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The labor theory of justice

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Justice is the first virtue of social institutions as truth is of systems of thought. So John Rawls famously proclaimed in the beginning of his masterwork, *A Theory of Justice*. A theory however elegant and economical must be rejected or revised if untrue. Laws and institutions no matter how efficient and well arranged must be reformed or abolished if unjust. Justice, perhaps unlike some other values, was not something we might readily trade a little of in exchange for other benefits.[1] In his critique of Rawls, *Rescuing Justice and Equality*, G. A. Cohen proposes to take justice more seriously while at the same time conceding that justice might justifiably be traded off against other goods.[2] His objection to Rawls is that he has, without warrant, presented justice as quite compatible with extensive social inequality when inequalities serve to improve the condition of the worst off or least advantaged in society. If a departure from equality is what is necessary to improve the condition of the least fortunate then departing from equality may have to be countenanced; but such a departure is unjust. If Rawls truly takes justice to be as important as he proclaims, he must not present justice as a notion whose meaning must be revised to take into account the feasibility of sustaining some kinds of social institutions. In particular, he must not build into the conception of justice he defends the idea that very unequal rewards for the talented are just when they induce them to produce more – even if this is to the benefit of all.

In Cohen's view, a just society is one in which the distribution of benefits and burdens is roughly equal and in which differences of distributive outcome are not simply a matter of luck. Any society in which such differences are permitted to prevail is, by that fact, unjust. If permitting such differences – and the inequalities they entail – is necessary to improve the

[1] J. Rawls, *A Theory of Justice*, revised edn (Cambridge MA: Harvard University Press, 1999), ch. 1, sect. 1, p. 3.
[2] *Rescuing Justice and Equality* (Cambridge, MA: Harvard University Press, 2008).

condition of those who are badly off, the only conclusion we can draw is that it may be an unhappy truth that, in some circumstances, we can improve the welfare of the poor only by condoning injustice. In Cohen's view, however, it is not the case that individual welfare can be increased only by abandoning (the egalitarian idea of) justice. In a nutshell, Cohen wants to show that three important ideals: welfare, freedom, and justice are compatible ideals that are jointly achievable. None needs to be sacrificed in order to secure either or both of the others. His objection to the Rawlsian conception of justice, then, is that it is guilty of two sins: first, it forswears equality; and, second, it miscalls the theory of justified inequality a theory of *justice*. The first sin is one Rawls should not commit because of the importance he claims to attach to justice, and need not commit because jettisoning equality is not necessary to promote welfare. The second sin is one Rawls has committed because he does not wish to be seen to be jettisoning justice when he condones inequality, but to be absolved of this sin he would need to recognize that abandoning equality is inconsistent with a proper regard for justice, and to dedicate himself to a more uncompromisingly egalitarian view of justice.

The question I wish to consider here is whether Cohen's approach to the problem of justice is broadly tenable. One reason to examine his argument might be in order to vindicate John Rawls, and over the years many of Cohen's critics have sought to do just that. My concern, however, is not to defend Rawls's approach to justice, nor, for that matter, his theory of justice. It is rather to ask whether Cohen's way of thinking about justice is defensible in its own terms.

There are several issues I wish to raise in considering whether Cohen succeeds in showing that welfare, freedom, and egalitarian justice are jointly achievable. First, I want to examine more closely the feasibility of the socioeconomic arrangements Cohen's theory requires and the metric of justice it invokes. Second, I want to consider the role that the ethos of justice plays in his theory. Third, I want to ask whether we should accept the view of human nature that underlies Cohen's analysis. Fourth, I want to ask whether his theory succeeds both in the world of ideal theory and in the world of nonideal theory, as I think Cohen believes it does.

Cohen's challenge

Rawls's view is that it is justifiable, and therefore just, for the talented to be rewarded more highly for their contributions to society. It is justifiable because so rewarding them will raise the welfare of society overall and thus the welfare of the least well off, who would otherwise fare worse. It

is just, roughly speaking, because it is justifiable. Cohen argues that it is neither. It is not just because it requires a departure from equality, and it is not justifiable because a departure from equality is not warranted. By equality Cohen does not mean a condition in which everyone has the same income or wealth, for he accepts that there must be some differences in any society. It is justifiable for some to earn more because they expend more effort than others; and it is no less justifiable for others to earn more because they assume greater burdens in order to do so. What is not defensible is for those who are more talented to earn more simply by virtue of their good fortune in having been born talented – with talent here understood to mean simply the capacity to earn more. It is unjust for some people to be rewarded simply because they were lucky enough to be born with certain gifts. Moreover, in a just society no one can rightly demand to be more highly rewarded because their unearned talents enable them to be more productive. It would be wrong (because it would violate freedom) to force the talented into more productive labor; but it would be equally wrong of them to refuse to engage in more productive labor unless they were more highly compensated. They can only so refuse on the grounds that they prefer some alternative activity, such as a different occupation or leisure, as a means to self-realization. To refuse to produce without extra compensation for one's productivity is to act unjustly.

Consider a possible distribution D1 in which the talented and untalented enjoy income equality (leaving to one side issues of the unequal burdensomeness of different kinds of labor and differing levels of effort). By raising the rewards the talented can garner, we might be able to move to a Pareto-superior condition D2 in which the untalented enjoy greater welfare, purchased by the unequal inducements offered to the talented. In D2 there is greater overall welfare, including greater welfare for the untalented, but substantial inequality between talented and untalented. But there is also a possible distribution D3, in which the level of overall welfare is equivalent to D2 but the bounty produced by the work of the talented is equally shared. If it is possible to move from D1 to D2, Cohen argues, then it is no less possible in principle to move from D1 to D3. The talented have no practical reason not to do what's needed (shifting their efforts to the most productive endeavors) to move from D1 to D3, since they would be better off in doing so. They also have no reason of justice to decline to do so unless they are offered even greater rewards since shifting their efforts is something they are in fact prepared to do. To refuse to do so in an effort to gain an unequal share of benefits is unjust. It would only be just to decline if one found the shifting of one's efforts burdensome or inconsistent with one's pursuit of self-realization.

Cohen supplies a practical illustration of this view. An individual named A has the following preference ordering across three job-and-income packages:

First preference: a doctor's at £50k
Second preference: a gardener's at £20k
Third preference: a doctor's at £20k

The community is £30k better off if A becomes a doctor at £20k as the surplus produced could be shared by everyone. Since none of the options is burdensome to A, who would be willing to be a doctor at £20k, the just course for A to take is to become a doctor at £20k. If she declines to do so she is no better than an extortionist who is holding the community to ransom. She might claim that gardening, not doctoring, is her heart's desire; but that cannot be true if she is willing to give up gardening for doctoring plus extra money. A just society would tax away the surplus and redistribute it equally; and a just person would shift her efforts toward those unburdensome activities that benefited those who are worse off, at least to the extent that this was compatible with her self-realization, and accept with alacrity the just redistribution of the fruits of her talent.

There is an old joke about a wealthy man who asks a woman if she would sleep with him if he promised to give a fabulous sum of money to a worthy charity. When the woman agrees, he asks whether she would be willing to sleep with him for a very small donation to charity. She refuses, protesting: what kind of woman do you think I am? We've already established that, the wealthy man replies; now we're just haggling about the price. Cohen's criticism of the doctor who says she longs to be a gardener seems to be that her willingness to haggle makes her no better than anyone else trying to extort money by withholding her assets. All her protestations to the contrary should be recognized for what they really are.

In a just society individuals would not look upon the laws that govern them as mere rules in a game – constraints they must work within in the pursuit of their own advantage. Social relations in a just society are relations not among bargainers, each looking out for his own interests, but among members of a community, for whom mutuality and fellow feeling are important goods. A just society is one whose distributive laws are just, and whose members live by the spirit of those laws whose distributive purposes they warmly embrace.

It is perhaps worth remarking upon how demanding is Cohen's standard. He takes very seriously the importance of freedom of occupation and is unwilling in any way to coerce individuals into work they disdain as burdensome or unfulfilling. The task he sets himself is that of demonstrating how it might be possible to preserve equality, freedom,

and Pareto-improved welfare simultaneously. The case of the doctor-gardener illustrates the trilemma that arises when pursuing this task. But the standard he demands of the agents in his illustration is also an exacting one. If the gardener is willing to doctor for £50k this establishes that she is willing to doctor and that her claim to prefer gardening to doctoring must be taken with a grain of salt. What she really prefers is money and she is much closer to indifference between gardening and doctoring than she says, or imagines. Now presumably this would be true even if it took an offer not of an extra £30k to get her to switch from gardening to doctoring but, say, an offer of an extra £30 million. Some might want to interpret this as meaning that this person really loves gardening – after all, it took £30 million to persuade her to abandon it for doctoring. But, for Cohen, if I've understood him correctly, this is just a matter of haggling about the price. She is, after all, willing to forgo gardening in favor of doctoring at *some* price. Only someone who said, I wouldn't abandon gardening to become a doctor for all the money in the world, could really be said to be motivated by something other than money.

Cohen thinks that a world in which egalitarian justice prevails without serious loss of freedom or reduction of welfare is possible as well as highly desirable. There is no need to jettison justice either by abandoning the egalitarian ideal or redefining justice to fit a social system that has already done so.

Feasibility issues

Cohen is fully alive to the problem of whether the society he imagines and commends is feasible. One obvious problem is that without institutions that reward people according to their productivity the size of the social product will diminish and everyone, including the least advantaged, will be worse off. Rawls's willingness to depart from equality is predicated on a concern that insisting on equality will be impoverishing. If that is truly the case, Cohen notes, then we must ruefully conclude that the price of leaving the impoverished state is injustice. But in what sense is it not feasible for us to have a society in which equality does not lead to lower productivity? One important reason is that if they are not generously rewarded the talented will not produce the surplus they are capable of, lacking any incentive to do so. Yet while that may be true in a world in which material incentives dominate the desire to be just, must it also be true in a world in which an egalitarian ethos prevails? Cohen argues not. The move from D1 to D2 seems to dominate the other possible move from D1 to D3; but that is only in a society in which the motivations of individuals are primarily to pursue personal advantage without regard

for the equal welfare of others. In a society in which different motivations prevail – in which people care directly about being egalitarianly just – the talented will not be inclined to work less or in less productive endeavors when rewards are equal. Thus the doctor-gardener who is willing to work as a doctor for £20k will not hold out for £50k and turn to gardening if the extra £30k is not forthcoming.

Leave to one side for the moment the question of whether people can indeed be so committed to justice that this motivation comprehensively trumps self-interest. Let us assume a world in which egalitarian justice and mutual concern are the dominant motives. Would a world without differential income incentives be feasible if we want to generate the wealth needed to significantly raise standards of welfare? Even in a world in which people's motivations were highly altruistic, they are unlikely to know, in the absence of price signals in the form of different rewards for various forms of labor, which activities are most productive. It would not be enough to have a society of Stakhanovs who are resolved simply to work harder. It is important that they produce what is valued. In a market economy, prices direct factors of production, including labor, to their most valued uses. Since most factors of production have competing uses, prices are bid up until there is only one buyer for the marginal unit demanded. If that unit is a unit of labor its price will reflect the demand for the talents of the person whose labor is sought. In the absence of pricing it is difficult, if not impossible, to know where best to deploy society's talents. Producers need to employ people with particular skills in order to produce and they compete with other producers by offering the highest prices they can to get the workers they want. High prices for some skills induce more people to acquire those skills, just as low prices incline them to consider acquiring others. If producers cannot compete for the best labor by offering higher prices, labor is not going to be directed to its most productive use. If the hospital does not offer the gardener earning £20k an extra £30k to become a doctor, how would she know that doctoring is more socially valuable?

One possibility is that a market economy is established but the gains made by the talented in highly productive endeavors are taxed away. The price signals direct the talented to work that is most socially beneficial, but because everyone is committed to the ideal of egalitarian justice, no one is deterred from choosing productive work simply because the post-tax reward is too low. The pre-tax reward is their only guide. Is this possibility plausible? One point that must be considered is that not only employees but also producers need to respond to and send out price signals. The producer must bid for the worker whose talents, at the right price, would help him run or build or improve his enterprise. In an

egalitarian just society, however, the producer does not keep the gains from his success in picking the best people and inducing them to work for him. He simply gets to keep an equal post-tax share. The producer, while competing with other producers for labor and other inputs for his enterprise, will therefore be in a situation in which, whether his enterprise succeeds or fails, he will receive a roughly equal post-tax share. Indeed, all producers would be in this position. So what will motivate producers to bid for resources and ensure that they get the labor and other materials they need to run, build, or improve their enterprises? It should in part be a sense that by doing their jobs right they are contributing to the improvement of the welfare of society overall. It could also be that they derive some satisfaction from the activity of producing or running an enterprise, which might be their own particular path to self-fulfillment or self-realization. What they cannot be motivated by is a desire to enrich themselves, or a fear that they will lose everything, for neither of these outcomes is possible.

If this is the society Cohen has in mind then it is a society which is a market economy in which most gains above rough equality of welfare are taxed away and redistributed, but whose members are motivated to work and produce as though they kept their pre-tax earnings – perhaps because the satisfaction they gained from the thought that they were contributing to the welfare of all was as good as keeping all or most of those earnings for themselves.[3] It is important to note that people must be motivated not merely to work hard but also to take initiative and to innovate even though success will bring no further personal rewards. In short, people must behave as if they were in a normal market economy in which rewards accrue to those who take risks and succeed, and to those who are able to make the most of their talents. The question is, what reason is there to think that people could ever be persuaded or led to behave in this way? Even if it were possible to convince the talented employee to choose the most socially useful job because he would have had it delivered more post-tax income, it's not clear that such a regime would successfully produce those people whose talents are brought out best by the burning desire to make it rich. Would the promise of no substantial gain be enough to motivate someone to forgo present consumption to invest in an enterprise that might produce spectacular gains that go primarily to others who have forgone nothing? If the gardener is induced to turn doctor for no extra

[3] This is roughly the view of Joseph Carens, whose brilliant book, *Equality, Incentives and the Market* (Chicago, IL: University of Chicago Press, 1981), defends a theory of post-tax income equality in a market society. Cohen commends Carens's work. For a convincing critique of Carens, see D. R. Steele, *From Marx to Mises* (La Salle, IL: Open Court, 1992).

reward it might be because she is persuaded that her medical skills will benefit others more than her gardening. But will she be likely also to forgo consumption to invest some of her income in other enterprises when she can be sure that she will not only have less for herself now but at best only a little more in the future? Perhaps the answer to all these questions is a resounding yes; but it is not obvious why it might be. People can certainly be motivated by their love of others, and by their sense of what is right. But some of their actions are motivated by the desire for economic gain. Is there any evidence that eliminating this source of motivation will in no way reduce the productive capacity of a society? Cohen would have to convince us of this to persuade us that a society without real income differences could be as productive as one in which only two of the three sources of motivation operated. Even if he could persuade us that self-interest[4] is not as important as we might think, he would need to convince us that the other two forms of motivation could supplant it entirely. This seems to me highly unlikely. If so, the society Cohen commends to us is not feasible.

The ethos of a just society

Cohen's argument relies substantially on the claim that a just society is one whose members are imbued with a strong sense of justice. An ethos of justice prevails such that people are inclined to regard the rules of justice not merely as rules of the game that they are at liberty to manipulate to their own advantage but as requirements they should honor in spirit as well as to the letter. It is this that would incline them to take the more socially productive job even if it did not bring them personal gain because they would recognize that justice would justify their receiving an unequal share only if they assumed heavier burdens, and that justice would not condone their trading off work for leisure because work is not financially rewarding. Cohen thinks Rawls is insufficiently attuned to the importance of the ethos of justice and too readily assumes that it is fine for members of society governed by the principles of justice as fairness to ignore the spirit of these principles (and especially the difference principle) by seeking to enrich themselves within the constraints they establish. In a just society, in Cohen's view, people would expect to be rewarded for their effort, but not to be rewarded for their talent. They would choose a less socially productive job over a more productive one only because doing so would

[4] Note that self-interest need not mean selfishness here, but simply an interest in making gains that one might use for altruistic purposes.

be consistent with the pursuit of self-realization, but not because it would bring them (unequal) material gains.

Before considering the matter of the ethos of justice directly, let me address a couple of preliminary problems. First, there is the distinction Cohen appeals to between reward for effort and reward for talent (the latter being regarded as morally arbitrary). The question is how readily we can draw this distinction between effort rewards and talent rewards. Consider the case of John the philosopher. John works hard as a student to become an excellent philosopher; further effort early in his career makes him even more excellent, and eventually he is rewarded with a high-paying job at an excellent research university with low teaching and a stimulating research culture. His case forms a slight contrast with another philosopher, Robert, who does not work quite so hard and becomes a less good philosopher. He succeeds nonetheless in securing a teaching post but not at the kind of institution he longs to be in. He does good work, but spends his career in a more modest university than John's, where he finds the teaching burdensome, his research opportunities more limited, and his salary modest. John now earns much more than Robert, even though Robert now works much harder in a job he finds more burdensome than John finds his. Robert is worse off than John because he worked less hard at T1, even though he now works very hard at T2. John is reaping the benefits of working very hard at T1, even though he now works less hard.

There are at least two questions here. John is being rewarded because his university hired him for his talent, but is it his talent that is being rewarded or his early effort? After all, he could not have acquired his philosophical skill without making great effort, even if it is true that effort alone will not turn anyone into a good philosopher. Equally, in Robert's case, is he worse off for his lack of talent or because he failed to make an effort early in his career, since he might now be a skilled philosopher had he only worked hard sooner? I assume that it is not open for Cohen to suggest that John's talent included an inclination to work hard at an early age, since the point is to draw a distinction between effort and talent. The point, however, is that it is not clear how we will draw the distinction between reward for talent and reward for effort since talent is often the product of effort, or only uncovered through effort. The second question that arises out of this example is whether there is any kind of statute of limitations on reward for effort? Making serious efforts early in life can pay off handsomely later, particularly when those efforts are in effect a kind of investment in one's own human capital. This may make it possible to expend less effort later in life for greater rewards. If we should only reward people unequally if they have made more effort, should we count only their current efforts or their earlier 'investment' efforts?

The second preliminary problem concerns the claim that the pursuit of self-realization is a justifiable reason for declining to take a more socially productive job. It is the basis for the justification of freedom of occupation, which cannot be justified on the grounds that people should be at liberty to take one job over another because it offers greater material rewards. The question is why self-realization should be regarded as a morally worthy end – so worthy that it justifies allowing choice in occupation in a way that pursuit of greater income does not. It seems odd given that self-realization is a peculiarly self-centered reason. It seems even harder to defend when it's quite possible that people will seek material gain for non-self-centered reasons: to make money to promote an ideal, or to promote the glory of God, to build great enterprises. On the other hand, if self-realization matters, it should be recognized that money may be an important route to self-realization. This may be because what one believes will be fulfilling requires resources. In this case, the pursuit of money may be indirectly a pursuit of self-realization. Or it may be that some people don't know what they will find self-realizing and wish to take the best paying jobs because they want to accumulate the resources they might need till they figure out what they want to pursue. Finally, individuals might find it possible to self-realize in more ways and choose according to the opportunities afforded by different kinds of rewards offered by different jobs. If £20k is on offer I might seek fulfillment as a gardener; but if £50k is on offer I might become a doctor, save the extra £30k to become a patron of the arts, or a wine connoisseur, or indulge a passion for sailing. (Also, one wonders why being willing to give up gardening at £20k for doctoring for £50k implies that one's passion for gardening as a route to self-realization is in question. Perhaps it says something about how strong the passion is; but the fact that one is prepared to give it up does not mean it does not exist at all.)

Leaving these difficulties to one side (not least because Cohen might well have good replies to them!), there is still the claim that a just society is one whose members share an ethos of justice. In this case, it is an ethos of egalitarianism. The two questions I wish to raise about this ethos concern its scope and the manner in which it is brought into existence. First, the matter of scope. It seems reasonable to think that norms of distributive justice whose point is equality depend upon the members of the distributive community embracing the spirit of equality. They must be willing, at the very least, not to try to get around the rules of justice even as they obey them to the letter. But the question is, what is the relevant distributive community that might share such an ethos? Possible candidates include local communities (such as neighborhoods or perhaps counties), townships, provinces, states, superstates, and earth. (I suspect

that Cohen is thinking of the state as the relevant distributive community for his analysis.)

If the relevant distributive community is small, it seems plausible that an ethos might develop such that everyone is willing to accept the rules of distribution and try to honor them in spirit. A sense of belonging or togetherness or shared purpose might well serve to sustain such a spirit. But can an egalitarian ethos be sustained in a larger distributive community, such as a state? The evidence may not be conclusive, but it suggests it might be difficult – at least to the degree Cohen's egalitarian justice requires. To be sure, there do exist states that seem to have highly egalitarian economic systems, at least as compared with highly unequal societies such as the USA and Singapore (to take two examples based on Gini coefficients). But even such states do exhibit high degrees of income inequality and wealth inequality, as well as capital and human emigration to escape high taxation. One can only speculate about the reasons why an egalitarian ethos (or any individually demanding distributive ethos) might be hard to sustain. A large entity like a state might simply be too large for its members to feel they share any deep bonds with distant strangers. States are also typically made up of regions to which people feel separate loyalties, which may make it doubly difficult to establish an ethos of state-wide egalitarianism, even if people are regional or local egalitarians. And states, especially large states, are more likely to be marked by diversities that foster loyalties to particular groups, traditions, cultures, or nations, at the expense of loyalty to norms of distribution that cut across such attachments. This need not mean that there can be no shared ethos in large, diverse, societies; but it may mean that it is difficult to develop one that is deep enough to sustain a commitment to significant distributive equality.

The fact of diversity may pose another problem for the establishment of an egalitarian ethos. To the extent that different people hold different views about what is valuable in life, what they seek to equalize may differ, and this may cut against the possibility of securing equality along such dimensions as income or wealth. Consider the following case. Traditional Australian Aboriginal societies are generally profoundly egalitarian with respect to resources, with weak practices of private property, particularly in land. But within Australia, Aboriginal communities also own large tracts of land that are not exploited for commercial gain but occupied and tended in accordance with the cultural traditions of the peoples who inhabit them. The material resources contained therein are thus not available to non-Aboriginal Australians. On a view of equality of income, there might be a case for exploitation of the land to extract the material benefits it might yield – so as to distribute these benefits equally among all

Australians, and particularly to the poor, Aboriginal and non-Aboriginal alike. Yet Aborigines might view using such a metric with horror since it would ride roughshod over their traditions. Even if one took the view that justice required that we do so, it is hard to see why they might come to embrace the egalitarian ethos that needs to be cultivated to make such a redistribution sustainable. One could identify similar predicaments with respect to other cultural groups, from Canadian Indians to the Amish of Pennsylvania.

The other problem is how an egalitarian ethos might be brought into existence. I take it to be an assumption of Cohen's work that, as things stand at present, no society exhibits the kind of ethos that would be needed to sustain egalitarian justice. But in principle it should be possible for such an ethos to emerge or be created, or the point of defending egalitarian justice in the way Cohen does would be lost. Cohen's view seems to be that it is, in principle, possible to socialize (in more than one sense of the term!) people to embrace or develop the ethos he describes. Yet within the state, the factors that have constrained the emergence of a deep egalitarian ethos – size and diversity – might also constrain attempts deliberately to socialize people into accepting suitably egalitarian attitudes. If diversity is left untouched, populations remain mobile, and new people enter the country, it may be difficult to sustain efforts to create an ethos. It might be difficult to create any deep, shared ethical commitment beyond the idea of justice as adherence to the law in the pursuit of one's own ends, private material ends included.

Ideal and nonideal theory

One obvious question to ask is whether, in the just society Cohen envisages, there would be any warrant for coerced taxation. If people could be socialized into being just egalitarians, why would there be any need to force them to contribute to the equal welfare of their fellows. Cohen's view is that in a truly just society there would be no need for coercive measures since people would willingly give what is required. There would still probably be a state, which operates as a central organizing body that proposes a tax structure of egalitarian inspiration, around which people would voluntarily coordinate. The world ideal theory describes is a world without such coercion; indeed it could not coherently be a world in which such coercion existed because that would be inconsistent with the existence of an ethos of willing compliance with the demands of justice.

In the case of nonideal theory, however, coercive taxation (though not coerced labor) would be permitted by Cohen's theory because the electorate that voted in a wholeheartedly egalitarian government might

be only half-heartedly egalitarian itself. State coercion is permitted in a society in which citizens do not affirm and act upon the correct principles of justice.

Would this work? The problem here seems to be that the only way to sustain an egalitarian distribution with a high standard of living would be if there is actually an egalitarian ethos. Otherwise, people will only produce enough to improve material welfare if they could keep more for themselves. It's the egalitarian ethos that leads them to work as if they kept the gains they produced individually but accept that these gains would be redistributed equally. If there's no egalitarian ethos, as is by hypothesis the case in the nonideal world, the justification for coercive taxation to enforce egalitarian justice would disappear – since it would succeed only in diminishing the size of the total available for distribution. Cohen might, of course, say that coercive taxation is justified for other reasons, such as to raise revenue to improve the welfare of the worst off or to provide for public goods, but it could not be because it would serve the purpose of egalitarian distributive justice without loss of real welfare of the sort he favors.

Cohen and human nature

My aim in this chapter has been largely to raise some problems I find with the theory G. A. Cohen has been trying to develop. I have not tried to provide a comprehensive refutation of his view but have sought, rather, to try to see if the argument can stand in its own terms. This is by way of exploration with a view to developing a fuller critique if the criticisms I have offered are on the right track.

But I'd like to end with some reflection on the general presuppositions underlying the viewpoint Cohen has defended. It seems to me that there are two assumptions about human nature that run through Cohen's thinking, neither of which I find compelling, but both of which have, nonetheless, a distinguished philosophical pedigree. The first assumption is that what I shall loosely call the self-interested element in human nature is not a permanent or ineradicable feature of the human condition. The second is that we can, through appropriate efforts at social transformation, eradicate it to build a world in which, even among distant strangers, relations are governed by norms of fellow mutuality and fellow feeling, and not by self-interest. Cohen's dissatisfaction with Rawls, I think, stems from the thought that Rawls concedes too much, or panders, to self-interest. Worse still, Rawls calls this pandering justice. (These, I hasten to add, are my words rather than Cohen's.) Rawls in effect offers a defense of a social system that rests on an acceptance of a particular

element of human nature; but the cost of doing so is the construction of a moral theory from which justice has been jettisoned.

Cohen's aim is to rescue justice and bring it back to its rightful place as the egalitarian ideal that should govern the good society. But the good society he describes cannot be one inhabited by the beings that Rawls imagines. It must be one peopled by individuals who are not merely equals but egalitarians. Indeed not merely people who hold egalitarian principles but have embraced them so whole-heartedly that they will live by them and not just be governed (coercively) by them.

In this respect, Cohen seems to me to be entirely true to his Marxist roots. The denizens of modern society are not self-seeking and competitive by their very nature; they are merely made this way by their historical circumstances. But this is not a permanent condition. A just society is possible because human beings can be transformed.

If I am right about this, then the task before Cohen is a daunting one. In order for his view of justice to be persuasive, he would have to convince us – or at least me – that human beings can be very different from what we know.