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Insights from Hegel and Marx**

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Julius Sensat

sensat@uwm.edu

Department of Philosophy
University of Wisconsin–Milwaukee

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1 Introduction

In *Justice as Fairness: A Restatement*, John Rawls begins by discussing the possible role of political philosophy “as part of a society’s public political culture” (Rawls 2001, p. 1). The discussion may seem inconsequential, but in fact it signals features of Rawls’s project that shape it in fundamental ways. For one might wonder why the discipline of political philosophy, in working out a conception of justice, for instance, should proceed in light of any envisaged social role for itself. Why isn’t the soundness of its arguments all that matters? Why can’t it work out what justice amounts to without worrying about whether the doctrine that answers this question is capable of filling some pre-assigned social role? The fact that Rawls’s project proceeds in this self-reflective way, envisaging a role for itself in the maintenance and reproduction of a just society, is a deep fact about it, one that is to a large degree rooted in the modern idealist tradition in political philosophy, running from Rousseau, say, through Kant, Fichte and Hegel.

The central organizing idea of this tradition is that of the autonomy of human reason, the idea that our reason has an active, practical, regulative dimension through which we can assume responsibility for our judgments and actions, by holding ourselves mutually accountable to standards that we can freely endorse as a basis of interpersonal justification. The idea springs from the hope that we need not regard those standards as simply given but can instead generate the normative import of judgment and action from our own resources. Beginning with Kant, it marks a concern to avoid the horns of an apparent dilemma between dogmatism and skepticism. In the practical sphere, it answers to an aspiration to provide an orientation to the social world and its historical situation that avoids two abdications of responsibility: utopianism, whether pious or fanatical, on

the one hand, and fatalism, whether complacent or cynical, on the other. Philosophy's task is to vindicate or defend this possibility, to provide reassurance of our competence. But this way of putting the matter can be misleading. Philosophy is not an external authority.¹ It would be better to say that philosophy tries to develop and systematize culturally available ideas that we can marshal in defense of our reason's competence. If, as Peter Dews suggests, "[t]he reverse side of modernity is the permanent crisis of tradition," so that modernity is "the uncompletable task of questioning what is handed down," then philosophy serves what Habermas has called modernity's continual need for self-reassurance (Dews 1995, p. 59; Habermas 1988, p. 16).

It is crucial when reading Rawls's work to take its allegiance to this idea into account. Otherwise, we can easily lose our grip on the proper formulation of the issues he addresses, and we can miss the true significance of his thought. It is true that there are important departures. I refer here to the fact that Rawls wants to apply the principle of toleration to philosophy itself, and thus he would reject Hegel's aspiration to achieve social unity on the basis of a comprehensive philosophical doctrine. Rather, we must, he thinks, seek social unity on the basis of ideas implicit in the public political culture of a democratic society. Rorty (1991) has interpreted Rawls here as asserting the priority of democracy to philosophy and in effect renouncing the peculiarly philosophical project of justification we've described. It is true that Rawls is concerned with an ideal of autonomy whose scope and philosophical implications are considerably narrower than its idealist precursors. But there is nonetheless a continuity with the idealist project, for two reasons. First, democracy is intimately connected with the idea of autonomy in Rawls's conception of justice. And second, the principle of toleration is itself a philosophical idea

central to the project, so Rawls is asking philosophy to be true to itself by working in the public political culture. When philosophy thereby assumes its legitimate social role, it doesn't simply disappear without a trace; rather, philosophy and democracy come together.

Marx is another thinker whose relation to this tradition is frequently misunderstood and equally important to get right. He, too, rejected Hegel's proposed basis of social unity in philosophy. In this respect he spoke of the need to abolish philosophy. But he also said that philosophy has to be realized in order to be abolished. That is, philosophy has to be transformed from a repository for pious wishes into a critical organ of self-emancipation, and this is not simply a matter of rejecting philosophy and taking up something else.

The *practical* political party in Germany is . . . right to demand the *negation of philosophy*. Where it goes wrong is in limiting itself to a demand that it does not and cannot achieve. It believes that it can carry out this negation by turning its back on philosophy and mumbling a few irritable and banal phrases over its shoulder at it.²

If we see the sense in which Marx, like Rawls, is pursuing a recognizable successor project to that of classical German philosophy from Kant to Hegel, we can see how to bring Rawls's thought into productive engagement with his ideas. Rawls's work owes its insight and significance in large part to the way it adapts ideas from Kant and Hegel that also figure importantly in Marx's thought. So the confrontation not only helps us assess Rawls's theory but also shows the continuing relevance of Marx's writings.

An important idea developed in efforts of Kant's successors to come to grips with his account of morality and freedom is that of estrangement. The idea is central to Hegel's thought. For him, Kant's construal of freedom results from abstracting and treating as independent a capacity realized only as part of a larger whole. Freedom is not a capacity

always and equally enjoyed by everyone, regardless of circumstances. Rather, freedom is a social status, a social condition achieved only through a certain form of social life. There must be an embodiment of reason's requirements in a system of ethical life that reproduces itself through a reflectively stable acceptance by individuals of those very requirements. Only such a social world can enable individuals to provide one another with the objective and subjective conditions of their freedom. Individuals must collectively provide themselves, through the very exercise of their freedom, with the natural and social resources and the mutual recognition needed to sustain their status as free. Moreover, knowledge of the ways in which individuals collectively accomplish these tasks through their social roles must be publicly available. For it is such knowledge that can reconcile individuals to their social world, enabling them to understand themselves as free.

Given such a social conception of freedom, estrangement can be thought of as a social barrier to its realization. Estrangement is a nonautonomous form of social life, one in which the social world, through its own practices, is at odds with itself. It is an objective social condition in the sense that existing institutions provide a stunted, distorted or otherwise inadequate embodiment of reason's requirements. However, if all the social conditions necessary for the realization of freedom are present except for the element of cultural explicitness and self-consciousness, we can call the estrangement "subjective". Roughly, this is the view Hegel takes toward his social world (though he finds objective estrangement in earlier social forms).³ Yet it is misleading to say that he regards the estrangement faced by his contemporaries as merely subjective. It is true that he takes the task of philosophy in his historical situation to be that of making explicit the

reasonableness of the social world and thereby to supply the missing social self-understanding. But in so doing, he thinks, philosophy effects a change in the social world itself. That world is fully reasonable only when it provides its citizens with the capacity and the resources to comprehend its reasonableness. In supplying this missing element, philosophy reconciles individuals to their social world and thereby *completes* the social realization of freedom.

Rawls, too, believes in the importance of reconciliation to the social world. His ideal of a well-ordered constitutional democracy requires a liberal conception of justice to play an educative role similar to the one Hegel envisages for philosophy. Unlike Hegel, he does not believe that but for the element of self-consciousness, our current social world is fully reasonable. Nonetheless, he assigns to contemporary political philosophy an important task of reconciliation. It accomplishes this task by specifying a realistic utopia, thereby extending the scope of real political possibility.

The idea of realistic utopia reconciles us to our social world by showing us that a reasonably just constitutional democracy existing as a member of a reasonably just Society of Peoples is *possible*. It establishes that such a world can exist somewhere and at some time, but not that it must be, or will be. . . . While realization is, of course, not unimportant, I believe that the very possibility of such a social order can itself reconcile us to the social world. The possibility is not a mere logical possibility, but one that connects with the deep tendencies and inclinations of the social world. For so long as we believe for good reasons that a self-sustaining and reasonably just political and social order both at home and abroad is possible, we can reasonably hope that we or others will someday, somewhere, achieve it; and we can then do something toward this achievement. This alone, quite apart from our success or failure, suffices to banish the dangers of resignation and cynicism [and] gives meaning to what we can do today [Rawls 1999a, pp. 127-128].

He cautions us, however, against pitfalls in the pursuit of this project:

The idea of political philosophy as reconciliation must be invoked with care. For political philosophy is always in danger of being used corruptly as a defense of an unjust and unworthy status quo, and thus of being ideological in Marx's sense. From time to time we must ask whether justice as fairness, or any other view, is

ideological in this way; and if not, why not? Are the very basic ideas it uses ideological? How can we show they are not [Rawls 2001, p. 4n]?

Rawls credits Marx here with identifying a risk of ideological distortion that threatens projects of reconciliation. Yet Rawls's work contains very little by way of explicit, systematic exploration of the questions he raises in this passage. Such an investigation would quickly take us to the idea of estrangement. For Hegel and Marx, ideology is internal to estrangement, because as a social practice, a system of estrangement will have both objective and subjective aspects. Participation in a social practice requires the deployment of certain characteristic concepts in judgment, deliberation and action. If the practice is one of self-estrangement, this deployment will give the practice an independent dynamic (an objective aspect) and the concepts will help to constitute participants' conception of their social world and their place in it (a subjective aspect). In this way, ideological thinking—or ideological discourse at any rate—becomes inherent in participation.

Thus answers to Rawls's questions about ideology may lie in the nature of estrangement. If the connection between estrangement and ideology is as tight as I've suggested, these answers could have significant implications for the assessment and development of Rawls's ideas. While Rawls's work holds the strong admiration of many individuals (I count myself among them), not so many are prepared to say that he has succeeded in extending the limits of practical political possibility. On the contrary, I suspect that even among sympathetic and knowledgeable readers, the judgment is widespread that his proposals are unrealistically utopian, in spite of his efforts to stay close to the surface of the public political culture. A deeper understanding of

estrangement may suggest that sometimes we can avoid such utopianism only through a more radical departure from what is commonly accepted.

In the next section I try to identify and lay out the main lines of an idea of estrangement that is suitably general and potentially useful for the purposes I've identified. Then in Section 3 I lay out a format for using this idea to gain insight into the scope and limits of Rawls's project, and I offer a partial but nonetheless informative set of initial results.

2 Estrangement

Different philosophers and social theorists have claimed to identify estrangement in a wide array of domains: religious, political, economic, ethical or moral, and philosophical, among others. The domains have been so varied that it is reasonable to suspect either that several different but not explicitly distinguished concepts of estrangement have been at work, or that there is a single concept, but the ease with which it has been appropriated for different tasks is a sign not of its theoretical usefulness but of its unclarity and lack of determination. While I cannot fully address this issue, I want to identify a couple of core characterizations that I think can serve to allay these suspicions somewhat. The first is the claim that although estrangement manifests itself in social life as an externally generated force that is indifferent to and often destructive of human aims and aspirations, it is in fact is a kind of blowback generated by human agency itself. The conception of economic estrangement worked out by Marx (but anticipated by Hegel in certain important respects) provides the best introduction to this idea. The second is the characterization of

estrangement as a process of “abstraction,” which is also important to Hegel and Marx. Achieving some clarity on the meaning of this claim will help us to understand how estrangement can take place in moral, political, religious, and even philosophical domains as well as in economic life, and to see how all these forms could exist as aspects of a single process.

Economic estrangement

Consider two ways that individual agents might exercise their powers of agency in social contexts, two possible modes of socially structured agency. In independent agency, individual agents take themselves to have exclusive deliberative authority over their own respective actions, and they take others to have the same authority over theirs. They do not take others to have any say in what they do, and they do not presume a say in the actions of anyone else. In collective agency, by contrast, agents treat the actions of each—the entire profile of individual actions—as a matter under their common deliberative authority. There is a joint commitment to possible reasoned consensus as a constraint on deliberation. All accept the shared ideal of making their willingness to perform their respective individual actions depend on the acceptability to everyone of the profile as a whole.

A social world might incorporate both types of structure. A system of collective agency could have a system of independent agency as a subsystem. For example, in Hegel’s envisaged system of ethical life, the system as a whole is one of collective agency, since it embodies a shared will. At the same time, to make room for individual freedom, Hegel includes as a subsystem an economy that is at least in part a system of

independent agency. In this subsystem, certain collectively determined rules and boundary conditions serve as constraints within which agents deliberate and act as independent agents.

When is a system of this type one of estrangement? Consider the subsystem of independent agency. Because they exercise their powers of agency independently of one another in this subsystem, agents' orientations can together generate, in a way not guided by reasoned reflection, macrosocial tendencies with respect to certain features of their social world (say, for example, the distribution of income or the rate of unemployment). These tendencies can then become part of the decision environment faced by agents in their individual deliberations. Were the independent-agency system not embedded in a system of collective agency, we might want to call it a system of estrangement, because it would realize an agency-generated but nonreflective restriction in the scope of deliberative control.⁴ However, provided the tendencies and their effects are acceptable from the appropriate collective point of view, it does not seem that we can fault the system as a whole. For under these circumstances, agents can view themselves as realizing a shared will even in their economic activities, although their participation is indirect, since they do not bring collective ends directly to bear on their selections from their structurally permissible economic alternatives. The collective agency directly deals only with the design and maintenance of the subsystem. However, if there is a gap between the behavior of the subsystem and what is collectively acceptable, then agents are blocking through their own actions the realization of a shared political will. Their social world does not fully actualize their autonomy. Their society is a system of

estrangement, because their own agency within the subsystem assumes a dynamic at odds with their collective intentions.

This account can capture a good deal of what Marx is getting at when he refers to “property, capital, money, wage labor and the like” as products of workers’ self-estrangement, because the capitalist production of commodities is a system of independent agency embedded within a juridical framework expressive of a social commitment to freedom and equality.

Only the products of self-standing and mutually independent acts of private labour confront each other as commodities.

In order to relate these things to each other as commodities, their guardians must relate themselves to each other as persons whose wills reside in those things, so that each acquires the other’s commodity only through the will of the other, thus only by alienating his own commodity in an act of will common to them both. They must therefore recognize each other reciprocally as owners of private property.⁵

From here we can explain why Marx holds that agents in commodity production become “the plaything[s] of alien powers,” as he says of the members of civil society in the early essay, “On the Jewish Question” (Marx & Engels 1975a, 3:154; Marx & Engels 1975b, part 1, 2:148). For Marx, economic agents turn themselves into such playthings. The alien powers exist and work their effects only in virtue of the specific way that individuals exercise their powers of agency in relation to one another, namely as participants in a system of social labor by private individuals (or groups) acting independently of one another. In making their economic decisions, producers cannot decide the state of the economy; rather, they must anticipate it and react to it. But nonetheless the passage of the economy through its various states is a function of the actions they take and are willing to take. It is they, therefore, who turn their own powers

of agency over to the world of commodities, which takes the form of a “second nature” with its own nomological necessity. From the perspective of the individual participants, their own activity takes the form of “objects controlling them instead of being controlled by them” (Marx 1990, pp. 167-168; Marx & Engels 1975b, part 2, 6:105).

Every economic system goes through cycles of production, distribution, and consumption. (Think of consumption broadly here, as including both personal and productive consumption (where the latter term refers to products that serve as inputs to further production processes).) Consider the recognized participants in the social (division of) labor of such a system. They are those who are recognized as producers, either alone or in cooperation with others, of the products that circulate through the distribution and consumption phases.

In all viable, reproducible economies, the social division of labor must be established and sustained as an ongoing practice. The branches of the division of labor must be specified and occupied. It must be settled whether determinate activity x by individual y counts as participation in the economy. We can imagine several ways these matters might be settled at the stage of production: e.g., tradition, direction by recognized authority, agreement among the producers. However, such methods are not available in commodity production, because of the private and independent character of production decisions. In that system, it is what happens on the market, *after* the production phase, that settles the issue. It is sale of a product that certifies as part of society's production the activities that brought it into existence and confers on the agents of those activities the status of participants in the social division of labor.

That a person's activity is part of the social division of labor is a social fact; to be such a participant is to have a certain social status. This status is gained only through social recognition of the activity as participation. But in commodity production there is no socially authoritative specification, antecedent to production, of particular products needed, particular methods of producing these products or allocation of persons to the employment of these methods. So the necessary social recognition is achieved, if it is, only through exchange. Thus it is not merely that would-be producers *do not know* at the stage of production whether they are actually participating. Rather, their activities literally *are not* productive contributions until that status is conferred on them in the exchange process. The certification, and thus the social status, are necessarily retrospective.

A drastic simplification can throw into relief the significance these aspects of commodity production have for Marx. Ignore possible quantitative variation in prices or exchange ratios and think of the market as a binary indicator: either the product is sold or it isn't. If it is, then the producer's labor counts as part of society's labor; if it isn't, then not. In the latter case, the would-be social contribution does not count as social labor. The total labor of society then, as well as whether the various activities of would-be producers form part of it, is determined only after the exchange process. At the stage of production, would-be producers must focus on what they think will sell. They cannot directly determine their respective activities by reference to particular technical requirements for satisfying specific social needs, for an activity will count as satisfying a need only if its product sells. Producers do not face varying concrete demands, but only the same abstract one, to produce something saleable. Since they do not come into contact until the

exchange process, the social character of their labor is expressed as a property of their products. The labor of the individual producer is established as part of the labor of society through its product's establishing itself as a member of the world of mutually exchangeable commodities.

Exchangeability is an equivalence relation. Exchangeable commodities are equivalent in some respect. In which respect? It cannot be that they have some natural property in common, for any two commodities, regardless of their natural properties, are exchangeable in appropriate quantities. Rather, the exchangeability of commodities expresses the equivalence of the activities that produced them, the equivalence that consists in their sharing the abstract property of being part of the social division of labor. So the exchange process establishes the individual producer's labor as part of the labor of society by equating the individual's labor to the labor of every other commodity producer, thereby "reducing" it to human labor in the abstract.⁶ This is a form of labor certification peculiar to commodity production. In other social forms of production, an individual's labor gets certified in its concrete form; it does not have to be reduced to human labor in the abstract.

[U]nder the rural patriarchal system of production, when spinner and weaver lived under the same roof—the women of the family spinning and the men weaving, say, for the requirements of the family—yarn and linen were *social* products, and spinning and weaving *social* labor within the framework of the family. But their social character did not appear in the form of [yarn and linen] exchanging for each other as equal and equally valid expressions of the same universal labor time. On the contrary, the product of labor bore the specific social imprint of the family relationship with its naturally evolved division of labor. Or let us take the services and dues in kind of the Middle Ages. It was the distinct labor of the individual in its original form, the particular features of his labor and not its universal aspect, that formed the social ties at that time. Or finally let us take communal labor in its spontaneously evolved form as we find it among all civilized nations at the dawn of their history. In this case the social character of labor is evidently not effected by the labor of the individual assuming the abstract form of universal labor or his

product assuming the form of a universal equivalent. The communal system on which this mode of production is based prevents the labor of an individual from becoming private labor and his product the private product of a separate individual; it causes individual labor to appear rather as the direct function of a member of the social organization [Marx 1970, p. 33].⁷

In all production based on division of labor, each productive activity, in virtue of its concrete character, brings about a specific alteration in the form of the material worked on. In an idiom common to Spinoza and Hegel, the transformation is a specific determination or negation of the material. In modes of production in which there is social settlement in advance on the products needed and the allocation of individuals to their production, then each producer faces a concretely specified task to accomplish. The conditions of participation in society's productive activity are those of a particular determinate negation. In commodity production, however, the requirement each producer faces is completely formal and abstract, rather than determinate and concrete. Of course, anyone who is successful will end up having effected a specific useful determination, but only through satisfying the abstract, completely unspecified requirement of producing some socially useful—i.e., saleable—item or other. There is an air of paradox in the abstract requirement the producer faces. We'll see that such peculiar abstractions in thinking and acting are intrinsic not only to the economic estrangement we've been discussing, but also to the moral and and political forms we'll consider next.

The treatment of estrangement in commodity production as a process of abstraction is crucial to Marx's mature critique of political economy. He uses it to explain the development of money as the "universal incarnation" of abstract, commodity producing labor and as social power that one can carry in one's pocket.⁸ It is an integral part of his conception of capital as monetary value that acquires a power and a dynamic of self-expansion through the requirements and pressures it places on the processes of

production, circulation, and distribution. It infuses his account of the wage transaction as a deceptive manifestation of an underlying process of exploitation. Though this transaction appears in its local setting simply to mark a free, bilateral exchange between individual workers and capitalists, when viewed in its more system-wide context, especially how it fits in with production in the ongoing reproduction of the entire economic system, it shows its underlying character as a compulsory unilateral transfer from one class to another. The conception of capital as an expanding and intensifying process of real social abstraction in the labor process also allows Marx to explain (1) why the division of labor in preindustrial capitalism developed in a way that took the skills of craft labor out of the bulk of manufacturing activities, making the application of technical knowledge largely an unconscious function of the workshop as a whole and (2) why the industrial revolution reduced the active and deliberative character of labor even further by turning workers into living, conscious appendages of automatic systems of machinery.

These attempts by Marx to appeal to estrangement in an explanation and critique of specific forms of exploitation and technological development are potentially significant for an assessment of Rawls's ideas about the economic implementation of his conception of justice. To make them available for this purpose, I'd like to sketch their basic thrust in terms of ideas that would figure in a suitably generalized reconstruction of Marx's conception of estrangement in commodity production and capitalism. At the most fundamental level, a system of estrangement exerts its hold through the information environment of decision. Suppose individuals in an independent-agency subsystem make decisions on the basis of expectations formed in light of information about various system variables and their beliefs about how the system works. The actions they

independently take could then have an effect on system variables and thereby provide a source of new information, which in turn would lead to formation of new expectations. In basing their decisions on their expectations about states of the system, these agents would be simultaneously treating system behavior as having an independent dynamic and giving it such a dynamic through their deliberation and action.

For example, in the capitalist economy as Marx envisages it, capital accumulation requires that workers perform surplus labor (labor beyond that necessary to reproduce the commodity equivalent of their wages). And in fact, negotiations between workers and capitalists tend to arrive at terms of employment requiring surplus labor. Estrangement sustains this tendency through a self-reproducing system of expectations. Some prominent elements in this system would be workers' expectations that competing workers are willing to accept the required terms of employment and capitalists' expectations that competing capitalists will hold out for such terms. Other elements would be higher-level, for example workers' and capitalists' expectations that workers and capitalists have the foregoing expectations. Such a nested hierarchy could lead capitalists and workers to settle on the required terms, thereby helping to reproduce an informational environment that will support the same hierarchy of expectations and the required terms once again.

But it is important to see that estrangement so conceived need not work and reproduce itself only through the channels of information. Other factors can work in a mutually reinforcing way with the informational ones. What Marx calls the "real" as opposed to the merely "formal" subjection of labor to capital provides an illustration. With this development, the dependence of labor on capital and the exploitation of the former by the

latter acquired a material and technical aspect, rooted in feasibility conditions and their determinants in individual abilities, production possibilities and the technical and even physical characteristics of means of production. Because of the division of labor that developed within the workshop during the period of manufacture, workers came to lack the skills (and not just the economic means) to produce a complete commodity (Marx 1990, p. 492; Marx & Engels 1975b, part 2, 6:355), and as the factory system of modern industry developed they were forced to adapt their movements to those of an automatic system of machinery (Marx 1990, p. 548; Marx & Engels 1975b, part 2, 6:410). The system of estrangement began to maintain itself and work its effects through material and technical channels as well as the channels of information. These changes themselves grew out of the alienated structure of information processing, deliberation and action: self-reproducing expectations about the necessity of profitability for economic survival and about terms of employment that workers and capitalists would accept underlay many of these changes in the feasibility environment.

We'll see below that an important upshot of such material and technical expressions of estrangement is that the implementation of a conception of justice oriented toward the social realization of freedom and equality may not be able simply to accept the feasibility environment that it has inherited from systems of estrangement. Rather, it may well be important to put in place institutionalized commitments to the development of that environment in a direction more conducive to the realization of democratic equality.

Before leaving the concept of economic estrangement it is important to mention some of Hegel's early ideas. In Jena, during the period 1803-1806, Hegel gave two sets of lectures on the philosophy of spirit (Hegel 1979; Hegel 1983). Drawing on his readings

of the early classical economists Adam Smith and James Steuart, these lectures significantly anticipate some elements of Marx's account of economic estrangement, even to the point of using some of the same language.⁹ For example, Hegel notes that since the worker does not directly address his own concrete needs or those of any other particular individual in his productive activity, his direct participation is abstract and only becomes concrete through an exchange process mediated by money (which expresses the abstract equality of commodities as items of value). He also sees to a certain extent how the process of abstraction leads to further estrangement of workers from their own activity of production through its impact on the division of labor and the incorporation of machinery.

However, there are two important differences from Marx's account. First, Hegel does not trace the abstraction to a specific social form of the division of labor. We saw above that Marx is at pains to distinguish commodity production from other forms of economy where there is a social division of labor. Hegel, on the other hand, compares the division of labor in commodity production to autarkic production, where individuals produce determinate products directly for their own use:

The *labor* that is concerned with the need of a single [agent] becomes in public life a) the [labor] of a single agent, but b) even [though it] is only motivated by his need it is a universal. . . . In other words *his labor, qua laboring* of a single [laborer] *for his own needs*, is *at the same time* a universal and ideal [factor of public life]; he satisfies his needs by it certainly, but not with the determinate thing that he worked on; in order *that that may satisfy his needs*, it must rather become something other than it is; man no longer works up what he uses himself, or he uses no longer what he has worked up himself; that becomes only the possibility of his satisfaction instead of the actual satisfaction of his needs; his labor becomes a *formally abstract universal*. . . . His labor is for *need* [in general], it is for the abstraction of a need as universally suffered, not for his need [Hegel 1979, pp. 246-247].

The second, no doubt related difference is that unlike Marx, Hegel does not consider the forms of economic estrangement as potential reasons for fundamental changes in society's mode of production. Rather, he proposes embedding the economy in an institutional environment that he believes can moderate somewhat its undesirable effects on people's welfare, but whose major function is to reconcile people to economic life by giving it a role that they can recognize as essential to the existence and maintenance of a reasonable social world.

Private right, morality, citizenship

To make further headway on the questions we posed at the beginning of this section—other forms of estrangement besides the economic, and how these forms might coexist as aspects of a single process—I'd like to sketch Hegel's ideas concerning the social and political framework within which the economy should be embedded. I will then discuss Marx's assessment of these ideas.

Hegel on the social realization of freedom

Hegel's *Philosophy of Right* contains three main divisions: "Abstract Right," "Morality," and "Ethical Life." In the first two, he discusses what he believes are the main conceptions from which modern political thought has sought to extract normative foundations for a rationally ordered and just social world: the rights of individuals that come under the headings of legal personality, or private or civil right, on the one hand, and the norms of individual morality as determinable from within a suitably specified

abstract point of view accessible to each individual. Hegel rejects the idea that these conceptions can play the foundational role claimed for them. They do, he thinks, have an important role, but it can only be determined through a more concrete specification of a system of institutions necessary for the social realization of freedom. Hegel offers us such a specification under his heading of "Ethical Life."

Abstract right and morality cannot be foundational in the way that received views claim, Hegel thinks, because they lack determinacy and self-sufficiency. For example, it is a mistake to think that one can start with a conception of private right, one say that includes rights of private property and free contract, and use it to ground the specification a private-property, free-market economy as a complete and sufficient institutional embodiment of these rights. In fact, to be sufficiently determinate and stable it requires integration with morality or moral subjectivity. The latter, however, cannot by itself provide enough content to perform this function. Nor can the moral point of view serve by itself to identify a political structure that adequately respects the status of each citizen as a person and a moral subject. Both abstract right and morality must be grounded in a suitably specified comprehensive and self-sustaining scheme of institutions (a system of ethical life) for the full realization of autonomy (or as Hegel puts it, for the full realization of the concept of the free will). Thus he says:

The course we follow is that whereby the abstract forms reveal themselves not as existing for themselves, but as untrue. . . . The sphere of right and that of morality cannot exist independently; they must have the ethical as their support and foundation [Hegel 1991, §§32A, 141A; Hegel 1969, 7: §§32A, 141A].

Hegel implies here that his genuinely philosophical approach to the conceptions of abstract right and morality allows them to display their own insufficiency, which does not present itself readily to the everyday perspective usually occupied by agents in society

going about their business. The problem, he would say, lies in the limitations of the analytical faculty of the understanding, which cannot grasp objects in their important interconnection; it thus leads agents to miss the importance of the social whole that gives the abstract conceptions life, function, and content. The appearance that they have sufficiently determinate objective normative content on their own involves an unacknowledged importation from the social world and thus implicitly presupposes the reasonableness of that world. This appearance can lend them an ideological character, as alienated modes of thought aimed at coping with more profane forms of alienation in the social world.¹⁰ So the central task, he thinks, is to specify the requirements of a reasonable social world. Only then can the proper role of civil right and morality in ethical life be identified, one that enables them to make a genuine contribution to rational will determination.

For Hegel, even though abstract right and morality cannot provide a prior and independent foundation for the design of a reasonable social world, they nonetheless express, in an abstract and general way, ideas that must somehow find social realization. For each of these ideas connotes a kind of freedom. Private right expresses a conception of personal freedom, that is, of individuals as free to settle on and to pursue, as individuals, particular interests that count as their own personal interests, without interference from others. Morality supports this idea (and in fact is necessary for its social realization), but it goes further by expressing the freedom of moral subjectivity, whereby the authority of moral requirements cannot be externally imposed but must be certifiable by individuals themselves, through the use of their own reflective capacities. These ideas are essential to what is rational in abstract right and morality, and they must find a place

in a system of ethical life that fully realizes freedom. They were absent from early Greek society, where individuals immediately identified with their roles in their own particular communities: these roles gave them their respective personal interests and were not subject to reflective justification. Reflective thought, prompted by circumstances of role conflict, inevitably destabilizes this kind of social unity. But although the idea of moral subjectivity finds early expression (at least in embryo) in efforts by Socrates to get his fellow Athenians to seek reflective justification for their practices, and the idea of personal freedom achieves some social embodiment in early Roman legal practice, it is only recently, in Hegel's view, that historical struggles have yielded all the elements needed for their adequate social realization.

These elements are to be supplied in an integrated way by a suitably designed system of ethical life. This system is needed not only to provide sufficiently determinate content for personal and moral freedom; it must also provide the social and material conditions necessary for their exercise, including a form of socialization that will educate citizens to these conceptions and enable the development of personal capacities required for their exercise. Further, to provide a genuine, self-sustaining social realization of autonomy, the system must make it possible for citizens to understand their individual actions in meeting their social responsibilities not only as consistent with their moral freedom and their personal freedom (indeed as actual exercises of those freedoms), but also as the exercise of a kind of free cooperation with others—a kind of social or collective freedom, as it were—in the reproduction and maintenance of their free social world.¹¹

Hegel's system comprises institutions of family life, civil society, and the political state. I will forego here a discussion of the first, which would introduce complications but

would not, I think, invalidate the conclusions of the following analysis.¹² My aim is to bring out how Hegel's scheme differs from the more usual liberal treatments of civil society and the state. Abstract right attains social realization in civil society through the individual rights of private property and contract (including wage labor) that are standardly in play in commodity production on a capitalist basis. These rights are articulated and anchored in certain juridical institutions. That Hegel would endorse these economic arrangements is unsurprising and in fact is characteristic of contemporary liberal thought. These rights, he thinks, allow individuals to determine for themselves the occupational career path they will follow, depending on their individual skills and circumstances (including of course market circumstances). Hegel sees these rights as essential to the realization of personal freedom. Moreover, he is a fan of Adam Smith's invisible hand (whereby self-seeking market behavior by individuals supposedly promotes the interests of all), calling it "the reason that shines through" and governs the waves of self-interest surging forth in the market (Hegel 1991, §182A; Hegel 1969, 7: §182Z).

Yet Hegel is also aware of the potential of the market to produce extremes of wealth and poverty, and to do so suddenly and without warning. The risk of falling into poverty suffuses an unbridled market, and the resulting insecurity can subordinate all motives to those of economic gain. There is the danger of the creation of an impassable gulf between the self-regarding motives of individuals as economic agents and the more impartial concerns required of them in moral and political deliberation and action. Competitive individualism on the market, if unchecked, can allow strategic considerations to swamp

all domains, leading to a corruption of the political process. Such developments put social unity at risk and threaten the realization of personal freedom itself.

To moderate these self-destructive tendencies, Hegel envisages civil society as containing other institutions and associations beside the ones we've listed so far. In particular, he sees a natural tendency for associations to form within civil society based on commonalities of interest and circumstance. He envisions civil society itself as organized into three main "estates," one that organizes agriculture and landed property, one concerned with "business" (craft and industrial production and commerce), and one comprising the bureaucracy of civil servants. There are also smaller associations with smaller domains of concern—associations of people in particular industries or classes of industries, town councils, religious associations, and so on. Hegel calls them "corporations," but they are not firms of the sort we call corporations today; nor are they labor unions, since they include both employees and employers as members.

These associations have legally certified status, including recognized connections with the branches of government. Their function is in part to lessen the vulnerability of their members to market insecurity, perhaps through regulating the rate of entry into a certain trade, for example, or through providing support for their unemployed members. They also deliberate about such issues as the standards of excellence appropriate for the activity that brings them together and the kind of contribution that activity should make in the wider scheme of social cooperation. They seek to present their views about these matters in the political arena. Through activities of these kinds they provide their members with a recognized place in the social division of labor, and thereby a determinate particular identity, something the market cannot by itself provide. And they

also help to foster a concern for the common good in their members. In all of these ways, the associations introduce solidarity and universal concerns that prevent life in civil society from generating into an egoistic scramble for economic security, and they prepare members of civil society for their activities as citizens of the state.

It is in terms of such cultivated interests that individuals are represented in the political arena. Hegel's state is a constitutional monarchy with an executive branch and a bicameral legislature. The political structure is thus associationist in that citizens are represented in the legislature as members of corporations and estates rather than as individuals. The function of the monarch is largely ceremonial; for example, the monarch's required signature on legislative enactments, which is an action of a single person, is meant to express their character as products of a single will—the united will of the people. A central function of the legislature is to provide a public forum where citizens, through representatives of their estates and corporations, subject their claims and the claims of others to reasoned debate. In this respect the estates and corporations cooperate with the legislature to honor a right of all citizens as moral subjects to be able to recognize enacted laws and policies as justified by reasons that they accept on reflection. The associative civil and political structure also enables citizens, Hegel thinks, to understand themselves as engaging in free cooperation with all others, thereby realizing and exercising their social or collective freedom.

In sum: for Hegel, the guiding idea, and the hoped-for result, is that the free will gives itself determinate content through the requirements of ethically integrated and maintained interdependent institutions that socially realize autonomy. The private concerns of individuals attain a more self-consciously ethical form through their integration into the

associational concerns of their particular estates and corporations, and these in turn attain their full ethical significance through their political integration with the associational concerns of others. Throughout, deliberation is not merely formal and abstract but concrete: it takes into account agents' individual roles as participants in the collective social maintenance of their freedom.

Hegel's associative modifications to the more familiar liberal conceptions of civil society and its relation to the state are bound to raise questions. For many, they will call to mind the guilds, feudal manors, religious and aristocratic hierarchies, etc. of medieval society. As a network of such associations, medieval society tied political and personal or social status together, and the differing roles of these associations in social reproduction generated hierarchies that stood in the way of both personal freedom and political emancipation. Thus a common theme in liberal political thought supporting the political revolutions of the eighteenth century was that social progress required the free development of civil society as a domain distinct from that of the state, allowing personal freedom to flourish in the former and political equality to be achieved in the latter. And the associative remnants of medieval society seemed to stand squarely in the way of these changes.

As we'll see below, in large part Marx agrees with this analysis. He views Hegel's associations as just such remnants, incapable of playing the role that Hegel assigns them, and destined to die out. But before we look at his argument, it is important to see why Hegel holds a different view. He would claim that the incorporation of abstract right and moral subjectivity are essential to a free society, and that his theoretical analysis is guided by this idea. Accordingly, individuals have many rights as individual citizens that

preclude a regression to earlier forms of social unity. Among these are the rights to life, security, and private property, all of which are necessary for personal freedom. And moral freedom requires freedom of conscience and freedom of religion, as well as the right of all citizens to participate in public reasoned debate in processes of political will formation, which concerns the structure of ethical life and the obligations it imposes on citizens.

Hegel would deny that the associational elements of his system, including the scheme of political representation based on group membership, are at odds with these rights. On the contrary, the associations are necessary for their maintenance and stabilization. Because he sees a serious destructive potential in the free market, Hegel wants to secure some recognition for individuals that is independent of how they fare there. Even if they completely fail, they retain their status as members of estates or corporations, and the status of citizenship, as we've characterized it above. These statuses can provide, he thinks, the appropriate social response to Hobbesian tendencies in civil society.

There is an illuminating connection to be drawn here to Hegel's conception in the *Phenomenology* of the overcoming of spirit's (society's) self-estrangement. An important element of that estrangement is an essentially retrospective character of individual agency. The objective significance of an individual's action, the deed actually accomplished, depends on its assessment by others. Individuals may have exclusive authority over the description of their respective intentions and over the respective deliberations leading up to their decisions, but they do not have such authority over the characterization of what is actually accomplished, which is a publicly accessible matter over which there should in principle be intersubjective agreement. However, this latter

determination is not accessible in advance, but only after action moves from subjective intention into the light of day. The similarity to Marx's conception of the retrospective character of participation in the social division of labor in commodity production is clear. The solution for Hegel does not come about through the elimination of this feature of agency, because freedom requires that the individual's right of subjectivity be respected, and that means that he has the right to do what seems appropriate to him. There must be both freedom of individual choice and social certification of the objective import of the accomplishment. But this means that failure, or "sin," is inevitable, a necessary part of the realization of reason in the social world. However, the recognition of this rational necessity points to "forgiveness" as an appropriate social cognitive response (Hegel 1977, ¶¶632-671). In the *Philosophy of Right*, Hegel relies on certain social arrangements to provide the social content of this "forgiveness" with respect to failures on the market.

Marx's assessment

As I said above, Marx views Hegel's integrative proposals as unworkable. If in civil society the corporations have the responsibility and the authority to insure a decent livelihood to their respective members, what then happens to the individual entitlement and authority relations articulated by the rights of private property, unregulated exchange, and free contract? Either the capitalist production of commodities holds sway, in which the individual's identity as producer is unsecured, abstract, and alienated, or the associative elements govern, in which case people have ethical existence and a concrete particular identity, but not the individual freedoms of abstract right. Hegel can't have it both ways, Marx would say.

Consider now the associative system of political participation. Hegel proposes this scheme as an alternative both to direct participation and to representation of individual citizens as such. Hegel says that his scheme

runs counter to another prevalent idea, the idea that since it is in the legislature that the unofficial class rises to the level of participating in matters of state, it must appear there in the form of individuals, whether individuals are to choose representatives for this purpose, or whether every single individual is to have a vote in the legislature himself. This atomistic and abstract point of view vanishes at the stage of the family, as well as that of civil society where the individual is in evidence only as a member of a general group. . . . The circles of association in civil society are already communities. To picture these communities as once more breaking up into a mere conglomeration of individuals as soon as they enter the field of politics, i.e. the field of the highest concrete universality, is eo ipso to hold civil and political life apart from one another and as it were to hang the latter in the air, because its basis could then only be the abstract individuality of caprice and opinion. . . [Hegel 1991, §303R; Hegel 1991, 7: §303R].

Marx's comment is this:

This view is certainly abstract, but it is the "abstraction" of the political state as Hegel himself presents it.¹³ It is also atomistic, but it is the atomism of society itself. The "view" cannot be concrete when the *object* of the view is "abstract". The atomism into which civil society plunges in its *political act* follows necessarily from the fact that . . . the *political state is an abstraction* from civil society. . . . By expressing the *strangeness* of this phenomenon Hegel has not eliminated the *estrangement*.¹⁴

Marx is saying that the political realm is a realm of estrangement, that there is political estrangement in modern society in addition to its economic estrangement. And both are forms of real social abstraction. The individual must present himself abstractly in the political arena, just as he must present himself abstractly in the economic arena.

Civil society is separated from the state. Hence the citizen of the state is also separated from the citizen as a member of civil society. . . . In order to behave as an *actual citizen of the state*, to attain political significance and effectiveness, he must step out of his civil reality, abstract from it, withdraw from this whole organization into his individuality; for the only existence he finds for his citizenship is his pure, blank *individuality*. . . .¹⁵

Moreover, both processes of abstraction are aspects of a single process of estrangement. Marx identifies here as the source of the political abstraction the very atomism of independent individuals he takes to be the source of economic estrangement. Thus in appealing to associative ties Hegel is grasping at remnants of feudal society destined to be swept away by the very developments he sees as realizing individual freedom:

The political revolution . . . *abolished the political character of civil society*. It broke up civil society into its simple components, on the one hand *individuals*, on the other the *material and spiritual elements* that constitute the vital content and civil situation of these individuals. It unfettered the political spirit, which had been, as it were, split up, partitioned, dispersed in the various cul-de-sacs of feudal society; it gathered up this spirit out of its dispersion, freed it from its intermixture with civil life and established it as the sphere of the community, the *general concern of the people*, ideally independent of those *particular* elements of civil life. A person's *distinct* activity and distinct situation in life sank to a merely individual significance. They no longer constituted the general relationship of the individual to the state as a whole. Rather, public affairs as such became the general concern of each individual and the political function his universal function. . . . The *establishment of the political state* and the dissolution of civil society into independent *individuals* – who are related by *law* just as men in the estates and guilds were related by *privilege* – take place in *one and the same act*.¹⁶

The following passage neatly captures the differences Marx sees between Hegel's view and his own:

Hegel describes civil law [*das Privatrecht*] as the *right of abstract personality* or as *abstract right*. And in truth it must be expounded as the *abstraction* of right and thus as the *illusory right of abstract personality*, just as the morality expounded by Hegel is the *illusory existence [Dasein] of abstract subjectivity*. Hegel expounds civil law and morality as such abstractions, from which it does not follow for him that the state, the ethical life [*Sittlichkeit*] of which they are presuppositions can be nothing but the *society* (the social life) of these illusions, but on the contrary, he concludes that they are subordinate [*subalterne*] moments of this ethical life. But what is civil law other than the law of these subjects of the state, and what is morality other than their morality? Or rather, the person of civil law and the subject of morality are the *person* and the *subject* of the state. Hegel has often been attacked for his explication of morality. He has done nothing but develop the morality of the modern state and of modern civil law. . . . It is . . . a great merit of Hegel to have assigned to modern morality its true position, though in one respect it is an unconscious achievement (since Hegel passes off [*ausgiebt*]

the state whose presupposition is such a morality as the realized idea [*der Reale Idee*] of ethical life).¹⁷

Hegel says that private right and morality present themselves as self-standing and complete, in abstraction from the institutions in which they are embedded. He regards them as illusory appearances of personal and moral freedom—illusions that his philosophy of right can and must correct, while leaving room for them to continue to exist as essential but dependent elements in ethical life. For Marx, on the other hand, they are socially necessary illusions in the social world under investigation. They provide categories in terms of which people communicate, deliberate, and act; they possess social validity. So for Marx they are forms of objective estrangement, the first in humanity's profane existence, the latter in its moral existence.

Where the political state has attained its true development, man leads a double life, a heavenly life and an earthly life, not only in thought, in consciousness, but in *reality*, in *life*: life in the *political community*, where he regards himself as a *communal being*, and in *civil society*, where he is active as a *private individual*, regards other men as a means, degrades himself into a means and becomes the plaything of alien powers. The relationship of the political state to civil society is just as spiritual as the relationship of heaven to earth. The political state stands in the same opposition to civil society and overcomes it in the same way as religion overcomes the limitedness of the profane world, i.e. by likewise having to acknowledge it again, reinstate it and allow itself to be dominated by it. Man in his *immediate* reality, in civil society, is a profane being. Here, where he counts as a real individual for himself and others, he is an *illusory* phenomenon [*unwahre Erscheinung*]. In the state, on the other hand, where he counts as a species being, is considered to be a species-being, he is the imaginary member of an imagined sovereignty, he is deprived of his real individual life and filled with an unreal universality.¹⁸

It is through the very exercise of their rights as private individuals that members of civil society unwittingly turn themselves into “plaything[s] of alien powers,” thereby generating estrangement. Moreover, the procedures of moral reflection those individuals endorse as citizens provide only “imagined sovereignty” and “unreal universality,” that is, an illusory form of autonomy. In fact, abstract moral reflection, precisely because it is

an abstraction from a concrete totality with its own dynamic, is not capable of bringing reason to bear on civil society, and as a result political consciousness must “allow itself to be dominated” by the latter. This moral standpoint implicitly presupposes a reasonable social world in the background, as Hegel points out. But as a system of estrangement, civil society is not a reasonably ordered world. Individual moral subjectivity that takes this estranged world as given, implicitly presupposing its rationality, gives only the illusion of autonomy. It thereby provides that world with ideological support rather than reflective stability based on reason. Not only is abstract morality an estranged morality, as Hegel insists; it is also the morality of a species of estrangement. That is, it is essential to the estrangement.

If it is correct that a collective aspiration underlies estrangement, then the frustration of that aspiration by the profane side of estrangement can result in a displacement of that aspiration to another domain, be it religious, moral, political, or philosophical, where it subsists, though in a distorted form. Thus as Hegel says of self-alienated spirit in the *Phenomenology*, spirit’s alienation initially takes place in two worlds, that of social existence or the actual world, and that of another world, one of pure consciousness or thought, namely the world of faith:

The present actual world has its antithesis directly in its beyond, which is both the thinking of it and its thought-form, just as the beyond has in the present world its actuality, but an actuality alienated from it. . . . The first is the world of reality or of its self-alienation; but the other is that which Spirit, rising above the first, constructs for itself in the Aether of pure consciousness. This second world, standing in antithesis to that alienation, is for that very reason not free from it; on the contrary, it is really only the other form of that alienation which consists precisely in being conscious of two different worlds, and which embraces both [Hegel 1977, ¶¶485, 487].

In the same work Hegel treats Kantian moral and political philosophy as providing a similar “beyond” for the social reality out of which it arises, thereby reflecting and

sharing in its alienated character, and providing ideological support for it. Ultimately, Hegel's considered view will be that his system of ethical life, along with its philosophical comprehension (as articulated in his philosophical system), will be needed to overcome these forms of alienation. And Marx will go on to reject this claim and to criticize Hegel's own philosophy as playing a role similar to the one Hegel ascribes to Kant's.

3 Estrangement and Rawls's political philosophy

We can systematically explore the bearing of these ideas of estrangement on Rawls's political philosophy by dividing the task into four levels of investigation:

1. The level of implementation. Rawls makes specific assertions concerning how his principles of justice are to be institutionally applied or realized. If these proposed implementations do not fully realize the principles because they unwittingly incorporate elements of estrangement, then we have uncovered a problem at this first level.
2. The level of principles. Here we are concerned with the content of the principles, insofar as this content can be articulated apart from specific institutional implementation. We find a problem at this level if we can identify ways in which the principles of justice as Rawls formulates them are unnecessarily tolerant of estrangement.
3. The level of *pro tanto* justification. This level concerns the argumentation for the principles on the basis of the design and the analysis of the original position, including

the political values it appeals to. We look for estrangement related reasons for faulting this argumentation, for example by identifying a problem with the design of the original position.

4. The level of public justification within political society. Here we are concerned with Rawls's conception of transition to a just society and with his conception of its stability. We look for ways these phenomena can be marred by estrangement.

These levels provide a framework that I hope will be useful in identifying how deep any problem with estrangement is rooted in the conception of justice Rawls offers. For example, if Rawls's discussions of the implementation of the difference principle ignore feasible economic arrangements that would better implement the principle than the schemes he proposes, because they are less vulnerable to estrangement, the problem might not have very deep roots at all. It might stem not from a problem with his conception of justice but only from a failure to consider all relevant and available information about how different economic arrangements tend to work. In this case, the problem would pertain exclusively to level one. On the other hand, if the feasible superior alternatives require a moral psychology that is ruled out through the original position exercise, then the problem might have a deeper root: the exclusion might result from a constraint the original position that wrongly channels the parties' deliberations toward outcomes that incorporate estrangement.

Of course, a full treatment of these matters is beyond my purview here. In the remainder of this section, I try to identify a problem at each level. I do not provide a complete analysis. My hope is that these initial results establish the fruitfulness of this line of investigation of Rawls's thought and the value of pursuing it further.

Level 1: Implementation

Estrangement works to foreclose possibilities by removing them from view and by presenting its frustrations to autonomy as inevitable, natural or universally rational rather than as the socially specific phenomena they are. For example, for Marx, commodity value takes the form of a property of products, even expressing itself in terms of natural properties of their market equivalents (e.g., in terms of ounces of gold). Commodity value can thereby appear just as inherent to products as weight, rather than what it is, a socially specific marker for participation in social production. Alternatives to commodity production are thereby obscured. A more developed form of the same estrangement, Marx's "real subjection of labor to capital," discussed briefly above, gives exploitation a technical embodiment, thereby giving it the appearance of technological necessity. In so doing it can obscure the possibility and importance of various paths of technological development. Similarly, moral and political estrangement can give an impoverished appearance to the space of motivational possibilities available for institutional structures to draw on. It is the failure to recognize such occluded possibilities that we should look for at this first level of investigation.

An issue that raises questions at this level concerns the implementation of the difference principle.¹⁹ I can bring it out most easily in terms of the principle in its simplest form, in which it constrains only the distribution of income. So understood, it says that distributive inequalities can be just, provided they are necessary to improve the income prospects of those at the lower end of the distribution. Rawls's idea is that relatively higher salaries can entice people to make more productive contributions. While

such incentives can lead to inequalities, the productivity gain can often make it possible (e.g., through “redistributive” taxation) to benefit everyone, including the least advantaged.

Cohen (2000) has objected to incorporating this reliance on material incentives into the implementation of the difference principle. He asks how we are to understand the “necessity” in virtue of which the principle licenses inequalities. On a lax reading, the necessity can be “intention-relative,” or a function of voluntary choices (for example, individuals choose to make their contribution contingent on incentives). On a strict reading, it is intention-independent and inequalities are permitted only if they are necessary to make people *able* (not *willing*) to make a socially desirable contribution. Cohen rejects the lax reading as incompatible with the intended function of principles of justice. In a Rawlsian society, citizens affirm the difference principle as a public basis of social unity. Under these conditions, Cohen argues, if individuals are capable of making a more productive contribution without added material incentives, then they cannot reasonably expect others to accept a demand for such incentives on the grounds that they are necessary to benefit the least advantaged. For it would be that very demand that made the incentives necessary. Their own moral commitments require them, on pain of hypocrisy, to make the more productive contribution without the added incentives.

Though a detailed consideration of Cohen’s criticism could shed light on the bearing of estrangement on the difference principle, I won’t pursue that line of thought here.²⁰ Rather I will try to argue more directly that there is a problem with Rawls’s treatment deriving from the possibility of estrangement.²¹

Rawls explains his understanding of the difference principle in terms of schemes of cooperation and corresponding “OP curves.” A scheme of cooperation includes public rules that function to organize productive activity, specify the division of labor, and assign roles to persons engaged in production. By varying wages and salaries in a given scheme of cooperation, more may be produced, because “the greater returns to the more advantaged serve, among other things, to cover the costs of training and education, to mark positions of responsibility and encourage persons to fill them, and to act as incentives.” If we break down society into two groups, the more advantaged and the less advantaged, then corresponding to each scheme of cooperation is an OP curve, which begins at a point of equal division and extends to plot income to the less advantaged as a function of income to the more advantaged as wages and salaries are varied see (figure 1). If income to the more advantaged is represented on the horizontal axis and that of the less advantaged on the vertical axis, then the points on an OP curve will fall either on or below the 45 degree line extending up from the origin, since this line represents equal division. Scheme A is *more effective than* scheme B if: (i) A’s OP curve always gives a greater return than B’s to the less advantaged for any given return to the more advantaged, or (ii) A’s curve crosses B’s curve but A’s curve reaches a higher maximum than B’s, or (iii) the curves cross and they have the same maximum, but A’s maximum is to the left of B’s. According to Rawls, the difference principle directs society to aim at the maximum point on the OP curve of the most effective scheme of cooperation (point D in figure 1, assuming that the curve OP there represents the most effective scheme).²²

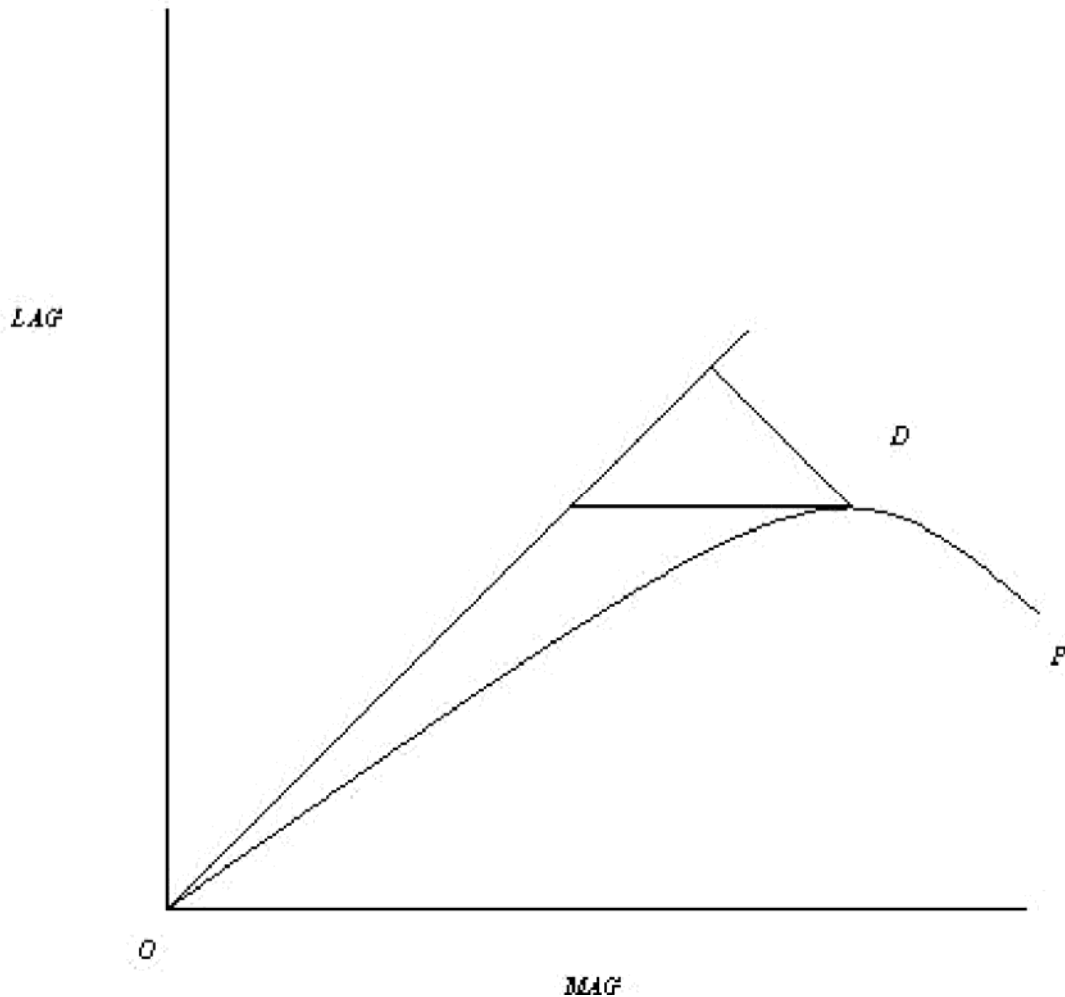


Figure 1: An envisaged operative point *D* and its associated triangle.

How is the domain of schemes from which the most effective is selected to be determined? Which constraints should a scheme satisfy to be included in the domain? Three kinds of constraints initially suggest themselves. First, the schemes should be technically feasible, that is, compatible with available resources, abilities and knowledge. Second, they should be motivationally feasible, or compatible with available or potentially available forms of motivation. A third set of constraints derives from the intended function of the difference principle in the overall conception of justice. Call

these “conception functionality” constraints. For example, no included schemes should violate principles of justice with higher priority than the difference principle.

If we provisionally accept all three constraints, then we can take society’s operative scheme to satisfy the difference principle only if it is among the most effective schemes in the domain of technically feasible, motivationally feasible and conception-functional schemes. We thus have reason to question Rawls’s envisaged implementation of the difference principle only if we can make a reasonable case either that the sort of scheme he has in mind would not in fact fall in this domain or that the domain would contain a more effective scheme than his envisaged one.

The first possibility should not be dismissed, since the motivational feasibility and stability of the “moral division of labor” corresponding to the intended structure of incentives are certainly open to challenge.²³ Moreover, such a challenge can reflect a concern about estrangement effects of moral and political abstraction. Because Rawls envisages a highly egalitarian scheme, the fairly abstract sense of justice embraced in his conception might be insufficient to sustain the allegiance of citizens who stand to gain significantly by system alterations in a less egalitarian direction, the material incentives provided by the Rawlsian scheme notwithstanding, especially if the potential gain could substantially support those individuals’ pursuit of their deeply held though not universally shared conceptions of the good. This possibility is recognizably akin to the problems of moral and political estrangement of concern to Hegel and Marx.²⁴

While probing this problem further would take us fairly quickly to Rawls’s conception of the moral powers of citizenship and to questions of stability (levels 3 and 4), the other possibility does raise some level 1 questions. This is the possibility that Rawls’s scheme

is in the specified domain, but so is a more effective one that he fails to consider. So I will assume that his scheme is technically and motivationally feasible and conception-functional, with the aim of exploring the possibility that the domain nonetheless contains a more effective and more egalitarian scheme.

We can bring the issue of technical feasibility into relief in the following way: Call the maximal point on the OP curve for society's operative scheme the *operative point*. Consider Rawls's envisaged operative point. It will be a certain distance from the equality line, as a result of the aggregate influence of individuals' self-interested responses to material incentives. Consider the triangle enclosed by the line segment running due west from the operative point to the equality line, the line segment running due northwest from the operative point to the equality line, and the segment of the equality line between its two points of intersection with these line segments. Every point in this triangle other than the operative point is preferable to the latter according to the standard given in the difference principle. That is, any scheme whose maximum is some point in the triangle other than the operative point counts as more effective than the operative one. It is also more egalitarian, since its maximum is closer to the equality line. Call this set of points the operative point's *associated triangle* (see figure 1). At every point in this triangle, distributable social product is the same or less in quantity than it is at the operative point. So it is clearly technically feasible to produce the quantities these points represent. It is hard to see what the technical barrier would be to effecting the distributions they represent. Even if some points in the triangle are technically unfeasible, because of some ability-summoning effect of the material incentives, it seems

implausible to claim that all are. The triangle thus provides a context in which we can focus on motivational feasibility and conception functionality.

Here I think an idea endorsed by Hegel, Marx and Rawls in general terms can be of some relevance. This idea is that of the social variability of available forms of motivation. When Rawls expresses a concern to find principles and institutions that would realize a political version of Kant's fact of reason, with its characteristic moral psychology of the reasonable, he is acknowledging the importance of Hegel's effort to identify social conditions for the actualization of freedom. But there is also a difference from Hegel. Rawls retains Kant's distinction between the reasonable and the rational and the related strict priority of the former over the latter. As a result, he sees the conception of justice as generating its own support through a psychology that integrates or combines personal and moral motivation, reasons of self-interest and reasons of justice, in a feasible and attractive way.²⁵ Hegel, however, as we have seen, takes it to be essential to draw on associational concerns arising from one's position in the social division of labor. If these are genuine, they cannot be reduced simply to personal concerns, but nor are they as purely moral and abstract as the sense of justice Rawls appeals to. Hegel would say that such an abstract concern is too estranged from the concerns of everyday life to generate the compliant behavior Rawls hopes for, and that the associational concerns would more effectively orient action toward the requirements of reasonableness, which for Rawls are the requirements of democratic equality.

Marx, like Hegel, envisages a richer space of motivational possibilities. His view of the nature of this space is in part determined by his view of the nature of estrangement and the conditions required to overcome it. The susceptibility to estrangement of a

society with a collective aspiration to become and to sustain itself as a reasonable social world lies in the elements of independent agency operative in it. It is in virtue of these elements that individuals' own agency can acquire a dynamic that works against that aspiration. If it were feasible, the conversion of these elements into a system of directly collective agency would dissolve that independent dynamic. Alternatively, modifications might be feasible that retain subsystems of independent agency but in a reshaped form, with an altered dynamic that is more acceptable collectively.

These considerations also, like those relevant to our first concern with stability, take us to issues at levels 3 and 4, particularly the ideals of person and citizen appealed to in the attempt to provide a *pro tanto* justification of Rawls's conception. But even if we assume that there are no inadequacies at these higher levels, I think there are inadequacies in Rawls's conception of economic regimes stemming ultimately from a lack of consideration of their varied vulnerability to estrangement.

The schemes of cooperation that Rawls considers all involve widespread use of competitive markets, including a competitive labor market (Rawls 1971, 1999b, §§42-43). He thinks that a just basic structure containing these elements can be attained through government regulation of the economic climate through standard monetary and fiscal policies operating against the background of measures that secure the basic liberties and equality of opportunity. His implied domain of schemes does not include ones that would incorporate collective decision making about incomes as part of collective determination at various levels²⁶ of what is to be produced and how it is to be produced, and of an intended path of economic development. Marx's account of economic

estrangement and its dynamic suggests that elements like these are needed to bring economic life under collective rational control.

That Rawls's discussion of economic systems is not sufficiently sensitive to this idea is further evidenced by his repeated assertion that either property-owning democracy or liberal-democratic socialism can satisfy his principles of justice. For him the choice between the two is not a matter of their intrinsic suitability to justice, but rather depends on contingent circumstances of history, tradition and culture (Rawls 1971, 1999b, §42); Rawls 2001, §42.2). However, even liberal democratic socialism as Rawls envisages it, with its widespread use of markets, would incorporate more collective decision making in the economy than would property-owning democracy. It is not implausible to suppose that the solidarity thereby generated could support a more egalitarian collective orientation.

Rawls no doubt would question the conception-functionality of such schemes, in particular their compatibility with his other principles of justice:

[G]iven the requisite background institutions, [a market system] is consistent with equal liberties and fair equality of opportunity. Citizens have a free choice of occupations. There is no reason at all for the forced and central direction of labor. Indeed, in the absence of some differences in earnings as these arise in a competitive scheme, it is hard to see how, under ordinary circumstances anyway, certain aspects of a command society inconsistent with liberty can be avoided [Rawls 1971, §42; Rawls 1999b, §42].

I do not find these reflections compelling. The issue, properly construed, is not whether one of the alternative schemes can achieve perfect equality in a manner consistent with the other principles of justice. Rather, it is whether a technically and motivationally feasible scheme of that sort could be more effective than the best scheme of the type Rawls considers while remaining conception-functional. An affirmative answer to this question is not implausible on its face. Collective decision-making concerning

distribution of income as part of collective deliberation on other features of the economy is not incompatible in any obvious way with free choice of occupation and equality of opportunity, for example. And an affirmative answer to the question would mean that Rawls's envisaged application of the difference principle is mistaken, because part of the "necessity" licensing inequalities would be that of a system of estrangement.

A final issue concerns the technical feasibility requirement. Suppose that technical conditions are contributing to constraints that make a certain amount of inequality necessary. Note that this inequality need not be inequality of income, because the difference principle in its general form is intended to govern the distribution not only of wealth and income but also of what Rawls calls powers and prerogatives of offices and positions of responsibility, and what these are depends importantly on the development of technical knowledge and how it is applied in production. If such inequalities are technically necessary, the best scheme in the domain as we have characterized it so far could well be a system of estrangement, because such systems can shape the feasibility environment in ways that contribute to their reproduction, as we have seen above in our discussion of Marx's concept of economic estrangement. This possibility, that estrangement can anchor itself in abilities and other technical conditions, means that it can be subject to a necessity that looks innocent but really isn't. A society that embraced a genuine aspiration to form a well-ordered society would have to begin with a feasibility environment determined at least in part by past systems of estrangement. It therefore could not legitimately take the inherited constraints of that environment as limiting the amount of equality it is possible to achieve. There would have to be a commitment to developing the environment in a direction more supportive of democratic equality. Thus

we should not accept without qualification the requirement of technical feasibility on the domain of potentially just schemes.

Level 2: Principles

Equal citizenship

Estrangement induces an instrumental character to production, with respect to both the product and the process. Rawls regards production this way himself when he specifies the economy's role in the provision of justice. To see this, we must consider his account of primary social goods, whose distribution is to be regulated by the principles of justice.

The different primary goods are:

1. Basic rights and liberties
2. Freedom of movement and free choice of occupation against a diverse background of opportunities
3. Powers and prerogatives of offices and positions of responsibility
4. Income and wealth
5. The social bases of self-respect

The first principle distributes liberties. The second part of the second principle distributes opportunities. Both are mandated to be equal distributions. Rawls says in "Social Unity and Primary Goods" that the only permissible inequalities are in the last three categories (Rawls 1982). However, there is a problem with the last of these, the social bases of self-respect.²⁷ That is because Rawls's hope is that the social bases of self-respect of persons as citizens can be distributed equally, because such equality is important to establishing the status of equal citizenship. For this reason Rawls initially hopes that the equalities

specified by the first principle, along with the content of the second principle properly understood, will themselves be the social bases of self-respect as far as the equality of democratic citizenship is concerned. On the ideal view, then, the principles themselves will not distribute these bases directly, but rather, indirectly, in virtue of what they say about the distribution of the other goods, and about the related priority structure of the principles. The priority of the first principle over the second specifies the basic rights and liberties as inviolable, not to be traded off against powers and prerogatives and income and wealth, which themselves are instrumental goods that serve as means for exercising the moral powers of democratic citizenship. The basic liberties do not have such merely instrumental status; rather, their public certification as inalienable helps to constitute the very status of free and equal citizenship.

Thus, in Rawls's conception, the equal liberties of citizenship can secure the status of democratic citizenship as a political status only by assigning to economic life a purely instrumental role. Only in that way can the principles indirectly distribute equally the social bases of self-respect. There is something here akin to Marx's idea that the two forms of estrangement are parts of the same process. The relation of priority, along with the equal distribution of liberties, is what is supposed to make it possible for equality of equal citizenship to be compatible with inequalities of social and economic advantages. The second principle governs merely the provisioning of adequate means to exercise the moral powers of citizenship, not the status of equal citizenship itself, except for the constraint that everyone benefit from inequalities, which expresses a kind of reciprocity and in that way treats citizens equally.

The upshot is that the structure and content of Rawls's principles itself precludes equal sovereignty over the economy as a social basis of self-respect essential to the equality of democratic citizenship. However, this is just the conclusion to be drawn from the distortions of autonomy due to economic estrangement.

The index of primary goods

The difference principle in its full generality is potentially concerned with the distribution of three classes of goods: powers and prerogatives, income and wealth, and the social bases of self-respect. It is conceivable then that proper implementation of the principle will have to make use of an index that will enable comparisons of different bundles of these heterogeneous classes. On Rawls's understanding of the simplest form of the difference principle, the one that governs distribution of income, there is no need for an index.

[The] simplest form [of the difference principle] serves as an example of the use of primary goods to make interpersonal comparisons; it ignores, however, the primary goods under (c) [powers and prerogatives] and (e) [the social bases of self-respect] and hence avoids the problem of defining an index [Rawls 1982, pp. 162-163].

It is not clear why Rawls says this. To be sure, we don't need an index to compare one quantity of dollars with another. However, it is not likely that the parties in the original position would be satisfied with measuring income in dollar-denominated values alone. More likely, they would want to consider an income as an opportunity to choose from a set of possible combinations of goods. The combinations available to an individual depend not just on that individual's monetary income but also on the prices of the different goods. So an income is really a definite monetary value along with a set of

prices of the available products. The indexing problem arises because different economic schemes or policies could lead to different relative prices. So it might happen that under one scheme of cooperation the worst off face one monetary-value – price combination, while under a second scheme, the worst off face a different combination. Without an index, we cannot compare the relative positions of the worst off in these two schemes.²⁸

The problem is still more troubling. Different schemes could lead not only to different prices for the same goods, but to different goods as well. To aim at the maximization of the monetary income prospects of the least advantaged without regard for the qualitative content of the product combinations that income can secure is in effect to conceive of income in the abstract way characteristic of commodity production with its category of commodity value, and thus to ignore the problem of estrangement. Surely the parties in the original position might well take a position on whether this understanding of income as a flow of social wealth in the abstract best captures the need of democratic citizens for income. In addition, such an orientation toward social wealth in the abstract is precisely the factor appealed to by Hegel and Marx in explaining the development of a debilitating division of labor in the workshop and the factory. On the assumption that evidence supports their explanation, income prospects would not provide a good indicator of powers and prerogatives, contrary to what Rawls says in a number of places.

Level 3: *Pro tanto* justification

A *pro tanto* justification of Rawls's conception of justice is a justification of it in terms appropriate to its own domain of application, which is the political relationship characteristic of a democratic society. To provide such a justification is to present the

conception as a “free-standing” articulation of the values of the political relationship as very great values and as sufficient to answer questions of constitutional essentials and matters of basic justice. Such a “freestanding” justification avoids appeal to the specific values of any more comprehensive normative doctrines, where a fully “comprehensive doctrine” is one that addresses all aspects of human life, nonpolitical as well as political. To put it another way, using jargon that Rawls doesn’t tend to use: a *pro tanto* justification is one that is advanced entirely within “political discourse.” It appeals only to fundamental ideas implicit in the public political culture of a democratic society; it can be laid out without recourse to the special discourse of any comprehensive view. It is not the only justification that the doctrine aspires to. But while it is insufficient, Rawls claims, to insure that the conception will play its envisaged social role, it should be enough to convince all reasonable citizens that the conception realizes very great values.

Critique at this level thus assesses the conception’s extraction, elaboration and appeal to what it takes to be fundamental values implicit in the public political culture, for example the idea of citizens in a democracy as free and equal, the idea of democratic society as a fair system of cooperation, and the idea of social justice as setting the terms of such cooperation through principles for the design of society’s basic institutional structure. It assesses the way the theory elaborates these ideas into a conception of the moral powers and aspirations of democratic citizens, and the way that the theory sets up and uses the idea of the original position to marshal all these ideas into an argument for its proffered principles of justice.

Alternative sets of principles

Rawls does not have the parties in the original position compare his two principles to alternatives that reflect the distinctive concerns of the socialist tradition with respect to the importance of collective control over economic life as a condition for the realization of freedom. He does not have them consider a set of principles that would accord the highest priority to extensions of the rights of democratic political participation to encompass collective determination of the most important sectors of the economy, including determination of what is produced and how it is produced. Because of this, the agreement of the parties on merely the constitutionally guaranteed rights typical of liberal capitalist political democracies lacks the force he claims for it.²⁹ The parties consider only utilitarian principles as alternatives to these rights. Rawls's account thereby becomes vulnerable to a charge similar to Hegel's claim that Kant's categorical imperative procedure yields determinate content only in virtue of certain implicit and unjustified presuppositions. That is, the charge of formalism and abstraction has some force, if not against Rawls's procedure itself, then against Rawls's own use of it. He is explicit in asserting that his audience should be able to run an original position exercise with respect to any pairs of alternatives they wish to consider as candidate conceptions of justice, but his own lack of consideration of the alternative sketched here, an alternative stemming directly from a critical concern with preventing economic estrangement, prevents his results from having the normative significance he would like to claim for them.

The moral powers of democratic citizens

Rawls's conception of these powers has its origin in the Kantian conception of the person, with its distinction between the reasonable and the rational, and its assignment of strict priority to the former over the latter. It is true that in his later work Rawls does not rely on this provenance of the ideas. Rather, for him, their extant role in the public political culture is what makes them available for use in working out a conception of justice and thus in figuring importantly in its *pro tanto* justification. While this move might make these conceptions acceptable to a wider range of people, it does not eliminate the worry about estrangement effects that Hegel and Marx found in the Kantian conception. In fact it may intensify these worries, since against the largely formal and abstract considerations of fairness that carry the burden of providing an effective sense of justice, it puts the strong commitments of individuals to the substantive values associated with their fundamentally differing respective conceptions of the good. One way to try to redress the balance is to give shared authority over economic decisions a wider and more fundamental role than it does in Rawls's conception. While I have advanced some considerations above that would support this idea, I do not pretend that they provide a decisive argument. However, they do lend plausibility to the idea that the unacknowledged variation in the vulnerability to estrangement of different economic regimes and the accompanying relatively narrow conception of available structures of motivation we found in Rawls's discussion of institutional implementation of the difference principle are deeply rooted in relatively basic elements of his conception of justice that are questionable in light of the problem of estrangement.

Level 4: Public justification in political society

For Rawls, his conception of justice functions as a basis of social unity when it functions publicly as the content of an “overlapping consensus” of the plurality of reasonable comprehensive doctrines that can be expected to gain adherents and flourish in a democratic society. While *pro tanto* justification establishes to reasonable citizens that the conception’s values are “very great values,” it does not necessarily provide such citizens with sufficient reason to accord those values priority in cases of conflict with the requirements of their specific comprehensive doctrines. In addition to *pro tanto* justification, Rawls sees two further stages or levels required for his conception of justice to secure its intended social status.

The second level is that of “full justification.” This is justification by individual citizens for themselves, which they carry out by embedding the political conception within their respective comprehensive conceptions of the good. They do this by somehow integrating it—not just the principles of justice but the entire freestanding conception itself—with their nonpolitical values in such a way that they accord it priority over the latter when they conflict. They thus affirm priority partly on the basis of their respective comprehensive doctrines, and thus partly for their own reasons. At this point an overlapping consensus exists, though it may not be known to exist.

The final level of justification is that of “public justification by political society” (Rawls 1996, p. 387). If we abstract from citizens who embrace unreasonable comprehensive doctrines, at this level it is public knowledge that everyone has carried out an appropriate full justification of the political conception. Citizens take one another into

account as having done so. The public knowledge of the existence of the overlapping consensus means that each citizen knows that in offering reasons based on the political conception he is offering reasons acceptable to others. This provides further support for giving the political values their claimed priority. There is a basis he thinks for regarding political society unified by the conception of justice as a collective good.

How does Rawls try to put this entire process of justification within the art of the politically possible? He sketches a scenario in which the process evolves from an initial state in which the conception of justice is accepted as a “*modus vivendi*,” that is, an equilibrium based on the balance of power. He tries to hang the plausibility of this scenario on the idea of a “looseness” that characterizes many comprehensive doctrines, a looseness that gives them some flexibility in incorporating within themselves new values that those who hold them find attractive. If people comply with the political conception at first merely as a *modus vivendi*, the evident *pro tanto* attractiveness of the political conception may allow them to resolve conflicts with their nonpolitical values in favor of the political conception. In this way, the political conception might be in a position to shape the development of comprehensive doctrines to itself (Rawls 2001, §58; Rawls 1996, lecture 4, §§6-8).

Habermas has argued that several obstacles stand in the way of successful completion of this process, but more interesting for our purposes is his claim that its successful completion will not provide the required social unity (Habermas 1999). He characterizes the third level as a radicalization of an incomplete but still “egocentric” universalization procedure. He says that in effect, it is merely a set of individual *observations*. For Rawls, public justification is something that *happens*. The terms “public” and “shared” are

misleading in this context, because what goes on is not a co-deliberation but several independent egocentric deliberations and acquisitions of common knowledge of their overlapping or coinciding results. To support this claim Habermas quotes Rawls to the effect that “the express contents of these [different comprehensive] doctrines have no normative role in public justification” (Rawls 1996, p. 387).

In opposition to Rawls's conception, Habermas would defend his own “non-egocentric” universalization procedure as the proper grounding for a moral point of view that as unconditionally required by practical reason could provide the appropriate justification. However, rather than follow that line of thought, I am concerned to draw a different lesson from his critique. Rawls claims that “public justification by political society” can change the character of agreement on the conception of justice from the status of a *modus vivendi* to the fully reasoned adoption of a collective project. In a *modus vivendi*, each citizen endorses the conception for strategic reasons, that is, as the best response to the expected responses of others. With a *modus vivendi*, were the balance of power to shift in favor of the adherents of some particular comprehensive doctrine, they might no longer embrace the conception of justice. Rawls thinks that public justification by political society precludes such action, because the adherents in question endorse the conception as part of their comprehensive moral doctrine. They would not withdraw from the consensus with a power shift, because it would be against their morality. However, even though they embrace the conception as their political morality, they might still do so not because they believe it to be what reasoned collective deliberation would arrive at, but because they believe it to be the best they can do given their society’s history and the conceptions being pursued by others. That is, they don’t

reason with others but rather anticipate their actions. This is a case of independent agency of the sort that could fall into estrangement. The consensus might still be game-theoretic or strategic, even though the players are pursuing moral ends, because they can't see their way to the feasibility of a genuine collective deliberation.³⁰

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Notes

¹ Rawls is explicit about this in the introduction to his recently published lectures on political philosophy (Rawls 2007).

² “Introduction to the Critique of Hegel’s Philosophy of Right,” in Marx & Engels 1975a, 3:180; Marx & Engels 1975b, part 1, 2:175.

³ I say “roughly” because though all the institutional components that Hegel thought essential to the realization of freedom had attained some existence in the modern world, there was no single political society that incorporated them all.

⁴ For a more formal exploration of this possibility, see Sensat 1997.

⁵ Marx 1990, pp. 132, 178; Marx & Engels 1975b, part 2, 6:75, 113-114.

⁶ This “reduction” is not something the parties involved consciously do. “They don’t know it, but they do it” (Marx 1990, pp. 166-167; Marx & Engels 1975b, part 2, 6:104-105).

⁷ See also Marx 1990, pp. 169-173; Marx & Engels 1975b, part 2, 6:105.

⁸ For this characterization of social power, see Marx 1973, p. 157; Marx 1974, pp. 74-75.

⁹ Avineri (1971) provides a useful discussion of these lectures, with some comparison with Marx’s views, and he points out that Marx was not acquainted with these texts (p. 98).

¹⁰ See the passages from Hegel’s *Phenomenology* quoted at the end of this section, where Hegel is diagnosing what he takes to be certain pathologies of the Enlightenment.

¹¹ For helpful discussion of these three kinds of freedom and their relation in Hegel's thought, see Neuhouser 2000.

¹² In particular, Hegel's views about the role of women in the family would have to be taken into account.

¹³ "As Hegel himself presents it": Hegel's associationist scheme, Marx thinks, contradicts Hegel's own correct account of the state as separate from civil society.

¹⁴ *Contribution to the Critique of Hegel's Philosophy of Right*, in Marx & Engels 1975a, 3:79; Marx & Engels 1975b, part 1, 2:88.

¹⁵ *Contribution to the Critique of Hegel's Philosophy of Right*, in Marx & Engels 1975a, 3:77; Marx & Engels 1975b, part 1, 2:86.

¹⁶ "On the Jewish Question," in Marx & Engels 1975a, 3:166-167; Marx & Engels 1975b, part 1, 2:161-162.

¹⁷ *Contribution to the Critique of Hegel's Philosophy of Right*, in Marx & Engels 1975a, 3:108; Marx & Engels 1975b, part 1, 2:117-118.

¹⁸ "On the Jewish Question," in Marx & Engels 1975a, 3:154; Marx & Engels 1975b, part 1, 2:148-149.

¹⁹ It will be clear as we proceed that the issue raises higher level questions as well.

²⁰ See Sensat 2003, section 8 for an argument that Cohen's critique fails and that its inadequacy is due in part to its use of an abstract moralism. If there are problems concerning the difference principle that derive from a vulnerability to estrangement, as I suggest below, then such a moralism, itself implicated in estrangement, will not enable us to deal with them effectively.

²¹ In the next several paragraphs I draw on and develop somewhat an argument from Sensat 2003, section 8.

²² Rawls 2001, §§18.1-18.2.

²³ Thomas Nagel makes this challenge in his *Equality and Partiality* (Nagel 1991, pp. 114-118). His view is not that the required profile of attitudes is hypocritical, but rather that it is not psychologically viable. "An economically competitive egalitarian with the appropriate partition of motives is supposed to reflect, as he signs the astronomical check for his three-star meal, that although it's a shame that business talent such as his should command such rewards while others are scraping by, there is no help for it, since he and his peers have to be allowed to earn this kind of money if the economy is to function properly. A most unfortunate situation, really, but how lucky for him!" (p. 116).

²⁴ In this judgment I am in agreement with Williams (2005, p. 32 and *passim*).

²⁵ By self-interested motivation he doesn't mean selfish motivation, but rather the motivations deriving from the agent's personal concerns deriving from the pursuit of his particular conception of the good. The fact that these concerns may be very far from selfish in any ordinary sense actually increases the strain on fairness to provide an effective sense of justice. See Rawls 1971, 1999b, §43.

²⁶ In particular, at levels that transcend intra-firm decisions.

²⁷ I am indebted to Doppelt (1981) for an insightful discussion of the issue raised in this paragraph.

²⁸ In a footnote, Rawls (1982, p. 163n) cites Gibbard (1979) and remarks: “By avoiding the problem of constructing an index and considering the one primary good of income, Gibbard examines what in the text I call the difference principle in its ‘simplest form.’” However, Gibbard avoids the index problem by using a partial ordering (thereby leaving undefined relative positions that present the sort of indexing problems we’ve been discussing). This construction suffices for Gibbard’s purposes (among which are to show that the difference principle is incompatible with the Pareto principle), but it does not show that an index is not required for the difference principle in its simplest form to be sufficiently well defined to serve as a plausible principle of justice.

²⁹ For a forceful argument to this effect, see Doppelt 1981.

³⁰ My thanks to the Center for 21st Century Studies at the University of Wisconsin—Milwaukee for research and editorial support.