

The Pursuit of Equality

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IT is evident that, barring major physical catastrophe, war, or some other massive cause of deflection of current social interests, the idea of equality will be sovereign for the rest of this century in just about all circles concerned with the philosophical bases of public policy. One would have to go back to certain other ages in history to find a unifying theme among intellectuals possessed of the intensity and universality we find today with respect to equality. In the past, unifying ideas tended to be religious in substance. There are certainly signs that equality is taking on a sacred aspect among many minds today, that it is rapidly acquiring dogmatic status, at least among a great many philosophers and social scientists.

Equality has all the requisites for becoming a religious—a providential—idea in our affluent age. It is simple, at least in immediate conception; it is capable of extension or application to the whole of a population, even to all mankind; it can be made to seem the very purpose of modern social and political experience, indeed a purpose contained in the bone and marrow of Western history. Finally, there is in the idea of equality that essence of permanent revolution we find in so many religious values—at least those of universal religions such as Christianity, Islam, and Buddhism at the moments of their founding—when they are counterposed to the traditions and laws surrounding them.

Equality, not freedom, is, as Tocqueville emphasized, the *vis creatrix* of most modern social movements. Even when freedom is extolled by such movements, it is characteristically freedom to have equal shares of something—usually political power, but also, increasingly, other social, cultural, and intellectual goods. Certainly, this has been true in the West since the fateful writings of Rousseau. It is noteworthy that in our own time conceptions of freedom resting on autonomy, on personal and associational immunity from supposedly popular opinion, and on the capacity for creativeness, in whatever sphere, are being pushed aside more and more by conceptions in which freedom is little more than a total social experience in which all citizens are to have equal shares.

More than any other single value, equality is the mainspring of

radicalism. No other value serves so efficiently in the work of distinguishing among the varied ideologies of the present and, for that matter, of the past couple of centuries. What one's attitude is toward equality in the whole complex of social, cultural, and economic goods tells us almost perfectly whether one is radical, liberal, or conservative. Preoccupation with equality has indeed been the constant mark of the radical in the West for a long time. The passion for equality, first vivid at the time of the Puritan Revolution, has been the essential mark of every major revolution in the West (with the possible and mixed exception of the American) and has carried with it, often in millennial degree, the urge among its more ardent votaries to undermine, topple, and destroy wherever inequality can be found.

As Tocqueville noted, equality arouses passions, at least in modern times, denied even to freedom. In substantial part, this role of equality as a motivating value is the product of the growth of large populations; the erosion of local and regional boundaries which could once conceal inequalities, or render innocuous those that had been noticed; the rise of large, legally undiversified electoral masses; and, above all, a constantly accelerating political centralization that, by its very nature, has dissolved ancient identities and made people increasingly aware of themselves as more or less identical units. There is nothing strange, really, in the ascendant place the value of equality has in our society. "When inequality of conditions is the common law of society, the most marked inequalities do not strike the eye; when everything is nearly on the same level, the slightest are marked enough to hurt it. Hence the desire for equality always becomes more insatiable in proportion as equality is more complete."

There is truth, of course, in Tocqueville's words. It is not certain, though, exactly how far this truth applies in American society at the present time. That the desire for equality as keystone of national social policy is great, even insatiable, among substantial numbers of intellectuals is evident enough. But among the people at large? Individuals at all levels may at times burn with the sense of injustice, may feel and struggle against the sense of dispossession, may crave more than they have, but it is far from certain that a majority, if given the clear choice, would wish for a generalized policy of equality, whether of income or anything else. There is something, after all, that appeals to the imagination, to the risk-taking sensibility, to the ever present hope of "hitting it big," in a non-equalitarian society where channels of mobility are at least reasonably open. Beyond this, hierarchy and inequality are key elements of the social bond. We become used to these elements in nearly all forms of association, starting with family. And there is, finally, the seemingly in-eradicable American respect for merit, and for goods and statuses arrived at (or which appear to have been arrived at) through merit.

There is, in sum, undoubted truth in Tocqueville's words on the place of equality, as a value, in modern populations. It does indeed bulk large, especially during times of revolutionary or near-revolu-

tionary crisis. And yet, the element of truth notwithstanding, it would be hard to validate the proposition in general terms through a polling of the American people today. All evidence suggests that a very large number of Americans are indifferent, if not actually hostile, to any idea for national social policy that has substantial equalitarianism behind it.

THIS fact, this seeming indifference among the multitudes regarding inequality as such, cannot fail to have much the same effect upon our contemporary lay priests of equalitarianism that similar indifference among pagan multitudes regarding Christian values must have had upon early missionaries. If certain crucial practices are *not* regarded as sins, if indeed there is widespread stubbornness among people in this respect, and if there is a deeply rooted reluctance to accept the new god as the sole or sovereign god, then only steps of the most heroic nature can be usefully contemplated. Thought must be given to social surgery of the most radical kind. How will it otherwise be possible to penetrate to the innermost depths of moral belief and of social tradition?

Something of this is beginning to be realized by intellectuals today, and no doubt such realization will spread widely among intellectuals during the years just ahead. Christopher Jencks, with a candor that is still somewhat rare, tells us in the final pages of his *Inequality*: "The crucial problem today is that relatively few people view income inequality as a serious problem." Precisely. Or any other kind of inequality. What is desired is not so much equality of any kind as freedom, whether individual or collective, to pursue chosen ends to the limit of capacity and desire. But such freedom, even when granted by law and convention to a degree not yet attained in America, will not satisfy our intellectuals, our priests in service to the god of equality (God is not dead; God is Equality; and this is rapidly becoming as much the case within organized Christianity as it is among descendants of Rousseau and his fellow *philosophes*). One remembers the hard-shelled missionary in Maugham's *Rain* saying of his South Sea parishioners: "The trouble with these people is that they will not believe in sin even when it is shown to them." So it is with Professor Jencks' parishioners, the hungry sheep for whom he has assumed responsibility. If we want substantial redistribution, Jencks writes (in a chapter reminiscently and excitingly titled "What Is to Be Done?"), "We will not only have to politicize the question of income inequality but alter people's basic assumptions about the extent to which they are responsible for their neighbors and their neighbors for them." How true. So reflected St. Paul, and after him a long succession of Christian missionaries, right down to the Berrigans. So reflected Rousseau, no Christian, but no less the messianic apostle of the only true good—which in his case, as in the case of our contemporary *hommes de zèle*, was equality, no less, no more.

The problem, though, is a formidable one: convincing a popula-

tion against its conscious will that it is in fact living in immorality and injustice, that its true good lies elsewhere. Left to ordinary processes of decision, even—as Jencks has shown in some detail—when these processes are based upon free public education that is more or less constantly bombarded by the equalitarian views of intellectuals able to make their way to the fore, the people still cannot be counted on to adore equality as the first of the social virtues. Respect for equality before the law, yes, though with reservations and few illusions; and respect also for reasonable equality of opportunity in education and in getting jobs suited to one's talents and desires. But for the overwhelming majority, that is about it. On the evidence of polls and surveys there is little respect for the kind of equalitarianism that matters most to intellectuals: equalitarianism that would by design sweep away the built-in inequalities of family, of inheritance, of luck, and of individual ability and aptitude. To most people legitimate equality is epitomized by equality of *opportunity* for the great diversity of tastes, talents, strengths, and aspirations to be found in a population. But to a rising number of intellectuals this is the worst kind of *inequality*, for it produces, it is said, a meritocracy, which is in its own way as evil as any of the historic forms of aristocratic privilege.

Majority will, the historic foundation of democracy, cannot, then, be counted on to inaugurate the regime of equality that is desired by intellectuals. Does this have implications for the future of democracy? May we look forward to the growth of a political theory that is rooted not in majority will but instead in virtue and justice (these terms meaning, for intellectuals, equality)? The politics of virtue, from Plato to Rousseau, has rarely coincided in the past with anything easily describable as democracy.

We shall see. Present disaffection with politics, spreading alienation from the ideal of the political community and its values, and widening rents in the social fabric might easily produce a situation within the near future whereby majority will would be jettisoned along with a few other historic marks of political democracy. True, in such circumstances it would by no means follow that power in the hands of equality-oriented intellectuals would result. It might be—and on the evidence of history probably would be—power of a very different sort, power that might use the rhetoric of equality as window-dressing, as Augustus, Torquemada, Napoleon, and even Hitler did, but that would surely have its mind on something else. Still, hope springs eternal in the intellectual breast.

THE recent work that can certainly be counted on to keep hope buoyant so far as realization of the City of Equality is concerned is John Rawls' *A Theory of Justice*. I do not recall in my lifetime a book in philosophy greeted with as much praise as has been accorded this book. On both sides of the Atlantic, Rawls (who is Professor of Philosophy at Harvard University and Chairman of the Department of Philosophy there) has been hailed as author of the

greatest work in ethics since Sidgwick's *The Methods of Ethics*, certainly, and quite possibly since Kant's writings on moral theory. I rather imagine that among circles of professional, genuinely informed philosophers, much of this enthusiasm for the book will shortly wane. Although it is indubitably a learned work in its way, with incontestable evidences of the author's ingenuity of argument, second and more sober readings of the book will surely come up with judgments less rapturous than those I have seen by philosophers in, say, lead reviews in the (London) *Times Literary Supplement* and the *New York Times Book Review*. But such rumination here has to do only with appreciation of the book as the work of a philosopher. It has nothing to do with the kind of appreciation that will, I am convinced, remain unabated among equality-oriented intellectuals, among those for whom *A Theory of Justice* can be regarded as the long-awaited successor to Rousseau's *Social Contract*, and as the rock on which the Church of Equality can properly be founded in our time.¹

The essential point is, I think, that there are really two books given us under the title of *A Theory of Justice*. One is by John Rawls, philosopher. The other is by John Rawls, *philosophe*. There is, as we know, a great difference between philosophers as such and *philosophes*. It is not necessary to idealize either group to say that whereas philosophers have as their first and overriding goal inquiry into the nature of things—of the good, the true, the beautiful—*philosophes* have as *their* goal radical critique of a social order united with a vision of social utopia. Admittedly, *philosophes* use the works and ideas of philosophy, but they use them as handmaidens in the work of outlining the City of God while destroying the City of Man. *Philosophes* may even resemble philosophers—just as philosophers may now and then indulge in *philosophe* activity. But the difference, as is known to all intellectual historians, is very great. Whatever else the *philosophes* of the late 18th century in France were, they were not philosophers. To have been called philosophers would no doubt have seemed the unkindest cut of all to Rousseau, Diderot, Condorcet, and the others. Merely read what Rousseau thought of the “herds of textbook authors” in his day, or note the purposes of the *Encyclopedia*.

I do not for a moment dispute Professor Rawls' claim to be a philosopher or to have written a book in philosophy. I merely suggest, on the evidence of *A Theory of Justice*, that he is also a *philosophe*, with aims and interests which would have equipped him well for the salons of 18th-century Paris. We live, quite evidently,

¹ Professor Rawls declares that his book is grounded in Kant's moral theory. I understand I am not alone in being very skeptical of this. For every teaspoon of Kant, my own reading suggests, there are whole cupfuls of Rousseau. Strangely, though, little is said of Rousseau in *A Theory of Justice*, even though one might infer a great deal from a single remark (p. 256): “Kant's main aim is to deepen and to justify Rousseau's idea that liberty is acting in accordance with a law that we give to ourselves.”

in an age of *philosophes*; they are as honored by our upper class as ever they were in the 18th century. *Philosophes* do not like revolutions any more than wars; too many things get broken or threatened. But they love dealing with issues likely to result in revolutions and wars—issues characterized by perceptions of crisis, by conflicts of mighty abstractions, and, above all, by indictments of society united with visions of utopia. To read *philosophes* is to read about a surrounding *ancien régime* by definition rooted in corruption, inauthenticity, and tyranny, about major institutions powerless to effect reform, and about the principles of the lastingly, incorruptibly good: the social good—that is, utopia. There is a great deal of all this in Rawls. He is, without question, a lineal descendant of Rousseau.

Not, I hasten to say, in style. Rousseau may have his faults, but it would be hard to improve upon the style he adopted for his principal moral-political writings, given their objectives. He had not read much, but what he read he distilled into an oracularity that is never less than exciting to read, no matter how much one may distrust its content. With Professor Rawls it is very different. I do not know when I have read a book so dense in its rhetoric, so thicket-like in the form of its argument. One has the feeling that the book was not so much written as accumulated over the years, like some of the old mansions of the South. There is so much backing and filling, adding and subtracting of premises, introduction of assumptions where none before were necessary, and so much use of the first person pronoun (the book must set an all-time record in this respect in the history of philosophy) that one has the feeling of Rawls as a *deus ex machina*. Books are supposed to write themselves, and the best ones do. Here the person of the author is constantly intruding, redesigning the architecture, rearranging the furniture.

IN some respects, too, the book is like a palimpsest. What first hits the eye is the vast number of propositions of a more or less technical kind, along with innumerable references to other philosophical works. But if we look carefully through all of this we shall see the clear outline of another work, one not by any means separate from the first but nevertheless different, one that is in direct descent from the tracts written in the 18th century by the French *philosophes*. This is the work I shall largely be concerned with in what follows.

“Justice is the first virtue of social institutions, as truth is of systems of thought.” That is the electrifying sentence the book opens with, after briefest preface. Its rhetorical affinity with the celebrated opening of Rousseau’s *Social Contract* will be lost to few readers. And with good reason. Just as Rousseau’s exclamation about man being born free but being everywhere in chains is the axiom from which he derives an entire republic of virtue, total in its dedication to equality, so Rawls’ sentence may be seen as the rock on which he builds his own community of virtue—that is, justice, itself defined as equality of the most thoroughgoing kind. The whole of A

Theory of Justice is no more than an extension of that opening theme:

Each person possesses an inviolability founded on justice that even the welfare of society as a whole cannot override. For this reason justice denies that the loss of freedom for some is made right by a greater good shared by others. It does not allow that the sacrifices imposed on a few are outweighed by the larger sum of advantages enjoyed by the many. Therefore in a just society the liberties of equal citizenship are taken as settled; the rights secured by justice are not subject to political bargaining or to the calculus of social interests. The only thing that permits us to acquiesce in an erroneous theory is the lack of a better one; analogously, an injustice is tolerable only when it is necessary to avoid an even greater injustice. Being first virtues of human activities, truth and justice are uncompromising (pp. 3-4).

Now that is an astonishing passage and deserves to be ranked as at least a major footnote to any of the opening sections of the *Social Contract*. I dare say it would have been gladly accepted by most of the *philosophes* of 18th-century France, for it contains the thrilling and oracular rhetoric they loved, of devotion to the absolute individual and to the equally absolute moral community within which alone the ideal individual could realize himself without interference from intermediate institutions—institutions born merely out of history, convention, and ordinary use and wont. There is also the cherished depreciation of the merely political and pragmatic in human affairs. Justice, we are told, is not a matter for those mechanisms of compromise that have been humanity's chief means of reconciling the antinomies of moral abstraction throughout history. Justice demands that the "liberties of equal citizenship" be taken as antecedent and settled once and for all. The "rights secured by justice" are "not subject to political bargaining," which presumably takes care of political processes endemic in all known forms of democracy.

In fact, of course, we have no real repudiation of politics here; only of conventional politics in favor of the politics of virtue, which is, as we know, never a relative politics but always absolute. Rare indeed is the statement of political authoritarianism in Western literature that is not built around the premise of virtue or justice—each, naturally, declared absolute, non-negotiable, and superior to all ordinary processes of "political bargaining." Seldom, from the time of Plato's *Republic*, has absolute authority been presented in its own name. Almost always it is authority clothed in the garments of justice, or of freedom, or of rights, with the welfare of "the individual" held sacrosanct. I do not charge Professor Rawls with political authoritarianism; only with a Delphic intensity in the name of an absolute justice that can hardly help but suggest to many minds the sanctity of any form of power that might fulfill such justice—defined, as we shall see, as equality. It is the ineffaceable mark of every philosophy of moral absolutism to despise "political

bargaining" and to see this as necessarily inimical to the good and just society.

To return to Professor Rawls' propositions: They express, he writes, "our intuitive conviction of the primacy of justice." But whose conviction? There, as I have suggested, is the rub. For there is no evidence, either in our own time or in the past, that justice defined as equalitarianism would be regarded by most people, intuitively, as "the first virtue of social institutions." Any more than most people, either in Rousseau's or in our time, would think of themselves as born free but living in chains.

As a historian and social scientist I would not wish, myself, to declare any single virtue sovereign over all others, and capable of being intuitively arrived at. But if I were to speculate on what the majority of us would come up with "intuitively" along these lines, I think it would not be justice, however defined. More likely it would be *protection* or *security*, followed closely by *conservation* (in the sense of perpetuation of norms and ways of life). No doubt even our remotest ancestors had, and may have occasionally snarled or fought over, rude conceptions of justice considered as fairness. And I am willing to concede that few persons, today or in the past, are likely to express a positive preference for *injustice*, once this particular value is set before them and suitably described. But to declare, as the opening line of argument in a 600-page book on morality, that justice is the virtue that will be intuitively arrived at by all human beings as primary for social institutions is to fly in the face of history and also, I would judge, in the face of sentiments regarding both security and conservation in our own day.

Now, how does Professor Rawls support his contention that justice—meaning "fairness," meaning in turn equality—is the first virtue? Through comparative history, psychology, social science? Indeed not. Here we come to the *philosophe* heart of the book, the methodology through which Rawls reaches confirmation of what is for him primary and intuitive. I am going to devote most of what remains in this review to precisely this, the book's by now celebrated method of proof and of demonstration; for we have Rawls' own word for the fact that the greater part of the rest of his book, including propositions of the most radical and sweeping kind concerning social institutions, is rooted in this method, a method epitomized by what Rawls calls "the original position" and "the veil of ignorance."

Before describing Rawls' method, though, I want to offer a little background for it by turning briefly to *philosophe* thought in 18th-century France. No reviewer I have chanced to read thus far seems to be aware of the true nature of Rawls' method of proof, a commentary no doubt on the sad decline of the history of philosophy in our time. Much is said in the reviews about Rawls' return to "social contract" theory as the means of refuting the utilitarianism that has (on Rawls' testimony, at least) dominated moral philosophy for a

century or more. But while description of Rawls' method as "contractarianism" is perhaps not erroneous, it is far from sufficient and does not get at what is essential.

When the *philosophes* in the 18th century wished to "prove" the rightness of a given value or set of values, in their larger work of annihilating the values and structures they found around them, they availed themselves of a technique widely known then as *histoire raisonnée* or, variously, "conjectural," "hypothetical," or "speculative" history. This was set in sharpest contrast to the more conventional kind of history that concerned itself with actual persons, places, nations, and events in the annals of mankind. Such conventional history was largely repugnant to the *philosophes*, though one or two of them did it reasonably well on occasion; for, plainly, it was not the kind of investigation from which first principles and first virtues could easily be derived by those dedicated to reformation of a social order. "Hypothetical" history was a means of dealing with the nature and history of man as though he were liberated from all the "corrupting" and "distorting" influences that normally go into socialization. It was a means of contriving—to use Professor Rawls' words—an "original position" and a "veil of ignorance" for man which would then make it possible to uncover the "real" elements of man's mind and morality, and to build on these in the construction of a utopia.

Conceivably, honest and forthright critics of a social order might have said simply: "These are the values we approve of and these are the values we intend to see woven into the fabric of the social order. All else will be obliterated." But such forthrightness is alien to the mind of the true *philosophe*. He must always give the semblance of dealing with the roots of human nature, of demonstrating what would in fact be in force if it were not for a false consciousness that has been generated in men's minds by the corruptions, inauthenticities, tyrannies, and above all, inequalities, of a given social order.

Obviously, in such an enterprise the ordinary factual materials of history, social science, and experience are useless. For how is one to extract first principles and "first virtues" from the chronicles of Egyptians, Romans, and Greeks, and from tedious annals of who ruled where and when? It is Man and Mankind, not peoples and individuals of record, that we must go to if we would reach the roots of justice or find moral levers with which to move whole worlds. And for this exciting work, as the *philosophes* knew well, there was no substitute for an imagination equipped with all the desired answers in advance and capable of "proving" its intuitive correctness through use of a *histoire raisonnée* that would discard as irrelevant all recorded experiences of human beings and fix attention solely upon what could be cleverly assigned to a supposedly "original position" by the *philosophe* concerned. It was precisely in this light that Rousseau, in a frequently misunderstood and often maligned sentence at the beginning of his momentous *Discourse on*

the Origin of Inequality, wrote: "Let us begin, then, by laying facts aside, as they do not affect the question." Rousseau was only candidly admitting a practice followed by all *philosophes* from his day to ours.

Fundamentally, this *philosophe* strategy is the real core of Professor Rawls' book. He too is playing the exciting game of imagining that through use of what he calls "the original position" (read: state of nature) he is entering on a mode of reality denied those of us who live in the caves of contemporary social science, history, and experience. He too is, in the precise sense of Rousseau's words, laying the facts aside on the ground that they do not affect the question—which indeed they do not, given the nature of the question posed by Rawls. And finally, Professor Rawls, like any sophisticated *philosophe* of two centuries ago, can say: "We want to define the original position so that we get the desired solution" (p. 141). Naturally. That is the very essence of the *philosophe* mentality. One must never lose sight of the desired, the "intuitive," solution, no matter what else one carries in the way of ethnological tidbits, alleged principles of psychology, apothegms of moral philosophy, even citations from Scripture, to supply ballast.²

LET us move now from method to conclusion, bearing in mind, of course, that no conclusion can be other than what has been directed by the method of inquiry. "It seems reasonable to suppose," writes Rawls, "that the parties in the original position are equal" (p.19). Well, yes, but then again it doesn't—at least when one thinks of the findings of ethnology and physical anthropology in the study of human behavior. Never mind, though. We are dealing here, not with facts, which have been laid aside in appropriate *philosophe* manner, but with an "original position" so contrived as to reveal to us what human beings *would* be, *would* think, *would* do and contract for, *if* they are imagined as having been liberated from identities conferred through processes of ordinary socialization. "The original

²There is, though, one major difference between what Professor Rawls does and what his illustrious forerunners in the 18th century did (that is, apart from ballast; Rawls favors game theory and tidbits from free market economics over ethnology, etc.). The French *philosophes* were drawing upon the best, or at least the commonly accepted social science and psychology of their day. Professor Rawls most assuredly is not. Taking refuge in something termed an "original position" and using a "veil of ignorance" is as far from scientific procedure as anything I can think of. Rawls seems at times to conceive of himself in the role of social scientist; there are enough references to economic theory alone to suggest this. But there is a broad gulf between what Rawls is doing in his rather simplistic use of *philosophe* method and what econometrists are involved in today in their very careful and rigorous analyses of the free market or the firm. The same has to be said of Rawls' numerous references to game theory. I am afraid the kind of game Professor Rawls is playing with imagined motivations in a hypothetical "original position" is much more like the games philosophers might give each other for Christmas than anything easily found today in the higher reaches of mathematics and economic theory.

position," we are told, "is the appropriate initial status quo which insures that the fundamental agreements reached in it are fair. This fact yields 'justice as fairness'" (p. 17). Indeed it does. We need add only that such a "fact" will yield just about anything one desires.

It is not possible to understand the "original position" without reference to what Professor Rawls calls "the veil of ignorance." What does this veil consist of?

First of all no one knows his place in society, his class position or social status; nor does he know his fortune in the distribution of natural assets and abilities, his intelligence and the like. Nor, again, does anyone know his conception of the good, the particulars of his rational plan of life, or even the special features of his psychology such as his aversion to risk or liability to optimism or pessimism. More than this, I assume that the parties do not know the particular circumstances of their own society. That is, they do not know its economic or political situation, or the level of civilization and culture it has been able to achieve. The persons in the original position have no information as to which generation they belong (p. 137).

In sum, they don't know much of anything—anything, that is, that we are justified by contemporary psychology in deeming requisite to thought and knowledge of any kind whatever. Nevertheless, Professor Rawls is shortly going to put his happy primitives through feats of cerebration that even the gods might envy. Out of the minds of his homunculi, these epistemological zombies who don't know their names, families, races, generations, or societies of origin, are going to come principles of justice and society so vast in implication as to throw all present human societies into a philosopher's limbo.

This must be said, though: Despite the parties' abysmal ignorance of the things which alone make thought possible, they are not wholly bereft. Professor Rawls assures us that his primitives in the "original position" do know "the general facts about human society." He goes on: "They understand political affairs and the principles of economic theory; they know the basis of social organization and the laws of human psychology. Indeed, the parties are presumed to know whatever general facts affect the choice of the principles of justice" (p. 137). There are those who would say they sound like certain academic intellectuals of today. There are others who would say they sound exactly like the confined neurasthenics Proust described in *Remembrance of Things Past*: able endlessly to discuss and debate monumental abstractions, but helpless when it came to the simplest duties of ordinary existence.

Such is the "original position" and such is the "veil of ignorance." One's first thought is to say: Welcome to the 18th century! In a footnote (p. 137) Rawls seems uneasily aware that *someone* besides himself must have thought somewhere, sometime, of this device—but he can think of no one but J. C. Harsanyi, who, I infer, drew from

it the wrong conclusions, inasmuch as they are pronounced utilitarian. I know nothing about the Harsanyi article referred to, but I can assure Professor Rawls that he would find much company in Parisian salons of the 18th century, where conceptualized primitives often strolled, in aristocrats' or *philosophes*' dress, discussing from the vantage point of the "veil of ignorance" and the "original position" principles of the ideal society so profound and so noble in purpose as to make surrounding culture seem base, misdirected, and obsolete.

I WILL not go into a detailed account of the principles of a just society that Professor Rawls extracts from the mouths of his happy and omniscient primitives. Those principles have been described profusely by reviewers and other admirers of the book. It will suffice to say that foremost among them are what Rawls calls his "two principles of justice for social institutions." According to the first of these momentous principles, "each person must have an equal right to the most extensive total system of equal basic liberties compatible with a similar system of liberty for all" (p. 302). That is, the principle of liberty is made prior to all else, even equality. Ostensibly, at any rate, it is made prior. A second reading of the passage just quoted might suggest that it is not so much liberty that Rawls has in mind there as equal shares in a vast, homogenized structure *called* liberty.

Prior or no, however, the first principle is utterly outweighed in mass and use by the second principle, which is that "social and economic inequalities are to be arranged so that they are both (a) to the greatest benefit of the least advantaged, consistent with the just savings principle, and (b) attached to offices and positions open to all under conditions of fair equality of opportunity" (p. 303). And here, of course, we are out of the suburbs and in the City itself. For the book is consecrated to as radical a form of equalitarianism as may be found anywhere outside the pages of the *Social Contract*. Liberty, yes, but liberty carefully defined as a monolithic, total, practically identical experience for the entire population, something in which, by definition, people have equal shares—or else it does not exist. It was Rousseau who first perfected the technique of defining liberty in the rhetoric of equality, so as to make liberty and equality indeed virtually synonymous. Rousseau's pages abound in use of the words "freedom" and "liberty." But no one with scantest acquaintance with these pages can doubt that the words have been forged on the anvil of equality—an equality that will be total, permeating, and made to reach the depths of human consciousness.

Equality is assuredly total in Rawls. From his two fundamental principles of justice—themselves derived, it must always be remembered, from the cerebrations of his conceptualized primitives in the state of nature—Professor Rawls deduces something portentously called "the difference principle," under which "all social primary goods" must be distributed equally throughout a society unless an

unequal distribution of any of these goods is to the advantage of the least favored. By social primary goods Rawls means not only wealth and income but such things as liberty, opportunity, and even "bases of self-respect."

Nor is it the familiar liberal concept of a merit system that Rawls proposes. Meritocracy comes in for repudiation on the ground that equality—given thrust by the two principles of justice and by the powerful and sweeping "difference principle"—would be undermined. For obviously there are differences of strength, acuity, temperament, and, inevitably, of motivation and aspiration in any group of human beings. A merit system, one based upon equal opportunity for talents and desires, would inevitably destroy that homogeneity of life Rawls seems to prize above all else. In this respect too Rawls is the child of Jean-Jacques who, directing himself precisely to the same point in the *Social Contract*, declared that the social compact (read: original position) demands that we substitute "for such physical inequality as nature may have set up between men, an equality that is moral and legitimate, and that men, who may be unequal in strength or intelligence, become every one equal by convention and legal right." Elsewhere in the *Social Contract* Rousseau tells us: "It is precisely because the force of circumstances tends continually to destroy equality that the force of legislation should always tend toward its maintenance."

That civil law should protect the weak from the strong, should, that is, guard their right to existence from arbitrary invasion or violence, goes without saying. It is, however, a very different thing to see the function of law as making equal the diversity of strengths and talents in all fields that is but a part of the human condition. I do not know how the absurd myth got started in modern thought that Rousseau urged a "return to nature." Nothing could be farther from the truth. He did indeed start with the concept of nature, but this was only to give even greater emphasis to his desire to create a social system so powerful, so minute and penetrating in its grasp of individuals, that a monolith of artificial equality and of equal shares of membership in an all-benign, all-knowing, and omnipotent General Will would become the basis for all life and thought.

No doubt when Professor Rawls urges upon us his revolutionary "difference principle" he wishes us to think primarily of money and property differences. If only it were possible to limit such a principle to such matters! After all, Rawls refers in the statement of his principle to "all social primary goods," and as one reflects on the matter, the real and far-reaching impact of the principle would be less in the sphere of money than in the world of the mind, of intellectual and cultural achievement, and in all the subtle but potent gradations of status in life which follow directly from differential achievement. On the evidence, it is not monetary differentiation—much as equalitarians like to dwell upon it—that galls and occasionally humiliates; it is rather the type of differentiation that comes from unequal intellectual and moral strengths, unequal applications of resolve and

aspiration, and unequal benefactions of luck. What can we assume but that the effect of Rawls' "difference principle" would be greatest in these respects?

I cannot help thinking that the closest we come at the present time to a manifestation of Rawls' "difference principle" is in respect to Open Admissions and Affirmative Action in the college and university world. In each of these the ostensible and declared function is that of helping the disadvantaged on their way up in life. In both, however, what we see in fact is simultaneous destruction of standards of performance and of the hopes of those individuals *within the disadvantaged groups* whose talents and aspirations put them above the lowest common denominator of their groups. How, we are constrained to ask, is the long-run rise of any group in society helped by a principle—and, in the cases of the two programs I have just mentioned, by ongoing policies—that gives protection not so much to the least advantaged groups in the social order as to the least able, least qualified, and least motivated individuals among the least advantaged groups?

To be sure, Professor Rawls, writing in glittering abstraction from his Ivy League fastness, can point to, can take philosopher's refuge in, the fine-print clause that says "unless an unequal distribution of any of these goods is to the advantage of the least favored." How ingenious! But "advantage" by whose judgment? Aye, that is the question. We will probably not go wrong if we bet that the controlling judgment will emanate from intellectuals in the world of government, foundations, and academy. At least it has been that way in all other revolutions!

JOHAN RAWLS is clearly a learned mind, and the sources, references, and allusions in his book reflect a wide diversity of reading. Even so, the omissions are massive, not to say staggering. In a work that makes liberty and equality the two sovereign virtues of social institutions, that indeed sees them intertwined in a theory of justice, the author might have thought it incumbent upon him to consider in some detail the long tradition in Western thought, beginning with Aristotle's criticism of Plato and continuing down to such minds as Tocqueville, Henry Maine, and James Fitzjames Stephens, among others, that has made the *conflict between liberty and equality* its theme. There is little if any such consideration in *A Theory of Justice*, however, and one can only conclude that in this as in other respects, *philosophe* conquered philosopher, with principles reached *in scrinio pectoris* deemed sufficient unto the purpose.

So might one also expect consideration of the problem of the *contexts* of liberty in society. I refer to the kinds of contexts which a large number of historians, social scientists, and philosophers have thought vital to the nourishing and reinforcement of any spirit of liberty. Professor Rawls' dedication to freedom is unimpeachable; he declares it prior in importance and lexical order even to equality. But oracularity and repetition of principle are never proper substi-

tutes for genuine consideration of relevant circumstances and conditions. There is a long and impressive body of writings in the West which tells us that freedom needs to have roots in social differentiation, cultural pluralism, conflict of institutions, balance of power among strong social interests, and deeply based traditions—economic, religious, ethnic, and other. It is difficult to see how application of Rawls' "difference principle" could take place without destruction or substantial erosion of these—a result allowable enough if equality alone is the desired end of life, but not if equality is declared secondary to liberty, as it is so declared by Rawls. Principles are very important; but principles have consequences, and we are surely entitled in a book of this length to the author's views on both contexts and consequences.

I think most readers will find Rawls far better in his elaboration of equality, of justice as fairness, than in what he writes at great length about freedom. I believe the book would have been a better one if he had frankly abandoned his first principle of liberty, so called, and concerned himself entirely with developing the theme of equality. As I suggested above, much of the difficulty with Rawls' treatment of liberty lies in the fact that he repeatedly presents it as an overall system in which abstract individuals are to have "equal shares." It is impossible to conquer the belief that in Rawls as in Rousseau there is far more interest in the equal sharing of liberty than in the nature of liberty itself. I do not doubt that there are types of liberty in which equal shares may be decreed. This would appear to be as true of totalitarian governments as democratic ones. But there is a large and historically indispensable sphere of liberty—that relating to the pragmatic capacity of individuals and groups to express their essence, to fulfil chosen objectives, *to initiate, to create, and to do*—in which the thought of equal shares is plainly absurd. In *this* sphere we are forever dependent upon the talents, strengths, interests, and aspirations we are in some part born with and in probably larger part recipients of during the crucial early period of socialization. Plainly, chance, contingency, luck play a great role in liberty understood in this sense. Equality is nonexistent here.

When one thinks of the implications for liberty, in the sense in which it has been known by most people for a very long time in the West, of Rawls' "difference principle" (with its binding requirement that all "social primary goods" must be distributed equally or, if there must be unequal distribution, in a way that it is to the advantage of the least favored), one can only confess bewilderment as to what liberty would actually consist of in Rawls' just society. I can conceive of even a despot, especially of the Napoleonic type, approving of liberty of the kind that may be parcelled out in "equal shares." It is, on the historical record, the kind of liberty that is *not* divisible into equal shares, that is always found in the very unequal proportions in which initiative, creativity, and motivation are to be found, that has proved troubling to despots and the bureaucracies they administer.

As I say, we must take Professor Rawls at his word that he loves liberty and wants it to be primary in his just society. But he is not thereby absolved from the responsibility of letting us know what the difference is between liberty in a society *not* founded upon his rigorous equalitarianism and liberty in the society where all "social primary goods," including opportunity and "bases of self-respect," as well as income and property, must be equal or arranged to favor the underprivileged. Incessantly repeated incantations about the "inviolability" of the person and about the absolute necessity of "liberty of conscience" will not suffice.

There is much about liberty of conscience in *A Theory of Justice*. So is there, *mutatis mutandis*, in Plato's *Republic*, in Hobbes' *Leviathan*, and in Rousseau's *Social Contract*. Rawls shows no real awareness that *mere liberty of conscience or belief is compatible with systems of extraordinary repressiveness*. I repeat, what despotic governments have immemorably feared is not anything as private and secluded as conscience or belief, but rather those expressions of action and organization which must by their nature always exist in highly unequal shares in any population, based as they are on unequal motivations and strengths. Rousseau's well-known antagonism toward the arts springs less, I judge, from any genuine "puritanism" in his makeup than from the hopelessness of trying to maintain an iron equality, or justice defined as equality, in arts, letters, and science.

Rousseau grants an absolute freedom of opinion and belief to his citizens in the very chapter of the Social Contract where he prescribes the death penalty for those who act as if they do not believe in the tenets of the Civil Religion. Of course, nothing so harsh is to be found in *A Theory of Justice*. It does come as a slight shock, though, when Rawls, following a number of pages on the sanctity of freedom of conscience (extending, *inter alia*, to civil disobedience, draft evasion, and the like), concludes with the statement: "Furthermore liberty of conscience is to be limited only when there is reasonable expectation that not doing so will damage the public order which the government should maintain" (p. 213). True, he goes on to say that such limitation must be restricted to instances where the expectation will "be based on evidence and ways of reasoning acceptable to all." But in large nations with excellent communications systems in the hands of their governments, that should not be a difficult matter. In fairness to Professor Rawls, he makes no Rousseauan reference to such limitation upon liberty as a means whereby individuals are "forced to be free." But it is worth a thought!

So is Rousseau's General Will worth a thought in any subsequent edition of *A Theory of Justice*, Rawls seems to have great trouble with the concept of majority will. One has the feeling he doesn't particularly like it—nor should he, given the outrageous preferences that democratic majorities invariably express for a social system based upon merit and achievement—but that he doesn't know quite what to do with it. What Rawls winds up doing is dissociating majority will from any of his principles of justice. That is, whatever else this deeply

embedded principle of democracy rests on, it does *not* rest on justice, as it is defined and elaborated in *A Theory of Justice*. He writes: "It is evident from the preceding remarks that the procedure of majority rule, however it is defined, and circumscribed, has a subordinate place as a procedural device. The justification for it rests squarely on the political ends that the constitution is designed to achieve, and therefore on the two principles of justice" (p. 356). Such a statement, quite apart from whatever may lie in Professor Rawls' hopes and dreams, can serve as the basis for some tantalizing *philosophe* visions of "What Is To Be Done" when one becomes overpowered by the thought of the discrepancies between true justice and all the foibles, tastes, and whims of extant majorities. No doubt, in the years ahead, it will to serve. But if so, I recommend the powerful Rousseauan distinction between the General Will (*volonté générale*), which is always and invariably right and may not at all coincide with a numerical majority, and the mere Will of All (*volonté de tous*) that is the product of a still uninstructed, wrong-thinking, and untreated mass formed by the accidents of history. Near the beginning of the *Discourse on Political Economy* Rousseau even provides us with some helpful instructions on how the General Will may be ascertained in a population without bothering with voting at all.

But as Rousseau was well aware, you can't hope to achieve authentic consciousness in a people—the basis of the General Will—without taking some very radical steps. Foremost among these is eradication of the family as the unit of the social order. I have always found treatment of the family to be an excellent indicator of the degree of zeal and authoritarianism, overt or latent, in a moral philosopher or political theorist. Basically, there have been two traditions in Western thought here. In one, reaching from Plato to Rousseau, the family is regarded as an insurmountable barrier to the achievement of absolute virtue or justice in a social order and therefore is to be obliterated. In the other, reaching from Aristotle to Burke and Tocqueville, the family is declared vital to the achievement and preservation of freedom and order alike in society.

Where does Professor Rawls stand? He is well aware of the social and psychological importance of the family, and refers to it in a number of places. Let us take his final reference (p. 511) as indicative. He writes: "The consistent application of the principle of fair opportunity requires us to view persons independently from the influences of their social position. But how far should this tendency be carried? It seems that when fair opportunity (as it has been defined) is satisfied, the family will lead to unequal chances between individuals. Is the family to be abolished then? Taken by itself and given a certain primacy, the idea of equal opportunity inclines in this direction. But within the context of the theory of justice as a whole there is much less urgency to take this course."

I am afraid that most readers will take that last as quite unsatisfactory, even as a form of flinching. After all, "theory of justice as a whole" notwithstanding, there is abundant evidence that the family

is among the most powerful generators and reinforcers of inequality in a social order. Rawls knows this very well. He has already proclaimed his willingness to see the factors of motivation, chance, and merit reduced to nullity in behalf of his cherished principle of equality. Can he, in all consistency, long neglect the family, given its demonstrable relation to inequality? Rousseau, in his *Discourse on Political Economy*, was bold and consistent where Rawls is diffident. If the young are to be brought up in the bosom of equality, "early accustomed to regard their own individuality only in its relation to the body of the State, to be aware, so to speak, of their own existence merely as part of that of the State," then they must be saved from what Rousseau refers to as "the intelligence and prejudices of fathers." Public authority must supplant domestic authority; the molecule of the family must be broken. But this, Rousseau suggests with characteristic ingenuity, should occasion no alarm, for the father "would only be changing his title and would have in common, under the name of *citizen*, the same authority over his children as he was exercising separately under the name of *father*."

Will Professor Rawls in due time find his way to this piece of radical surgery? We can only surmise that he will. Our surmise in this respect is encouraged by the final paragraph of *A Theory of Justice*, where we are urged to think, not merely big, but "*sub specie aeternitatis*," and to "regard the human situation not only from all social but also from all temporal points of view." And in a final sentence that arouses visions of Rousseau's legislator, Professor Rawls writes: "Purity of heart, if one could attain it, would be to act with grace and self-command from this point of view." Rousseau put the matter better: "This sublime reason [he is writing about his philosopher-legislator], far above the range of the common herd, is that whose decisions the legislator puts into the mouth of the immortals, in order to constrain by divine authority those whom human prudence could not move. The great soul of the legislator is the only miracle that can prove his mission."