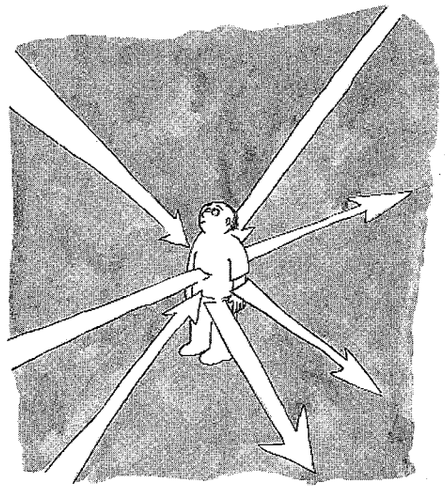
Such a policy of legitimate state intervention not only justifies for Mill a governmental subsidy of the arts, but it could also be used in today's world to protect citizens from the contamination of dangerous pesticides and to protect the environment from the competition of vicious profiteers who see their short-term profit as necessitating the destruction of the natural world. To quote Mill once more: "The uncultivated cannot be competent judges of cultivation" (p. 953).

Social Philosophy

The problem of justice is the key issue of social philosophy. This problem is usually seen as having to do with fairness and desert (deservedness) in meeting the claims of citizens and in the distribution of goods and services. The big question here is What is the state's legitimate role in these activities? We will look at three views concerning this issue: the communist solution, the **minimal-state** solution, and **liberalism.** I will view liberalism as located between the other two positions, though I do not mean to imply that because communism and minimalism are extremes relative to liberalism, therefore they could not be true. Indeed, these two "extreme" views are not the most extreme possible in any absolute sense. Such extremes would be these: On the one hand is a kind of statism that holds the state and only the state totally responsible for the fair distribution of goods and services to its citizens and says only it can determine the legitimacy of the citizens' claims. On the other hand is an **anarchistic** position, claiming that the state itself is illegitimate, hence can never play a role in fair distribution or in responding to legitimate claims of individuals.

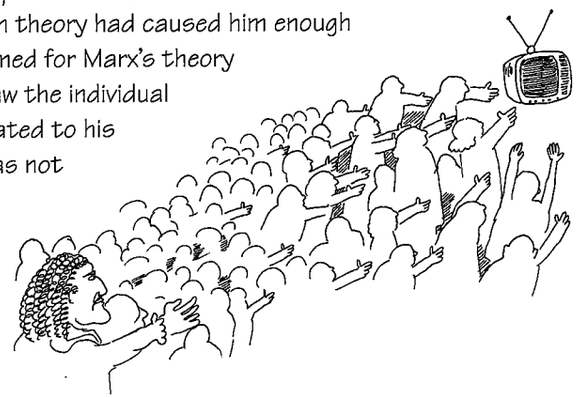
Communism

The political philosophy of KARL MARX (1818–1885) was greatly influenced by his early contact with the metaphysics of G. W. F. HEGEL (1770–1831), whose theory of reality is distinctly organistic. (Organicism is the opposite of atomism: **Atomism** says that reality is composed of individual, simple units—that the individuals are more real than the whole, which is somehow actually only an abstraction. **Organicism** says that the whole is more real than the parts; the whole is an organic unity, and the parts depend completely on the whole. Hence, the parts are somehow less real than the whole.) In Hegel's version of organicism, the so-called individuals are themselves just points of intersecting relations of power within the system, so in a certain sense, each individual is really a microcosmic mirror of the macrocosm—a reflection of the whole system.



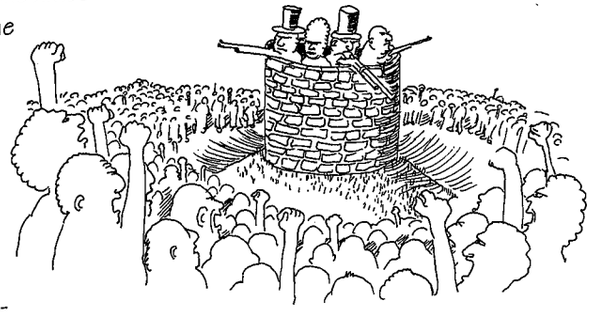
The Individual as a Point of Intersecting Relations of Power

Marx's Materialism Marx rejected Hegel's grandiose metaphysical schema, but he too tended toward organicism. Not only did he see the human race as ecologically closely related to nature (according to one story, Marx had written to Charles Darwin asking Darwin's permission to let Marx dedicate *Das Kapital* to him, but Darwin declined the honor, saying that his own theory had caused him enough trouble without being blamed for Marx's theory as well), but Marx also saw the individual human as ecologically related to his or her society. Society was not merely the totality of individuals; rather, it was an organic whole that in certain ways created the individual. Therefore for Marx, there could be no question of individual rights that somehow superseded social rights. Everything that an individual does is a result of the efforts of many people, living and dead. Hence, all products were in that sense social products and belonged to society.



Every Product Is the Result of the Efforts of Many People, Living and Dead

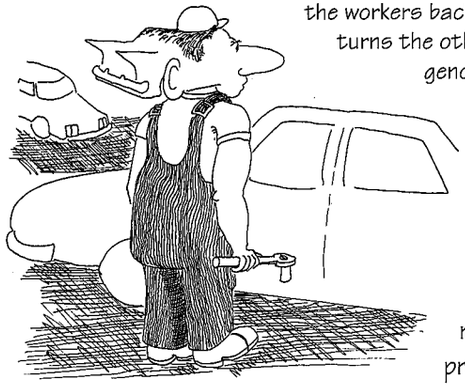
Historical societies have been unjust, according to Marx, almost from the very beginning (even though the most aboriginal social arrangements, hence the most natural ones, were forms of primitive communism). This unjustness is because a minority of individuals managed to wrest power and material wealth from their communal source, thereby setting up systems of privilege and generating social institutions that would guarantee those privileges—protected at first by armed thugs called "police" or "army," eventually by social institutions and internalized guilt. (Marx thought that this grabbing of power and wealth was somehow "unnatural." Some of his Hobbesian critics claim it was all *too* natural.) Ever since the original power grab, the history of the social world has always been the history of the quest for material justice. This quest has taken on the guise of class antagonism and sometimes of class warfare, where the interest of the majority (a dispossessed working class: slaves, serfs, laborers) is pitted against the interests of the privileged minority. Marx's optimistic teleological conception of history tells him that the interests of the majority *must* finally triumph.



The Interests of the Few versus the Interests of the Many, According to Karl Marx

Marx's materialistic organicism, based as it is on categories from economics and sociology rather than physics, is such that the socioeconomic structure of society is a very powerful determinant of the individual in society. So the problem is not simply that unjust socioeconomic structures of power create unfair conditions for individuals; rather, they create *mutilated individuals*. For example, Marx writes:

> The alienation of the worker in his object is expressed as follows in the laws of political economy: the more the worker produces the less he has to consume; the more value he creates the more worthless he becomes; the more refined his product the more crude and misshapen the worker; the more civilized the product the more barbarous the worker; the more powerful the work the more feeble the worker; the more the work manifests intelligence the more the worker declines in intelligence and becomes a slave of nature. Labor certainly produces marvels for the rich, but it produces privation for the worker. It produces palaces, but hovels for the worker. It produces beauty, but deformity for the worker. It replaces labor by machinery, but it casts some of the workers back into a barbarous kind of work and turns the others into machines. It produces intelligence, but also stupidity and cretinism for the workers.[10]

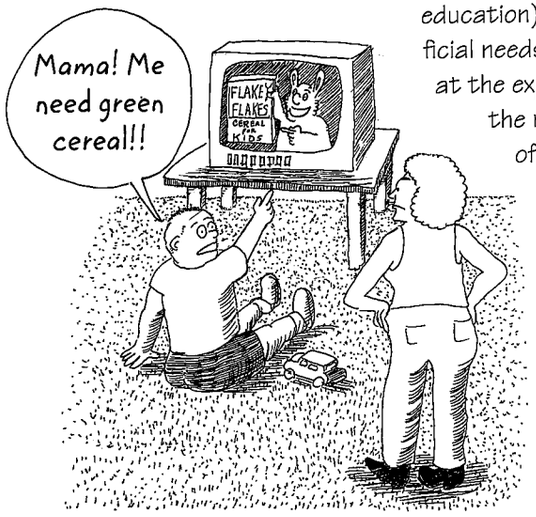


You Are What You Make

According to Marx's positive, optimistic conception of human nature, humans are naturally creative, productive, artistic, aesthetic beings who must express their being in their products. (Humans thus objectify their subjectivity.) Marx prefers the name *Homo faber* (man the maker) over *Homo sapiens* (man the knower) because, for him, all *knowing* follows upon *doing* and *making*. So another effect of unjust socioeconomic systems is that the individual's being is stolen from her. She does not produce as a natural outlet of her creative urge; rather, she is forced to sell her work to another person. Her work is stolen from her and becomes a part of an economic system that is hostile to her own interests. This effect is what Marx calls "alienated labor," and here is what he says about it:

> What constitutes the alienation of labor? First, that the work is *external* to the worker, that it is not part of his nature; and that, consequently, he does not fulfill himself in his work but denies himself, has a feeling of misery rather than well being, does not develop freely his mental and physical energies but is physically exhausted and mentally debased. The worker therefore feels himself at home only during his leisure time, whereas at work he feels homeless. His work is not voluntary but imposed, *forced labor*. It is not the satisfaction of a need, but only a *means* for satisfying other needs. Its alien character is clearly shown by the fact that as soon as there is no physical or other compulsion it is avoided like the plague. External labor, labor in which man alienates himself, is a labor of self-sacrifice, of mortification. Finally, the external character of work for the worker is shown by the fact that it is not his own work but work for someone else, that in work he does not belong to himself but to another person.[11]

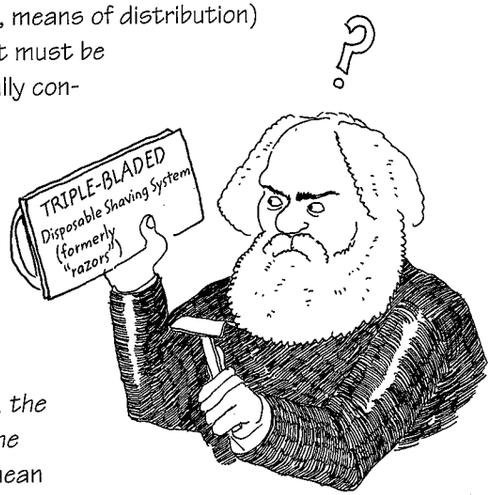
Marx's Vision of Society So what would a just society look like for Marx? (Or what *will* it look like? He thought its advent was inevitable.) First, its social production must be addressed to what he calls *true needs* rather than *false needs*. True needs derive from our real nature as biological and social beings (e.g., the need for food, shelter, clothing, medical care, love, and



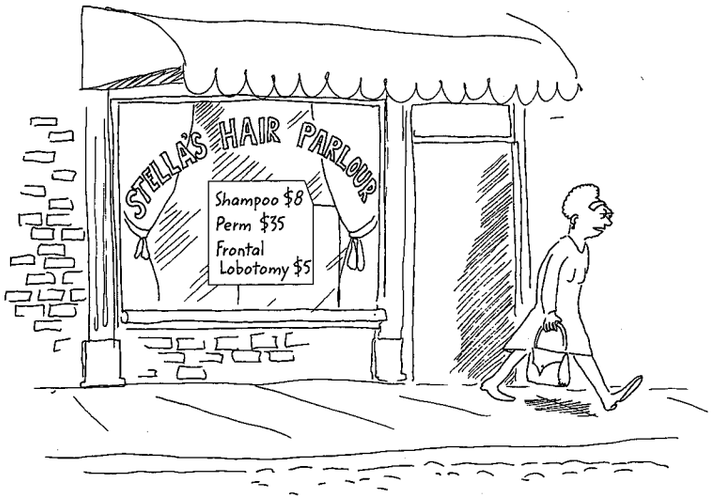
False Needs

education). False needs are any artificial needs of the privileged that are at the expense of the true needs of the majority, any exaggeration of true needs that are instilled in some while others go without (the need for mansions, luxurious clothes, and gourmet excesses) or the instillment of economic needs in the masses whose real goal is not satisfaction but profit for the privileged owning class (planned obsolescence: lightbulbs that burn out in a month, razors that go dull and are to be thrown away, automobiles whose bumpers collapse in collisions at five miles per hour).

Second, the foundations of social production (natural resources, means of production, means of distribution) must not be privately owned but must be socially owned and democratically controlled. Third, social production must be such that individual workers are not forced to enter into streams of specialization that constrain the natural abundance of the creative urge. No one may be objectified in a specific role—become *the* waiter, *the* teacher, *the* janitor, *the* physicist, or even *the* neurosurgeon. Marx does not mean that no one can specialize. (Who wants to have one's brain operated upon by one's hairdresser or by one's philosophy teacher?) A person may spend years training to learn neurosurgery, but still, one does not become *the* neurosurgeon. (In today's America, perhaps one also becomes *a* golfer?)



Karl Marx Inspects a Triumph of Capitalism



In a famous passage in which Marx announces the abolition of "the division of labor," he says:

> in communist society, where nobody has one exclusive sphere of activity but each can become accomplished in any branch he wishes, society regulates the general production and thus makes it possible for me to do one thing today and another tomorrow, to hunt in the morning, fish in the afternoon, rear cattle in the evening, criticize after dinner, just as I have a mind, without ever becoming hunter, fisherman, shepherd or critic.[12]

Under these conditions, the motto of justice will be "from each according to his ability, to each according to his need." Here we will have the recovery of true human nature, the release of the human creative potential, and for the first time, *true* individuality because true individuality requires "true consciousness" (recognition that the needs of the individual and the needs of the society are identical) and unconstrained creativity—which is really where individual differences come into play. Marx has no trouble handing these new humans over to a democracy.

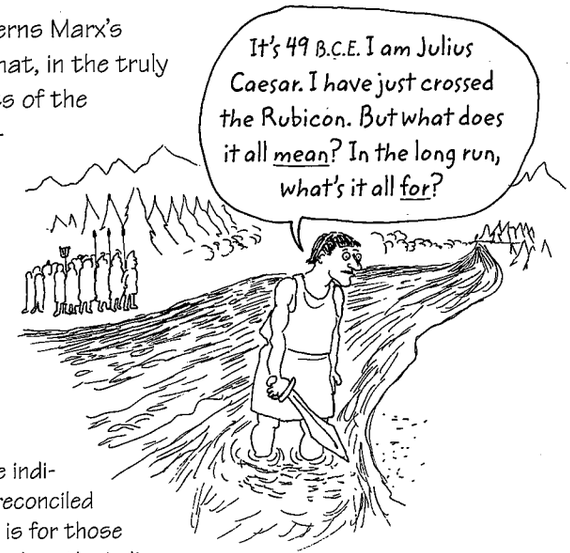
Criticisms of Marx's View Many of Marx's ideas are impressive. In my view, he is right that much of world history has been characterized by the power and privilege of a few, supported by the misery of many, and I think he is also right that any complete theory of the just society must include the concept of **distributive justice** (the fair distribution of socially produced wealth or the fair distribution of scarcity). But Marx's system is itself fraught with problems.

First, consider Marx's tremendously optimistic picture of human nature. As opposed to pessimists like Freud and Hobbes, Marx thought we are naturally social and naturally workers. (Freud thought we were natural egoists and natural bums, so our true nature would have to be suppressed if civilization was to flourish.) According to Marx, we are naturally cooperative. Competition and selfishness are primarily the result of unhealthy social arrangements. Now, one can *hope* that Marx was right, but the evidence available to you and me is not always on the side of his argument. His response to this charge is that such evidence comes to us from cultures of alienation and is being evaluated through a fog of alienation (your fog and my fog). But because all cultures *have been* alienated to one degree or another, according to Marx, what evidence can he point to in order to establish that people are basically "good"?

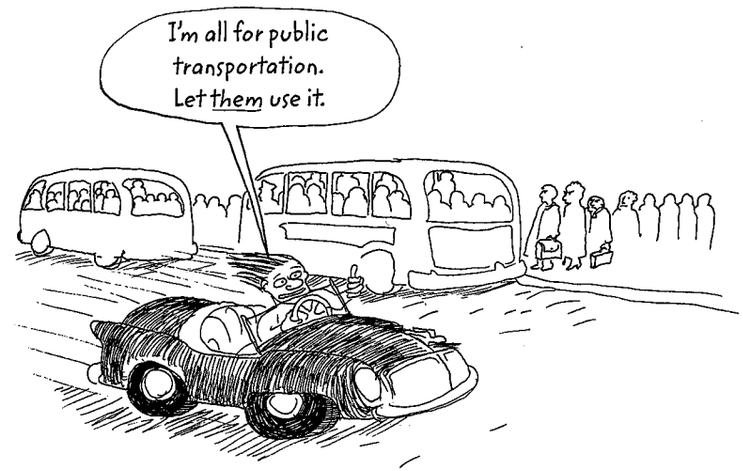
Trying to See through the Fog of Alienation

A second objection concerns the mystification of the working class. Why should we accept Marx's claim that the destiny of the human race is the destiny of the working class? Why should a particular class of oppressed, alienated, and unhappy people contain the hidden meaning of human history? (And are we sure that human history has a *meaning*, a *telos*?)

A third criticism concerns Marx's essentially Platonic claim that, in the truly human society, the interests of the individual and those of society will be identical. Certainly, Marx is right that every effort must be made to reduce the opposition between these two, but isn't there a suspicion, as critic Alan Brown says, that:



> the only way in which the individual interests can be reconciled with collective interests is for those collective interests to *replace* the individual's own self interests in his own consciousness? . . . Consider the problem of congested traffic in rush hours. There is a collective interest in everyone using public transport, since this would be so much more convenient. The individual has to curtail his own behavior to achieve a second-best solution—he would prefer that he should use his car and everyone else the bus.[13]



Civic-Mindedness

And finally, what about Marx's willingness to accept democracy as valid only "after the revolution"? He would reject as factitious the Western democracies of the contemporary world on the grounds that the voters in

them are all alienated ideologues in a state of false consciousness who misunderstand their own interests and those of the human race. Marx will only give the vote to those nonalienated communalists in true consciousness who will be the second or third generation product of the revolution; yet their creation will depend on an interim "dictatorship of the proletariat"—an absolute totalitarianism that will guide the newly revolutionized society for several generations until the "new human" has been fully hatched. Because at that point social classes will be no more, and class struggle, exploitation, and the need for the state as an instrument of exploitation will have disappeared, the dictatorship of the proletariat will simply "dissolve itself," voluntarily stepping down and handing its absolute power over to "the people." Doesn't one have to be a bit naive to accept this vision? Is one simply a capitalist lackey if one observes that, unfortunately, Lord Acton was probably more accurate than Marx? (Acton: "Power corrupts; absolute power corrupts absolutely.")

The Newly Hatched True Human Being

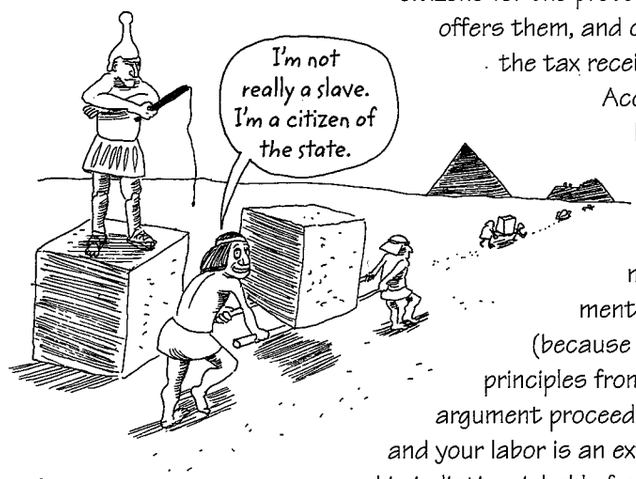
These criticisms matter because of Marx's organicism. He believed that no piecemeal corrections of injustice can succeed. If the game is rotten, then every possible move in the game is rotten. The whole thing must be swept away, or there will be injustice forever. So, according to Marx, we must accept his judgment in all these issues or be ourselves condemned eternally as reactionaries, lackeys, and mouthpieces of the forces of injustice.

The Minimal State

At the opposite pole from Marx's communist society (or "communalist" society) is the idea of the minimal state. This state would have the legitimate power to prevent the use of force and fraud and to punish such uses

but without the express consent of all adult citizens, could not have the legitimate power to tax or confiscate property in order to perform any actions above and beyond these minimal duties. No public works or systems of aid to the needy would be justified.

Such a minimal state has been defended in a much-read and greatly discussed book by Harvard philosophy professor Robert Nozick called *Anarchy, State, and Utopia*. The starting point for Nozick's defense is Locke's "state of nature," in which, as we have seen, individuals have a natural right to "life, liberty, health, and property." Nozick holds the view that only a minimal state can defend these rights without itself becoming a violator of them. The reason the minimal state is the maximum state allowed is that any more extensive state must finance its projects through taxation, and if this taxation is not consented to by some individuals, it will violate their rights. Of course, the minimal state taxes its citizens for the protective services it offers them, and only those who pay the tax receive the benefits. According to Nozick, beyond this, unconsented taxation is on a par with forced labor. It makes the government part owner of you (because on the Lockean principles from which Nozick's argument proceeds, you own yourself, and your labor is an extension of yourself) and is indistinguishable from semislavery.



Nozick criticizes both socialism (of which communism is a version) and liberalism (which, like socialism, claims that fairness demands some kind of redistribution of wealth) on the grounds that they are what he calls "patterned" theories of justice rather than historical theories. That is, they impose a certain kind of pattern on the distribution of goods (e.g., Marx's

"from each according to his ability, to each according to his need") that has nothing to do with the *history* of the goods distributed. This distribution would be fine, says Nozick, if goods fell from heaven like manna. But, in fact, most goods come to us with a history. They are already encumbered, already owned—purchased, traded, earned, or received as a gift. Those goods, or "holdings," are covered by an absolute right to them by their owners—a right whose overriding would be unjust. This right pertains if the initial acquisition was just and if all subsequent transactions with it are just (e.g., if I own an object by virtue of having made it or purchased it with money that is legitimately mine, and the like). Furthermore, people have a right to transfer holdings. I can trade or give away things I own (which means there is a right to inheritance). Finally, people have a right to demand rectification. In an anarchy (the "state of nature"), I have a right to defend myself and my property against those who would injure me, or my holdings, steal from me, or defraud me, and I have the right to punish those who do so. In a minimal state, I give up the right to punish others personally, by my own hand, but I do have the right to demand that the state perform these protective and punitive functions (though there are no other demands I can make on the state).

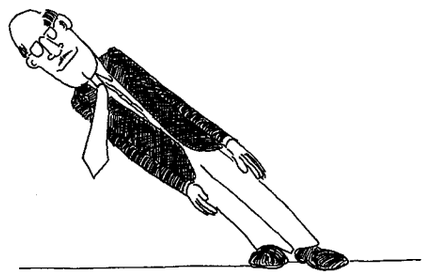
Goods Falling Like Manna from Heaven

The implication of the minimal state concept is that *only* an unrestricted capitalism can produce a just society and that any state that prohibits "capitalist acts between consenting adults" is a tyranny. Nozick seems to recognize that one consequence of his view is that some people will amass great wealth and power while others will struggle in poverty. But he believes that this unfortunate side effect of his system is nevertheless consistent with justice. On the first page of his book, Nozick says that he knows many readers will reject his conclusions, which are "so apparently callous toward the needs and sufferings of others." Throughout his argument, he does little to alleviate this concern, though he does make a gesture in its direction by subscribing to Locke's proviso that, in acquiring property, "one must leave enough for others." Says Nozick:

> Thus a person may not appropriate the only water hole in a desert and charge what he will. Nor may he charge what he will if he possesses one, and unfortunately it happens that all the water holes in the desert dry up, except for his. This unfortunate circumstance, admittedly no fault of his, brings into operation the Lockean proviso and limits his property rights.[14]

In a footnote, Nozick adds, "The situation would be different if his water hole didn't dry up, due to special precautions he took to prevent this" (p. 180).

Not surprisingly, Nozick's theory has delighted a number of people whose political posture is decidedly to the right. But most of the literature that his book has inspired has been critical. Still, the sheer volume of this literature is an impressive testimony to the significance of Nozick's book. It's as if political writers see Nozick's arguments as important enough to require a response.



Pleased by Nozick's Views

Numerous critics attack the notion of *rights* on which Nozick's libertarian utopia is based. The first sentence of his book is "Individuals have rights, and there are things no person or group may do to them (without violating their rights)." These rights are the right against coercive interference in one's affairs and the right to property. Where did one get these rights? Nozick does not really tell us; yet for him they are absolute and override any other moral claims. A typical strategy against Nozick is to insist that the existence of such rights cannot be merely presupposed but must be demonstrated. One group of critics simply denies that such absolute rights exist at all. For example, Alasdair MacIntyre, a prominent

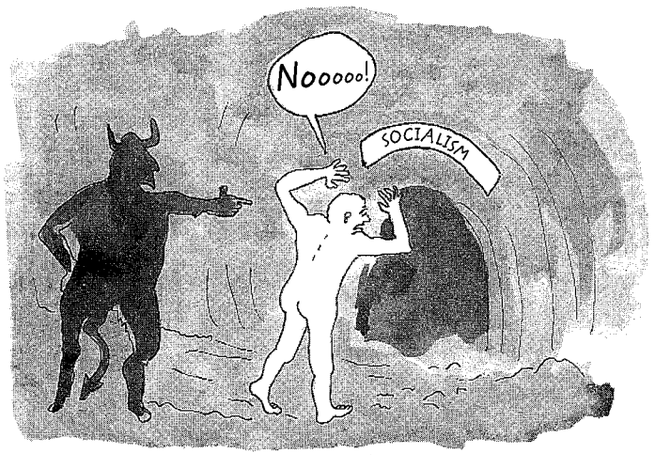
British philosopher, says, "belief in them is one with belief in witches and unicorns."[15] Another British philosopher, Alan Brown, says that claiming that I have a *right* to something is just an elliptical way of saying that "all things considered, there is a good moral reason to respect or promote my freedom in this case" (p. 106). Therefore, rights cannot be absolute or foundational; rather, they are derived from other moral deliberations. Other philosophers have agreed with Nozick that there are basic rights but claim that *his* list of them is arbitrary. For instance, Ronald Dworkin says:

> I agree that rights ought not to be violated. But sometimes claims of rights conflict, and I see no reason why Nozick's right to property is exclusive of other rights, or why it is necessarily more important than others.[16]

Another kind of criticism attacks the purely utopian (hence impractical) nature of Nozick's argument. For example, Nozick claims that only a *historical* theory of acquisitions can be truly just and also claims that current entitlement to holdings is just only if original acquisition was just. But what is original acquisition? Adam's and Eve's? Certainly, most current holdings are historically traceable to items that were once the spoils of war or of other forms of removal by force or intimidation. My county was once the territory of the Miwok Indians. I don't know if the Miwoks wrested this land from an earlier prehistoric people, but I do know that the Miwoks did not simply bestow the land on the European settlers who are my ancestors. In today's world, does *anybody* have just entitlement to her or his property derivable from an original acquisition? Amazingly, Nozick seems to admit that these historical facts undermine his historical theory and force us to accept some form of "patterning." He says, "Although to introduce socialism as the punishment for our sins would be to go too far, past injustices might be so great as to make necessary in the short run a more extensive state in order to rectify them" (p. 231). Critic Alan Brown concludes from Nozick's hedging:

Adam and Eve and the Original Acquisition

So Nozick's theory is essentially Utopian in the worst sense of the term: it has no practical relevance. Like the Garden of Eden before the Fall it can offer no insight into the problems of what we are to do here and now, since we are left ignorant of what principles are to inform our choice. The theory has application nowhere. (p. 99)



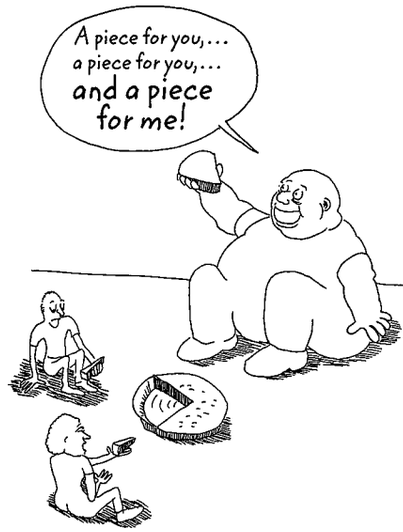
Nozick *Goes to* Hell

Liberalism

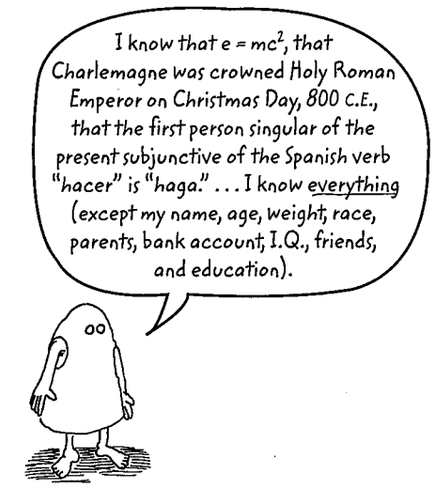
Somewhere in the theoretical spectrum between the communistic utopia of Marx and the minimalist utopia of Nozick we can find the idea of "the liberal state." It has been heartily defended by Nozick's colleague at Harvard, John Rawls, in his book *A Theory of Justice*.[17] The liberal state is pretty much what exists today in the Western democracies: a large degree of free enterprise with capital and many of the natural resources in private hands but regulated by the state in order to foster low inflation and high employment. Tax-financed social security tries to control poverty for those who cannot work or for whom no work exists. The presupposition behind liberalism is that society is necessarily much more complex than it is seen to be in either Marxian or Nozickian utopias—that it is necessarily a cooperative enterprise and that therefore its products and wealth are partially the result of cooperation (and that therefore all members of the cooperation—the stakeholders—have a claim to a fair share of the products and the wealth, as in Marx), but also that there will necessarily be competition both in producing and obtaining the goods (and that therefore some members of the cooperative—those who contribute most to it—have a claim to unequal portions of the products, as in Nozick). Any adequate theory of justice will have to balance these legitimate claims and find a formula for dismissing illegitimate claims. Rawls thinks that such a theory, once formulated, could apply to a democratic capitalist society or a democratic socialist society. In any case, society must have a public school system, must be dedicated to equality of economic opportunity, must have social security, and must define a minimum standard of living below which its citizens will not be forced to exist.

Cooperation But Also Competition

Rawls's conception of justice is "justice as fairness." Besides guaranteeing that all citizens will get a reasonable share of the social goods, the doctrine of fairness consists of a set of constraints on what people may do to each other in the pursuit of those goods. On the one hand, Rawls thinks that no theory of justice can be justly forced down people's throats—the correct theory would have to be one that rational people would somehow arrive at by themselves. On the other hand, Rawls is pretty sure he knows what such a theory would look like. Justice would be whatever was chosen by rational, self-interested, unenvious people who knew that they would have to inhabit the society created by their mutual agreement but who did not know what personal characteristics they would bring to that society (i.e., they wouldn't know their race, their physical and mental abilities, their inheritances, or their social backgrounds). Such people, Rawls says, would choose the following principles in the following order:



Justice as Fairness

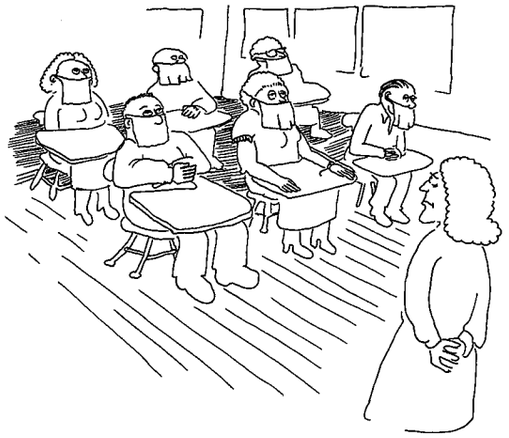


A Rawlsian Citizen

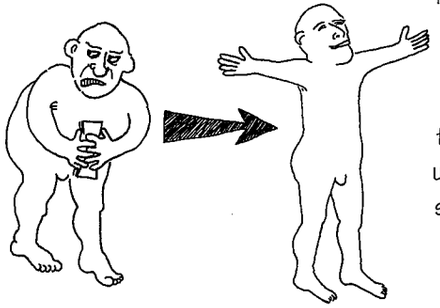
1. Equal and maximum liberty (political, intellectual, and religious) for each person consistent with equal liberty for others.
2. Wealth and power to be distributed equally except where inequalities would work to the advantage of all and where there would be equal opportunity to achieve advantageous positions of equality.

If these principles are true, then it follows (unlike in Nozick's theory) that the only society that can be just is a liberal society that partially redistributes wealth and income for the benefit of its most disadvantaged members.

Notice that Rawls's theory, like Plato's, begins with a political myth—a "noble lie." In Plato's myth, people are told that their memories of their past are really only memories of a dream and what they believe of themselves is in fact false. Similarly, Rawls's myth establishes what he calls a "veil of ignorance," in which the facts we know about ourselves are set aside (our psychological, physical, social, and racial characteristics). The myth also supposes that we are not envious and that we rationally pursue our own self-interest. If you tell Rawls that his myth is *only* a myth, that none of it is true, he will respond that it is merely a philosophical device for use as an analytic tool to demonstrate the rationality of a certain kind of society. (In this respect, his "original position" [as he calls the status of his mythical negotiators behind their veil of ignorance] is very much like the "state of nature" in traditional contract theories.) Rawls's veil of ignorance allows the political philosopher to acknowledge the intuitive fact that some inequalities in a naturally evolving society are unjust because they are undeserved. It is unjust that some should have to suffer through life because they were born with less and that others are surrounded by excessive amounts of goods due to the mere accident of birth. The veil allows Rawls to arrive rationally at a conclusion that he intuits to be true, namely, that the society can only be just if it partially redistributes wealth for the benefit of its most disadvantaged. In short, it shows how a just society requires that we all be transformed from Hobbesian egoists into Kantian universalists. The veil purports to show that if we were forced to enter into a society that we would negotiate with others, denuded of all the characteristics that were ours merely by accident of birth, we would choose the liberal society.



Students Wearing the Veil of Ignorance (Proudly)



The Transformation from Hobbesian Egoist to Kantian Universalist

Though Rawls's theory strikes a responsive chord in many of its readers, you will not be surprised that it has also found its share of critics. Many are suspicious of any theory that sets out to determine the most rational of all possible societies and concludes that it just happens to be the type inhabited by the theory's author.

A specific criticism says that Rawls ignores our natural gambling nature. Rawls thinks that his liberal society is superior to a utilitarian society because the latter is compatible with slavery (a few miserable, hard-working slaves might produce the greatest amount of happiness for the greatest number of people), but slavery is incompatible with liberalism because negotiators in the "original position" would not risk opting for slavery as they themselves might end up as slaves. But, ask the critics, wouldn't some people risk the low odds of being designated a slave if the odds for a great benefit from such a system were high enough?

Yet another criticism is that no contract is legally binding if the signers of it are kept in ignorance of their own real interests; yet *all* signers to Rawls's social contract are ignorant of even their personal identity. So, on this account, Rawls's contract, produced behind the veil of ignorance, is invalid. Finally, we should remind ourselves of Nozick's main criticism of Rawls. Nozick says that it would be okay to divide the goods according to some patterned formula of equality "if goods fell from heaven like manna." But it is unjust to divide up the pie equally when it is known who contributed to it and who in fact owns it. Nozick asks, how do the people in the "original position" get the *right* to divide up the pie as they do? (But of course it could be asserted that *the right to fair treatment* is as basic as Nozick's *right to property*.)

Conclusion

I began this chapter by noting that much of our behavior is controlled by rules and laws enforced by a not-so-subtle threat of the use of force