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# Marxism, Moral Theory and Moral Truisms: A Response to Nielsen

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The first thing that should be noted about Kai Nielsen's 'Does a Marxian Critical Theory of Society Need a Moral Theory?' (RP 59) is that he is *not* proposing that we should jettison morality altogether when it comes to making judgements about social policies and institutions. More specifically, he is not offering any of the crude reasons to reject morality that Marx and various Marxists so often give. He is not claiming that Marxism and morality are incompatible or that morality is ideological or that it is pernicious on some other ground. Nor is he claiming, as do some Marxist anti-moralists (such as Allen Wood and Richard Miller), that Marxism and notions or theories of social justice are incompatible or that such notions or theories are ideological or pernicious. Nielsen states, in fact, that he is basically in agreement with my critique of these 'Marxist anti-moralist' or 'Marxist immoralist' positions: a critique that occupies me from chapters four through eight of *Marxism, Morality, and Social Justice*.<sup>1</sup>

What Nielsen is suggesting here – although he may at least partially be playing the role of devil's advocate in so doing – is that, even though we need *moral judgements* to reach conclusions about what social institutions and policies we should have, we do not need moral theories or abstract moral principles, or theories or principles of social justice to reach such conclusions. What's more Nielsen even suggests that such theories and principles may be counter-productive. One reason for this is that they 'are more likely to get in the way of an effective critique [of society]' (presumably at least in part because, as Nielsen says later, they are 'likely to distract us from the hard job of doing the necessary empirical work needed to justify critical but not normatively neutral theories of society'). Another reason is that 'the contestability of theories of social justice and morality' may well translate into a scepticism about the *normative political positions* for which one is arguing.

Before examining what Nielsen does think we need for such a critique, let me briefly respond to the worries about moral theorizing he evinces. My response to the first is that, if we limit ourselves to those theories we see as being correct or approximately correct, then the construction and dissemination of such moral theories or theories of social justice will probably be counter-productive only if this activity is accompanied by a commitment to *moralism* (i.e., to the doctrine that moral preaching or the propagation and inculcation of moral values and principles is the primary way of causing fundamental social change);<sup>2</sup> or if such moral theorizing is done in complete isolation from empirical theories designed to exhibit the real relations of power obtaining between people in such societies. Needless to say, I wish to plead innocent on both counts on behalf of my theory. My response to Nielsen's second worry is that I don't really see how the more abstract principles of moral theories or

theories of justice are going to be any more contestable or be any more open to sceptical doubts than the moral judgements that Nielsen urges us to accept as a basis for our normative political positions (more on this below). In fact, it might turn out that the more abstract theoretical principles help iron out inconsistencies we find in our less abstract moral judgements and principles, in which case they may be less – rather than more – susceptible to sceptical doubts.

Returning to Nielsen's suggestion about what we *do* need for analyzing and criticising social institutions and policies, we find him suggesting that we only need (a) our considered moral judgements; (b) a good political sociology; and (c) the methodology of wide reflective equilibrium. But the first thing to note is that it really doesn't make much sense to speak of the method of reflective equilibrium unless we are concerned with both moral judgements and moral principles. After all, this method is based on getting our considered moral judgements into reflective equilibrium with a set of moral *principles*. But when he gives examples of the 'moral truisms' he has in mind as the type of moral judgements we should utilize, it becomes apparent that Nielsen is really arguing that, although we *do* need moral principles for making normative judgements about social policies and institutions, those that we need are less abstract and, he thinks, more generally accepted than those that compose the theories he is taking to task.

Now, I have considerable sympathy with both the idea that we ought to strive for as broad a consensus as can reasonably be expected and the idea that empirical information and theories play an extremely important role in criticising social institutions and policies. In fact, both of these points are embodied in the basic strategy I utilize in my book in an attempt to defend what I take to be the Marxist's basic normative political positions that (1) socialism – i.e., democratic, self-managing socialism – is morally preferable to any form of capitalism as well as to any form of state socialism; and (2) socialist revolution, if both necessary and sufficient to establish socialism, is *prima facie* morally justified. My strategy is to argue that these positions are justified on many different moral theories – but especially on any even moderately egalitarian theory of social justice – if one accepts even a minimal set of Marxist empirical assumptions. And the set of empirical assumptions I propose is so 'minimally Marxist' that many people who do not consider themselves Marxists (in any way, shape, or form) will accept most, possibly even all, of them.<sup>3</sup>

What this means, of course, is that in my overall theory a great deal of what many have considered canonical to Marxism is left by the wayside as either false or simply irrelevant for the purpose of justifying the Marxist's basic normative political positions. On my analysis 'dialectics', Marx's teleological view of history, the

possibility of a full-fledged communist society, and the labour theory of value all fall into the former category, while Marx's theory of historical materialism falls into the latter.<sup>4</sup> This is not to say, however, that if some sophisticated version of historical materialism is defensible,<sup>5</sup> this would not strengthen the case for the minimal set of empirical assumptions I propose and, thus, strengthen the case for the Marxist's normative political positions; but, strictly speaking, it is not necessary for the defence of these positions. Similarly, the truth of Marx's *transhistorical* theory of classes and class struggle – a theory independent from, and yet supportive of, his historical-materialist theory relating productive forces, production relations, and social-political-ideological superstructures – need not be assumed. I argue that the only empirical theses that are both plausible and necessary for such justificatory purposes are included in Marx's theory of classes and class struggle as applied specifically to capitalist societies and to what Marx calls the 'first stage of communism'; in particular, the Marxist analysis of the dysfunctions of capitalism together with the possibility of a democratic form of socialism.<sup>6</sup> In addition, however, I argue that it is essential to assess contemporary societies from an international and diachronic perspective as opposed to a parochial and/or a synchronic one.

I might make it clear at this point that, although I am willing to call the overall moral and social theory advanced in this work a 'Marxist' theory, it is of little concern to me whether or not others are willing to accord it this title. As I remark at the end of the Introduction to this work, 'what is ultimately of importance is the correctness of a position or theory, not its pedigree.' But this brings me to the question of whether or not my theory of social justice *per se* is a specifically Marxist theory. Although Nielsen refers to it as such in his essay, I take it that this is an oversight on his part since I go to great pains in the work to make clear that my theory of justice *per se* is neither Marxist nor non-Marxist, although – as I just said – I consider the overall moral and social theory to be distinguishably Marxist. But it is the theory's *social* – i.e., its empirical, social-scientific – component and, ultimately, the normative political positions they support that make the theory Marxist: not its *moral* component. As I put it in the last chapter of this work:

It is obvious that the theory of social justice I am here putting forward is not a specifically Marxist moral theory. This should not be surprising. Not even Marx's implicit moral theory *per se* is a specifically Marxist theory. There is, in fact, no such thing as a specifically Marxist *moral theory*. There is, however, such a thing as a specifically Marxist *moral and social theory*, i.e., a theory which combines a moral theory with a set of empirical, social-scientific theses in order to judge alternative sets of social arrangements, programs, and policies. In fact, *any* moral and social theory that utilizes a recognizably Marxist set of empirical, social-scientific theses and supports a recognizably Marxist set of normative political positions qualifies as a *Marxist moral and social theory*.<sup>7</sup>

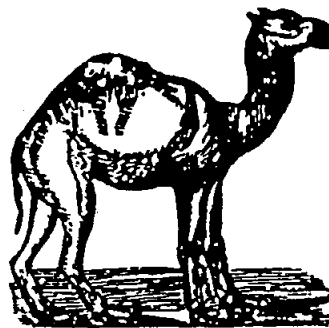
Independently of all this, one brief look at the theory of justice I propose should be enough to convince most people that there is nothing about it that is specifically Marxist. The theory consists of the following four principles in order to lexical priority:

- (1) Everyone's basic security and subsistence rights are to be met: that is, everyone's physical integrity is to be respected and everyone is to be guaranteed a minimum level of material well-being including basic needs, i.e., those needs that must be met in order to remain a normally functioning human being.

- (2) There is to be a maximum system of equal basic liberties, including freedom of speech and assembly, liberty of conscience and freedom of thought, freedom of the person along with the right to hold (personal) property, and freedom from arbitrary arrest and seizure as defined by the concept of the rule of law.
- (3) There is to be (a) equal opportunity to attain social positions and offices, and (b) an equal right to participate in all social decision-making processes within institutions of which one is a part.
- (4) Social and economic inequalities are justified if and only if they benefit the least advantaged, consistent with the just savings principle, but are not to exceed levels that will seriously undermine equal worth of liberty or the good of self-respect.<sup>8</sup>

This theory is – as I freely admit in the book – a modified version of John Rawls's theory of justice, a version which, I believe, is more perspicuous than Rawls's, and which, I argue, is more true to Rawls's core moral theory than the two principles of Rawls's special conception of justice taken by themselves (as they usually are in most discussions of his views). Although I cannot go into

## Lesson 26



a detailed comparison here, let me give you a few quick examples of what I mean. It is more perspicuous, I argue, because, whereas my first principle makes clear that our most fundamental moral concern should be protecting everyone's security and subsistence rights, to see that Rawls actually holds the same position one must wade through his theory of natural duties as well as his general conception of justice. Another example of my theory's greater perspicuity, I would argue, is that, whereas one must plough through much of Rawls's text in order to find out (in section 32) that Rawls actually holds civil liberties (or the 'freedoms of the moderns') to be, morally speaking, more fundamental than political liberties (or the 'freedoms of the ancients'), this is immediately clear in my theory, since its principles are listed in order of lexical priority and civil liberties are included in my second principle whereas political liberties are included in the third. (This is not to say, of course, that political liberties are not extremely important or that there is any reason to deny that in modern times civil and political liberties have almost always come together as a package. It is only to say that, if a choice of limiting one to increase the other were ever presented to us, we would be justified in choosing greater civil liberties.) A third and final example of my theory's greater perspicuity, I believe, is that, while my fourth principle stipulates that the allowable differen-

...tials of income and wealth are not to exceed levels that will undermine either approximate equality in the worth of liberty or the social bases of self-respect, that Rawls ultimately holds the same position is – again – only deeply embedded in Rawls's text, rather than obvious from contemplating his two well-known principles.

An example of my theory arguably being more in accord with Rawls's core moral theory than is his special conception taken in and of itself, is that my theory recognizes at least a *prima facie* right to participate in social decision-making processes of all social institutions of which one is a part, not just a right to participate in political institutions. (The idea that Rawls's core moral theory demands social and economic democracy as well as political democracy is not original with me, of course. Thomas Scanlon argued for this thesis in his original review of Rawls's *A Theory of Justice* in 1973.<sup>9</sup>)

## Lesson 2



At this point I would also like to point out that – contrary to what Nielsen claims in his essay – socialism could be justified even if it were less economically efficient than capitalism. That Nielsen is concerned about the economic efficiency – indeed, the economic viability – of socialism is especially understandable given the recent *débâcle* of command socialist economies and the related political upheavals in the Soviet Union and other Eastern European societies (the so-called 'Revolutions of 1989'). (Needless to say, the political repression that has long characterised these post-capitalist societies is surely also part of the cause of these upheavals.) But it has long been apparent to a number of theorists on the Left – even some Marxists – that if there is going to be a long-term viable form of socialist economy, it is going to be a form of *market* socialism. Thus, while I admit (as a theoretical possibility) that a socialist society with a command economy could be a viable 'democratic, self-managing socialist society', it is much more likely, I argue, that such a society will have a market socialist economy. And this is not only because a market economy is (arguably) more economically efficient, but also because the attendant decentralization of economic power (as well as the greater separation of political and economic power) might help prevent (or minimise) bureaucratic privilege and power and, thus, help prevent the political repression characteristic of the bureaucratic post-capitalist societies that have existed so far.<sup>10</sup>

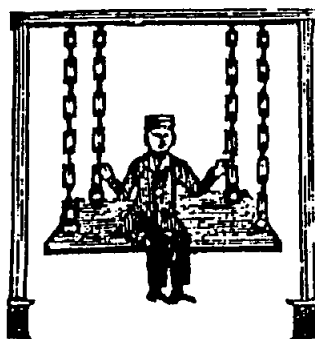
Some are bound at this point to raise the charge that I have completely obliterated the distinction between capitalism and socialism. My response to this is that there are still the extremely important matters of (1) who owns the major means of production

and distribution and (2) whether the economy is run primarily to maximise exchange value or primarily to maximise use value. But I also argue that, even though democratic, self-managing socialism is the best form of society possible in the present historical epoch, if one had to choose between a contemporary democratic, welfare-state capitalist society and post-capitalist societies as they have so far existed, one would be justified in choosing the former – so long as one did not take certain important international and diachronic factors into consideration.

To make the present point a virtual truism, even if one kind of society is less economically efficient than another, the former is still morally preferable to the latter if it better meets the correct principles of social justice. If, for example, a post-capitalist society is less efficient but still meets people's subsistence rights (as well as their security rights) better than capitalist systems, then it is morally preferable. This point is especially pertinent when post-capitalist societies in the Third World (e.g., Cuba) are compared to capitalist societies in the Third World and it turns out that, even though perhaps less economically efficient in some ways, Cuba does a much better job of ensuring its population's subsistence rights due to its food-rationing system and its egalitarian distribution of basic health care and education. Unless we recognise both subsistence and security rights as more basic than (unconstrained) property rights, we will not necessarily conclude that we should support Third World regimes and movements that have ended (or stand a good chance of ending) starvation and malnutrition and that have improved (or will improve) basic health care, literacy rates, etc., *even if* this entails putting limits on property rights. (This is assuming, of course, that such regimes and movements are not worse than their capitalist counterparts when it comes to protecting security rights.)<sup>12</sup>

But having elucidated some of the differences between Rawls's theory of justice and my own and pointed out some implications of my theory, let me return to Nielsen's present thesis since – if he is correct – I may have been wasting your time. This thesis, to recapitulate, is that, in judging social institutions and policies from a moral point of view, all we need are moral truisms, a good political sociology and reflective equilibrium. Moral theory – including the articulation of philosophical principles of justice – simply drops out or becomes at best a rather ancillary activity. Some examples of these moral truisms – which, when combined with the sort of empirical assumptions I have proposed in my minimal set will, argues Nielsen, justify a democratic form of socialism over both capitalist and state-socialist societies – are 'that freedom is a good thing, [that] more equal freedom is also a good thing, ... that democracy is a good thing' and 'that suffering is bad'. These are all 'plain moral truisms', according to Nielsen.

## Lesson 21



I think there are a number of issues to be sorted out here. One issue is what it means to say that these are 'moral truisms'. Another is whether a consensus on these values can be maintained (i.e., whether they remain 'moral truisms') once the terms involved – especially 'freedom' – are more specifically defined. Finally, there is the empirical issue of whether moral theories (or the activity of moral theorizing) can play a positive role in the creation of a more just society or whether, as Nielsen tentatively suggests, they are at best irrelevant and at worst counterproductive.

## Lesson 20



If calling these propositions 'moral truisms' means that all persons or even all rational persons agree that they are correct (or true), then I take it that the claim that these statements express moral truisms is palpably false. Perhaps the vast majority of rational persons accept these moral values but, unless one thinks that immorality can be reduced to irrationality we must admit that not all rational persons accept them. But perhaps Nielsen would respond that he is not concerned to claim that all rational persons accept these values. Perhaps he means only that the vast majority of rational persons who also accept the moral point of view or who have achieved some minimum degree of moral enlightenment will agree that these values are obviously correct, such that they are prepared to act on them. I have considerable sympathy for the idea of introducing some such restriction concerning the people we should be expected to include within a potential consensus on moral values. In *Marxism, Morality, and Social Justice*, for example, I distinguish between persons who accept 'the contemporary secular (or at least non-theocratic) and humanistic framework of practical reasoning about social arrangements (i.e., ... modern liberals, libertarians, social-democrats, socialists, and most conservatives'<sup>13</sup> and those – such as committed fascists, racists, or religious fundamentalists – who do not accept this framework, and argue that it is only persons in the first category with whom we can have any rational discussions on this topic at all, even though it is still not certain that all rational persons within this category will agree on the correct moral theory at the end of the process. (In fact, in chapter 7 I argue that, although *normative* ethical relativism is ultimately incoherent and, thus, must be rejected, *metaethical* and *metaevaluative* relativism are probably true.)

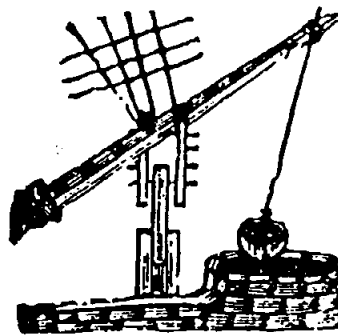
But even if it were the case that all rational and minimally morally enlightened individuals accepted Nielsen's set of moral truisms, there still is the issue of how we are to interpret these claims and the question of whether or not, once they are interpreted, such a consensus can be maintained. For example, even if all such persons agree that in some sense freedom is good, it is

notorious that people disagree over what is most highly valued. Right-libertarians like Nozick of *Anarchy, State, and Utopia* maintain that only negative freedom is of any value, whereas others maintain that we should recognize both negative freedom and positive freedom (e.g., freedom from hunger or the freedom to participate in governing the community); or, at any rate, that we should recognize values in addition to that of negative freedom. Since the claim that 'freedom is a good thing' is true on the Nozickian's view only if we restrict it to negative freedom, this claim only remains a consensual moral truism so long as its content is not further specified.

I think we will get similar results when we examine the 'moral truisms' that 'democracy is a good thing' and 'suffering is bad'. That is, even though most people worth having rational discussions with about this sort of thing will probably agree with these claims so long as their content or implications are not further specified, such consensus evaporates once this is done. Although most people, for example, think that democracy is somehow intrinsically good, libertarians view it as (at best) instrumentally good, i.e., as good to the extent that it can be shown to ensure that the value of negative liberty is respected. Similarly, Nozickians have no trouble at all agreeing with the 'moral truism' that 'suffering is bad'. Nozick, himself, even goes so far as to claim that we all have duties of charity aimed at relieving human suffering. The rub, of course, is that according to Nozick this duty is only an imperfect rather than a perfect duty. As such, its fulfilment cannot be demanded by those who are in a position to be helped, the government, or anyone else and – according to the libertarian position – can never be the basis for interfering with anyone's negative liberties, including the right to dispose of one's income and property as one sees fit. Consequently, no one can be compelled to pay taxes even if having the government collect taxes and make transfer payments is the only way to prevent massive amounts of human suffering – even the outright starvation of millions of people.<sup>14</sup> But, again, this is hardly the sort of acceptance of the 'moral truism' that 'suffering is bad' that Nielsen presumably has in mind.

So, if we don't give content to these 'moral truisms', it turns out that it is simply not the case that the Marxist's basic normative

## Lesson 19



political positions will be justified for everyone – or even for all those who are rational and minimally morally enlightened – so long as they accept these 'moral truisms' along with a Marxist political sociology. As long as libertarians can give these moral truisms the content they regard as appropriate, they will reach no such conclusion. On the other hand, if these claims are given what most people see as a more humane (and correct) content, then the

## Objections to Libertarianism

libertarian will no longer consider them true, let alone truisms. (Here I am taking the liberty of assuming that Nozickians can accept the method of reflective equilibrium but truthfully claim that their considered moral judgements are captured by the hypothesis that negative liberty, and only negative liberty, is a value that must be respected and/or that rights trump all other moral considerations; and the only rights we have are the rights to life, liberty, and property, negatively construed.)

But perhaps Nielsen would insist that none of this refutes his main contention that moral theory is basically of no use when it comes to judging social policies and institutions, since it is by no means clear that presenting a convinced right-libertarian with what egalitarians might take to be the correct moral theory is going to convert the libertarian to this moral theory or to the normative political positions it would endorse on, say, a Marxist set of empirical assumptions. This point I freely concede. (To this extent Nielsen has perhaps over-estimated the 'work' that I think one can get out of a theory of social justice.) Nevertheless, I continue to think that such moral theories as the one I propose are in no worse a position in terms of justifying normative political positions than are Nielsen's 'moral truisms', nor any more likely to generate scepticism than those truisms once the latter are interpreted.

In fact, in addition to providing us with a 'perspicuous way of talking about what we have justified on other grounds' (as Nielsen puts it), moral theories and the activity of moral theorizing may help us organize our considered moral judgments and, thus, put us in a better position to compare them with those that inform other moral theories. This, in turn, may help us to make moral judgements about social policies and institutions and to defend (and rationally revise) our basic normative political commitments. Even if we are in agreement on the relevant empirical views, without a rather well fleshed-out moral theory it is not at all obvious what normative political positions we should adopt or what moral obligations we have. As we have seen, a few 'moral truisms' are not enough since they need to be given content. But even a set of moral principles will not necessarily be enough, since such principles can and do conflict. Thus, we need priority relations which hold between the principles (to the extent that this can be had). In addition, the major concepts employed must be well enough defined to carry out their functions adequately. (For example, if one's theory mentions rights, then one's analysis of rights must be adduced as well, although this analysis may be too cumbersome to include in a short list of principles.)<sup>15</sup>

Let us now briefly consider the debate between proponents of Nozickian and Rawlsian theories of social justice, especially with an eye to how these theories might affect people who are not completely set in their views (e.g. most college students). Several facts that may be important here are: (1) Most people who come across right-libertarian moral theory are going to find it somewhat attractive, *at least at first glance*; (2) this attraction usually rapidly dissipates once people realize that the theory has what most of them consider to be higher counter-intuitive implications and that other moral theories – e.g., some version of utilitarianism or some moderately egalitarian theory of social justice – better accounts for their considered moral judgements; and (3) perhaps the best way to show people what is wrong with right-libertarianism is to engage in some fairly sophisticated moral theorizing – for example, arguing (a) that there is no strong and morally significant difference between acts of commission and acts of omission; (b) that although rights may be morally basic they are not epistemically basic and this leaves open the possibility that we may have positive as well as negative rights; (c) that the very distinction between negative and positive rights is undermined by the fact that so-called negative rights require positive as well as negative

acts on the part of others (e.g., setting up police departments to help protect people's right to life); and even, as James Sterba argues, (d) that right-libertarianism may violate the 'ought implies can' (or 'ought not implies might not') principle when it demands that persons in desperate need should not appropriate what they require for survival from those who have a considerable surplus.<sup>16</sup> In addition, of course, one could utilize role-reversal arguments – especially Rawls's strategy of placing parties behind the veil of ignorance in his original position – and one should also point out that the method of *wide* reflective equilibrium requires us to try as best we can to eliminate biases based on self-interest or empirical circumstances that undermine our moral autonomy as we go through the process of making our moral judgements considered moral judgements.

Again, perhaps Nielsen could simply claim that all of this is an example of using the method of reflective equilibrium as he recommends. But if this is the case then I am no longer sure that we have a genuine dispute. Although one must always be somewhat wary of endorsing (or refusing to reject) something that constitutes an important part of one's own life activity, I nevertheless continue to have the strong suspicion that developing and attempting to disseminate moral theories or theories of social justice of the sort that John Rawls, Ronald Dworkin, Amartya Sen, Brian Barry, G. A. Cohen, John Roemer, Kai Nielsen, and I have proposed can play some role – albeit perhaps a minor and ancillary role – in the creation of a more just society. It may be primarily changes in the empirical views held by people that accounts for 'moral progress', – the phenomenon, as J. S. Mill puts it, that 'social inequalities which have ceased to be considered expedient, assume the character not of simple inexpediency, but of injustice, and appear so tyrannical that people are apt to wonder how they ever could have been tolerated'<sup>17</sup> – but changes in people's moral values may also be part of the explanation for this. In turn, moral theories of the proper sort may play some role in changing these moral values (in addition to being a reflection of these changes).

Moreover, at the risk of being accused of committing the fallacy of appealing to authority, I would like to quote (the 'earlier') Nielsen on the importance of moral theorizing:

Whether socialists like it or not, such moral-talk will be in the air. A clear establishment of the moral viability of socialism will help in motivating the intelligentsia into taking the standpoint of labour and it will provide, to the extent that these egalitarian moral claims can be seen to be justified, an important weapon in ideological battles with the bourgeoisie. To show the reasonableness and non-ideological nature of *such principles* of justice, if this can be shown, will strengthen the case for socialism in such ideological battles. This may well be important, given the bamboozlement of the working class. Moreover, it can and should be argued both that socialism is in the interests of the working class *and* that these principles of justice, embedded in socialism, are justified.<sup>18</sup>

Here Nielsen and I haven't any disagreement at all. In any case, it is worth noting that every revolution and every major political movement in modern times has had behind them a moral ideology (in the neutral sense of the term) – if not an explicit moral theory or set of moral theories – and that such documents as the French Revolution's 'Rights of Man and Citizen' and the current United Nations' 'Universal Declaration of Human Rights' seem to have come in handy for various political and organizational purposes, such that any moral theory or theory of social justice (and/or human rights) which can further clarify or ground these documents may be worth developing and defending.<sup>19</sup>

- 1 R. G. Peffer, *Marxism, Morality, and Social Justice*, Princeton: Princeton University Press, 1990 (hereafter in the footnotes *MMSJ*).
- 2 See *MMSJ*, pp. 264-66 and Svetozar Stojanovic, 'Marx's Theory of Ethics', *Marx and the Western World*, ed. Nicholas Lobkowitz, Notre Dame: University of Notre Dame Press, 1967.
- 3 See *MMSJ*, pp. 458-59.
- 4 *Ibid.*, pp. 17-32.
- 5 For example, those versions developed by G. A. Cohen, *Karl Marx's Theory of History: A Defence*, Oxford: Oxford University Press, 1978; Richard Miller, *Analyzing Marx: Morality, Power and History*, Princeton: Princeton University Press, 1984; and Jon Elster, *Making Sense of Marx*, Cambridge: Cambridge University Press, 1986.
- 6 See *MMSJ*, pp. 23-32 and 455-58.
- 7 *Ibid.*, pp. 433-34.
- 8 *Ibid.*, p. 14.
- 9 Thomas Scanlon, 'Rawls' Theory of Justice', *Reading Rawls*, ed. Norman Daniels, New York: Basic Books, 1976. A number of articles in this anthology – especially those by Scanlon, Nagel, and Daniels – together with parts of Allen E. Buchanan's *Marx and Justice: The Radical Critique of Liberalism*, Totowa, NJ: Rowman and Littlefield, 1982, offer some of the most sophisticated sympathetic critiques of Rawls's theory as presented in *A Theory of Justice*. For another insightful treatment of Rawls that takes into consideration his later ('overlapping consensus') articles, see Thomas Pogge, *Realizing Rawls*, Ithaca: Cornell University Press, 1989. My sympathetic critique of Rawls's theory of social justice in Chapter 9 of *MMSJ* is broadly in agreement with those of these authors, and my attack on Rawls's 'overlapping consensus' model is in some ways similar to Pogge's (see *MMSJ*, pp. 299-305).
- In fairness to Rawls, however, I must say that I was later to find out that, although he did not always mention it in his articles in this (later) period, he had continued to presuppose that the individuals who are included in the overlapping consensus all accept 'the idea of political society as a fair system of cooperation over time [and] the idea that those cooperating are persons seen as free and equal moral citizens' ('The Idea of Public Reason', forthcoming). This makes Rawls's overlapping consensus model invulnerable to most of the objections levelled against it by such authors as Pogge and I. With this addition, Rawls's later theory is essentially no less hypothetical than its earlier incarnation. Thus, an overlapping consensus among all major groups in a society is *not required* for a theory of justice being justified. Speaking of groups having rigid and intolerant views of the good and the right, Rawls comments that 'Such views are incompatible with democratic values and will not belong to an overlapping consensus. Our hope is that they are but a small part of society and do not much affect the public culture' (*ibid.*). Thus, Rawls is guilty at most of not having been clear that he continued to hold these views in his 'later' articles; but there is no evidence whatever to support R. P. Wolff's recent claim that Rawls has entirely given up the egalitarian bent of his earlier work – including the Difference Principle! (See R. P. Wolff, 'Thomas W. Pogge: *Realizing Rawls*', *Journal of Philosophy*, vol. 87, no. 12, December 1990.)
- 10 See Alec Nove, *The Economics of Feasible Socialism*, London: Allen & Unwin, 1983; David Schweickart, *Capitalism or Worker Control? An Ethical and Economic Appraisal*, New York: Praeger, 1980; and Ignacio Ortuno-Ortin, John Roemer, and Joaquim Silvestre, 'Market Socialism', Working Paper Series No. 355, Department of Economics, University of California, Davis, 27 March 1990.
- 11 See *MMSJ*, pp. 433-48. For some suggestions about the future of Marxism and socialism in light of recent revolutionary events in of Socialist Property Relations', *Journal of Social Philosophy*, vol. 22, no. 1 (Spring 1991) and Alex Callinicos, *The Revenge of History*, Cambridge: Polity Press, 1991.
- 12 See my discussion of capitalist vs. post-capitalist societies in the Third World in *MMSJ*, pp. 449-52. See also Frances Moore Lappe and Joseph Collins, *Food First: Beyond the Myth of Scarcity*, New York: Ballantine Books, 1977; Medea Benjamin, Joseph Collins and Michael Scott, *No Free Lunch: Food and Revolution in Cuba Today*, San Francisco: Institute for Food and Development Policy, 1984; United Nations Development Programme, *Human Development Report*, New York: Oxford University Press, 1990; Frederic Bender, 'World Hunger, Human Rights, and the Right to Revolution', *Social Praxis*, vol. 8, 1981; Amartya Sen, 'The Right not to Be Hungry', in *Contemporary Philosophy*, vol. II (G. Floistad, ed.), The Hague: Martinus Nijhoff, 1982; and 'Property and Hunger', *Economic Philosophy*, no. 4, 1988.
- 13 *MMSJ*, p. 307.
- 14 While some may appeal to Nozick's 'Lockean Proviso' in an attempt to block this unpalatable conclusion, it is clear from his discussion that he takes this proviso to apply primarily – if not exclusively – to the 'original acquisition' of property and that, in any case, he does not mean it to apply to the end result of vast numbers of market translations such as characterise most modern societies. He certainly makes it clear that on his view the state can carry out no welfare functions *whether or not* there are enough contributions to private charities to meet people's basic needs. See Robert Nozick, *Anarchy, State, and Utopia*, New York: Basic Books, 1974, pp. 178-82 and 167-74.
- 15 For my analysis of fights (following J. S. Mill) as valid claims that result in entitlements, see *MMSJ*, pp. 324-28 and 365-67 and my 'A Defense of Rights to Well-Being', *Philosophy and Public Affairs*, vol. 8, no. 1, Fall 1978.
- 16 See James Sterba, *How to Make People Just*, Totowa, NJ: Rowman and Littlefield, 1988, pp. 78-94. For critiques of right-libertarianism see Kai Nielsen, *Equality and Liberty*, Totowa, NJ: Rowman and Allanheld, 1984, pp. 191-277; Thomas Pogge, *Realizing Rawls*, pp. 15-62; and the articles referred to in *MMSJ*, pp. 136-37.
- 17 John Stuart Mill, 'Utilitarianism' in *Essential Works of John Stuart Mill* (Max Lerner, ed.), New York: Bantam Books, 1961, p. 247.
- 18 Kai Nielsen, 'Justice and Ideology: Justice as Ideology', *Windsor Yearbook of Justice*, no. 1, 1981, pp. 210-11.
- 19 For works emphasizing the human rights aspect of international social justice, see Henry Shue, *Basic Rights: Subsistence, Affluence, and U.S. Foreign Policy*, Princeton: Princeton University Press, 1980; James Nickel, *Making Sense of Human Rights: Philosophical Reflections on the Universal Declaration of Human Rights*, Berkeley: University of California Press, 1987; David Crocker, 'Functioning and Capability: the Foundations of Sen's Ethic', forthcoming; and my 'World Economic Justice', forthcoming.