

A Rationale for Egalitarianism

BY KAI NIELSEN

JOHN Rawls defends egalitarianism, and I have defended a form of egalitarianism, though my form is more radical than Rawls's.¹ Robert Nozick in effect asks, "What's so hot about egalitarianism?" and challenges its whole underlying rationale. Nozick notes that in cultures such as ours and among our moral philosophers there is a pervasive and indeed deeply embedded tendency to believe that any deviation from equality must be justified. Equality is the normative baseline, and inequalities must be justified. He asks, "Why ought people's holdings to be equal, in the absence of special moral reason to deviate from equality? (Why think there *ought* to be *any* particular pattern in holdings?) Why is equality the rest (or rectilinear motion) position of the system, deviation from which may be caused only by moral forces?"

One will be so committed to equality if one believes, as Rawls does and I do, that human beings in the design of their social institutions have an equal right to concern and respect. We must not, that is, design our social life so that the interests of any human being are ignored. Rather, all interests must, as

¹ I have argued this in my "Class and Justice," in John Arthur and William Shaw, eds., *Justice and Economic Distribution* (Englewood Cliffs, N.J.: Prentice-Hall, 1978), pp. 225–245; "Radical Egalitarian Justice: Justice as Equality," *Social Theory and Practice* 5 (Spring 1979): 209–226; "Impediments to Radical Egalitarianism," *American Philosophical Quarterly* 18 (April 1981): 121–129. I have situated these principles in a larger framework in my "Morality and the Human Situation," in Morris B. Storer, ed., *Humanist Ethics* (Buffalo: Prometheus Books, 1980), pp. 58–72. The passage from Robert Nozick cited immediately below in the text is from his *Anarchy, State and Utopia* (New York: Basic Books, 1974), pp. 222–223.

far as that is possible, be equally considered. *Prima facie*, each person's interests must have equal consideration. It is only where it is not possible to avoid conflicts of interest—where both interests cannot be satisfied—that the interests of some may be rightly subordinated to the interests of others. One of the deep problems of moral philosophy is to try to determine a fair and a morally justified way of doing this. We start, or at least egalitarians start, from a baseline of an equal concern for the interests of everyone. (Nozick could, of course, still ask, "Why take that as one's starting place?") The underlying rationale, or at least an evident underlying rationale, for that is the very deeply embedded belief that "all human beings have a natural right to an equality of concern and respect, a right they possess not in virtue of birth or characteristic or merit or excellence, but simply as human beings with the capacity to make plans and give justice."² This in effect is a moral ideal that everyone be treated equally as moral persons. It is reasonably widely rooted in people's moral sentiments that all human beings, great and small, virtuous and vicious, should be respected and cared for simply in virtue of the fact that they are human beings. Indeed, this moral ideal is not infrequently rooted in an impersonal love for humankind. Where one does not have this sentiment, where the pull of it is not felt at all, it is difficult to imagine how it can be shown by some kind of argument or by appeal to evidence that we ought to have that sentiment or the ideal that it gives rise to.³ But everything we reasonably commit ourselves to we do not commit ourselves to for a reason. Many things which are *consistent* with what it is to be rational are not *required* by any principle of rationality.⁴

² Ronald Dworkin, *Taking Rights Seriously* (Cambridge: Harvard University Press, 1977), p. 182.

³ Kai Nielsen, "Reason and Sentiment," in Theodore F. Geraets, ed., *Rationality Today* (Ottawa: University of Ottawa Press, 1979), pp. 249–279.

⁴ Kai Nielsen, "On Needing a Moral Theory," forthcoming.

Nozick rejects such a general natural right to an equality of concern and respect, for he rejects any appeal to *general* rights and accepts only *particular* rights grounded in our various entitlements flowing from our initial just acquisitions. "No neatly contoured right to achieve a goal"—such as equality of respect—"will avoid incompatibility with the substructure of particular rights which are the entitlements of just acquisitions."⁵ Since these are, Nozick claims, the morally fundamental things, and since such general rights-claims are incompatible with them, no general rights can exist.

This seems to me an arbitrary claim and, as well, a peculiarly private-property-hugging view for which no rationale is evident. Why should these particular rights be taken as fundamental and general rights-claims, such as the one stated above, be taken to be dependent on them? Why shouldn't it be the case, alternatively, that only those particular rights-claims which are compatible with such a general principle of human rights be taken as genuine rights-claims, the rest being rejected as merely apparent rights or rights-claims which would be genuine rights only if they were compatible with the general rights-claims which rationalize them? Why shouldn't a conception of human rights be taken as fundamental? (Whichever way we go here we do not have a well-worked-out theory. And why rely on intuitions about particular situations when there are such conflicts about them and with other particular judgments, particularly when we have a general considered judgment which is so appealing?)

Such general rights-claims, unlike the heterogeneous particular entitlements, afford a rationale for the existence of particular rights. So it seems much less arbitrary to take such general rights as fundamental. At the very least, Nozick has given us no grounds for taking the particular rights as fundamental. It looks like he is just arbitrarily, and in a suspiciously

⁵ Nozick, *Anarchy, State and Utopia*, p. 238.

ideological fashion, taking these particular property rights as the fundamental things morally.

The Egalitarian Ideal

Egalitarians believe that a greater equality in the conditions of life is desirable. We should not only seek a world in which there is as much happiness and as little pain as possible, we should also seek a world in which this is true for everyone. But to approximate this requires a greater equality in the conditions of life. One further reason, perhaps the fundamental reason, why this equality of condition is desirable is that it brings with it a greater moral autonomy and a greater self-respect for more people.

However, the moral iconoclast could quite naturally ask: Why should we care about that? Why should there be such a concern with each and every one of us, particularly when, as Nietzsche shows and Nozick avers too, we are not in any factual sense equals? There are, after all, very considerable differences in our moral sensitivity, our knowledge, our intelligence, our energy, our persistence, our concern for each other and the like. Why, then, should we be taken as all, in some moral sense, equally deserving of respect? Given our differences in moral sensitivity and concern for others, why should we be taken as moral equals? Why should there be an equality of moral concern for all human beings irrespective of what those human beings are like?

We can say that even to understand what morality is we must recognize that we cannot justifiably or justly treat A and B differently just because they are different *individuals*. If it is just that A be treated in manner y , then justice and morality, if not just logic, require that we treat B in manner y as well, unless there is some difference between them other than the bare fact that they are simply two different individuals. If there are no relevant differences between them, we must treat

them the same. But accepting this, as we indeed should, will not even begin to get us to the proposition that all human beings are to be treated with equal concern and respect, for it is a plain fact that they are not all alike. The differences between us are not inconsiderable. Yet Rawls, Dworkin, and I stick to this principle of equal concern as something morally fundamental in the face of just as keen an awareness of the differences between human beings as that possessed by Nietzsche or Nozick. But why should one—or should one—do this? Why accept this egalitarian ideal? Perhaps it is, as Nietzsche believes, a cultural hangover from Judeo-Christian ideology: What is the justification for saying that all human beings have a natural right to an equality of concern and respect? Historically, not everyone has thought that way, not everyone thinks that way today, and there surely are alternatives to so viewing things. Moreover, it is not clear that we have any good grounds for claiming these alternatives are irrational alternatives or less rational alternatives than egalitarianism. Can we show that a Nietzschean morality or a Nozickian morality is *less rational* than an egalitarian one? It is not evident that we can.

Even if we cannot show that *rationality* requires that there should be a concern for each and every one of us just in virtue of the fact that we are human beings, it doesn't at all follow that there is anything irrational about that commitment. Even if we must say that we have no idea of how this moral belief could be justified, that does not mean that Nozick or Nietzsche is in any better position because we can just as well ask Nozick why we should treat property rights as inviolable. Why should we be so committed to the protection of private property when that protection causes widespread misery and makes possible exploitation and human degradation? And we can ask Nietzsche why we should sacrifice everything to the "higher man," to the attainment of certain ideals of human perfection. Nozick and Nietzsche are in no better position to answer these questions in a non-question-begging way than is the egalitarian

who operates on the principle of an equal concern for the well-being of all human beings. And to most of us, at any rate, the egalitarian ideal is a more attractive ideal.

I am not sure that we can justify such a fundamental ideal as the belief that all humankind have a right to an equality of concern and respect. And I am not confident that we even need to try, for it may very well be that there could be nothing more fundamental that we could appeal to to make such a justification. Perhaps here we should say that justification comes to an end and that we just have to make up our minds what kind of human beings we want to be.

Rawls's Difference Principle

Perhaps nothing more than this can be said or need be said. But *perhaps*, if we would use the method of *wide reflective equilibrium*, we could give grounds for going in one way rather than another which are reasonably substantial.⁶ I just don't know what I think about that yet.⁷ However, if we have this deep underlying belief that there must be an equal moral concern for the well-being of all human beings, then we will be, in some nontrivial sense, egalitarians. We will, if we have that conviction, see humankind as a community in which we view ourselves as "a republic of equals." What we will seek to approximate, as closely as we reasonably can, is a complete equality for all humankind in the distribution of both the chores in the world and its benefits. Or will we? That is my picture, but it is not quite that of Rawls, who is also an egalita-

⁶ Norman Daniels, "Wide Reflective Equilibrium and Theory Acceptance in Ethics," *Journal of Philosophy* 76 (May 1979): 256-282; "Reflective Equilibrium and Archimedean Points," *Canadian Journal of Philosophy* 10 (March 1980); "Moral Theory and the Plasticity of Persons," *Monist* 62 (July 1979): 265-287; "On Some Methods of Ethics and Linguistics," *Philosophical Studies* 37 (1980).

⁷ Nielsen, "On Needing a Moral Theory" and "Considered Judgments Again," *Human Context*, forthcoming.

rian, though not exactly of the same sort. What exactly is at issue between Rawls and me?

I have tried to defend the following principles of radical egalitarian justice:⁸

PRINCIPLES OF EGALITARIAN JUSTICE

(1) Each person is to have an equal right to the most extensive total system of equal basic liberties and opportunities (including equal opportunities for meaningful work, for self-determination and political participation) compatible with a similar treatment of all. (This principle gives expression to a commitment to attain and/or sustain equal moral autonomy and equal self-respect.)

(2) After provisions are made for common social (community) values, for capital overhead to preserve the society's productive capacity, allowances are made for differing unmanipulated needs and preferences, and due weight is given to the just entitlements of individuals, the income and wealth (the common stock of means) is to be so divided that each person will have a right to an equal share. The burdens necessary to enhance human well-being are also to be equally shared, subject, of course, to limitations by differing abilities and differing situations (natural environment, not class position).⁹

Rawls's familiar contrasting principles are stated as follows:

PRINCIPLES OF JUSTICE AS FAIRNESS

(1) Each person is to have an equal right to the most extensive total system of equal basic liberties compatible with a similar system of liberty for all.

⁸ See references in n. 1.

⁹ The reference to entitlement is essential to make my principle adequate, yet it also threatens to trivialize it. If we identify "just entitlements" with a host of individual property rights and in turn give them priority, there may be little left to be equally shared. This plainly is not my intent, but it is difficult to capture in a formula just what should be said here. What reading, for example, should be given to "due weight"? And exactly how do the desert claims qualify equal sharing? There are unresolved difficulties here. Still, often in practice it is tolerably clear what we should say. The underlying egalitarian ideal should be to attain an equality of condition for all. But we must not simply run roughshod over the just entitlements of people, and we should not ignore individual desert, though such considerations, I would argue, should have a subordinate place. Some of the rationale for assigning a subordinate place to desert is brought out by Joel Feinberg, *Doing and Deserving* (Princeton: Princeton University Press, 1970), pp. 90-92.

(2) Social and economic inequalities are to be arranged so that they are both: (a) to the greatest benefit of the least advantaged consistent with the just-savings principle, and (b) attached to offices and positions open to all under conditions of fair equality of opportunity.¹⁰

There is little difference in our first principles. Mine brings in opportunities as well as liberties and stresses the need for meaningful work. Since both of our principles are meant to sustain equal moral autonomy and to support the good of self-respect, that stress is important. However, while the content of our first principles of justice is rather similar, they are deployed differently in our systems. Rawls claims rational contractors would unanimously adopt his. I make no such claim for mine. I say that it is not irrational to adopt it but I make no claim that it is *required* by reason. Rather, I say that someone (a) who is both thoroughly rational and informed and (b) who believes in the natural right of all people to an equality of concern and respect would adopt it in conditions of reasonable abundance.

It is also important to recognize that, while Rawls's two principles are in lexical order, for me sometimes one has greater weight, sometimes the other. Here I am more like a pluralist. For Rawls, justice always outweighs utility. I say it does in conditions of moderate scarcity, where peace prevails. But I do not think that it does under all conditions. Conditions could obtain where life is marginal or threatening or the conditions of life are desperate. In these *Three Penny Opera* situations, it could very well be the case that utility should outweigh justice. That is to say, it might, everything considered, be morally speaking better to do something that was unjust than to allow some great catastrophe in which there was general devastation. We should beware of the person who insists on justice though the heavens fall. Suppose a country is

¹⁰ John Rawls, *A Theory of Justice* (Cambridge: Harvard University Press, 1971), p. 302.

waging a desperate war and a platoon is simply sacrificed in a diversionary action. They do not know that this is going to happen to them and they in no way deserve that happening to them and probably would not choose to make such a sacrifice if they knew, but still their being so sacrificed is essential for the carrying on of the war and the saving of thousands of lives. What is done may be unjust, but it can still be what, everything considered, we ought to do. Again, I am reasoning like a pluralist here. We are not justified in thinking there is one moral principle that always takes pride of place.¹¹

However, perhaps the most crucial difference in content between Rawls and me comes over the second principle of justice and my criticism and rejection of his *difference* principle. It is also there where my greater egalitarianism comes to the fore. My argument essentially is that, if we value equal moral autonomy and the good of self-respect as much as Rawls does, we will, the sociological and economic facts being what they are, adopt my second principle rather than Rawls's difference principle. Rawls's difference principle allows sufficiently wide economic disparities such that situations can obtain, without a violation of justice, in which the moral autonomy and self-respect of at least the worst-off stratum of the society are undermined. To make its members as well off as possible, *in monetary terms*, differences in income and authority are allowed which make it difficult for the worst off to control their own lives, and these differences often undermine their sense of self-respect, given the kind of work they end up doing or, in the case of people locked into the life of welfare recipients, into a situation where there is no work.¹²

My principle would result in a greater equality of income than Rawls's would sanction and would not be compatible with

¹¹ Joel Feinberg, "Rawls and Intuitionism," in Norman Daniels, ed., *Reading Rawls* (New York: Basic Books, 1975) and Thomas Nagel, *Mortal Questions* (Cambridge: Cambridge University Press, 1979), pp. 128–141.

¹² Kai Nielsen, "Rawls and the Left," *Analyse und Kritik* 2 (1980) and "Morality and Ideology: Some Radical Critiques of Rawls," *Graduate Faculty Philosophy Journal* (1981). See also Gerald Doppelt, *The Scarcity of Self-Respect under Capitalism*, forthcoming.

there being class structures. It might under certain circumstances leave the worst-off stratum—or what under Rawlsian arrangements would have been the worst-off stratum—poorer in straightforward economic terms, but its members would be freer and they would have greater moral autonomy and consequently more self-respect. (It is important not to forget here that I am talking about people who are not desperately poor. I am talking about a society that is moderately well off.)

There are political differences that should be noted. My position is incompatible with capitalism, while Rawls's position, on his own view at least, is compatible with capitalism and a kind of market socialism. However, it has been forcefully argued by Schweickardt and by Clarke and Gintis that, if Rawls's principles are consistently thought through and anything like an adequate political sociology is adopted, Rawls's account should lead him to socialism rather than to a position of neutrality between socialism and capitalism.¹³

It is also the case that my principles presuppose that a classless society is obtainable or approximatable. Rawls, by contrast, assumes the *inevitability* of classes. Rawls has a sophisticated version of the typical liberal belief that we can attain liberty for all and an important measure of equality even in a capitalist society with classes and significant economic inequalities. I maintain that this account fails to face squarely the facts of power. Where there are economic inequalities and a class-divided society with a capitalist class owning and controlling the means of production, the preponderance of power will be in the hands of a few capitalists. (It makes no difference here if there is a mutation in the system and the preponderent power falls into the hands of a technocratic elite of managers.) They (capitalists and/or managers) will in large measure control the state. The consciousness industry will be in their hands, and they will have a pervasive influence in

¹³ David Schweickart, "Should Rawls Be a Socialist?", *Social Theory and Practice* 5 (Fall 1978): 1–27, and Barry Clark and Herbert Gintis, "Rawlsian Justice and Economic Systems," *Philosophy and Public Affairs* 7 (Summer 1978): 302–325.

education. They will basically control the society and by doing so undermine the moral autonomy of the dominated classes, which surely include the worst-off stratum of the society. Under such conditions moral autonomy and equal self-respect are impossible, for there is a whole class of people who do not control their own lives. The difference principle allows for that possibility, but my more-egalitarian principle does not. It cannot be satisfied under such conditions. By that I mean that there is no possibility of social justice, as defined by my principles, obtaining in class societies, and capitalist societies are inevitably class societies. My principle protects equal moral autonomy and equal self-respect more adequately than does Rawls's difference principle, even when his principle is taken, as it should be, in conjunction with an equal-opportunity principle which in reality is rather formal. Thus anyone who values moral autonomy and self-respect in the way both Rawls and I do should adopt my second principle rather than his.

That claim is subject to one caveat, namely, to the claim—a claim that many would regard as quite unrealistic—that it is possible in a Marxist or quasi-Marxist sense of “class” to achieve a classless society. What must be achievable for an egalitarian account as egalitarian as mine to have any application in the world is for it to be the case that the means of production are socially owned and controlled. This means that there will not be one group who owns it and controls it and another which merely works for wages. Beyond that, though closely related to that, it will also mean that there no longer will be whole classes of people whose whole life prospects are radically different as now the life prospects of the daughter or son of a doctor or director of a bank are very different from the life prospects of the daughter or son of a dishwasher or someone living on welfare. Where these conditions cannot obtain my principles can have no implementation. This means that in our society as presently structured we cannot attain social justice if my account of social justice is near to the mark. It would require a classless society or a society firmly

moving in the direction of classlessness. This in turn requires socialism. If classlessness is unachievable, then something very like Rawls's principle would be the best principle to choose. But a lot would then be lost in moralizing the world—making our societies decent places to live—for we would have frankly to admit that equal moral autonomy and self-respect are unachievable heuristic ideals if we are stuck with classes. Indeed, given the weight Rawls—rightly, to my mind—places on moral autonomy and self-respect, class-divided societies such as capitalist societies could not possibly be just societies. If classless societies are impossible, then we should despair of attaining justice in society. In that way we will not be able to moralize our social life. My principles, however, presuppose the empirical possibility of a classless society.

While it is important to recognize that my arguments about the possibility of classlessness may be utopian, indeed so utopian as to make their possibility of attainment not something to be struggled for, this important claim of cultural pessimism is not known to be true. Indeed, when what is at issue is properly understood, we do not even have good grounds for accepting those currently fashionable conclusions of cultural pessimism.

It should also be recognized that Rawls just assumes without argument that classes are inevitable.¹⁴ Indeed, Rawls is not very clear what he means by “class” or what classes are. He seems to confuse class with stratum. But what he has not shown is that classes in a Marxian sense of “class” are inevitable in industrial societies. Given what is at stake, that is, the achievability of equal moral autonomy and self-respect, it is vital to see if we can ascertain what is humanly possible here. Is classlessness or something like classlessness achievable?

We can also see here the close relations between political sociology and moral philosophy. To try to do the latter with-

¹⁴ Kai Nielsen, “On the Very Possibility of a Classless Society” and C. B. Macpherson, “Class, Classlessness, and the Critique of Rawls,” both in *Political Theory* 6 (May 1978).

out the former is a mistake.¹⁵ A taking to heart what is involved here would rather extensively affect the way moral philosophers would have to proceed. They would have to learn something about the way society works. To do this they would have to dirty their hands with empirical sociological material.

When we first read, in reading Rawls, his claim that it would be irrational to prefer more equality when that equality left one worse off than one would be with an inequality, it seems very persuasive indeed. Rawls, we are inclined to believe, is just being very sane and level-headed here. Any other claim would be extravagantly paradoxical. The worst-off stratum in a society, Rawls tells us, will, if it acts rationally, accept an inequality which improves its economic plight. It will be irrational of its members to seek to close that gap when, if they succeed, they will, with the greater equality, make themselves even worse off. I reply that, plausible as this sounds, still it is true that, under certain circumstances of moderate scarcity or relative abundance, it could very well be better for them to be somewhat worse off in economic terms, or at least in terms of income, if by closing the economic differentials in the society they could gain greater control over their own lives as they certainly could in a society not divided into classes. It is at least as reasonable and, given Rawls's own underlying ideals, morally more acceptable to trade off a lesser income for a greater control over one's own life. We have fewer goods but greater moral autonomy. That is a cruel joke for someone starving or living marginally in the sub-Saharan or the Indian subcontinent. It is not for people living in the wealthier industrial societies.

Nozick's Criticism of the Difference Principle

In the light of my above arguments about Rawls's difference principle and the alternative I set out to it, what should I say

¹⁵ I have argued this in "Reason and Sentiment" and "Need for a Moral Theory."

about Nozick's criticism of the difference principle? Nozick comes at this principle from a quite different angle than I do. Moreover, it is, I believe, possible to accept his central criticism of Rawls without accepting Nozick's or any entitlement theory of justice. His criticism of Rawls here is independent of that account though, hardly surprisingly, compatible with it.

Recall that Rawls is claiming that rational contractors in the original position would choose the *difference principle*, namely, the principle which holds that our institutional structures are to be so designed that the worst-off group under it will be at least as well off as they would be under any alternative institutional structures. Rational contractors recognize that even those who will be worse off need to enter into some social agreement with others better off than themselves to avoid the barbarism of the state of nature. A necessary but, of course, not sufficient condition for attaining their own good, Rawls claims, is that they enter into some scheme of cooperation. This is true of any rational contractor. Rawls claims that rational contractors would adopt the difference principle and that, even after the veil of ignorance is lifted, the worst-off stratum in the society would see that it is in its own interest to accept the difference principle. It would allow the better off to receive more, but only on the condition that the worst off would get more on this scheme than on any alternative scheme. Both Rawls and Nozick believe that it is clear enough why the worst off should accept these terms of cooperation. They do better here than they could under any alternative arrangements. But, Nozick asks, why should the better off accept this scheme of cooperation? Why should they accept these terms as the reasonable terms? What is there in the very nature of the situation which makes it the case that, if a representative better-off person is just very rational about the matter, she will come to appreciate that she should adopt the *difference principle*? The better off could gain by other schemes of social cooperation based on other principles. One can see why the choice for the worst off is rational from their point of

view, for it will thus maximize their expected utilities: they will get more advantages than they could from any other scheme. The worst off, if they are thoroughly rational, will see that the inequality works to their advantage. Since a representative worst-off person receives more in the unequal system than she would in an equal one, it may be the case that she has no grounds for complaint in accepting the difference principle. (I am assuming for the sake of this argument that my own arguments against Rawls are mistaken.) However, the better endowed are in a different situation. They could very well receive still more under an alternative system of cooperation. Since this is so, they have grounds for complaint against the system. It doesn't maximally advantage them, so why should they accept it? Why should they not say in a parallel fashion to the worse off, "Look, we will cooperate only if we get a better deal"? Why should they not find it worthwhile to hold out for a better bargain, knowing that the lower stratum needs a system of cooperation at least as much as they do? Indeed, we can only expect the willing cooperation of everyone if the terms are reasonable. But there can be a whole range of principles other than the difference principle and, indeed, as compatible, Nozick claims, with both the equal-liberty principle and Rawlsian principles of rationality, which could also be used as the basis for social cooperation without which no one could have a satisfactory life. The better off might just as reasonably hold out for terms in which they would maximize their benefits. The upper stratum, recognizing its power, drives a hard bargain, but the worst off, recognizing the value of attaining the social cooperation of the upper stratum and having a scheme of social cooperation, reluctantly accept its terms. Why, Nozick pointedly asks, is that scheme of social cooperation of the lower stratum any less *rational* than the one with the difference principle in it? What, Nozick asks, is there in the nature of "pure rationality," together with accurate factual information, which will settle the issue here? Moreover, Rawls has not been able to show that the more-favored person

has no grounds for complaint. It would, *pace* Rawls, certainly appear that he has, for he is, without question, worse off than he would be if any of a considerable number of other cooperative schemes were adopted than the one in which the difference principle was in force. Rawls has not shown that the difference principle is the uniquely rational principle of choice in conditions of moderate scarcity once the equal-liberty principle and conditions of equal opportunity have been secured.

I am not altogether confident that Nozick's criticism is well taken. Couldn't Rawls respond that the difference principle is a principle which would be chosen by rational contractors in conditions of moderate scarcity when the veil of ignorance had *not* been lifted and they thus did not know whether they would be well endowed or not? Wouldn't it be more reasonable, in such a circumstance, the circumstance being that of the original position, to make a cautious choice, since we are choosing for *everyone* and not simply for ourselves? Would that choice not be the choice which would be the choice to make even if everything went wrong for the choosers and they ended up in the worst-off class? But to so reason is to reason in accordance with the difference principle. And would such a choice not be one which would serve stability and thus the advantage of everyone over a less-stable scheme of cooperation? Remember, we are not just making choices for ourselves—there we might be far more willing to take risks—but choices for everyone. In such a situation, caution is more reasonable and squares better with our sense of justice.¹⁶ Perhaps such a reply is adequate. I am anything but confident one way or another. But, for my purposes, I do not need to sort that out, for Nozick's criticism of Rawls could not be turned against my second principle, for I am not claiming that all rational agents would choose it where they were being constrained to be impartial. What I am

¹⁶ John Rawls, "The Basic Structure as Subject," in Alvin I. Goldman and Jaegwon Kim, eds., *Values and Morals* (Dordrecht: D. Reidel, 1978), pp. 47–72 and "Some Reasons for the Maximin Criterion," *American Economic Review* 64 (May 1974): 141–146.

claiming is that it would be chosen by a rational agent who also had a sense of justice and indeed a sense of justice which committed him to a belief in the natural right of all humans to an equality of respect and concern.¹⁷ I am claiming that a person with such an underlying moral commitment, full knowledge, and a clear head would accept my principles. I am further claiming that such a being *with such commitments* would find it more appropriate to choose the difference principle than a scheme of cooperation which maximized the advantage of the best off or some stratum in the middle. It would seem, given his underlying moral commitments, fairer to accept such a principle. But this is not to say that, moral considerations apart, it has been shown to be more reasonable. Rawls has not shown that (if indeed he even tried to), and Nozick does well to challenge him on this. But to establish something like that was not part of my project. I do not think moral principles can be derived from principles of rationality plus factual knowledge. Morality is underdetermined with respect to rationality. Many moral schemes are equally *consistent* with reason, and no one scheme or set of moral principles is *required* by reason. But rational people with certain underlying moral commitments will, given the truth or probable truth of certain factual claims and nonnormative theories of society, choose certain principles of justice. Such people would not choose Nozick's principles, but they would, I believe, if one of their beliefs was that classlessness was a reasonable possibility, choose my principles over Rawls's.

¹⁷ See my "Class and Justice" and "Grounding Human Rights and a Method of Reflective Equilibrium," *Inquiry*, forthcoming. Some of these issues have been carefully and extensively examined by Allen Buchanan in his *Marx and Justice* (Totowa, N.J.: Rowman & Littlefield, forthcoming).