

to their basic normative political positions. But this does mean that if a Marxist were to come to the conclusion that pursuing the interests of the working class (by trying to overthrow capitalism and establish a socialist society) would lead to greater injustice, rather than less, then it would be irrational—or at least immoral—for him or her to continue to pursue those interests. (Indeed, how could it be otherwise!) But it is important to keep in mind that here I am using the word “justice” to refer to the protection not only of negative liberties but of all the rights people have, including their basic rights to well-being, i.e., their security and subsistence rights. But to decide whether the result of pursuing certain class interests or creating certain social formations is more just or less, we obviously need a well worked out theory of social justice. To provide at least the outline of such a theory is the task of the remaining two chapters of this work.

## N I N E

MARXIST AND LEFTIST OBJECTIONS  
TO RAWLS' THEORY OF JUSTICE:  
A CRITICAL REVIEW

Assuming that the circumstances of justice—moderate scarcity and moderate egoism—will continue to pertain to human societies even if a world socialist society is established, it seems clear that any adequate moral and social theory requires a theory of social justice that will provide us with principles governing the distribution of the benefits and burdens of social cooperation, as well as with the moral grounds of legitimate political authority and political (or social) obligation. The question thus becomes: what theory of social justice ought we adopt? Given the problematic of the present work, this question becomes: what theory of social justice must be adopted by an adequate Marxist moral and social theory?

One suggestion might be that we simply adopt the principles of distribution advocated by Marx for the first stage of communism. As found in “Critique of the Gotha Program,” these principles are:

1. One can receive remuneration only for one's own labor and can acquire only the “means of consumption,” i.e., personal property and consumer goods.
2. An individual is to receive remuneration in exact proportion to the number of hours he or she works.
3. Except for those incapable of doing so, everyone is required to labor.
4. Those unable to work shall be provided with *at least* a minimally decent standard of living.

There are two reasons why adopting these principles won't work. The first is that there may be cogent objections to some of them, especially if we take them to apply to well-developed as well

as developing societies. The second is that these principles are too narrow to constitute an adequate theory of social justice.

Although I shall not offer here a detailed analysis of these four principles, it is my contention that while the first and fourth are acceptable, the second and third are questionable, especially if applied to a well-developed socialist society. The first principle is simply an explication of the concept of *socialized property relations* and is thus acceptable just in case socialism is morally preferable to capitalism. Although I am (in this work) attempting to make such a case, the point is that this principle cannot be accepted in advance of some sort of case being made. The fourth principle—although rather vague—certainly seems acceptable. But the second principle runs into difficulties in specifying what sort of work must be done (materially productive? socially useful?), and in explaining how such a requirement is compatible with incentive schedules and thus economic efficiency in mass industrial societies. (As we have seen, Marx himself is not completely satisfied with this principle. He asserts that it is not egalitarian enough since some people are capable of working more hours than others, and some have more dependents than others.)

The third principle runs into a similar difficulty in specifying the type of labor one is required to perform. Certainly digging a hole and filling it in each day for no good reason would not count as having fulfilled one's obligation to labor, on Marx's view. But it is notoriously difficult to define either "materially productive labor" or "socially useful labor."<sup>1</sup> Is the labor of the humanities scholar or

<sup>1</sup> The debate between all of these various interpretations is carried out in the following works: Baran, *The Political Economy of Growth*, pp. 22-47, 90-92, 262-263; Sweezy, *The Theory of Capitalist Development*, pp. 226-231, 278-286; Mandel, *Marxist Economic Theory*, pp. 191-206, 305-317; J. Morris, "Unemployment and Unproductive Employment," *Science and Society*, vol. 22 (1958); J. Blake, "Jacob Morris on Unproductive Employment: A Criticism," *Science and Society*, vol. 24 (1960); I. R. Gough, "Marx's Theory of Productive and Unproductive Labour," *New Left Review*, no. 76 (Nov./Dec. 1972).

Also, John Harrison, "Productive and Unproductive Labour in Marx's Political Economy," *Bulletin of the Conference of Socialist Economists* (hereafter CSEB), vol. 2, no. 6 (Autumn 1973); Paul Bullock, "Categories of Labour Power for Capital," CSEB, vol. 2, no. 6 (Autumn 1973); Ben Fine, "A Note on Productive and Unproductive Labour," CSEB, vol. 2, no. 6 (Autumn 1973); Ian Gough, "On Productive and Unproductive Labour—A Reply," CSEB, vol. 2, no. 7 (Winter 1973); John Harrison, "The Political Economy of Housework," CSEB, vol. 2, no. 7 (Winter 1973).

Also, Paul Bullock, "Defining Productive Labour for Capital," CSEB, vol. 3, no. 9; Ian Gough and John Harrison, "Unproductive Labour and Housework Again," CSEB, vol. 4, no. 1 (Feb. 1975); Jean Gardiner, Susan Himmelweit, and Maureen Mackintosh, "Women's Domestic Labour," CSEB, vol. 4, no. 11 (June 1975); Michael A. Lebowitz, "The Political Economy of Housework: A Comment," CSEB,

the unappreciated artist materially productive? Who is to decide which types of labor are socially useful? Moreover, while there may be a *prima facie* case for asserting that every able-bodied person must perform socially useful labor, since this is one of the burdens of social cooperation that must be distributed, it is arguable that in a well-developed society the principle of maximum equal negative liberty would override this demand. As David Schweickart puts it, "Under worker control [i.e., democratic, self-managing socialism] people are free to seek work where they will, to change work associations if they come into conflict with its rules or personnel, not to work at all if they can find someone to support them."<sup>2</sup> In *Proposed Roads to Freedom*, Bertrand Russell even goes so far as to propose a "vagabond's wage" for those unwilling to work.

When education is finished no one should be *compelled* to work, and those who choose not to work should receive a bare livelihood, and be left completely free; but probably it would be desirable that there should be a strong public opinion in favor of work, so that only comparatively few should choose idleness.<sup>3</sup>

Needless to say, such a proposal would be nothing but a cruel joke in developing societies. In such situations there may well be an all-things-considered coercible obligation to engage in materially productive or socially useful labor.

The second problem is that the scope of these principles is too narrow for them to constitute a general theory of social justice: they concern only the benefit of material income and wealth and the burden of labor, whereas a general theory of social justice will concern *all* major benefits and burdens of social cooperation. Although Marxists may balk at the phrase "the benefits and burdens of social cooperation," since they view at least class societies in terms of social conflict rather than social cooperation, such a reaction is not called for. This phrase is simply meant to designate the distributable goods of society and can thus be cogently applied to societies based on social conflict as well as societies based on co-

vol. 5, no. 13 (March 1976); Ben Fine and Laurence Harris, "Controversial Issues in Marxist Economic Theory," *The Socialist Register 1976* (Ralph Miliband and John Saville, eds.), Merlin Press, London; and Marc Linder and Julius Sensat, Jr., *Anti-Samuelson*, vol. I, Urizen Books, N.Y., 1977, pp. 195-199.

<sup>2</sup> Schweickart, *Capitalism or Worker Control?* pp. 143-144.

<sup>3</sup> Russell, *Selected Papers*, pp. 138-139.

operation, e.g., socialism or communism. As we shall see presently, Rawls himself fluctuates between a neoclassical view of capitalism as a cooperative society and a more radical view that sees capitalism as a society based on relations of dominance and subordination. What Marxists object to in capitalism and other class societies is precisely that the distributable goods made possible by social organization (i.e., "cooperation")—including the goods of freedom and power—are not fairly distributed.

For our purposes, we can take the *benefits* of social cooperation to be the social primary goods to which Rawls refers: liberty and opportunity, income and wealth, leisure time, and the social bases of self-respect. (To this list we might add power and the worth of people's liberties, but probably they are already implicitly included as components of the social bases of self-respect. More on this presently.) The *burdens* of social cooperation are, of course, the limitations placed on our behavior by the various obligations we incur as members of a (basically) just society. Presumably we have a general obligation to obey the laws of such a society, including obligations to pay taxes and to contribute to the common defense (by military or alternative service) if called upon to do so.

Moreover, beyond the obligations we owe one another as members of a "cooperative" scheme, we may also have natural duties vis-à-vis other persons, whether or not they are fellow members of such a social scheme. Rawls suggests, for example, that the parties in the original position would also recognize certain "natural duties," including the duty not to harm, the duty of mutual aid (i.e., to help those in dire straits if we can do so without great cost or risk to ourselves), the duty of mutual respect, and the duty of justice (i.e., to support and promote just social institutions). These constitute additional "burdens" we may be morally required to accept, even though they need not arise from social cooperation.

So it is easy to see that the principles of distribution proposed by Marx for the first stage of communism are not wide-ranging enough for an adequate theory of social or even distributive justice. It could be suggested that Marx's theory of freedom (as I have reconstructed it) is a better candidate for such an overall theory of social justice, but, as I shall argue in chapter 10, there are problems with this suggestion as well.

But then what theory of justice should we use? Although a number of objections to Rawls' theory of social justice have been raised by Marxist and left-leaning writers, it is my belief that this theory is essentially correct and that under the impact of egalitarian consistency and even a minimal set of Marxist empirical assumptions,

it will justify the Marxist's basic normative political positions. In the present chapter, I shall consider ten objections to Rawls' theory. I shall argue that most fail, and those that do succeed can be accommodated within Rawls' theoretical framework. Subsequently, I shall argue that a somewhat modified version of Rawls' theory can best serve as the moral component of an adequate Marxist moral and social theory.

### *Rights and Justice*

Before considering Rawls' theory in detail, however, I would like to make some comments on the relation between rights and social justice. Although some writers view rights with considerable suspicion,<sup>4</sup> it is my contention that, when formulated properly, concepts and theories of rights can and should play an important role in an adequate moral and social theory. Another view sometimes put forward is that the concepts—or at least the principles—of rights and social justice are either unconnected or positively opposed to one another. But such is not the case. As S. I. Benn points out, rights are

canons by which social, economic, and political arrangements can be criticized. Human rights, in short, are statements of basic needs or interests. They are politically significant as grounds of protest and justification for reforming policies. They differ from appeals to benevolence and charity in that they involve ideas like justice and equality.

Human rights are the corollary, then, of the equally modern notion of social justice.<sup>5</sup>

Furthermore, although rights can be said to be *basic* in the sense that they are more important than any other type of moral consideration, *they are not epistemically basic*. Contrary to what Nozick and

<sup>4</sup> This includes such Marxist and leftist philosophers as Richard Miller and Kai Nielsen. See Miller's "Rights or Consequences" and "Rights and Reality," and Nielsen's "Skepticism and Human Rights" and "Arguing about Justice." In terms of their plausibility, the grounds for this sort of doubt about rights range from the not totally implausible to the completely ridiculous. The reasons adduced by Miller and Nielsen fall into the former category, while Alasdair MacIntyre's claim that rights should be rejected because—like witches and unicorns—they don't "exist" falls into the latter. (See MacIntyre, *After Virtue*, pp. 64–68.)

<sup>5</sup> Benn, "Rights," pp. 198–199. The analyses of rights as valid claims and as entitlements have sometimes been counterposed. (Feinberg defends the former view in the article just cited, while McCloskey defends the latter view in his article "Rights.") It seems clear, however, that they are not only compatible with each other but are both essential for a proper understanding of rights—or at least "claim-rights." (See my "A Defense of Rights to Well-Being.")

certain other writers assert, the answer to the question of what rights we have is *not* intuitively obvious. That rights are not intuitively obvious is shown by the fact that even extremely intelligent, clear-thinking, knowledgeable persons often disagree over what rights we have and even over the thesis that we have any rights at all. Jeremy Bentham, for example, referred to rights as "nonsense on stilts" and simply refused to recognize any of them. (This is a position taken by some Marxists as well.)

But an analysis exists on which rights are not known by intuition but can still be rationally justified, namely, the analysis of rights as valid claims that result in entitlements. But if rights are valid claims, then obviously we must rely on other moral principles to decide which of the claims put forward are valid. As Feinberg puts it, "To have a right is to have a claim against someone whose recognition as valid is called for by some set of governing rules or moral principles (emphasis added)."<sup>6</sup> So long as we are taking rights to be something more than convenient fictions or mere rules of thumb for maximizing utility, the most obvious candidates for such moral principles would seem to be principles of social justice. (Note, however, that this does not beg the question against right-libertarianism since it is possible that the only legitimate principle of social justice is a principle of negative liberty and, thus, that the only rights we have are rights to negative liberties.)

In fact, human rights can be seen to be intimately connected with social justice. Human rights and principles of social justice are similar in that they both: (1) are concerned with fundamental human needs or interests (as opposed to, say, "mere desires"); (2) issue in coercible obligations (i.e., obligations that the state or, in some cases, other individuals can legitimately force us to meet); (3) provide a basis for justifying our actions and, in some cases, invoking the protection or aid of others; and (4) provide grounds for justifying or criticizing social institutions, programs, or policies.

Thus, though I would prefer to use the term "epistemically" rather than the term "morally" in the first sentence of the following passage, it would seem proper to agree with J. G. Murphy that

rights claims are *not* morally basic. Rather they are derivative from more general moral principles. "To have a right," Mill suggests, "is to have something which society ought to defend me in the possession of." The central idea here is that rights claims function, not to mark out some specially fine fea-

<sup>6</sup> Feinberg, "The Nature and Value of Rights," p. 257.

ture of persons, but rather to mark which of all moral claims *ought to be enforced by the state, ought to be law*. On this view, a creature may be said to have a right to X if and only if it is morally reasonable, all things considered, to guarantee X to that creature as a matter of law.<sup>7</sup>

If what I am saying here about the relation between human rights and social justice is correct, then the distinction between "rights-based theories" and "theories of social justice" is no longer clear or tenable. Rights can only be generated by principles of social justice, be they those of Rawls, Nozick, or Marx. Moreover, theories of social justice will generate rights because they will specify which claims put forward are valid and thus what entitlements we have, i.e., what activities and interests we should be empowered to pursue or free to pursue or are entitled to help in pursuing.

Although some moral theorists—e.g., Nozick—will certainly disagree with the following, it seems to me that Murphy is also correct in claiming that "an individual should be understood as having a right to X if and only if a law guaranteeing X to the individual would be chosen by rational agents in the original position"<sup>8</sup> or, we might add, in the constitutional or legislative stages in Rawls' scenario. This being the case, I will dispense with an attempt to formulate an independent theory of human rights in favor of attempting to give at least the outlines of an adequate theory of social justice from which the rights we have can be generated.

#### *Marx and Rawls*

John Rawls' special conception of justice consists of the following two principles:

##### *First Principle*

Each person is to have an equal right to the most extensive total system of equal basic liberties compatible with a similar system of liberty for all.

##### *Second Principle*

Social and economic inequalities are to be arranged so that they are both:

<sup>7</sup> Murphy, "Rights and Borderline Cases," p. 232.

<sup>8</sup> *Ibid.*, p. 235. For a detailed attempt to derive various rights from Rawls' theory, see Rex Martin's *Rawls and Rights*.

- a. to the greatest benefit of the least advantaged, consistent with the just savings principle, and
- b. attached to offices and positions open to all under conditions of fair equality of opportunity.

When applied to well-developed societies, these principles are placed by Rawls in the following lexical order, such that the higher-rated ones cannot be traded off for greater realization of the lower-rated ones: the first principle takes precedence over both parts of the second principle, and part (b) takes precedence over part (a) within the second principle. It is common practice to refer to these principles as the Maximum Equal Liberty Principle, the Equal Opportunity Principle, and the Difference Principle respectively. Rawls argues that these principles will be unanimously chosen in the original position, i.e., in the hypothetical choice situation in which people are rational, nonenvious, and mutually disinterested, and in which they stand behind the "veil of ignorance." Standing behind the veil of ignorance means that the individuals know nothing of their personal attributes or social position in the real world and thus must choose, knowing that they could end up in any actual position, even the worst-off one. They do, however, have all general knowledge of human nature, society, and history that is relevant for choosing the basic moral rules for designing social institutions. These conditions are meant to ensure that the principles or rules are fairly chosen and thus fair. (See chapter 7 for a more detailed discussion of these aspects of Rawls' theory.)

Many Marxists and left-leaning writers will strongly object to the claim that this theory or even a Rawlsian-like theory of social justice can provide the normative component of an adequate Marxist moral and social theory. Such writers generally claim that Rawls' theory is part and parcel of bourgeois ideology because it defends welfare-state capitalism or accepts the existence of classes as inevitable (or at least acceptable) or contains other, more specific flaws that make it ideological. Others have objections to Rawls' theory that are strong enough to make them reject it even though they do not necessarily see it as ideological.

Before examining those objections to Rawls' theory that seem relevant from the perspective of attempting to develop an adequate Marxist moral and social theory, let us first review the *similarities* between Marx and Rawls in order to show that an attempt to synthesize their views is not totally wrongheaded.

1. Both are concerned with evaluating basic social structures.
2. Both are acutely aware of the role of social institutions in the formation of desires, motivation, and character.
3. Both are acutely aware that in all societies up to now an individual's life prospects are almost totally shaped by the "natural and social lottery."
4. Because of the views expressed in numbers 2 and 3, both contend that we can and must subject social structures and conditions to conscious control. (It is for these reasons that they both also reject "historical theories of justice" as, for example, construed by Nozick.)
5. Both are committed to the notion of the dignity and worth of the human individual and to autonomy as a fundamental value.
6. Both are egalitarians in the sense that they take "substantive" as well as "formal" equality as the *base line or starting point* of their moral deliberations concerning social policies and arrangements.
7. Both reject the thesis that there can be *complete* or *strict* equality in any society that embodies Hume's conditions of justice, i.e., moderate scarcity and moderate egoism.
8. Both believe socialism to be morally preferable to capitalism, *given certain (not totally implausible) empirical assumptions*.

While I do not intend to make of Marx "a common liberal" (to use Lenin's phrase) or of Rawls a revolutionary socialist, given these important similarities, it does not seem totally implausible that they will accept very similar sets of moral principles. Marx and Rawls seem to have extremely important disagreements, of course, on a number of points such as the "absolute" priority of liberty, the possibility that relatively large inequalities in material wealth might be justified, and the justifiability of the "dictatorship of the proletariat" and revolutionary violence. But it is my contention that once one really understands both Rawls and Marx, one realizes that their disagreements are based almost entirely on *empirical* rather than *evaluative* considerations. Furthermore, it seems to me that the vast majority of the objections raised against Rawls by his Marxist and left-leaning critics are based either on misinter-

pretations of his moral theory or else are the result of failing to keep his *moral theory per se* separate from his *empirical assumptions* and his *normative political positions* (which result from combining his theory of social justice with these empirical assumptions).

As we examine Rawls' theory, it is of the utmost importance to keep in mind this distinction between his core moral theory (i.e., his basic egalitarian assumption, his postulated natural duties, his principles of social justice, and his theory of political obligation) and the various empirical assumptions that lead him to the view that it is possible for class-divided capitalist societies to meet his proposed principles of justice. Obviously, in our attempt to develop at least the outlines of an adequate Marxist moral and social theory (and, specifically, an adequate theory of social justice), it will be Rawls' core moral theory rather than his empirical assumptions about capitalism (and post-capitalist societies) that we will find of use.

In this context let us consider the following objections to Rawls' theory from what initially appears to be a more egalitarian and/or Marxist perspective:

1. Rawls' methods of reflective equilibrium and the social contract (i.e., the strategy of the original position) are pervaded by bourgeois or individualistic assumptions concerning the nature of human individuals.
2. Agreement on Rawls' principles of social justice is impossible in class-divided societies because any such agreement will be beyond the "strains of commitment" of one class or another.
3. Rawls' theory is merely a defense of welfare-state capitalism.
4. It assumes that the division of society into social classes is inevitable or at least acceptable.
5. It asserts the absolute priority of negative liberty over all other demands of social justice.
6. It assumes that large socioeconomic inequalities are compatible with strict equality of liberty.
7. It assumes that the Difference Principle is sufficiently egalitarian.
8. Rawls' theory demands *political* democracy but not democracy in the *social and economic realm*, e.g., democracy in the workplace).

9. The theory is meant to be applied to individual societies (e.g., individual nation-states) rather than to the world as a whole.
10. Rawls provides no theory concerning the means of transition from unjust to just societies; therefore, his overall moral and social theory is utopian.

The first two objections concern Rawls' methodology of moral-theory construction. These issues were analyzed to some extent in chapter 7, so I shall not spend an inordinate amount of time on them here. Objections 3 through 8 concern the substantive portion of his moral and social theory and are therefore more crucial to my project of synthesizing the moral theories or perspectives of Marx and Rawls into what I consider an adequate theory of social justice.

Objections 9 and 10 concern how Rawls applies (or fails to apply) his theory of social justice—issues, I believe, that have more to do with one's empirical views than one's evaluative judgments. This does not, however, make these last two objections less important than the substantive objections listed above. In fact, the Marxist empirical views that lead one to believe that a correct theory of social justice can (and thus should) be applied both internationally and diachronically may ultimately prove to be the most salient point of dispute between Marxist and most non-Marxist proponents of moderate and/or radical egalitarian theories of social justice.

#### *Objections to Rawls' Methodology*

Objections concerning the bourgeois or individualistic assumptions of his basic approach usually go on to cite the supposed egoism of the individuals in Rawls' original position or the fact that they are (supposedly) utility-maximizers rather than realizers of human capacities (or autonomous choosers of ends) or that Rawls' contractarian model is biased against communitarianism and in favor of individualism. But Rawls does not assume individuals in the original position to be egoists or "mere" utility-maximizers. They are not egoists—even though they are described as "mutually disinterested"—because they do not know their vision of the good in the real world nor even what type of person they are. For all they know, they may be communitarians or altruists in the real world rather than egoists. More importantly, within the original

developed nations. Second, even if the sacrifice on the part of persons in the developed nations was quite substantial, they might be willing to undergo it if they had reason to believe that such sacrifices are necessary to avoid even greater evils such as warfare with peoples of the Third World who might otherwise fight for what they consider to be their fair share of the world's wealth. In any case, even if people in developed countries had to give up a great many luxuries, it may well be the case that they would come to develop new attitudes such that they would not resent this fact (unless it got to the point at which they were denied a minimally decent standard of living).

But what does Rawls' theory have to say on this matter? The most important consideration here is that, in setting up the situation in which persons are to choose principles of social justice, he stipulates that the contractors know themselves to be within the "circumstances of justice." According to Rawls, the primary *objective* circumstances of justice are the existence of moderate scarcity and the fact that people are "mutually disinterested." Although Rawls does not precisely define "moderate scarcity" in order to set it off from extreme scarcity, we can suppose that the latter is the condition that obtains when not everyone's basic needs (i.e., for security and subsistence) can be met. If extreme scarcity were to obtain in developed nations due to their "impoverishment" by the implementation of the Difference Principle on an international scale, then principles of social justice would simply no longer be applicable. But the implication seems to be that so long as we have not passed from the lower end of moderate scarcity into the condition of extreme scarcity, principles of justice should continue to apply and could presumably be accepted and acted upon by those individuals who have a sense of justice and who conceive of themselves as free and equal moral beings. Rawls argues that such persons are required to adjust their expectations to what the principles of justice demand. Although some individuals in the real world may not be able to bring themselves to accept and act on Rawls' principles of justice, this is not necessarily an indictment of these principles as opposed to an indictment of the persons who reject them.

The fact that some people in the real world would refuse to accept and act on the Difference Principle or its international application would not sway Rawls (or a Rawlsian) to abandon it. This can be seen by considering the fact that in the real world there will be persons who cannot bring themselves to accept and act upon

any moral principle that would cause them any loss whatsoever. As Miller has pointed out, there will undoubtedly be members of the more favored strata of society who cannot bring themselves to accept even moderately egalitarian principles of distribution even when such principles are applied only within wealthy, developed societies, but this does not mean (so I argued, contrary to Miller) that the principles are illegitimate or that they somehow violate Rawls' "strains of commitment" constraint on the acceptability of moral principles. Finally, there is no reason to believe that we must be "moral supermen" (or "superwomen") to conform to them. We need only be persons who accept the moral point of view and have a sense of justice.

This does, however, bring out an important distinction that can and should be made between what is morally required of us as free and equal moral beings and what policies and programs a particular population will find acceptable at any particular time. Although the international application of Rawls' Difference Principle may require large transfers of wealth from the First and Second to the Third world, it is a practical political question as to how rapidly or to what degree such a program could be implemented, given a particular population in a particular developed society at a particular time. Although Rawls does not delve into this issue, since he does not spend much time on "partial compliance theory," as a practical political matter it may be necessary to implement such policies and programs more or less gradually and to do so in conjunction with extensive educational campaigns. However, if the Marxist perspective is correct, such an event will be occasioned only by socialist revolutions in developed nations. And if such revolutions actually occur, the egalitarian attitudes of these populations may be considerably reinforced. Therefore, under these circumstances the practical component of the "strains of commitment" issue may not be nearly so important as more conservative thinkers are generally prone to think.

Finally, before leaving this issue let us ask what reasons might underlie Rawls' failure to apply his theory (or at least the Difference Principle) internationally. According to Robert Amdur:

It is not difficult to understand why Rawls focuses his attention on distribution within particular societies. Western political philosophers at least since Plato have assumed that the state is the appropriate unit for discussions of distributive justice. Because virtually no one has challenged this assumption,

no one has felt the need to defend it. The weight of precedent has made it appear perfectly natural to ignore global questions.<sup>86</sup>

While it is true that most Western political philosophers accept this view, it is probably only because of an underlying *empirical assumption* they have held in common. In the final analysis I strongly suspect that Rawls' failure to take up the international implications of his theory stems from the assumption that nation-states are a permanent or extremely long-term feature of human society on earth or, in other words, that there is no realistic chance of the creation of a world government that would more or less conform to the standards he puts forward. This is an assumption that Marxists and many other internationalists will strongly challenge. Although Marxists generally believe that the creation of such a global society and world government is contingent upon the elimination of capitalism and the completion of the world socialist revolution, belief in the realization of this possibility is certainly not completely beyond the pale. (I will have more to say on this topic in chapter 10.)

The tenth, and final, objection we shall consider is that Rawls provides no theory concerning the means of transition from unjust to just societies and that, therefore, his overall theory is utopian. As Allen Buchanan writes:

[A] serious Marxian objection to Rawls is the charge that this theory is utopian: it includes no adequate account of how the transition from our unjust society to a Rawlsian well-ordered society will or even can be made. So far as Rawls provides even the barest elements of such an account, his approach is "idealistic"—it relies exclusively upon the individual's sense of justice, ignoring the dominant influence of material interests and, above all, of class interests. Marx's scathing criticism of utopian socialists, who rely on the motivating power of moral ideals, applies with undiminished force to Rawls. . . . Even if we acknowledge that Rawls' principles would be chosen by beings concerned to express their nature as free and equal moral beings, the motivational structure imposed by our social position will continue to govern our conduct. Rawls provides neither a theory of moral education nor a theory of how

<sup>86</sup> Amdur, "Rawls' Theory of Justice," p. 453.

socioeconomic transformations will produce, or at least make possible, the needed motivational shift.<sup>87</sup>

One reason why Rawls is not very concerned to speak to the issue of the means of creating a just society is that he apparently conceives of Western capitalist democracies as already being nearly just—although he does vacillate on this description, sometimes speaking of them as "rifled with grave injustices." Since these societies meet his first (and most important) Principle of Maximum Equal Liberty perhaps as well as can be expected of any real society, and since he seems to think that both parts of his second principle can be implemented either as the result of enlightened leadership or pressure from below (or a combination of the two), the issue of transitional means to a just society seems relatively unimportant. (The only way he can maintain this comfortable position, however, is by conveniently ignoring international distributive justice, which, if required, surely necessitates a theory of means other than charity or "enlightened leadership.") Nevertheless, it is important to see that any disagreement between Rawls and his leftist critics on this issue is *not* of a moral but, rather, an empirical nature and thus does not affect the acceptability of his core moral theory.

Other critics have accused Rawls of being a conservative on the issue of means for reaching a just society since the only form of active opposition he discusses in detail in his works is civil disobedience. But this is a false charge. Although he doesn't discuss in detail more radical forms of opposition, such as revolt or revolution, he does state that "when a society is regulated by principles favoring narrow class interests, one may have no recourse but to oppose the prevailing conception [of justice] and the institutions it justifies in such ways as promise some success."<sup>88</sup> If this is added to his statement that "in certain circumstances militant action and other kinds of resistance are surely justified,"<sup>89</sup> we have a recipe for revolt.

Another part of the explanation of why Rawls fails to put forward a theory of transition to a just society—a part that also bears out my claim that the dispute between him and his leftist critics is of an empirical rather than an evaluative nature—is that he often presupposes a neoclassical social theory on which the transition

<sup>87</sup> Buchanan, *Marx and Justice*, pp. 147–148.

<sup>88</sup> Rawls, *A Theory of Justice*, p. 353.

<sup>89</sup> *Ibid.*, pp. 367–368.



from an unjust to a just society (at least for capitalist societies) will be seen to by the feeling of noblesse oblige among the well-off and "enlightened leadership" together, presumably, with invisible-hand processes spurred on by various forms of competition. But, as mentioned previously, Rawls seems at other times to be presupposing an alternate and incompatible social theory on which class relations are characterized by dominance and exploitation.<sup>90</sup> Naturally, which social theory is used has a direct bearing on the necessity of having a theory of transition and on what sort of theory one must have. Although the neoclassical social theory Rawls sometimes utilizes is, arguably, unrealistic, he is at least consistent on these occasions in ignoring the question of means of transition. But on those occasions when he utilizes the more realistic class domination theory it seems inconsistent (or at least the sign of an incomplete theory) for him to ignore this question. Furthermore, even if it were reasonable for him to ignore this issue with reference to contemporary democratic Western capitalist societies, it would still seem that a theory of the means of transition is required for other parts of the world.

But perhaps all of this is irrelevant as a criticism of Rawls' theory for, after all, he never claims to be offering a complete moral, social, and political theory replete with strategy and tactics for reaching stated goals. He is offering us a theory of social justice that can then be applied according to the best empirical theories and information available in order to reach practical, political conclusions. So long as these conclusions (e.g., the moral necessity of worldwide redistribution or of socialism) are genuine empirical possibilities, there is no a priori objection to them; if they are not, then they will not be generated as conclusions from Rawls' theory since, by hypothesis, parties in the original position know all facts relevant to making such decisions. Other than the empirical theories that enter into his description of the original position, it seems that his overall moral theory is not committed to any particular set of empirical assumptions or theories. Thus it is simply not his job to put forward or defend such theories.<sup>91</sup>

This is not a conservative stance, however. After all, he does claim that once the principles are chosen in the original position, we are required to follow them wherever they lead in the face of correct empirical theories. In fact, as noted previously, Rawls

<sup>90</sup> See Gilbert, "Equality and Social Theory in Rawls' *A Theory of Justice*."

<sup>91</sup> For a similar defense of Rawls, see Hampshire, "A New Philosophy of the Just Society."

states that "the principles of justice do not exclude certain forms of socialism and would in fact require them if the stability of a well-ordered society would be achieved in no other way."<sup>92</sup> It is not, therefore, necessary for those convinced that socialism is preferable to capitalism to undermine Rawls' theory. Given its strengths, a better strategy is to show that socialism can better conform to this kind of theory than can any form of capitalism or, more to the point, that a world socialist society is historically possible and is more just than a world in which major parts remain capitalist.

<sup>92</sup> Rawls, "Fairness to Goodness," p. 546.