

Book Reviews

Axel Gosseries & Yannick Vanderborght (eds.), Arguing about Justice. Essays for Philippe Van Parijs, Presses Universitaires de Louvain, 2011, Pp. 422, ISBN 2874632759

Arguing about Justice is a tribute to Philippe Van Parijs, on the occasion of the 2011 triple anniversary: Van Parijs's 60th birthday, the 20th year of existence of the *Hoover Chair in Economic and Social Ethics* (at the Catholic University of Louvain) and the 25th anniversary of the *Basic Income Earth Network* (BIEN) – both of which strongly connected with Philippe Van Parijs, as a founder, headperson or animator.

The essays included in the volume offer the reader a rich (and sometimes challenging) intellectual journey into a variety of topics related to the core question of what is a just society. It is an amazingly diverse volume, in which the editors have managed to attract contributions from almost fifty authors, among whom several major figures in the fields of analytic philosophy and political theory, like Robert Goodin, Jon Elster, Hillel Steiner or John Roemer.

The collection of articles is meant to illustrate the numerous areas in which Van Parijs has worked and the multiple intellectual challenges by which he has enriched both the academic and the public debate. Thus, most of the topics can be grouped in six or seven areas of debate: basic income, social justice and public policies, linguistic justice, real freedom and democracy. Nevertheless, an attentive reader can find also other topics or interpretations, from some feminist ones to some that are focusing on the present financial crisis. The diversity of the topics, ranging from the fate of journalism in the Internet era, linguistic protectionism, self-determination for cities, to genetics and ethics or taxes on marriage partners should not puzzle though the readers familiar with Van Parijs's work.

The reviewer is almost fatally at a loss when faced with the requirement to provide an adequate picture of such a comprehensive book, since its intellectual diversity and wealth make it impossible for him/her, not only to do justice to all the authors, problems and ideas to be found inside, but even to simply represent them in an adequate manner. The review runs the risk of saying more about the theoretical interests of the reviewer, than about the book itself, and to simplify the message so much as to distort the complex landscape that the volume illustrates. Nevertheless, no commentator can let it pass without notice: it is a remarkable publication, and one feels obliged to say something about it. Our own choice will be to signal some articles that we find particularly interesting and challenging.

Perhaps the best known contribution of Philippe Van Parijs to social ethics is his theory on basic income. An unconditional basic income, that should be given to all citizens, irrespective of their work performance or alternative sources of income, would, according to Van Parijs, have a number of positive effects on the labour market, as well as combine social justice and individual freedom without increasing inequalities.

Arguably the most interesting theoretical model, and the most challenging contribution on this topic, to be found in this book is the one proposed by Paul-Marie Boulanger in his article *Real Freedom for All Turtles in Sugarscape?* The author starts from the approach of Epstein and Axtell, which tried in their 1996 book (*Growing Artificial Societies*) to provide a computer-simulated model for the development of social relationships and some complex types of conduct (the agents in the model are called "turtles"

and their simple activity consists in looking for vital resources like sugar). One of the premises of the Sugarscape model was that the agents are purely selfish (i.e., they act individually), and the result of their acts and interactions was that the total population decreased (after a period of time, almost half of the agents died after failing to find the vital resources they needed) while the remaining ones crowded together in colonies around the most promising (rich in sugar) areas. Not surprisingly, the universe of a selfish population proved to be cruel and gregarious.

Boulanger's idea was to enrich the model by adding some 'solidarity' ingredients to it. In his second version, the agents are compelled to reserve a fraction of the resources they acquire individually for a "collective granary", while being promised to be granted a small "allowance" taken from the granary in case they faced a difficult period of scarcity. The author put to work several versions (with different parameters for the contribution rate and the allowance levels), and the model generated data which showed that, while in such a case the solidarity mechanism does not offer much better prospects to the average agent, it still gives better chances of survival to the 'unlucky' one. This, obviously, corresponds to the familiar experience that solidarity arrangements (like social assistance) based on taxes do bring relief to the most disadvantaged persons inside the population. Boulanger's third model "is close to the second one except that every agent is granted at each time step an unconditional amount of sugar," irrespective of his particular situation or contribution, inside a public scheme that "is financed by a flat tax levied on all wealth above the basic income level" (99) – which, of course, symbolizes the general idea of an unconditional basic income. Obviously, the scheme cannot be sustainable for any possible value of the flat tax and of the unconditional allowance, but where it works (for some possible pairs of values), it provides, according to the computer modeling, "better life chances for the whole population and also for every subgroup" (102). It is, Boulanger finds, the most wealth egalitarian and the most rational solution - if we equated rationality with impartial reasoning behind the veil of ignorance. The author's conclusion is that the model confirms Philippe Van Parijs' thesis that basic income schemes can grant us "a marriage of justice and efficiency" (103).

Someone could have let oneself carried away by what could have been perceived to be a 'logical proof' of a general idea in political philosophy – the idea of an unconditional basic income and of its benefits. Not so Boulanger, who has no illusions. After developing his model, he somehow steps back overcautiously, by ostentatiously reminding the reader that multi-agent models are just metaphors, not representations, mere improvised scenarios, not serious things. By comparing models like his own with *Commedia dell'arte* improvisations, and by suggesting that the acceptance of his own conclusion depends upon subjective inclinations (to empathize with the agents in the model and put oneself in their shoes), the author seems to have been inclined to play down his own approach, which is rather unusual and somewhat surprising. While, of course, a model like this cannot be taken as a proper 'logical proof' of a theoretical idea, it can still be taken more seriously than we take metaphors and improvised scenarios. Why would the "Sugarscape" model be less relevant than other famous models, like, for instance, the "prisoner's dilemma" one or the "tragedy of the commons" one? Why couldn't it be developed to a fully-fledged model of social arrangement, by adding more variables and elements to the scheme of interaction? Contrary to what Boulanger seems to have suggested, the seriousness and relevance of a model does not depend primarily upon one's inclination to empathize with the agents involved in it, or upon one's feel-

ing that the model is “evocative” (104), but rather on the degree of sophistication of its internal structure and on its capacity to avoid omissions of relevant interconnections, which have a reasonable degree of similarity with real relationships. Possible critics of the Sugarscape model should thus strive to detect oversimplifications and lacunae, not to express their lack of empathy and of evocative feelings. At the same time, admirers of the model should strive to complete and develop it, not to express sympathy with its ‘improvisations.’ It seems to us that both strategies are perfectly feasible, and it is perhaps to be expected that both attitudes be manifested in the future. Thus, the model developed by Boulanger will hopefully prove challenging and fertile for the discussion on social solidarity.

To stay in the same thematic area, one can notice that skepticism about the credibility of basic income comes not only from the meta-theoretical caveats, expressed in a nice although self-sacrificing manner by Boulanger, but also from practical considerations. A proof for that is offered by Denis Clerc’s article, entitled *Why Big Ideas Never Change Society* (an overstatement, of course). Clerc focuses on practical difficulties of a basic income scheme, namely on financial, social and political obstacles. Basic income would imply the existence of a huge amount of financial resources constituted through taxes and contributions, the raising of which implies various dilemmas and difficulties. Socially and politically, basic income is problematic because “it is also a technical and social challenge that only a small number of political actors will be ready to take up” (171). Denis Clerc concludes that Basic Income is too grand an aim to be realistic and accessible for present societies. Instead of a scheme based on an unconditional universal benefit for all citizens, no matter how *just* it may seem, he proposes a much more modest aim: taking gradual steps towards a *less unjust* society, via modest instruments like supplements to low incomes, such as the *revenue de solidarité active* which exists in France. This kind of less demanding measures appear to Clerc as much more appropriate, given the fact that “our societies are very complex, and reforms can only be incremental” (171).

The kind of practical wisdom that prompts such cautious conclusions might seem to be related with some old conservative (e.g. Burkean) views and principles, usually recommended as very reasonable; it might also be evocative of the warnings against global social engineering made by Karl Popper. But is a basic income scheme really a piece of global social engineering? That, we think, is very doubtful. In fact, modern societies are used to the idea of universal unconditional benefits granted publicly. Elementary education (for all children, including immigrants) and emergency medical assistance (for everybody, including foreigners) are two examples of such benefits, which do not appear at all as ‘wild’ examples of global social engineering. Is there a difference *in nature* between free of charge elementary education and basic income? If not, why should one reject the latter, while accepting the former? Clerc’s arguments seem to be a bit too general and much less convincing than other arguments advanced in the debate on basic income.

John E. Roemer’s paper, *The Ideological Roots of Inequality and What is to Be Done*, is one of the most interesting contributions to the volume. While we are used to take economic inequality as an undeniable and unavoidable *fact*, Roemer insists that one should see it more as an ideological construct. In the first part of the paper, he reconstructs the main arguments behind our nonchalant acceptance of inequality: the moral argument - “one is entitled to benefit from one’s natural or social advantages” - and the instru-

mental one: “inequality is in the end good for everybody” (291). Roemer concentrates on questioning the second argument, by showing that the existence of inequalities is not a necessary condition for the efficient functioning of markets. Starting from the premise that “the market is primarily a device for coordination” (297), not for generating incentives, the American economist argues that an egalitarian-oriented redistribution does not necessarily generate “massive efficiency costs”. It is only when we see the market as being “primarily a device for harnessing incentives”, that the efficiency costs of redistribution become a big burden. But we should not take the latter path for a major reason: competitiveness should not be confused with efficiency – high incentives might be competitive, but in the end they are not efficient. The argument runs as follows: incentives are very important for workers, but not so important for CEOs, who are more interested in the power and the exceptional opportunities that their positions bring, than in material rewards. Thus, Roemer claims, even if the salaries paid to CEOs were taxed at very high rates, “we would not see a significant change in productive behavior” (299). Thus, it cannot be said that paying huge salaries (and leaving them untouched by taxation) to the “high fliers at the top” is a must for an efficient economic activity. Moreover, there is another major argument against big CEO salaries: they generate immense social costs. The first component of that argument is that CEO with such salaries will accumulate a big wealth, which can be and shall be used in order to influence politics: “Members of this class, if private campaign financing is legal, will make large contributions to political parties to maintain their privileges” (299). This warning might remind one about Michael Walzer’s point in *The Spheres of Justice*: people who control big amounts of the dominant good (money) can hardly be prevented from converting it into other goods, like, for instance, political influence. The second component of Roemer’s argument is that paying huge salaries to CEOs “can induce behavior that is far too risky from the social point of view” (299). The tendency towards risky behavior is labeled as a negative externality abundantly exemplified during the current financial crisis: irresponsibly risky choices made by bank CEOs led to the spectacular bankruptcies which compelled the US government to bail out big banks. Roemer concludes that the familiar idea of huge incentives for CEOs that were necessary for efficiency “is a big lie” (300). In fact, people at the top have other incentives than those which create such absurd inequalities in contemporary society: “Once basic needs are met, I believe that people put substantial weight on the nature of their work” (300), claims the author. Roemer’s argument has been recently (and independently) entrenched by empirical research.¹

Roemer’s paper looks more like a piece of work in progress, than like an accomplished approach of the problem. It can hardly be said that ‘the myth of beneficial inequality’ has been thereby demolished. A lot more argumentation work must be done in order to dispel the religious respect accumulated around economic inequality. Especially the idea that the market is primarily a coordination mechanism, not an incentive-creating one, needs much more elaboration. How can one decide what “primarily” actually means here? It can be claimed that coordination and incentive creation are so closely interwoven in contemporary market economies, that a separation and hierarchy

1] See Gretchen Morgenson, *C.E.O.’s and the Pay-‘Em-or-Lose-‘Em Myth*, in *The New York Times*, September 22, 2012; the electronic version is to be found at the address: <http://www.nytimes.com/2012/09/23/business/ceos-and-the-pay-em-or-lose-em-myth-fair-game.html?pagewanted=all>.

between them is hardly feasible. Much stronger arguments seem to be needed here, in order that this separation be accepted. On the other hand, it is important that the myth of indispensable inequality has been put into question, and it is particularly important that the role of huge salaries for CEOs be examined. Are indeed such salaries largely redundant? Or are they “club goods”, i.e. goods that are very significant, although not through what they in themselves provide, but through the fact that most other people cannot have them? Isn't there a contradiction between Roemer's idea that smaller wages for CEOs would not affect their managerial achievements, and his own acknowledgement that CEOs aspire to more political influence? If CEOs are power hungry, then they probably are wealth hungry too, as long as only via wealth can they acquire power. Would they invest as much energy and effort in their work, once their chances to get more power were limited by a significantly smaller wealth? These are difficult (and somewhat vague) questions, but it is essential to ask and, if possible, to answer them.

Another discussion on the topic of equality, this time more practical, is Cantillon and Van Lancker's text about Flemish regulations on school allowances and truancy. It offers an illustration of a selective social policy with far-reaching implications and, at the same time, allows the reader to identify the main debate on the formal and substantive meaning of equal opportunities.

In recent years, confronted with high rates of truancy, the Flemish government implemented regulations designed to recuperate the school allowance given to truants' families (mostly socially and economically disadvantaged families).

As Cantillon and Van Lancker argue, this use of financial disincentives for disciplinary purposes, within a system committed to guaranteeing equal opportunities for education, is both practically inefficient and morally wrong. Perhaps the most obvious example of its inefficiency concerns the increase of inequalities that were supposed to be addressed by educational policies as a whole. Moreover, if it is only families who benefitted from the allowance that are sanctioned for the unauthorized absenteeism of a student, similar mechanisms for truants who have not benefitted from it seem to lack.

The ethical issue is more serious, since it is deeply connected to the discourse on individual responsibility and points to a major shift from one type of welfare system to another (the new “social investment” or “active welfare” state). In order to prove their point, the authors draw on the key distinction between capabilities and functionings. Following Sen and, later, Nussbaum, they separate the ability to achieve a certain outcome from the practical outcome itself and suggest that an educational policy true to the ideal of equal opportunities should be targeted at not only providing free elementary and secondary education, but also at enforcing the successful participation of students. Acknowledging such a duty of the welfare state would create a more fairly shared responsibility between the state and the individual.

However, in the framework of the new “social investment state,” individual responsibility and merit are overemphasized. In the authors' opinion, this is tantamount to a “fundamental attribution error”, which underestimates contextual explanations and places the burden almost exclusively on the individual.

With a research benefitting by non-equivocal factual material, Cantillon and Van Lancker provide a fresh re-evaluation of equality of opportunity. However, their contribution should be also read as raising the alarm that the often uncontested rhetoric of individual responsibility can usher in a new wave of cumulative injustice to the most vulnerable members of society. If the dominant paradigm is that of the active welfare state,

there is little chance for an idea such as basic income to be accepted and implemented.

Legitimate Partiality, Parents and Patriots, Brighthouse and Swift's contribution to the volume, develops an interesting argument on the kinds of partiality that could be justified by the special goods people obtain within national relationships. In what may be taken as a reply to cosmopolitans, these authors argue for giving (limited) priority to one's compatriots in matters of justice. They provide a three-place model of partiality, as a relation between agents, goods and the goal that these goods help achieve, i.e. well-being. At the same time, they part company with theorists like David Miller over the value of the analogy between families and nations, and highlight its limits.

To this end, Brighthouse and Swift argue that there are two major differences which must be taken into account when working with this analogy. The first is that, unlike nations, families are based on fiduciary relationships between children and adults, which revolve around meeting basic needs through care. The second is that, by definition, families are built on love and a complex psychological motivation for advancing the well being of their members.

With this caveat added, the authors discuss the specificity of relationship goods which obtain among compatriots. Provided that there are distinctive goods created through social interaction within national relationships and that these relationships are equally valuable for all, national relationship goods could be valuable for two main reasons: first, they are part and parcel of the feasibility of a common political project, designed as mutually beneficial and, second, they capture and advance a sense of shared identity. If goods of political association are perceived as valuable by members of a certain nation, they could provide a justification to the allocation of resources for major national projects, such as cultural or military ones. This would be further consolidated by the fact that production of these goods itself requires forms of partiality.

Although the article is intended as an exploratory approach of partiality towards one's compatriots, the nuances and limits of which the authors are concerned to indicate, one should be aware that it is caught in between two powerful background perspectives. Some of the difficulties stemming from the Hobbesian and the cosmopolitan approach are anticipated by the authors. In defense of the Hobbesian approach, one should perhaps prove that human beings would be definitely worse off in the absence of national relationships, in a similar way in which people would be so much worse off in the absence of families. Equally, it could be argued that the value of national relationship goods approach would be first and foremost a matter of rationality and autonomy in the context of competing actors on the global scene. On the other hand, unless a convincing case is made that the value of nationality significantly extends beyond just providing "the kind of shared identity needed to underpin what are fundamentally civic goods of solidarity, social justice and democracy" (116), the relevance of the national relationship goods approach may diminish. A last point to be made in relation with the cosmopolitan approach is how far the special treatment to one's fellow nationals is justified. How strict a priority should members of rich nations give to increasing their compatriots' welfare by industrial activities which imply production of carbon emissions? Or how should the rich nations act with regard to those nations for which survival is the main problem, considering that there are either historical retributive duties, or mutual interests linking the two?

In his article *Using the Internet to Save Journalism from the Internet*, American constitutional law scholar Bruce Ackerman discusses the need and feasibility of a scheme

of Internet vouchers for newspapers. Ackerman's core claim is that rescuing professional journalism from the unequal competition with alternative sources of information flourishing on the Internet is important for both participatory democracy and linguistic justice.

Relying on recent data from US surveys, Ackerman identifies an alarming downward trend for professional journalism, which threatens the very existence of the industry in the near future. In his view, the traditional attributes of newspaper journalism (well-documented, authoritative, impartial, credible and responsible) could soon be replaced by the verbiage of the blogosphere, and quality of the information would be hopelessly compromised.

Moreover, though a general phenomenon, this trend affects various language zones differently. Outside the English-speaking world, which also benefits by some well-established newspapers, the public is more vulnerable to the assail of amateur reporting. Yet, the author argues, the democratization of public access to information should not make us overlook its quality.

To this end, the solution he suggests is public funding for journalism, in the form of Internet vouchers. This means that Internet users should vote for the newspaper articles they think have helped them gain a better political understanding and, as a result, a National Endowment for Journalism would subsidize those news organizations in proportion with the readers' votes. Maybe less efficient in the short run than private funding for professional journalism, this solution would better save content-neutrality of reporting and would only impose few limits, to ensure compatibility with fundamental values of democracy and free speech. For instance, pornography and libel would be excluded from this incentive scheme.

For anyone concerned about the fate of professional journalism, Ackerman's solution is innovative and seemingly uncomplicated. In the author's words, it could be "a third way between *laissez-faire* and heavy-handed bureaucracy in the service of fundamental values" (44). Indeed, one should agree that the downside of *laissez-faire* policies in the media, which treat information like any other commodity on the market is more and more visible. Ackerman's proposal also has the merit of tackling the issue at its core, i.e. at the business model level of the media industry. However, one could perhaps raise an issue in reply to his argument. Unlike political journalism, for which there is supposedly enough readership, other kinds of journalism, (say, environmental or cultural) would not be much helped to survive by this scheme. Though less developed, they are instructive and useful, and it may be that in their case a mixed solution would work better (public funding via readers' appraisals plus additional state or private funding). This might also be the case for small linguistic communities, some of them with a fragile cultural identity.

The perspectives of care ethics and of gender studies are not absent from this comprehensive volume. In her essay, philosopher and economist Ingrid Robeyns combines both in order to argue for the implementation of a universal citizen's duty to care.

Robeyns starts from the observation that, though indispensable for the development of human society, care work is currently undervalued (financially and in terms of status) and unevenly distributed between men and women. The move from the factual realm to the normative one requires Robeyns to prove that care work is actually an issue of distributive justice. To do so, she builds a four-step argument: a) care work is a special kind of work, which needs time, effort and dedication, all of which entail costs;

b) as a service provided to the vulnerable, mostly within the framework of gendered social institutions, it is very poorly rewarded and lacks an organizational structure which would protect the interests of care givers; c) it generates a series of non-financial burdens (isolation, stress, limited autonomy to develop one's potential or to choose one's working conditions, etc); d) through various social mechanisms, especially part-time job opportunities and parental leave regulations, the burdens it implies are unevenly distributed across society.

Under these circumstances, the solution envisaged by Robeyns requires that every able citizen should, at some point of his or her adult life, spend some time caring for other vulnerable fellow citizens. Apart from solving practical issues and providing a standard for the redistribution of care, this proposal would have two major advantages: "it would give all a lived-through experience of caring, which would weaken the problem of misrecognition of care work" (288) and would allow prospective parents to make an informed decision on how to share work and care responsibilities.

Reading this essay, one could be inclined to believe that the main problem with the implementation of a citizen's duty to care is how to adjust it to practicalities of everyday life, e.g. some people are unable or unsuitable to be care givers, others have already paid their duty to society, etc. However, there may be at least two valid objections to the idea of a universal duty to care.

One refers to the argument that failure to provide adequate care could amount to a violation of human dignity. Indeed, if this is the assumption on which Robeyns is working, one could legitimately ask the same questions about care as about human dignity, for instance: are specific human rights derived from the ideas of care and dignity? Can an embryo be a subject of care and dignity? Can care and dignity provide a foundation for justice in cultures other than the Western ones, and even: would care and dignity apply only to human beings?

The second problem has to do with a failure to distinguish clearly between care due to newborn babies or children and care due to elderly persons or disabled ones. Unlike the latter, which could be seen as a matter of reciprocity, the former case can be discussed within the context of reproductive rights, where choice is central, and, at the same time, within the context of equal opportunities. It could be argued that, rather than creating equal opportunities so that people would learn how to care for others, it would be more important from the viewpoint of justice to ensure equal opportunities so that people could exercise their reproductive rights, which include respect for bodily integrity, medical assistance or even compensation in case of infertility. Moreover, there is also the issue of overpopulation which would add to that of equal opportunities to exercising reproductive rights. These are not mutually exclusive, but if implementing a universal citizen's duty to care is a policy issue, resources would have to be dedicated to it, which could perhaps be better used to address the issues of reproductive rights and overpopulation. Therefore, it seems that the case for reevaluation of care put forward by Robeyns is more compelling than that for the redistribution of care.

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