

In Defense of Socialism, Chapter 3: Fiddling While Rome Burns

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I

When first planning this book, I planned after examining *Why Socialism Matters* to directly go to an articulation and theorizing of, and a careful distinction between, socialism and social democracy—something that Barry, for all his enthusiastic support of both (see, for example, his long quotation from Pinter), leaves untheorized and undifferentiated. It is unclear which he is advocating or whether he is in some contexts advocating one and in others the other. It is even unclear whether he wishes to distinguish them at all or whether, in the context in which he is writing, it is unimportant to do so. He seems to be using these terms interchangeably, though early in the book he does commend the Swedish social democrats, who he thinks have the most sophisticated conception of social democracy, for not making public ownership part of their core program (Barry 2005).

I briefly, in Chapter 2, conventionally distinguished socialism and social democracy and pointed to some reasons for going one way or the other. I also noted how the mass political parties of what is conventionally regarded as the Left in Europe regard themselves as social democrats—though both Barry and Gray, in different ways and from different perspectives, show that by now people calling them social democrats are in some important instances (e.g., Britain, France and Italy) distant from what social democracy has classically been and even more so from socialism. Still, these political parties label themselves, as the mass media also labels them, as both socialist *and* social democrat. This grossly violates the ethics and integrity of words. They are flying under a false flag or flags and trying to turn history upside down. How could one reasonably view Tony Blair as even

a tepid social democrat? Socialism and social democracy, of course, can change. Indeed, they have changed though not that much or in that way. Socialists or social democrats would never become neo-liberals and develop such a Thatcherite view of the economy. The so-called 'Third Way' is plainly neither socialism nor social democracy in anything remotely like they have been classically conceived. Blair cannot bed down with Berlusconi and his fascist pals and have any claim to being a social democrat (Callinicos 2001).

So we need some clear articulation of what socialism and social democracy are and what, if anything, importantly distinguishes them. We also need a clear depiction of their crucial strengths and weaknesses. And we need a clear rationale for adopting one or the other, or for refusing to do so. We should not fudge them as Barry does. If one moves to socialism rather than social democracy, as I do, then, except perhaps for sometimes needing to blur the distinction for short term tactical reasons, one should insist on the distinction. All that notwithstanding, I think we should take Barry as having shown that on even an elementary understanding of our world (North and South and the two taken together globally) and a concrete understanding of what social justice comes to and why it matters that it leads us to either social democracy/socialism. But, particularly in the North, both are faring badly and are routinely regarded as utter non-starters—as something that belongs to a mistaken past. (This is certainly Gray's view.) However, the claims I take from Barry are claims which rely firmly on deeply embedded considered judgments and some plain facts which, as far as I can see, are in a wide reflective equilibrium that strongly favors some form of social democracy/socialism even without any theorization of either, though, of course, they require some minimal understanding of both. The specific social injustices or evils Barry displays (e.g., my 22 theses in Chapter 2) are plainly all evils (though *perhaps* not all are injustices) and it is difficult for me to see (as it is for Barry) how these wrongs could be righted without some robust social democratic or socialist social-political order being in place. I don't think a theorization of either social democracy or socialism is required to see this. But given the disarray the Left is in, it certainly might

be helpful and I shall in the next chapter attempt to provide one. Moreover, many without that political commitment, or at least not yet, will certainly think that is necessary.

Barry's arguments and reliance on widely held considered convictions in the West (and to some extent beyond it) and the consensus he claims concerning his specifications of plain and rationally justified claims of social injustice (or at least evils) seem to me firmly to show what is wrong with societies such as Britain and the United States and indeed beyond that in varying degrees to our modernizing societies in the North as well as the societies in the South. It seems to me that Barry has shown without reliance on any *philosophical* theory or indeed any 'deep' theorizing (including his own articulated in his other books and articles) what for his practical purposes social injustice is and why it matters to human beings. A range of broadly liberal (social democratic) theories—I do not speak of neo-liberalism, which is an economic doctrine and a conservative ideology—from John Rawls to G. A. Cohen, including Barry, are compatible with such considered judgments. Indeed, they rely on them at certain crucial points, including the specific judgments of justice for which Barry argues. What I think is needed, if Barry's account or my utilization of it is to be shown to be mistaken, is specific argument about these judgments and the claimed factual considerations used to back them up and about whether and how they hang together. Also, it is crucial to see if these considered judgments so rationalized back up the specific political judgments that Barry makes. As far as I can see, some of this requires the philosophical trainings that Barry ironically refers to.

My own arguments in Chapter Two went along broadly Barryian lines and were heavily indebted to him. I wondered naturally enough whether I was being too partisan for I knew, of course, that there are able philosophers and social scientists who would not agree with a lot that Barry says and I defend. I have in mind Robert Nozick, David Gauthier, F. H. Hayek and Milton Friedman among others and, along with them, John Gray. So I turned to the proceedings of a symposium on Barry's *Why Social Justice Matters* published in *Ethics* (Vol. 17, no. 3, April 2007). Of the three genuinely

distinguished analytical philosophers who participated, two clearly were in some distinctive ways (though not uncritically) sympathetic to Barry. The other was (to put it mildly) less so, though he still acknowledged the force of some of Barry's arguments and contentions. He might, though this is a conjecture of mine, be seen as giving a response (though an intelligent one) from the right.

I had hoped to find some consideration in these three essays of the *specific political arguments* about social justice that Barry plainly gives extensive attention to and that are at the core of the book, i.e., arguments and claims that I took and argued about as being essential to what he was trying to achieve in *Why Social Justice Matters*—matters I discussed in the previous chapter. When I read the three essays mentioned above, I was dismayed. They neither faced these core issues, criticized them, nor considered them in any way that I took (and I believe Barry took) to be essential to what he was trying to achieve in the book. They simply played, though intelligently, the old philosophical games which, given what Barry was trying to do in that book, came to (or so I am inclined to think) fiddling while Rome burns. No matter what we say about the arcane philosophical issues they raise, they would—or at least should—not (with the possible exception of *some* of Schmitz's) impact on the political and directly specifically moral issues that Barry presents, argues about, and takes positions on. They didn't confront these issues and they wrote as if socialism and social democracy class divisions and class conflicts and great and ever widening inequalities within nation-states and between the nation-states of the North and the South did not exist at all (Schmitz 2009a). They wrote as if these matters were not at issue in fundamental thinking about social justice and about what should be done here. So, expecting these issues were going to be argued, I was naturally disappointed in these papers.¹

However, on second sober thought and on a second and third reading, I came to wonder if I was missing something and being too harsh and dismissive. They all argued in astute ways about issues ranging from moral methodology to highly abstract and generalized issues in normative political philosophy and to careful claims about what political philosophy could come to. Two of them

(Arneson and Schmidtz) argue that Barry's account was question-begging as well as in other ways inadequate. To Barry's remark that his account wasn't for philosophers and wasn't dealing with their issues but was more generally for reflective people (including philosophers honestly wearing that hat) who think concretely about issues of social justice that impact our lives and had a sense that our world was taking a bad turn and getting worse. It is hard for me to believe that any reflective and reasonably concerned person would not feel that way. Arneson and Schmidtz seem to be saying that unless one deals with the philosophical issues such as the ones they raise one cannot be justified in taking the moralized political stances that Barry takes and they no doubt would say, if they knew about what I am saying in Chapter 2, that the same holds for me. I doubt very much that this is so. But some of the arguments they make are subtly, forcefully and cogently put. *Perhaps* Barry and I are making things too easy for ourselves. Maybe the political positions and our claims about social justice depend on certain abstract philosophical issues that are contestable and that we simply uncritically presuppose certain answers to them.

This cannot be ascertained apart from examining their specific arguments and contentions. It is to this which I shall now turn, postponing my theorizing of socialism and social democracy to the next chapter.

II

The authors in question are Richard J. Arneson, Robert E. Goodin, and David Schmidtz each of whom published an article in a recent volume of *Ethics*.² I shall consider Goodin's interesting and insightful argument only briefly since he recognizes that Barry "sees his book as a political intervention rather than a philosophical one" (Goodin 2007, 413).³ Goodin clearly and briefly states Barry's very political intent and lauds it, but then, without in the slightest retracting that, goes on to say that "the readership of *Ethics* represents precisely the audience that Barry himself eschews for this particular book" (Goodin 2007, xxx). So seeing that, Goodin switches subjects. Recognizing that

Why Social Justice Matters is self-standing (as Arneson and Schmitz don't), he also sees it as a part—indeed, a concretely ordered, distinctively political part—of Barry's larger *oeuvre*. Barry sees that *Why Social Justice Matters* is continuous with that larger *oeuvre* and takes it as informally completing a central part of his unfinished and not to be finished *Treatise on Social Justice*. Goodin takes his own essay as an effort to generate reflection on the part of political philosophers on this larger *oeuvre* and the context in which it is situated (Goodin, 2007, 414). But he ignores *Why Social Justice Matters*.

This is not what I expected nor wanted from a symposium on *Why Social Justice Matters*, but, taken in itself, I think Goodin's articles is an important contribution to the question of what can and should be said concerning what *political philosophy* can and should be—that is, about what should be distinctive about the concern of political philosophy and what are its limits. Goodin argues against what he calls the Rawls-Barry notion that justice is the first virtue of basic social institutions or, more appropriately, the first virtue of *liberal* basic social institutions. He argues that “only someone under the spell of a philosophical system” could so conceive of things as Rawls and Barry do (Goodin 2007, 415-16). The basic social structure is not all that political philosophy is concerned with. A philosophy of justice, Goodin claims, does not exhaust the subject of political philosophy. When we have a reasonable politically normative issue it need not mean that a question of justice is at issue. The reasonable respectability test may well capture the distinction between what is morally right and wrong. But sometimes what is involved is not a matter of justice and injustice, particularly when distributionability and redistributionability are not involved. The reasonable rejectability standard points to moral matters outside of justice as well as the concerns of justice. As Goodin puts it, “‘Justice’ can be made into the ‘first virtue of social institutions’ in this way only at the cost of equating ‘justice’ with ‘morality’ or ‘right and wrong’ as a whole” (Goodin 2007, 424).

What, besides justice, is political philosophy concerned with? Not all moral considerations are political considerations. Not everything that meets the reasonable rejectability test is in any way political. Not every normative matter is a political matter. Barry himself asserts, following the

English socialists (William Morris, R. M. Tawney, R. M. Titmus), that political philosophy is concerned with human relationships and not just or primarily with distribution. Right “distribution is necessary to and made possible by the right relationships but right distribution is a secondary importance [to it]” (Barry 1982, xxx). Barry (like Avishar Margolit) takes it that there are duties of humanity, such as to treat people decently, even if there is no right-based claim that you to do so. *Perhaps* I do not act unjustly if I do not help a blind person to cross the street or try to save a person I see drowning where I am not at all responsible for that person getting into that situation. But whether this is so or not, I still have not treated these persons decently and in doing so (particularly in the second case) I have done them a very grave wrong. These obligations can be every bit as stringent as duties of justice (Goodin 2007, 426). Moreover, Barry’s obligations to humanity, such as the obligation to relieve suffering, are obligations “that would be wrong not to carry out and that could quite properly be enforced on people and on rich countries that refused to relieve unnecessary suffering when it could, if the world political system made this possible” (Barry 1982, 446).

Issues concerning climate change are also relevant here. While they plainly raise critical distributional issues, quite apart from that they force upon us, if we would be at all non-evasive, the question of whether the end of human life would be a bad thing in and of itself (Barry 2005, 251-73). If we think so, as very probably most all of us do, we then have another issue with clear political implications that has plain political relevance to political philosophy. Only on a very expansive use of ‘justice’, however, would it be a matter of justice. Goodin concludes, “In short: justice in terms Rawls and Barry frame it—justice in the distribution of rights and duties, benefits and burdens—clearly matters. But it is only part of what matters in political philosophy. It is clearly not the ‘only’ virtue of social institutions. It may not even be the ‘first’ virtue, either in terms of logical structures or social priorities” (Goodin 2007, 431-32).

I said I will not discuss at length Goodin’s analysis. The central reason has already been explained. However, I will allow myself three brief comments. (1) I think Goodin’s account is right

on the mark concerning what political philosophy should be. There has been a wide tendency to follow Rawls here as I have ambivalently done and Barry has sometimes as well. Goodin has convinced me, as I sometimes had rather inchoate suspicions about, that Rawls's position here, at least as he is usually (and *perhaps* correctly) interpreted, is mistaken. Political philosophy, even for a liberal social order, is broader than Rawlsian thought. It makes, of course, room for justice but justice is not the only (or perhaps even the first) virtue of social institutions, even liberal (social democratic) social institutions. How much, if at all, it would affect Rawls's conception of liberal justice if Goodin's point was accepted remains moot. However, and far more relevantly for what was at issue in Chapter 2 and is here, I think there is nothing that would affect the substantive claims of *Why Social Justice Matters* if we were to accept Goodin's account *holus bolus* (as I am tempted to do). I am not sure that Goodin would object to that. I see no reason why he should.

(2) I also do not think that anything in Barry's account of *Why Social Justice Matters* presupposes Barry's more theoretical account as Goodin adumbrates it vis-à-vis Rawls. There are some things that Barry says in his preface and introductory chapter that are crucial to understanding the claim I have just made. Goodin takes note of some of them in his remark that Barry explicitly says *Why Social Justice Matters* is not for philosophers meaning, I take it, professional philosophers—what Richard Rorty meant by big Philosophers, i.e., people engaging in logical, conceptual, epistemological, or metaphysical inquiries (Rorty 1982, xiv-xv). What Goodin calls a political rather than a philosophical book eschews such matters. Barry's aim is to see things as they are and to be political "in the widest possible sense" (Barry 2005, 3). He seeks in being political to "push the world in a direction, to alter other people's idea of the society they should strive after" (Barry 2005, 3). This, and I think quite properly so, is an activist intellectual's attitude. As we have seen, it is a defense of an anti-capitalist socialist/social democratic global society. It is a thoroughly democratic and fallibilistically open worldview tolerant of and indeed encouraging to free inquiry and unrepressive of socialist, social democratic, non-socialist, and even anti-socialist alternatives but hopefully astute

at spotting ideological propaganda. It generally allows what it takes to be ideological propaganda rather than shutting it down as anti-liberals do. But it will subject it to relentless and robust though fair-minded criticism. At least this is the intent and what social liberalism commits one to, though sometimes in practice it will fail to meet it. In short, a classical social liberal orientation such as we find in J. S. Mill, R. H. Tawney, John Dewey, Isaiah Berlin, John Rawls, Ronald Dworkin or in such Marxist orientated authors as G. A. Cohen, Andrew Levine, or Samir Amin. There are social liberal orientations that stand at great distance from an anti-liberal or non-liberal authoritarian stance or any account not open to the free play of argument or sensitive to evidence.

Barry is part of this tradition but he wants something stronger than its more fallibilistic, contextualistic, and historicist members. For Barry this is not just a reasonable, plausibly grounded theory that he seeks but *the right theory*. This may be too rationalistic stuff for many people (including myself) who are generally in accord with Barry. It runs against our fallibilist and historicist spirit. Any reasonable person of integrity will want to try to get the best justified conclusions they can get in a given context at a given time for a given domain. But they will be cautious about claims to have *the right way*. Moreover, if they are philosophers with a decent philosophical education they will realize getting the right theory comes down in practice to getting the best justified theory that patient inquiry can deliver at a given time for a given domain. The rest is rhetoric. I think Barry, a clear-headed and thoroughly tough-minded thinker, is realistic enough to go along with that. To ask for more is to ask for the moon. But still Barry's talk about getting *the right theory* jars with that. I would hope that he would accept my less rationalistic demythologization of it.

(4) Barry claims for the theory of justice he proposes universal validity (Barry 2005, 4). I take it, given his overall fallibilism and liberalism, that he is not claiming self-evident, absolute timeless validity for it utterly free of time and context constraints. (Do I simply impute this to him? Would he reject it? If so, then here we are very far apart. I don't think anyone has gained or even can

gain such an Archimedean point.) The claim to such validity, if it makes sense at all, would be in conflict with his liberalism and fallibilism, key elements of the kind of socialist he is (Barry 2005, 3-13).

However, while giving careful attention to the empirical facts on the ground, Barry also rightly emphasizes that “the conclusions to be drawn from ‘the facts’ depend on one’s theory of social justice” (Barry 2005, 12). His intention is “to offer definite answers to the questions John Roemer asks and to provide a systematic rationale for them based on *a theory of social justice*” (Barry 2005, 13). Roemer believes that “the major problem for the left today is a lack of theory” (quoted by Barry 2005, 13). Roemer goes on to ask, “Where we go from here. What kind of society do we wish to fight for? If we socialist intellectuals can provide some direction that will be of inestimable value for the transformation of society” (Roemer 1998, 23 as quoted by Barry 2005, 13). We have seen in the previous chapter some of the answers Barry has provided. How they are based on a theory and what kind of theory is less clear. Barry affirms (and Goodin reiterates) that he is doing politics, not philosophy. But then how are we to understand Barry’s claim that he is giving a theory on which his particular claims of social justice and socialism/social democracy are based?

It is clear that his theory is (1) not just a collection of facts and descriptions and (2) not one of the usual philosophical theories of justice: big Philosophy as Rorty characterizes it. Barry explicitly asserts that he is not calling “upon the apparatus for deriving principles of justice that I have developed in *Justice as Impartiality*” (Barry 2005, viii). Doing so would have frustrated the purposes of *Why Social Justice Matters* (Barry 2005, ix). He adds: “I doubt it [*Why Social Justice Matters*] will do anything for my standing among professional political philosophers, but it is not intended for them. To the best of my ability, I have aimed to reinforce the convictions of those who think things are bad and getting worse and to provide them with intellectual ammunition that will be of use in the fight for a better future (Barry 2005, ix).⁴

I think, as does Goodin, that *Why Social Justice Matters* does meet that stated aim. But Barry does not argue for adopting that aim in *Why Social Justice Matters*. I hope that he thinks that anyone who is reasonably informed (including politically informed), morally sensitive, reflective, and cares about humanity will have those aims or come to adopt them if he can get his views in reflective equilibrium, whatever Philosophical aims he may have,⁵ unless, whatever Philosophical aims he may have, he allows those Philosophical aims to mesmerize him. He just states it and does not explain what kind of theory he wants to get right in pursuit of this aim. He rigorously eschews philosophical theory—big P Philosophy—here and perceptively remarks that other philosophers working “along parallel lines” when they do Philosophy is what he eschews doing in *Why Social Justice Matters*. Rawls, Scanlon, Hampshire, and G. A. Cohen would come roughly to the same conclusions concerning *the specific problems of social justice* he discusses (see the 22 propositions examined in Chapter 2) and on social democracy/socialism. One can argue, on Barry’s own admission, for his specific social justice claims adequately on any of those Philosophical accounts (including Rawls’s on his own). Barry eschews interest in *Why Social Justice Matters* in such Philosophical trimmings, as he calls them. The important thing is to give a reasonable answer to Roemer’s questions just set out and to give adequate responses to specific normative political issues that Barry adroitly discusses.

This still leaves us up in the air concerning what kind of a theory of social justice with its systematic rationale is being set out here. Barry doesn’t provide us with an answer and it is not intuitively clear what an answer would come to. If Barry were convinced that this is so, I think he would consider that to be a defect. I, by contrast, do not think so. I think his claims, taken separately and together, are all freestanding of Philosophy and can be justified, as Barry actually does, by a careful account of our reflective considered judgments and of the factual considerations relevant to them. He can, and should, as Rawls says, travel philosophically light (Rawls 1985, 388-420). What is actually doing the work in Barry’s account are those considered judgments, a showing of how they hang together, and attention to a diverse cluster of relevant factual considerations, and on a careful

description and reflection on that description and the taking of these matters to heart. Such accounts are never a matter of ‘pure reason’ or ‘pure practical reason’ (whatever, if anything such matters come to) (Nielsen 2009b). Theory construction will perhaps give us the philosophical trimmings but they will turn no machinery. Rather than looking for philosophical presuppositions, we should attend to Barry’s specific normative claims and attend to his generally careful account of the relevant facts. The relevant facts and normative considerations are often intricately related. We need both and only together will they yield the sorts of things that Barry seeks. His actual practice is better than his theorizing of it—better ‘meta-theorizing’ of it.

III

I shall next turn to Richard Arneson’s and David Schmidtz’s examinations of Barry to see if they show defects in his specific normative political claims that undermine or even weaken his case. Arneson and Schmidtz both make more practically substantive critiques of Barry than did Goodin, though Arneson approaches things usually at a rarified normative level and Schmidtz (aside from some very interesting initial methodological remarks which are of dubious relevance to Barry’s determinatively political project) provides, as I will try to show, very problematic specific normative criticisms. However, he misses what Goodin and to an extent Arneson see.

I will first turn to Arneson’s account. Arneson correctly catches Barry’s aim. He remarks, “The idea is to take normative public policy analysis to a higher level by going back to first principles of justice and working out what follows from those principles given the empirical facts that obtain in our world today” (Arneson 2007, 392). Barry, as Arneson realizes, does not seek to argue systematically for those principles. (He has, however, in other writings. See, for example, Barry 1992 and 1995.) Arneson goes on to argue, again correctly, “Barry’s aim is to rally left-wing and liberal readers who might [sic] well be dismayed by recent trends in political events in the United Kingdom and the United States and to show them how a particular coherent and plausible set of public policies

is what you are committed to if you accept egalitarian principles of justice that are entrenched in the best commonsense part of our public culture” (Arneson 2007, 392). He acknowledges and applauds Barry’s many public virtues and claims remarking that there is much to agree with in what he writes in this book. Yet he finds it disappointing. Why?

For one thing, Arneson, though he endorses most of the social democratic policies that Barry supports, finds Barry too facile and brusque. (Here, I think, Schmitz would agree.) Barry, Arneson maintains, “brushes aside empirical facts that are in fact problematic for the policies he wants to defend and that require more careful consideration than his confident affirmations provide” (Arneson 2007, 393). Arneson goes on to add, “Moreover, the facts that Barry tends to brush aside are planks on which a variety of right-leaning revisions of the classical liberal policy agenda have been constructed” (Arneson 2007, 393). We need careful argument here, Arneson’s argument goes, and not such a quick way with dissenters. He continues perhaps, “more important than his handling of disputed facts is his sketchy incomplete characterization of the norms he regards as fundamental. In the end, the reader is left unsure where Barry stands. His brusqueness at crucial points seriously limits the polemical value of his discussions if we assess (as we should) a polemic by its ability to convince or set on the defense those not already convinced or those who are opposed” (Arneson 2007, 393-94).

These are serious charges and they need backing up by Arneson with convincing cases. Let us try to see if Arneson rises to the occasion. Arneson’s first example concerns equality and justice. Barry argues for all the standard liberal equalities (e.g., equal rights to freedom of speech, freedom of religion and democratic citizenship) for everyone, plus social democratic rights to equal education up to the age of eighteen, equal health care, a right to adequate housing, safe drinking water, enough to eat, and the like. Barry argues for provision for equal educational attainment to the age of eighteen. But he does not expect that will lead to the leveling out of the differences between people, though we should expect there will not be in such a situation the extreme and pervasive differences in

educational attainment as there was between the nobility and most of its serfs in 19th Century Russia or as there more generally is now.⁶ Still, even in a society with considerable access to education there will be people as different as the George W. Bushes and the Barack Obamas of the world. After all, in spite of Bush's opportunities to be splendidly educated, the education did not work with him. There will always be differences in capabilities as well as different kinds of capabilities in any society, even with people with similar opportunities. However, with greater equality of education we can reasonably expect a greater basic level of attainment that almost everyone not in some way mentally defective can and will attain. George W. Bush is plainly not anything like a Keynes, Einstein, or Wittgenstein. However, capabilities will predictably go up generally in the population with the enrichment of society and a greater approximation to the attaining across the board of an approximately equal distribution of resources and with this greater and more equal educational opportunity. Things like this will happen in a social democratic or socialist society. But there is no good reason to think that difference in attainments of certain capabilities will disappear or even should disappear. Moreover, do we want everyone to be the same? We appreciate very talented musicians, scientists or writers. Do we expect or even want all talented people to become equally talented or all people to be equally talented? We should not want their status or their enrichment to be affected by that. All that aside, we have no common measure of equalities including our different capabilities. But given Barry's conception of equality, he does not deny these commonsense matters and he does not need to in order to remain consistent with what he claims in *Why Social Justice Matters*.

However, Arneson is off the mark in saying that the commitment to attaining approximate equality cannot be justified if we have no common measure to ascertain equalities and inequalities. In determinate contexts and at determinate times and places we can reasonably and sometimes unproblematically determine, for example, that a wealthy Princeton professor (to use Arneson's example) has more opportunities and advantages than an impoverished farmer in Niger trying to live

on his equivalent of one dollar a day or that a rich professor at Princeton has more opportunities than an uneducated single mother on welfare in the slums of New Jersey. We also know that the children of the professor have more opportunities than the children of the other two. Anyone who thinks that without a common measure to assess such equalities and inequalities we cannot ascertain these things is, as Wittgenstein said in other contexts, *just doing Philosophy*. We no doubt have no fine grained way of ascertaining that, but we don't need one. Matters here could be modified so that there would be less inequality between them. It no doubt for the foreseeable future would only be a very feeble, slow movement in the direction of more equality. But it is a start and could be indefinitely enlarged. There are things to be done here and there is no great question as to what they are. Going in search of fine grained measures is exactly what Barry is *not* doing according to his own account in *Why Social Justice Matters*. Isn't he right in not doing so if one is to be serious about confronting actual politics? That we do not have a measure for all contexts and all times does not mean that often, and manifestly in the politically relevant contexts Barry discusses, we can give reasons for making the confident claims he does and many of us do about our judgments in such contexts. Moreover, that would go in an egalitarian direction. To think otherwise is to be either blind or irresponsible or both.

Next Arneson seems to fault Barry's conception of equal opportunity. He takes Barry to be holding, rather conventionally, that inequalities may be acceptable from the standpoint of egalitarian justice provided that they are from a voluntary individual choice from a starting point of equality (Arneson 2007, 393). Suppose both Frank and Brian meet those conditions and both enter Yale as undergraduates under these conditions and graduate as undergraduates with these conditions. Suppose both freely, without any compulsion and after much reflection, choose different career paths. Frank chooses to study law and Brian goes to divinity school. Frank becomes a successful criminal lawyer in a prestigious law firm which takes only legitimate cases and proceeds vigorously and honestly to take on such cases providing Frank with the backup to do his job properly. Frank finds satisfaction in his work and helps a number of people at reasonable fees who genuinely need

help. Brain finds divinity school alienating, loses his faith, quits divinity school, and slowly slides into extensive drug abuse and comes to have a very unsatisfactory life. But they both, supposedly from a position of equality, made their own choices. (This, of course, is the conventional and psychologically naïve assumption.) There is no, according to what Arneson takes to be Barry's criterion, given the assumption that they start from a position of equality, moral requirement that society adjust things, even if this is possible, so that they return to positions of equality. The resulting inequalities arising in this way are, Arneson claims, consistent with egalitarian justice. As Arneson puts it, egalitarian "justice does not require further transfers from those who choices panned out well to those whose choices panned out badly. Indeed, egalitarian justice strictly forbids such transfers" (Arneson 2007, 397). The same holds if I, or indeed anyone, chooses voluntarily, from an array of equal opportunities, a risky course of action and the risk materializes and leaves me far worse off than others (Arneson 2007, 397).

Arneson claims that he is not clear what exactly is meant here, but unless he has some very refined notion of 'exactly' I don't see why there should be puzzlement here. Barry's line here is a standard and widely accepted one (though in my view a questionable one) in normative political theory (Nielsen 2006). Where is it unclear?

It is one thing to not find the theory adequately clear and another to think it is understandable enough but still mistaken (perhaps clearly mistaken). Arneson makes some friendly amendments pointing to some ways in which Barry's theory is inadequate but at the same time points to ways that it could be corrected. These amendments seem to me well taken, making the assumption of equal starting points, and I see no reason that Barry could and should not make them without weakening his specific account. Indeed, without altering it in any important way, they would strengthen it. That's why I call them 'friendly' amendments.

One way consists in what Arneson calls a *softening* of Barry's position on equal opportunity and personal responsibility. It goes like this: "To the degree that one is better or worse off than others

as a result of one's own voluntary choices, starting from equality, to that degree there is some reason, not necessarily a decisive reason, to let the losses and gains arising in this way lie where they fall" (Arneson 2007, 397). These could be—and not just desert island examples such as the one Arneson actually gives—of choices occurring in the context of Barry's strong account (as Arneson labels it) that would be disastrous for some people (Arneson 2007, 397). To see this, go back to my Frank and Brian case. Suppose Brian, as would not be unlikely, becomes suicidal as a result of his bad (mistaken) choices. Brian, *pace* Barry's account, even without Arneson's friendly amendments, should be helped. Doing so is not a matter of charity or sentimentality or sympathy, though, of course, we may also feel sympathy and indeed sometimes should; it squares with our considered moral judgments in wide reflective equilibrium. (Whether it is a matter of justice or not, as Goodin has rightly led us to see, we, as a society at least, have done something wrong in not coming to his aid.)

Indeed, Arneson shows how Barry has an account, central to his claims concerning approximate material inequality, which in effective incorporates Arneson's above suggestion. Arneson writes:

Barry makes the interesting suggestion that there is an upper bound inherent in the equal opportunity ideal to the amount to which it is acceptable for people to become unequal in opportunities and outcomes through voluntary choices from an equal starting point. The upper bound is that, if inequality develops too far in this way, it prevents the fulfillment of the equal opportunity ideal itself over time. In a slogan, approximate material equality is needed to sustain equality of opportunity (Arneson 2007, 397).

But, as Arneson realizes, even as a result of choices made from an equal starting point, when the good and bad consequences of making different ones get too great, we, if we allow them, end up undermining the very ideal of equality of opportunity. We put this very ideal at grave risk and the risk is too great to take it. It can have consequences that any egalitarian would not welcome. Arneson shows this by looking at it from an *intergenerational* perspective—a thoroughly realistic perspective. On the strong account of equality of opportunity, equal opportunity would fail to obtain over

generations. We will come to see that if we give priority to maintaining equality of opportunity across some reasonable time—something we must do to be fair—we cannot allow ‘too much’ inequality of *outcome* to occur across time from whatever causes since they will “inevitably rule out fulfillment of equality of opportunity in the next time period” (Arneson 2007, 398). Arneson provides a logically possible counterexample here but it is so counterfactual and counterintuitive that it is without much force (Arneson 2007, 398). However, real life cases can be readily given, e.g., the life chances of Frank’s children compared to Brian’s (assuming they both have children). All this fits very well with what in fact is Barry’s position.

Arneson continues to argue about responsibility and the strong conception of equal opportunity and responsibility. He is very much caught up, sometimes in rather fascinating ways, in playing the ‘Philosophical game’. However, he ends up remarking, “the claims I have been urging so far in this section are quibbles that may well make very little practical difference to the policy implications of egalitarian justice” and, I add, to the political account that Barry gives (Arneson 2007, 400). Moreover, there is good reason to be ambivalent, as Barry is, and Arneson entirely agrees with him, about strong equality of opportunity doctrines that Barry favors here. Arneson remarks, “If there is such a thing as genuine personal responsibility for choice occurs—and if there is such a thing as [genuine personal responsibility for choice]—then justice requires equal opportunity, as he [Barry] characterizes it, and if personal responsibility turns out to be either a bogus idea or one that is coherent but never instantiated [then] justice requires equality of condition” (Arneson 2007, 400). The last claim about equality of condition need not rely on the truth of hard determinism. One might think, with John Austin, that the name ‘determinism’ stands for nothing that is clear enough to be reasonably believed. It is rather enough to hold Arneson’s claim—or so I hold—to believe in the factually inescapable biological and social roulette as John Rawls and Stuart Hampshire articulate it.

It also may very well be that we can make no sense of the notion of ‘intrinsic personal moral responsibility’. It may be that “personal responsibility is not ... even a factor that renders praise and

blame, reward and punishment, even an *intrinsically moral* appropriate response to anyone's conduct" (Arneson 2007, 401; italics mine). Arneson continues:

This would still leave personal responsibility as most people understand it highly relevant to what social justice requires. In a host of institutional and informal practices central to social life, personal responsibility is important instrumentally as a tool to achieve the goals the practices are set up to achieve. Holding people responsible for their conduct means attaching rewards and penalties to it depending on its quality. We seek to adjust institutions and practices so that people acting within them have incentives to behave in socially desirable ways. We punish as criminals those convicted of committing specified antisocial acts that are violations of criminal law. It is interesting to consider the theoretical intrinsic normative significance of personal responsibility especially for voluntary choices, but the massive instrumental importance of practices holding people responsible in various ways is not at all at stake in this discussion (Arneson 2007, 401).

Barry's political approach need not—and indeed should not—engage in worrying about whether there is such a thing as 'genuine personal responsibility' or whether personal responsibility (or for that matter equality itself) is an intrinsic good or intrinsically valuable. These are indeed deeply problematical notions that a political account such as Barry's—and I am inclined to believe any political account at all that has any realism or practical intent—can and should pass over in silence. The massive *instrumental* value of these notions is sufficient. Again, Barry's account stands—free stands vis-à-vis Philosophy—as a political account and as a practically substantive conception of political justice. Metaphysical and epistemological and metaethical ideas or grand normative theories can and should, as Rawls puts it, be benignly neglected.

In Arneson's section entitled "Leveling Down and Feasibility", he argues that things such as the leveling down problems show that Barry's account of why social justice matters and how much it matters is seriously incomplete (Arneson 2007, 401-02). The leveling down problem is this: sometimes we "can bring about movement toward equality only by making some of those whose benefit level is above average worse off without achieving any gain in benefits for anyone else. If

justice trumps other values [as it surely would in a *strict* egalitarian account], then in such situations we morally ought to bring about equality by leveling down” (Arneson 2007, 401). Here a determined strict egalitarian assuming justice requires strict equality and believing like Michel Kolhaus that above all justice must be done will grit his teeth in these difficult situations and do what he can to achieve equal distribution of benefits even when this involves leveling down. But this surely seems, to put it mildly, counter-intuitive. As Isaiah Berlin liked to stress, sometimes one of our great values will conflict with another and there is no way of achieving both when there are just two conflicting or all of them when they are more. Sometimes when these conflicts obtain one should abstain from instituting the most extensive equality possible. Neither equality nor anything else is *always* the trumping value. Some inequalities are allowable and even desirable, perhaps even mandatory. Unless we should be Kolhaus-like fanatically puritan about equality, in some situations, we should avoid leveling down. We should resist equalizing down and go Paretonian and hold that if one can make someone better off without in anyway making anyone worse off, then we should make someone better off. A less strict egalitarian who was also Paretonian would hold, as Arneson well puts it, though “it is always a good reason in favor of a professed action that the action would alter the distribution of benefits in an equalizing direction, but this good reason is sometimes outweighed by conflicting considerations in the determination of what one morally ought to do all things considered” (Arneson 2007, 402). More equality is only morally desirable on condition that it is not brought about by leveling down as I have described it above. This also shows, it might be thought, that equality is not an intrinsic value; it is not something valuable *per se* at all.⁷ As Arneson puts it: “when the idea of equalizing is separated from bringing about a gain for anyone and we regard equalizing as a phenomenon in itself, we realize we attach no intrinsic significance to it” (Arneson 2007, 402). But even if we did, it is not the *sole* intrinsic value and intrinsic values can, as Berlin has stressed, be in intractable conflict and so the same or similar problems as we have discussed above will arise (Berlin 1969; 1980, 81-102; 2007).

However, Barry does not take, and need not take, a position on whether equality is intrinsically valuable or just instrumentally valuable or even whether the distinction is coherent or a morally appropriate one. Moreover, and perhaps more importantly, Barry is not a *strict* egalitarian; *he only speaks of an approximate equal distribution of benefits and burdens* and this leaves plenty of *lebensraum* for sometimes leveling down and sometimes refusing to do so. As Arneson puts it himself, “Barry certainly does not hold the position that morally we must pursue equality, come what may, whatever the consequences in terms of other values” (Arneson 2007, 403).

Values sometimes conflict and it is not the case that justice, equality, solidarity, freedom, efficiency, pleasure, benefit or anything else always *trumps* other fundamental values. There is no invariable or ultimate kingpin or Archimedean point here. It is pragmatic and contextualist considerations that decide and perhaps sometimes they are not themselves even contextually decisive and then we must just *decide*. (Perhaps it is this and not just linguistic or conceptual considerations that once fueled non-cognitivism.)

Arneson then remarks “the reader may feel cheated” (Arneson 2007, 403). If, he contends, we should not pursue to the greatest extent possible equality or liberty when pragmatic considerations are opposed, this really means that neither equality nor liberty is always a trumping value that has lexical priority over all others. Equality competes with other values and sometimes, in theory at least, equality loses in this competition. He asks what these other values are and what weight they should be assigned (Arneson 2007, 403).

Barry, Arneson remarks, could fill out his theory in various ways but the point is that he doesn’t and so “Barry’s social morality as he characterizes it is seriously incomplete” (Arneson 2007, 418). To get the completeness required, to, that is, understand “what sorts of institutions and practices we ought to establish and sustain and how we ought to conduct ourselves, what we owe morally to each other, and, particularly if justice is not the whole of public morality but just one component of it, we need to know the fundamental principles of morality and not merely the justice

component of them” (Arneson 2008, 404). Until we get a resolution of these fundamental matters we will ask why social justice matters or how much.

Without *such a theory* Barry could not, Arneson claims, refute a Lockean rights based theorist or a utilitarian. But this is in effect to ask Barry to carry out the Philosophical project he has eschewed in *Why Social Justice Matters* and not to stick exclusively to the *political* task he has set out to give. Only if it could be shown that he could not adequately do *that* without engaging in these Philosophical matters could he be faulted in the way Arneson (and I Schmitz as well) fault him. Moreover, we should realize that completeness—assuming we must or should be aiming at completeness at all—comes to different things in different contexts and with what a writer aims at. For Sidgwick and Parfit it is one thing, for Rawls another, for John Dewey and Stephen Toulmin still another. What counts as completeness, if completeness comes into the picture at all, varies with the author’s purpose. Some, such as Kierkegaard, Nietzsche and the later Wittgenstein, would not aspire to it at all (though Wittgenstein once did). Barry’s account is complete enough for his determinate purpose of accounting for why social justice matters and how much. Or at least someone making the Arneson-type claims should give us a paradigmatic case where, given Barry’s practical political purposes, he would need to fill out his theory.

Barry’s account without the extensions Arneson requests provides adequate if rather obvious answers to these questions. Social justice matters because in societies like ours, both North and South, poverty remains even though it could be very readily and without much cost be eradicated. Some people (classes, if you will) are dominated and alienated; there is in many parts of the world inadequate (indeed, sometimes none at all) health care and education, bad working conditions, sometime vile working conditions (if people have work at all) and often workers have little say in how their work is carried out. There is extensive exploitation, the condition of women being particularly harsh. Social justice matters and matters a lot because these things, and things like them, matter. The specific practical conceptions of justice that Barry gives us concerning what would have

to be done to rectify the ills characterized above so that life for people caught in the situations characterized above could be a little better are not mysterious. Barry makes it clear what has to be done without going Philosophical. Where we get the indecencies we do, we *may* not always get unfairness. But we have plain evils that need to be and indeed can be ended. Barry's claims guide us concerning what to do concerning such things; and we recognize *quite without theory* that these things are of great importance to human beings.

Barry's account of social justice gives an account why there are injustices and of what they very fundamentally consist in. He defends the claim—the common sense claim—that there are these injustices and related evils and shows what, for our time at least, some principal of injustices and other ills are. We need here to see this reliance on considered judgments and convictions and some fairly evident factual conditions as well. Barry needs to be able to appeal to an actually existing consensus concerning them, hopefully in some resemblance to wide reflective equilibrium. In *that sense* we need some *minimal* theory. We have to show there actually is such a consensus in the societies of the North or that it is reasonable to believe that one could come into existence in such societies. But we do not need, and are unlikely to get, anything stronger. Moreover, such claims get made but they do not work and they are without consensus. However, we do not need anything so grand. Moreover, we need not reject such theories out of hand. The Philosophical trimmings that Arneson thinks are supposed to provide a plausible account of social justice that would yield a convincing account for these judgments and not *just* be something that should be convincing to the converted. But we do not get anything that has been sufficiently established as sound here. Barry relies on a minimal theory of social justice, at least putative factual considerations, considered judgments, a reflective sustainable consensus concerning them and accurate description of the life conditions of contemporary societies. We need a wide reflective, wide equilibrium here. Why do we—or do we—need Philosophical trimmings, particularly when we do not get anything like the

reflective consensus over such matters? Would having them be of much help? There is very little that would have convinced both Martin Luther King and Jessie Helms.

Under contemporary conditions at least, a good society must be a just society. But neither Barry's account nor Rawls's tells, or even tries to tell us, everything political that we need to know about a political society and it certainly does not tell us about the meaning of life, what we should do about our aloneness, what profession (assuming we have a real choice here) to choose, how to face our illness or death and the death and illness of those we love. There are a host of ethical (though largely nonpolitical) issues that he, as does Rawls, remains silent about. But neither he nor Rawls was trying to answer or even to face these things. This is particularly clear for Barry in *Why Social Justice Matters*. Barry need not come to grips with them to come to grips with social justice in the political realm that he set out to face. And he need not come to grips with the Philosophical issues that Arneson mistakenly thinks he needs to. Here he can and should benignly neglect them and travel, as Rawls came to, philosophically light.

Arneson thinks that there are some *real world considerations* (indeed, *political-economic considerations*) that constrain the desirability, all things considered, of moving to the most extensive achievement concerning an approximate material equality that we can muster (Arneson 2007, 404). Crucially there are, Arneson believes, efficiency considerations that will constrain, if we are properly informed and will be reasonable, our march to equality. *Sometimes* we must make tradeoffs between efficiency and equality. And here he does not rely on desert island examples. Over "time individuals are motivated by the prospect of gain to develop their skills and increase their endowments" (Arneson 2007, 405). With this motivation there is unleashed allocative efficiency. "If the redistributed state taxed away all these gains and equalized people's income and wealth, why bother to increase one's pretax wealth? There seems to be, he thinks, a likely increase-of-wealth versus equality-of-wealth, efficiency versus equity conflict" (Arneson 2007, 405). This problem *may* obtain even in a socialist society, thinks Arneson, as does the socialist economist John Roemer. As Roemer

puts it, “The limited degree of equality that I think market socialism can achieve is due in the main to my scepticism concerning the existence of alternatives to a competitive labor market for allocating labor in an efficient manner” (Roemer 1994, 120). Arneson remarks that with these matters we have something crucially political that, he thinks, Barry sweeps under the rug. Arneson remarks:

[T]here is a huge issue here to be discussed. If we are egalitarian, to what extent can we devise policies that achieve egalitarian values without carrying excessive cost in other values we rightly care about, such as increasing human well-being or excellent quality of life for all? What is the acceptable trade-off ratio in our egalitarian values to the ensemble of other significant values we should be pursuing? (Arneson 2007, 405)

This is exacerbated not lessened by the political-economic crisis and the environmental crisis that Barry and not a few others think, and certainly not without reason, we are approaching. Arneson aptly remarks:

If nonrenewable energy sources disappear or if their use must be sharply curtailed to prevent environmental disaster, then the issue of how to run an economy that efficiently uses the resources that remain to produce outcomes that achieve our values, with appropriate weights attached to each value, remains as compelling as ever. Looming environmental crisis sharpens equity versus efficiency conflicts and does not automatically resolve them” (Arneson 2007, 405-06).

I think Arneson’s view here accepts too readily the conventional and now dominant view, at least in the North, of political-economic relations described in traditional economic theory as something that is inevitable and rationally inescapable for either capitalism or socialism in any of its empirically realizable forms. Arneson is not interested here in possible worlds except perhaps when he starts talking about what we owe future generations and our remotest ancestors—people back in the Stone Age. Fortunately, he does not often operate on that lofty key but stays with our present world and reasonably near and feasibly possible futures, that is most of the time he keeps his feet firmly on the ground. Like anyone of even a faintly leftish persuasion, he hopes that a better world

is possible and that it should be struggled for. But what he too uncritically seems at least to accept is that there is no alternative to some form (capitalist or market socialist) of market economy and with that we get an emphasis on *growth* which, on a conception of efficiency linked with that emphasis, yields situations where there is an unavoidable conflict between efficiency and equality. And he thinks in many such situations efficiency trumps equality, even Barry's approximate equality. (A notion which is vague anyway.) Economists and political thinkers—those of the standard sort in our academic world—are in part constitutive of a powerful and current elite that is dominant now both in the world of politics (unquestioning capitalist politics) almost completely in the North and extensively in the South and in the academic world most particularly in the North. Many people have come to believe there is no reasonable alternative to such views. The only reasonable disagreement, they believe, is within this standard paradigm. This attitude includes some socialists, e.g., John Roemer, and some Keynesian-inclined economists.

I *suspect* this is a not very carefully examined dogma. (Indeed dogmas by their very nature cannot bear much critical examination.) But, dogmas or not, they should be questioned and with this very questioning Arneson's criticism of Barry becomes problematic for it just takes on uncritically the received economic view. Moreover, the received view should be questioned in a way that it usually is not (Toulmin 2001, 47-66). With fear and trembling since I am not an economist, I shall say something about this. But before I do, I want to simply remark concerning Barry that he argues for an *approximate* equality and not a *strict* equality so that what Arneson calls Barry's unguarded remarks notwithstanding Barry can consistently and coherently allow some efficiency constraint on equality and *sometimes* efficiency trumping equality. But that said, I now want to question the acceptance of what may well be a non-critically received political-economic dogma.

Firstly, I think it is becoming increasingly apparent that we should question the continued commitment to growth, particularly in the North. The nations of the North have developed their productive forces (both singly and together) so extensively that they could well accommodate and

even benefit from a halt on growth and perhaps even some rollback on growth. For an illustrative instance: if these countries would end excessive military expenditures—expenditures very contributory to the development of their productive forces—and utilize their savings and develop productive forces in a different, less growth-oriented way. With this there would as well be a drastic cutting back on consumerism and there would be an overall (i) a cutback on growth and (ii) space for social programs, e.g., improved health care and education, in the building of hospitals and schools in the Third World, the construction of water plants providing safe water where they are much needed. In short, pollution causing global warming would be cut back and the nations of the North, shifting the use of their immense productive powers, could more readily meet human needs in a way they are not meeting them now and even increase human wellbeing and the quality of human life. (Just ridding the world of landmines and unexploded cluster bombs would be a considerable help.) This improvement of human wellbeing can obtain by cutting back in the growth of military expenditure and even more so where these expenditures have been radically reversed toward answering to human wellbeing. The quality of life would even be enhanced if we gave up militarism, imperial domination and we controlled consumerism (perhaps in the long run even eradicated it).

However, it should be noted that this does not mean the giving up of growth but of a certain kind of growth. Still, with such a shift there probably would be less total growth in productive power. Moreover, this shift does not entail or even lead to some grim austerity but (as Barry realizes full well) the end of extravagant and senseless military expenditures and economy feeding on compulsive consumerism. Rather than lessening security in the North this would increase it and help everyone affected by its cruel and democracy-destroying imperial control and punch. With the slowing down of the pace of life and a shift in the emphasis on growth (which, among other things, the end of consumerism requires), there will be less alienation and a more relaxed way of living that goes with it. Full, or nearly so, employment could be retained (or for that matter attained) by working shorter

hours and with this there would be less stress and more opportunities to do other things with our lives. (One should not assume that with more leisure we would massively become couch potatoes.)

This, it might be said, might work in the North but never (or not for a long time) in the South. In evaluating this we first should realize that the South is a many-splendored thing. China and India are very different from Niger and Mali, and South Africa and Egypt are somewhere in between. *Perhaps* China and India which, as is well known, have undergone prodigious growth in the last few years, still have to continue to grow for a few more years in order to bring material wellbeing to their populations—something which in some reasonable measure is necessary but not sufficient for human wellbeing and flourishing. There is still incredible poverty in China and India, much more (to utterly understate it) than in the North where it is also not absent. And there is, as in almost all countries North and South, great and growing inequalities that are, to put it mildly, debilitating to a good number of people. *Perhaps* China and India need to grow for a while before they can switch to a no-growth economy. They have to lift large sections of their populations out of poverty to achieve their professed social aims. In both countries the rural poor and the more relatively unskilled workers in the urban areas are increasingly losing out and impoverished. (Indeed, with the global recession many of them are losing their jobs.) It puts one in mind, in this respect, of the early industrialization of England and somewhat later of the United States. It is perhaps pointless and even morally wrong to ask or expect China or India to shift to a no-growth economy in the near future. (Yet global warming at a frightening pace goes right on rolling along. China's massive commitment to coal burning is frightening.)

However, even that is not so sure, particularly in China. They could at least alter the patterns of their growth. They *may* well have sufficiently developed productive forces that if deployed differently and further developed could wipe out poverty and those extensive, dismal and often harsh inequalities that put, at least seemingly, to shame their claim to a socialist orientation. But it is also important to realize that they are threatened, or at least reasonably believed to be threatened, by U.S.

militaristic and aggressive imperialism. This quite naturally leads to their increasing emphasis on developing their military (China far more than India). (With Obama this is somewhat lessened. Yet the U.S. remains the premier imperial power.) It is understandable after years of austerity that many ordinary Chinese want to 'get rich' (have many of the goods and services that ordinary French and Germans have long taken for granted). Probably with that and after a while there will predictably grow the kind of alienating consumerist orientation that is now so pervasive in the North. Observe the worried faces of many people in the North as they go about their Christmas shopping. (This consumerist orientation was something that Erich Fromm talked about cogently years ago.) Some ordinary 'middle class' urban dwellers in China as elsewhere are already beginning to feel this alienation that is so pervasive in the North. Perhaps the time is not so far off that China, like the North, could have an economy of zero growth or even a rollback in growth. For India it may well be that they will have to postpone a zero growth commitment for even a little longer. They have more catching up to do than China, but they are also rapidly catching up with the North. The time, particularly with help from the North, may not be so distant when they can move to a zero growth economy.

Somewhat similar things could be said for countries like Brazil, Egypt, the Philippines, South Africa, and Iran. They still have a long way to go. Consider, for example, the extent and horror of child labor in Egypt, though things are not radically different in many places elsewhere. Children as young as five years old labor in the cotton fields of Egypt ten hours a day, seven days a week and often in blazing heat, never going to school. That is a bit of what our world looks like. Is it so off the mark to call it a pigsty?

For all of these countries, the virus of neo-liberalism is at work in all these things. It fosters an excessive and finally debilitating consumerism that feeds on this kind of labor. Walmart, with its ordinary prices rests on deeply exploited labor. And quite different stores offer us fine Egyptian cotton sheets—the best cotton in the world—for our bedrooms coming on the child labor I have just

described. Proper education and the utilization of the mass media for decent purposes *perhaps* could end that or at least ameliorate that.

Cuba, however, with its excellent health care and education systems, even while remaining a poor country subject to a U.S. embargo and harassment, can still yield a decent if somewhat frugal life for its people without a market system or a consumerist orientation. It did not and does not need to make a tradeoff—or at least not much of one—between efficiency (capitalist style) and equality to continue to sustain a decent society and improve its quality of life, and this despite U.S. hostility and aggression for some forty-odd years. Just consider the embargo. Equality trumps efficiency, though efficiency remains important. But when efficiency does trump, it is for the long range equality and wellbeing of Cubans. And sometimes their efficiencies are of a different kind than we see in the capitalist world, e.g., their developing of urban gardens and the technology to go with it (Koont 2009). (Though it is also true that Cubans would like a little less austerity, most of them would rather put up with that than become again a *de facto* colony of the U.S. The Batista years are not forgotten.)

To take a very different example, even the economy of the Stalinist brutalitarian regime of the Soviet Union radically grew with rapid industrialization in the first two decades after the Second World War and their economy was post-capitalist without a market system, though hardly a socialist society. Given its drive for rapid heavy industrialization, it functioned well and rapidly grew during those two decades, given where it started from and given the destruction of their civil war and the destruction of World War II. And all this without a market system.

All of this—the nonmarket world and non-consumerist orientation of Cuba and the (*in that respect*) similarly oriented society of the Soviet Union—give us good grounds to put seriously into question (i) that the capitalist North has to have a market system committed to growth to further human wellbeing and (ii) that it needs one under conditions of abundance such as the North has now and could continue to have if global warming and population growth can be curbed so as not to lead into disaster for both the North and the world. If that happens, Barry has argued, we have a real

threat. I argued the same thing in Chapter 2. And it is becoming widely argued. If that happens all bets are off and, if we survive at all, it will be with a much reduced population living in something like Hobbes's state of nature. At least that is a worst case realistic scenario. Going rapidly to a zero growth economy and struggling to gain a humanly acceptable resolution of the twin problems of global warming and an unsustainable population (two reciprocally related problems) is crucially urgent. This could hardly be overstated.

It will be argued by some that to go to a zero growth economy may well be possible and desirable but it is not going to happen in a capitalist world and a transformation to a socialist world will not come soon enough for there to be a reasonable resolution of the above twin problems. It is just not in the cards. But we must remember that sometimes, though not usually, there have been very rapid radical changes, though it certainly looks like our masters are going to wait until it is too late. (Again, Obama gives us *some* reason to hope here.) There is, however, not nearly enough agitation from the people to force them into action. Public intellectuals and activists must do everything they can to stir up change, acting resolutely against the odds. (If it is said the 'must' is a moral must, my response is, 'So what?') Put differently, if anything halting the looming disaster is unlikely as it well might be in a capitalist world, then it is all the more imperative to struggle to shift from a capitalist world system to one that is socialist with all due haste. I would certainly say yes to that, but is this spitting into the wind? With a lot of political realism irrationally set against it, I am not at all confident, indeed I am bitterly skeptical, that it is possible—empirically possible, of course—at least in the timeframe needed to ward off the looming disaster caused by global warming and population growth. Moreover, with the recession (perhaps better called a depression) combating global warming will play second fiddle to the fight against recession.

However, as another desperate action, consider this: capitalism has been and still is committed to growth, and it has a faith in the god of maximum accumulation: to accumulating to accumulate and to maximize capital accumulation for profit or at least relatively secure profit. The

aim is to fully develop the productive powers of the world; their mechanism is to maximally accumulate for maximum profit. That, it will be said, is just the nature of the beast. Even many on the Left have repeatedly said that capitalism will continue on this path until capitalism ends as all modes of production eventually have. Indeed, all previous modes of production have ended but when capitalism will end is indeterminate. There is no reason to think, even assuming we make sense of Fukuyama's notion that history, with the development of capitalism and the liberal society that goes with it, has ended. But when that will do so is not reliably ascertainable. Moreover, it would hardly be the end of history.

Perhaps that is how things will go. Perhaps there will be an indefinite extension of capitalism. But then perhaps not. Capitalism has changed during its history. During the social democratic period capitalism was not quite so voracious. Its sense of its own self-interest tamed its voraciousness. But, it will be reasonably countered, the shift to zero growth would be gigantic, too much for the very 'logic of capitalism'. It is incapable of retreating to zero growth. It is just too much for capitalism to absorb. However, we should not be so *essentialist* and act as if 'capitalism' is the name of a natural kind. We need to come to grips with the following situation: the likelihood of extreme manmade climate change destroying resources and the people subject to it using up the remaining resources. Water and agricultural land is becoming increasingly scarce and, as everyone knows, oil and gas are running out. And this with an incredibly growing population calling on those resources for their very survival. And with its running out a disastrous pollution. It also does not appear that there will be enough food around to feed them. (Though there is the possibility of synthetic food as untasty as it is. Anything to survive.)

With all this scarcity generating a Hobbesian situation where populations are desperately struggling for what little is left, it is unreasonable to fear that there will be repeated wars rooted in the coming to be of extreme scarcity. *Perhaps* there will be non-global wars—no World War III—but there is likely to be a lot of wars like we are experiencing now. All of these things—radical changes

in our condition—we (capitalists included) will, unless we end up in a state of denial, have to face and somehow come to grips with them. One crucial way to face them is to with all due haste to adopt a commitment to zero growth. That, of course, is not the only thing that needs to be done. There are a lot of radical changes such as our attitude toward having a car or to be frequent flyers or, better still, for planes to be permanently grounded, extreme circumstances aside (e.g., rushing some person in dire need living in some remote place without a hospital to a hospital). But for these things we would only need small, less gas guzzling planes. Some of these changes will be very painful and it is easy, perhaps almost inescapable, to get into a state of denial here. A very crucial change that we can perhaps bring ourselves to consider fighting is for its being effectively taken as a way to run our economy is to make it a zero growth economy and with it to abandon our consumerist orientation—our consumerist fetish. If this is done and rapidly and thoroughly, the world may yet have time to slowly renew itself and in time to be an amenable place for human and other animal life. It may well be too late for that already, but we are not sure of that. But for any chance of such a recovery, we will have to learn to live very differently and do it rapidly. As yet, we see very little of this.

Perhaps faced with the looming reality of extinction and in a fairly short order, we will try to do something even stuck as we are in a capitalist order. Capitalists or at least a critical mass of them may come to see that they will have to give up a commitment to such accumulation as I have described and to very quickly make some radical changes in how we do things. Given their hegemony, unless we can overthrow capitalism, they are the ones that can do it if it can be done at all. They will at the very least have to give up their commitment to such accumulation and quickly reverse how we do things, e.g., no private cars, no corporate jets, no jets period, and an electric public transport system. They will at the very least have to learn to accumulate in a much more restrained way and very differently. There will have to be an end to our consumerist orientation deliberately fostered by capitalism. There will have to be an end to gigantic malls where you shop until you drop. Such a radical change in lifestyle will perhaps lead to no growth at all and, without a consumerist

orientation, to only sustaining what is most crucial to the *needs* of human beings. Indeed, in such circumstances human beings will be better off.

It will no doubt be said that that will lead to the end of capitalism. Perhaps? For me that is an outcome devoutly to be desired. But perhaps it will not lead to the demise of capitalism. Even with a commitment, and one that is sustained, to a zero growth economy, capitalism may continue to go on. Couldn't there continue to be private ownership of the means of production, a capitalist class and a dominated and exploited working class with the privileges still going to the capitalist class even in a zero growth society, even in a zero growth world? And couldn't there remain—unfortunately remain—the traditional stress on a capitalist style efficiency with its attendant inequalities and immiseration? Most of the things that make capitalism distasteful could remain.

It is standardly claimed on the Left that that would be increasingly destabilizing for capitalism. I certainly hope so. But what exactly, or even inexactly, is the case for that? Could not this in some ways result in a more austere regime that would still be capitalist without the society being so consumerist? There would be some consumption of course. There must be to be in any human society; there must be some allocation of goods and services. People would need some of them but that does not at all add up to a consumerist orientation; to the drive to buy, buy, buy and the 'need' to have more and more things. But with the end of consumerism would not there then be an enormous drop in profit for capitalism as well as social unrest? Again perhaps, but there would still be production of goods and consumption though without the fetish of consumerism. And wouldn't that keep capitalists in business, though with more modest profits and a lesser and somewhat differently aimed development of the productive forces? There would be consumption but not consumerism. Wouldn't that keep the capitalists going, though with more modest profits? And could not people with that come to believe that in the circumstances in which they are that they must go for a zero growth society? (However, would there not be a considerable drop in employment with its deleterious effects? This could be compensated for, as I mentioned before, by shorter work

hours. But capitalists have not looked with favor on that. However, faced with their demise they could come to.) Could not capitalists come to believe in zero growth and believe that everyone—though this would fall heaviest on the working class—has to tighten their belts? And could not capitalist governments follow the Chinese in being committed to population reduction? Must their ‘selfish genes’ (a problematic notion anyway) be so dominant and must they be so irrational that they end up cutting their own throats? After all a half a loaf is better than none.

Marx thought that socialism and eventually communism piggybacked on capitalism. That is, we could only get socialism under conditions of abundance and with the development of productive forces. (But isn’t Cuba a disconfirming instance? As much as the U.S. prays for its demise and acts to bring it about, it continues to exist.) But we must be careful of dogma here, though skeptically careful. After all, Marx may be right about this.

However, productive forces can be developed in different ways and ‘abundance’ could be understood somewhat differently. Perhaps there could come to be and sustainably and stably a society or a world without a compulsive and alienating consumerist orientation but a society where basic needs are met for everyone and all people are respected, a society with excellent health care for all, more leisure time for all (where people do not work until they are utterly fatigued), excellent education for all, including political education, and with that a greater autonomy and an enhanced ability to exercise control over their own lives. Such a society would be a more humanly abundant society than the one we have now. That seems to me obvious. But it is not Dick Cheney’s conception. It is not his view of abundance. But we in such a society would not buy into a consumerist conception of abundance. Can we reasonably say my conception here is or involves an implicit persuasive redefinition of ‘abundance’? Must abundance come to having more and more things? For me those questions are rhetorical. Why should I have ten pairs of shoes rather than have a couple and buy new shoes when I need, really need them? Escaping searches for such multiple pairs of shoes, my boredom would not be so great and I would not be using up fewer resources.

Socialism in the near run does not seem to be in the offing. A few countries aside, e.g., Cuba, Venezuela, Nepal, and Bolivia, are either socialist or socialist aspirants. Yet there are compelling reasons why we quickly in the North and more gradually in the South must move to a zero growth society and in some places even roll back growth or make a radical change in the kind of growth we have (Li 2008; Pogge 2008; Amin 2008). Can we get this with capitalism? Probably not. Some might say certainly not since capitalism is by definition a growth economy: the economic imperative for enterprises is to accumulate, accumulate or die. That has been so and still is so with a vengeance. But given the conditions I have described, must it continue to be so? We must not try to make reality fit what may turn out to be only a stipulative definition. Indeed, it has been true that those enterprises that fall behind in profitably accumulating lose out. They end up destroyed. To escape they must resolutely accumulate and do so in an innovative way for this to pay off for them and indeed even to ward off destruction. And for this, or so it is said, there must be extensive competition which can obtain only, it is also claimed, in a robustly competitive economy. However, even under neo-liberalism, capitalism is becoming more monopolistic. Some fifty multi-nationals control the global economy. Moreover, as Samir Amin remarks:

Capitalism and market economy are not synonymous, as the dominant political discourse and conventional economists would have one believe. The specific characteristic of capitalism as a system is that it is based on private ownership of the means of production; an ownership which by definition is that of a privileged minority. This private ownership (aside from land ownership) has taken the form of exclusive rights over important equipment associated with modern production technologies, from the first industrial revolution at the close of the eighteenth century to the present day. The majority of non-owners are thus obliged to sell their labor power: capital employs labor; labor has no free use of the means of production. The bourgeois/proletarian divide defines capitalism; the market is only the management form of capital's social economy.

This definition places the specificity of capitalism not "within the market," but "beyond the market," in the "monopoly" that private ownership represents. For Marx, and after him Braudel and even Keynes to some extent, this was a plain commonplace fact. However, today, the dominant ideology pretends to ignore is decisive

importance, ideologically substituting the abstract notion of the “market” (Amin 2008, 51).

Capitalism *perhaps* need not be what it at least standardly is, namely, a competitive order with sharp competitive practices. But this has often led to a downgrading of services. To have a society that has good services requires a society, or so it is frequently claimed, with private ownership of at least the major means of production dedicated to the accumulation of capital, power and to propagating consumerism. To achieve that capitalists must, against their own most primitive inclinations, pay their workers enough so that they can be avid consumers. What is necessary for capitalism is for there to be a class (constrained by its numbers) who own and at least indirectly control at least the major means of production and a working class of far greater numbers who own no (or at least very little) means of production and who sell their labor power to capitalists and produce profits for them, that is surplus value. The capitalists are a privileged minority. To have a capitalist order not everyone can be a capitalist. A productive property owning democracy where everyone owns substantial productive property, enough to be self-sustaining, would not be a capitalist society. Capitalists must be a minority (indeed, as I have said, a privileged minority) dominating and exploiting the workers to the privileged minority’s advantage. (I did not say *completely* dominating, exploiting and controlling. Moreover, the exploitation and control involved admits of degrees. Workers in Sweden are better off than workers in the Philippines. Workers, though sometimes much more strenuously than others, will fight back. But domination, control and exploitation is normally severe and, since the demise or near demise of social democracy, it is again steadily getting more severe. But in some places there are signs of increasing fighting back.)

However, must capitalism, as so non-eccentrically characterized, necessarily (empirically necessarily of course) grows in the sense of increasingly exploiting the earth and most of the earth’s populations in the quest for maximum capital accumulation and profit? Capitalism has indeed repeatedly done this in various ways. But capitalism has also repeatedly changed. Capitalism (like

everything else) has no essence. When capitalism was under the 'Red Scare' threat, or at least thought itself to be under that threat, it made class compromises and, pulling back temporarily its fangs, accepted some measure of social democracy. Capitalists are normally voracious but they need not be stupid or irrational. Some of them may come to see in our situation the disaster that global warming is leading us to: a disaster that threatens the very survival of the human species. Seeing that, they could come to see that they must abandon, and with all due haste, capitalist growth or at least much of it. They, under no growth conditions, could still remain a privileged private productive property owning class dominating others and extensively controlling things (including people viewed as commodities). But they might stop exploiting, indeed ravishing, nature and stop, through their control of the media, setting people into a compulsive and irrational consumerist orientation unable to keep their credit cards in their pockets and often falling into debt. That capitalists could in present circumstances curb such things would not need to do so because they care about people. Normally they don't except when it is instrumental to their profit, but they may come to realize that such consumerism is nasty to the environment, eats up agricultural land needed to feed our growing population, and increases global warming which threatens their very survival not just as capitalists but as human beings. So I think capitalism could and indeed should, if it is to continue to exist, become a zero growth economy. I don't see much of this happening. I certainly don't say it will. But it is the rational and reasonable thing for capitalists to do. It is in their rational self-interest and it is just a bad philosophical question to ask why be rational and reasonable.

So capitalists, if they are smart and disciplined, as surely some of them are, will find for themselves a little more *lebensraum* before the deluge. I hope so. With all my being, I hope capitalism will come to an end and be replaced by a genuine socialism. But that is not in the offing for the near future but it may be in the middle range—the next 25-30 years—if we can keep global warming and population growth from destroying or drastically impoverishing us so that we end up in some Hobbesian-like state of nature situation. But now in the short run, as it always is in the short run, we

must choose, if we would be reasonable, the lesser evil and it is with a recognition of that that *such* a capitalism should come quickly into being replacing what we have now. That is not where to stop. Once that is achieved we should go for socialism. If I were just a betting person, I would not bet on either happening. Our world, besides being a pigsty, is too much like a global insane asylum for that to be likely to happen. There are faint movements toward confronting global warming and population control but they are slow and hesitant. It is not an exaggeration to say they are feeble. After all, if anything effective is to be done it would require vast changes in capitalism and vast changes in our way of living, a cutting back (*pace* Harper) on its short term profitability, and a changing of its very way of operating. It is understandable and to be expected that capitalists will rationalize, as most of us do, hoping for some technological miracle—great forests of biochemically developed carbon eating trees, to take one of the examples delusionally going around—to magically resolve their and our problems. People in desperate straits will grasp at anything as the Nazis did in the last weeks of the Second World War with their hopes for an atomic bomb.

Perhaps the looming horror of global warming will engender on capitalists and on the rest of us at least a minimal rationality. But whatever in this respect happens, we must also realize that this capitalism, like all capitalisms, unless it meets with a counterforce, will just go on (though perhaps more prudently) propagandizing, dominating, exploiting, and controlling people. That in the short run at least is our fate and our future. We are in that iron cage. But there is a not unreasonable chance that we can even with it avoid a meltdown rooted in both environmental and population causes. *Such* a capitalism does not make us dance in the streets but it may save our necks. It is the lesser of the evils confronting us and, that achieved, we can move to longer run objectives which I have argued, as has Barry, should be socialist. To take the combined run objectives—in the short run a possible capitalism such as I have just described and in the longer run, 25-50 years, socialism which I have yet to extensively describe. This is a utopian but still thoroughly realistic outlook that a political realist

could and should accept. It is an outlook that unflinchingly faces the dreadful situation in which we—we *Homo sapiens*—live.

IV

Arneson concludes with two further considerations: global equality and positional goods. I shall be brief here for I think what he says on both points is at least plausible and perhaps even well taken (Barry 2008, 703-08).⁸ However, they do not cut much against Barry's account. Barry could accept them, without any deep change in his account, as friendly amendments.⁹ Moreover, thinking about doing justice to past (going way back to the Stone Age) and future generations is not the prime consideration, as Arneson himself sees. Moreover, Arneson concludes sensibly, we do not have a clue as to what to say here (Arneson 2007, 407). We have enough to worry about without worrying about that beyond having a commitment to try to preserve our earth and its resources for the people who will come after us. (Things look to me pretty grim here. But *perhaps* that is an exaggeration.) We should see ourselves, and try to find ways of acting intelligently in accordance with that, as *stewards* of the earth, committed to, as much as we can, preserving our world as a livable place for people who may come after us. But we cannot ascertain what the rate of savings for future generations should be. We should make as sure as we can that we do not continue, as we are abundantly doing now, ravishing the earth, laying waste to it. Look at the tar sands in Alberta. However, we do not know what constitutes a just relationship with future generations. We can know that we should regard treating them in the same way as we think we would want to be treated ourselves if we were in their situation. But this tells us precious little.

However, we do know that we should not be *national* egalitarians. Arneson makes the point convincingly. Our social justice must be cosmopolitan and global. But that cannot be to simply add up the various national equalities in each country and, when we have done that, conclude we have global equality. It is an obvious error to believe that if we have equality in each nation, situated as

they are, that then we will have global equality. The differences between many countries are so great that doing what would not add up to a global and cosmopolitan equality. It is a travesty on global justice to think that it would.¹⁰

Arneson remarks correctly that “Barry’s cosmopolitanism is controversial but in my view it is compelling and morally attractive” (Arneson 2007, 408). I would say hurrah to that. Yet Barry does not say much in *Why Social Justice Matters* about what it would be like to gain, let alone how we could gain and sustain, such a cosmopolitan global justice. In *Why Social Justice Matters*, Barry mainly talks about justice within a country. But we cannot justifiably and justly so balkanize off countries. We cannot assess justice in the United States, the United Kingdom, Japan or Canada without considering how they behave globally. Barry does not tackle these problems in *Why Social Justice Matters* but he has elsewhere, including in his response to Arneson (Barry 1989; 1995). These wealthy nation states plainly have duties of assistance to the impoverished nations of the world. It is clear that without substantial help these impoverished nations could not make the reforms for which Barry argues. Arneson is right, however, in claiming that if we tried to extend a basic income grant *globally* it would come to no income at all. It is only something that could be applied locally and only in wealthy nations.

I will not discuss Arneson on Barry’s position on positional goods. He acknowledges that Barry makes a strong and fascinating case for it and makes remarks about it that do not damage Barry’s overall case for why social justice matters.

I have argued here that given what Barry sets out to do, he largely escapes Arneson’s strictures, though Arneson raises some broader issues that for someone thinking as Barry does and as I do deserve consideration.¹¹ I will leave off my examination of Arneson with one final issue he raises that will have a bearing on my discussion of Schmidt’s criticism of Barry and as well has an independent interest. Arneson remarks that perhaps “there is too much disagreement on just principles even among egalitarians for an application of philosophical principles of justice to carry

wide conviction” (Arneson 2007, 412). That surely needs serious consideration. For if there is too much such disagreement it may be impossible carry out what Barry wishes to achieve. It may raise issues that repeatedly intrude on the practical issues that Barry wishes to resolve. (Reflection on Schmitz’s arguments suggests this.) But this also suggests a counter question. Do we need such an agreement on ‘first principles’ to carry out what Barry is trying to achieve in *Why Social Justice Matters?* That we do is not obvious and also needs serious examination. We also need to consider what is to count as ‘too much disagreement’ and of what type in both such situations. And do we need *such* agreement at all to ascertain why social justice matters? Isn’t it enough to look non-evasively at the specific issues (say, the 22 I discuss in the previous chapter) to see quite clearly why social justice matters?

V

I turn now to David Schmitz’s “When Justice Matters” (Schmitz 2007). Of the three articles in the symposium, it is the one that poses a direct challenge to the particular normative substance of Barry’s account. Arneson’s and Goodin’s accounts both operate within a basically social democratic framework which is congenial to Barry’s social democratic/socialist orientation. Schmitz, though without so identifying his account, comes from the right, though in a generally sophisticated form. He starts with a set of very interesting methodological remarks that I think any account, capitalist oriented, socialist oriented, or techno-authoritarian, post-capitalist oriented, would do well to take on board. But they do nothing to call in question (dialectical materialist accounts aside) Leftish accounts, including Barry’s, though Schmitz seems to think so though he gives no reason, as far as I can ascertain, for so thinking.

I think his methodological remarks are things clearly worth carefully reflecting on. He states them in a too extreme form. I hope, and indeed expect, he does so recognizing that they are stated

hyperbolically. But they can easily be articulated in a milder and more plausible form without losing the point he wants to make.

Schmidtz begins by remarking uncontroversially:

Reasonable people disagree about what is just. Why? This itself is an item over which reasonable people disagree. Our analyses of justice (like our analyses of knowledge, free will, meaning, etc.) all have counterexamples. Why? In part, the problem lies in the nature of theorizing itself. A truism in philosophy of science: for any set of data, an infinite number of theories will fit the facts. So, even if we agree on particular cases, we still, in all likelihood, disagree on how to pull those judgments together to form a theory. Theorizing per se does not produce consensus. Why not? An argument is sound or not. So why isn't a theory compelling to all of us, if sound, or none of us, if not? (Schmidtz 2007, 433)

Here the exaggeration is in 'infinite number'. It can be replaced by 'an indefinitely large number' without undermining or obscuring his point.

He then proceeds to something original and strikingly important. He says in answer to his question given in the above quote, "My answer is that theories are not arguments. They are maps" (Schmidtz 2007, 433). Here again, is the non-deceptive exaggeration. Theories, of course, are not literally maps but are in important respects, and usually unnoticed respects, like maps in a way that Schmidtz goes on to make perspicuous. He starts by reminding us that there are maps and maps: some of them useful for different but often standard purposes, others useless. He then adds, "Like maps, theories are not reality. They are at best serviceable representatives. They cannot be more than that (but they can be less; some maps are useless). No map represents the only reasonable way of seeing the terrain" (Schmidtz 2007, 433). Analogous things obtain for theories. As with maps so with theories: they serve different purposes and answer to different aims and interests. There is no one true map or theory to serve all seasons, to answer all purposes, to meet all needs. "The optimal number of maps to have in the glove compartment," Schmidtz remarks, "is not necessarily one" (Schmidtz 2007, 433). Moreover, neither maps nor theories can be trusted blindly. That there is a

ferry from A to B may no longer be true no matter what it says on the map. Moreover, if I see some truth in both of two incompatible maps or theories, must I discard one for the sake of consistency? Schmidtz remarks rightly, “If theories are sets of necessary and sufficient conditions, yes. If theories are maps, no” (Schmidtz 2007, 434).

Comprehensive moral theories or comprehensive normative political theories—the kind of theories Arneson is attuned to and perhaps Goodin as well—aim at having a set of principles covering everything. “Real-life moral questions, though, are more like questions of getting to campus from the airport. A globe is impressive, but when we want to get to campus, a globe does not help. It is not even relevant” (Schmidtz 2007, 434). While local maps are not comprehensive, never pretending to tell us how to reach all destinations, they almost always are what we want when we want a map. Why? “Because they provide the detail we need for solving the kind of problems we actually have. Stepping back to look at the globe as a whole makes the surface look artificially smooth. Life on the ground looks different” (Schmidtz 2007, 434). So does all real-life theorizing. For example, real-life moral theories concerning when it is a good thing for couples to split up, to sanction same-sex marriage in South Africa, allow wearing the head scarf in schools in France, allow prayer in public schools in the United States, renationalize the rail system in Britain (here the recent experience of renationalizing the rail system in New Zealand is relevant), adopt a carbon tax in Canada, etc., etc. Here we need local theories as we need local maps for getting around. This leads to contextualism and perhaps as well to historicism but not to skepticism or relativism. There is an objective truth that a map can (or can fail to) represent in a helpful way. Think of cartography. “The point is not to be skeptics about the terrain but to be realists about how much we can expect from the activity of theorizing” (Schmidtz 2007, 435). I can readily tell the difference between a newly stocked trout and a native trout but if I try to describe the difference to people with no experience of fishing trout I may have difficulties. My description will be incomplete and it will have counterexamples. For more comprehensive theories things will be even more difficult. But if theories are like maps, that is what

to expect. Maps are not meant to have necessary and sufficient conditions. As Schmitz nicely puts it, “We can call it a folk theorem of analytic philosophy: any theory simple enough to be useful has counterexamples” (Schmitz 2007, 435). Then he adds parenthetically, with a nice ironical twist, “This is a simple theory. Therefore, if correct, it has counterexamples” (Schmitz 2007, 435).

There are, as to be expected, some disanalogies between road maps and moral or normative political theories. Methodological, metatheoretical theorizings (metatheorizing is itself a species of theorizing) are important in themselves. I have indicated how I am skeptical as to what relevance they have to Barry’s account. It would seem to me, though distinct from anything Barry says or implies, that it would support and give a rationale for Barry sticking as he does to specifics. But Schmitz thinks otherwise. He remarks of these methodological considerations, “These are some of the considerations of which I try to be mindful in my own theorizing, and in my evaluation of alternative theories such as Brian Barry’s” (Schmitz 2007). But why couldn’t and shouldn’t Barry treat his local theorizing as providing local maps?

I turn now to Schmitz’s direct criticisms of Barry trying, as I do so to be mindful of what Schmitz is mindful of, in trying, if I can, to ascertain what bearing, if any, they have on Barry’s account. Barry would surely not claim there is one comprehensive theory of social justice that captures all the truths to be had concerning social justice. He is miles from that.

Schmitz notes that when Barry says that *Why Social Justice Matters* is not for professional philosophers he means it. For whom then does he mean it? To get a fix on this, keep in mind that lack of systematic theorizing is not what he wishes to overcome. What he wants most fundamentally to do is to reinforce the beliefs of people who think that things are bad and getting worse. He wants to provide them with sound reasons for believing that is so. He, I conjecture, wishes to do this because he firmly believes it to be so and wants a critical mass of people to take counter measures to reverse this move into badness.

However, as Schmitz also notes, Barry does not eschew systematic thinking altogether. Barry cites the socialist economist John Roemer's remark, "The major problem of the left today is a lack of theory. Where do we go from here? What kind of society do we wish to fight for? If we socialist intellectuals can provide some direction that will be of inestimable value" (quoted from Barry by Schmitz 2007, 437). Barry then goes on to remark, "My intention [is] to offer definite answers to the questions Roemer asks and to provide a systematic rationale for them based on a theory of social justice" (Barry 2005, 15). This is rather different from reinforcing the convictions of those who believe that things are bad and getting worse, though it could provide a justification for it if any justification is needed. (Though as Joseph McCarney argues, it might not be the kind of justification needed to answer Roemer's questions.)

It is not *just*, Schmitz has it, that people do not get what they need, though many don't, and that not getting what you need is plainly bad. Social justice is about the treatment of injustices of all kinds. Barry claims to start from principles that are widely accepted, at least nominally, by politicians, media pundits and the general public. One of Barry's essential contentions is that the kind of radical change he advocates can be shown to flow from premises that are widely accepted. All that needs to be done, Barry contends, is to clarify the logical implications of principles that people maintain they espouse and relate them to the facts. By contrast, Barry claims, all that can honestly be claimed "for the agenda of the right is that it suits people who benefit from it very nicely" (Barry 2005, 234). This may be rather *parti pris* on Barry's part. Certainly Schmitz thinks so. Schmitz remarks, setting the grounds for his first central criticism:

Barry says, "If we accept that the distribution of income and wealth is unjust, and that it would be more just if it were more equal, we cannot get around the answer that money has to be redistributed from the rich to the poor. That should be enough for anyone who accepts the premises advanced in this book. I should like, however, to address those who, for whatever reason, wish to maintain that poverty should be eliminated and that whatever redistribution is required to do so is just, but that there is no case for being concerned with the distribution of income and wealth beyond that" (171). This

is the challenge. A few pages later, Barry rises to the challenge, finally unveiling his enormous advantage over the right. “We are still left with the question of what is wrong with a society in which poverty has been eliminated but in which there are still very large inequalities above the level of the median income. From the perspective of this book, the obvious answer is that it is simply unjust” (175). Inequality has bad consequences, but “in addition to the bad consequences of extremely unequal holdings of wealth, there is, of course, its intrinsic injustice. Not a great deal needs to be said in support of this claim” (189).

This, then, is the widely accepted principle: a case for radical change can be shown to flow from the premise that unequal holdings of wealth are simply unjust. Plus, not a great deal needs to be said in support of this claim, and anyone who says otherwise is indulging in obfuscation or lies (Schmidtz 2007, 438).

Schmidtz maintains that we should not soak the rich, not redistribute through taxation wealth and income downward to the poor. We should instead eliminate poverty were we can. He would agree with Thomas Pogge and Jeffrey Sachs on that (Pogge 2002; Sachs 2008). But to act justly we need not redistribute further. There is nothing wrong with getting rich and for there coming to be the inequalities that inevitably go with it. What is wrong—unjust—is *getting rich at other people’s expense*. Schmidtz remarks, in “some societies ... there is another way to get rich: that is by making customers better off” (Schmidtz 2007, 440). People can and do engage in mutually beneficial trade. There is no injustice, Schmidtz claims here; there is no getting rich at other people’s expense which is paradigmatically unjust. There is in our capitalist world such a thing as trade which is (all things considered) mutually beneficial trade. That things are mutually beneficial should not be viewed so narrowly, as Schmidtz does, as a mutually beneficial transaction between a merchant and a buyer. Some purchases, for example, the buying of fine sheets at a mutually agreeable price between a buyer and a seller when where these sheets are coming from fine Egyptian cotton purchased at other people’s expense. In coming to be of the product sold there is not just the buyer and seller of the sheets but the five year old child working for ten hours a day in the Egyptian cotton fields under sweltering heat. Was the child’s working and the person doing the hiring a *mutually* beneficial transaction? Can we with a straight face say that this transaction was mutually beneficial? Hardly!

It was a transaction with the child's and his/her parents' backs to the wall. It was only mutually beneficial against such harsh circumstances, circumstances that do not need to be.¹² The same obtains for purchases of computers made in China, strawberries picked in Mexico, body parts sold by a desperate farmer about to lose his farm and livelihood in India, trinkets purchased at Walmart at their ordinary prices again made under exploitative conditions in China. All of these products were made or (in the case of body parts) simply extracted and sold by exploited, dominated, oppressed, impoverished workers working in harsh conditions who make (the body parts aside) these things alright but with some people's backs to the wall. To say all the same the transaction was mutually beneficial is a violation of the ethics of words. It was only mutually beneficial under conditions which are grossly unjust and/or thoroughly evil. It is like saying that a person lost and on the verge of dying of thirst and hunger in a desert makes a mutually beneficial transaction when he sells himself into slavery to a camel driver who agrees to save him. It is not like a person buying a lamb chop from his butcher. And even there we need to look into the process of lamb chop production. Whether we have a morally acceptable transaction between a buyer and a seller is usually not just a matter of what goes on between a buyer and a seller but also of what goes on in a chain of prior transactions between buyers and sellers without which the first mentioned transaction would not be possible. That the transaction taken in isolation would be mutually beneficial, and thus, according to Schmitz and many others, would be just, is not sufficient for the justice of the first mentioned transaction. A whole network of related transactions must also be taken into consideration even on the mutually beneficial criterion. (I leave aside vegetarians' point about the very fact of the evil of slaughter houses for lamb chop production and I do not mean to suggest that they do not have a very strong case here.)

Still not all of the transactions from seller to buyer are so entangled with conditions so harshly made at others' expense. This is particularly true of the North. But it is true in *some* contexts in the South as well. Skilled workers and even sometimes not-so-skilled workers make a decent wage and are not so harshly exploited. Though still there is a lot of work even in the North which is harsh

and exploiting and much of it is boring and alienating. Moreover, *some* rather localized contexts are not so entangled as I have depicted as when I sell to a neighbor a basket of strawberries that I have just picked in my garden where I just happen to have more than enough for my own consumption. But exceptions like these are trivial exceptions hardly characteristic of the mass of buying and selling. There can be circumstances where it is decent and in any society there will be something like buying and selling that is decent, but it will, in some degree and some way, be exploitive where wage labor is involved in any capitalist order. This is not to say that under another mode of production with different social relations it could not be decent. But to consider our typical conditions of alienated labor consider someone working in a shoe store. She or he (usually she) is not happy in her work but still she is not near the edge of starvation or harshly oppressed as many workers are in the Third World. And we must not forget about what is very likely to be the working conditions of the workers, most likely from the South, who made the shoes that she is selling. Schmitz's views about what goes on in buying and selling are far too atomistic and Panglosian to have much to do with what is going on in the world.

Schmitz sees the world differently than I do and Barry does. He remarks, "I would say that we have decisive reason to reject any purported principle of justice that would deter people from engaging in mutually beneficial trade" (Schmitz 2007, 440). Barry disagrees and rightly. It may be mutually beneficial for me and Walmart if I shop there. But if I do I participate in practices which are radically unjust when we consider their purchasing, hiring practices, and treatment of their workers. I would, if I had the power, shut down such places. (If this is Leninist, so be it.) Schmitz has it that the slogan 'people before profit', which Barry endorses, has had its day. He says, "The ideas producing for use does not produce enough wealth to lessen inequality but producing for profit does. True with a vengeance he adds. But if producers are making a profit, they are selling what they produce, they are putting a product in the hands of consumers who judge themselves better off paying for that product (thereby financing its continued production) than they would otherwise be" (Schmitz 2007,

440). Sometimes this is unproblematically so. But usually it is not. If people (as they are) are told endlessly by the mass media 'drink Coke, it makes life shine' and they buy it in large quantities and get obese and rot their teeth they have a sovereign right to do so. There has, Schmidtz reasons, been a mutually agreed on transaction for mutual gain. The buyers get what they want and Coca-Cola makes a nice profit. Given the hype that goes with the selling, the buying was hardly free but still it was mutually agreed to. Coca-Cola rightly saw that it was for *its* benefit and duped the consumers into *judging themselves* better off. Schmidtz might say that it wasn't mutually beneficial but agree the parties judged it to be so. Coca-Cola engaged in propaganda to lead people (often kids) to believe they were getting something beneficial. They were had as buyers, particularly if they are young buyers, as are young buyers of cigarettes (to switch to another example) usually are. Schmidtz might say any interference here impinges on consumer sovereignty, but given the conditions, so what? Consumer sovereignty here comes to being consumer suckers. And also think of the expense to the states with a national health care system—or perhaps Schmidtz thinks that we should not have that state infringement either? To say nothing of ill health and early death connected with obesity. Our capitalist societies are rife with that.

When trade for profit leads to mutual gain, mutual gain for everyone involved with no serious losers, then trade for such profit is innocuous and of benefit to humankind. But that is not how trade for profit typically, indeed pervasively, works in a capitalist system or *perhaps* any system. There are going to be gainers and losers and people will end up being exploited and dominated when that system is the order of the day. Not all trade situations are zero-sum but some are and they don't have to be to be thoroughly bad.

There are typically lots of people entangled in what goes on in transactions between buyers and sellers. When we buy our coffee we need, when we consider the justice of the matter, not only consider the seller who was trying to provide something we want on terms that we find as does the seller mutually agreeable and beneficial. But we also need to think, if we would be decent and fair,

of the worker who picked it, the worker who roasted it, the worker who sorted it into bags, the worker who transported it. They, and not just the buyer and seller, are relevantly involved in the transaction. Along the line here a lot of exploitation is normally involved, and sometimes domination and oppression as well. There is seldom profit making that is not at other people's expense, something that Schmidtz thinks is paradigmatically unjust. The slogan 'people before profits' need not be destructive of human wellbeing and is not (*pace*, going Gray-like, Schmidtz) at all necessarily linked to the likes of Stalin and Mao (Schmidtz 2007, 440-41).¹³

What Schmidtz points to in stressing the need for profit and avoiding production for use value or use value alone is the need to build up productive forces, the wealth in societies and indeed in the world. That is what capitalism is good at doing, as Marx emphasized and other socialists have followed him, and socialism, if it is stably to come into being, grows out of capitalism; capitalism develops capitalist production relations first and then yields, or so the socialist narrative goes, when the conditions, though not without struggle, that make socialism possible to obtain. Capitalism, that is, is a necessary condition for societies to become socialist. But by now—or so it is reasonable to believe—capitalism has, with all its horrible exploitation, oppression and domination deployed in the building up of its productive power, by now the productive wealth (the developed productive forces) sufficient to make socialism possible unless global warming along with population growth undermines it. We now have a world able to transform itself into at least the beginning phases of socialism though not without the gaining of power by the workers, possibly by the ballot box but more likely by a revolution of some sort. With this buildup of wealth (productive power) there is in the world economic power sufficient to produce for use without edging the world into poverty and to avoid, if not all exploitation, at least the horrible exploitation, oppression and domination of capitalism. *Perhaps* sometime after that, we will be able to move to communism as Marx, C. B. Macpherson, and Andrew Levine conceived of it (Macpherson 1966; Levine 1993). As it develops, assuming it has gone worldwide, socialism will be able, even in the first stage, to meet basic needs.

Indeed for socialism to be secure and to meet its aim it must be worldwide in. We would have a world which meets basic needs and, as it develops, not only these needs but the growing needs of socialist people living in a socialist world. This will not be overnight. It will take time. And the meeting of needs that I speak of will not include the artificially induced crazy ‘needs’ (artificially induced wants created by capitalists to increase their wealth while it in effect impoverishes and sometimes reduces to bankruptcy or debt servitude many of the various sorts of workers that there are in capitalist society). So with socialism we go to a more humane approach captured by the slogan ‘people before profits’ and in doing it we not only enhance the wellbeing of people in our societies but become able to act toward the world as stewards of the world rather than ravagers—something in which the capitalist order excels.

VI

Schmidtz tells us that the concept of justice is the concept of *what persons are due*. Indeed he takes that to be analytic. Then he adds, unsurprisingly, “... the basic concept by itself will not often settle substantive debates. The conceptions philosophers defend are all, I would surmise, conceptions of what persons are due” (Schmidtz 2007, 441). However, like Anthony Flew before him, Schmidtz entirely misses Rawls’s well known point that different institutional formations with different conceptions of justice will determine and sometimes differently what it is that people are entitled to or are due. It will establish what dueness or entitlement consists in and what entitlements and what duenesses there will be. But it will be one thing in a feudal society, another thing in a capitalist society, and still another thing in a socialist society. (I didn’t say they are completely different but they are substantially so.) Even within those societies things will be somewhat different at different times and places. Albania is one place, the United States another. In Canada, just in virtue of my citizenship, I am entitled—that’s my due—to free health care (health care provided by the state); in the United States citizenship does not so entitle one. What we are due differs in this

important respect. Rawls (and Barry follows him here) takes it that justice is principally and most fundamentally has to do with obtaining the fairness of those basic institutional arrangements. What people are due and what they are entitled to are derivative from that. Schmitz's notion of justice is not the basic one.

However, without taking back any of what I have just said, let us go along, for the sake of argument, with Schmitz's effort to try to ascertain which conception, his or Barry's, is preferable. He looks for a referee here. We need, he claims, an authority *which is not itself a conception of justice*. Suppose, he asks, we evaluate a conception of justice by asking "whether it gives people a framework for living good lives together" (Schmitz 2007, 441). This is Schmitz's candidate referee. It, as he rightly points out, is a referee which is not a conception of justice itself, and perhaps does not presuppose one. So we can appeal to it without prejudice. Such a framework promotes various things, e.g., meeting basic needs, empowering the least advantaged, providing better opportunities, relieving suffering, promoting welfare in general, promoting excellence, and the like. Now what, with regard to such a framework, he asks, does justice do for us?

In trying to get a grip on this Schmitz reminds us of a very useful though neglected remark of Rawls (Schmitz 2007, 442). Rawls says early on in *A Theory of Justice*, "Even though justice has a certain priority, being the most important virtue of institutions, it is still true that, other things equal, one conception of justice is preferable to another when its broader consequences are more desirable" (Rawls 1971, 6). This is not to say that the good is prior to the right, says Schmitz, but "simply to acknowledge that if we want to argue for our conception of the right, we must start with something other than an appeal to our conception of the right" (Schmitz 2007, 443). We sort out "conceptions of justice by asking which are conducive to and which are inimical to our living well" (Schmitz 2007, 442). Presumably he does not mean by 'our' here just how we as distinct individuals live well but as to how human beings as individuals but also collectively live well—at least I hope that is what he means. But perhaps, like Thatcher does, he thinks there is no such thing as society?

Schmidtz goes on to say that distributing according to need is not guaranteed to meet needs. He remarks that he and Barry could probably agree on that. Indeed, I hope and expect so. Moreover, it is clear that on Barry's account meeting needs is not all that social justice amounts to and it is not the only reason why justice matters or when it matters. Schmidtz is in accord with that. He wants paychecks to be awarded according to what actually meets needs here, namely, productive work. Schmidtz remarks, "If we care about need—if we really care—then we want social structures to encourage people to do what works. Societies that effectively meet needs, historically speaking, have always been those that empower and reward exercises of productive capacities in virtue of which people meet needs" (Schmidtz 2007, 446).

Barry, recall, writes in *Why Social Justice Matters* to reinforce our propensity to believe people who say that things are bad and getting worse. Schmidtz demurs and ripostes by saying that in some ways things are getting better. In the North there have been changes for the better in the real purchasing power of the twentieth income percentile and life expectancy has generally grown. Between 1900 and 2001 in the United States life expectancy for whites rose to 63 percent from 47.6 to 77.7 years; for blacks it rose 119 per cent from 33.6 to 72.2 years. And fewer babies die in the United States. (It is a different matter—something that Schmidtz does not attend to—when we look at things globally.) But be that as it may, it is the overall picture that counts. Inequality has been steadily rising all over the world. (In the United States since 1975.) Job insecurity has greatly increased. There are fewer secure jobs and more marginalized and part time labor with layoffs more frequent and working conditions becoming increasingly bad. Capitalists are increasingly adept at exploitation and often show their greed quite openly. With the Red Scare gone and neo-liberalism riding high, labor's position is increasingly deteriorates. (With the meltdown this may hopefully be changing.) With the decline in unionized work and union power, domination and exploitation of workers has increased in the capitalist world (*about* the only world that exists). Then, with the monkey wrench thrown into things by both global warming and growth of world population, both

matters that Barry gives close attention to, we have something that makes the case for things getting overwhelmingly worse. Yet Schmidtz ignores all these things—things that Barry emphasizes in *Why Social Justice Matters*.

Barry remarks, “If poverty is to be eliminated the money will have to come from those who have plenty of it” (Barry 2005, 160). Barry adds in a later passage, “Universal pensions are very rare in poor countries and, again, the money for them is going to have to come from the rich ones simply because there is nowhere else for it to come from” (Barry 2005, 263). Schmidtz rightly points out that this is an exaggeration, indeed not just an exaggeration but something that is literally false. “Suffice it to say,” he says, “so long as people in poor countries can work, it won’t be true that rich countries are the *only* place for money to come from” (Schmidtz 2007, 451). If things like the U.S. and E.U. farm subsidies—something he joins Barry in condemning—were eliminated and poor countries were not hindered from selling their agricultural goods, their world would be one of modest wealth creation and still more wealth would be created if the U.S. and the E.U. would stop dumping in the South their very cheap subsidized agricultural products and in this way undermining local food production and sales. But his most central point against Barry is that as long as people can work—and *some* can—the rich countries are not the only places money can come from. This is like saying 95 percent of our water comes from other sources but 5 percent comes from collecting it from rain on our roofs. Rainwater collected from our roofs (assuming not more than 5 percent can be so gained by even the maximum expanding of roof collection) is thus a comparatively insignificant amount. Similar things apply to what Barry says about the money that poor countries need to eradicate poverty. I am not, of course, against self-help but don’t expect (at least in the near term) it to do the job. A few less in some countries will starve and there will be a little abatement of extreme malnutrition but that is all.

Note here three things. (1) The money supplied by the poor countries would not be nearly enough to rid the South of poverty. The North must also play a big role here. (2) The rich capitalist

nations effectively also hinder wealth creation in the South. As Thomas Pogge (no friend of socialism) points out, the North—all capitalist nations in a global capitalist order—do this in a myriad of ways (Pogge 2002). (3) There are sources of impoverishment of the South by the North that self-help by the South will not be able to overcome. Moreover, it is in rational capitalist interests to maintain the *status quo*. With global poverty eradication the wealth of crucial capitalist enterprises would probably slightly decrease. But since capitalism is not the Salvation Army, it is not in their rational interests to do this. 'Profits before people' is the name of the game. In our capitalist orders its time is not past. Indeed, as Schmidtz points out, in a capitalist order profits need to be considerable if needs are to be met. But a socialism, piggybacking on capitalism, would and should produce directly to meet needs. Now, with the capitalist development of productive power enhanced and intact, it becomes possible to do this. There is now no longer such a need for growth. We have enough productive power to meet needs, particularly if we use our productive power very differently. 'People before profits' is something that finally has become something where day has come. It now could be a reality: a reality that would result in enhanced human flourishing. Something that would, all its horrors notwithstanding, not have been possible without capitalist development. Now we can throw the ladder away. We have enough growth. Indeed, if we do not severely tame it we will be in for a really worse horror than anything we have had in the past. (I refer here to global warming and population explosion.) And to revert to point (2), capitalist countries of the North don't engage in serious global poverty eradication. Pogge, and rightly, is outraged by this, particularly since these countries with their economic orders are so extensively responsible for the poverty (Pogge 2002). This is the way it is in our capitalist world. But moralizing, no matter how sound (as Pogge's is here), will not change it. Pogge, as well as Jeffrey Sachs, in making a strong moral case for extreme poverty eradication points out (a) how extensively responsible the North is for this poverty and (b) how little it would take, how miniscule the loss of profit would be, for the North to eradicate global poverty (Pogge 2002; Sachs 2005).¹⁴ They make this case convincingly. The leaders of these capitalist

orders—I would say our masters—sometimes make pious noises but they do very little. Schmitz, with what increasingly reveals his rightwing orientation, says nothing about this.

Schmitz, following Elizabeth Anderson, points out that there is much in recent trends in academic egalitarian thought to be uneasy about. Schmitz quotes Anderson and concurs with her saying that the “proper negative aim of egalitarian justice is not to eliminate the impact of brute luck from human affairs but to end oppression” (Anderson 1999, 288; Schmitz 2007, 452). Luck egalitarianism mistakenly claims that the purpose of redistribution is to make up for bad luck, including the undeserved misfortune of being less capable than others. Some people, and through no fault of their own, are mediocre in many ways. There should be no blinking at this. People, they argue, should not lay claim to the resources of egalitarian redistribution in virtue of their inferiorities compared to others but only in virtue of their equality with others (Anderson 1999, 306; Schmitz 2007, 452). As Schmitz puts it, “Equality as a repudiation of oppression is equality as a repudiation of society as a zero-sum game, a repudiation of winning at other people’s expense” (Schmitz 2007, 452). And it is this kind of equality that matters.

This kind of equality, Schmitz stresses, readily becomes political equality. “In the Nineteenth Century when women began to present themselves as having a right to vote they were presenting themselves not as needy inferiors but as autonomous equals with a right not to equal shares but to equal treatment” (Schmitz 2007, 458).¹⁵ Most crucially—and this has considerable political significance for this equality—for it to obtain and to be the proper sort there must be an absence of any general, non-contextual ranking of individuals into those who command and those who obey. (This certainly does not mean a surgeon cannot rightly command during an operation his apprentice surgeons and his nurses in the operating team. to obey and that this is necessary and right. That is why I spoke of non-contextual in the previous sentence.) But Schmitz and Anderson have in mind, and rightly, political and political-economic contexts. George Orwell found in Catalonia in the early days of the Spanish Civil War the kind of equality that should obtain.¹⁶ Again Schmitz puts it

well when he says, “Egalitarianism has a history of being first and foremost a concern about status not stuff” (Schmidtz 2007, 453).¹⁷ Instead, political justice—the kind of justice that is relevant here—should stress domination and oppression as the great carriers of injustice, but not having equal shares. Or so Schmidtz tells us.

There is something here that is right and important, but there is also something wrong. Why can't justice be about both status and stuff? Why can't and why isn't justice about oppression, domination, exploitation and attaining, where in some manner we can, rough material equality? That is plainly Barry's position. Don't sharp material inequalities often come close to constituting oppression? Consider Barry's line of argument taking his case of an uneducated single welfare mother in the slums of the United States or Britain. Suppose she gives birth to another child. The child's material deprivation may begin even before birth. The child's mother, due to her lack of education, impoverishment, and resultant bad diet, lacks the body fluids to give strength and health to the as yet unborn infant that she/he will need to flourish. The infant starts life and continues in school with that deprivation. This is added to after birth and into school years by, among other things, being badly nourished. Again it is a matter of steep material inequalities with the child's mother being on the bottom rung. Moreover, because of the fatigue resulting from beginning the day without breakfast, the child repeatedly falls asleep in class or is unable to concentrate. As a result, he/she does badly in school. This is enhanced by the lack of the things—Schmidtz's 'stuff'—at home to mentally nourish the child. And this is a result of impoverishment and very likely because of non-culpable ignorance on the part of his/her mother. But there is a lack of nourishment for his/her thinking and imagination. He/she lacks the books, records, and conversation that are necessary for mental flourishing. Propped up before the television (hardly a medium of enlightenment) by a mother too exhausted and oppressed to give her child proper attention, the child's mental development is diminished. The child continues to fall behind in school, which is likely to be a rotten one anyway given the slum in which the child lives. As a result, he/she drops out of school as soon

as it is possible. But he/she, now an adolescent, cannot get a job and turns to crime and drugs to make his/her horrible life somewhat less horrible (itself an illusion, though an understandable one.) The child, now a young adult, ends up in jail and this, when he is released, makes it almost impossible for him to find a job. Such a person so situated turns again to crime and again ends up in jail again. These cumulative material conditions seal his/her fate. It is a life of being dominated, alienated, and oppressed.

Material conditions deeply affect life chances for individuals and classes. They largely determine the extent and depth of people's oppression as well as their being able to escape that (albeit directly unwilling) oppression. If we are concerned about oppression, we will also be concerned about 'stuff'. We will realize that status is linked closely to having a certain amount of stuff. They go together like hand and glove. Justice and injustice are inseparable from both. And again this is Barry's position. We should, and many of us do, want to become more worthy.¹⁸ But without a reasonable degree of material well-being we are *almost* invariably stopped dead in our tracks from achieving it.

A very few people, in spite of all the kind of material and intellectual deprivations that I have just described, have the strength to climb or claw their way out of such a pit. But when we think of Rawls and Hampshire on biological and social roulette we are disinclined to say that they got their due and the vast number of others who cannot claw their way out of the pit also get their due. It isn't that we should not admire those who have achieved and that they should not have the awards of their achievement, but that we should not say of the multitude of losers that they also got their due. This vocabulary should not be applied here. Here luck egalitarianism begins to look compelling. The few who just happen to have the strength do not deserve (except sometimes in a pragmatic sense) praise and further entitlements. Where did they acquire their strength? They did not will it into being and, if they had, where did they get that strength of will? Their having it, like everything else, has causes. They just are the few lucky ones. Even if we have good causal explanations of why this is so—why

some few of these deprived people have that strength—it still turns out that they were just lucky. They deserve no praise or special entitlements for that, though it *may* be *instrumentally* useful to take note of that. The vast majority of people so unequally situated turn out to be unlucky. They just did not happen to have that strength. They don't deserve blame for their unluckiness, for their lack of strength. And if we are among the lucky ones, as we are or we wouldn't be reading this, we will say to ourselves, if we are at all reflective and morally sensitive and can hold on to our brains, 'There go I but for the luck of my biological and social inheritance'. We will see that these things here are just a matter of biological and social roulette. Our fortunate position is completely undeserved as is the unfortunate position of the unlucky ones. We could have done nothing to deserve it but just happened to have this strength of will. We will see this if we just go back a little in the causal history of people, including ourselves. (If this is hard determinism, so be it.) 'Deserved' and 'undeserved' make no sense here except sometimes pragmatically as a tool to keep things going. It makes no sense to say that it was my due any more than it makes sense to say that I deserve my parents or inherited social position. It is just the luck of the draw. We shouldn't build a theory of justice or morality on it if we would be at all rational and reasonable. And again whether we can be either is not, if we push things back resolutely, our doing. This need not be hard determinism but a steadfast recognition of the pervasiveness of biological and social roulette (Nielsen 2006).¹⁹

Equality—the good kind on Schmidtz's own account—is a repudiation of society as a zero-sum game, a repudiation of winning at other people's expense. (Why should we, to have a theory like Barry's or any reasonable theory at all, view people acting in society as acting in a zero-sum game? The tides of metaphysics are running high here.) But then there can be no such egalitarian capitalism because the very rationale of capitalism is to go for the greatest profit (for smart risk-averse profit) whether it is at others' expense or not.²⁰ It almost invariably *will* be at others' expense but this does not imply a zero-sum game where the winner takes all: the winner is the one who is exploitative and oppressive. But he must be in a position to be and do that. He may still give a few crumbs to those

he exploits to keep his position secure. He may be risk-averse. And the exploited usually have some means to in some (usually small) ways to resist. The winner is out for number one. But that is a different matter from society being a zero-sum game. We should stop thinking about games here, whether or not zero-sum. Capitalism, as Marx and Engels observed in the *Communist Manifesto*, scours the world to find where its labor—for them, after all, a commodity—can be had for the lowest price where what needs to be done can also be done efficiently. If the work to be done can be done more efficiently and cheaply by de-skilling to get even cheaper labor, then that is what will be done and that will be the rationale from a capitalist point of view. This being so, as capitalists reason, it is something that should be done. Where factories can be moved at a reasonable expense, all things considered, as for example garment factories can, then they will be moved if that is profitable for capitalism and can be done without too forceful an opposition. Capitalism scours the world to see where it can set up its factories with the cheapest labor and where raw materials, including sites to build factories, are also the cheapest. It doesn't mind if in achieving such things some people's livings are entirely destroyed as with corn farmers and garment workers in Mexico or in earlier times garment workers in Quebec or New England. That is the price of progress, *capitalist style*. Profit maximizing reasonably stable capital accumulation is what is sought. It doesn't matter what happens to people. It is how much capitalists can get out of people—capital's labor commodity—that counts. It is not about helping to provide conditions which will facilitate people becoming more worthy—that is unless becoming more worthy comes to being something capitalists can get more out of—a capitalistically useful *persuasive* low redefinition but a completely arbitrary one. In a capitalist society there will *always* be some losers. There will always be gains at some people's expense. (We can call it a zero-sum game if we want to talk that way.) But in capitalism there is no way of repudiating gaining at someone else's expense. That is just the way capitalism is. There is, that is, no way of winning that is not at some other people's expense in a capitalism system. So there is on

Schmidtz's own terms no way of having a society with the equality that he says really matters. Capitalism in his own terms cannot be anything but an unjust system.

Schmidtz has an utterly naïve conception of how capitalism works even in our liberal societies or so-called liberal societies. He has no conception as to how, if indeed it can be done, to change it so as to conform it to his liberal capitalist utopian dreams (say, those of Sen 2009).

Yes, of course, we want to be equal (to have the same opportunities) to improve our lives, to become, as Schmidtz ambiguously puts it, more worthy. We do not want to equalize such things down, i.e., to make some people less worthy so we can be more equal (Schmidtz 2007, 453). Indeed the slogan 'Equal pay for equal work' came from a tradition that had more in common with a meritocracy than a tradition that stressed equal shares for everybody. Schmidtz remarks:

Liberal political equality is not premised on the absurd hope that, under ideal conditions, we all turn out to be equally worthy. It presupposes only a traditionally liberal optimism regarding what kind of society results from giving people (all people, so far as we can) a chance to choose worthy ways of life. We do not see people's different contributions as equally valuable, but that was never the point of equal opportunity and never could be. Why not? Because we do not see even our own contributions as equally worthy, let alone everyone's. We're not indifferent to whether we achieve more rather than less. Some of our efforts have excellent results, some do not, and we care about the difference. In everyday life, genuine respect to some extent tracks how we distinguish ourselves as we develop our unique potentials in unique ways (Schmidtz 2007, 454).

That is fine but it utterly neglects considering the conditions that need to obtain for people having much of a chance to choose worthy ways of life, to have the capabilities and real opportunities to so choose. Let us think again of our single uneducated welfare mother and her children and of the five year old Egyptian child with never a chance of going to school at all working in the cotton fields of Egypt for ten hours a day, seven days a week. Here we are back to facing the questions about material conditions that make possible the choice of making oneself more worthy or even being responsible

and to the need for Barry's roughly equal material conditions. How are we (1) to get something like equality of condition and (2) to characterize equality of condition?

Barry should not and need not say that cognitive differences are *entirely* a matter of nature. They are a scrambled mix—indeed an unscrambled mix—of biological (not only genetic) and social forces (Nielsen 1995, 115-31). But Barry does show how nurture has an enormous influence on who we are and who we can become. Schmitz repeatedly downplays this. There is not much of a chance that an Afro-American child raised in the slums of Chicago or Washington D.C. or a Hispanic child raised in the slums of Los Angeles or any child raised in the statistically normal conditions of such slums anywhere has much of a chance to make something of him/herself. Sometimes it is done, but it is very, very unusual. Generally speaking for the vast majority of these children their fate is sealed. We can predict very reliably what under those circumstances most will become. That is what Barry fastens on and rightly so. (It is not just a sad sentimental tale that is being told here, though it is that. It is important to see that it is also, and more importantly, a hard-nosed telling it like it is.)

Schmitz by contrast concentrates on our own choices. That he went from rags to modest riches does not mean that can happen to most people placed as he was (Schmitz 2009b, 511). There are important avenues of opportunity if we are reasonably privileged that are not available to others. People who read Barry's book or Schmitz's article usually have some control over their lives and can have some effect, for good or bad, on their children and other people in their immediate environment. But, as Barry points out, they not infrequently do at the expense of others. They could and should try to affect their environment in ways liberating for themselves *and* others. But that is chicken feed compared to what Barry is talking about and what I have just mentioned above. That is where the most serious social and political problems are; that is where we should direct our efforts as political beings as well as political theorists while trying to be good parents, good partners and lovers, and good colleagues. And, of course, we should celebrate great performances. Moreover, we want airline pilots who are competent and teachers who teach well and understand well what they

are teaching and can relate well with their students. Similarly, we want taxi drivers who know their way around the city or region where they drive their taxis and can be relied on to take us in the most direct way from the airport to our hotels. But again what we have here more apolitical chickenfeed compared to what Barry is fastening on. Schmidtz is right that we don't give a damn about whether great performers have great genes. But so what? We do, or at least we should, give a damn about what Barry is talking about and what I have just alluded to.

Talk of free will and determinism (particularly hard determinism) is, to put it mildly, problematic. J. L. Austin was right that 'determinism' is not a name for anything clear but neither, by the same measure, is 'free will'. We can feel ourselves pressured by reflection on biological and social roulette to go in the direction of hard determinism. But we need not be so pressured when we reflect on how problematic such conceptions are. (Here is where a little analytic philosophy helps.) But biological (including genetic) and social roulette are still with us whatever we say about determinism and free will. The full force of Rawls's and Hampshire's remarks remain, whatever we think about the extent and the sense of determinism (Nielsen 2006).

Nevertheless, we can, and on occasion should, ask 'What did I do to deserve this?' Sometimes I can say 'I didn't deserve it at all', as when a bully beat me up just because I was a younger and smaller kid that he could safely beat up. But sometimes I can answer firmly and correctly that I worked hard, thought carefully and originally, and wrote a better essay than any of the others who were competing. So I deserved the award that I got. The referees saw that. Both of these cases are familiar types of cases and Schmidtz rightly contextualizes them (Schmidtz 2007, 456). So contextualized, desert-talk is, as pragmatic-talk, alive and well no matter what we say about 'determinism' and no matter what we say about 'free will' being obscurantist and problematic talk (Kumar 2006). Schmidtz deserves admiration for his opening methodological remarks and this holds whether we agree with him or not about his methodological claims or about anything else. However, we recognize that these methodological remarks involve skill, careful thought, and felicitous expression. Having talent and

knowing what to do with it deserves admiration, just as does integrity, commitment (even sometimes to a wrong cause), and hard work in most circumstances. We respect those things and rightly so and we respect and admire *ceteris paribus* the people who so act and, among other things, for so acting. Shouldn't we? I think this answers itself.

However, should we also, though not in exactly the same way, respect all human beings simply for being human—even rascals, the monsters of the world, the mediocre and the high-placed influential wrongdoers? We don't admire them; indeed we very much wish there were no such people. Still we respect (or at least should respect) their humanness even when they have shown no respect themselves for humanness. (This is an obscure but not unintelligible notion. To say this is not to say that it could with work perhaps be made non-obscure.) We can very well believe that Saddam Hussein was a monster and still believe that it was deeply wrong (though understandable) that his executioners mocked at the very moment of his execution. We, as moral beings, just cannot treat people that way. We do not, if we have a grip on ourselves as moral beings, believe that Batista, Pinochet, Pol Pot, George W. Bush, or even Hitler or Stalin should be simply shot like a dog with rabies running wild in the streets. We are not sure of the rationale or the rationality of such a respect for human beings—all human beings—but it is a deep one in social liberalism, social democracy, liberal socialism, and cosmopolitanism more generally. When we reflect on ourselves and also on the biological and social roulette which is our inescapable lot and see ourselves as historical forces—perhaps even as *mere* historical forces—set in a class, a nationality, a cluster of cultural beliefs (sometimes ethnocentric ones), we still regard, if we can maintain the moral outlook with the beliefs mentioned at the end of the previous sentence, all of humankind, including ourselves, as beings for which, no matter what else, respect is due *just because they are human*.²¹ If we are reflective and have moral sensibilities, we (at least in a cool hour) will have that peculiar respect for all human beings. This is a strange belief and one that is hard—perhaps impossible—to justify but one that is deeply embedded in us, at least if we are cosmopolitans. Not all human beings have such feelings. But if we

are cosmopolitan liberals—perhaps even communist liberals as I am—we have it and it is very deep within us. (Being a ‘liberal communist’, by the way, popular understanding to the contrary notwithstanding, is not an oxymoron.) We think (*pace* Schmidtz) that even though people, including ourselves, are products of nature/nurture, they should be respected simply because they are human beings and thus eligible for moral regard. *Perhaps* we do not know how to justify this belief. I don’t know if we could do it. But we do not therefore regard such a belief as arbitrary. It still deeply resonates with us. Sometimes it is difficult for us to understand how not all of us could not have it if they would just carefully reflect and take stock. Wittgenstein has taught us that there are lots of groundless beliefs that are not arbitrary or something we should try to set aside if we are reasonable. I know that I am a confluence of biological and historical forces and could not, along with all other featherless bipeds, be anything else. But that does not, even when I reflect on it, undermine my sense of agency. I still will hold myself responsible for my acting in the world (Kumar 2006). What, if anything, is unreasonable about this? Moreover, if I am lucky enough to have the resources within me, I make myself more worthy as Schmidtz likes to say. Barry’s cosmopolitan account makes room for these sentiments and convictions. Perhaps he is too rationalistic to make room for Wittgenstein as I have. But someone with such a Wittgensteinian penchant can accept the essentials of Barry’s account along with that Wittgensteinian rounding out of what *may* be some of Barry’s rough edges. (Arneson, who is generally sympathetic to Barry, speaks of him as too quickly brushing some things aside. Arneson 2007, 393.) But one, without that Wittgensteinian rationale, could accept such a commitment to respect persons—all persons—as just a deep primitive belief, perhaps a non-rational belief. (I didn’t say an irrational belief.) Everything that it is reasonable to believe or not unreasonable to believe is not, or at least need not be, believed for a reason. But rationalism and an attempt to escape contingency (particularly among philosophers) dies hard.

Often, Schmidtz has it, desert is not a comparative notion, though it sometimes is. Sometimes desert bases concern performance *per se*. “We pay more to hear virtuoso pianists than to hear merely

competent ones. Did they have the same cognitive potential? Were they nurtured equally well? We don't need to know" (Schmidtz 2007, 457). It is, Schmidtz tells us, not a question of whether some x did something to deserve more than y, but whether x did something to deserve what he has and that doing it was it. But how do we decide whether y or x or both did something to deserve what they have? How do we decide when people do what they do that they do is something deserving? Suppose I can look cross eyed or eat ten ears of corn one after another or spell backwards. Most of us would not think I am doing anything to be deserving, even though these are somewhat difficult feats. Not everyone can do them. (I haven't the faintest idea how to look cross eyed.) But, again, how do we decide what is or is not deserving? It is not just a matter, though it usually is in part, of being skilled at something. I would think that it is not an easy matter if you are not cross eyed to look cross eyed or, cross eyed or not, to spell backwards. Having these skills, being able to make these performances, might in certain circumstances be mildly amusing but we would hardly consider that those performers were doing something to be deserving or doing something worthwhile or of making oneself worthy.

However, how do we decide whether when someone is doing something she/he is doing something to be deserving even when desert is not functioning as a comparative notion? When B is doing his job he is deserving of his paycheck. We do not ask in deciding in such contexts who is deserving, A or B, when A does the same job better than B. Even if A does so, we do not therefore say that B is not deserving or even less deserving than A of his paycheck. In that context we are deserving—that is, deserving of getting our own paycheck—if we do our job. If A and B both do their jobs—perhaps we should add the dangler 'competently'—they equally deserve (e.g., are entitled to) their paychecks. There are certain requirements for a job. If the employees meet them they deserve and, morally speaking, must get their paychecks. Whether A does the job better than B does not matter as long as B does his job responsibly and competently.

By contrast, however, sometimes desert is a comparative notion. Suppose, to take an example familiar to professors, a department has two untenured assistant professors who are both competent and have equal service time. (Let us assume that neither gender nor minority issues enter here.) Suppose further that the department must let one of them go. The department meets *sans* the two professors in question and deliberates on which one to keep. They don't toss a coin but try to decide using somewhat fuzzy but familiar criteria on the comparative merits for the job of the two professors. (Also think of the parallel case of their applying for the job in the department and the department deliberating about which one to hire.) The department is trying to decide, all things considered, which one is more deserving to keep his/her job given that both cannot or in the other similar situation which one to hire. It is not simply a matter of their doing their jobs conscientiously and competently and in the hiring case both candidates could and predictably would do their job conscientiously and competently. The question is who did their job better or in the hiring case could and predictably would do their jobs better. These are questions of determining, if the department can, who did or probably will do their job best. *Sometimes*, but not always, such matters can be impartially determined with a certain amount of objectivity. More often, arbitrary matters, including unconscious preferences (sometimes even conscious ones) rule the day. But not always and certainly not necessarily.

Suppose there is no central committee to decide such things: a central distributor to distribute positions or income according to what they take to be relative merit. Then how is desert to be ascertained? We do not, in a well-run university, just leave it up to the chair of the department to decide. There is more room for arbitrariness and prejudice there than with a central committee. In despair about in such a case of trying to judge comparative merit—though that need not be the case—we might just abandon it and in effect toss a coin. That would be to abandon any appeal to desert and Schmitz would not buy that. We make judgments of relative deservingness or merit or entitlement and we seem at least sometimes to do it reliably. We seem at least to need institutional

mechanisms—not so far from a central committee engaging in distributions on judgment or merit. Think of how universities work in this respect. Would Schmidtz wish to dismantle their institutional apparatuses for deciding such things? It is one thing to seek to reform them; it is another thing to seek to dismantle them altogether. Schmidtz goes wrong when he says, “Whether I deserve my salary has nothing to do with how my salary compares with Bill’s and everything to do with whether I show up and do what I get paid to do” (Schmidtz 2007, 458). But in the above cases desert is a comparative notion. Moreover, professors, tenured or not, now in most universities get graded every year. Suppose a professor, let’s call him James, though tenured, year after year on his evaluation dossier shows no publications, no service on committees, and poor teaching reports from his students. In contrast Bill, a very active and creative assistant professor, gets promoted to associate professor with an appropriate raise in salary. Suppose there is a limited pool of money to distribute for salaries. James, in such a circumstance, not only does not get a raise but gets a slight cut in his salary, the rationale for it being that he didn’t in that situation deserve his salary given his poor performance and the money available and considering what others were doing including most prominently Bill in this instance. James showed up and did—minimally did—what he gets paid to do. Perhaps it is wrong to dock his pay—I think so—but the question of a gain in his salary compared with Bill’s is here an issue of deservingness, comparative deservingness, and to ascertain that involves comparing what he did and what Bill (among others) did. (It may be a matter of who gets a raise and the extent of the raise.) And in appealing to it, it might be reasonably said, that James doesn’t deserve his salary and certainly *ceteris paribus* doesn’t deserve a raise. Whether one deserves one’s salary isn’t always a matter of *just* doing what one is paid to do.

I neither like this constant grading of people and the very talk of deserving one’s salary and all this talk of desert, merit and entitlement nor do I like the repeated measurement that is made in ascertaining these things. I think a lot of time is wasted by professors in preparing their dossiers and by committees spending time in examining and making evaluations based on these dossiers. This is

less needed for salaries (what we were just discussing) but something like it at least seems to be needed for hiring and for promotions and tenure (if we are to have it). My objections, as I mentioned, are not only pragmatic but moral as well. I think (*pace* Schmidtz) that Barry is right in saying that “meritocracy cannot justify inequality because opportunities to achieve ‘merit’ are so unequal” (Barry 2005, 110).²² But haven’t I used meritocratic reasoning in how I reasoned above? Merit judgments for limited purposes are one thing; meritocracy is another. Universities, we should also recognize, are hierarchical institutions and there is little equality there, but some universities are more hierarchical and unequal than others. Moreover, given Barry’s criteria and mine, *ceteris paribus*, the more hierarchical ones are worse in certain very important respects than the more egalitarian ones. I will illustrate this. I was chair in three different universities. As chair, I was responsible (though not solely responsible) for the assessments made in all three universities concerning merit raises (where they had them) and in advances made in ranks and for tenure in these three departments of philosophy. One university had a system where everyone at an equal rank and with an equal time of service received equal pay. You could know what the salary was for, say, a full professor with ten years of service no matter who they were and whether they were high-flyers or not. That university in that limited sense was more egalitarian than others. Same rank, same years of service, same salary. The other two universities where I was chair had the more conventional system of merit raises. In determining merit raises what was looked into centered around publications, service on committees, and teaching. How this was ascertained was by a fairly complicated and time-consuming assessment of merit around these three factors. They were supposed to be given equal weight, though in practice publications had the most weight.

Conventional wisdom had it that the more conventional systems having a reasonably strong incentive system would yield a stronger, more productive teaching staff than the more egalitarian ones. (Note that this is itself a contestable criterion even though perhaps a reasonable one.) Being chair in these three different institutions, I had a reasonably good opportunity to look into the

working of these systems. It became evident to me that the conventional wisdom was not borne out here. The salaries were fairly high in the more egalitarian system, though not higher than in the other two institutions and the location in the more egalitarian system (though also in one of the two less egalitarian systems) was attractive at least for people with a certain temperament (people who wanted to live in a cosmopolitan metropolis). The teaching staff in the more egalitarian university had fewer incentives to be productive (in the conventional sense of 'productive') than the staff in the more conventional (in this respect) universities. There was little brain drain in the more egalitarian system, though this is what conventional wisdom would expect. But it was not possible to offer higher salaries for high-flyers to attract them to or keep them in the more egalitarian university. Even that was not a great difficulty given the attractiveness of the location. But the more important consideration was that being in the more egalitarian system, though a comparatively well-paying system, did not decrease the productivity of the staff. And I should add that it was not just in the department I was in that I had opportunity to observe that but I could observe that across the arts and sciences, though in somewhat less detailed manner.

So there is *some* evidence that the pragmatic argument for a desert-based system does not hold. Moreover, the intuitive attractiveness (if it has any) about the fairness and intrinsic desirability of appealing to desert is massively counter-balanced by considering the societies at large, North and South, where there often is gross and growing insecurity in the work place for a range of growing domains of the underclass (the variety of poors, or more or less poors). Everywhere there is growing inequality and insecurity. The underclass is both becoming more diverse and growing. (I do not speak just of universities here and certainly not primarily and paradigmatically.)

The heads of giant multi-national capitalist enterprises can make a million dollars a year (or its equivalent) while the bulk of these multi-nationals' workers, particularly in the South are not well paid and sometimes make barely enough on which to survive. That is the way the multi-national and sometimes the national system of capitalist enterprises works. It is (to put it mildly) implausible to

claim that this extreme inequality—and with it exploitation, domination, and oppression—does not obtain. Moreover, it shows no signs of diminishing; rather, it gets worse. By Schmidtz's own account of justice these arrangements should be judged to be grossly unjust. Only one blind to the facts or without a moral sense or both could think otherwise. One great virtue of Barry's account is that he is not blind to the relevant facts.²³

In his concluding section on his response to Barry, Schmidtz returns to his methodological considerations and particularly to his plausible claim that theories (including theories of justice) are like maps. Maps, of course, are neither true nor false *but for distinct purposes* they can be more or less useful and more generally better or worse. In thinking about justice, these maps, these theories of justice, make us think differently about justice. People, that is, with different maps will think differently about justice. "Whatever our differences, though, the fact that we see things differently means that our living well together must involve learning to respect the fact that we see things differently" (Schmidtz 2007, 458). We, where our situations are decent, must so live. We must accept and respect, if we would be moral beings, those differences.

I think, if I understand Schmidtz correctly, that I deeply disagree with him about justice, though not about what I have just portrayed him as saying. We have very different justice-maps, though they do not differ in all respects. With him or with David Gauthier we (that is, people with maps like Barry's and mine) can agree to disagree with them. We respect the fact that we see things differently and, keeping that in mind, still try to deliberate together.

Schmidtz rightly draws our attention to the fact that the United States and Canada did dreadful things—deeply unjust things—to innocent Japanese-American or Japanese-Canadian citizens during World War II. There was a crime done to them too great for governmental apologies or compensations to ever make whole. Such apologies and compensations, that is, could never overcome or make up for the crimes that were committed. Yet Americans and Canadians of all origins must live together. In the face of this issue the wounded parties—the Japanese-Americans and

Japanese-Canadians—accepted in good faith the gestures including the apologies and compensations. All parties, to their credit, shifted focus away from making someone pay for the past and toward healing an unavoidable ongoing relationship: toward making living together a decent thing. The same thing obtained in once apartheid South Africa and over the Canadian treatment of its first nations' peoples, and even the much more difficult relations between Jews and Germans. But all these peoples managed to do what the Japanese-Americans and Japanese-Canadians did. As Schmitz puts it, they tried to “find their way to closure and hopefully to a better world for their children and for their children’s fellow citizens, even in a world whose history is everywhere unjust” (Schmitz 2007, 459). These are noble and humane sentiments and the fact that many among these peoples so acted rather than acted in the spirit of revenge which has gripped so many in the past is something that is encouraging about us as human beings. Some French, for example, said right after World War II (particularly when the concentration camp survivors started coming home) that they wished they could kill every German. My Danish grandfather who fought in the Kiel Canal War between Denmark and Germany told me as a little boy (four or five) that there is nothing he hated like he hated a German. This hatred and the spirit of revenge has been prevalent in human history and still is. There are *some* Jews who say the only good Arab is a dead one and *some* Arabs who return the complement. Would that we lived in a world that captured the sentiment and beliefs that Schmitz expressed in the last two pages of his essay (Schmitz 2007, 458-59). We can and should strive to make it a world that is not pervaded by such hatred (something that just spirals with hatred provoking hatred). We should strive for a world entirely free of such primitive hatreds (indeed all hatreds) and injustices and the cruel acts that go with them. But, unfortunately, that world of gross injustice and hatred is the world we pervasively live in now and always have. Bitterly and with a sense of the hopelessness of rectifying this we are driven toward political realism.

However, and be this as it may, Schmitz’s reconciliation passages are all about *past* injustices. He does not talk about the present. Should we now be reconciled with an order—indeed

a capitalist order—that tolerates, when it could easily do something about it, a world where twenty thousand people die each day quite unnecessarily? We live in a world where there is child labor, female enslavement, masses of people working for the equivalent of one dollar a day and in a world in which racism is not dead though in some places it is not so severe or prevalent as it once was. (Sweden and Holland are one thing; India and Saudi Arabia are another.) Black and whites even in South Africa and the United States marry and the United States in 2008 came to have a black president. This is very different from the segregated South I knew in the decade after World War II. In thinking of the Obama phenomenon keep in mind that in the United States, but not only there, race is thankfully no longer such a strong dividing phenomenon as it once was but class still is.²⁴ When the plutocracies that we in the North call democracies yield someone from the working class or underclass who will become president or prime minister rather than someone from the elites, no matter what race or ethnicity, then times will be changing toward a more egalitarian world. (Do not take me as denying that Obama is doing some quite wonderful things. He surely is. For example, his first act as president on the very first working day of his presidency was to reaffirm the United States' commitment to the Geneva Convention and to dismantle the torture regime of George W. Bush. Concerning some of the extremes and extent of torture of the torture regime and of its extent and Bush et al. covering it up and obfuscation of it, see Danner 2009.)

All the horrible things I have described above are in our vaunted capitalist and democratic open-minded order. Would it be that the capitalist order could be something else than it is. But it isn't and there is little reason to think that it will be or even can be, Obama's amelioration to the contrary notwithstanding. This voraciousness and oppressive state of things is capitalism's reality (Sen 2009). How, given these facts and a myriad number of facts like them, can a map of justice that has reasonable background beliefs be anything other than one that represents 'the terrain of justice' as being anything other than one which sees (if it can be non-evasive) our lives as social beings as locked in or at least being situated in a virtual war or at least a deep conflict between classes that will

not be resolved by being tolerant of the class that exploits, oppresses, and dominates (often brutally) vast numbers of humankind without a sign, except instrumentally, of a concern for that underclass.²⁵ Our political order will serve the interests or at least supposed interests of the capitalist class. The capitalist order—I don't say all individual capitalists—oppress, exploit, and dominate the poors of the world except where they are not even worth exploiting, i.e., it doesn't pay to exploit them. Then they simply allow them to rot on their own.

These are hard words but they are honest realistic words that are telling it like it is. A map—a theory—of justice that does not attend to such matters is, though often unwittingly, deceptively and ideologically unknowingly, as often philosophy is, about what the world is actually like. But this is what Schmitz's map of justice reflects. Unlike Barry, he, in an all too common philosophical manner, is innocent of the crucial facts of what it is that actually makes our world the kind of place it is. I do not accuse him of bad faith—that would be both unfair and ridiculous—but I do accuse him of a blindness to manifest reality and of misplaced innocence. Maps are neither true nor false, but they can and should rely on considerations—putative states of affairs—which are matters characterizable by propositions that are either true or false. It is vital for us (if we can) to ascertain which of these propositions are true or false.²⁶ Without this, our maps will be useless.

Notes

¹ Brian Barry was similarly disappointed.

² See Richard J. Arneson, "Does Social Justice Matter? Brian Barry's Applied Political Philosophy", Robert E. Goodin, "Why Social Justice is not all that Matters: Justice as the First Virtue", and David Schmitz, "When Justice Matters". All three articles were published in *Ethics* Vol. 117, no. 3 (April 2007).

³ Why not both?

⁴ This is something that Schmitz emphatically denies. See Schmitz 2004a, 506-16.

⁵ See Nielsen 2005a.

⁶ See here Turgenev 1852.

⁷ Perhaps this does not entail that equality has no intrinsic value but instead that neither equality nor anything else always has overriding value. But still the effect would be the same.

⁸ Barry acknowledges the form of them (Barry 2008).

⁹ As he did (Barry 2008).

¹⁰ As again Barry acknowledges this (Barry 2008, 702-10).

¹¹ Barry acknowledges this as well (Barry 2008, 695-702).

¹² Still, it is mutually beneficial but in circumstances that are grossly unfair and need not obtain. We do not just have something here that is an unavoidable fact of nature. And it is plainly evil that it goes on.

¹³ See Barry's reply (Barry 2008, 691).

¹⁴ Barry points out that Sachs only argues for *extreme* poverty reduction. Barry remarks, "Sachs reassures his readers that the goal is to end *extreme* poverty, not to end poverty and still less to equalize world incomes or close the gap between the rich and the poor" (Sachs 2005, 289; Barry 2007, 289). The emphasis on 'extreme' was used by Sachs himself.

¹⁵ Perhaps (*pace* Schmitz) equal treatment requires something like equal shares. At least where shares are very unequal it is very difficult to get something even approaching equal status. A proper egalitarianism requires, I think, something like both. At least we should have a floor of equal shares below which no one would be allowed to sink.

¹⁶ George Orwell 1962, 83-4 and 93-4.

¹⁷ I assume, hopefully, that he means approximately equal status.

¹⁸ I am not just giving the sad sentimental tale of the lives of some. I am stating the kind of life that is the fate of many. This, as Barry well shows, is the life of most—indeed of almost everyone who starts deeply disadvantaged as many do (thirty-five million in the United States). That a few—a very, very few—manage to transcend their poverty proves little. Whether people climb or claw their way out—something that surely happens—is a result of some rare and very exceptional factors which just happen to them and something they in its occurring do not and could not at least in the early years of their lives initiate or control. (Here is Rawls's and Hampshire's insight about this matter.) Some people go from rags to riches as Schmitz apparently did in a modest way (Schmitz 2009a, 511). But this is just the good fortune of early stages of what must have been his rather unusual initial conditioning and/or perhaps rather unusual biological features that he just happened to have. That's good fortune for him and perhaps for us, but no _____ occurs here. Barry well depicts the empirically grounded sociology of this.

¹⁹ In an interesting essay "How to Deserve" from his collection *Person, Polis, Planet: Essays in Applied Philosophy* (Oxford 2008), Schmitz tries to turn the argument around by looking forward rather than backward. But ingenuous as this move is, it does not meet the original difficulties (the sort Rawls and Hampshire call our attention to) about deservingness. David Boonin makes this very clear (Boonin 2009, 383-85).

²⁰ Surely this is vividly exemplified in the current (2009) meltdown.

²¹ Is this a religious idea? Perhaps? It certainly has its historical roots in some (but not all by any means) religious tradition as well as in some respects in Stoicism. But, if so, so what? That belief could and should remain intact quite independently of what very likely may be its origins. It may be that all, or at least almost

all, of our normative beliefs—or perhaps all our beliefs—are rooted in some tradition. But again, so what? Validity is independent of origin. This belief is self-standing.

²² He returns (in Schmidtz 2009a) to a consideration of meritocracy and makes some significant remarks about equality and meritocracy and shows how if ‘meritocracy’ is understood a certain way, which he takes to be in the proper way, it is compatible with and indeed even requires an equality itself requiring equal respect for all people but not equal shares. However, David Boonin shows this does not meet the challenge of Rawls and Hampshire (and Barry) that both the ability and desire to work have results, if we go back a bit, from a luck of social and biological roulette—the luck of the draw—and in that concrete way such factors are morally arbitrary. We could not pick our parents and our early crucially formative conditions of life and the conditioning that goes with it. These matters are crucially vital for us but we cannot determine them or in any way control them. This is not a matter of going back to the Big Bang but to our life in the wombs of our mothers and to the early formative conditions of our lives. *Sometimes*, that notwithstanding, encouraging people to work hard is *ceteris paribus* a good thing—something pragmatically to be welcomed—but recognition of this does not take on a Norman Daniels, Rawlsian argument (discussed by Schmidtz) that that ability—like any ability—is something that a person cannot determine whether he/she can have that ability or if he/she does have it whether he/she can activate or exercise it and if he/she does happen to have it and can activate or exercise whether he/she can sustain, cultivate or enhance it. See Schmidtz 2009a, 499-500 and also Note 19 above.

²³ Schmidtz will say that facts get interpreted in different ways and that the facts that Barry appeals to are subject to different interpretations. That is true but not all interpretations are equally plausible. Barry’s interpretations are always plausible and often compelling. Again, we should not be on the quest for certainty.

²⁴ Michaels 2006 and 2009.

²⁵ Schmidtz speaks of ‘the terrain of justice’. If there is a reality here at all should not this not be taken to denote a terrain where justice and injustice and certain forms of good and evil generally prevail or at least often prevail? Our social lives are lives, that is, in which justice and good sometimes (perhaps often) prevail. But this, particularly when we look at things globally or for at least most of our societies, is certainly not the world we know or have much of a reason to think it is coming into being though it is one we could despairingly aspire to and struggle for.

²⁶ As a disquotationalist and deflationist about truth, I take talk of ascertaining which propositions—sentences, if you will—are true and which are false to come to ascertaining (for true) which assertions at the time of our ascertaining have the highest degree of confirmation or warrant or validation that can be had at that time. ‘Truth’ does not mean ‘so confirmed’ or ‘so warranted’ or ‘so validated’ or ‘is warrantably assertable’ or anything like that, but—and this is what is pragmatically important—in trying to ascertain what is true, that is all we can go on. We are never going to get anything time transcendent. Truth, if we could have it, would be time transcendent but all we can get are propositions *taken* to be true. But they are not time transcendent. That is something we will never have (Nielsen 2010).

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