grasping why she holds them" is short for "knowing what she thinks are the grounds of the principles" rather than for "what causes her to hold them"). It also characterizes (under an appropriate reformulation) whatever (if anything) constitutes the *correct* set of principles (Cohen 2008a, 332-33).

Cohen illustrates what he is arguing for. He remarks that P1 ("we should help people to pursue their projects") is itself a fact-sensitive principle. We might cite the factual claim in support of P1, that people can achieve happiness only if they are able to pursue their projects. But that in turn requires a more ultimate principle P2 that "absent other considerations, people's happiness should be promoted". Cohen remarks of P2 that "it is *possible* that there will be no fact on which the principle P2 is grounded" (Cohen 2008a, 235), but merely *possible* is not the same as *actual*. P2 might in turn be grounded by the factual claim that promoting people's happiness shows our respect for them, so appealing to the principle (P3) that people ought to be respected. People who argue as they do above must hold P3. But P3, if based on fact, "is based on the fact that people possess what are thought to be respect-meriting characteristics" (Cohen 2008a, 235), which is in turn grounded by the allegedly fact-free principle P4 that we ought to respect beings with respect-meriting characteristics. Note that P4 does not claim that anyone has such characteristics but makes the hypothetical claim that *if any being, human or otherwise, has these characteristics then we ought to respect them*. This, Cohen claims, is a fact-free principle *tout court* and thus qualifies as an ultimate fact-insensitive principle. This is where the *justificatory* and explanatory buck stops.

Has Cohen established "the *a priori* thesis that, if the facts ground principles, then fact-insensitive principles are the foundation of the structure of the belief of anyone who is clear about what he believes and why he believes it" (Cohen 2008a, 257)? *Au contraire*, principles, factual beliefs and other beliefs are not justified, explained or even intelligible in utter independence of each other, but are made so (as semantic holism holds) by their fitting together; by their coherence. Some considered beliefs in our systems and practices will sustain *initial* and even sustained reflection. But for them or other beliefs—factual, normative, or procedural—to be justified, explained or intelligible, they must coherently fit together in what Rawls calls *wide* reflective equilibrium (Rawls 1999b, 286-302; Nielsen 2008; Ripstein 2010). In their interdependence no principle, except perhaps in formal systems, can be fact-insensitive.

Some principles are more fundamental and have a more pivotal role in the system of practices. In this non-Cohenian sense, Rawls can call them first or fundamental principles. But none of them are like axioms in a formal system and, even so, axioms require rules of formation and transformation. No single, *independent* principle serves as the foundation of other principles (Nielsen 1994a; Nielsen 1994b; Nielsen 2008). There is an inescapable entanglement of fact and value (Putman 2002).

III

Cohen resources to respond to this charge are inadequate. He puts a central claim in hypothetical form, namely that “if there is an explanation of why fact F supports principle P, then it invokes a more ultimate principle that is insensitive to F” (Cohen 2008a, 236). This is a weaker than his stronger claim, which he thinks is also demonstrable, that there is an “ultimate principle [which] is ultimate [*tout court*] or fact-insensitive [altogether]” as distinct from just being insensitive to some particular fact (Cohen 2008a, 236).

Cohen argues that we can ask anyone:

who affirms a principle on the basis of a fact what further and more ultimate principle explains why that fact grounds that principle and, once that more ultimate principle has been stated, we can again ask whether it in turn is based on any fact, and so on reiteratively as many times as may be required until she [the inquirer] comes to rest with a principle that reflects no fact, unless the sequence of interrogation proceeds indefinitely (Cohen 2008a, 237).

I claim that, in principle *at least*, such interrogation can go on indefinitely. Though we may finally come back to our initial fact-sensitive premise, we can start all over again appealing to linked different premises in our system of belief, including fact-sensitive premises in some related system of belief linked with our system of belief. And if the circle is big enough, inclusive enough, it is not a *vicious* circle. Here we take a lesson from Quine.

Cohen challenges us to produce a credible interrogation that might go on indefinitely. He thinks we will fail. Of course, we will very likely fail since we are not imaginative, intelligent, informed and patient enough to do so. But if some substantive principle will at a given time *seem* to us fact-insensitive, that doesn't establish it forever. At some later time, we may see that our seemingly fact-insensitive ultimate substantive principle is neither fact-insensitive nor ultimate but just deeply embedded in our structures of belief, in our practices, practices that may change. This indefinite carrying

on has repeatedly happened in the history of philosophy and indeed in the history of thought or in the changing of our practices. There is no escape from such contingency.

Moreover, there is no need. We are not caught in irrationality or arbitrariness if there is no foundational stopping place, no end of all ends, no last word, no Archimedean point. Remember philosophers as different as Friedrich Waismann and Gilbert Ryle on proofs in philosophy and the lack of theorems proved in philosophy (Waismann 1968, 1-38; Ryle 1972, 219-23).

We may come to a place—for Cohen various places—where we are tempted to believe of something that it is just self-evident (Cohen 2008a, 236), a resting point with something as empty as ‘Good is to be done and evil is to be avoided’ [the Thomist first principle of the natural law] or ‘Freedom always, everything else being equal, ought to be protected’ or Cohen’s and my principle, ‘Justice is equality’. These principles, some tautological and some not, may be good *heuristics* in some contexts and they have the smell of both self-evidence and emptiness. And they *may* be fact-insensitive (Nielsen 1991a, 41-84).

But they are too empty—too thin—to explain why for a grounding principle it grounds. We never get a justificatory argument that there is and for which there can be no alternative to. To avoid pragmatic contradiction, we should say that there seems to be no such reasonable alternative. We are not claiming that what I have just been claiming *must* be so. Reasoning with Rawls, we might say we require something like “an indefinite nesting of principles”, but we do not need an *infinite* nesting of those interdependencies. With this we do not have, as Cohen thinks, a knockout refutation of Rawls. See Ripstein 2010.

In rejecting a sequence of interrogation that goes on indefinitely, Cohen also remarks,

Finally, with an unending sequence of justifications we would come up against the requirement ... that she who affirms P has a clear grasp of what key principles are and why she holds them: for we can surely say that a person who cannot complete the indicated sequence, because she has to go on forever, does not know why she holds the principles she does (Cohen 2008a, 237).

I have trouble here. She surely can complete the indicated sequences given by Cohen on pp. 234-37. But an interrogator can think that they yield no ultimate fact-insensitive standpoints without being guilty of a failure of clarity. *Perhaps* she is mistaken as might be her challenger, but that does not mean that either lack clarity. Being clear and being right, as Cohen recognizes himself, do not come to the same thing. And ‘perfect clarity’, like ‘perfect justice’, may be, and probably is, a Holmesless Watson. Put more modestly,

we can, with more or less clarity of mind, go on indefinitely, perhaps ending, if we end at all, in a big circle. Cohen's 'clarity of mind' stipulation, as he calls it, is arbitrary (Cohen 2008a, 237, note 8). Cohen says his "thesis applies to anyone's principles, be they correct or not, *so long as she has a clear grasp both of what her principles are and of why she holds them*" (Cohen 2008a)). That's fine, but a Cohenite that claims that there is a determinate fact-insensitive ultimate grounding and a Quinean or Davidsonian semantic holist with her system-dependent coherentist justificatory stance or a Rawlsian with his *wide* reflective equilibrium can equally meet the clarity of mind condition (see also Cohen 2008a, footnote 6 on p. 233).

To be clear need not yet to be right; a clear argument may not be sound. Think, for example, of the ontological argument for the existence of God as it was in Norman Malcolm's hands (Malcolm 1963, 141-62). *Perhaps* an '*utterly* clear' argument must also be correct, but we don't know what an *utterly* clear argument is and there are no criteria of soundness that are system independent and 'clear to reason'. 'Clear to reason' here is (*pace* Cohen) just arm waving (Cohen 2000, xvii-xxiii). Moreover, clarity comes in degrees and is context-dependent.

IV

Cohen, however, has further arguments against such a holism. He states brusquely the holistic position I have been defending and then gives his grounds for rejecting it:

Someone might raise against the third premise of my argument [i.e., that an argument cannot proceed indefinitely] the objection that it presupposes a controversially foundationalist view of justification. On a contrastingly "holist" or "coherentist" view of justification...the indefinite sequence of justificatory interrogation that my third premise seeks to exclude can obtain, harmlessly, because, for every statement, there is a set of statements that justify it: on a holistic view, justifications lie not on a line with a beginning and an end, but on a finite beginningless and endless network of (now branching, now converging) lines of justification that runs through a body of belief and along which one may travel for as long as one likes. The coherentist view...defeats the considerations...in favor of the third premise of my argument: a holistic-justificatory conversation *can* proceed indefinitely, in the absence of an extravagant proliferation of norms, and reliance on a holistically structured justification is consistent with having a grasp of what one's principles are and of why one holds them...you can go

on justifying forever with finite belief resources, and...without prejudice to self-understanding (Cohen 2008a, 241-42).

Cohen responds briefly and starkly that “the truths that determine the impact that our statements have upon one another, within the full set of our statements, cannot themselves be treated holistically, on pain of infinite regress” (Cohen 2008a, 242). He cites Thomas Nagel’s remark in support: “Not everything can be revised, because something must be used to determine whether a revision is warranted—even if the proposition at issue is a very fundamental one” (Nagel, *The Last Word*, 65).

We should counter that not everything, as Peirce stressed, can be revised *at once*. But, over time, nothing is (at least in principle) unrevisable, even that claim itself. (*Perhaps* the addition at the end of the previous sentence engenders the sense that something is fishy here, but it is hard to say why.) There cannot be a *demonstration that* something must be unrevisable at time T1 but that what is unrevisable at T1 cannot be revisable at T2. Instead, we should just look—even *if we interpretively* look—and see what is transpiring (something we learn from Ian Hacking). For anything complex, often what at one time was taken to be unrevisable, we take later to be revisable after all. Think of the law of the excluded middle.

That notwithstanding, there will be, as Peirce recognized, acritical commonsense beliefs taken to be universal and truistic: remarks like fire burns or snow often falls in Quebec in January. The first is universally believed where there is fire, the last where Quebec is known in our time frame. (We need not know what it was like on the lands now called Quebec a million years ago.) But neither belief is clearly *a priori* and their revisability status is unclear. They are not problematic as to their truth, though their logical status may be. But who needs to care about that? Why worry about the *logical* status of ‘Rain is wet’? Nobody, not even philosophers, worry their heads off about such propositions. Moreover, the first is not the *a priori* truth that Cohen seeks.

Things we are interested in asserting or taking as rock bottom or denying or questioning are not, whether we like it or not, unrevisable or fact-insensitive. I speak here of claims such as ‘Sexism and racism are here to stay’, ‘There is no alternative to capitalism’, or, ‘We cannot trust our media’, and the like. Any of these things might cease to be so, never have been so, or require an amended statement. But, if we are reflective and care about our world and ourselves, we want to know the truth about such matters. And we hope and realize we can get at some probabilistically, warranted assertability here, if inquiry is resolutely carried out, though this always will be time-dependent, contingent and ultimately uncertain matter. Holists, as the later Wittgenstein made plain, can just stick with what we can conscientiously ascertain concerning how things seem after a careful and impartial examination—things we can assert confidently without contradiction and without pragmatic contradiction.

Cohen has what he takes to be a more substantial reply to holists or molecularists, what he calls *quasi-holists* (Cohen 2008a, 242):

But my substantial reply to the holism objection is that, even if true, holism (and quasi-holism) do not threaten my proceedings. For consider: within an holistic framework, some statements are sensitive to (certain) others only so indirectly as to be virtually independent of the latter. So, for example, even if holism is true, the facts of human psychology remain virtually insensitive to facts about the distance of some far-flung galaxy from some other one. It would require exposition of an enormous network to connect them: no holist would say: “Well, this psychological theory has a certain recommendation, but we’d better see whether it fits with what seem to be the facts of astronomy.” It is always a legitimate question, even for a holist, whether there is any substantial influence of one sort of statement on another, for selected statements, and sometimes the answer is no (Cohen 2008a, 242).

However, Cohen is speaking of ‘*virtual independence*’, of ‘*virtual insensitivity to facts*’. In his next paragraph, he says *rightly*:

My opponents believe in arguments from facts to fundamental principles that do not depend on vast stretches of the total web of belief. They believe in a more ‘local’ sensitivity of principles to facts, and they must, accordingly, press a localized rather than a general holism against me (Cohen 2008a, 243).

He goes on to say, “I have no reason to deny that fact-insensitive principles themselves form a whole, without priority of some privileged set of them” (Cohen 2008a, 243). Nor need he deny the soundness of employing:

...Geoffrey Sayre-McCord’s description of the method of reflective equilibrium, “the process of developing an acceptable moral theory is a matter of shifting back and forth among the various moral judgments one is initially inclined to make and the more or less abstract theoretical principles one is examining and attempting to develop, altering the collection of principles to fit better the judgments and adjusting the judgments to bring them, as best one can, in line with plausible principles” [cited from Sayre-McCord] (Cohen 2008a, 243).

Then Cohen adds, “What I would deny is an expanded description that adds factual beliefs to the mix (Cohen 2008a, 243). But this is the *expanded* description that Rawls, Daniels and I deploy in setting out what we call *wide* reflective equilibrium (Rawls 1999b, 286-302; Daniels 1996; Nielsen 1994a; Nielsen 1994b; Nielsen 2008). It is not enough to attain an adequate reflective equilibrium to just gain a coherence of moral judgments from different levels of moral belief; from specific considered moral judgments, to moral rules, to moral principles, to deeply embedded moral principles expressing our deepest convictions and commitments. Rather the mix, to gain moral adequacy and substance, must also include factual and methodological beliefs and principles and being in *this* type of this mix robs us of principles that are fact-insensitive as well as non-contingent.

Cohen responds:

But I will find that they [fact-insensitive principles] belong to a fuller whole that also embraces facts challenging only if the contemplated opponents are able to provide an illustration of how a change in one’s view of a principle can alter one’s belief about the sort of fact that they think supports principles (Cohen 2008a, 243).

It seems to me to be the other way around. What needs to be shown is that principles that Cohen takes to be fact-insensitive really are. Rawlsian holism is a localized holism, though not as localized as Sayre-McCord’s and it is not fact-insensitive, instead emphasizing interdependence and the entanglement of fact and value—and Cohen has done nothing to show its inadequacy.

Cohen’s claim is *at best inconclusive*, for he would have to show that in some reasonably localized holism (or molecularism) there would not be some fact that an allegedly factually-insensitive non-empty principle relied on. Here fallibilism comes into play and it becomes relevant to ask if it is more plausible to believe that there are always some foundationalist principles that are logically immune from the possibility of refutation or revision in the light of the facts or if, instead, it is more reasonable to believe that there always is a reasonably localized set of beliefs with a mixture of beliefs factual, normative and methodological where no *purely* normative principles—fact-insensitive principles—can be asserted, with *a priori* confidence, that are categorically both substantive and factually insensitive rather than just pragmatically being so—or at least seemingly so—for a time, place and occasion.

Cohen would wager on the former and I on the latter. Do we have a way of reasonably deciding which claim is more plausible? I think so. But is this just foot stamping on my part or on Cohen’s, with his nay saying? Moreover, I would make the pragmatist claim—that Cohen would strongly resist, given his conception of *political philosophy*—that if what we say here makes no practical difference, then there is no

difference. *Is this Luddite?* And when philosophical issues are at issue, is it mistaken to be Luddite? Do we run up against something here which is not rationally or reasonably decidable?

V

Counter-examples are the stock and trade of most philosophers, particularly moral philosophers. Cohen abounds in insightful, extraordinary and sometimes humorous counter-examples. A skeptic might say that that enables the *unrestricted* counter-example devotee to play their distinctive, though rather useless, language-games (Nowell-Smith 1954). But to avoid counter-examples altogether is to lose something like an anchor, as we can see from the writings of C. I. Lewis where they are almost totally absent. As we read Lewis, we long to have a translation into the concrete. Be that as it may, in Cohen's Chapter 6, "The Facts", Cohen deploys two striking weird counter-examples which he thinks reinforces his conclusions (Cohen 2008a, 246-47). I resist the *unrestrictedness* of counter-examples.

In the first key counter-example, Cohen remarks, "it is bewildering to try to say what principles we would affirm for beings who were otherwise like us in our adult state but whose normal life spans are only twenty four hours" (Cohen 2008a, 246). Would such facts, if they obtained, lead us to different normative principles and indeed different fact-insensitive ultimate moral principles? It should be said that we don't know what "it is about decades that makes their normative significance different [if it does] from that of twenty four hours" (Cohen 2008a, 246). This, Cohen believes, throws us into normative turmoil. Cohen's second counter-example has a similar intended import. Cohen writes,

as a matter of fact, zygote/fetuses become progressively more baby-like as they proceed toward birth. But suppose... for example, that they were initially more baby-like and then regressed to less and less baby-like conditions until the day before they are born, they undergo spectacular humanization (Cohen 2008a, 246-47).

Would we not revisit what are for many our common judgments about the propriety of early versus late abortions?

But these unrealistic counter-examples have the opposite effect of what Cohen intends and show that what he takes to be fact-insensitive principles are really not fact-insensitive at all. After all, if our ultimate principles were fact-insensitive these posited differences should make no difference. But for Cohen, they would.

We should affirm *the irrelevance of desert-island examples* when thinking about what to do, what would be just or desirable or how we should live our lives or our lives together. There are, by contrast, non-desert-island counter-examples. For example, take

one that exercises Cohen. Suppose the vast majority of people in North America became less Harper-like and less Bush-like neo-liberals *cum* neo-conservatives and became people with the kind of reciprocity that Cohen defends in *Why Not Socialism?* (Cohen 2009, 30-45) based on a commitment to care for others and in turn, to have a well founded expectation that one will be cared for. This is a characteristic behavior that we as individuals in our capitalist orders do not centrally engage in. Instead, we typically act in ways that will maximally, or at least optimally, serve our interests. But we could—and not *just* logically could—change and behave reciprocally, at least more often, *and* not instrumentally for egoistic reasons but because of mutually caring (Sen 2009, 174-93). We actually see this approximated in some societies and by some people in all societies.

Factual beliefs concerning how we behave or realistically could come to behave are relevant here and they affect our moral beliefs and principles, perhaps even our most fundamental moral principles. In so changing our behavior, we might not have any coherent idea of what our *ultimate* principles are, even if we wonder whether our more fundamental principles had changed. Instead, in acting we just rely on moral intuitions, lower level moral rules and principles which, along with the facts, can yield a coherent wide reflective equilibrium (Nielsen 2008). Through considered judgments based upon an appreciation of the importance of coherence, we forge such an equilibrium (Rawls 1999b, 286-302, 388-420; Nielsen 1994a; Nielsen 1994b; Daniels 1996; Nielsen 2008). We might come to have a socialist morality with an egalitarian ethos distinct from the familiar bourgeois one many of us have now. Or, with Ayn Rand, we might make a virtue of selfishness. Either way, we get *fact-sensitive principles and not fact-insensitive substantive principles* based on our considered ideas about morality, partially grounded in factual assumptions about what the world is like or what we think the world is like or might realistically be like.

VI

Cohen responds by deploying a bit of meta-philosophy incorporating a possible world's conception and grants that if the world became very different than it is, like in his above mentioned counterfactuals, we would not know what to say when asked what our ultimate warrant would be (Cohen 2008a, 247). We would know that some of our principles would need some changing, but we would be up in the air as to which and how. Cohen then goes on to say:

...we don't need to know what that warrant [an ultimate warrant] is for practical purposes, but (in my view) philosophy's role is not to tell us what we need to know (in that sense), but what we want or ought (for non-practical reasons) to know. Not all will agree. Some might attack my

philosophical presuppositions as '*philosophist*' (Cohen 2008a, 247; italics mine).

I am one of those. However, for me, Rawls and Daniels, some fact-sensitive principles will be more deeply embedded in the system or the cluster of practices than other principles and in that non-Cohenist but Quinean, fallibilist sense could be called ultimate (fact-sensitive) normative principles. But even that may be too much ultimacy for anyone utilizing a Peircean pragmatist method of belief formation and fixation.

Cohen is right that what some of his convictions would become is unclear if his wild counterfactual situations obtained. Yet even if we accept Cohen's claim that we need all possible worlds' justification for some theoretical *philosophical* purposes, we should still eschew such possible worlds' philosophy as a language-game we should not and maybe cannot play, on the grounds that *moral reasoning or normative political reasoning is practical reasoning*. To have the understanding that practical reasoning can yield, we must understand what those practical functions are and (perhaps) why moral reasoning has those functions. But that latter consideration comes down to knowing their rationale, itself a practical question that requires no answer to Cohen's *allegedly* purely theoretical questions. When we know the practical purposes moral and normative political practices have and the rationale of these practices, we will have all we need to know and perhaps all that we can know about them. And there we are firmly in the domain of fact. And we remain in the sphere of practical reasoning. We should follow the Jamesian, Deweyian, Rortian conception (not the Peircean one) that when two or more verbally distinct distinctions make no practical difference, there is no difference: as Rorty crisply puts it, "if a debate has no *practical* significance, then it has no *philosophical* significance" (Rorty 2007, 34).

VII

Cohen might think Rorty's claim too Luddite. But why try to think about the moral contexts of all possible worlds? It is problem enough to grasp what a reasonable conception of justice is for our world, i.e., to understand the actual use of 'justice' well, various conceptions of justice, considerations of a hopefully achievable better world and to evaluate them along with a good understanding of the principles in play in moral reasoning and an understanding of the relevant, basic psychological, social and historical facts of human nature and society. We, as Sen argues, do not need to know what 'pure justice' is either in our world or any merely possible world let alone in all possible worlds (Sen 2009). We do not need to know what harm would come to us if we had metallic-like exoskeletons. If we get a good mastery of how things could on the best case scenarios *realistically* go in our world, we will have all we need to know concerning what a decent,

just, caring and humane society and world would look like. Do we need to know whether there are ultimate principles or whether, even if there are, they are all fact-sensitive or fact-insensitive? Do we need, even assuming (which is a lot) we can know, what is true or warranted about justice for all possible (consistently thinkable) worlds?

Shouldn't we stick with the pragmatist claim that if a difference in an argument—most particularly in moral and political argument—has no practical significance, then it has no philosophical significance either, or indeed any other kind of significance, except for those who like to play games? Shouldn't we say that about significance across the board? Should we not treat issues like Cohenish type questions about whether *ultimate* principles are fact-insensitive or not, with benign neglect? Yet surely the philosophical establishment, including Cohen, will not like such a pragmatist turn.

VIII

It is fundamental for Cohen—a deep *philosophical* conviction—that ultimate normative principles are not grounded in facts (Cohen 2008a, 250). In discussing the familiar philosophical conception that ought implies can, he gives a new argument for his deeply embedded philosophical conviction. It goes as follows: *If something should be done, then, if it is possible, it should be done. We can see from this, Cohen claims, that we judge the normative independently of its factual possibility. Feasibility doesn't establish the grounds of justice* (Cohen 2008a, 252-53). What feasibility establishes instead is when we can *implement* justice and when we should try to do so. But what is justice, he claims, is determined independently. What *causes* us to have such a concept of justice (how we get socialized into it), to give it the weight we do and how we can ascertain that or even come to know or be justified in believing what we think we know justice is, is different from the question of what justice is. We have two considerations here, one *causal*, one *epistemological*, both distinct, Cohen has it, from determining what justice is. That is a metaethical question about the logical status of ultimate principles of justice. His metaethical thesis is neither a genetic (causal) nor an epistemological one. This, as Cohen admits, may lessen his thesis's interest, but makes clear its uniqueness and, by so limiting his claim, increases its cogency. (See Sections 10 and 16 of Chapter 5 of *Rescuing Justice and Equality*.)

As Cohen states in two closely related contexts: (1) “We are committed to some fact-insensitive principle whenever we adopt a principle in the light of, and, therefore, sensitively to, the facts” (Cohen 2008a, 256); and (2) “Mine is the *a priori* thesis that, if facts ground principles, then fact-free principles are at the foundation of the structure of the belief of anyone who is clear about what he believes and why he believes it” (Cohen 2008a, 257). But, Cohen has made no attempt to show that to deny either of the above two mentioned theses is to be involved in a contradiction or to be in conflict with what he

calls elsewhere “the rule of reason” (Cohen 2000, xxii-xxiv). Moreover, to deny (1) and (2) does not seem to be contradictory. In fact, if my prior argument is sound concerning the claim that all principles are part of an interconnected cluster of propositions (sentences if you will), containing empirical propositions, rules, principles and norms of various sorts, then these alleged ultimate principles are in reality just deeply embedded principles in that practice of interlocked beliefs where no principles are ultimate *in Cohen’s sense*. If this is so, the ground is taken out from under his claim about there being foundational ultimate fact-insensitive principles. It is factually false that 1 and 2 are true. Far from being *a priori* propositions, 1 and 2 turn out to be *non-a priori* propositions and false ones at that.

IX

However, that for the nonce aside, Cohen has given us no grounds for claiming they are substantive *a priori* principles, in some deep sense independent of our use of language (our use of a particular language, and thus a contingent matter). Nor that it can be *a priori* true in all possible languages or *a priori* true independently of any language or indeed be so in any language. *Given our use of our language*, ‘Puppies are young dogs’, ‘Brothers are male siblings’, are *a priori*. But that requires an empirical fact about English for it to be so. English use could have been otherwise and it is possible, though (to put it mildly) not likely, in the future it might so change. And given (another empirical assumption) that the key terms in those English-language sentences have at least rough synonyms in all other languages—radical translation to the contrary notwithstanding—then these are also language-dependent, but for all that somehow *a priori* propositions can, *in that sense (a particular language-independent sense) be a priori* and to the extent that all languages have such synonyms then we can speak of them as linguistic universals, e.g., that ‘Puppies are young dogs’ will have their equivalents in all languages. But whether or not they do is itself an empirical matter. When push comes to shove we have an empirical and thus contingent matter, namely, whether there are such equivalencies in all languages. Because of this the very idea of fact-insensitive ultimate principles is problematic.

However, Cohen’s key sentences (or propositions) appear not to be *a priori* and he has given us no reason to think they are not dependent on the contingent matter of use. There is no sense of the possibility of a cut away from the empirical. Contingency seems, (*pace* Cohen) to go all the way down.

X

There is another place where Cohen's claim should be questioned. When we come out with moral truisms like 'Promises must be kept' 'Torture must never be practiced', 'Respect for all human beings must be shown' these truisms (true for all of that), carry tacit *ceteris paribus* qualifiers. For the torture one, remember in the film *The Battle of Algiers* the ticking bomb scenario where the French officer directing torture was careful to see that no more pain was inflicted than necessary, there being no other means of attaining the necessary information rapidly enough to locate the bomb before it exploded with what would be the consequence of killing many people, some of them—children—completely innocent. 'Respect for all humans must be shown' *seems* not subject to an *implicit ceteris paribus*. But, even that *may* be questioned. Consider the Hitlers of the world. But what of respect for all human beings with respect-worthy characteristics? Well, perhaps? But even here there perhaps are contingencies (Nielsen 2000).

The prohibition on torture principle was treated by Cohen as a fact-insensitive principle but, if my above remarks are on the mark, unsuccessfully. But 'Respect for all those having respect-worthy characteristics' might be taken as the fact-insensitive backup for respect for persons. There are at least two troubling things here. (1) The term 'respect-worthy' is a thick normative descriptive evaluative term, which has both a descriptive and a normative force, a force which does not unscramble (*pace* R. M. Hare) into purely factual and purely normative components. But this means that 'Respect for all those having respect-worthy characteristics' is itself fact-sensitive. (But suppose it is taken hypothetically?) (2) It is a factual issue whether *all* humans in fact have respect-worthy characteristics. So it must be shown that respect for all human beings is a fact-insensitive principle, though 'Have respect for all those having respect-worthy characteristics' is *perhaps* itself fact-insensitive. But tautological and thus empty. If not? *Then* back to 1. My argument is not conclusive here and I am not sure that anything would make it conclusive or even right, but still it needs to be contended with.

Cohen treats matters here hypothetically, namely, 'If human beings have respect-worthy characteristics, then they should be treated with respect' and that is the principal type principle that Cohen takes to be fact-insensitive. Moreover, if we withdraw the appeal of requiring respect-worthy qualities and say instead 'All humans *in some way* should be shown respect', we clearly get something substantive and not merely hypothetical and *perhaps a priori* and thus empty. But it is implausible to claim that that proposition is *a priori*. We run up against the problem of the existence of the not inconsiderable number of human monsters who populate or have populated the planet, some notoriously historically relevant on a grand scale on the world stage, many more who are equally vicious but more locally so and again the many who are just privately

vicious, 'the unsung heroes' contributing to our brutal and savage world. (Remember Michael Haneke's depictions in his film, *Ruban Blanc*.)

Should we respect Hitler, Stalin, Papa Doc and Baby Doc, Pinochet, Saddam Hussein, Ariel Sharon, George W. Bush, Dick Cheney, or Donald Rumsfeld, all with few, if any, respect-worthy characteristics? (I do not deny that some of these individuals are/were more monstrous than others.) Should they all, just because they are human beings, be respected? Or should we say, even in the face of their monsterhood, that just in being human, they, as everyone else, should be in some way respected? Does 'in some way' give us some non-Cohenish wiggle room? There will be some people who will say that at least the worst ones, e.g., Hitler, should not be treated with any respect at all. However, in appealing to 'all human beings must in some way be treated with respect' do we have an ultimate fact-insensitive principle? (It is tricky here, for 'in some way' and our use of 'human being' as distinct from '*homo sapiens*' raises fact-sensitive issues.)

Probably as a minority, I would say 'Monsters or not, with respect-worthy characteristics or not, these human monsters should in some way be respected.' I am not sure whether that principle is fact-insensitive or not. But 'in some way' counts against it being so. It is surely contestable—what in the old days was mistakenly called 'essentially contestable'—and far from obvious who is right or how we could determine here who, if anyone, is right or even more nearly right. Even though Saddam Hussein was a revolting thug, an evil monster and plainly so, it was wrong—and plainly so—to have taunted him as he was being executed and that even Hitler (our prime paradigm of a really evil man) if he could have been captured should have been given a genuinely, as far as that was possible, fair trial and, with what would doubtless have been the judgment guilty, have either been executed (without taunting) or given life imprisonment without parole at hard but, if possible, socially useful labor or, if found not guilty on grounds of being insane, be put in an insane asylum out of harm's way both to others who he might harm and from harming himself. No suicide option for him.

I can understand the reaction of many French (and not only French) who, seeing the condition of former concentration camp prisoners returning to France, said 'All Germans should be killed'. But plainly, if understandable, it is both irrational and very wrong (Duras 2006, 127-47). But many with the 'kill them all' attitude actually did take a moral point of view. They would say that a captured Hitler without trial should have been treated like a mad dog running loose in the street and just shot without further ado. The relevant point here is that neither my stance nor the opposite stance articulates an *a priori* truth just clear to the light of reason. Even for, in a Quinean sense, very ultimate principles, there is no such fact-insensitive, fact-independent, *a priori* or otherwise, ultimate normativity with any substantivity that cannot intelligibly be denied. That is true for mine as well as those of my opponents. What counts as 'being respect-worthy'

and what it is to treat someone with respect is *in part* a factual matter. We couldn't even understand that principle without an understanding that is fact-sensitive.

XI

However, Cohen persists. Perhaps he would think that, even for the old atheist that I am, my beliefs here are *religiose*? What we need from Cohen are arguments or, as Wittgenstein would say, perspicuous representations. But Cohen believes in essences, believes that both rationality and justice have an essential nature. In all possible worlds the concept of rationality and the concept of justice have necessary and sufficient conditions; the same conditions that obtain for what would be rational and just in all possible worlds. And we must, Cohen has it, investigate these matters *a priori*; that is, just intuit them. This *seems* for him a defining feature of what makes an issue philosophical. He even says, at least seemingly messing up his own account, that he does not “think that it prejudices the *a priori* status of claims about the nature of rationality that we would be inclined to reject a characterization of rationality if it had the consequence that most people were very irrational most of the time” (Cohen 2008a, 257). This seems more in accordance with a Moorean-Ryleian translation into the concrete than with an essentialism. I would reject Cohen's claims here about rationality having an essence.

I believe there is a lot of irrationality going on, much more than most of us expect. Why do both Cohen and I think that a proper conception of rationality could not have it that most people are most of the time irrational? Why could that not be compatible with the concept of rationality? Why do most of us think that way and how would or could we warrant that? Why do we think, even when we also think that there is a lot of irrationality around? Do we empirically determine that most people are not irrational most of the time? If not that way, then how? Is it an *a priori* matter whether that is so about rationality? I, like many others, think that neither rationality nor justice nor, for that matter, anything social or psychological has an essential nature. There may be natural kinds in chemistry but there are no social or psychological natural kinds. We determine that empirically by examining the uses of the words ‘rationality’ and ‘justice’ and their (*perhaps* only partial) cognates in other languages.

When we do this carefully we understand that we do not and cannot, except *arbitrarily* stipulatively, determine such matters. Such stipulations are empirical acts, e.g., ‘justice’ is used this way. There is nothing fact-insensitive here or anywhere along the line, no necessary and sufficient conditions for something being rational or just. Is there any compelling, good reason, warranting us to believe “that anyone who is entirely clear about what her principles are and why she holds them has principles that are independent of her beliefs about facts” (Cohen 2008a, 257)? I don't see that Cohen has established that or even come near to doing so or even made it a plausible assumption.

Cohen is an essentialist; he aspires to know that there are essences and what essences are and in particular to know what justice is as such, what justice essentially is, what justice in its purity is, what the very nature of justice is, what are the necessary and sufficient conditions of justice, namely, what are the properties that all and only just acts, just principles, just rules, just attributes, just practices, a just ethos and the like have. Its essence is the basic or primary element of justice, that which it could not be lacking without the very idea of justice ceasing to exist, to be conceivable and consistently thinkable. (But, again, that is an empirical matter.) Justice is thought by Cohen to be a natural kind such as water or salt.

Anti-essentialists, by contrast, say that for anything or any activity, or at least for any social or psychological thing, there is no such thing as its *intrinsic* nature. Rather, all properties are relational. *Perhaps* that is too strong? But clearly, not all things have essences. Take the number 12. We have not the foggiest idea of what its essence would be. All of the numbers with their infinitely different relations to many other numbers are in *internal* relations. None of these relations could be different without a number, say 12, being different. How could we ascertain the essence of twelve-hood short of finding some mechanism for generating all the true descriptions of 12, specifying all its relations to *all* the other numbers? Vis-à-vis this, Richard Rorty remarks:

Mathematicians can in fact produce such a mechanism by axiomatizing arithmetic, or by reducing numbers to sets and axiomatizing set theory. But if the mathematician then points to his neat little batch of axioms and says, 'Behold the essence of 17!' we feel gypped. There is nothing very seventeenish about those axioms, for they are equally the essence of 1, or 2, of 289, and of 1,678,922.

...whatever sorts of things may have intrinsic natures, numbers do not—...it simply does not pay to be an essentialist about numbers... it also does not pay to be essentialist about tables, stars, electrons, human beings, academic disciplines, social institutions, or anything else. ...all such objects ...resembl(e) numbers in the following respect: there is nothing to be known about them except an initially large, and forever expandable, web of relations to other objects. Everything that can serve as the term of a relation can be dissolved into another set of relations, and so on for ever. There are, so to speak, relations all the way down, all the way up, and all the way out in every direction...

To say that relations go all the way down is a corollary of psychological nominalism: of the doctrine that there is nothing to be known about anything save what is stated in sentences describing it. For every sentence

about an object is an explicit description of its relation to one or more other objects (Rorty 1999, 53-54).

However, the essentialist will respond that all properties are not relational. We cannot have relations without things to be related. If there were not, for example, a hard, substantial autonomous table for us to stand in relation to, constituted out of hard, substantial, elementary particles, there would be nothing to get related to and so no relations there. There is, as an untutored common sense insists, “a difference between relations and the things that get related, and philosophy cannot break that distinction down” (Rorty 1999, 55).

The anti-essentialist reply is that “all that we know about this hard, substantial table [about the thing that gets related as opposed to its relations] is that certain sentences are true of it” (Rorty 1999, 55). We know “a given table is rectangular, brown, ugly, made out of a tree, smaller than a house, larger than a mouse, and so on indefinitely” (Rorty 1999, 55). We never get a characterization of its *intrinsic nature*—something that has necessary and sufficient conditions, a set of properties common to and distinctive of all tables. Moreover, all things are like that: devoid of intrinsic properties.

An essentialist will at that point go *anti-linguistic* and refuse to admit that language provides our only cognitive access to objects, claiming that we “must have some prelinguistic knowledge of objects”—some *knowledge by acquaintance* (Rorty 1999, 56). An empiricist trying to be an essentialist might try to demonstrate his *knowledge by acquaintance* by banging his hand on the table or telling us to do the same and just feel or look, thereby freeing ourselves of any verbal characterization of what we feel or see, thereby revealing our “knowledge of the table’s *intrinsic causal powers*, its sheer brute *thereness*” (Rorty 1999, 56). But we will never get a sheer thereness or thisness that yields any understanding. This shows, Rorty claims, something that an empiricist trying to be an essentialist claims, but it will not put us just brutally in touch with reality: the distinctive things that we in everyday life are aware of. The anti-essentialist, who at this point will be accused by not a few (unfairly I think) of being an unwitting linguistic idealist, will not acknowledge, and cannot make sense of, an allegedly *purely ostensive* identification or knowing, a brute knowledge by acquaintance. Remember Wittgenstein’s reminder that any ostensive definition can be variously interpreted in every case. By itself it is just taken by empiricist as an inarticulate brute thisness or thereness (whatever these are).

However, we do not “get on more intimate terms with the table, closer to its intrinsic nature, by hitting than by looking at it or talking about it” (Rorty 1999, 56). Such banging, touching, or looking and similarly allegedly *purely ostensive* matters do not succeed in taking one out of language into fact, into some direct non-linguistic awareness of how things really are. Rorty goes on to say:

Unfazed... the antiessentialist reiterates that if you want to know what the table really, intrinsically, is, the best answer you are going to get is ‘that of which the following statements are true: it is brown, ugly, painful to banging heads, capable of being stumbled over, made of atoms, and so on and on.’ The painfulness, the solidity, and the causal powers of the table are on all fours with its brownness and its ugliness. Just as you do not get on more intimate terms with the number 17 by discovering its square root, you do not get on more intimate terms with the table, closer to its intrinsic nature, by hitting it than by looking at it or talking about it. All that hitting it, or decomposing it into atoms, does is to enable you to relate it to a few more things....

The...anti-essentialist denies that there is a way to pick out an object from the rest of the universe *except* as the object of which a certain set of sentences are true. With Wittgenstein, he says that ostension only works against the backdrop of a linguistic practice, and that the self-identity of the thing picked out is itself description-relative. Anti-essentialists think that the distinction between things related and relations is just an alternative way of making the distinction between what we are talking about and what we say about it. The latter distinction is, as Whitehead said, just a hypostatization of the relation between linguistic subject and linguistic predicate.

Only when linked up with some other parts of speech does a noun have a use, and only as the term of a relation is an object an object of knowledge. There is no knowledge of the subject without knowledge of what sentences referring to it are true, just as there is no knowledge of a number without knowledge of its relations to other numbers (Rorty 1999, 56-57).

Still, Cohen digs in his heels. He remarks in his chapter on constructivism (Chapter 7):

I agree with the Socratic-Platonic view that led Socrates to reject illustrations of, for example, just behavior as providing a proper answer to the question “What is Justice?”: no list of examples reveals what it is about the examples that makes each an example of justice. Until we unearth the fact-free principle that governs our fact-loaded particular judgments about justice, we don’t know why we think what we think just is just. And we have to retreat to (what we consider to be) justice in its purity to figure out how to institute as much justice as possible inside the cave.

The “lovers of sights and sounds” in Book V of Plato’s *Republic* think it suffices for saying what justice is to say what counts as just within the world of sights and sounds. They scarcely recognize the question What is justice, *as such*? In a world where the facts are *F*, they believe that *P* constitutes justice, and they do not abstract even so far as to see that they believe, independently of the facts, principles of the form *if F then P*. Plato thinks, and I agree, that you need to have a view of what justice *itself* is to recognize that justice dictates *P* when *F* is true. That is how justice transcends the facts of the world (Cohen 2008a, 291).

I am not a Platonist, an essentialist, an empiricist trying also—as Rorty describes above—to be an essentialist, nor am I a linguistic idealist. To use Plato’s metaphor, we can only say what justice is, know what justice is or indeed any other moral or normative notion is, from within the world of sights and sounds. To know what justice is or any such notion we have to (*pace* Plato and Cohen) translate into the concrete after the fashion of Moore, Wittgenstein and Ryle of Cambridge and Oxford tradition of philosophy of the mid-twentieth century. Without essences we live comfortably in the world of sights and sounds. We need not and perhaps cannot know, what justice is in itself but we know that to cheat someone is to be unjust to him and to give someone the correct change when he buys something from us is to treat someone justly. To be fair is to be just gives us nothing substantive anymore than to say a brother is a male sibling. Translations into the concrete are more reliable in ascertaining justice than philosophical generalizations of what the essential (intrinsic) nature of so called ‘pure justice’ is. Any philosophical generalization is plainly false which gave us to understand that there was nothing unjust in such things as having a swimming pool that takes up your neighbor’s only source of drinking water, or a situation where twenty thousand children a day unnecessarily die of malnutrition or of easily curable diseases while the rich nations of the North, partly responsible for that situation, do nothing or next to nothing about it when they easily could with no great sacrifice eradicate it or at least extensively diminish it. No talk about the essence of justice is going to gainsay that or help us get clearer about that. This is not just a matter of ascertaining *pace* Cohen when justice can be implemented, though surely it is also that, but the surest way of determining what justice is. This should be a lesson—to go philosophical—derived from G. E. Moore’s “A Defense of Common Sense” or C. S. Peirce’s defense of critical commonsensism.

Joshua Cohen argues against G. A. Cohen (J. Cohen 2001). In this dispute, G. A. Cohen agrees with Joshua Cohen that the facts determine what questions of justice will arise from a practical point of view (Cohen 2008a, 267). But then G. A. Cohen rebuts:

Now it is indeed true that to decide what to do we need say nothing definite, and, in fact, nothing at all, about that [i.e., about what justice, as such, is]. But suppose that, like me, you think that political philosophy is a branch of philosophy, whose output is consequential for practice, but not limited in significance to its consequences for practice. Then you may, as I would, protest that the question for political philosophy is not what we should do but what we should think, even when what we should think makes no practical difference. Given the claim that the world forces no choice between the difference principle and the principle of not having too much inequality, a certain decision about fundamental principle has no practical significance. But fundamental principles retain practical significance even here, because it is by appeal to them, together with the facts, that the maximinizing policy is justified (Cohen 2008a, 263).

But in the last sentences of the above quotation, G. A. Cohen is unsaying what he said in the first three sentences and seems to be embracing the pragmatist principle that what makes no difference in practice is no difference and this seems at least to nicely fit with Joshua Cohen's claims. *If* this makes philosophy futile, then so be it. Cohen needs to show that the practice of philosophy, at least as he does it, has an output which is consequential for practice.

XII

One can reasonably be socialist (as Cohen was and remained)¹ and have a coherent moral and political orientation, without being *philosophically* conservative as Cohen also came to be, in an essentialist tradition going back to Plato that does not set well with a Marxist orientation. There is no conceptual link between one's politics and one's philosophy, common belief to the contrary notwithstanding. If so, what is the relevance of what I have said here for readers of *Socialist Studies*?

¹ It was said by some at the conference from which most of the papers in this volume are drawn that Cohen abandoned his Marxism and socialism. Both are absurdly false. He, ever since his graduate school days, had abandoned *fundamentalist* Marxism. But 'fundamentalist Marxism' is not pleonastic and 'analytic Marxism' is not an oxymoron. Cohen was and remained an analytical Marxist and socialist until the end of his life. Another absurd falsehood floated around the conference was that Cohen was a 'closet libertarian'. Nothing could be further from the truth. Liberty for him was, of course, a value but not the primary value overriding all other values. Cohen, like his friend, Isaiah Berlin, was a pluralist about fundamental values. Here see Cohen 1996, 7-25; 2000, xvii-xxviii; 2001, 11-18; and 2009.

Cohen, with his articulation, defense and subsequent modifications (but not abandonment) of historical materialism, has made a crucial contribution to Marxist (or what would be better called scientific socialist) theory and consequentially to scientific socialist practice. Cohen has given us an account of a form of epochal social change that is directional in history without construing history as having a *telos*, something mysteriously, and probably incoherently, having an end, an aim, a purpose without a purposer or purposers. In the face of Berlin, Popper and a host of lesser lights, Cohen gave us a socialism that had a causal, though still functional, scientific empirically grounded account of epochal social change, something of crucial significance for socialism in theory and practice—an account of historical change both scientific and directional without being metaphysical and obscurantist.

Cohen subsequently became increasingly interested in moral philosophy, in conflict with Marxist amoralism; the claim that thinking about morality or constructing moral theories was thoroughly negatively ideological. I think that the Marxist amoralists were right in claiming that what we socialists need is not the articulation of moral views or a development of moral theory but instead an attention to class interests and particularly to working class interests. We should, Marxist amoralists maintain, eschew appeals to morality, moral philosophy or trying to ascertain and then take a moral point of view (Cohen 1981; Wood 1972, 1984, 1985; Nielsen 1987, 1989, 1991, 1998).

Cohen's long awaited big book on moral philosophy, *Rescuing Justice and Equality* (2008), intends to help us, among other things, in the project of developing a genuinely *scientific socialism* that is *not* a Marxist amoralism but that articulates a moral theory. However, even if his meta-ethical account is on the mark, if my argument is right, it is irrelevant to socialism, neither supporting it nor in any way undermining it. Our central concerns as socialists are to understand the world, to change the world and to understand how to change it for the better. But in so acting and thinking we need not and should not bother to understand, Cohen's meta-ethical questions, his claimed moral foundations or any such foundations. We need not have a *theory* of a better world or a philosophical analysis of 'better'.

In a 1996 interview, Cohen said that he had come to think that continued consideration of historical materialism was not terribly important as distinct from his belief that "normative questions are desperately important" (Cohen 1996, 11). I too think there are normative questions, some of which are desperately important. But not all of them. Is one wine better than another? Is heterosexual marriage better than gay marriage? These are plainly normative questions, but not desperately important. They are not like whether undocumented immigrants should be deported, which is desperately important to answer. Moreover, whether we could have too much equality or too much liberty can entangle the minds of some philosophers, but should be put on the back burner when we are struggling to change our world from the dreadful one we live in now

(2011). What is crucial is to determine what must be done to have a decent world and what we have to know and do to get it or even approximate it. Particularly looked at globally, we start in determining and doing this at a very low level. The metaphors for our world as a pigsty and a global insane asylum, depending on whether we are thinking of global poverty or global warming, are very appropriate.

Given the structure of class interests in the world, we realistically can have little decency, as far as public affairs go, for the foreseeable future. Is this, try as we will, something that is empirically impossible? Here, morally speaking as far as much philosophy is concerned, issues turn around historical meta-ethical issues such as ones concerning whether ultimate moral principles are fact-insensitive or not or the normative ethical theory problem of whether we should seek a principle of equality that is more egalitarian than the difference principle. However, if we are serious about the struggle for a better world, we have more crucial concerns for example, how to eliminate or, lessen the deep and deepening inequalities both between societies and within them and the poverty that goes with this. Global warming is another instance. How do we effectively struggle against a social order which irrationally does precious little when, vis-à-vis the human livability of our climate, time is running out (Harvey 2011, 1-2)? This is where the action should be. Normative issues like these are desperately important—not the meta-ethical ones Cohen discusses in *Rescuing Justice and Equality* or the abstract normative ethical ones that Cohen also discusses as when he sets his view of equality against Rawls's or against libertarian claims concerning the priority liberty.

This is not to deny what is abundantly evident: Cohen's brilliance, acuteness and intense intellectual integrity. But as a socialist, an activist seeking to help us along in changing the world for the better and as a public intellectual his later writing takes us on the wrong track, contrasting markedly, and, for human and socialist practicability, for the worse, with his masterful work on historical materialism. We do not need to get clear about distinctively philosophical issues to be clear about, to come to grips with and confront the issues that both progressive theoreticians and activists (sometimes one and the same) confront. Instead, we should "focus on describing and analyzing social, economic and/or political injustice, and practices of struggle, transformation and liberation", to quote from the website of *Socialist Studies*.

Am I being too *parti-pris*? I both hope and think not. But I would not be the first or last to be self-deceived.¹ Self-deceived or not, what is most fundamentally at issue between Cohen and myself is what we socialist public intellectuals should be doing. In

¹ When I first met Jerry Cohen, at a conference at the University of Texas at Austin, we soon realized that we were birds of a feather. We talked late into the night. At the end of it, Jerry said to me, "Kai, you are too *parti-pris* but then you're a convert." I realized that, unlike him, I did not have the good fortune (bad fortune?) to be a red diaper baby. I hope I am not *parti-pris*, but I recognize that it is hard not to be over something one cares about deeply.

my Wittgensteinian therapeutic philosophical manner, I say that we should, if we can, bid goodbye to philosophy, at least as conceived and practiced by most philosophers, excluding many rigorously analytical ones (Nielsen 1989).¹ We need not go *philosophist* before we can understand and help change the world into a better world or recognize that a better world is possible. That requires no philosophical expertise or insight. Rather, philosophy usually gets in the way.

But the most important thing is that both Cohen and me, and many more, would be on the same side of the barricades, all welcoming a successful socialist revolution that was actually taking place. We are, unfortunately, a long way from that now. But the struggle goes on and in this struggle I think we should say farewell to philosophy. We should remember, as Marx and Engels said in *The German Ideology*, that philosophy is to science as onanism is to coitus. We want a firm scientific basis for our socialism. But arm waving at that as many intellectuals and officials in the Soviet Union did and as Althusser and his followers did will not give us that. We want, and should struggle to achieve, something genuinely scientific to be rooted in socialist practice.

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¹ I call myself a maverick analytical Marxist because I reject methodological individualism and am instead a modest holist, though not a Hegelian dialectical one. I am an anti-essentialist, anti-foundationalist and a historicist contextualist perspectivist. These things set me apart from standard analytical Marxists such as Cohen, but like them I remain committed to analytical methods. I explicate and defend this in my *On Emancipatory Social Science* (forthcoming).

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Article

HOW INSENSITIVE: PRINCIPLES, FACTS AND NORMATIVE GROUNDS IN COHEN'S CRITIQUE OF RAWLS¹

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Abstract

Cohen's hostility to Rawls' justification of the Difference Principle by social facts spawned Cohen's general thesis that ultimate principles of justice and morality are fact-insensitive, but explain how any fact-sensitive principle is grounded in facts. However, when facts F ground principle P, reformulating this relation (as in Cohen's analysis) as conditional "If F, then P" is trivial and thus explanatorily impotent. Explanatory, hence justificatory, force derives either from subsumption under more general principles, or precisely exhibiting value in light of relevant (actual or hypothetical) facts. In examples where no subsumption occurs, actual facts trivially become hypothetical facts, an empty formalism. Indeed, Rawls' grounding of principles of justice in "conditions of life" can easily be reformulated as a conditional principle "sensitive" only to hypothetical such conditions, and thus formally fact-insensitive, for all Cohen's ire against Rawls's grounding.

Moreover, any plausible "ultimate fact-insensitive principle" must be intricately qualified, which tacit *ceteris paribus* clauses mask. Each qualification implies prioritisation of one principle over another in conceivable circumstances, and wherever the now qualified principle is given scope, that too implies prioritisation over competing principles in typical circumstances. Any principle is thus sensitive to conceivable circumstances of application, as recognised by more sophisticated intuitionisms. Non-trivial ultimate principles - luck egalitarianism, act utilitarianism, etc. - require defense, which inevitably involves showing how they best interpret and respond to facts about human needs, goals, and capacities in predictable circumstances. Finally, the

¹ This paper culminates a debate over many years, including at a weekend seminar that Jerry and I gave in 2003 at Kellogg College, Oxford. I don't know if Jerry would have been persuaded by this, my final word, but I believe he would at least have appreciated my nod in the title to the great Brazilian songwriter Antonio Carlos Jobim. I wish to thank Hilliard Aronovitch and two anonymous referees for helpful comments on an earlier version of the paper.

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substantive debate between Rawls and Cohen about which facts are relevant to evaluating the DP is only obscured by the doctrine of fact-insensitivity.

Resumé

L'hostilité de Cohen envers Rawls fondant le principe de différence sur des faits sociaux a engendré sa théorie générale selon laquelle les principes ultimes de justice et de moralité ne sont pas sensibles aux faits, mais explique comment n'importe quel principe sensible aux faits est ancré dans les faits. Pourtant, quand les faits F expliquent un principe P, une reformulation de cette relation (comme dans l'analyse de Cohen) dans la forme conditionnelle « si F, alors P » est triviale et n'apporte rien en termes d'explication. La force explicative et justificative, vient soit de la subsomption par des principes plus généraux soit, lorsqu'il n'y a pas subsomption, précisément parce qu'elle apporte de la valeur à la lumière de faits réels ou hypothétiques. Dans les exemples où il n'y a pas de subsomption, des faits réels deviennent trivialement des faits hypothétiques, un formalisme vide. La manière dont Rawls fonde ses principes de justice sur des « conditions de vie » peut facilement être reformulée comme s'ils étaient des principes conditionnels « sensibles » uniquement à des conditions hypothétiques, devenant ainsi formellement insensible aux faits, esquivant la colère de Cohen contre la méthode fondatrice de Rawls.

En outre, n'importe quel « principe insensible aux faits » plausible doit être qualifié de façon détaillée, ce qui est masqué par les clauses tacites « toutes choses étant égales par ailleurs ». Chaque qualification implique la priorisation d'un principe sur un autre dans des circonstances concevables, et partout où le principe maintenant qualifié est censé être appliqué, cela implique aussi la priorisation sur des principes alternatifs dans des circonstances typiques. N'importe quel principe est ainsi sensible à ses domaines d'application concevables, comme les intuitionnistes sophistiqués le reconnaissent. Les principes ultimes non triviaux - l'égalitarisme des chances, l'utilitarisme des actions, et cetera - doivent être défendus, ce qui implique inévitablement que l'on montre comment ils interprètent et rendent compte de faits relatifs aux besoins, objectifs, et capacités humains dans des circonstances prévisibles. Par conséquent, le débat substantif entre Rawls et Cohen à propos des faits qui sont pertinents dans la formulation du principe de différence est obscurci par la doctrine de l'insensibilité aux faits.

Key Words:

Cohen; justice; difference principle; fact-sensitive principle; Rawls

Mots-clés:

Cohen; justice; principe de différence; principe sensible aux faits; Rawls

Jerry Cohen hoped his fact-insensitivity thesis would be his most enduring, as it was his most profound, contribution to philosophy. Indeed if the thesis were correct it might have proved his crowning legacy. In fact, it is elaborated with a sophistication that can ambush critics; many denounce it, but instead of precise objections recite methodological creeds that fail to engage with the characteristic rigour of Cohen's arguments. His deployment of the thesis to assail

the Rawlsian doctrine has in particular not been adequately answered. Yet the theory is still wrong, or so I shall argue.³

I begin with remarks showing how the thesis originated in Cohen's critique of the difference principle (DP). Cohen does raise an interesting challenge especially for Rawlsians. The latter, but many others, consider morally inadequate a rejection of oppression merely on grounds of utilitarian "actuarial calculations"⁴ that such injustice supposedly would not maximise long-term aggregate happiness. Yet Rawls appears to rely on actuarial calculations of his own to defend the DP against worries that it would permit excessive inequalities. Cohen's retort is that in *both* cases the problem is that the claims of justice itself are being sidelined (Cohen 2008, e.g. 259).

Cohen then repudiates Rawls' view that a theory of justice must be justified (in part) by social and psychological facts. For Cohen ultimate principles of justice and morality are not fact-sensitive at all (facts are not among their grounds). Recognition that these (timeless and universal) fact-insensitive principles occupy the summit of moral reasoning explains the wrongness of both Rawls' inclusion of the DP within justice, and his constructivist method of identifying principles of justice.

After brief exposition of Cohen's doctrine, I turn to criticism of it. I argue that Rawls' principles and professed fact-dependence can be reformulated (if one is so pedantically inclined) to be "sensitive" only to *hypothetical* facts consistent with Cohen's doctrine of *actual*-fact-insensitivity.⁵ In other words, the metaethical debate is largely a pseudo-issue, a philosophical tempest in a teacup.

Secondly, alleged grounding by ultimate fact-insensitive principles is deceptive: tacit *ceteris paribus* qualification of any plausible such principles masks incomplete grounding, and the implied prioritisations constitute responses to conceivable circumstances. More sophisticated intuitionisms than Cohen's recognise this. Moreover, controversial doctrine-principles proffered as non-trivial ultimate principles – luck egalitarianism, act utilitarianism, etc.⁶ – require defense,

³ Arguably it shares with its constructivist opponent a penchant for formalism that lends normative philosophy, or the substantive views espoused, a halo of esoteric power beyond its actual capacity to gain rational consensus. I don't pursue that idea here. The Rawlsian Pogge accuses Cohen of "friendly bullying" (Pogge 2009), presumably in favour of his substantive egalitarian view. Constructivists might be similarly charged. I believe Cohen's primary motive was in fact to contribute lastingly to grand metatheory.

⁴ Rawls 1971, 1999, 137. All citations herein are from this second edition.

⁵ Kurtulmus agrees that Rawls' claims can be rendered consistent with Cohen's, but for reasons I do not find compelling; see note 19 below (Kurtulmus 2009). Pogge's paper (2009) came into my hands after I had written mine, and makes some similar arguments, including the possibility of reformulating fact-sensitive principles to be fact-insensitive. He puts this in terms of building context-dependence into the principle ("internalising" it). I agree, but express the point in terms of sensitivity to hypothetical instead of actual facts, because, as explained in section 3.1, Cohen attempts to exploit the point that the universalisable prescriptive element of a moral claim makes no existential commitments. It is in that sense fact-free. Context-dependence is also relevant to the discussion of qualification in section 3.2. See Pogge 2009, 88-109.

⁶ Cohen, correspondence with author, October 27, 2007.

which inevitably involves showing how they best interpret and respond to facts about human needs, goals, and capacities in predictable circumstances. Finally, I argue that the substantive debate between Rawls and Cohen about *which* facts are relevant to the DP is only obscured by the doctrine of fact-insensitivity.

1. Introduction

Cohen's theory of fact-insensitive principles developed from his attack on Rawls' difference principle (DP), which many egalitarians have worried opened the door to significant inequality, provided the advantaged could hold for ransom the services that would improve the position of the worst off (the condition supposedly agreed by Original Position (OP) parties for permitting inequality). This "left" critique of Rawls' DP, essentially the topic of Cohen's entire *Rescuing* book, can take several forms.⁷ Depending on how the characterization of economic, social, and psychological "reality" unravels, a standard egalitarian apprehension is that the DP could turn Rawls-the-would-be-egalitarian into a von Hayek or Milton Friedman in egalitarian clothing.⁸ (Don't *they* say *everyone* is better off under free market capitalism? Doesn't virtually everyone claim a free market makes a larger pie to go around? And isn't freedom itself *the supreme* primary good on Rawls' own theory, which von Hayek, Friedman, and supporters have held is best secured by a free market?)

Rawls replies that excessive inequalities will not ensue from adoption of the DP because it is simply not the case – in part *given the psychological and socioeconomic facts*⁹ – that great inequalities would be *necessary* to benefit the worst off. Moreover, certainly far less inequality can be justified by the DP than currently occurs. Cohen's rejoinder is that whether facts are as Rawls claims, they are irrelevant to justice. Rawls' defense thus recalls how conciliatory utilitarians parry justice-based objections by pleading that equal distribution supposedly fosters utility by envy reduction and a putative declining marginal utility of increased wealth. Besides doubting that greater equality maximises aggregate welfare, one may object that anyway this is beside the point: equality (or priority of the poorest) should count morally in itself.

⁷ Not the entire battery of arguments against it in Cohen 2008 takes a form outlined below, but many do.

⁸ In post-Parfitian terms Rawls was never strictly an egalitarian, but either a prioritarian or multi-principle theorist, where one of the principles is prioritarianism: giving priority to raising the level of the worst off, but never levelling down for the sake of greater equality if no one benefits absolutely. (More accurately, Rawls seems to have been a luck prioritarian, in which case Cohen's charge that Rawls is inconsistent in endorsing both equality and Pareto-optimal departures from it would be inaccurate. I cannot pursue substantive questions about justice or Rawls' view of same here.) Nevertheless, in looser terms Rawls has inspired the broader philosophical movement of modern egalitarianism.

⁹ More precisely, Rawls argues that the application of the other principles of justice - equal liberty and equal opportunity – coupled with basic economic and psychological facts will ensure a competitive supply of (what I suppose would be) skilled labourers, professionals, and entrepreneurs sufficient to hold down the price of such talent. I am interpreting his remarks on 136-7.

In other words *justice itself* independently of general utility favours equality, which even conciliatory utilitarians ignore. Similarly¹⁰ one may question whether an institutionalised DP will bridle inequality, but also regard the ransom demanded by the talented as selfish, thus no part of “justice itself” (though acceptable within “regulative rules” – practical guidelines adopted in face of “feasibility constraints”). Incentives for the selfish may well be justified all things considered, but all things considered are by definition not only justice considered, and not all that is justified is necessarily just.¹¹

Concern for “justice itself” may be derided as “Platonist”, but Cohen - embracing the description¹² - seems to have identified an interesting double standard in attitudes to utilitarian and Rawlsian contractualist appeal to facts. Rawls’ complaint that utilitarianism fails to “take seriously” the “separateness of persons” is widely accepted. But this insistence that distribution not just aggregation and “actuarial calculations” matters,¹³ could ring hollow if that very distribution becomes hostage to the actuarial calculation of how much beyond equality entrepreneurs and professionals will need to be paid off for services rendered. For what does necessity amount to here? Within Rawlsian constructivism it cannot be a moral but only a causal concept: whatever is empirically required to induce the talented to offer their services that will benefit the worst off. Rawls is quite explicit: while OP parties should not trust actuarial calculations to protect liberty, but should embed the “moral ideal” of protecting liberty directly into principles of justice, the DP “presupposes ... a certain theory of social institutions” that will ensure that “in a competitive economy ... with an open class system excessive inequalities will not be the rule”.¹⁴

¹⁰ Cohen provides a version of this analogy to the contrasting ways one can criticise utilitarianism, Cohen 2008, Ch. 6, section 19, 263-268.

¹¹ This point occurs throughout Cohen 2008, Chapter 7, e.g. 283, 291, 305.

¹² Cohen praises Plato for seeking ideal moral principles, including justice, beyond mere situational judgements, Cohen 2008, 91. Less explicit is the whiff of positivist fact-value dichotomy pervading Cohen’s later work. He denies his thesis is affected by that controversy, but examines only one version of deriving “ought” from “is” statements: deductive inferences from the meaning of terms used in factual statements. (E.g. ‘George is in pain’ implies by virtue of the meaning of the terms that ‘George ought to be assisted’).

¹³ Rawls: “It is often objected, for example, that utilitarianism may allow for slavery and serfdom, and for other infractions of liberty. Whether these institutions are justified is made to depend upon whether actuarial calculations show that they yield a higher balance of happiness. To this the utilitarian replies that the nature of society is such that these calculations are normally against such denials of liberty.” Rawls 1971, 1999, 137.

¹⁴ Rawls 1971, 1999, 137. Rawls offers two reasons why the OP parties shouldn’t rely on “actuarial calculations” of utilitarianism: (1) the calculations may be wrong; (2) even if they are correct, “there is a real advantage in persons’ announcing to one another once and for all that even though theoretical computations of utility always happen to favour the equal liberties (assuming that this is indeed the case here), they do not wish that things had been different.” The conception of justice is public, and there are “benefits of this collective profession” for stability, 139. Rawls never quite explains why similar benefits would not follow a public “announcement” that “once and for all” everyone ought to work according to their ability without demanding or expecting more than equal pay. Nor is the “benefit” of not making liberty hostage to aggregate-maximising calculations merely about stability: if liberty is morally valuable then it *ought* to be valued in a just society (stability being a by-product of this recognition).

This issue motivates Cohen's hostility to the idea that ultimate normative principles are fact-sensitive. As Cohen observes, the quoted passage surreptitiously relies on an implicit background principle that "excessive inequalities" are wrong. From "a theory of social institutions" (a species of actuarial calculation) OP parties derive the factual claim that inequalities will fall within a certain range, which is then deemed acceptable. But only if inequality were considered wrong, or equality morally valuable, would there be a moral standard of "excess" requiring demonstration that the social facts prevent excessive inequality. (Compare the utilitarian motivation for demonstrating that proper consequentialist reckoning will not endorse slavery). Otherwise *no* inequality necessary to benefit the worst off would be excessive. Thus the normative principle prescribing equality is logically prior to judging which inequality is excessive, and Cohen then claims that this principle is actually independent of *any* facts.

Now that latter claim certainly does not follow from the normative principle's being independent of the particular institutional facts to which Rawls alludes. That people ought to be treated as equals may itself be grounded in any number of facts about humans, and therefore be fact-sensitive. Cohen's standard line against such challenges¹⁵ is that any such further facts could be grounds of the principle only if there were an even higher, ultimate principle that is not fact-sensitive at all: *if* there are beings of such a nature (capable of rational life-plans, self-conscious, and whatever else one thinks relevant) then they ought to treat each other as equals. That principle, if true, holds whether such beings even exist, thus irrespective of any facts (other than normative facts, if there are such). Rawls' DP – that given the *fact* that some won't work without greater than equal pay, one ought to provide them it iff that benefits the worst off – is fact-sensitive (as is the judgement that the resultant inequalities will be moderate) thus not at the abstract summit of justice, where reside only fact-insensitive principles.

2. Cohen's doctrine of normative structure

Cohen defines a fact-sensitive principle as "reflecting" or grounded by a fact. A "fact" is any true proposition other than a moral one (if there are such). But any fact-sensitive principle is always ultimately grounded also by another principle not sensitive to facts: "Principles that reflect facts must, in order to reflect facts, reflect principles that don't reflect facts" (Cohen 2008, 232).

For example, if principle P (keep one's promises) is affirmed because of fact F (promise-keeping enables promisees to pursue their projects) F alone does not justify P. F is a ground of P only because of some "more ultimate" principle P1: Everything equal, we should help people pursue their projects. Now this principle would be affirmed independently of F; its affirmation, Cohen says, would survive denial of F. Possibly one would affirm P1 only in light of facts other than F. Then P1 is not ultimate. Suppose one affirms P1 because one believes F1: helping people

Similarly, if equality is morally valuable then it should be publicly valued, and departures disvalued even if necessary evils. Rawls, however, eschews such "perfectionist" moralism.

¹⁵ I extrapolate here from his remarks about promise-keeping (see next section) and other examples.

pursue their projects shows respect for rational beings capable of framing and pursuing life plans. Then F1 in turn could ground P1 only if some P2 prescribed respecting rational beings (including by helping them pursue their projects). P2 would then be an ultimate fact-insensitive principle: it is not sensitive to *any* facts, and its affirmation would survive denial of F1. Cohen holds that no case of a fact grounding a principle would require exceeding a few steps (“say five”) before reaching the ultimate fact-insensitive principle in light of which the lower principles are grounded by facts.¹⁶

Mundane judgements, provided they are normative – enjoining some act – are similarly analysable: “Turn off the lights when vacating the room” is a fact-sensitive P grounded in F (“Lighting vacant rooms wastes electricity”, and perhaps facts about harm caused by wasting electricity). But F could not ground P without P1: “Waste is wrong”.¹⁷ Again, the “affirmation of P1, as opposed to whether or not the affirmation induces her to affirm P itself, has nothing to do, essentially, with whether or not she believes that F” (Cohen 2008, 234). P can be sensitive to F only because of P1, which is insensitive to F. Moreover, either P1 is not sensitive to *any* facts, or *is* only because of some P2 (or P3, etc.) which is *not*; the latter is thus the ultimate fact-insensitive principle grounding the original P. Here P1 is fact-insensitive since one who affirmed it would do so even if nobody wasted or nothing was wasteful in the actual world. In a *possible* world where waste occurred, waste would be wrong.

Cohen insists that the thesis is logical not epistemic. That is, the ultimate fact-insensitive principle is what the person affirming P is committed to; the person need not *know* P1 to know P. Cohen compares this to knowledge of a causal relation. I can know that flicking the switch turns the light on without knowing anything about electricity or even that electricity is involved.¹⁸ And I might know that P – hurting my acquaintances is wrong – without knowing why. Discovering the fact-insensitive principle P1 that harming innocents is wrong would *explain* P even if I knew P without it.

Fundamental moral principles, including justice, exhibit insensitivity to not only facts but values and principles distinct from them. Thus, “whatever their content may be, fundamental principles of justice are in no way dependent on the character of any facts, or, indeed, and equally importantly for my purposes, on any considerations of value or principle that are not considerations of justice” (Cohen 2008, 281). This exposes a further failing of Rawlsian constructivism. Not only do OP parties choose principles in light of general socio-economic facts, thus violating the fact-insensitivity thesis of principles of justice, but they choose them as optimal principles to live by, which necessarily means by weighing values and principles other than justice. “[S]imply because they *are* the *all-things-considered* best principles to live by, optimal all-things-considered principles are therefore not necessarily the best principles considered from the point of view of justice alone” (Cohen 2008, 275).

¹⁶ Cohen 2008, Ch. 6, sects. 5-6, 233-236. I have slightly abridged and altered Cohen’s example.

¹⁷ Cohen, lecture at All Souls College, circa 2003.

¹⁸ Correspondence with author, October 2007.

To recall, it is essential to Rawls' OP parties that they choose principles that are stable (generating their own support), predicted in light of general facts to benefit the worst off, and can be publicly endorsed, including in light of predicted effects of doing so. But this, thinks Cohen, proves that the constructive procedure misidentifies the resultant regulative rules (as Cohen calls them) accommodating these values with justice. Not that one shouldn't live by optimal regulative rules, if the procedure really could find them, but political philosophers should want to know what justice itself requires, both for the sake of philosophical clarity, but also because such knowledge would clarify the degree of compromise with actual justice, whether it is necessary and for how long, and whether inculcating untainted principles of justice might eventually render the compromises unnecessary.

Cohen cites several passages from Rawls defending the reliance of the OP parties on general facts about human nature. One encapsulates what exercises him about Rawls' method: "Conceptions of justice must be justified by the conditions of our life as we know it or not at all." (Rawls, 1971, 1999, 398; Cohen 2008, 229). Another, previously cited, relates directly to the DP:

Contract theory agrees, then, with utilitarianism in holding that the fundamental principles of justice quite properly depend upon the natural facts about men in society. This dependence is made explicit by the description of the original position: the decision of the parties is taken in the light of general knowledge. Moreover, the various elements of the original position presuppose many things about the circumstances of human life. Some philosophers have thought that ethical first principles should be independent of all contingent assumptions, that they should take for granted no truths except those of logic and others that follow from these by an analysis of concepts. Moral conceptions should hold for all possible worlds. Now this view makes moral philosophy the study of the ethics of creation: an examination of the reflections an omnipotent deity might entertain in determining which is the best of all possible worlds. Even the general facts of nature are to be chosen. Certainly we have a natural religious interest in the ethics of creation. But it would appear to outrun human comprehension. From the point of view of contract theory it amounts to supposing that the persons in the original position know nothing at all about themselves or their world. How, then, can they possibly make a decision? A problem of choice is well defined only if the alternatives are suitably restricted by natural laws and other constraints, and those deciding already have certain inclinations to choose among them. Without a definite structure of this kind the question posed is indeterminate. For this reason we need have no hesitation in making the choice of the principles of justice presuppose a certain theory of social institutions. Indeed, one cannot avoid assumptions about general facts any more than one can do without a conception of the good on the basis of which the parties rank alternatives.... It is evident...

that both general facts as well as moral conditions are needed even in the argument for the first principles of justice (Rawls 1971, 1999, 137-8).¹⁹

Rawls notes that theories differ as to the relative roles they assign to general facts and moral ideals. Utilitarianism (presumably Millian) depends on sociopsychological facts (as appraised by “actuarial calculations”) to prevent unacceptable degrees of inequality; justice as fairness embeds this ideal “more directly” into its principles. But it also qualifies this ideal with the DP on grounds that here the facts will, as in Millian utilitarianism, prevent “excessive inequality” from arising. Cohen sees a muddle here. “Excessive” presupposes a principle of equality, yet the OP parties, seeking optimal regulative rules are blind to this moral ideal. The constructivist method confuses the fact-insensitive ideal of justice with the concoction of facts and principles that the OP parties balance in their quest for optimal regulative rules.

3. Objections to the fact-insensitivity thesis

3.1. I do not assess here Rawls’ constructivism nor his reasoning for the DP, for neither of which I hold any brief. Nor do I endorse herein any substantive position about justice, whether egalitarian, prioritarian, or anything else. My sole concern is to assess Cohen’s metaethical doctrine and its use in criticising Rawls. I shall defend the startling assertion that the Rawlsian OP parties’ reliance on facts about human psychology and society, and Rawls’ claim that a conception of justice must be justified by the conditions of life, can be rendered strictly speaking consistent with views Cohen tacitly accepts, despite his doctrinal pronouncements. Rawls declares that the parties are not choosing principles of justice for all possible worlds, but only for their world (in his later work further restricted to their society). All Rawls means here is that facts about the capacities as well as needs and purposes of the subjects of justice must be taken into account in determining *which principles of justice apply to them*. Principles that apply to humans may not apply to frogs or angels, and principles that apply to humans in conditions of moderate

¹⁹ The phrase “But it would appear to outrun human comprehension” might appear to support Kurtulmus’ contention that Rawls thinks theories are supported by facts just in the sense that we cannot trust our intuitions about cases not arising in this world (Kurtulmus 2009, 490). My objection to this interpretation is threefold: 1. The rest of the passage, and others (e.g. 136-138, 397-398), show that this is not Rawls’ primary reason for thinking facts ground principles. He thinks facts about human nature and society render *determinate* (see quoted passage) questions about what one ought to do, or how goods ought to be distributed, that would be entirely indeterminate if all factual possibilities were open. Nor have I found any other passage supporting Kurtulmus’ interpretation. 2. The claim is patently false. We have countless intuitions about cases not of our world of which we are as certain as of any in ours. And that is (partly) because 3. Moral judgements about this world counterfactually imply judgements about other worlds. If hate speech is offensive because people are sensitive to it, in a similar world but where people were indifferent to hate speech, it would not be offensive. Pogge’s “pragmatist” rejection of our attempt “to extend our moral reasoning to all possible worlds and contexts” misses this point (Pogge 2009, 109).

scarcity may not apply to humans outside these conditions.²⁰ And to anticipate my later argument, principles that apply to people from whom it is reasonable to demand degree of sacrifice *x* for the sake of the general welfare do not apply to those from whom sacrifice *x* would be unreasonably overdemanding.²¹

There are principles which apply to a modern industrial state but not face-to-face hunting-gathering societies or families. This is obvious with corrective justice. Acquaintance societies have capacities of remonstrance and rehabilitation, and levels of risk from miscreant behaviour, different from those of large societies of strangers, and the same act of punishment can have very different effects depending on in which type of grouping it is performed. Reasonable demandingness – what is appropriate to demand of moral agents – with respect to both distribution and other duties, surely varies as well from large societies of strangers to face-to-face phratries and to families.

I presume that Cohen would not have objected to any of the above. His line of defense would have to be that principles qualified by the circumstances to which they apply depend for their justification on higher principles that are true, or would be affirmed by someone with clarity of mind, independently of whether such circumstances hold. These would typically take the form: *If* circumstances *C* (or facts *F*) hold, *then* one ought to do *x*. Pogge calls this “internalising” the context of application into the principle itself; for reasons that will become clear below, I prefer to speak of reformulating the principle as applying to hypothetical (as opposed to actual) facts. So if Rawls says that principles of justice must be justified by conditions of life as we know it, and Cohen objects that conditions of life could justify a principle only because of a more ultimate principle that was insensitive to such conditions, Rawls could (with a shrug toward pedantry) reformulate the said principles to render them hypothetical: *If* conditions of life are as such, goods ought to be distributed in such a way (encapsulated by the two principles of justice). Affirmation of *this* principle, Cohen would have to agree, survives denial that the specified conditions *actually* obtain.

This brings me to a central problem with Cohen’s notion of fact-insensitivity: it runs together at least four quite distinct features:

²⁰ For similar points, see Pogge 2009, esp. 96, including notes 7 and 8. Cohen argues at length that circumstances of justice do not affect the content of principles of justice but only the possibility of their application, Cohen 2008, 331-336. But as I argue below (in agreement with Pogge), this distinction is the source of most of the confusion surrounding Cohen’s thesis.

²¹ Cohen himself holds that we have “the right to be something other than an engine for the welfare of other people: we are not nothing but slaves to social justice”. Thus the state must not “legislate so invasively and comprehensively that the individual lacks scope for the exercise of what belongs within his own prerogative”, Cohen 2008, 10. Clearly Cohen is here determining the appropriate degree of self-sacrifice it is reasonable to demand, given – I presume, though he is not explicit – facts about human needs and capacities. If some humans were natural slaves incapable of deliberating about or framing a conception of their own good, such a prerogative for them would lack justification. The dispute of moderns including Cohen with Aristotle on this important issue is over facts.

- (1) The fact-insensitive principle is something one is logically committed to by affirmation of the corresponding fact-sensitive principle, whether or not it is thought.
- (2) The fact-insensitive principle can be rationally affirmed independently, or consistent with the denial, of the relevant facts.
- (3) The fact-insensitive principle *explains* the grounding of the fact-sensitive principle by the facts.
- (4) Ultimate fact-insensitive principles do not require grounding (at least beyond showing that they promote recognised value) – they are rock bottom, or ultimate top, depending on one’s metaphorical preference, in the justificatory process.

I shall postpone discussion of the fourth feature until next section. To begin with the first feature, affirming a proposition P commits one to an infinite number of other propositions trivially implied by P: “P and P”, “P or P”, etc. When P is a fact-sensitive principle grounded in fact F, the utterer’s commitment to another proposition P1 “If F, then P” may be entirely trivial. In a particular judgement where F conjoins several relevant facts, and P is a judgement rendered in light of those facts, it is hardly enlightening to observe that the utterer is committed to a further proposition “If F then P”.²² I return to this in the next section discussing *ceteris paribus* clauses.

The second feature, again, seems uninteresting if the principle one is committed to is a trivial conditional derived from an affirmation of P in light of F. Of course the entailed “If F then P” would be affirmed independently of F obtaining. But this leads to the main problem, the third feature. That the fact-insensitive principle *explains* the grounding by the facts of the fact-sensitive principle does not follow from the other two formal features; it is an independent requirement (although Cohen sometimes speaks as if these features were equivalent or mutually implicit). This added feature is crucial both to avoid the triviality of the first two features and ultimately to press the claim that justice is a fact-insensitive principle with irreplaceable explanatory power – the point of the entire doctrine. This explanatory property indeed makes sense when explaining the grounding of a narrow moral judgement by a more general one.²³ Thus, in moving from “Keep one’s promises” to “Help people pursue their projects”, the *subsumption* of the promise-keeping duty under a *more general* principle lends explanatory power (analogous to the covering law theory of scientific explanation); similarly if there were a further generalisation to “people’s happiness should be promoted” or “beings capable of framing and realising life-plans should be accorded respect”. Or, ascending from “Unused lights should be extinguished” to “Waste is

²² Cohen denies his doctrine resembles “What the Tortoise Said to Achilles” (Lewis Carroll) because he is not adding a rule of inference as premise, nor engendering an infinite regress (the stopping point arrives in a few steps). But those differences aside, Cohen and the tortoise share insistence on adding a premise that is uninformative because already implicit in the given inferential relation. It can be a final step but still trivial (Cohen 2008, 238-9). Cohen thinks the added premise is not trivial because it is required to justify the previous inference. So did the tortoise; more on this below.

²³ On this, see Pogge 2009, 97.

wrong” (or whatever the relevant higher fact-insensitive principle) carries explanatory force because the “higher” principles are more general.

Compare a principle P said to apply because of some fact F. Suppose “in support” of this grounding one can adduce only that another principle P1 holds: “If F then P”. P1 will bear the first two features cited above: the affirmer of P because of F will be committed to it, and would affirm it even if F were denied. But the third feature is entirely lacking. Since the utterer had already stated that P is grounded by F, her commitment to P1 contributes no new knowledge, hence no explanatory power. Cohen thus mixes, in illustrating his thesis, two distinct kinds of examples – where explanatory force is carried by greater generality (of the new principle), and where there is no explanatory force because no greater generality – thereby creating the illusion that the general thesis of ultimate fact-insensitive grounding is sound. This illusion is reinforced by his use of the thesis to attack the putative grounding of the DP by factual calculations that inequalities won’t be excessive, where one might question whether *that* fact really grounds that principle.

Cohen’s doctrine also exploits a general feature of moral reasoning. Philosophers from Kant to Hare and Mackie have highlighted the universalisability of the prescriptive aspect of any normative judgement.²⁴ Even particular moral judgement J - “George ought to visit his mother in the hospital” - implies that *anyone* in a relevantly similar situation should visit his mother in the hospital; otherwise the “ought” would have no force. The prescriptive feature can be formulated as a “universal law”: “Any being B in circumstance C ought to do act A”, where C includes relevant non-relational (being a person, rational, etc.) or relational (being a son) properties of B. Since “All Fs are G” is equivalent to “For all x, if x is F then x is G”, universal laws can also be expressed as “If B is in circumstance C, B ought to do A”.²⁵

Particular judgement J can thus be analysed into a prescriptive statement (in conditional or universal form), conjoined with an existential statement “There is something named George and its mother is in the hospital”. The prescriptive statement, if true, would obtain even were the existential statement false, and could be rationally affirmed consistently with denial of the existential statement. However, this feature of prescriptive statements does not ensure that explanatory force is supplied by abstracting the prescription from the particular judgement. “If something is identical to George and is in the same situation as George, then it should visit its mother” contributes nothing to justifying J. By contrast, a universal prescription specifying the

²⁴ Kant, *Groundwork* 1785, 1798 and *Critique* 1788, 1993, Richard Hare 1977, John L. Mackie 1977.

²⁵ Like many readers of Cohen, Miller senses that the explanatory feature will be lost if the fact-insensitive principle trivially restates as a conditional the inferential relation between F and P. But he fails to formulate the objection coherently when he complains that “Cohen’s thesis that fact-sensitive principles must reflect fact-insensitive principles becomes trivial if we include among the fact-insensitive principles conditional principles of the form ‘if F, then P’. For the thesis *not* to be trivial, the ultimate fact-insensitive principles that ground fact-sensitive principles must be unconditional in form” (Miller 2008, 35). But the problem is not the logical form. “Help the needy” and “If someone is needy you should help them” are logically equivalent. Miller’s complaint is thus akin to objecting that Cohen fails to distinguish between “p or q” and “q or p”.

relevant features of George's special relation to his mother, her predicament, and his capacity in light of their relationship to help her, would explain and thus justify (the only relevant explanation here) the moral judgement. The resultant "principle" would be true, if true, even if no one occupied George's position, no mothers were hospitalised, and indeed were there no mothers or hospitals. Nevertheless the prescription is acutely sensitive to the *hypothetical facts* that members of special relationships can profoundly affect each others' well-being. This grounding of prescription in hypothetical facts can be *generalised* only so far, beyond which one reaches non-explanatory platitude and omits precisely the moral significance of the hypothetical facts.

This generates a fatal dilemma for Cohen's thesis. So-called fact-insensitive principles have explanatory force if they exhibit sensitivity to relevant *hypothetical facts*, but to contribute more enlightenment than was already available in the acknowledged *grounding* of the fact-sensitive principle in actual facts, they must do more than reformulate actual facts as hypothetical facts. Once one ascends to the most general level of description of the actual facts relevant for grounding the most general relevant principle, the move to a "higher" fact-insensitive principle is impaled on one of the two aforementioned horns, and becomes a trivial reformulation with no further explanatory contribution.²⁶

3.2. Another problem is that Cohen ignores *ceteris paribus* clauses as if doing so were merely tedium-saving. However, the more complex the set of hypothetical facts in light of which a type of action is prescribed, the more obvious the triviality, or lack of explanatory force, in moving from the principle that is sensitive to *properly qualified* actual facts to one sensitive to similarly qualified hypothetical facts. "Keep one's promises" or "Do not waste" are immense simplifications. Promises, for instance, should *not* be kept if that would cause certain kinds and degrees of harm, although not any harm. Promises made under duress, coercion, without presence of mind, when deceived or lacking relevant information, lose some or all obligatory force. Trivial promises can be overridden by duties of beneficence. "Higher" principles - "Help people realise their projects", "Contribute to human happiness" - require qualification no less than lower ones. Thus fully articulated fact-sensitive principles will be sensitive to long conjunctions of factual conditions: F_1 and F_2 and... F_n . The corresponding fact-insensitive principle will need to repeat as hypothetical facts the same long list in the antecedent: "If F_1 and F_2 and... F_n then....". The failure of such a "fact-insensitive" principle to *explain* the grounding relation of the original principle in the original list of facts is glaringly obvious; nothing explanatory whatsoever is contributed by the alleged fact-insensitive principle.

Moreover, this reveals a much deeper problem. Qualification implies prioritisation. Harm avoidance or beneficence can override promise-keeping duties because of competition between values. To be sure Cohen is mindful of such conflict, warning against mistaking trade-offs with

²⁶ I.e. either it restates the actual facts as hypothetical or it moves to a "higher" platitude that omits reference to the relevant facts, hypothetical or not. Either move is trivial.

stability, Pareto improvement, or publicity, however justified all-things-considered, for justice itself. It might therefore seem unfair to accuse him of underestimating the moral significance of qualification and prioritisation. Yet he appears to accept a false dichotomy between prioritisation which must occur in light of factual circumstances (“conditions of life as we know them”), and simply individuated principles at the “summit” of reasoning. Principles are injunctions to the promotion of some value, and any plausibly individuated principle tacitly implies a judgement that over a certain range of cases the selected principle ought to take priority; it would be otherwise pointless to elevate – and thus generalise – a particular judgement to the status of principle. All such implied prioritisations are circumstance-sensitive: they imply judgements about the relative weights of the value of the selected principle viz.-a-viz. competing values in conceivable circumstances. Since realisable value varies according to circumstance, relative weights of realisable competing value vary as well. The principle to keep promises implies judgement about the supersession of this duty under certain circumstances over doing what one feels like.

A close reading of Cohen’s professions of intuitionism may lend support to the conjecture that he subscribed to a vision of competing a priori individuated principles as simplistic as the constructivist unitary prioritisation propounded by Rawls. Cohen accepts the intuitionist view of ethical reasoning as structured by a plurality of irreducible highest-order principles (Cohen 2008, 4-6). But the attitude in Prichard (1912) and Ross (1930) (and indeed Aristotle, Clarke and Reid) that complex reality is preferable to an illusory simplicity or neatness is accompanied by a sense of resignation:

[Principles] cannot all be satisfied all the time, nor do we have a method for systematically combining them. Discursively indefensible trade-offs are our fate. I do not say that such an intellectual predicament is satisfactory. But I do say that it is the predicament we are in (Cohen 2008, 4).

Or again,

I’m not saying that it’s quite OK that things are vague, and it is undoubtedly more consequential in the moral than in the personal domain that they are. Like everybody else, I would prefer something better. But unlike some others, I don’t think it’s to be had (Cohen 2008, 6).

For classical and contemporary intuitionists, the complex reality of variance of realised value in varying circumstance (and hence the variability of relative weights of realised competing values in varying circumstances) is not a “predicament” to be lamented (unless one hankers after a cult-like simplicity), nor does it imply more “vagueness” than do oversimplified principles such as “Keep promises”. Moreover, trade-offs are often “discursively indefensible” only in the sense that foundational beliefs (Modus Ponens, one plus one equal two) including in highest-order

principles might be. The permissibility of deceiving a murderer to save life rests on the judgement that saving life trumps sincerity in virtually any circumstances, but there is nothing “vague” about this judgement, and if anything is discursively indefensible here, it might be the supreme value of human life (or whatever one takes as the relevant foundational belief, if one is foundationalist). But then any singly individuated principle resting on this belief (don’t murder innocents) is no less “discursively indefensible”.

The term “intuitionism” to describe unranked principle pluralism is therefore misleading: “intuition” is used by philosophers to range from the vaguest hunches to the most fundamental logical, mathematical, and ethical beliefs. An intuition with respect to a trade-off may be as firm as any intuition regarding an individuated principle, and if previous considerations were sound, adequately qualified non-platitudinous principles will already build in implied trade-offs as qualifications. Such prioritisations are obviously defensible, when so, in light of facts about what values are realisable *under the relevant circumstances*. Those prioritisations can often be generalised up to a point. So on one hand moral principles when non-platitudinous are shorthand expressions that more properly have complex qualifications; on the other hand prioritisations can often be elevated to some level of “principle” (such as the “clear and present danger” standard for overriding free speech). There is a degree of pragmatic and cultural nominalism – which is not to say entire arbitrariness or subjectivity – in how we carve up and abstract from the myriad judgements we make to yield a set of higher principles.

The prioritisation of principles is a major concern of the work of Rawls. I have no wish to defend Rawls’ unitary prioritisation of his two principles, nor his constructivist method of deriving it. However, Cohen nowhere objects to the unitariness of the prioritisation per se (which exercises intuitionists such as Urmson or Feinberg); his anti-constructivism focuses on the consideration by the OP parties of facts, and of values other than justice. To recall, Cohen concludes that the resultant principles, precisely because they are all-things-considered optimal principles to live by, are regulative rules. But if rankings of principles in given circumstances are justified, compliance with regulative rules based on those rankings are as obligatory as abiding by any singly individuated principle. Insofar as the objection is that the rankings are sensitive to factual circumstances, we can again reformulate them as sensitive only to hypothetical circumstances. And since they are obligatory, there must be an ultimate “fact-insensitive” principle, “Comply with the right regulative rules for your society”. This ultimate principle combines with the “fact-insensitive” principle that *if* facts are such as obtain in modern industrial societies, the optimal regulative rules are the two principles prioritised as in the OP. Thus at least as far as Cohen’s fact-sensitivity objection is concerned (his mixing values objection will be briefly treated below), Rawls can elegantly reply that the new “ultimate” principles render his doctrine entirely consistent with the terms of the objection.

The fourth feature of fact-insensitivity (see 3.1) is that *ultimate* fact-insensitive principles can be justified only by “intuition”, or at any rate not by any factual considerations; either they are just believed, as with core beliefs of foundationalism, or their justification is merely that they

promote a value that is itself accepted non-inferentially.²⁷ But as we have seen, this is implausible in at least two ways. First, facts about human needs, goals and capacities are relevant to establishing the plausibility of any principle promoting value. These can be rendered hypothetical, we have had ample occasion to observe, but this formal device cannot conceal the justificatory relevance of these facts to the value itself. Should people be treated equally in some important way, even though they are obviously unequal in many respects? If so, some other fact about them – a capacity to frame and realise life plans that demands respect – must be more normatively determinant than other inequalities. Which is more “ultimate” here, fact or value, is as unenlightening a question as whether the location of particles determines the structure of an object or vice versa.

Moreover, as we can now state more precisely, even if value were taken as fundamental, principles must still be justified both by showing that compliance with them promotes the relevant value in foreseeable circumstances, and that that value *ought* to be promoted rather than overridden by other values in those circumstances. On neither score are considerations of fact dispensable.

For some philosophers (Prichard, Dancy) the best candidate for a foundational ethical belief – one justified non-inferentially by “intuition” – is a particular judgement, such as “Harming this baby is wrong”. On this view beliefs at the end *opposite* the abstract “summit” of moral reasoning are most likely not to require grounding. At the abstract summit beliefs that do not require justification are platitudes, purchasing firmness at the price of vacuity. Even low-level generalisations of particular judgements require qualification, at least for anyone who does not eschew all consequential reasoning. This is all the more so at higher levels. Certainly the sort of principles that Cohen considers non-trivial, fact-insensitive and ultimate – luck egalitarianism, act-utilitarianism, Mill’s harm principle (when not itself justified by utilitarianism) – are hardly so intuitively obvious not to require defense. As I have argued, it is entirely mysterious how one *could* defend any (including the first mentioned, to which Cohen subscribed) without intense scrutiny of facts about humans to which the doctrine is intended to apply.

Cohen also objected to constructivism because OP parties seek regulative rules, so weigh more values than justice proper. Discovering optimal regulative rules is desirable, but precisely because the right institutional design accommodates several virtues, constructivism cannot elucidate the content of any particular virtue. “You have to understand the content of any given virtue independently of knowing what the rules of the design are in order to identify the subset of rules that reflect that particular virtue” (Cohen 2008, 286).

This issue is beyond the scope of fact-sensitivity. However, since it provides a lingering objection to converting consideration of “conditions of life” into hypothetical facts in a bulk

²⁷ While Cohen never formally defines “ultimate” principles, *ultimacy* presumably denotes an *end* to the justificatory process, implying that these principles are not justified inferentially. In any case, I am concerned with only one aspect of this: that the principles are not derived, either directly, or indirectly through the intermediary of value, from a consideration of facts.

“fact-insensitive” principle endorsing the “optimal regulative rules”, it may merit a brief conjectural reply. Cohen’s use of “justice” as a virtue, whether of agents, institutions, or distributions,²⁸ departs from the Aristotelian tradition whereby excessive or deficient display of a good renders it a vice. So recklessness, not courage, characterises crossing a street blindly. On the other hand, as Cohen and Feinberg affirm, one often wishes to say that justice should not be done in certain circumstances (where another value overrides).

Nevertheless, if one wants to retain the sense of justice as a generally *desirable* property, and *if* a sort of *systematic* departure from strict equality is generally justified, it would seem a reasonable stipulation to build that departure into the concept of justice. On this view, levelling down – e.g. in the famous *reductio ad absurdum*, blinding the sighted – would be more like reckless street-crossing than pursuing some worthy value albeit at the expense of another. The mad leveller (say a Pol Pot) or reckless street-crosser might be convicted, among other faults, of imprecision were they to reply to the question “What is the point?” with “I am pursuing justice (or courage) itself”. Correlative virtue-neutral terms might be respectively preferable: equality (or perhaps fairness) and boldness (following Foot’s suggestion) rather than justice and courage.

Rawls considered Pareto optimality, stability, and publicity to be values intricately related to justice. Cohen objects that keeping justice distinct is necessary even to identify optimal regulative rules. Here are two short replies. First, the OP parties have readily and obviously available the neutral substitute – equality, and its close relative fairness. The latter is roughly identical with Cohen’s use of “justice”; Rawls treats “justice” as more complex. If OP parties have both concepts, only verbal disputation remains. Secondly, the constructive situation is intended to ensure that considerations of equality and fairness appropriately constrain the result. Both points are forcefully combined by Rawls:

Since it is not reasonable for him to expect more than an equal share in the division of social primary goods, and since it is not rational for him to agree to less, the sensible thing is to acknowledge as the first step a principle of justice requiring an equal distribution. Indeed, this principle is so obvious given the symmetry of the parties that it would occur to everyone immediately (Rawls 1977, 1999, 130).

Interestingly, another prominent objection to the DP first aired in Cohen’s Tanner Lectures (1991) and expanded upon in *Rescuing* is that DP-sanctioned inequality reveals “an underlying tension ... between a *bargaining* conception and a *community* conception of social relationships.”²⁹ Cohen is exposing a tension in Rawls’ work, but clearly favours the community conception, and would have sympathised with Crocker’s (and Aristotle’s) view that equality is

²⁸ He discusses all three, and while giving special importance to the latter, often shifts from one to the other, even in the same passage (see below).

²⁹ Cohen 2008, 82. See generally 27-86.

valuable in part to underpin communal solidarity (Crocker 1997, 6: 262-266). Community, solidarity, or fraternity is a virtue closely related to justice on this construal; distributive conceptions undermining it would thereby be unjust.

Rawls' conception is not strictly egalitarian, but prioritarian or perhaps principle-pluralist (treating both equality and Pareto optimality as components of justice).³⁰ On this construal no good purpose is served by levelling down, and the constructive procedure exemplifies this. Since envy is barred as irrational, improvements to the worst off are always favoured behind the veil, and that is too systematic a justified departure from strict equality to be considered a departure from justice. One may reject prioritarianism or pluralism, of course. But that would be a substantive disagreement, not a clarification of conceptual confusion.³¹

It is also beyond the scope of this paper to resolve substantive questions about the DP. Worth mentioning, however, is that the really important question raised by Cohen about the effect of the ethos of the DP versus an ethos of roughly "From each according to their ability..." is in part a question of the causal effects of adopted norms, and the potential capacities of humans to realise norms in view of the limitations of their nature. These are eminently factual not just moral considerations. The question of what the talented ought to be able to demand in return for providing services that raise the level of the worst off is a substantive question that cannot be decided independently of facts. Cohen himself sometimes exhibits this reliance. For instance, his famous argument that the "site of distributive justice" should not be confined to the basic structure, but must embrace the ethos of society, is based on the claims that

the effect of the behaviour of economic agents on people's life chances is comparably profound... the harder productive people bargain, within any state-imposed structure of rules, and the less willing they are to perform with industry and zeal under high marginal taxation, the worse off the worst off will, in general, be. (Cohen 2008, 17).

This is an actuarial calculation of its own, albeit to say what justice is not. But Cohen then repeatedly draws the positive corollary that whenever some inequality would bring about a Pareto improvement over some level of equality, a higher equality at the level of the Pareto improvement (and therefore a preferable distribution from the standpoint of justice) would be available if productive people accepted the egalitarian ethos and did not require an unequal incentive to produce the same output. Rawls agrees that "One might think that ideally individuals should want to serve one another" (Rawls 1971, 1999, 131) but considers such ideal motivation beyond the "relations of opposition in which men stand in the circumstances of justice" (Rawls

³⁰ For discussion see Casal 2007, 296-326.

³¹ Cohen accepts and even relies on plural value to formulate his objection that constructivism fails to identify justice.

1971, 1999, 131). On the other hand, if Joshua Cohen is correct, Rawls also believes that internalisation of the ethos embodied in the principles of equal liberty and opportunity will work to keep “expectations” in reasonable check when applying the DP; thus the ethos of equality does play a crucial role in preventing “excessive” inequality.

To be sure, Cohen sometimes appears to think that justice, when regarded as a property of distribution, is unaffected by the facts of human nature: what capacity humans have to live and be moved by the egalitarian ethos.

I have moved toward the view that justice is justice, whether or not it is possible to achieve it, and that to conform our conception of justice to what is achievable creates distortions in our thought and also in our practice. (Cohen 2008, 155).

Even here, however, factual considerations are unavoidable. Cohen immediately goes on to acknowledge that justice as a virtue of persons does need to consider the reason for inequality: “the nature of the causal source of the unavoidable constraint [preventing strict equality] must affect our judgment of the justice of the people in the society. If inequality is unavoidable for purely organizational reasons, then no stain of injustice attaches to the citizens.” The “organizational reason” is of course a factual consideration in determining whether citizens are unjust. Cohen does immediately deny, contrary to my contention, that *capacities* are relevant: “If, however, the unavoidability is due to insurmountable cupidity, then we may say that, although they cannot be blamed for this, their very makeup is unjust: they cannot help being unjust” (Cohen 2008, 155). This assertion is important for the claim that at least justice as a property of distribution need not consider at least one important fact: human nature. But the assertion is implausible. If humans in general under the best institutions (not a few individuals with bad upbringings) could not act justly, they would be like lions and tigers who act “unjustly” toward zebras (rather than making efforts to be vegetarians). That is a peculiar extension of the concept outside its “language-game” or context in which agents have sufficient autonomy (compatibilist or incompatibilist) to exercise rational control over appetite for the sake of justice. One may speak if one wishes of the “injustice” of nature to zebras, but one need not be a Rawlsian, whether in method or substance, to find such usage inappropriate for the philosophy of justice among human agents. So radical a bifurcation between blameworthiness and injustice is surely undesirable, and a conception of justice that is in principle unrealisable is an invitation to distopia.

Conclusion

Rawls justified the DP in part with certain putative facts: that under conditions of impartiality where members of a society self-interestedly chose principles of distribution, they would accept inequalities that improved the level of the worst off, but these inequalities would

not be significant when conjoined with the operation of other egalitarian principles they would choose. Cohen is correct to object to the derivation of the DP from these putative facts. However, he generalises the objection to the broad claim that ultimate normative principles are independent of *any* facts. This claim cannot be sustained, except in a very trivial sense that amounts to an empty formalism, namely, that principles that appear sensitive to actual facts F are sensitive only to hypothetical facts F. Moreover, Cohen himself relies on claims of actual fact to support his egalitarian rejection of the DP. Since the demands of justice are different for angels (who have no goals except serving others, and therefore for whom no beneficence is supererogatory), for humans capable of egalitarian motivation without differential incentive, and for beings too self-interested to be capable of serving the general interest, it is necessary to determine the psychological facts about the subjects of justice in question to determine what justice demands of them.

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Review Essay

**STEPHEN HARPER: AUTHORITARIAN PARTISAN
AND RADICAL SOCIAL CONSERVATIVE IDEOLOGUE?**

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Martin, Lawrence. 2010. *Harperland: The Politics of Control*. Toronto: Viking Canada. ISBN 978-0-670-06517-2. Hardcover: 35.00 CAD. Pages: 301.

Nadeau, Christian. 2011. *Rogue in Power: Why Stephen Harper is Remaking Canada by Stealth*. Toronto: Lorimer. ISBN 978-1-55277-730-5. Paperback: 22.95 CAD. Pages: 159.

A lot has been written about Stephen Harper over the years. He first caught the attention of followers of Canadian politics when he was Chief Policy Officer for the fledgling Reform Party of Canada. He subsequently served as a Reform MP from 1993 to 1997, before stepping aside from partisan politics to head the uncompromisingly right wing National Citizens Coalition. When Harper returned to politics in 2002 it was to lead the Canadian Alliance. But, a little over a year later he was at the helm of the newly unified Conservative Party of Canada. The Harper Conservatives unseated Canada's Liberal government in 2006, and for the next five years Stephen Harper was the successful head of a minority Conservative government. Then, in May 2011, Harper and the Conservatives won a majority of seats in the House of Commons, and today Stephen Harper governs with the absolute sense of political security that our parliamentary system affords majority governments. It is now more important than ever that Canadians understand Harper, his motivations, goals and approach to governance.

The popular press and most of the books about Stephen Harper portray him as a reasonably pragmatic right-of-centre politician whose values speak to a significant and growing minority of Canadians.¹ To be sure, Harper's desire to control political messaging has been criticized, he was condemned for using prorogation to skirt the will of Parliament, and his refusal to accept and respond to expert opinion on law and order issues is regularly put in a negative light. But, until recently, the most widely read books

¹ Of course, there are important exceptions. For example: Healey 2008; McDonald 2010.

on Harper tempered their criticism; in those volumes his politics were seldom characterized as ideologically extreme or overly undemocratic.

Two recent books paint harsher portraits of Stephen Harper. Lawrence Martin's *Harperland* and Christian Nadeau's *Rogue in Power* suggest Harper is a radical right wing social conservative, an aggressive partisan, deeply authoritarian, secretive, and aiming to bring fundamental social and political change to Canada. This essay takes a look at these books, their analysis of Harper's social conservatism, his partisan and authoritarian character, and his efforts to entrench a new politics of Conservative dominance.

Harperland

Lawrence Martin is a respected Ottawa-based public affairs columnist, currently covering Canadian national politics for the *Globe and Mail*. His latest book, *Harperland: The Politics of Control*, chronicles the first few years of Stephen Harper's tenure as Prime Minister. Drawing on his own observations, a wide range of press reports, a number of revealing interviews with Conservative insiders, and a small amount of secondary research, Martin chronicles events in a manner that is insightful, yet accessible to a popular, non-academic audience. The book's analysis of Stephen Harper's ideological motives and political style provides revealing insights into how Harper—then Prime Minister of a minority Conservative government—exercised executive power in an effort to dominate Ottawa and set in motion a transformation of the institutions and culture of Canadian politics.

As a chronicling of events, *Harperland* is an enjoyable example of what political journalism can offer when not confined by the space and deadlines of the daily press. Martin reviews key events that propelled Stephen Harper into the Prime Minister's office, and then examines many of the defining political moments and public policy initiatives that, upon reflection, serve to illuminate important aspects of Harper's ideological orientation, partisan attitude and leadership style. The book touches on a range of policy issues, including the Harper Conservative's early accountability promises, their abandonment of the Kyoto Protocol, their uncompromising support of Israel, their law and order agenda, and their opposition to Vancouver's Insite supervised injection site. It also analyses Harper's political management of the ill-fated Liberal-NDP coalition project, the Afghan detainee transfer controversy, and the public outcry regarding the prorogation of parliament. But, from the start, Martin's real goal is to paint a picture of Stephen Harper's personality as partisan and a leader.

The picture of Harper that emerges in *Harperland* is not a flattering one. Martin depicts the Prime Minister as a deeply ideological and aggressively partisan man who is representative of the hard right of the Conservative Party. Throughout the book, Harper is characterized as motivated by a "hatred" of the Liberals and a pervasive animosity

toward the existing political order of liberal Canada. He is portrayed as driven to break the Liberal Party brand and dominate Canadian politics by concentrating power, controlling information, limiting the independence of policy-making, regulatory and watchdog bodies, and manipulating wedge politics to the Conservative's advantage. There is little in this depiction of Stephen Harper to suggest that the Conservative Prime Minister will be satisfied if Canada remains unchanged after his tenure at the pinnacle of political power.

Rogue in Power

Christian Nadeau is a professor of Philosophy at l'Université de Montréal, but also something of a public intellectual. Having published a number of political commentaries on the *Idées* page of *Le Devoir*, Nadeau gained a reputation as a critic of the Harper government, particularly with regard to international security policy, the Omar Khadr case, Canada's role in Afghanistan, and the government's policies regarding Israel and the occupied Palestinian territories. In the opening lines of *Rogue in Power: Why Stephen Harper is Remaking Canada by Stealth*, Nadeau states that he is "ashamed of our current government" and "appalled by the actions it has undertaken" (9). There is no pretence of either academic or journalistic objectivity. Instead, Nadeau's stated purpose is to reveal the ideological motivations that lay behind Harper's policies, and then to provide readers with a framework for engaging in a critical evaluation of those motivations and policies.

The ideological portrait of Stephen Harper that Nadeau paints emphasizes the Conservative Prime Minister's commitment to the traditional values of social conservatism. Nadeau argues that Harper believes the struggle to advance economic conservatism and individual freedom has been largely won, thus his goal is now to orchestrate a fundamental shift in social values. Harper, he contends, is a Burkean traditionalist, committed to traditional social values and willing to use moral and legal sanctions to enforce those values. In *Rogue in Power* Nadeau warns Canadians that Stephen Harper wants to "crush once and for all what remains of the left's agenda: its vision of a just society" (31). He argues that the Harper Conservative's policies aim to change the political and social organization of the country through a "well-planned and organized attack on justice and democracy as we have understood them to date" (21).

Nadeau's volume is intended as a political intervention—and activist essay—that aims to arm non-academic readers with the philosophical tools and points of reference that are necessary for a critical analysis of the policy agenda of Stephen Harper's Conservative government. This is accomplished with a wide-ranging discussion of domestic, international, social and economic policies. But, each chapter begins and ends with a more philosophical discussion of the contrast between the sort of just society liberalism that Nadeau considers to be Canada's dominant public philosophy, and

Harper's moralistic social conservatism. At the core of Nadeau's lesson in applied political philosophy is the contention that Harper's conservatism relies on a "concept of good" that is rooted in a social traditionalism that is not widely accepted by Canadians. Nadeau encourages his readers to consider the contrast between Harper's philosophy and Canada's traditional commitment to a "concept of justice," which is based on widely accepted principles such as fairness. It is clear that Nadeau believes critically thinking democrats will reject the impositional nature of Harper's social conservatism and join those who oppose the Conservative government.

Harper's Social Conservatism

While progressive scholars and left-leaning activists have consistently identified Stephen Harper as a right wing ideologue whose values have more in common with American neo-conservatism than mainstream Canada, the mainstream political press and most of the bestselling books that chronicle Harper's rise to power are, with few exceptions, much less definitive about Harper's status as a right wing ideologue. In his book on Stephen Harper and the success of his political machine, Harper's former advisor, Tom Flanagan, characterizes Harper as a pragmatist who works to position himself in the "middle," not the hard right, of Canada's conservative coalition (Flanagan 2007, 19). In recent years some conservative-minded commentators have gone further and attacked Harper for diluting conservative principles and moving the party to the left by racking up deficits, expanding government and refusing to recriminalize abortion or repeal gay rights (Nichols 2007; Wentz 2011).

Martin and Nadeau do their readers a service by rejecting these efforts to paint Harper as centrist conservative. Martin characterizes Harper as being on the "hard right" of Canada's conservative tradition, and certainly to the right of other postwar Conservative leaders (23). Nadeau labels Harper a "revolutionary" because he has broken with Canada's Tory tradition and embraced an American-style neo-conservatism that presents a fundamental challenge to the progressive values consensus that has dominated Canadian politics for four decades (12-3).

It is worth recalling that Stephen Harper first became active in partisan politics in the early 1980s because he believed Brian Mulroney's election presented an opportunity to usher in the sort of "fundamental conservative transformation" that was going on in the UK and America under Margaret Thatcher and Ronald Reagan (Plamondon 2006, 87-90). When Brian Mulroney failed to act as decisively as Harper would have liked, he joined Preston Manning to help found the Reform Party of Canada. Then, fifteen years later, when Harper ran for the leadership of the Canadian Alliance, he rejected proposals to cooperate with the red tory Joe Clark because he wanted the Alliance "to be a clear voice for conservatism" (Plamondon 2006, 222). But what kind of conservatism does Harper espouse?

Like others, Martin and Nadeau regard Harper as a libertarian and an economic conservative with a complicated relationship to social conservatism. But, somewhat uniquely, they refuse to downplay his social conservatism. Nadeau, in particular, returns time and again to the task of demonstrating the political significance of Harper's social conservatism, and Martin suggests that in recent years the Harper Conservatives have often been truer to social conservatism than economic conservatism (244-45). This assessment is at odds with the assessment of mainstream Harper watchers who have regularly avoided identifying him as a strong advocate of social conservatism. Looking back to his years shaping the early Reform Party, Stephen Harper's biographer, William Johnson, argues that the ideas Harper brought to the table were rooted in strong free market principles and a commitment to smaller government, but "not the slightest hint of social or moral conservatism" (Johnson 2005, 68). Similarly, in 2005, Lloyd Mackey argued that Harper actively encourages moral traditionalists to lower their policy expectations, and "let things happen incrementally when the times are right" (Mackey 2005, 62). Finally, in his book on Harper's rise to power, the popular *Maclean's* columnist, Paul Wells, argues that social conservatives do not view Harper as "one of them" because he is adverse to "legislating right moral conduct" (Wells 2006, 314).

As a primary piece of evidence of Harper's commitment to social conservatism, Martin and Nadeau both cite a speech Harper made to Civitas, a right wing thinkers group, in 2003 (Nadeau, 31-33; Martin, 245). Although this speech was given before Harper became Prime Minister, and it is not an official government or party policy document, it provides very revealing insights into Harper's thoughts on the state of ideological struggle in Canada. In that speech Harper argues that the postwar welfare state damaged Canadian families and had a negative impact on social values. He then suggests the modern left has slid from the sort of socialistic moralism that underpinned the welfare state, to an even more troubling moral relativism and nihilism that represents "a rebellion against all forms of social norms and moral tradition in every aspect of life." In response, Harper encourages conservatives to rethink their political priorities. He argues that because free market rationalities already dominate economic policy debates, "the real agenda and the defining issues have shifted from economic to social values." This means "not just worrying about what the state costs, but also worrying about what the state values" (Harper 2003).

Those who downplay Harper's social conservatism typically claim that despite the fact that Harper's approach to the Christian gospel and his chosen place of worship mark him as a member of Canada's evangelical community, he has nurtured his economist persona and not allowed his faith to dominate his politics (Mackey 2005). Given this, they conclude that to the extent that the Conservative government espouses social conservatism, this aspect of the party should be understood as evidence of the influence of prominent voices of the Christian right within Harper's cabinet and the Prime Minister's Office (PMO). Martin and Nadeau accept the existence of such forces, but

draw our attention to Harper's own social conservatism and commitment to act on moral issues. It is this analysis that they rely on to explain, among other things, the Conservative government's affirmative action review, the defunding of Toronto's Gay Pride festival, cracking down on gambling and illicit sex, the law and order agenda, raising the age of sexual consent, and wanting to exclude abortion and contraception for the international maternal health initiative (Martin, 245-6; Nadeau, 78).

It is certainly true, as Martin argues, that Harper often finds it politically necessary to "walk a fine line" between pleasing social conservatives—particularly the pro-lifers—in his caucus, and being pragmatic in a society that does not share these more extreme conservative views (246). But those of us who have downplayed Harper's social conservative side—and I include myself here (Patten 2005)—should be rethinking our analysis after reflecting on Nadeau's proposition that Harper is regularly willing to allow his socially conservative commitment to using the state to uphold moral standards to "override" his more libertarian and laissez-faire side (23).

Harper the Authoritarian Partisan

By focusing so much of *Harperland's* analysis on the "the politics of control," Lawrence Martin has drawn public attention to an important, but unflattering dimension of Stephen Harper's character. Harper is shown to be an excessive partisan with a need to dominate and an almost manic desire for secrecy and information control. In his early days in the PC and Reform parties, Stephen Harper was known more as a man of ideas—a policy wonk—rather than a partisan warrior. Of course, he was deeply troubled by the postwar liberal political consensus that was constructed under the Liberal governments of Pierre Trudeau and his predecessors, but he seemed more concerned with advancing policy ideas than he did with partisan attacks. Over time, however, Harper's partisanship has deepened to the point that Martin now describes him as driven by a "deep animosity" toward his political opponents (124). In fact, since assuming the leadership of the Conservative Party, Harper has dedicated a great deal of his strategic energies toward developing of long-term strategy to break the Liberal Party brand and create space for the Conservative Party of Canada to reign as Canada's natural governing party (6).

Harper's evolution into an authoritarian partisan has had consequences for his party and his government. Under Harper, the Conservative Party has become what Martin—following Tom Flanagan—calls a "garrison party" (193-4). That is a party that, like a military machine, is very hierarchical and demands the absolute loyalty of its troops. It is a party machine committed to a permanent campaign in which party operatives are constantly ready to defend their gains and willing to go on the attack with, for example, pre-writ ads that are designed to assassinate the opposition leader's character rather than champion policy proposals or engage voters.

As a governing party (and as a government) the garrison party accepts the concentration of power and is ready to put “politics over policy” when there is partisan advantage at stake (25). Stephen Harper has overseen a dramatic concentration of power within the PMO and the Privy Council Office. This has been particularly true with regard to controlling communications and messaging. Under Harper there is formal system for vetting public pronouncements and controlling the media’s access to both cabinet ministers and senior members of the bureaucracy (58). In ways that surpass any of his modern predecessors, Harper has concentrated power in his offices. According to Nadeau, Harper has “an extreme conception of the prerogatives of power” (36). He considers transparency and checks and balances as obstacles to governance rather than important principles of democracy. In fact, he has worked to control or hamstring many of the alternative centres of power that exist in Ottawa, including the Senate, tribunals, watchdog bodies, and committees of the House of Commons (Martin, 67). Readers should be troubled by Martin’s exploration of the politics of control; it raises serious concerns regarding the quality of our parliamentary democracy and the future of our party system.

Entrenching the New Politics of Conservative Dominance

Nadeau and Martin both contend that Stephen Harper’s overarching goal is to facilitate a social and political transition to a new, more conservative Canada. This requires efforts aimed at undoing Canada’s postwar liberal social order, broadening public support for conservative public policies, and establishing the Conservative Party as the country’s natural governing party. To move in this direction, Harper and his team are working to redefine the Conservative Party’s social base of support and, very interestingly, to give birth to a new “conservative patriotism” that connects Canadianness to Conservative rather than Liberal values, policies and achievements.

The effort to transform the Conservative Party’s social base of support has been in full swing for a number of years. It has involved very targeted attempts to appeal to carefully identified “market segments”—many of these coming from traditionally Liberal ethnic communities—that are family oriented, committed to traditional values, and open to accepting the proposition that taxes and government programs are a threat to the economic opportunities of hard working citizens (Martin, 94). These appeals to new Conservative supporters have required extensive outreach efforts on the part of the Conservative Party’s campaign team, but government resources have also been mobilized. While identifying policies that appeal to specific targeted communities, Harper’s Citizenship and Immigration Minister, Jason Kenney, has traveled extensively, always managing to combine his ministerial duties with a healthy dose of partisan outreach and relationship building that would pay off at election time (Martin, 227). The success of this strategy was evident in the May 2011 general election.

Nadeau contends that Harper's efforts to reshape Canadian political culture and institutionalize conservatism have included a focus on putting in place policy initiatives and institutional changes that would be difficult for a subsequent government to undo. The goal has been to "make government an organ of conservatism regardless of who is in power" (16). One particularly interesting aspect of this has been the development of what Martin claims Conservative insiders call the government's new "patriot strategy" (52). Using slogans like "Stand Up for Canada," and focusing on strong national symbols like the military, the monarchy, the North, family values and Canada's traditional international allies, the Conservatives are working to construct a new sense of what it means to be Canadian (110). This is implemented through a range of symbolic and substantive changes, including through the development of a new citizenship guide that shifts to these new themes and pays scant attention to Liberal mainstays such as the environment, peacekeeping and healthcare (228). Individually, such initiatives seem almost inconsequential, but it is clear they are all a part of an effort to entrench the new politics of Conservative dominance.

Conclusion

It is often too easy for political commentators to accept what is in front of us—including the political style and ideology of the governing party—as normal and acceptable. When following the news of the day political change often appears pragmatic and incremental. Lawrence Martin and Christian Nadeau remind us to be cautious, to take a closer look at Stephen Harper and reflect on evidence of threats to our parliamentary democracy or policy changes that represent fundamental breaks from Canadian traditions. In this, they do their readers a service.

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Warner, Tom. 2010. *Losing Control: Canada's Social Conservatives in the Age of Rights*. Toronto: Between the Lines. ISBN 978-1-897071-41-0. Paperback: 29.95 CAD. Pages: 292.

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Now that a majority Conservative government has taken its place in Ottawa, what can we anticipate from the religious right? To judge from the volume under review, which was published in 2010 (before, that is, Stephen Harper's unexpected triumph), there is every expectation of fresh assaults on Canada's secularist and rights-centred political culture. Having effectively lost control of the country's moral agenda, amidst four decades of strident resistance to abortion, gay rights, and related issues, Canada's social conservatives, according to Tom Warner, nevertheless remain an "impressively organized and dynamic opponent" (vii). Moreover, "the holy war" (4) they continue to wage shows "no shortage of political support" (221).

And now, of course, as of May, 2011, such support would seem to bulk even larger. Warner, a prominent activist and spokesperson on gay issues in Ontario who once served on the province's Human Rights Commission, claims simply to offer a snapshot of the political landscape in 2010. Actually he does a good deal more, building his case for vigilance with a meticulous review of the police raids and prosecutions, the legal and theological arguments, and of course the government reactions that constitute Canada's record of human rights advances and retreats over the past forty years.

That it has mostly been a record of advances is readily acknowledged by the author—that, indeed, is why the undiminished anger and determination of the religious right must not be ignored, despite the seemingly overwhelming defeats it has suffered. Warner's chief concern, in any case, is with the mobilization of evangelical forces, beginning in 1970s, as their social status and political clout come under attack amidst the dawning of what Warner (following Chief Justice, Beverly McLaughlin), refers to as Canada's "Age of Rights." The hateful tirades that began during this period, the dire and, at times, even apocalyptic warnings—who today recalls any of this in connection with the rapid mobilization of the anti-abortion forces prior to the Charter, or for that matter the Trudeau government's embarrassing attempts at appeasement of these forces?

Clearly the struggle to decriminalize abortion and to sustain women's freedom from harassment in exercising their reproductive rights could easily sustain a book-length study. Failing that we are fortunate to have Warner's detailed chapter on the on-going pro-life/pro-choice struggle. His book's illuminating accounts of the trials and appeals that underlie Canada's changing definitions of obscenity and the multi-faceted efforts to secure gay rights are likewise welcome. Perhaps the most arresting chapter is on what the Manning Centre for Building Democracy might call the interface between pulpit and

politics. That Preston Manning, Harper and their media allies have been at pains to impose discipline on their Christian right supporters, even while denying that such supporters pose any threat to mainstream values and institutions is well documented in *Losing Control*. Like Marci McDonald, in *The Armageddon Factor* (Random House Canada, 2010), which covers some of the same ground, Warner quite plausibly sees such stealth and denial as an essential ingredient of social conservative advance.

What Harper has done for the religious right since becoming prime minister in 2006— his cancellation of the Court Challenges Program and gay pride funding, for example, or his exclusion of abortion services from his government’s G-8 initiative on maternal health—hasn’t generated a lot of controversy, which of course is precisely the point from the Conservative perspective. Nevertheless the question that can’t be evaded is this: can a prime minister determined to make the Tories into Canada’s natural governing party dare to turn the clock back on same-sex marriage legislation? And with support for abortion rights in Canada running to somewhere between 55 to 78 percent, can anything significant be done to appease those restive Catholics and evangelical Protestants who insist on reopening the debate?

Not surprisingly, *Losing Control* doesn’t offer clear-cut answers to such questions. But it does typically inform us, in a final chapter titled “Faith, Politics, and the Transformation of Canada” that “pro-life groups remain formidably active” (246). It is here that my reservations begin. For unfortunately Warner’s almost exclusive focus on organizational activities and noisy, attention grabbing statements leaves the social and political contexts of the activities he is writing about badly out of focus.

Where, in other words, are the statistics in this volume on trends in evangelical church membership or voting intentions in Canada? Or the comparisons with similar developments in the United States, where of course the polarization wrought by the religious right is especially acute. Warner does cite data from an academic source suggesting that slightly more than a quarter of Canadian voters in 2000 were inclined to identify themselves as social conservatives, and he throws in another poll from a religious organization to the effect that 19 per cent of Protestants and seven per cent of Catholics in Canada see themselves as “evangelicals.” But, in the absence of longitudinal data on religious and political trends, such “snapshots” tell us little.

Warner’s principal way of accounting for the growth of social conservatism is to point to the Charter of Rights and Freedoms. More precisely, it is the success of the feminist and the gay and lesbian liberation movements, driving a rights-based political agenda made possible by the Charter, to which Warner attributes the moral backlash of the right. This is not so much wrong, in my view, as incomplete—especially inasmuch as it begs so many questions about changes in work and family roles. How, for instance, does the decline of teen-age pregnancy, abortion and divorce among the increasing numbers of women who attend college or university factor into the abortion debate?

At the dawn of a Conservative majority, it isn't only our Charter rights that are threatened. A hollowing out of health care and other social programs may well be expected, with devastating consequences for vulnerable families. And can anyone hope that our abysmal record on the environment is likely to improve? The point is that the Canadian left and its liberal allies have limited energies and resources. The author of this volume does well in recounting the hallmark struggles of the past and in likewise issuing a timely warning for today. But we need to know more about the social underpinnings of the "holy war" that confronts us, if we are to respond effectively to the stark choices we face.

Kinsman, Gary and Patrizia Gentile. 2010. *The Canadian War on Queers: National Security as Sexual Regulation*. Vancouver: UBC Press. ISBN 978-0-7748-1628-1. Paperback: 34.95 CAD. Pages: 554.

Reviewed by Mathieu Brûlé
York University

In *The Canadian War on Queers: National Security as Sexual Regulation*, Gary Kinsman and Patrizia Gentile set out to "change Canadian history" and challenge "current Canadian historiography" by basing their analysis on "previously excluded and denied social experiences, making visible what was invisible and giving voice to what was silenced" (6). This is an ambitious goal, but one which they have managed to achieve, at least to an extent. Whether this book has altered the course of Canadian historiography remains to be seen, but where Kinsman and Gentile succeed is by bringing to light the voices that have until recently been absent from the historical record. The revelation that queers faced repression at the hands of the Canadian state is not an entirely original finding. While issues of surveillance in the post-war period have been previously raised (not least by Kinsman and Gentile themselves in previous works), *The Canadian War on Queers* adds a new perspective by focusing on the voices of individuals targeted by national security campaigns that sought to uncover and remove queers from the public service and armed forces. This study provides glimpses into the post-war queer communities and networks that the Canadian state sought to infiltrate, as well as the ways in which these communities developed strategies of resistance to expose and neutralize the RCMP and local police efforts to expose them.

The more than fifty interviews, combined with diverse national security documents obtained through access to information requests, provide the foundation for

this work. Through these documents, Kinsman and Gentile are able to demonstrate that the regulation of sexuality and the subsequent “war on queers” was an integral, systemic and ideological feature of the Cold War national security campaigns. It was the construction, in public discourse, of gender and sexual non-conformity as threats to social stability that allowed the state to subsequently construct queers as threats to national security. The belief that same-gender attraction was a character weakness provided the basis for the argument that this weakness could be exploited by foreign agents seeking to blackmail queer public servants. While the campaigns to remove queers from the civil service abated by the late 1970s, Kinsman and Gentile demonstrate how these efforts continued in the military well into the 1990s, as well as the lengths to which the state went to identify them. From infiltrating and photographing civil servants in downtown Ottawa’s gay bars, to developing the infamous “Fruit Machine,” the effort and energy the state invested in detecting and dismantling queer networks demonstrates the extent to which they felt people who engaged in same-gender relationships posed a threat to the security of the nation.

Kinsman and Gentile’s extensive discussion of the lesbian and gay liberation movements of the 1970s is also a welcome contribution to the growing number of studies on these movements in Canada. One of the principal contributions of this chapter, aside from shedding light on the surveillance these movements underwent, is on their relationship with the leftist movements of that era and the extent to which the lesbian and gay movements emerged from these groups. Although the excerpts from national security documents provided in the book suggest that lesbian and gay liberation activists were targeted for their leftist affiliations rather than their sexualities, scholars and community historians interested in this era of queer activism will benefit from Kinsman and Gentile’s decision to include a discussion of these movements in their work.

In addition to its contributions to the scholarship on post-war Canada, *The Canadian War on Queers* also has a political agenda, which the authors make clear from the dedication through to the closing chapter of the book. Kinsman and Gentile hope that their research will serve as a wake-up call to mainstream lesbian and gay communities who are openly supportive of current national security campaigns against marginalized groups, including sex workers, Arabs, Muslims and even other queers. They hope that their research will serve as a reminder that the national security campaigns that defend the “heterosexist character of Canadian state formation” and once constructed queers as threats to national security continues to do the same today (434). While the use of discipline-specific language might turn some of their intended audience away, their efforts to use their research to affect public discourse surrounding issues such as national security will be appreciated.

The use of the research to shape public discourse is not the only way in which Kinsman and Gentile push the boundaries of professional historical writing. The decision to include short paragraphs, printed in a distinct font, in which Kinsman relates his

personal experiences with some of the events described in their work, also stands out as a novel technique in historical scholarship. While this may be a common technique in some disciplines, historians of the recent past tend to be much more wary of blurring the line between scholar and subject. Although some of these paragraphs seemed distant from the topic at hand and give the reader the impression that they were included for their own sake, the authors' decision to do so adds an interesting anecdotal element to the narrative. It could also stand as a challenge to historians of the recent past to not shy away from telling their own stories. Scholars have their own life experiences that can inform the topics we study. To let these stories go untold would contradict the very purpose that pieces of scholarship like *The Canadian War on Queers* set out to accomplish: that is, to tell the story from the bottom-up.

Thompson, Jon. 2011. *No Debate: The Israel Lobby and Free Speech at Canadian Universities*. Toronto: Lorimer. ISBN 978-1-55277-656-8. Paperback: 22.95 CAD. Pages: 334.

Reviewed by Alan Sears
Ryerson University

The central strategy of Israel advocacy organizations on Canadian campuses has been to make Palestine unspeakable and to silence criticism of Israeli policies outside of narrow limits. One important moment in this silencing campaign was the attempt to shut down the conference entitled "Israel/Palestine: Mapping Models of Statehood and Paths to Peace" at York University (co-sponsored by Queen's University) in 2009.

This book is the report of an Inquiry commissioned by the Canadian Association of University Teachers (CAUT) into the attempts to shut down the conference and the responses by York University administrators, the Harper government and the Social Sciences and Humanities Research Council (SSHRC) which had awarded the conference a grant. The Inquiry was conducted by Jon Thompson, an academic freedom expert who is a professor emeritus in the Department of Mathematics and Statistics at the University of New Brunswick.

This Inquiry was thorough, methodically documenting the events surrounding the conference, particularly in intense lead-up period from April to June 2009. The role of individual York administrators is thoughtfully evaluated. The York administration is generally given credit for consistent application of the principles of academic freedom, in that the conference actually went ahead with official, if at times equivocal, support.

Individual administrators (Associate Vice President David Dewitt and Osgoode Hall Dean Patrick Monahan) were found to have acted inappropriately in specific instances. The Inquiry carefully sifts through their actions, noting in both cases that there were also times where they acted appropriately in ways consistent with academic freedom. There is much to be learned in this analysis about the role of university administrators, and particularly the complex balance between their own academic freedom as faculty members and their official role as protectors of the freedom of others on campus.

The Harper government, meanwhile, was found to have seriously violated principles of academic freedom in ways that are deeply disturbing. They directly interfered in the conduct of SSHRC, an arms-length agency, asking for an extraordinary second peer review of the conference grant. While SSHRC did not accede to this request, it did demand an extraordinary pre-conference accounting from the conference organizers. This direct political interference, and the equivocal response of SSHRC, is a serious threat to academic freedom on Canadian campuses, and a huge challenge to faculty associations, academic institutions and scholarly organizations of all descriptions.

I read this book with interest, and by that I mean both that I found it compelling and that I was not disinterested as I am an active member of Faculty for Palestine who attended the *Mapping Models* conference. I position myself in this discussion in order to address an earlier review of this conference, conducted at the behest of the York University administration by former Supreme Court of Canada justice Frank Iacobucci. The Iacobucci report not only included unwarranted criticisms of the conference organizers, but also reframed academic freedom in extremely narrow terms. Iacobucci distinguished between “professional activists” and “legitimate academics,” suggesting that academic freedom applies only to specific scholarly activities. According to the Iacobucci framing of academic freedom, my expression in writing this review would not necessarily be protected as I am neither disinterested nor writing within my professional field of expertise. Thompson argued that the implementation of the Iacobucci recommendations at York “could represent a serious adverse precedent for academic freedom in Canada.” (295)

The recommendations of Thompson’s CAUT Inquiry are rightly directed largely at getting faculty associations to organize and build alliances to resist the precedent-setting political interference of the Harper government and the dangerous narrowing of the frame of academic freedom supported in the Iacobucci report. This book is an essential tool in those mobilizing efforts and members should be getting our own associations to purchase and distribute this book, encourage discussions on its contents, and support measures to defend academic freedom.

The silencing offensive to make Palestine unspeakable aligns in important ways with the neo-liberal transformation of the post-secondary system, which is being more closely aligned with the needs of corporations in part through political direction by the

state. Academic freedom risks being cast as an inconvenient fetter on the untrammelled commercialization of universities and their reorientation towards providing the human resources and innovative intellectual properties to drive corporate profitability.

This silencing campaign must be opposed because it opens the door to wider attacks on academic freedom at a time when such attacks are to be expected. But it should also be opposed in the name of justice for Palestinians, including their academic freedom which is constrained by conditions of occupation, exile or second-class citizenship within the State of Israel.

The organizers of the *Mapping Models* conference did the important work of bringing together key experts engaged in leading edge debates about possible solutions to the issues in Israel/Palestine. The conference was not balanced in that it was a presupposition of its framing that any real solution to the issues in the region must genuinely address the historic claims of Palestinians.

The solutions currently on the negotiating table do not meet this criterion, and are unlikely to be acceptable to the bulk of Palestinians even in the unlikely event that the Israeli state were to seriously pursue negotiations. This is why over 170 Palestinian civil society organizations issues a call for a global campaign of boycott, divestment and sanctions against Israeli institutions on July 9, 2005, a year after the International Court of Justice issued an advisory opinion on the illegality of Israel's Wall in the Occupied Palestinian Territories. At very least, this call must be debatable on our campuses and in our communities, or we will have utterly failed the test of defending academic freedom and supporting justice for Palestinians.

Pawley, Howard. 2011. *Keep True: A Life In Politics*. Winnipeg: University of Manitoba Press. ISBN 978-0-88755-724-8. Paperback: 27.95 CAD. Pages: 278.

Reviewed by Errol Black
Canadian Centre for Policy Alternatives - Manitoba

Howard Pawley, the premier of Manitoba from 1981 to 1988, has written an interesting and important book documenting his life as a politician of the left during an era which saw the rise of the New Right and neoconservatism in Canada. Along with the insights we get into Pawley's character, we learn much about the New Democratic Party (NDP) as Manitoba's dominant political party.

Pawley joined the Manitoba Co-operative Commonwealth Federation (CCF) in 1954, and in 1957, at the age of 22, became both organizer and party president. Early on, he characterized himself as a democratic socialist and activist. Notably, he challenged changes in party policy and direction that he thought detrimental to the party's development and future. He opposed the Winnipeg Declaration of 1956 on the grounds that it was "a watering-down of the anti-capitalist principles of the Regina Manifesto" (13) and the formation of a new party because he feared domination by organized labour would compromise the movement.

The NDP's 1969 election victory was a watershed in Manitoba politics. For two terms, Ed Schreyer and the NDP provided a competent, progressive, social democratic government for the people of Manitoba. As a rookie Member of the Legislative Assembly, Pawley became the Minister of Municipal Affairs and was given the task of establishing public auto insurance. In the face of strong opposition, Pawley and the government stood fast and prevailed: "It was our belief that the NDP, a populist Left movement, often operates best when from time to time it confronts those among the most wealthy and powerful in society" (32).

During its second term, however, the government's acceptance of federal wage and price controls and its failure to deal decisively with a bitter and protracted strike at Griffin Steel Industries in Transcona in 1976-77 cooled labour's enthusiasm for the government. The NDP lost the 1977 election to a Progressive Conservative (PC) Party led by Sterling Lyon that campaigned on a platform of fiscal and social conservatism – a harbinger of the neoconservative onslaught to come.

Elected NDP leader in 1979, Pawley reached out to the party's grassroots, insisted that economic issues be front and centre in the campaign and worked to repair the damaged relationship with organized labour. He also became more sensitive, he observes, to achieving a balance between principles and pragmatism. He learned "that I would have to choose between a socialist party leading public opinion and being more pragmatic. Not everything we seek can be achieved in the short term....This does not mean, however, betraying one's ultimate objective - a more equitable society" (103).

In the 1981 election, the NDP returned to power. As Canada sunk into a serious recession, the NDP responded with a multi-faceted counter-recessionary program based on a social contract with the Manitoba Government Employees Association, a Jobs Fund and an acceleration of capital projects (especially Hydro projects). Pawley explains that these "programs reflected a social democratic philosophy whose objective was to gradually reduce sharp disparities in income distribution" (136). The favourable performance of the Manitoba economy relative to other provinces reflected, in large part, the impact of this program.

The government faced other significant challenges. The most serious was the language controversy which had its roots in the overturning by the Supreme Court of a law passed in 1890 that denied French language rights in Manitoba. The Pawley

government rectified this situation in the face of bitter opposition from the PCs and other conservative forces. Pawley understandably refers to this battle as “a political nightmare” (chapter 6).

Despite these challenges, the government pushed for improvements in labour legislation and employment standards, including First Contract legislation, pay equity legislation, increases to minimum wage and social assistance, and changes to the Workplace Health and Safety Act to ensure workers “the right to know, the right to refuse, and the right to participate” (170).

After the 1986 election, the NDP was reduced to a slim majority. The Pawley government continued to bring forward progressive reforms, including the inclusion of sexual orientation in the Human Rights Code, new environmental legislation and Final Offer Selection as an option to settle labour disputes involving small bargaining units with little power.

Federal-provincial relations were difficult. This was particularly true of Brian Mulroney’s treachery involving the CF-18 aircraft maintenance contract; the Canada-US Free Trade Agreement, which was opposed by Pawley and his government; and the Meech Lake Accord, which was endorsed by Pawley, but was rejected by the party and ultimately met its demise in Manitoba because of the actions of NDP members in the legislature under a PC government. In summing up his experience of intergovernmental relations, Pawley admits that he was the “‘odd guy out,’ perceived by [Mulroney and] many of my colleagues as too left-wing and confrontational” (205).

The government’s popular support was undermined by growing opposition to the Meech Lake Accord, big increases in auto insurance rates and – following Keynesian principles – rising taxes with a more robust economy to reduce deficits and debt. Pawley’s government was done in when Jim Walding, previously passed over for a cabinet position, voted on 8 March 1988 with the opposition against the government’s budget. As a result, Pawley resigned as premier and party leader. In the ensuing election, the NDP, led by Gary Doer, was reduced to 12 seats.

There is much to be learned from this book about Pawley, the NDP and political life in Manitoba during his time in politics. From 1969 on, the NDP was, for all intents and purposes, the left in Manitoba, with most party members identifying themselves as democratic socialists committed to using the powers of an activist state to reduce inequalities in income and power. This commitment was reflected in policy agendas that resulted in significant improvements in the material conditions of individuals and families at the bottom of the income distribution, greater rights for women and minorities, and labour law reforms that strengthened the labour movement and improved the lot of all workers. There was, within the party, an appreciation of both the need to build the party on an ongoing basis and the importance of annual conventions to bring together party activists to debate principles and policy. Along with this, there was also an appreciation of the vital relationship between the party and labour.

The NDP regained power in 1999. The NDP government, re-elected to a fourth consecutive term in October 2011, continues to lead the country with new policies and programs of a progressive nature. At the same time, however, there is a recognition that the party has moved to the right on fiscal and social issues in the 23 years since Pawley retired. There is, moreover, greater emphasis on winning elections as opposed to building the party and the movement. The vision has dimmed. As a consequence, the local constituency associations have become more subdued.

The question that is left after reading this book is: can the NDP rediscover its democratic socialist vision of equality and rejuvenate its politics? It is important to continue to win elections; but can the NDP do that while maintaining the democratic socialist vision that characterized Pawley's political practice?

Stewart, Roderick and Sharon Stewart. 2011. *Phoenix: The Life of Norman Bethune*, Montreal: McGill-Queen's University Press. ISBN 979-0-7735-3819-1. Cloth 39.95 CAD. Pages: 479.

Reviewed by Ken Collier
Society for Socialist Studies

Canadians may not often consider who is the best known of us around the globe. Arguably, this figure is the focus of Roderick and Sharon Stewart, who present a chronological account of Dr Norman Bethune's colourful, explosive, unpredictable and contradictory life from birth and upbringing to a rather disorderly university career, where Bethune's sheer brilliance and exuberant personality pushed him past pitfalls that would have sidelined most others. Subsequent chapters follow Bethune in 1936-37 to the Spanish Civil War, then to China in 1938-39. He performed breathtaking surgical feats and created war-front health services credited with saving thousands of lives during two of the greatest defining revolutionary upheavals of the 20th Century. In China, he is officially revered, having statues, museums and publications honouring him.

Struggles persist over interpretation and facts in the previously best-known Bethune book *The Scalpel, The Sword: The Story of Dr. Norman Bethune* (McClelland and Stewart, 1952) and the films (two of them starring Donald Sutherland). Churches, left-wing and socialist political parties and the governments of Canada, Spain and China, made competing claims throughout the Cold War about Bethune's legacies on three continents. So Roderick Stewart, author of a prior biography, joined now by his wife Sharon, felt drawn back into the Bethune maelstrom to correct misinformation and to render as level an account as partisans are able, presenting and documenting materials that had often been subjected to fast-and-loose treatment. Where they can't prove a point,

they admit it. Where the volume of material is too large, such as that dealing with the motives driving such varied authors on Bethune or China as Ted Allan, Agnes Smedley, Edgar Snow and former Canadian Governor General Adrienne Clarkson, among others, it likely had to be set aside for future research.

Bethune's public story began as he decided to join the Republican forces in the Spanish Civil War. He wanted to open surgeries close to the battle lines to prevent the loss of lives of the wounded caused by delays and lack of skilled treatment. Frightening numbers died because they lost too much blood, got gangrene or were given wrong (or no) drugs. Bethune's Communist commitment and the fascist threat drove him to demand that money be raised to set up surgeries and mobile blood clinics, where he often conducted direct person-to-person transfusions, using his knowledge of field testing for blood type compatibility. Patients were carried back to hospitals he organized, often peasant's houses or any shelter left standing. He frequently gave the wounded his clothing and food.

Though often credited with inventing mobile blood banks and army surgical units, it is more accurate to say Bethune learned of the techniques invented by others and adapted them to the ferocious realities of, for example, the road to Almería in Spain, where, in addition to field surgery, he photographed and wrote as the sole journalist about the agonies of streams of refugees just trying to stay alive.

Mercurial characters like Bethune draw admirers and opponents. The Spanish adventures created tensions there and in Canada. His often atrocious behaviour got in the way just as much as the practical realities of fighting fascism. When Bethune returned from Spain to Canada on a fund-raising tour, political manoeuvring prevented his return. With the support of the Communist Party of Canada and solidarity organizations, Bethune swiftly turned his focus to China.

In the anti-fascist struggle against Japan, which drove the Guomindang and the Communists together in a common front, Bethune shouldered new responsibilities, becoming the phoenix of legend and of his own writings. Creating and adapting methods rarely seen in remote and war surroundings, he saved lives and taught hundreds of Chinese peasants how to do the same while the artillery boomed and the bullets whistled. Bethune died of physical strain, exhaustion, poor diet and ultimately from one of several infections in his limbs after he cut himself during an operation near the front.

The Stewarts present a supported, detailed account of Norman Bethune's meteoric career. Their controlled but obvious admiration for the man fuels the story and its accuracies. It is doubtful that a final definitive Bethune book can be compiled, for the contexts of political struggle, personal life and motivation, technical, medical and organizational skill in war and other currents created continuing turbulent and conflicting images of this very complicated man.

The Stewarts breeze by Bethune's Communist Party activities. Though they note the theoretical literature he always had with him, there is no mention of the conclusions

that Bethune drew from it. Archives likely hold some Bethune's notes on Marxist ideas, but *Phoenix* portrays little more than his "man of destiny" approach to Communism. If that is all there was, it has some important implications for the Communist Party of Canada and how they accepted him, employed his skills and personality and folded him into the party apparatus in much more flexible ways than the usual party stereotype.

There is some unfortunate messiness in the book. A map listed on the wrong page in the table of contents has no legend, so you only discover that a certain kind of line is a railroad from either close reading of the text or reference to another map more than 100 pages earlier. Another map is missing towns named in the adjacent text, making it hard to follow the route and the chronology of Bethune's war marches. Wonderful pages of photographs appear, unannounced in the table of contents. The name of the woman Bethune married twice is misspelled twice. It may be understandable that Chinese place names have different English spellings, but they sometimes occur on the same page. Some people and topics appear in the index, others do not.

On the other side of these minor complaints, reading the admirable endnotes independent of the text conveys a story in itself. Detailed and pointed, they tell of important events and trends in the Communist Parties (of Canada, of China and of the USA), in government and in the political culture of the times.

Part of the fitting conclusion sums up a sparkling personage: "Bethune's life exhibits recurrent cycles of achievement and self-destruction – the pattern of the phoenix. He was a born crusader, and the evangelistic spirit created by his Christian upbringing later informed his developing social consciousness and his ultimate faith in communism" (375).

Lilley, Sasha. 2011. *Capital and Its Discontents: Conversations with Radical Thinkers in a Time of Tumult*. Oakland: PM Press. ISBN: 978-1-60486-334-5. Paperback: 21.95 CAD. Pages: 279.

Reviewed by Thom Workman
University of New Brunswick

Capital and Its Discontents: Conversations with Radical Thinkers in a Time of Tumult is well worth the read, but is likely to be much more alluring to initiated readers. In this new book, journalist Sasha Lilley interviews many of the luminaries on the left today including Noam Chomsky, Ellen Meiksins Wood, David Harvey, Mike Davis and Leo Panitch. Seventeen different writers are interviewed in all. The range of themes

surveyed include the crisis of global capitalism, the rise of neoliberalism, militarism and imperialism, the looming ecological catastrophe, and the acute failure of capitalist development across the majority world.

Lilley's interviews show that she is in complete command of the main ideas and contributions of each writer. The interviewees are invited to reflect and expand on their ideas familiar to many of us on the left. The semi-formal nature of the interviews gives these expansions a fresh feel, and it is compelling to get a sense of the suppositions impelling certain notions and claims. Lilley's questions are posed with an impressive clarity yet she avoids too much "voice-leading." The pace and tone of the interviews are relaxed despite the fact that they never lose their theoretical coherence. The interviews are as solid as this format can get. Anyone who has had a brush with a typical journalist will quickly reflect on the pleasure it would be if all interviews were conducted by such theoretically informed, perspicacious interviewers.

Capital and Its Discontents coheres around the notion that capitalism's tendency towards immanent crises has created an incompatible cultural disjunction and an odd sort of political paralysis. The Freudian notion—implied by the title—of a basic tension between the instincts on the one side and repressive Western culture on the other endures in the notion of a contradiction between neoliberalism with its grievous social injuries and the incapacity of the cultural and political world to respond effectively. Something must give and will give. Neoliberal society is one where a latent anger with the prevailing capitalist order of things manifests itself at numerous turns, yet fails to coalesce into a sufficiently formed political movement capable of challenging the course of things. *Capital and Its Discontents* brings this tension to the surface in a theoretically and empirically sustained manner.

The book opens with a review of the basic features of neoliberalism. Lilley's introductory essay demonstrates that she has a firm grasp of the basic trajectory of neoliberalism, and she spins the story with uncommon clarity and pith. Indeed, so impressive is her brief review that I now plan to assign it to students to help introduce them to the basic features of neoliberalism.

Like many things, however, the strength of *Capital and Its Discontents* is also the source of its weaker side. Lilley's incisive lines of query and her theoretically informed interrogations means that the interviewees are generally left expanding upon ideas broached in earlier works. The retorts and rejoinders often directly reference familiar theories and categories. "What I was trying to say" or "as I wrote elsewhere" or "one of my earlier arguments" are locutions encountered frequently, and they underscore the fact that spontaneous dilation is under way. But this also means that the interviews by and large add little new to the critical discussions well under way in other theoretical quarters. Lilley's deft touch renders the interviews interesting, but the very format itself undermines the likelihood that initiated scholars attracted to the book will benefit significantly. The "concept" of the book, in other words, is executed as well as it could be,

but the fact remains that those readers inclined to read the book are unlikely to derive much substantive theoretical or empirical edification along the way.

And there is another trade-off bound to accompany a work of this sort. The spontaneous form of the obiter sometimes gives the reflections an “off the cuff” sort of feel. This renders some of the responses a bit difficult to follow, and on a couple of occasions which I need not specify, the lines of discussion are anything but clear. We occasionally realize that nothing can replace carefully composed arguments presented in papers, lectures or books.

In one important respect, however, *Capital and Its Discontents* does make a more original contribution, as doyens ponder the challenges facing the left from their various theoretical positions. We are the better for this. The reflections of David McNally and David Harvey stand out in this respect. Harvey’s prescient reflections seem to anticipate the appearance of such movements as Occupy Wall Street. It is worth quoting him at length:

I don’t think it’s a matter of saying to people, forget your specific struggles and join the universal proletariat in motion; I don’t think that’s what it’s about at all. What we have to do is to find a way of politically uniting those struggles, and that’s why I think something like the concept of neoliberalism and its penchant for accumulation by dispossession provide a kind of vocabulary to start to bring together those struggles around a more general kind of theme. So that an Iowa farmer who’s just lost his farm can understand how a Mexican peasant feels, can understand how the struggles going on in China are parallel, so we start to see a certain unity in all of the struggles, at the same time as we acknowledge their specificity (59).

And in a similar spirit of practicality and concreteness David McNally remarks that in times of crisis,

people start to raise questions they normally wouldn’t raise and even act in ways—like occupying a plant—that they normally wouldn’t. On a larger global scale I think we can see it in a whole wave of development. Think of the riots and general strikes in Greece. Or the government in Iceland that fell after agreeing to an IMF package, and after groups in civil society started to organize every Tuesday night outside the Parliament building. Eventually they started to do it every night. There was fighting with the police, there were demonstrations, and eventually the rightwing government in Iceland had to resign (101-102).

As suggested in the above quotes, *Capital and Its Discontents* embraces a deeper political principle. It shows us that the dialectical deconstruction of capitalism and its crises by intellectuals is an indispensable element of the left, and at the same time the interviews are infused with the democratic notion that the struggle to overcome capitalism must be broadly based and inclusive. With the spirit of Freud lingering in the background, we on the left suspect that the contradictions at the heart of capitalist social formations, those pressures that supply the very content of politics, inexorably create upheavals and sustained social struggles. And we believe that the intellectual form and political shape we lend to those struggles will be historically decisive. Lilley's sweeping interviews affirm this deeper democratic conviction more than anything else.

McNally, David. 2011. *Global Slump: The Economics and Politics of Crisis and Resistance*. Oakland: PM Press. ISBN 978-1-60486-332-1. Paperback: 17.95 CAD. Pages: 230.

Reviewed by Bill Burgess, Kwantlen Polytechnic University

David McNally's prognosis in *Global Slump* seems exactly right:

Rather than describing a single crisis, the term [global slump] is meant to capture a whole period of interconnected crisis – the bursting of the real estate bubble; a wave of bank collapses; a series of sovereign debt crises; relapses into recession – that goes on for years without sustained economic recovery. This, I submit, is what confronts us for many, many years to come (8-9).

My attention was drawn to two points in this book. The first is an important nuance in McNally's discussion of the crisis. The second is his original explanation of the reasons for financialization.

Like most Marxists, McNally roots the current financial crisis in capitalist over-accumulation. The "majority" assumption is that there has been a more or less continuous "bust" in capitalist profits since the 1970s. In contrast, *Global Slump* insists that our understanding of the current crisis must acknowledge that a genuine profit "boom" occurred between 1982 and 2007. McNally labels this period a "neoliberal expansion" (38). This draws attention to historically-specific factors that are often left out of accounts guilty of the complaint that Marxists have correctly predicted ten of the last

three great depressions. The emphasis on neoliberalism suggests that rising exploitation may be an important determinant of the crisis. Too many explanations focus one-sidedly on over-investment in machinery.

Attention to rising exploitation also sets the stage for the significance of the “predatory inclusion” (121) of more and more people into financial markets. McNally describes how “sub-prime” mortgages in the US disproportionately targeted poor people of colour. The indebtedness of developing countries quadrupled during the neoliberal boom (127). He emphasizes that credit can offset the dampening effect on consumer demand of rising exploitation. For example, McNally argues that the end of the neoliberal boom was signalled by the 1997 Asian Crisis but massive credit expansion postponed the broader crisis to 2007.

I perceive a partial disconnect between this attention to rising exploitation and ballooning credit and the book’s description of over-accumulation in the chapter titled “Manic Depression: Capitalism and its Recurring Crises.” The chapter explains that “mechanization is necessary to....win the battle of price competition...as the ratio of labour to total investment declines, so the ratio of profit to total investment will tend to fall” (77-78). The glossary entry for “over-accumulation” reports that it is “caused by intense competition to boost the productiveness of their companies by investing in new plants and technologies” (196).

Readers are directed in a footnote to a forthcoming work which will point out that “the actual process is more complex, with a variety of counter-tendencies. But this explanation does justice to a key part of the dynamics at work” (212). Well yes and no, because as Marx wrote, “to try to explain them [capital’s laws] simply as the results of competition therefore means to concede that one does not understand them” (quoted in Lebowitz 2010, 284). McNally (1999) has himself made this point against “horizontal” (inter-firm) accounts of over-accumulation in place of “vertical” (inter-class) accounts. For the fuller, “vertical” explanation I think the chapter needed to include the “problem” of realizing surplus value. This is where rising exploitation and credit nicely fit.

Global Slump identifies the other key element of the neoliberal expansion as the dramatic capitalist expansion in East Asia, especially in China. McNally highlights the dramatic proletarianization of the Chinese peasantry and the massive foreign investment attracted by the precarious position of these urban migrants. “China’s working class, today at 750 million...is one and a half times larger than the labour force of all the thirty rich countries of the OECD combined. The country’s *surplus* labour force alone is three times larger than the entire manufacturing workforce of the OECD countries” (52).

It may be that “tendencies towards over-accumulation and declining profitability...have become central features of China’s market-driven-development” (57). But the implication seems to be that this process of over-accumulation is the same as in wealthy capitalist countries. How do we then evaluate the influence of the Chinese state on the dynamics of the economy, on investment and demand? The statistic that “China’s

250,000 millionaire households, making up only 0.4% of the population, now control 70 percent of the country's wealth" (57) caught my eye. I followed the sources to determine that the 70% actually refers to household wealth, not all wealth. It had been cited for a discussion on social inequality, so it was also my mistake to have read it too literally with other issues in mind. But my point about this experience is the need for more clarity on the particular structure and dynamics of an economy so central to global capitalism.

The second main point I got from *Global Slump* is McNally's explanation of financialization. The numbers are always impressive. Financial returns in the US rose from 16% of total profits in 1973 to 41% in 2007 (86). Trading in foreign currencies increased from twice the value of trade in goods to 70 times by 1995. "Over-the-counter" trade in derivatives grew from \$1.2 trillion in 1992 to \$4.2 trillion in 2007 (94). McNally provides a clear, understandable description of the various and often esoteric financial instruments – derivatives, collateralized debt obligations, credit-default swaps and the like.

He then briefly outlines a distinctive theory about the origins of financialization. It emphasizes the "historic transformation of world money that occurred after 1971, when the US government ended the convertibility of dollars for gold" (10). With no relatively stable reference point for value, the need arose for insurance-like protection against the resulting fluctuation in currencies and interest rates in the context of globalized production and sales. Thus, financialization does not flow from opportunities created by deregulation. It is rooted in the objective need of globalized capitalism for a measurable standard of value. McNally does not discuss it in these terms, but this sounds like an orthodox Marxist theory of money that had been challenged by the end of the gold standard.

In addition to trying to clarify the nature of the crisis, *Global Slump* was written to "think through what all this means for movements of resistance, struggles for social justice, and anticapitalist politics" (ix). In his second-last chapter McNally tries to "chart pathways of resistance and anticapitalist transformation" (10) by reviewing recent movements to occupy factories, general strikes in Guadeloupe and Martinique, social uprisings in Bolivia and Oaxaca and mobilizations of immigrants in the US. He emphasizes that the anticapitalist Left must "reclaim democracy – radical, direct democracy in particular – as a core value" (189).

McNally's review of the contours of resistance from below depicts the commonality of struggles against neoliberal capitalism in imperialist and imperialized countries. Some of us would distinguish the context of these struggles more than he apparently considers necessary. For example, the issue of anti-imperialism is not developed in his account of the "mass anti-neoliberal upsurges [that] toppled governments and rolled back privatizations in countries like Bolivia, Ecuador and Venezuela" (152). The discussion of anti-neoliberalism and anti-capitalism leaves out the governments placed in power by the above upsurges, and projects like the Bolivarian

Alliance for the Americas (ALBA) and the Universal Declaration of the Rights of Mother Earth.

This is an important book to read, especially for its distinctive explanation of the economic crisis.

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Reviewed by Joan McFarland
St. Thomas University

Stephen McBride and Heather Whiteside's new book, *Private Affluence, Public Austerity*, is a remarkably detailed and insightful analysis – truly a *tour de force*. It examines the causes and consequences of neoliberalism in Canada with particular attention to, and exploration of, the role of not only three recent economic crises but also a political crisis or "democratic malaise." There is a powerful message to the book. Although "crisis-prone," neoliberalism has proven to be amazingly resilient to crisis. Thus, it seems that it will take more than just crises to bring about an end to neoliberalism and its replacement with an alternative paradigm.

Private Affluence, Public Austerity examines the establishment of a neoliberal regime in Canada and analyzes the nature of that regime in the context of the recent financial crisis and two preceding economic crises as well as an on-going political crisis. In short, although the economic crises have, to a large extent, been caused by neoliberalism, neoliberalism has proven itself to be resilient and been retrenched rather than abandoned in their wake. In terms of the political crisis, the book explores what it

calls a “democratic malaise” suggesting that the latter can be explained by economic and social inequalities and the shutting out of possibilities for public input into policy decision-making, both factors having been exacerbated by the neoliberal regime.

The book begins with a discussion of the financial crisis beginning in 2007 which then frames the rest of the analysis. In the second chapter, various “long-wave” theories of capitalist crises are examined. This is followed by discussions in the third and fourth chapters of the Keynesian welfare state and the neoliberal state. The latter is characterized, on the one hand, by “private affluence” as a result of the privileging of the market but, on the other hand, by “public austerity” as a result of the policies pursued under neoliberalism. These two chapters, Chapters 3 and 4, contain a very thorough and useful analysis which, we are told in a footnote, has been revised and updated from chapters in McBride’s *Paradigm Shift: Globalization and the Canadian State* (Fernwood, 2001 and 2005). Chapter 5 provides a detailed look at the three crises of the neoliberal period in Canada: the recession in the 1980s, the recession in the 1990s, and the global financial meltdown of 2007-09. Chapter 6 moves to a discussion of the connection between neoliberalism and the “democratic malaise” of the voting public. The concluding chapter considers the legacy and the future of neoliberalism and what the “conditions for change” might be. The discussion also considers such questions as the impact of, and future for, Keynesian stimulation policy and the significance of some new crises which have emerged – the sovereign debt crises of 2010 onward, most notably in Greece.

McBride and Whiteside describe their theoretical framework as being in the tradition of critical political economy (20). In their chapter, “Theories of Capitalist Crises,” they begin by showing the inadequacy of neoclassical economic theory which denies the possibility of crisis by claiming an automatic readjustment of the system to any disturbances. Instead of accepting this approach, McBride and Whiteside look at various “long wave” (i.e. of 40-60 years duration) crisis theories. These include the social structure of accumulation (SSA), as theorized by Phillip O’Hara among others, in which institutional innovations guide strong growth in the upswing of a long wave but these same institutional innovations eventually break down and “generate their own unique contradictions” in the downswing (21). Regulation theory, pioneered by Michael Aglietta, includes an analysis of institutions as does SSA but adds to it a “regime of accumulation” approach. Under regulation theory, the mid-70s crisis is seen as a crisis of the Fordist regime of accumulation. The authors also present David Harvey’s Marxist overaccumulation explanation of crisis as rooted in capitalist production and the contradictions it produces as accumulation proceeds – namely a lack of markets and of opportunities for profit-making.

In addition to the above approaches, the authors use a “paradigm approach,” influenced by Peter Hall, which they locate within the broader set of relations, in terms of institutions as in SSA, or in capitalism as an economic system as in overaccumulation theory (33). Using the “paradigm approach,” they examine the Keynesian and neoliberal

paradigms as well as the “paradigm shift” from one to the other and conclude that there are inherent contradictions in neoliberalism itself which bring about crises.

The analysis of the relation of the economic crises to neoliberalism starts with the identification and description of three crises experienced in Canada in the neoliberal era. The first two, which took place in the 1980s and 1990s, were characterized by recessions with low growth and high unemployment. The third crisis, in 2007-09, began with a financial meltdown and moved into an official recession with negative growth rates of real GDP in the last quarter of 2008 and the first two quarters of 2009. The authors argue that these crises were the outcome of contradictions not only of capitalism but of neoliberalism itself. In the 1970s, there was a decline in profits for capital explained by Harvey, for example, in terms of overaccumulation and the reduced possibility of profitable investment. However, in addition, the neoliberal policy response to stagflation in the 1970s of high interest rates and cuts to social spending induced recession and in so doing created its own contradictions. Further, they argue that the bailouts to the 2007-09 financial crisis have created the need for further public austerity, another contradiction of the neoliberal policy regime.

But not only are the crises brought about by the contradictions within capitalism and neoliberalism, but neoliberalism so far has shown resilience in the face of these crises – leading even to retrenchment or “rejuvenation” as some authors have termed it (91). McBride and Whiteside, following the language of Jamie Peck and Adam Tickell, describe not only the “rolling back” of the Keynesian SSA during the crisis of the 1980s but also a “rolling out” of further neoliberal institutions of a neoliberal SSA during the crisis of the 1990s (89). During the financial crisis of 2007-09, in desperation, the neoliberal regimes used some Keynesian-style stimulus spending. However, McBride and Whiteside judge such stimulation to have been “temporary and shallow” (6). Further, the stimulus spending, in the end, led to the perceived need, within the neoliberal policy framework, for a return to austerity to pay for it.

The analysis of *Private Affluence, Public Austerity* ends with an examination of a political crisis or “democratic malaise” which the authors argue has itself been induced by further contradictions of neoliberalism. Much has been written of the democratic decline and apathetic citizenry during recent years in Canada and North America generally. The symptoms are low voter turnout, lack of trust in democratic institutions and a lack of knowledge about the constitutional system. The authors survey some of the explanations that have been offered for this. All are at the level of the individual and their participation or not in the political process. However, McBride and Whiteside, instead of focusing on the attitudes and psychology of the individual, argue that it is neoliberalism itself and “the inequalities that it generates” (95) which offer the best explanation of the democratic malaise. If, under neoliberalism, even parliament loses decision-making power as is argued earlier in the book (72), members of the citizenry have good reason to believe that

they have virtually no say in any public decision-making and thus a quite rational excuse for non-participation in the political process (98).

In the final chapter, the authors suggest that, in order to create a new paradigm, an overcoming of the “democratic malaise” will be needed. Further, to move beyond neoliberalism, the creation/framing of an alternative paradigm to neoliberalism needs to be a major priority and needs to begin now.

Harvey, David. 2010. *The Enigma of Capital and the Crises of Capitalism*. New York: Oxford University Press. ISBN 978-0-19975-871-5. Cloth: 27.95 CAD. Pages: 296.

Reviewed by Matthew Brett
Concordia University

A seeming deluge of radical literature continues to emerge in response to the latest crisis of capitalism. David Harvey’s *The Enigma of Capital* offers a unique and compelling theoretical contribution to this growing body of literature. While *Enigma* finds its strength primarily as a theoretical text, the theoretical constructs are developed in a clear and accessible manner. This poses something of a trade-off, insofar as Harvey runs the risk of abandoning the conceptual rigour of classical Marxism in order to make its general ideas more accessible. *Enigma* is nevertheless one of the most dynamic recent theoretical constructs developed with which to understand and confront capitalism today.

Enigma can reasonably be situated within Harvey’s broader Marx project, a lifetime effort to make the works and ideas of Karl Marx relevant for a contemporary audience. The Marx project includes a series of online audio-video lectures thus far covering Volumes 1 and 2 of *Capital*. Harvey has also deliberately shifted away from the conceptual rigour of his earlier work, with *Limits to Capital* (1982) serving as a benchmark of theoretical density. *Enigma* simplifies away the often torturous conceptual apparatus that Marx constructed in favour of plain language. In this respect, *Enigma* would be an ideal text for anyone searching for an accessible theoretical understanding of the latest crisis and the nature of capital flow.

Like many books on the latest crisis, *Enigma* begins with a brief overview of the roots and consequences of the Great Recession. The central thesis of this chapter is that capitalism has become increasingly unstable since its neoliberal turn in the 1970s. This increasing volatility stems from capital’s inherent drive toward growth and expansion. This need to constantly grow presents the system with a “capital surplus absorption

problem,” in which profits generated must be reinvested again in order for the system to grow (28). Since the 1970s, this absorption problem has been resolved through an increasing reliance on high finance. The financialization of capitalism has spurred extreme volatility in the global economy, and it was only a matter of time before the bubble burst.

Harvey then shifts to developing a nuanced theoretical apparatus to make sense of it all. Capital is a process that must necessarily grow and circulate in order to survive. “Continuity of flow in the circulation of capital is very important. The process cannot be interrupted without incurring losses” (41). There is also a continual drive to speed up this circulation process, which necessarily entails reducing spatial barriers in the physical environment; innovations in transport and communications are therefore critical (42). There are nevertheless six potential barriers or blockage points to this accumulation process that must be overcome in order for capital to reproduce itself and grow. These barriers include: (i) insufficient money capital; (ii) scarcities or difficulties with the labour supply; (iii) inadequate means of production and natural limits; (iv) inappropriate technologies and organizational forms; (v) resistance or inefficiencies in the labour process; (vi) lack of demand backed by money to pay in the market. Blockage at any one of these points can disrupt capital flows and potentially lead to crisis. Chapters 3 and 4 then deal with each of these potential barriers in detail, offering clear and easy-to-understand examples.

Chapter 5 shifts to developing an additional theoretical apparatus which overlays these potential barriers and blockage points. Harvey argues that capital must revolve through seven inter-related yet distinctive “activity spheres” in search for profit. These spheres include: technologies and organizational forms; social relations; institutional arrangements; production and labour processes; relations to nature; the reproduction of daily life and the human species; and “mental conceptions of the world” (123). Again, clear examples are provided as a means of illustrating how these activity spheres operate in practice. While these theoretical constructs may sound complex, Harvey presents these ideas patiently and in a very accessible manner. It is also worth noting that this theoretical construct stems entirely from a passing footnote in Chapter 14 of *Capital* (Vol. 1). This footnote captures Marx’s dialectical method of thinking, which Harvey then builds upon to develop a fairly unique theoretical apparatus.

The book closes with an invigorating chapter on the struggle for an anti-capitalist transition. The blockage points and activity spheres developed in the preceding chapters are turned on their head, to be utilized for anti-capitalist ends. Harvey argues that “capitalism will never fall on its own. It will have to be pushed. The accumulation of capital will never cease. It will have to be stopped. The capitalist class will never willingly surrender its power. It will have to be dispossessed” (260). Harvey then sketches a revolutionary outline of how this dispossession can be achieved. Political organizing and thinking must work across all seven activity spheres in order to foster an anti-capitalist

transition. Relations to nature and to each other must be reconfigured; daily life habits must evolve along anti-capitalist lines; modes of production must be controlled by workers and communities; mental conceptions of the world must shift away from neoliberal ideology toward something entirely new. In this chapter, Harvey is seeking nothing less than a full-scale transformation of the dominant social order.

This closing chapter on anti-capitalist struggle has drawn its fair share of criticism. Some activists argue that his approach is already being implemented; anarchists may challenge his view that autonomist organizing is unable to develop large-scale organizational forms; others may argue that he downplays the role of race, gender and difference. Harvey's reference to violence may also draw criticism. These are all interesting criticisms worthy of pursuit and reasoned deliberation.

To this series of critiques, it is worth raising a level of concern over Harvey's drift away from classical conceptual rigour. On the one hand, removing Marx's dense conceptual baggage makes his ideas accessible and relevant. *Enigma* is receiving widespread attention precisely because Harvey has simplified classical Marxist concepts and theories. This is encouraging, insofar as the anti-capitalist ideas of *Enigma* will reach a broader audience than much of the Marxist literature currently available. On the other hand, removing classical language and concepts runs the risk of losing the theoretical roots of anti-capitalist theory and action. This is a fine balance. For example, Harvey never makes explicit reference to human labour as being the source for value in capitalist economies. This is problematic when adopting a Marxist framework of analysis.

Nevertheless, Harvey offers one of the most novel and accessible explanations of capitalism today. There is an element of dark humour in this as well: his novel theoretical constructs are based largely upon a passing footnote that Marx published over 140 years ago. *Enigma* offers both a method for understanding the world, and a course of action for changing it along anti-capitalist lines. Both contributions are welcome and, indeed, necessary.

Olsen, Gregg M. 2011. *Power and Inequality: A Comparative Introduction*. Don Mills: Oxford University Press. ISBN 978-0-19-544400-1. Paperback: 24.95 CAD. Pages: 216.

Reviewed by Larry Patriquin
Nipissing University

A book on inequality could not be more timely, when movements to occupy financial and other business heartlands have broken out in many countries, when even

the staunchly pro-capitalist OECD has pointed to the dangers of societies pulling apart socially and economically, and when some of the wealthiest people on the planet, like the billionaire Warren Buffet, are practically begging governments to increase their taxes.

Power and Inequality can be described as a more-or-less textbook, though thankfully Olsen does not present his information in a “neutral,” “he said, she said” narrative, typical of such books. He is clear from the beginning that social inequality “is created, reproduced, institutionalized, legitimated, and perpetuated by the people who hold the most resources in society” (8). The book is divided into three parts of roughly equal length, with each part containing two chapters: Part I: *Considering Inequality*, has an introduction (Ch. 1) and an examination of four basic models of equality (intrinsic, opportunity, condition, outcome) (Ch. 2); Part II: *Measuring Inequality*, surveys material indicators of inequality (poverty, income, wealth, and life chances) (Ch. 3) alongside non-material indicators, in particular rights and entitlements (Ch. 4); and Part III: *Explaining Inequality*, covers theories that justify inequality (sociobiology, functionalism, and culturalist accounts) (Ch. 5) and those opposed to inequality, especially theories that focus on power and conflict (Ch. 6). The book is structured around comparisons within and between three highly unequal Anglo-Saxon countries (Great Britain, Canada and the United States) and three more egalitarian – though *still* unequal – Nordic nations (Finland, Norway and Sweden).

For some, there will be a sense of déjà vu in reading this work. Chapters 1, 5, 6, and to some extent 3, go over ground that was well-covered in Olsen’s previous, superb book, *The Politics of the Welfare State* (Oxford University Press, 2002). As a consequence, for those familiar with *The Politics*, chapters 2 and 4 in *Power and Inequality* will contain most of the fresh material. The second chapter, the best of the lot, is an important overview, given that most discussions of equality are marred by superficial notions, prevalent among far too many students, that equality means we must all be the same – have the same incomes, wear the same clothes, even think the same thoughts. The fourth chapter is also quite informative, focusing on human rights and entitlements to income, services and protective legislation (for example, workplace health and safety). While worth consulting, the book will be of more limited use to academics, which is not surprising given that it is an introductory text. However, for students approaching the topic of inequality in depth for the first time in upper-year undergraduate courses, this work will give them a solid grounding in the key issues and debates.

My comments in the rest of this review are directed at the improvements that could be made to a second edition. First, while *Power and Inequality* is a relatively short book, it could be even shorter. Most of the more than 20 pages of discursive notes, which appear at the end of the chapters, could be left on the cutting-room floor. The section titled “The Organization of This Book” (9-13) also could be dispensed with. (By the way, every publisher should have as a cardinal rule: “Book proposals must never reappear in

the introduction of the book.”) The section “The Comparative Approach” (26-30) could be condensed to a paragraph or two, while the “Early Statements” (on inequality) (139-43) could be excised as well; the quick tour of Plato, Aristotle, Hobbes, Locke, Rousseau and Adam Smith is too sketchy to be useful.

Second, the book embodies one of my pet peeves, namely that some of the data used were getting a tad moldy from the moment of publication. I would have expected a work appearing in 2011 (released in October 2010) to have had more up-to-date statistics. With the exception of Table 6.1, on union density, which goes down to 2007, most of the other tables end around 2004, with one (#3.3) on wealth inequality ending in 2002 and one (#4.3) on public social expenditure as a percentage of GDP ending in 2001. Granted, it often takes a few years for data to become available, but the statistics in most of these tables probably could have been brought closer to the date of publication, hence helping to lengthen the shelf-life of the book.

Third, there is an important gap in the discussion of the theories that legitimate inequality (Ch. 5). While it was important to analyze these theories to some extent, most of them strike me as “old hat.” For sure, these arguments, in particular racist aspects of social Darwinism, are always lurking somewhere in the shadows. It seems to me, however, that the dominant defense of inequality these days is an economic one, namely that without fabulously wealthy people in our society – the “job creators” – the rest of us would be stumbling around like kittens whose eyes haven’t yet opened, helpless creatures incapable of organizing their economies. There is some hint of this “economic” discussion (see 94-6), but the pro-capitalist defense of inequality should be given much greater attention. Olsen could challenge the myths that equality produces economic stagnation, harms innovation, reduces productivity, rewards the lazy, crushes individualism, removes incentives for obtaining a post-secondary education, and so forth. Most conservatives, at least those running for public office, would not use the theories highlighted by Olsen to defend their position, and I suspect that today few, even of their ilk, would strongly espouse these theories.

Finally, the book ends with “Challenging Inequality” (Ch. 6), which focuses mostly on Marx, Weber and “power resources theory.” This concluding account should be expanded to also articulate the socio-economic advantages of egalitarianism and perhaps give suggestions of how we might get closer to a more equal society. It is especially important to demonstrate to students, a majority of whom do not bother to vote, the importance of old-fashioned political activity (in the form of elections, parties and so on) in tackling the inequalities that so many of them find repugnant.

Livingstone, David; Dorothy Smith and Warren Smith. 2011. *Manufacturing Meltdown: Reshaping Steel Work*. Halifax: Fernwood. ISBN 978-1-55266-402-5 Paperback: 27.95 CAD. Pages: 218.

Reviewed by Ann Duffy
Brock University

Livingstone, Smith and Smith provide us with an invaluable guide to understanding the specifics of the decline of steel industry in Hamilton and, more broadly, the implications of recent momentous shifts in Canadian labour markets for workers, their families and communities. Livingstone's introduction raises the increasingly ubiquitous question of whether there is a future for manufacturing employment in developed nations. Livingstone argues for the possibility of a profoundly changed but persevering steel industry. These themes of transformations and potentialities permeate the subsequent essays.

The first chapter, by Livingstone, guides the reader through the tumultuous history of Stelco in the context of a globally transforming steel industry. This very detailed discussion introduces most of the major economic factors in play. Technological innovation, global competition, trade agreements, unions, finance capital and workplace restructuring all figure prominently. In an account with Shakespearian overtones, Stelco rises to become the largest Canadian-owned industrial company and for sixty years is Canada's "wealthiest, largest and most diversified steelmaker." By 1980, with 26,000 workers, it is the cornerstone of Hamilton's economy. From these heady heights, the decline is precipitous. Thousands of workers are displaced and by 2003 about 9,000 workers remain. These numbers dwindle to a mere 850 by mid-2010. As Livingstone explains through interview excerpts, these events transform the lives of workers, their families and the surrounding community. A "good job for life" is beyond the grasp of all but a few and many bustling plant floors become "human deserts."

Against this historical backdrop, in Chapter 2 Dorothy Smith and Stephen Dobson explore the implications of these events for training and skill retention at Stelco and, more generally, in the manufacturing sector. As the authors explain, former patterns of skill transmission tended to rely on worker-controlled on-the-job learning, apprenticeships and transmittal of skills in the working-class community. The net result was a workplace that valued the experienced worker's expertise and which tended to draw managers and supervisors from the shop floor. The restructuring of the steel industry has eviscerated these processes and replaced them with state-funded educational programs, notably at community colleges, that target corporate needs. The authors underscore the importance of recognizing the knowledge and skills (and workers' control) that are being lost. As Stelco's labour force ages (reflecting seniority rights and layoff patterns), there are few mechanisms for capturing the worker expertise developed from years of on-the-job

experience. In the more generalized process, the manual/mechanical skills “stored and transmitted” in working-class communities are being steadily undermined and workers’ power resources eroded.

In the final chapter by David Livingstone and Warren Smith (a long-time Stelco steelworker and former president of USW local 1005) the Stelco story is updated. In 2004 the company declares bankruptcy and in 2007 US Steel takes over. On the ropes in the face of cheap imported steel and mounting debts, Stelco still fails to address the problem of labour force renewal. As its workforce ages and retires, it relies on overtime and contracting out (including the rehiring of retirees on a contract/temporary basis) to manage its labour needs rather than hiring and training a younger workforce. At the same time, including under US Steel, the company maintains a heavy-handed, top-down approach to labour relations which excludes the kinds of management-worker consultation which might facilitate co-operation and on-the-job training. The authors conclude with an examination of alternative futures for Stelco/US Steel. In particular, they focus on the undesirability of foreign ownership and the possibilities for repurchase by Canadian private capital, for the creation of a Crown Corporation and for worker ownership. In terms of possible alternatives for management-labour relations, they critique top-down hierarchical management and urge consideration of consultative management, industrial democracy and worker self-management. Emphasizing the possibilities implied by agency and political will, they conclude with the potentialities for a more democratic and environmentally friendly workplace and economy.

There is no question that this collection provides invaluable insight into the processes that transformed Stelco, Hamilton and, in many respects, the Canadian economy and working-class communities. The analysis is accessible and compelling. Further, the reader is invited to “make connections” to a wide array of issues beyond the factory floor, including the role of education and training, changes in working-class communities and families and the prospects for democratic actions in Canada.

Within this overall very favourable response, I would suggest that the argument that manufacturing will persist as a significant source of employment warrants, in my view, a bit more qualification. The sheer numbers of lost jobs speaks to a profound shift not only in manufacturing employment but also for the communities which rely on these jobs. The process of “making things to sell” may persist, but “good” manufacturing jobs (secure, unionized, well-paid and well-benefited employment) appear decidedly imperilled. Ironically, in the absence of much else in the way of employment, arts and crafts are being promoted by local governments and agencies in Hamilton as the new entry point into the labour market. As de-industrialized workers I’ve interviewed in Niagara repeatedly comment, “we need good jobs” and “we need thousands of jobs, not hundreds.” And, as those workers who have been “adjusted” into both service sector work and low-paid manufacturing work complain, “how is it possible to have a mortgage on \$15 an hour?”

The current economic downturn has provided a further opportunity for companies to shed more unionized workers or to hamstring unions with tiered contracts and the constant threat of layoffs. In this context, it appears likely that only a minority of workers will have continued access to the traditional “good” manufacturing job while the overwhelming majority will be displaced to service sector employment or to a kind of marginalized manufacturing work characterized by much smaller workplaces, little or no unionization and insecure employment. These smaller manufacturing plants are clearly more vulnerable to relocation to cheaper labour markets. In the growing absence of good unionized jobs secured by a massive workforce, the working class and its communities will in all likelihood be fundamentally altered.

Dorothy Smith and Stephen Dobson have raised an important issue in terms of the erosion of working-class skill sets—skill sets that traditionally grounded familial and community relations and were an important source of self-worth. Hopefully, researchers will pick up on this important cross-over between paid and unpaid work and community and explore its connections to both commodification and the rise of corporations such as Home Depot.

Finally, although the proposed alternative futures are desirable, they seem far removed. Recent events, such as the decision to dismantle the Canadian Wheat Board, the lack of an effective, co-ordinated reaction to US Steel, the almost complete absence of effective responses from any level of government to the closure of industries, the blatant bullying by Caterpillar Corporation and, overall, the growing gap between haves and have-nots suggest a troubled path to progressive social change.

Camfield, David. 2011. *Canadian Labour in Crisis: Reinventing the Workers' Movement*. Halifax: Fernwood. ISBN 978-1-55266-416-2. Paperback: 19.95 CAD. Pages: 160.

Reviewed by Stephanie Ross
York University

In *Canadian Labour in Crisis*, David Camfield offers a bracingly honest and accessible look at the labour movement’s current impasse. Grounded in the conviction that working people’s movements are central to greater social and economic equality and the development of human capacities beyond that envisioned by profit-driven capitalism, Camfield argues that union renewal, the “attempt to energize the movement in its current form” is not enough. Rather, “sweeping changes that would reinvent the movement” are called for (6-7). Combining overviews of academic literature and political commentary

with interviews with movement leaders, staff and activists – impressive for such a short volume – Camfield gives voice to many labour activists’ frustrations with unions’ inability to halt a long-term process of decay. He also seeks to articulate the means of the movement’s reinvention.

Camfield goes beyond the union renewal literature’s typical empirical indicators – sinking or stagnant union density or organizing rates – and provides an unflinchingly comprehensive (if dismal) picture of union decline. The union movement is revealed to be a very sick patient indeed. In the workplace, unions’ bargaining power has been diminished. Although the “union advantage” – the premium in wages and benefits union members earn compared to their non-union counterparts – has been maintained, it has actually become a source of resentment for many workers outside union structures. The decline in unions’ economic power and public esteem combine to make organizing new members exceedingly difficult. Instead, unions frequently pursue already-organized union members, whether through mergers or inter-union competitions, to cope with membership (and hence financial) crises. In the political sphere, despite much energy put into lobbying and electoral mobilization of various kinds, unions’ influence over policy decisions has waned, even where labour-friendly governments are in power. Other forms of extra-parliamentary political action are also on the decline. Add to this the atrophy of internal democratic life, a crisis in membership participation, and the narrowing of debate and contestation within unions, which makes the search for effective solutions all the more difficult.

Camfield’s diagnosis of this breakdown in unions’ capacities for resistance and socio-economic transformation has five elements, a complex of unfavourable external conditions and the consequences of choices made in both the past and the present. First, beginning in the 1940s, an exceedingly narrow conception of unions’ mandate, constituency and strategic toolkit was institutionalized in both law and union practice, marginalizing other modes of worker self-organization and the potentials they carried. Second, the broader social and cultural supports for vibrant, politically informed, pluralistic and solidaristic working-class communities have eroded. Third, radical changes wrought by the neoliberal restructuring of late 20th century capitalist accumulation and state regulation severely undermined the material basis of 20th century union forms. Fourth, left organizations outside the unions, both socialist and social democratic, have also weakened since the 1970s, no longer able to organize internal union opposition or sustain inter-union activist networks. Finally, union leaders have made poor choices at crucial moments when responding to these negative political-economic conditions. Many union leaders and staff remain “doggedly loyal” (85) to bureaucratic “responsible unionism”, have opted to contain resistance where it has emerged, and thus have exacerbated the above problems and accelerated the process of decay.

Given the depth of these problems, Camfield rightly argues that revitalizing existing (deeply flawed) union practices, is insufficient. Initiatives of “reform from above”

simply reinforce rather than challenge the underlying causes of the movement's problems. Instead, the movement's reinvention will require initiatives "from below" to turn it in a more democratic, militant and radical direction. Camfield reviews what he terms "seeds of hope": concrete practices evident in various parts of the workers' movement – both inside and outside unions – that, if expanded and generalized, could form the basis of such a reinvention. He emphasizes initiatives that aim to deepen union democracy and support the emergence of member-activists who not only more truly reflect the diversity of the working class but are also capable of undertaking organizing initiatives independent of unions' leaders and staff. Ultimately, Camfield argues that unions must adopt a commitment to mobilize and organize the entire working class, not only its unionized elements, to fight in all the arenas that shape working-class life, not just the workplace, and to generate an anti-capitalist and anti-oppression working-class politics.

Despite the powerful analysis of the movement's problems and necessary solutions, there are contradictions, particularly over how the capacities for such thoroughgoing change are to be generated. One of the book's strengths is its use of Richard Hyman's nuanced understanding of bureaucracy as a set of social relations of dependence on expertise, the pedagogical effects of which are felt by both leaders and members, who internalize bureaucracy as common sense. This usefully moves us away from simplistic nostrums that leaders are always to blame for every misstep or "betrayal" and helps us understand the systemic reproduction of union habits. However, members are seen as the source of radical transformation, though they are no less bound up in bureaucratic mentalities than leaders. Many members share with their leadership counterparts a vested interest in the status quo of union life. Their economic insecurity also undermines their willingness to resist. A union activist quoted here indicates that "a lot of people don't want to cause waves in the workplace so they don't enforce the collective agreement" (10). If that's so, why should we expect members to be more willing to engage in direct action, a more confrontational act than filing a grievance? The prescription of "reform from below" does not fully explore the conditions needed for members' confidence to be regenerated, and the role that progressive union leaders with access to resources will have to play in that process.

Similarly, it isn't clear what kinds of structures are necessary to rebuild working-class power. There is an implicit preference for localism here, even though Camfield acknowledges some of its limitations. For instance, he decries the way collective bargaining structures fragment workers' power, and yet mega-locals, which were created (at least in part) to address such fragmentation, are "beyond hope of democratization" (61). The decline of pattern bargaining is seen as part of the roots of unions' problems, yet Camfield calls for local autonomy and members' democratic control over bargaining. There is an unresolved tension here between the scale of workers' power and the conditions that allow for members' meaningful democratic control. Undoubtedly, most

collective bargaining processes should be significantly democratized, but this is no simple matter. Indeed, local autonomy framed as “democracy” often reinforces fragmenting dynamics as members retain control over their bargaining agenda in their workplace, and refuse obligations to broader collective identities and interests. What then is the way forward? The book could have paid greater attention to such difficulties.

Despite these caveats, this book is required reading for working-class activists throughout the movement. Every union education department should adopt *Canadian Labour in Crisis* for immediate reading by their own leadership and activist cadres. Many will find the content uncomfortable, as it challenges deeply held assumptions on which lifetimes of activism have been based. And yet, as attacks on the remnants of working-class power continue to mount, this book will spark a necessary debate over what the labour movement must do to remain a relevant force for social transformation.

Webber, Jeffrey. 2011. *From Rebellion to Reform in Bolivia*. Chicago: Haymarket Books. ISBN: 978-1-60846-106-6. Paperback: 21.50 CAD. Pages: 281.

Reviewed by Manuel Larrabure
York University

For those on the left, it has become common sense to think of the current governments in Venezuela, Bolivia, Ecuador and sometimes even those in Brazil and Argentina as presenting alternatives to neoliberalism, and perhaps even capitalism itself. To some degree, this is understandable. Many of these countries witnessed impressive mass popular movements and uprisings that articulated a significant challenge to neoliberalism in the region. These included the 1989 Venezuelan uprising known as “el Caracazo,” the Argentine uprisings in 2001–2002, and the water and gas wars in Bolivia between 2000 and 2005. In all of these cases, new governments promising a break with neoliberalism were elected into office, and in Bolivia and Venezuela the phrase “socialism for the 21st-century” would soon enter everyday discourse.

However, more than a decade into Latin America’s “pink tide,” is it still possible to characterize the governments of Hugo Chavez, Evo Morales and others as presenting a challenge to neoliberalism or capitalism? Was it ever correct to depict these governments in such a manner? Addressing the case of Bolivia specifically, Jeff Webber answers these questions with a resounding and controversial no. Webber’s central argument is that the Morales government is pursuing an agenda of “reconstituted neoliberalism,” betraying many of the demands and aspirations of the popular movements that elected the MAS

(Movimiento al Socialismo or Movement Towards Socialism) into office. Challenging widespread interpretations of contemporary Bolivian politics, Webber's narrative depicts the popular insurgencies between 2000 and 2005 as constituting a "revolutionary epoch" that fell short of a full social revolution. The lack of a full socialist rupture in the country Webber attributes to the absence of a revolutionary party capable of articulating itself at the national level. Consequently, it was the MAS that became the only political instrument capable of articulating a national program.

Although, at first, the MAS maintained important links to popular movements, by 2002, Webber argues, it began to court the votes of the urban middle classes in an attempt to secure an eventual electoral victory. Originally conceived as a political instrument rooted in indigenous social movements rather than a political party, this was a crucial turning point for the MAS. Top layers of the MAS became filled with middle-class intellectuals and the party quickly moved away from street militancy. This shift became most evident during the gas wars in which the MAS prioritized elite negotiations over mass mobilization. The party's shift to a focus on electoral politics paid off in 2005 with the historic election of Evo Morales to the presidency. However, by this point the MAS, Webber explains, had already steered away from a revolutionary program.

This shift in the MAS became evident as the party, following the ideas formulated by Vice President García Linera, began to pursue the development of "Andean-Amazonian capitalism" in Bolivia, with a transition to socialism to be delayed for 50 to 100 years. In the meantime, the MAS would apply a neo-structuralist developmental model that did away with some neoliberal orthodoxies but retained a belief in the market as the central organizing principle in society. Webber strongly criticizes this "stagist" approach, arguing that it artificially disaggregates indigenous liberation and social transformation, and ignores the relatively favorable regional and global balance of forces Bolivia currently finds itself in. Another crucial aspect of the MAS's program, Webber argues, was the adoption of a conciliatory position towards right-wing demands. This was most obvious in the MAS's dismissal of a radical constituent assembly, as proposed by a variety of social movements, opting instead for a constituent assembly that would include the right wing opposition. Crucially, as Webber explains, this allowed the right wing to slowly re-articulate itself over time and eventually develop an aggressive autonomist agenda in the "media luna" region of the country.

Having outlined the MAS's origins and rise to power, Webber proceeds to assess its record since taking office, providing compelling evidence that the party adheres to a program of "reconstituted neoliberalism." First, he notes that for most of its first four years in power, the party pursued a program of high growth and low spending. Consequently, poverty and inequality remained largely unchanged. In addition, the MAS pursued an agenda of labor flexibility that intensified the labor process and therefore increased the rate of exploitation, as well as added to working-class fragmentation. At the political level, Webber continues, the MAS failed to adequately support the demands of

workers and communities at a number of crucial moments, including the 2008–2009 Colquiri mining conflict and the 2010 strikes led by the Bolivian Workers' Central. On this latter occasion, Morales himself proceeded to demonize the protests by suggesting sectors of labor had been infiltrated by the right wing. Later, the government successfully divided the workers by accusing some of being ultra left Trotskyites.

The evidence Webber presents is certainly compelling. However, there are a number of conceptual and empirical points that should be debated further. First off, although relatively low levels of social spending do cast serious doubts as to the MAS's commitment to a transformative project, looking at the *quality* of existing social spending would also be helpful when making this assessment. Webber does not fully examine whether there has been any changes on this front. A more contentious point is that Webber seems to adhere to an instrumentalist view of the state, that is, the view that the capitalist state only works for the interests of the ruling class. Hence, for him, revolutions must come from social movements working from the "outside." Not surprisingly, Webber is therefore deeply suspicious of the MAS, sometimes coming close to a one-sided analysis of events.

For example, according to Webber, the 2008 recall referendum, in which two right-wing prefects lost their positions, was ultimately more helpful to the right wing, allowing it to acquire legal legitimacy for its autonomist project. However, looking at the state as the articulation of class forces (albeit always tilted in favor of capital) might lead one to interpret this event as expressing class contradictions within the state. Hence the outcome of the recall referendum could be seen as expressing both the interests of capital and at least some of those held by Bolivian workers and indigenous movements. In addition, can we really think of social movements as ever existing *totally* outside of the state? If not, what does it mean to work from the outside? Finally, Webber's argument that the lack of a full social revolution in Bolivia between 2000 and 2005 was due to the lack of a revolutionary party needs further explanation. If, in its early years, the MAS, with its strong roots to workers and indigenous social movements, was not a revolutionary party, then what would a revolutionary party look like?

Notwithstanding the above questions and comments, Webber's book provides a badly needed corrective to the uncritical and celebratory views often presented about Evo Morales and the MAS, and their role in contemporary Bolivian politics. It is also a courageous and principled defense of Bolivian workers and communities engaged in class struggle on the ground, whether against transnational corporations or the MAS. This book therefore demands that we rethink our common sense assumptions about Bolivia, but also Latin America's "pink tide" more broadly.

Post, Charles. 2011. *The American Road to Capitalism: Studies in Class Structure, Economic Development and Political Conflict, 1620-1877*. Leiden: Brill. ISBN 978-90-04-20104-0 Cloth: 141.00 USD. Pages: 298.

Reviewed by Jordy Cummings
York University

Charlie Post's *The American Road to Capitalism* is a magisterial text that deserves a close reading, in particular by scholars attempting to make sense of 20th century capitalism in the United States. Only when armed with knowledge of the peculiarity of the American question can we begin to understand the specificity of a logic that continues to subsume everything in its wake. As well, the book is an explicit defense of the school of thought labeled "Political Marxism" (henceforth PM). Post consciously places his work in this growing body of knowledge that emphasizes historical specificity, empirical clarity and unintended consequences, thus a theory of social property relations. Like Robert Brenner on England or George Comninel on France, Post problematizes both standard and critical accounts of the making of American capitalism. One sees the unintended consequences and class struggles, on a regional and then finally national scale, subsequent to the Civil War. Given what some call the "Americanization" of global capital, the implications of this work are indeed far reaching.

In place of "Political Marxism," Post prefers "Capital-centric Marxism" (2), in that it takes its cues not from Marx's early stagism but from the multilinear specificity found in the three volumes of *Capital*. Thus there is a rejection of a deterministic theory of history, in which changes in social relations are produced by mere clashes between forces and relations of production. This is to critique the importation of such iron laws unto American history, in which case we see the American Revolution and Civil War being two stages in the American "bourgeois revolution." E.P. Thompson famously made the claim that one could not meta-theorize the discipline of historical materialism, rather, as Engels once said "the proof of the pudding is in the eating." This is to say that in order to gauge what constitutes the discipline is to examine its ontological suppositions, and in the case of "political" Marxism, none is more controversial than its allegedly narrow theory of capitalism, a criticism not entirely off the mark. With Post, finally, we have an explicit PM theory of capitalism.

Capitalism exists when "a class of non-producers owns and controls productive property," purchases labour power from wage workers - "direct producers who do not possess means of production" (40). Surplus value is extracted through the former's control of the production process. Commodified labour, means of production and outputs constitute a *social property relation* alongside inter-capitalist competition, which together necessitate both specialization and innovation. This mode of extracting surplus,

capitalism, “shapes a labour process that is the basis of industrialization and its attendant social changes”(ibid.). In other words, Post’s model is a sort of “ABC” of a Marxian theory of capitalism, yet in lieu of finding such capitalism budding in the interstices of non-capitalist social property relations, capitalism is only capitalism when all features are at the very least discernable, in particular the imperative of innovation and competition.

In place of this teleological idea of capitalism, Post uses the American experience to demonstrate that having a fuzzy model of capitalism will disallow the illumination of non-capitalist social relations and their attendant rules of reproduction. Particularly notable is his conceptualization of “non-capitalist independent household production” in which cheap if not free land allowed for commercial life to exist in a non-capitalist sense, that is to say, producers engaged in commodity exchange but had non-market access to the means of production and subsistence. English merchant capital indeed tried to “develop” its colonies by way of the marketization of land ownership, implicitly as imitation of how capitalism itself developed in the English countryside. Success or stalemate in fierce class struggles between household producers, farmers and artisans, often squatters, and merchants sometimes even took the form of armed rebellions. The resulting class settlements and uneven development rendered much of the United States dominated by non-capitalist artisanal or farm-based production for much of its early history.

Southern plantation slavery may well have been umbilically connected to the world market, but was emphatically *not* capitalist in either form or content. Formally, slavery was predicated upon the extraction of maximum absolute labour from slaves, whom as objects could be constituted as constant capital. As opposed to purchasing labour power from proletarians, Masters purchased labourers. This is to emphasize the crucial distinction between the labour discipline of actual violence or worse, in the context of slavery, and the “whip of starvation” in capitalism. The slave economy deprived planters of means with which to innovate due to the lack of ability to increase labour productivity. There was thus a mix of the co-operative labour processes and time management that marked later capitalism with the inability to shrink the labour force redolent of feudalism, though labourers (slaves) could be sold if they were redundant. In the last instance, the only way for Southern farmers to increase their yields was to geographically expand alongside increasing the workday to 14 hours. This produced a mid 19th century conjuncture of increasing global demand for cotton, and a set of vertical and horizontal class struggles that culminated in the Civil War.

Surveying various histories and analyses of the Civil War, Post finds that alone among the ruptures that the Marxist tradition has called “bourgeois revolutions,” the civil war indeed fits the classical schema, but it certainly cannot be reduced to such a conceptualization. Manufacturing as well as agrarian capital on one hand, expansionary slavery on the other, pitted not forces of production against relations of production, rather it pitted two discrete social property relationships, and the eventual victory of

capitalism was an unintended consequence of both ruling classes acting to reproduce themselves, under conditions not merely of competition between each other, often taking on a political form around the still-burning issue of “states rights.” It is equally important to examine the struggles from below, in the form of proletarian struggles in the North and slave revolts in the South. Of course, the North won, but it was not so simple and a real subsumption of southern labour under capital was resisted by former planters as well as freed slaves, the unintended consequence of this struggle being the non-capitalist sharecropping that dominated southern agriculture as recently as half a century ago.

How did these multifaceted class struggles shape the DNA of American capitalist social property relations? Post draws on Comninel’s postulation that the French Revolution, if it had any democratic after-effects, these effects were “anticapitalist,” such as rent and price controls. On one hand, the radical southern demand of 40 acres and a mule was not implemented. On the other hand, the urban proletariat, a vital support base for the north in the Civil War, gained a new found sense of confidence. Against a backdrop of newly confident capitalist classes, they mounted direct actions to shorten the working day. Yet when the new labour movement of the north came close to allying with a multiracial “Farmer’s Alliance” of tenant farmers, Jim Crow laws and disenfranchisement, lynching and the Klan were brought in by the new alliance of former rivals – merchants and planters. The defeat of this coalition and the fragmentation of popular and working classes mars the development of working class political organizations in the United States to this day.

Bannerji, Himani. 2011. *Demography and Democracy: Essays on Nationalism, Gender and Ideology*. Toronto: Canadian Scholars’ Press. ISBN 978-1-55130-389-5. Paperback: 34.95 CAD. Pages: 272.

Reviewed by Aziz Choudry
McGill University

Himani Bannerji’s latest book is as timely as it is wide-ranging, incisive and thought-provoking. Comprising seven essays written during the span of just over a decade, with a new, substantive introduction, the book sparkles with a genuine sense of freshness and vitality. *Demography and Democracy* is highly relevant to readers concerned with the ongoing impacts of neoliberal capitalism, communal violence and cultural nationalism, and contemporary struggles over democracy in India. But its scope reaches far beyond India’s borders in elucidating how ethnic/religious cultural

nationalisms and patriarchy are used in the interests of imperialism around the world, and facilitate the global depredations of capitalism.

As with her other work, Bannerji builds upon Marx's material method, especially as articulated in *The German Ideology*, and its elaboration and application through institutional ethnography, a Marxist feminist method of sociological inquiry developed by Dorothy Smith – particularly on the social organization of knowledge. Additionally, this book is a significant scholarly contribution containing dialogues with, and critiques of, various intellectual turns and schools of thought. She engages with a range of scholarship, including, among others, Antonio Gramsci, Edward Said, Frantz Fanon, Walter Benjamin, Raymond Williams and Bengali historians Sumit and Tanika Sarkar.

Those whose focus is not on India/South Asia should read it because of the theoretical and methodological richness of the discussions about ideology, the concepts and practices of nationalism, gender, identity, ethnicity, culture and nation. Bannerji's theoretical and critical explorations and reflections are relevant across a range of disciplines and contexts, resonating at local, national and global levels. The book pulls together her "attempts to understand the different dimensions, explanatory possibilities and political implications of Marx's method of historical materialism" (2). Her critical-theoretical choices are motivated by "the defensible view that historical and social realities of the world are neither macro-spaces of free-floating imaginaries and abstractions nor bounded within micro-formations and spaces of geographically discrete cultural identities" (7).

Bannerji unpacks and differentiates between forms of nationalism for one of the book's central projects. She views Zionism as a religious cultural nationalism which has legitimated the occupation of Palestine and compares it with attempts made by Hindu supremacists in India to engage in a political project which seeks to construct non-Hindus (Muslims) as foreign invaders, to expel them, and to legitimate pogroms against Muslims in Gujarat in 2002. For her, both Israel and India are cases of theocratic patriarchy as well as modern ethnic/demographic state projects which portray themselves as liberal democracies. She contrasts this kind of nationalism with the potential of "anti-colonial or resistance nationalism" (12) based on social equality and self-determination, although her book does not elaborate on these in any detail.

Two chapters deal explicitly with gender relations, but Bannerji attends to patriarchy and brings a feminist lens to bear throughout the book. She strongly critiques bourgeois nationalisms' inherent patriarchal outlook on socio-political questions, as well as feminisms which see women as a singular entity, as a collectivity self-enclosed and separate from their overall social existence and subjectivities. She calls for patriarchy and gender justice to be seen within the wider space of revolutionary social criticism rooted in a demand for social justice.

Bannerji also scrutinizes the Subaltern Studies Group of theorists which has emerged among some networks of historians on India and beyond. Building on Sumit

Sarkar, she is critical of an “epistemological shift which separates culture and ideology from class and social organization and yet claims to be writing history” (131). Further, she argues that Subaltern Studies scholars such as Partha Chatterjee legitimate various forms of violence against women, and that “subsum[ing] all issues of powered differences within a rhetoric of cultural nationalism, can only lead to new and internal forms of colonization” (176). She contends that the rightward swing in subaltern studies buoys supporters of an essentialist and anti-modernist national enterprise, cultural nationalism and ethnicized religio-communitarian state. She warns against fragmenting and separating culture, politics and economy, only for them to be added to each other when the need arises. She urges instead that we go past culturalist lenses, concepts, categories and meanings which obscure historical and social relations, citing the dangers of dehistoricizing history and instead relying on notions of culture, which inform and feed cultural nationalism.

Two of the book’s chapters deal with Bengali poet, novelist, philosopher and playwright Rabindranath Tagore, and his visions of nationalism and decolonization. Bannerji maps the evolution of Tagore’s views on decolonization, arguing that he opened up spaces in his novels, offering a “dynamic social and aesthetic pedagogy [which] marked a journey between what is and what ought to be” (219). Bannerji suggests that one can draw on Tagore’s pedagogy fused with Marx’s vision, analysis and politics to imagine an alternative vision of development and a new humanism.

I particularly appreciated the introduction and the final chapter entitled “The Tradition of Sociology and the Sociology of Tradition: The Terms of our Knowledge and the Knowledge Produced” – as excellent tools for teaching. In the latter, Bannerji strongly critiques the paradigm of tradition and modernity so prevalent in sociology as dehistoricized, degrounded and ideological categories which are implicated in capital, class, colonialism and imperialism. In sum, she has given us a rich book and reminds us what powerful tools historical materialism offers for analysis and action, indeed, for imagining and acting to bring about a better world. As Bannerji puts it: “[u]nravelling the constitutive entanglements of history, society, culture and politics allows us to arrive at claims about what surrounds us here and now, to some proximate truth claims about the past and the present, which is vital for any critical understanding and transformative action” (4). In sum, this book is a very welcome contribution to a sociology for changing the world.

Wright, Erik Olin. 2010. *Envisioning Real Utopias*. London: Verso. ISBN: 978-1-84467-617-0. Paperback: 33.50 CAD. Pages: 394.

Reviewed by Jeff Noonan
University of Windsor

This wide-ranging and carefully argued text is Wright's contribution to the Real Utopias project that began under his general editorship in the early 1990s. His ambitious text exemplifies the goal of the project: to identify existing institutions and practices which prefigure a radical alternative to capitalism. The text advances a unified normative argument articulated in three interrelated parts: "Diagnosis and Critique," "Alternatives," and "Transformation."

"Diagnosis and Critique" begins by explaining the systematic ways in which capitalism harms people. In eleven eloquently and non-dogmatically defended theses, Wright supports the conclusion that a socialist alternative to capitalism is desirable because capitalism is systematically undemocratic, oppressive and unequal. The socialist alternative envisaged by Wright is a radically democratic, egalitarian society that combines economic with political justice in ensuring that the material conditions of "human flourishing" are satisfied for each and all. It is radically democratic to the extent that democracy extends throughout all those social institutions, especially, economic institutions, within which the life-horizons of people are shaped.

This reconstruction of the socialist vision maintains the Marxist tradition's commitments to extending democracy into economic life, to providing real opportunities for people to realize their capacities, and to ensuring the satisfaction of their needs, while widening the political roads by which these goals might be reached beyond revolutionary class struggle. The overall normative vision is inspiring and lucidly defended. Still, Wright, like much recent Marxist and left-liberal work (by István Mészáros, Michael Lebowitz, Martha Nussbaum and Thomas Pogge) that also employs the language of need-satisfaction and flourishing does not provide any explicit criterion by which needs might be distinguished from consumer demands or say anything about what limits natural life-support systems might impose upon the projects through which our capacities are rationally expressed in a "flourishing" life. Nevertheless, Wright's normative arguments are a convincing vindication of his thesis that socialism remains a desirable alternative to capitalism.

That socialism is *desirable*, however, does not prove that it is *viable*. The theoretical and practical heart of the book is the second part, "Alternatives," in which Wright examines a variety of existing practices and theoretical models for workable, non-capitalist social and economic institutions and relationships. He begins with a careful examination of the different forms of power—economic, state and social—at work in any society. He locates socialism at the opposite end of a continuum ranging from an ideal-

type market society in which private economic power predominates. A fully socialist society would subordinate economic power to social power, the power of associated citizens and producers, and absorb state power into its radically democratic institutions. In Wright's "real utopia" the realization of either extreme is impossible. Any actual society will be a hybrid of economic, state and social power. The goal of socialists, he rightly contends, is to work progressively to subordinate as much economic and state power to social power as possible.

The alternatives he examines exemplify, to different degrees, the real possibility of building economic institutions which are governed by social power. Some examples illustrate alternative structures of motivation, for example, Wikipedia, whose creators contribute their time because they find the project intrinsically valuable, not because they are paid. Others explore actual democratic economic practices and institutions, like participatory budgeting in Porto Alegre, Brazil, or the Mondragon cooperatives in Spain. The section concludes with critical overviews of two theoretical alternatives to capitalism, Jon Roemer's model of market socialism and Michael Albert's participatory economics. Considered as a whole, this section is inspiring. Its examples of "real utopias" illustrate that not only is another world in the abstract possible, in many respects it is already actual, if only in piecemeal form.

As inspiring as Wright's analyses of these examples are, I could not but be struck by his complete silence as to unarguably the most important experiments in building democratic alternatives to capitalism today, those jointly underway in Venezuela and Bolivia, and the most plausible theoretical alternative to capitalism, Pat Devine's negotiated coordination economy (e.g. Devine 2002). As regards Venezuela and Bolivia, Wright does not even include a footnote explaining why he chose not to include them. It cannot be because he wanted to concentrate on European and North America examples, since Porto Alegre is in Brazil. There are certainly problems and challenges in each of these society-wide experiments in economic democratization, but that cannot explain why there is no mention of them, since Wright is candidly critical about all the examples he studies. He could have discussed one or both as critically as he felt was necessary. To say nothing about either in a book on real alternatives to capitalism is, I believe, a significant shortcoming.

The concluding section, "Transformation," opens with an instructive discussion of how societies, even exploitative and alienating ones, are able to reproduce themselves. While the means whereby compliance with existing norms is ensured are multiple and powerful, no society has proven capable of forever suppressing its contradictions. Social contradictions for Wright are spaces in which social power can grow, either as an alternative to state power, or as a force capable of channelling state power in democratic and egalitarian directions. While Wright is sceptical (but not dismissive) of the possibility of revolutionary overthrow of capitalist society in the West (ruptural transformation) he is more hopeful (but not naively so) about possibilities for interstitial and symbiotic

transformation. Interstitial transformation works within the spaces not yet colonized by economic and state power to build new associative communities and institutions, while symbiotic forms of transformation use state power to solve problems for capital while also advancing social power. Social democracy is the classic example of symbiotic transformations. While there are perhaps still some Marxists who hold out hope for a traditional working class revolution against capital, it is difficult to disagree with Wright's general support for interstitial and symbiotic strategies as most appropriate to the context of political struggle in the developed capitalist world.

Notwithstanding the limitations I noted above, Wright's text is a productive synthesis of theory and practice, classic theories and novel developments, political imagination and clear-sighted realism about the challenges the socialist alternative faces. Overall, *Envisioning Real Utopias* is an important contribution to a most needed debate about what is to be done.

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Instructions to Authors

Socialist Studies: the Journal of the Society for Socialist Studies is an interdisciplinary journal with a focus on describing and analyzing social, economic or political injustice, and practices of struggle, transformation, and liberation across the world. The Journal seeks to make a major contribution to scholarly and political debates among the progressive left in academic, policy and movement circles by publishing original research of high standards.

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