ent work proves to be an excellent illustration of the two desiderata that have inspired philosophical inquiry since the time of Socrates. On the one hand, there is a special ability for critical thinking that we gain from doing philosophy, which would explain, using Frances Kamm's words, why we can take it for a fact that "people who are trained in philosophy… are much better able to judge the validity of positions other than their own" (20). (And what a salutary training this may be, if it is true, as Foucault once said, that "taking distance on oneself" or "thinking otherwise than before" should be considered "the ethic of an intellectual in our day"! On the other hand, a demand for honesty and authenticity will always play an essential part in judging philosophers' claims, ruining the credibility of those "who don't live up" (21) to their moral principles.

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*Cohen, G. A. 2008. Rescuing Justice and Equality. Cambridge, MA: Harvard. Pp. 430. ISBN: 978-0-674-03076-3. 430 pp.*

As this review was being written, the news of G. A. Cohen's death at the age of 68 was announced by his colleagues at Oxford. Although he had recently retired from full-time teaching, no one believed that *Rescuing Justice and Equality* would the last book published during his lifetime. However, his recent book has unwittingly become an important final work, not least because it highlights the many concerns that occupied the last twenty years of Cohen's career, but also because it is a brilliantly argued attack on the almost *laissez-faire* liberalism that speaks as the dominant representative of Rawls' philosophical ideas.

In *Rescuing Justice and Equality*, Cohen attacks the dominance of one part of Rawls' theory of justice: the belief that, so long as the well-being of the worst off members of society is not made worse, any arrangement that increases the well-being of better-off members of society is morally acceptable. Following not in the foot-steps of his earliest work (for instance, the Marxist-thought epitomized in his *Karl Marx's Theory of History: A Defence*. 1978. Princeton: Princeton University Press), Cohen instead adopts what might be termed a robust defence of his previous arguments with John Rawls. In particular, Cohen attacks what he sees as an artificial separation between people's attitudes and social structure themselves, much as he did in his *If You Are an Egalitarian, Why are you so Rich?* (2001. Cambridge, MA: Harvard University Press).

However, Cohen's new book is not an attack on Rawls *per se* but rather an attack on a certain strand of liberal thought that emerges from *A Theory of Justice*. Cohen has great respect for the Rawls and describes him as the writer of a work of philosophy that is eclipsed by at most only two others books of political philosophy: *The Republic* and *The Leviathan*. In a Hegelian moment, he calls Rawls a thinker who captured the spirit of his age with his *A Theory of Justice* (the import of this compliment depends, I suppose, on what one happens to think of late-capitalist society).

Traditionally, it has been possible to level at least two leftist critiques against Rawls, both of which spring from the same intuition: that Rawls has smuggled more into the initial position then he lets on. First, he can very specifically be accused of adopting a Western normative framework – viz., abstracting from Western norms to arrive at the fundamental rights ascribed to the individual. This is the approach that Akeel Bilgrami takes in "Secular Liberalism and the Moral Psychology of Identity," (in R. Bhargava et al. 1999. *Multiculturalism, Liberalism and Democracy*. New Delhi: Oxford University Press) wherein he argues that no Muslim would have agreed to a social structure (arrived at from the initial position) that forbids aggressive proselytizing. This approach, however, is not available to Cohen, whose Platonism comes through in the second half of the book – norms of justice are, on Cohen's telling, impervious to culture.

Another objection is however open to Cohen. The second classical objection accuses Rawls of arbitrarily adopting a division of labour between social institutions and the actions of an individual within that framework. In *A Theory of Justice*, Rawls wrote: "the primary subject of justice is the basic structure of society, or more exactly, the way in which the major social institutions distribute fundamental rights and duties and determine the division of advantages from social cooperation" (1971, 7). Why the distribution of rights should be separate from the actions of individuals has never, to Cohen's mind (or my own), been made sufficiently clear.

Cohen wants to rescue equality and justice from Rawlsian liberalism, and to restore the rightful place of social existence to political theory. To that end, he quotes Karl Marx, who said that "human emancipation" would only be complete "when the individual man ...has recognize an organized his own powers as *social* powers so that social force is no longer separated from him as a *political* power" (1). In other words, he wants to fight against the separation of state and society that is so pregnant in Rawls' thought. The Rawlsian difference principle, properly understood, must apply equally to the choices of the state as to the choices of the people who inhabit it.

In the first section ('Rescuing Equality'), Cohen attacks what he sees as the inequality countenanced in Rawls' name. As I remarked above, it is thought just, under most Rawlsian approaches, to sanction differences in income if they benefit the worst off in society. The question is, however, in what way are they likely to benefit the worst off? And why is it the case that the best off need be better off to help the poor? In many cases, it is thought that differences in income will benefit the worst off by causing the more talented (and presumably better off) to work harder: a rising tide raises all boats, so to speak. If it is the case, however, that the best off will only work harder if they themselves will benefit, at a minimum it would seem that we are rewarding people's selfishness; second, it would be a very poor argument indeed to allow the rich to argue for greater wealth based on their own greed.

Cohen challenges this belief, arguing that this incentive based approach goes against our most fundamental intuitions of what justice is. The Rawlsian formulation loses sight of the fact that individuals exist not only within a polity, but within a community as well: to encourage selfishness is to allow an anti-egalitarian ethos to flourish. It would allow the rich to hold the poor hostage by refusing to work harder if they did not see sufficient benefit in it. It would only make sense to adopt this condition if we separate the state from the population, and we call justice what the state does, regardless the actions of the population. Furthermore, as Cohen argues in a very technical section of the first half of the book, the choice is never between equality and some Pareto optimal arrangement (where inequality flourishes). If there is a Pareto optimal arrangement that accrues maximum benefit to the poor while maximizing inequality, there is also another Pareto superior arrangement (superior to the original social arrangement – the one arrived at after the initial position – which we have now already moved away from) that reduces inequality while also improving the lot of the poor. In other words, Rawls' difference principle, applied in this way, is not a principle of justice at all, merely one of expediency.

The second half of the book, the counter-intuitively named 'Rescuing Justice,' examines the implications of Cohen's attack on the application of Rawls' difference principle in standard liberal thought. On Cohen's interpretation of most orthodox Rawlsian thought, there is no injustice done when a situation of inequality prevails. Thus, all that is relevant when assessing a proposed change in social arrangement is the situation of the worst-off, relative to some baseline and not to the situation of the best off in any society. The genius of Cohen's argument, if it holds, would be to render all constructivist arguments vulnerable to same objection, viz. "social constructivism's misidentification of principles of justice with optimal principles of regulation" (275).

To say that a situation is just, Cohen argues, is not the same as to say that it is the best of all possible situations. "Constructivism about justice is mistaken because the procedure that it recommends cannot yield fundamental principles of justice" (294). The right principles of justice are not, Cohen claims, produced by the right sort of decision procedure. Constructivism makes the mistake of assuming that there can be a separation between the government and the people, on purely procedural grounds. Decisions procedures cannot produce principles of good governance identical to principles of justice, Cohen argues, because "things other than justice affect what the right social principles should be" (301). For example, one can say that certain values are too costly to implement, but one cannot then call such a social arrangement just.

Consider two examples, Cohen asks. First, someone makes maximum use of loopholes in a social arrangement to maximize individual profit, possibly at the expense of the worst off. Would such an arrangement reasonably be called just? In a second case, consider the question of something as banal as insurance deductibles. We require insurance deductibles not because we believe the unfortunate should pay for their misfortune, but because we think insurance deductibles will increase what some socially expedient acts, viz. people will be more likely to try to prevent fires if they will be partially held accountable for the loss. Under no circumstance would we call it just to say that people should be required to pay for accidents beyond their control (as would sometimes, if not often, be the case). To call such an arrangement just would be to confuse justice with a system designed to deal with the vagaries of the human condition.

Cohen's actual argument in the book is painfully simple: I've more or less completely summarized it above. The strength of the book is Cohen's excellent command of the relevant literature; yet the book's strength is also one of its weaknesses. It is hardly a free-standing enterprise, but instead it stands on a foundation of a thousand other disputes. For that reason, a useful companion is *Justice, Equality and Constructivism: Essays on G. A Cohen's Rescuing Justice and Equality* (Feltham, Brian, ed. 2009. Oxford: Wiley-Blackwell), if only for the fact that it summarizes standard responses to Cohen's position, two of which are notable: "Justice is not Equality" by Richard J. Arneson and "Cohen to the Rescue!" by Thomas Pogge. Arneson's essay, written by a philosopher who is otherwise sympathetic to Cohen's criticisms, is important in that it settles on one of the core objections to Cohen: that what Cohen calls justice is not justice, but something else entirely. Justice is justice; equality is equality, but what Cohen calls justice – relying heavily on equality – is something else entirely. Pogge, in turn, shows how Cohen engages Rawls by assuming that there are fact insensitive principles (reflecting what Pogge calls Cohen's Platonism) that subsume any constructivism (one such principle would presumably be Cohen's egalitarianism). Pogge argues that what really separates

Cohen from the constructivists (a label which Pogge eschews) is not the commitment to ultimate principles that Cohen expresses, but rather a pragmatic concern, on the part of the constructivist, to construct the best of all societies in this world – fraught as it is with human frailty.

Cohen's book should be recommended then, at the end of the day, for one simple insight: he shows what we assume when we allow rampant inequalities, even for the sake of the poor.

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