

Thick and Thin

Moral Argument at Home and Abroad

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Introduction

My aim in this book is twofold: first, to rehearse, revise, and extend a set of arguments about justice, social criticism, and nationalist politics that I have been involved in making for some ten years. The revisions and extensions also represent so many responses to my critics (I am grateful to all of them). But I shall not engage in any polemics here; I want only to get the arguments right—what that might mean is taken up in my third chapter—not to gain some advantage in the critical wars. These are wars that can never in any case be won, since none of the participants are inclined, nor can they be forced, to surrender. There is no final arbiter, like the sovereign in Hobbes's *Leviathan*. So I shall strengthen my arguments as best I can and wait for further criticism. Nothing in these pages is finished or done with.

But I also want, second, to put my arguments to work in the new political world that has arisen since I first presented them. This new world is marked by the collapse of the totalitarian project—and then by a pervasive, at least ostensible, commitment to democratic government and an equally pervasive, and more actual, commitment to cultural autonomy and national independence. A universal or near-universal ideology side-by-side with an extraordinarily intense pursuit of the “politics of difference”: what are we to make of this? The two are not necessarily incompatible, though their simultaneous success is bound to pluralize democracy in a radical way. It will produce a number of different “roads to democracy” and a variety of “democracies” at the end of the road—a prospect difficult to accept for those who believe that

democracy is the single best form of government. And sometimes, at least, difference will triumph at the expense of democracy, generating political regimes more closely attuned to this or that historical culture: religious republics, liberal oligarchies, military chiefdoms, and so on. Nonetheless, I want to endorse the politics of difference and, at the same time, to describe and defend a certain sort of universalism. This won't be a universalism that requires democratic government in all times and places, but it opens the way for democracy wherever there are enough prospective and willing citizens. More important, perhaps, it prohibits the brutal repression of both minority and majority groups in democratic and non-democratic states. (I count myself among the willing citizens; I think it best to be governed democratically; but I don't claim that my political views have the definitive endorsement of God or Nature or History or Reason.)

Difference is, as it has always been, my major theme and abiding interest. But I mean to begin, in the first chapter, by describing what I take to be a universal moment—not a philosophical but an actual moment—and the politics and morality it requires. I will then go on to restate my own particularist account of justice, in the second chapter, and of social criticism, in the third—always keeping in mind the memory of the universal moment. In the fourth chapter, I will try to show how the universalism of “self-determination,” always congenial to difference, can also constrain it, setting limits to our particularist projects. And at the end, in the fifth chapter, I will provide a differentiated account of the self that will, I hope, render my defense of difference elsewhere more plausible and persuasive. When I wrote *Spheres of Justice* ten years ago, I argued (and I still believe) that we need focus only on things, the objects of distribution, to work out a critical account of distributive justice. The account does not require or “rest on” a theory of human nature. But there is a picture of the self, nothing so grand as a

theory, that is consistent with “complex equality” as I described it there and with versions of complexity that I have defended elsewhere. So I will appeal, at the end, to the inner divisions of my readers—assuming that these are not unlike my own—and invite them to recognize themselves in the thick, particularist stories I want to tell about distributive justice, social criticism, and national identity.

I will describe in these chapters two different but inter-related kinds of moral argument—a way of talking among ourselves, here at home, about the thickness of our own history and culture (including our democratic political culture) and a way of talking to people abroad, across different cultures, about the thinner life we have in common. “There is a thin man inside every fat man,” George Orwell once wrote, “just as . . . there's a statue inside every block of stone.”¹ Similarly, there are the makings of a thin and universalist morality inside every thick and particularist morality—but the story of these two is not at all like the statue and the stone. They are differently formed and differently related, as we shall see.

¹George Orwell, *Coming Up for Air* (New York: Harcourt, Brace, 1950), Part 1, chapter 3. I have borrowed the idea of thickness from Clifford Geertz's defense of “thick description” in his much-cited *The Interpretation of Cultures* (New York: Basic Books, 1973), see especially chap. 1. But it is not my claim to offer a thick description of moral argument, rather to point to a kind of argument that is itself “thick”—richly referential, culturally resonant, locked into a locally established symbolic system or network of meanings. “Thin” is simply the contrasting term; its use is illustrated in the first chapter.

ONE: *Moral Minimalism*

I

I want to begin my argument by recalling a picture (I have in mind a film clip from the television news, late in that wonderful year 1989), which is the actual starting point, the conceptual occasion, of this chapter. It is a picture of people marching in the streets of Prague; they carry signs, some of which say, simply, "Truth" and others "Justice." When I saw the picture, I knew immediately what the signs meant—and so did everyone else who saw the same picture. Not only that: I also recognized and acknowledged the values that the marchers were defending—and so did (almost) everyone else. Is there any recent account, any post-modernist account, of political language that can explain this understanding and acknowledgment? How could I penetrate so quickly and join so unreservedly in the language game or the power play of a distant demonstration? The marchers shared a culture with which I was largely unfamiliar; they were responding to an experience I had never had. And yet, I could have walked comfortably in their midst. I could carry the same signs.

The reasons for this easy friendliness and agreement probably have as much to do with what the marchers did not mean as with what they did mean. They were not marching in defense of the coherence theory, or the consensus theory, or the correspondence theory of truth. Perhaps they disagreed about such theories among themselves; more likely, they did not care about them. No particular account of truth was at issue here. The march had nothing to do with epistemology. Or, better, the

epistemological commitments of the marchers were so elementary that they could be expressed in any of the available theories—except for those that denied the very possibility of statements being “true.” The marchers wanted to hear true statements from their political leaders; they wanted to be able to believe what they read in the newspapers; they didn’t want to be lied to anymore.

Similarly, these citizens of Prague were not marching in defense of utilitarian equality or John Rawls’s difference principle or any philosophical theory of desert or merit or entitlement. Nor were they moved by some historical vision of justice with roots, say, in Hussite religious radicalism. Undoubtedly, they would have argued, if pressed, for different distributive programs; they would have described a just society in different ways; they would have urged different rationales for reward and punishment; they would have drawn on different accounts of history and culture. What they meant by the “justice” inscribed on their signs, however, was simple enough: an end to arbitrary arrests, equal and impartial law enforcement, the abolition of the privileges and prerogatives of the party elite—common, garden variety justice.

II

Moral terms have minimal and maximal meanings; we can standardly give thin and thick accounts of them, and the two accounts are appropriate to different contexts, serve different purposes. It’s not the case, however, that people carry around two moralities in their head, two understandings of justice, for example, one of which is brought out for occasions like the Prague march while the other is held in readiness for the debates soon to be joined on taxation or welfare policy. The march, it might be argued, is an appeal for support abroad; the debates will draw on home truths and local values; hence the reliance

on garden variety justice in the first case and on more highly cultivated and deeply rooted varieties of justice in the second. But this is not the way the distinction works. Rather, minimalist meanings are embedded in the maximal morality, expressed in the same idiom, sharing the same (historical/cultural/religious/political) orientation. Minimalism is liberated from its embeddedness and appears independently, in varying degrees of thinness, only in the course of a personal or social crisis or a political confrontation—as, in the Czech case, with communist tyranny. Because (most of) the rest of us have some sense of what tyranny is and why it is wrong, the words used by the demonstrators shed whatever particularist meanings they may have in the Czech language; they become widely, perhaps universally accessible. Were there no common understanding of tyranny, access would fail. At the same time, the same words have further meanings for the marchers, which they will argue about among themselves and which we, looking on from far away, may well miss. They resonate differently in Prague than their translations resonate in, say, Paris or New York.

The contemporary argument about relativism and universalism is probably best understood as an argument about the extent and legitimacy of those resonances. What range of difference can the idea of morality cover? I want to suggest a way of thinking about this question that attends to the experience of the Prague marchers. Clearly, when they waved their signs, they were not relativists: they would have said, rightly, it seems to me, that everyone in the world should support their cause—should join them in defense of “truth” and “justice” (I am quoting the signs, not expressing irony or skepticism about their message). But when they turn to the business of designing a health care system or an educational system for Czechs and Slovaks or arguing about the politics of their union or separation, they will not be universalists: they will aim at what is best for themselves, what fits their history and culture, and won’t

insist that all the rest of us endorse or reiterate their decisions.²

This dualism is, I think, an internal feature of every morality. Philosophers most often describe it in terms of a (thin) set of universal principles adapted (thickly) to these or those historical circumstances. I have in the past suggested the image of a core morality differently elaborated in different cultures.³ The idea of elaboration is better than adaptation, it seems to me, because it suggests a process less circumstantial and constrained, more freely creative: governed as much by ideal as by practical considerations. It accounts better for the actual differences that anthropology and comparative history reveal. But both these descriptions suggest mistakenly that the starting point for the development of morality is the same in every case. Men and women everywhere begin with some common idea or principle or set of ideas and principles, which they then work up in many different ways. They start thin, as it were, and thicken with age, as if in accordance with our deepest intuition about what it means to develop or mature. But our intuition is wrong here. Morality is thick from the beginning, culturally integrated, fully resonant, and it reveals itself thinly only on special occasions, when moral language is turned to specific purposes.

Consider, further, the idea of justice. It appears, so far as I can tell, in every human society—the idea itself, some word or set of words that give it a name, institutions and practices that are supposed to make it real, to exemplify

² In fact, the argument for separation is a minimalist and universal one, invoking the principle of self-determination (see Chapter Three). But whatever cooperative arrangements are worked out for the new states will obviously depend upon more particular understandings.

³ Michael Walzer, *Interpretation and Social Criticism* (Cambridge, Mass.: Harvard University Press, 1987), pp. 23–25.

justice or to enact and enforce it. And so when we read in the book of Deuteronomy, say, “Justice, justice, shalt thou pursue,” we have no difficulty agreeing; we fill in our own developed understanding of justice (this is the subject of my second chapter), which indeed guides or which we acknowledge ought to guide our political and legal pursuits.⁴ But if someone were to produce for us a thick description of what the Deuteronomist actually meant—a close reading of the text, a reconstruction of the historical context—we would not find it so easy to agree. We might well prefer a response more complex, differentiated, or ambiguous than simple agreement. Or the description might seem so distant and alien as to leave us entirely unresponsive (but we will still recognize it as a description of “justice”). Again, when the prophet Isaiah condemns as unjust the practices he calls “grinding the face of the poor,” he escapes, at least for the moment, all complexity: that is unjust simply.⁵ We know it to be so even if we don’t know with the same certainty and unanimity what would count as treating the poor justly. A maximalist account of practices and institutions, which Isaiah’s criticism probably presupposes, would leave many of us wondering if justice could really require anything quite like that.

Whatever the origins of the idea of justice, whatever the starting point of the argument in this or that society, people thinking and talking about justice will range over a mostly familiar terrain and will come upon similar issues—like political tyranny or the oppression of the poor. What they say about these issues will be part and parcel of what they say about everything else, but some aspect of it—its negativity perhaps, its rejection of brutality (“grinding the face”)—will be immediately accessible

⁴ Deuteronomy 16:20.

⁵ Isaiah 3:15.

to people who don't know anything about the other parts and parcels. Pretty much anybody looking on will see something here that they recognize. The sum of these recognitions is what I mean by minimal morality.

I want to stress (though it should already be obvious) that "minimalism" does not describe a morality that is substantively minor or emotionally shallow. The opposite is more likely true: this is morality close to the bone. There isn't much that is more important than "truth" and "justice," minimally understood. The minimal demands that we make on one another are, when denied, repeated with passionate insistence. In moral discourse, thinness and intensity go together, whereas with thickness comes qualification, compromise, complexity, and disagreement.

III

For many philosophers (in both the Anglo-American and continental traditions) minimal morality is little more than an invitation to further work. Moral philosophy is usually understood as a twofold enterprise that aims, first, at providing a foundation for minimalism and, second, at building on that foundation a more expansive structure. I suppose that the goal is a singular and more or less complete account of what we ought to do and how we ought to live, an account that can then be used as a critical standard for all the more circumstantial constructions of particular societies and cultures. The search for singularity is probably overdetermined in Western philosophy, but it is more specifically inspired here by the apparent singularity of the moral minimum or, at least, by the fact of general agreement on such minimalist values as "truth" and "justice." If we agree this far and, it appears, so easily, why not seek a larger even if more difficult agreement?

Some thirty years ago, a group of American painters, who were also theorists of painting, aspired to something

they called Minimal Art.⁶ The capital letters derive from some manifesto calling for a form of art that was "objective and unexpressive." I am not sure what those words mean when applied to a painting, but they nicely capture one view of minimalism in morality. Applied to a moral rule, they mean that the rule serves no particular interest, expresses no particular culture, regulates everyone's behavior in a universally advantageous or clearly correct way. The rule carries no personal or social signature. (I don't know if Minimal Art was signed.) Though it may have been taught with special force by this or that individual, it was never his or hers. Though it was first worked out in a specific time and place, it bears no mark of its origin. This is the standard philosophical view of moral minimalism: it is everyone's morality because it is no one's in particular; subjective interest and cultural expression have been avoided or cut away. And if we succeed in understanding this morality, we should be able to construct a complete objective and unexpressive code—a kind of moral Esperanto.

But this hope is misbegotten, for minimalism is neither objective nor unexpressive. It is reiteratively particularist and locally significant, intimately bound up with the maximal moralities created here and here and here, in specific times and places. Hence when we see the Prague marchers, we don't in the first instance (or perhaps ever) endorse "truth" and "justice" as abstract propositions. Rather, we recognize the occasion; we imaginatively join the march; our endorsement is more vicarious than detached and speculative. We too don't want to be told lies; we too re-member, or we have listened to stories about, tyranny and

⁶On Minimal Art, see *The Oxford Companion to Twentieth-Century Art*, ed. Harold Osborne (Oxford: Oxford University Press, 1981), pp. 375–377.

oppression. We see the point of the Czech signs. At the same time, however, we give to "truth" and "justice" our own additional meanings; we allow them their full expressive range within our own culture. So while we march in spirit with the men and women of Prague, we have in fact our own parade. (This may seem less than obvious in the case at hand, since Prague is culturally a nearby place. Imagine, then, a march for "truth" and "justice" in Rangoon or Beijing.)

We march vicariously with people in trouble whoever they are; and we have our own parade. This dualist metaphor captures our moral reality. We should not try to escape the dualism, for it fits what I am inclined to call the necessary character of any human society: universal because it is human, particular because it is a society. Philosophers commonly try, as I have already suggested, to make the adjective dominant over the noun, but the effort cannot be sustained in any particular society except at a cost (in coercion and uniformity) that human beings everywhere will recognize as too high to pay. That recognition vindicates at once minimalism and maximalism, the thin and the thick, universal and relativist morality. It suggests a general understanding of the value of living in a particular place, namely, one's own place, one's home or homeland. Societies are necessarily particular because they have members and memories, members *with* memories not only of their own but also of their common life. Humanity, by contrast, has members but no memory, and so it has no history and no culture, no customary practices, no familiar life-ways, no festivals, no shared understanding of social goods. It is human to have such things, but there is no singular human way of having them. At the same time, the members of all the different societies, because they are human, can acknowledge each other's different ways, respond to each other's cries for help, learn from each other, and march (sometimes) in each other's parades.

Why isn't this enough? Think of the exodus of Israel from Egypt, the *Anabasis*, Muhammad's *hajira*, the Pilgrims' crossing of the Atlantic, the Boer trek, the long march of the Chinese communists, the Prague demonstrations: must all these merge into one grand parade? There is nothing to gain from the merger, for the chief value of all this marching lies in the particular experience of the marchers. They can join each other only for a time; there is no reason to think that they are all heading in the same direction. The claim that they must be heading in the same direction, since there is only one direction in which good-hearted (or ideologically correct) men and women can possibly march, is an example—so writes the Czech novelist Milan Kundera in *The Unbearable Lightness of Being*—of leftist kitsch.⁷ It is also an example of philosophical highmindedness. But it does not fit our moral experience.

IV

It is possible, nonetheless, to give some substantial account of the moral minimum. I see nothing wrong with the effort to do that so long as we understand that it is necessarily expressive of our own thick morality. A moral equivalent of Esperanto is probably impossible—or, rather, just as Esperanto is much closer to European languages than to any others, so minimalism when it is expressed as Minimal Morality will be forced into the idiom and orientation of one of the maximal moralities. There is no neutral (unexpressive) moral language. Still, we can pick out from among our values and commitments those that make it possible for us to march vicariously with the

⁷Milan Kundera, *The Unbearable Lightness of Being* (New York: Harper and Row, 1984), Part VI: "The Grand March."

people in Prague. We can make a list of similar occasions (at home, too) and catalogue our responses and try to figure out what the occasions and the responses have in common. Perhaps the end product of this effort will be a set of standards to which all societies can be held—negative injunctions, most likely, rules against murder, deceit, torture, oppression, and tyranny. Among ourselves, late twentieth-century Americans or Europeans, these standards will probably be expressed in the language of rights, which is the language of our own moral maximalism. But that is not a bad way of talking about injuries and wrongs that no one should have to endure, and I assume that it is translatable.

A morality that did not allow for such talk, whose practitioners could not respond to other people's pain and oppression or march (sometimes) in other people's parades, would be a deficient morality. A society or political regime (like that of the Czech communists) that violated the minimal standards would be a deficient society. In this sense, minimalism provides a critical perspective. But I want to stress again that the moral minimum is not a free-standing morality. It simply designates some reiterated features of particular thick or maximal moralities. Hence I am inclined to doubt that when we criticize other societies we are best described as applying minimal standards; at least, that can't be all that we are doing. It is, of course, the minimalism of "truth" and "justice" that makes it possible for us to join the Prague marchers. But when we criticize Czech communism in ways that suggest an alternative, we move quickly beyond the minimum, knowing that some of what we say will echo positively in Prague (or in this or that part of Prague) and some, perhaps, won't. Criticizing tyranny, for example, I am likely to defend the values of social democracy, though these are not by any means the universal values of anti-tyrannical politics. Other criticisms of tyranny will repeat one part of my argument and ignore or reject other parts. But I have no

philosophical reason to separate out the parts (I may have political or prudential reasons).

The critical enterprise is necessarily carried on in terms of one or another thick morality. The hope that minimalism, grounded and expanded, might serve the cause of a universal critique is a false hope. Minimalism makes for a certain limited, though important and heartening, solidarity. It doesn't make for a full-blooded universal doctrine. So we march for a while together, and then we return to our own parades. The idea of a moral minimum plays a part in each of these moments, not only in the first. It explains how it is that we come together; it warrants our separation. By its very thinness, it justifies us in returning to the thickness that is our own. The morality in which the moral minimum is embedded, and from which it can only temporarily be abstracted, is the only full-blooded morality we can ever have. In some sense, the minimum has to be there, but once it is there, the rest is free. We ought to join the marchers in Prague, but once we have done that, we are free to argue for whatever suits our larger moral understandings. There is one march, and there are many (or, there are many marches, and then sometimes there is one).

V

I need to discuss a contemporary version of moral minimalism that claims to respect the one and the many but in fact does not. It is popular these days to think of the minimum in procedural terms—a thin morality of discourse or decision that governs every particular creation of a substantive and thick morality. Minimalism, on this view, supplies the generative rules of the different moral maximums. A small number of ideas that we share or should share with everyone in the world guides us in producing the complex cultures that we don't and needn't

share—and so they explain and justify the production. Commonly, as in Jürgen Habermas's critical theory, these shared ideas require a democratic procedure—indeed, they require a radical democracy of articulate agents, men and women who argue endlessly about, say, substantive questions of justice.⁸ Minimal morality consists in the rules of engagement that bind all the speakers; maximalism is the never-finished outcome of their arguments.

This ingenious doctrine faces two serious difficulties. First of all, the procedural minimum turns out to be rather more than minimal. For the rules of engagement are designed to ensure that the speakers are free and equal, to liberate them from domination, subordination, servility, fear, and deference. Otherwise, it is said, we could not respect their arguments and decisions. But once rules of this sort have been laid out, the speakers are left with few substantive issues to argue and decide about. Social structure, political arrangements, distributive standards are pretty much given; there is room only for local adjustments. The thin morality is already very thick—with an entirely decent liberal or social democratic thickness. The rules of engagement constitute in fact a way of life. How could they not? Men and women who acknowledge each other's equality, claim the rights of free speech, and practice the virtues of tolerance and mutual respect, don't leap from the philosopher's mind like Athena from the head of Zeus. They are creatures of history; they have been worked on, so to speak, for many generations; and they inhabit a society that "fits" their qualities and so supports, reinforces,

⁸Jürgen Habermas, *Moral Consciousness and Communicative Action*, trans. Christian Lenhardt and Sherry Weber Nicholson (Cambridge, Mass.: MIT Press, 1990); Seyla Benhabib, *Critique, Norm, and Utopia: A Study of the Foundations of Critical Theory* (New York: Columbia University Press, 1986), chapter 8.

and reproduces people very much like themselves. They are maximalists even before they begin their rule-governed discussions.

The second difficulty perhaps only restates the first. Rules of engagement assume, obviously, that in the beginning there are rules and then there are engagements. Minimalism precedes maximalism; once we were thin but have grown thick. I have already disputed this view; now with the example of discourse and decision theory before us we can more easily understand its problems. For the minimal morality prescribed by these theories is simply abstracted from, and not very far from, contemporary democratic culture. If no such culture existed, this particular version of minimal morality would not even be plausible to us. Maximalism in fact precedes minimalism. But no particular maximum is the sole source of the moral minimum, let alone of all the other maximums. When full-grown democrats imagine that the rules of discursive engagement are the generative rules of morality in all its kinds, they are very much like an oak tree that, endowed with speech and encouraged to speak freely, solemnly declares the acorn to be the seed and source of the entire forest.

But this at least suggests a certain generosity. What is perhaps a better analogue would be provided by an oak tree that acknowledged the full range of arboreal difference and then argued for the cutting down of all those trees, now called illegitimate, that did not begin as acorns. So (some) proceduralist philosophers argue for the rejection of any morality that is not or could not be produced by their procedure.⁹ Moral minimalism has indeed a critical function. If, however, every maximum but one (our own) is ruled out,

⁹I think that this is the argument of Bruce Ackerman's *Social Justice in the Liberal State* (New Haven, Conn.: Yale University Press, 1980).

we can immediately adopt that one as our critical standard: why bother with minimalism at all? Unless we can identify a neutral starting point from which many different and possibly legitimate moral cultures might develop, we can't construct a proceduralist minimum. But there is no such starting point. Moralities don't have a common beginning; the men and women who work them out are not like runners in a race—who also have a common set of rules and a common goal, neither of which play a part in the less organized work of cultural elaboration.

A far more modest proceduralism has recently been urged by Stuart Hampshire (in his book *Innocence and Experience*), who defends what he calls "a thin notion of minimum procedural justice . . . the conditions of mere decency."¹⁰ Hampshire is inclined to identify these conditions with the common (he says "species-wide") experience of political deliberation. He aims to derive from this experience a set of practical rules or understandings that might protect men and women from cruelty and oppression. His is clearly an argument for "truth" and "justice"—always in a minimalist style: just enough of the two so that the larger argument about truth and justice can go on and on. The larger argument has no necessary form; many different forms (not only democratic ones) meet the requirements of mere decency. Hampshire is not in the business of inventing or deducing ideal procedures to govern the argument and give shape and legitimacy to its outcomes. Outcomes can be right or wrong, good or bad, in a more local and particularist sense. What is important is that they be reached without tyrannical coercion or civil war. I take this to be a useful way of getting at the substance of moral minimalism; it is also, and this may be more important, a way closely attuned to twentieth-

¹⁰ Stuart Hampshire, *Innocence and Experience* (Cambridge, Mass.: Harvard University Press, 1989), esp. pp. 72–78.

century political experience. I would insist, however, that it isn't the only way.

Proceduralism is appealing because it ostensibly (in Hampshire's case, actually) allows for divergent outcomes; it locates commonality on the way to difference. We might also, however, reverse the argument, acknowledge the great diversity of historical processes, and look for similar or overlapping outcomes: locate commonality at the end-point of difference. Often, certainly, we put together the moral minimum by abstracting from social practices reiterated in many countries and cultures (rather than from the process of reiteration). The practice of government, for example, brings with it ideas about the responsibility of governors toward the governed. The practice of war brings with it ideas about combat between combatants, the exclusion of non-combatants, civilian immunity. The practice of commerce brings with it ideas about honesty, fair-dealing, and fraud. All these ideas are ineffective much of the time, no doubt, or they work only within highly elaborated cultural systems that give to each constituent practice a radically distinct form. Nonetheless, the ideas are available for minimalist use when occasions arise to use them.

VI

Now let's consider one possible occasion very much in today's news: when the solidarity we feel with people in trouble, confronting murder and oppression, seems to require not only marching but also fighting—military intervention on their behalf. No doubt, we should never be in a hurry to fight; I have argued elsewhere for a strong presumption against intervening in other people's countries.¹¹ Nor can every moral rule that we are able to describe in

¹¹ *Just and Unjust Wars* (New York: Basic Books, 1977), chapter 6.

minimalist terms serve to justify the use of force. We are more likely called upon to speak up for "truth" than to fight for it. "Justice," too, is better defended with the moral support of outsiders than with their coercive intervention. We might even say that this preference is a feature of the moral minimum. Nonetheless, there are times when it is morally justified to send armed men and women across a border—and minimalism alone (ultra-minimalism?) defines the time and fixes its limits.

So we intervene, if not on behalf of "truth" and "justice," then on behalf of "life" and "liberty" (against massacre or enslavement, say). We assume that the people we are trying to help really want to be helped. There may still be reasons for holding back, but the belief that these people prefer to be massacred or enslaved won't be among them. Yes, some things that we consider oppressive are not so regarded everywhere. The consideration is a feature of our own maximal morality, and it cannot provide us with an occasion for military intervention. We cannot conscript people to march in our parade. But minimalism makes for (some) presumptive occasions, in politics just as it does in private life. We will use force, for example, to stop a person from committing suicide, without knowing in advance who he is or where he comes from. Perhaps he has reasons for suicide confirmed by his maximal morality, endorsed by his moral community. Even so, "life" is a reiterated value and defending it is an act of solidarity. And if we give up the forcible defense out of respect for his reasons, we might still criticize the moral culture that provides those reasons: it is insufficiently attentive, we might say, to the value of life.

VII

Minimal morality is very important, both for the sake of criticism and for the sake of solidarity. But it can't sub-

stitute for or replace the defense of thickly conceived values. Social democracy, market freedom, moral *laissez-faire*, republican virtue, this or that idea of public decency or the good life—all these have to be defended in their own terms. Our arguments on their behalf are likely to be inclusive of the moral minimum, but they are not continuous with it, not derived from it or entailed by it. If we are to make these arguments properly, honestly, we have to be clear about their status: they are *ours*, not, until we have persuaded the others, everyone's. Minimalism, by contrast, is less the product of persuasion than of mutual recognition among the protagonists of different fully developed moral cultures. It consists in principles and rules that are reiterated in different times and places, and that are seen to be similar even though they are expressed in different idioms and reflect different histories and different versions of the world. I won't consider here the reasons for the reiterations or for the differences (a naturalistic account seems best for the first, a cultural account for the second). It is enough to stress the dual effect of these principles and rules. In context, everyday, they provide contrasting perspectives; seen from a distance, in moments of crisis and confrontation, they make for commonality.

I should stress that what is recognized is just this (partial) commonality, not the full moral significance of the other cultures. Most people most of the time do not see the others, in context, as carriers of value; most people are not pluralists. Cultural pluralism is a maximalist idea, the product of a thickly developed liberal politics. Minimalism depends on something less: most simply, perhaps, on the fact that we have moral expectations about the behavior not only of our fellows but of strangers too. And they have overlapping expectations about their own behavior and ours as well. Though we have different histories, we have common experiences and, sometimes, common responses, and out of these we fashion, as needed, the moral

minimum. It is a jerry-built and ramshackle affair—as hastily put together as the signs for the Prague march.

Minimalism, then, is quite unlike Orwell's statue, liberated from the shapeless stone. We have in fact no knowledge of the stone; we begin with the finished statue; maximalist in style, ancient, carved by many hands. And then, in moments of crisis, we hastily construct an abstract version, a stick figure, a cartoon, that only alludes to the complexity of the original. We seize upon a single aspect, relevant to our immediate (often polemical) purposes and widely recognizable. What unites us at such a time is more the sense of a common enemy than the commitment to a common culture. We don't all possess or admire the same statue, but we understand the abstraction. It is the product of a historical conjuncture, not of a philosophical "in-the-beginning."

Minimalism is not foundational: it is not the case that different groups of people discover that they are all committed to the same set of ultimate values. Among the supporters of the Prague demonstrations, to take an easy example, were Christian fundamentalists for whom secular "truth" and "justice" are not the most important things. But they too can join in celebrating the downfall of the regime of lies. Often enough, what goes deepest for one group (personal salvation or the knowledge of God, say) is likely to mean little to another—so that the first group is hard pressed to understand how members of the second can possibly be moral men and women. We are constantly surprised by goodness in others, like the rabbis of ancient Israel by "righteous gentiles" or Jesuit missionaries by the godless Chinese or cold war Americans by communist dissidents. We share some values with these others, including important values, for which it is sometimes necessary to march (and sometimes to fight). But the minimum is not the foundation of the maximum, only a piece of it. The value of minimalism lies in the encounters it facilitates, of which it is also the product. But these

encounters are not—not now, at least—sufficiently sustained to produce a thick morality. Minimalism leaves room for thickness elsewhere; indeed, it presupposes thickness elsewhere. If we did not have our own parade, we could not march vicariously in Prague. We would have no understanding at all of "truth" or "justice."

TWO: *Distributive Justice* *As A Maximalist Morality*

I

I want to take distributive justice as an example of a thick or maximalist morality. No doubt there are minimalist versions; I will say something about them later on. But any full account of how social goods ought to be distributed will display the features of moral maximalism: it will be idiomatic in its language, particularist in its cultural reference, and circumstantial in the two senses of that word: historically dependent and factually detailed. Its principles and procedures will have been worked out over a long period of time through complex social interactions. Arguments among individuals and groups are an important part of these interactions; they don't, however, constitute the set, which also includes social conflict, political bargaining, cultural imitation, and (sometimes) religious revelation. The process as a whole is virtually impossible to reconstruct, but it is surely misrepresented when it is described, late in the day, as if it had been guided from the beginning by a single, comprehensive, and universal principle. All such principles are abstractions and simplifications that, when analyzed, reveal their idiomatic, particularist, and circumstantial character.

Consider the ancient Greek maxim according to which we ought "to give every man his due." This maxim epitomizes, first, a profoundly hierarchical (and, no doubt, sexist) understanding of both the social and moral worlds and then a fairly complacent conviction that the two worlds are cognitively accessible in detail. There was no

single measure of “dueness” among the Greeks (though social status and moral virtue tended to run together), but one knew, nonetheless, what was due to oneself and to everyone else. The signs were assumed to be evident or at least available, and they were also assumed to differentiate individuals in a conventionally graded way, from higher to lower, more to less worthy.¹² Though the maxim is reproduced in Justinian’s *Code*, it is pre-Christian and non-Christian in its origin and meaning. Hamlet’s famous question

Use every man after his desert,
and who would ’scape whipping?

reflects a very different world view.¹³ I doubt that the Greeks ever imagined the radical egalitarianism of universal depravity, which would indeed turn their maxim into a frightening distributive principle. In its time and place, however, it doesn’t seem to have been at all frightening; its advocates, for all their recognition of the world’s uncertainties, were sure enough, most of the time, that they would be well served if they were given their due, used after their deserts.

A similar analysis can be made of the maxim that epitomizes (though with less claim to completeness) liberal or bourgeois justice: equality of opportunity or, in the more evocative style of the French Revolution, “the career open to talents.” It might be said that nothing more is being

¹² Cf. Aristotle’s more complicated formulation: “Justice is relative to persons; and a just distribution is one in which the relative values of the things given correspond to those of the persons receiving . . .” *Politics*, 1280a (trans. Ernest Barker [Oxford: Oxford University Press, 1948], p. 136). For the simpler version, see K. J. Dover, *Greek Popular Morality in the Time of Plato and Aristotle* (Berkeley: University of California Press, 1974), pp. 180–183.

¹³ *Institutes* I.i.1; *Hamlet* II.ii.

claimed here than the superiority of one kind of “dueness” over another: virtue or talent must override or, better, must determine social status. Indeed, these are the slogans of the long struggle against hereditary privilege. But they reflect also a wholly new understanding of everyday life. Careers are to be *open*, that is, free from the obstacles of a stratified system—but also deprived of any sort of guarantee. Talents are not simply recognized and rewarded; they must be deployed in a free competition for whatever opportunities are available. There is no necessary match of talents and opportunities, let alone of talents and rewards. What is (morally) necessary is only an equality of chances, which is also an equality of risk. Hierarchy is replaced by universal striving and contention, romantically celebrated as the seed-bed of individuality and self-realization.

This self that struggles to realize itself is well known to us; it is the subject of most Western and modern theories of distributive justice. We are likely to think of it in the first person singular—as John Rawls, for example, invites us to do when we put ourselves, each one of us, in the original position and ask what social arrangements would best suit our (possible or conceivable) life plans.¹⁴ It is not every kind of life that is lived according to a plan. Today we commonly think of our lives as projects, undertakings in which we ourselves are the undertakers, the entrepreneurs, the managers and organizers of our own activities. And the set of our activities, extended over time, planned in advance, aimed at a goal (a respected place in the social system or a conventionally recognized accomplishment)—this is what we mean by a *career*. The word first appears in English with this meaning in 1803; it obviously comes earlier in French, but probably not very much earlier.

¹⁴ On life plans, see Rawls, *A Theory of Justice* (Cambridge, Mass.: Harvard University Press, 1971), pp. 407–416.

But this is a historically specific and peculiar understanding of a human life. Think of the alternatives: (1) an inherited life, where I simply take over the place and accomplishments of my parents and make them my own; (2) a socially regulated life, where I get precisely what is due to my birth or my virtue; (3) a spontaneous life, randomly constituted by circumstance and impulse; (4) a divinely ordained or predestined life, where the plan is God's, not mine, and I obey his will insofar as I can make it out. "Equality of opportunity" is a possible, and a valuable, distributive principle only when significant numbers of men and women have given up these alternatives and come to think of their lives as careers. For it is the opportunity to pursue that kind of life that is now being distributed. Or, more directly, if we think of the full range of distributive procedures sanctioned by the maxim—admission and appointment committees, anti-nepotism and anti-discrimination laws, civil service exams, and so on—careers themselves are being distributed. But this can only be done if there are people with ambitions of the appropriate kind, who intend to have a career.

So we are distributing lives of a certain sort, and what counts as justice in distribution depends on what that "sort" is or, better, on the meaning of lives like that for the people whose lives they are. We also distribute life itself, mere life, physical life, which is given and taken in courts of law judging capital cases, or on the battlefield, or in hospitals. Here the criteria are entirely different; we make no inquiry into the talent or the professional qualifications of the defendant, the enemy soldier, or the patient. It is the guilt or innocence of the defendant, the threat posed by the enemy, and the illness of the patient that determine our responses. Of course, talent and qualification are not the only criteria ruled out in these distributions of life and death but also social status, wealth, and political power: I will come back to exclusions of this latter sort later on.

Cases of triage are different again. Now we are likely to sort people out according to their life chances. We will not treat the most sick or the most severely injured first (nor, presumably, the wealthiest or the most famous), but attend instead to those who have the greatest chance to seize their chances: life is given to those who might still pursue a lifelong career. I suppose that this is what equality of opportunity requires under conditions of crisis. In times and places where human life was differently understood, different criteria applied. Consider, for example, the medieval Jewish laws that regulated the ransoming of captives, an unhappily frequent necessity that was assigned first place in the distributive hierarchy, first call on communal resources. But what to do when there were many captives and resources were short? The rules of triage required that women be ransomed before men, scholars before laymen.¹⁵ Women came first because their honor (or purity) as well as their lives were at risk in captivity; scholars came first because their lives were of greater value to the community (they were also the authors of the legal texts in which this value was assigned). I can imagine a number of ways to criticize each of these priorities, but we must first understand them. The idea of life as a chosen career, valued because of the choice, is wholly alien to the people who worked them out. And if it was also alien to the people whose lives were at stake, then *this* critical principle, equality of opportunity, individual autonomy, is probably not one that we can usefully or rightly apply to the medieval case.

¹⁵ Maimonides, "Gifts to the Poor" 8:10–18 in *The Code of Maimonides*, VII: *The Book of Agriculture*, trans. Isaac Klein (New Haven: Yale University Press, 1979), pp. 82–84.

II

I came to the basic idea of *Spheres of Justice* by reflecting on examples like these, in which the governing principles did not seem to have the universal reach that philosophers commonly look for. The basic idea is that distributive justice must stand in some relation to the goods that are being distributed. And since these goods have no essential nature, this means that it must stand in some relation to the place that these goods hold in the (mental and material) lives of the people among whom they are distributed. Hence my own maxim: distributive justice is relative to social meanings.¹⁶ I now hasten to add, given the storm of criticism this maxim has provoked, *not relative simply*, for justice in distributions is a maximalist morality, and it takes shape along with, constrained by, a reiterated minimalism—the very idea of “justice,” which provides a critical perspective and a negative doctrine. Murder as a way of distributing life and death, for example, whether it is the work of a neighborhood thug or the secret police, is everywhere ruled out. The rule will be expressed in different cultural idioms, but its meaning, and even its reasons, will be more readily available to outsiders than will the meaning of human life as a career, an inheritance, or a divine gift. And our solidarity with people threatened by murderers is easier, quicker, and more obvious than with people struggling against religious prophets, or aristocratic families, or bourgeois careerists.

There is another constraint built into my “relativist” maxim: the reference to social meanings requires some understanding of how such meanings are constituted and how they can be recognized. I suppose that they must meet

¹⁶ Michael Walzer, *Spheres of Justice: A Defense of Pluralism and Equality* (New York: Basic Books, 1983), chapter I.

certain criteria—non-substantive but not merely formal. They must actually be shared across a society, among a group of people with a common life; and the sharing cannot be the result of radical coercion. Since all socialization is coercive, this is again a minimalist principle. It doesn't require that social meanings be worked out or agreed to in anything like the Habermasian ideal speech situation. All that it requires is that the extorted agreement of slaves to their slavery, to take another easy example, should not count in establishing the common understandings of a society.¹⁷ We must look for real agreements of the sort illustrated by the contemporary view of life-as-a-career. We reach such a view at the end of a complex historical process, and in that process coercion undoubtedly has a part—think of the French (and every other) Revolution—but not such a part as to render the agreement spurious, a mere trick of the powerful.

Social meanings are not just *there*, agreed on once and for all. Meanings change over time as a result of internal tension and external example; hence, they are always subject to dispute. The fact that there actually are disputes, radically different interpretations of social meaning, fierce intellectual and political battles over this or that social good, has led critics to question the relativity of distributions to meanings. If meanings are disputed and therefore, in the absence of a supreme judge, indeterminate, what is the nature of the relation? Well, what is it that's in dispute? What do we argue about? Someone insists, say, that in cases of triage we should attend only to life chances: his interpretation of life-as-a-career is singular and absolute. Someone else argues that we should attend also to

¹⁷ The moral relation of slaves and masters is probably better understood by thinking about just and unjust wars than about distributive justice: see *Spheres of Justice*, p. 250n.

suffering: her interpretation is more qualified. They may indeed disagree fiercely, but they are arguing within a world they share, where the range of social meanings is fairly narrow. Medieval Jews would have difficulty joining the argument, even if they could (as I think they could) figure it out. And, very often, distributive disputes take an even narrower form than this: we find ourselves in agreement on the meaning of the disputed good and even on the principle of allocation that follows from that meaning, and we argue only about the application of the principle in these or those circumstances. Indeed, agreements on the most critical social goods are commonly both deep and long lasting, so that we are likely to recognize them and understand how they change over time and how they come into dispute only if we turn away from more immediate and local arguments and take the long view. We will never grasp the idea of social meaning unless we get its horizons right.

III

Consider, then, the cure of souls and the cure of bodies in the medieval and modern West—my favorite example from *Spheres of Justice* and one that I would like, someday, to develop at length.¹⁸ The most striking feature of the medieval cure of souls is its socialized character. The Christian world was organized so as to make repentance and salvation universally available. The availability was financed with public funds (tithes) and regulated by ecclesiastical laws that provided for the presence of a priest in every parish, the catechism of children, confession and communion at fixed intervals. This elaborate distributive machinery is best understood, it seems to me, as a function

of the social meaning of the good that was being distributed: eternal life. I can't attempt here to describe what this good actually meant in the common life of medieval Christians. The everyday role of eternity is no doubt a difficult matter, especially for those of us who have lost or given up its comforts. It is enough to say that eternity was both real and important or, more precisely, that medieval Christians agreed on its reality and importance. And from this agreement there followed the moral necessity of socialized distribution.¹⁹

The cure of bodies, by contrast, was commonly taken to be less real or less certain and also less important, and so it was left in private hands. No one seems to have worried much about the fact that wealthy and powerful men and women had access to medical treatment unavailable to anyone else. Church officials who tolerated a similar distribution of pastoral care were more likely to be the objects of critical attack. The priestly "pluralist" who collected tithes from several parishes and served none of them, living in the capital city and attending the powerful, is a common figure of medieval and early modern satire. Courtly physicians, who were also paid out of public funds, were not thought to have the same sort of socially extended obligations.

None of this seems unjust to me—and this is not because I am bound by my "relativist" maxim to defer to the conventions of the age (any age). For if these conventions were imposed by force, the mere ideology of the ruling class, the idea of social meaning might usefully be deployed in criticism of them. But what we have here is a maximalist morality, a thick understanding of life and death, a human culture. To this we ought certainly to defer, for it

¹⁸ *Spheres of Justice*, p. 87.

¹⁹ Marshall W. Baldwin, *The Medieval Church* (Ithaca: Cornell University Press, 1953), introduction and chapter 1.

makes no moral sense to wag our finger at medieval Christians, insisting that they *should have had* our understanding of life and death. But we can criticize the distributions they enforced insofar as we think of these as options for ourselves. I doubt, in fact, that most of us could do anything but criticize them, so considered, for we are the products of a profound cultural transformation.

Over a long period of time, ordinary men and women came increasingly to question the reality or the central importance or the public availability of eternal life. We might say that they substituted longevity for eternity—though I am sure that longevity was always considered a good thing. It is not so much that it became a better thing, but rather that the advance of medical knowledge made it more available and so more highly valued. Descartes, who was in this case a prophet as much as a philosopher, anticipated the advance and its effects when he wrote in his *Discourse on Method* that “the preservation of health” was “no doubt the chief of all goods.” He proposed to spend the rest of his life in pursuit of medical knowledge so “that we might be liberated from a number of disorders, both of mind and body, and perhaps also from the feebleness of old age”—as convinced of the possibility of success as medieval Christians had been when they pursued the knowledge of God and the liberation of the spirit.²⁰

The increasing recognition of health and longevity as goods of great value and ready availability brought with it an increasing public commitment, first to the prevention of disease and then to individual therapy. The cure of bodies was gradually socialized, even as the cure of souls was being privatized. Tax money was assigned to public health, hospital construction, medical training, and much else,

²⁰ René Descartes, *Discourse on Method*, trans. Arthur Wollaston (Hammondsworth: Penguin Classics, 1960), p. 85.

and the state's coercive powers were enlisted (to require vaccination, for example). But eternal life ceased to be recognized as a social good in which the public and its agencies might legitimately take an interest.

It seems to me impossible to look at this long process of cultural transformation and pick out the precise moment at which justice required socialized health care or ceased to require socialized salvation. One can imagine an extended period of time during which a strong case might have been made for public support of both the cure of souls and the cure of bodies, or of either one, or, perhaps, of neither one. What is striking, however, is that no case can be made today, in the West, for the use of the state's coercive power to require religious communion or church attendance; and despite the continuing debate over health care in this country, I am inclined to say that no case can be made today for the disengagement of the state from the cure of bodies. What forms socialized care should take, exactly how egalitarian it ought to be, what scope should be allowed to the private practice of medicine, how coercive the state can be (in the case of medical testing, say, or of safety laws): all this is still subject to debate, much as the extent and legitimacy of coercion in religious matters—forced attendance at church services, for example—was debated in the early modern period. But the gross structure of justice-in-cures is given in advance of these arguments.

The arguments are necessarily local in character, precisely because they follow from or build upon deep cultural understandings. No one in Prague, say, will be moved to demonstrate on behalf of American advocates of national health insurance; that campaign is an example of what I mean by “our own parade.” Nor, needless to say, would taxation for medical services or even the restraint of private enterprise in health care provide a legitimate occasion for military intervention in our affairs (in the name of “liberty”).

IV

So: we cannot decide on the distribution of medical and pastoral care until we understand the meaning of longevity and eternity in the lives of the people who are being cared for. We must *attend to the goods*—not to the good (in the singular) because even if Descartes was right when he called health the “chief” good, it is not the only one; nor does the quality that gives it its “chiefness” determine the relative value of all the other goods. They are independently valued in accordance with the place they hold in the lives of their valuers. Nor do I believe, despite Descartes’s assignment of primacy, that there is any *summum bonum* or overall hierarchy of goods. When conflicts arise, we will argue about priorities, offering different interpretations of the place of this or that good in our common life. But conflicts don’t always arise. Social meanings and the principles and processes they entail are commonly distinct and autonomous. Indeed, autonomy is a basic distributive principle, itself entailed by the differentiation of goods. When we distribute careers (or career opportunities) to the talented, or health care to the sick, or salvation to the faithful, we are rejecting the claims of the well-born, the well-off, and the powerful. Each social good has a separate set of legitimate claimants. And so we might well go on to recognize the claims of the well-born to social status, say, or the well-off to market commodities, or the powerful to political influence.

Each of these latter claims requires, of course, extended discussion and qualification; I don’t mean to endorse them in any simple way. But they are claims of the right sort, which is to say, differentiated and specific. If we insist on differentiation and specificity across the range of claims, the sum of our rejections, recognitions, and qualifications will yield what I want to call “complex equality,” a social condition where no group of claimants dominates the different distributive processes. No one good rules over all

the others, such that possessing it brings everything else in train. Justice requires the defense of difference—different goods distributed for different reasons among different groups of people—and it is this requirement that makes justice a thick or maximalist moral idea, reflecting the actual thickness of particular cultures and societies.

Simple and straightforward equality is a very thin idea, reiterated in one form or another in (almost) every distributive system, and useful in the criticism of certain gross injustices, but quite incapable of governing the full range of distributions. It serves more as a constraint, a kind of critical minimalism—as when we say that someone is not being treated “like a human being” or when we condemn racial discrimination. Any effort to enforce equality across the board is immediately self-contradictory, for the enforcement would require a radical concentration, and therefore a radically unequal distribution, of political power. A simple and straightforward hierarchy—the old over the young, the educated over the ignorant, the well-born over the low-born—makes even more directly for domination; it is simply the triumph of one good over all the others. Each of the goods that have shaped conventional hierarchies can play its part in a complex distributive system: seniority in the management of a factory or company, for example, learning in the organization of a school or academy, familial reputation in the social register and the gossip column. But a society in which any one of these was effectively dominant would be a one-dimensional, a frighteningly thin, society.

Though the twentieth century provides some striking examples of the perverse utopianism of simple equality, the major challenge to distributive justice—in the past and in our own time—comes from the effort to deploy a single good across the range of goods. I have used the spatial imagery of “spheres” to describe this deployment. Think of each social good as enclosed within boundaries fixed by the reach of its entailed distributive principles and the

legitimate authority of its distributive agents. Then the deployment of one good outside its sphere—money is the obvious example—is a kind of illegitimate boundary crossing, an act of distributive aggression. When such acts are occasional, they are likely to be seen as cases of corruption or, more evocatively, as scandals. A wealthy man is caught trying to bribe a public official: he is crossing illegitimately from the sphere of the market, where money counts, to the political sphere, where it is not supposed to count. Caught in the act, he will be condemned by the press and perhaps also by the courts—for in the effort to stop such boundary crossings we have made bribery illegal. But if the wealthy as a class have public officials in their pocket, as it were, if the crossing has already been effected and the corruption has become systematic, then what we have is not scandal but tyranny. We usually recognize tyranny by boundary crossings the other way, as in the classic definition of the tyrant as a political ruler who seizes the daughters and the money of his subjects, deploying his power in the domestic and market spheres.²¹ But any aggression makes for tyranny; plutocrats are tyrants too, even if their rule has non-political origins. Indeed, this is the standard form of tyranny in capitalist societies.

If we attend to the goods that are being distributed, and to their social meaning, and to the principles and procedures that follow from their meaning, then we will be able to recognize scandalous and tyrannical boundary crossings. These are not the only forms of injustice, but they are the most common forms in any society that has achieved some significant degree of differentiation. The theory of complex equality provides an account of what is wrong with plutocracy, theocracy, meritocracy, geron-

²¹ See Machiavelli's advice to his prince to avoid injustice of this sort, if only for prudential reasons: *The Prince*, chapter 17.

ocracy, technocracy, and every other effort to make one good, and the qualities associated with its possession, dominant over all other goods and qualities. This is the critical force of the theory. I want to stress that this criticism, directed against aggressive boundary crossings, is also a *défense of boundaries*. An alternative criticism of established systems of distributive justice aims to abolish the boundaries and the differences among spheres—in the belief that society is (really) all of a piece. Its protagonists hold that theories of social differentiation and complex equality are in fact ideologies, disguising the actual unity of society and then, depending on the direction from which this criticism comes, either dividing the opponents of the ruling class or fostering an illegitimate opposition. Consider now two versions of this alternative view.

On the left, or some parts of the left, society is said to be wholly political, such that all decisions, in personal and domestic life, in the market, in churches, hospitals, and friendly associations, and of course in the state, reflect a unified pattern of domination that has its origin in capitalism or patriarchy or racism and must be opposed with a single-minded democratic (or vanguardist) politics.²² On the right, or some parts of the right, society is said to be one large exchange system, where autonomous individuals ought to be allowed to calculate their chances and maximize their values, without any sort of familial or communal, political or religious, interference.²³ Commodities, opportunities, capacities, places or positions of all sorts are, on this view, identical kinds of things, which individuals legitimately come to possess by paying the

²² See the argument of Isaac D. Balbus, *Marxism and Domination* (Princeton, N.J.: Princeton University Press, 1982).

²³ A useful example of this sort of market imperialism is Gary Becker, *The Economic Approach to Human Behavior* (Chicago: University of Chicago Press, 1976).

market price—and in no other way. There are, no doubt, other doctrines that assert (or seek to recover) the unity of social life, but these are the two doctrines most familiar to us. Both their defenders and opponents are likely to believe that these two exhaust the range of contemporary possibility. One: if we don't organize a political challenge to, say, capitalist domination, the rulers of the market will rule everywhere. Two: if we don't uphold the free market in social goods, we will end up in servitude to the state or the party.

V

Behind these two totalizing views of society, we can glimpse something else: two visions of human wholeness. On the one hand, the ideal human being is the citizen, a radically political person, active and engaged, sovereign over all distributive decisions, even though this sovereignty must be shared with the body of citizens and exercised collectively. On the other hand, the ideal human being is the rational maximizer, a radically autonomous individual, calculating, risk-taking, who makes his or her distributive decisions alone, even though these are subject to the impersonal coordination of the market. What both these views share is the sense that the self is or ought to be one self, unified and single-minded in all its transactions. Insofar as this self acknowledges different sorts of goods, it always does so in the same way: making its choices under the aegis of a political ideology or an individualized hierarchy of value.

But these are, both of them, radically minimalist accounts of the human person. They derive their (real but limited) critical force from the experience of societies where democratic decision making has been repressed or devalued or confined to a privileged group or where market exchange has been coercively controlled by local authori-

ties or planned and directed by the central state. In such cases, it is relatively easy to see the point of the demand for political or economic rights. But neither of these demands represents the be-all or end-all of human liberation. The rights in question are rights to act within a sphere (the sphere of politics has a specially extended form, but I will leave that aside for now) in ways appropriate to that sphere. The two modes of action—politics and exchange—draw on some of the interests and capacities of the self as we understand it, but they don't by any means exhaust those interests and capacities. In fact, the self is as differentiated as the society in which it participates. The production of difference in both self and society is the dominant feature of, though it is certainly not unique to, modern history. Contemporary theories of citizenship and rational choice that ignore the differences or deny their value ought, therefore, to be rejected.

Plato's observation that tyranny in society makes for, and is the work of, a tyrannical self has ramifications far beyond the political sphere.²⁴ Plutocrats and meritocrats, as I have already suggested, are tyrants as much as autocrats are, and their personalities are distorted in comparable ways. In all three cases the self is dominated by a single set of interests and qualities. It may be that this domination is functional to certain sorts of worldly success (though Plato didn't think so). Hence the stark alternative posed by the Irish poet, William Butler Yeats:

The intellect of man is forced to choose
Perfection of the life, or of the work.²⁵

The second perfection requires, on this view, a terrible one-sidedness; the first allows for a many-sided development of the self—as in the aristocratic ideal of the Renaissance. If

²⁴ Plato, *The Republic* VIII: 566–569.

²⁵ Yeats, "The Choice."

this is right, then we would have to pay a price for complex equality: the refusal to assign the full range of social goods on the basis of a single talent or a single achievement, in the state or the market or the arts and sciences, would deprive us of some great and glorious achievements. But it would also free us from the domination of tyrannical selves.

I suppose that tyrannical selves have a relatively easy time planning their careers. Unjust societies make for simplified projects, since they hold forth the promise that success in winning one social good can be converted into general success—a triumphant parade through all the spheres. But this triumph can only be achieved at the expense of other people seeking other, valued but non-dominant, goods. A just society, by contrast, makes for complicated life plans, in which the self distributes itself, as it were, among the spheres, figuring simultaneously as a loving parent, a qualified worker, a committed citizen, an apt student, a discerning critic, a faithful member of the church, a helpful neighbor. No doubt, it is easy to imagine people distributing themselves in this way and earning, as it were, less complementary adjectives. I mean only to argue that we are more likely to aim at these different qualities if we are sure that intrinsic or at least different rewards are available for each of them—and no single convertible reward available for any one of them.

VI

Is complex equality a descriptive or a prescriptive morality? Does it gain thickness only by surrendering critical force? I hope to answer these questions in my third chapter, but it will be useful to anticipate that answer here. Certainly, complexity is in one sense descriptive; it mirrors the conventional values of helpfulness, faithfulness, critical discernment, and so on. It represents theoretically

the actual pluralism of social goods and distributive principles and processes. It defends difference in a differentiated society. But since these “conventional” values are commonly neglected and frequently disparaged, and since this “actual” pluralism is often overridden and difference often tyrannically repressed, complexity is also, simultaneously, a critical standard. And the theory is a mirror in this second sense, that we see in it the real failures of our society and ourselves.

Here is another way in which distributive justice, properly understood, is a maximalist morality. Every maximalism stands in an intimate descriptive/critical relation with its own society. For what it expresses in its idiomatic, particularist, and circumstantial style is the socially constructed idealism of *these* people. It describes the things they make and value and distribute among themselves and the personal qualities that they cultivate and mean to respect, even if they most often fail to respect them, in the course of the distributions. Minimalism, by contrast, is a simplified and singleminded morality. It works with an elementary and undifferentiated understanding of society and itself, abstracted from all the actual and elaborated understandings. A minimalist view is a view from a distance or a view in a crisis, so that we can recognize injustice only in the large. We can see and condemn certain sorts of boundary crossings, gross invasions of the domestic sphere, for example, like the appearance of the secret police in the middle of the night. But we won't have much to say about the precise boundaries of the home and the family or the character of legitimate action within the kinship system (or anywhere else). Minimalism gives us no access to the range of social meanings or the specific forms of distributive complexity. We can deal justly, as agents of distribution and as critics-in-detail, only from the inside of a maximalist morality.

THREE: *Maximalism and The Social Critic*

I

I have written two books on social criticism, and I am not sure that I have much left to say.²⁶ But I will try here to describe, more explicitly than I have yet done, how criticism works from within a particularist and therefore maximalist theory of distributive justice. For it has been a common reproach to *Spheres of Justice*—to the argument that distributive standards are internal to a culture—that it precludes serious or radical social criticism. This is a worrisome matter: for my purpose in writing the book, to paraphrase Shakespeare's *Othello*, was nothing if not critical.²⁷

The best way to begin is to suggest the natural or, at least, the most obvious form of internal or "immanent" criticism. I think that this is also the most common form of criticism generally, not only of institutions and practices but also of individual behavior. It's not my purpose here to address the question of individuals, but it is worth noting the extent to which social criticism works from what might be called the private or personal analogy. We often criticize friends and colleagues for not living up to a set of

²⁶ *Interpretation and Social Criticism; The Company of Critics: Social Criticism and Political Commitment in the Twentieth Century* (New York: Basic Books, 1988).

²⁷ "Do not put me to't/For I am nothing if not critical," *Othello* II.i.

standards that we and they profess to honor. We measure them against their own pretended ideals; we charge them with hypocrisy or bad faith. A critic who holds up a mirror to society as a whole is engaged in a similar enterprise. He means to show us *as we really are*, and what gives this demonstration its moral force, what makes the mirror a critical instrument inspiring dismay and guilt, is a pervasive and profound social idealism. Individuals need to maintain a high opinion of themselves, a sense of their probity and righteousness; and similarly the members of any society (especially the leading members) need to believe that their distributive arrangements and policies are just. Hence the lies they tell, not only to others but also to themselves, their everyday evasions, and the veil they draw over the more ugly features of the world they have made. The critic tears aside the veil.

The need for self-justification has, no doubt, a number of reasons; we can give both cynical and sympathetic accounts of it. Why did the pharaohs of ancient Egypt, for example, or the kings of Babylonia and Assyria, in the earliest inscriptions, proclaim their commitment to seeing justice done, the poor sustained, widows and orphans protected?²⁸ Was it because they thought that their power would be more secure if their subjects believed in the commitment? Or because their own self-esteem depended on thinking themselves committed? Or because the rituals of commitment (and then the inscriptions) were required by the gods? Or because this was what the rulers of states had always said about themselves? (But why had they said it?) It doesn't matter. If the pharaoh promises that he will see justice done, then the way is open for some Egyptian scribe to take his courage in his hands and

²⁸ H. W. F. Saggs, *Civilization Before Greece and Rome* (New Haven, Conn.: Yale University Press, 1989), chapter 8.

write out a catalogue of all the injustices the pharaoh in fact condones.

But this kind of criticism, though brave enough, is limited by the reigning or conventional ideals. What if the scribe wants to criticize the conventions? It's not likely that he means to deny that justice ought to be done. Perhaps he has some new vision of what justice entails. If the new vision is to be persuasive, however, it will have to be connected by argument to the old one. Sustaining the poor with royal charity, the scribe might say, brings no end to poverty; what is needed instead is an agrarian law, a division of the land. (It will matter, of course, how the land is understood. Is it a gift of the gods? To whom? For what purpose?) Or perhaps the scribe believes that this pharaoh, or pharaohs generally, will never live up to the conventional commitments: what is needed is priestly or, even better, scribal rule. I don't know of any Egyptian scribes who made arguments of this sort; I only want to insist that they are possible arguments. They start from the existing social idealism and claim that the ideals are hypocritically held, or ineffectively enforced by the powers that be, or inadequate in their own terms.

Consider a better known, more extensively documented, example: the critique of hierarchy in medieval and early modern Europe. Here there was (what probably also existed in the ancient world) a complex and internally divided ideological system. I will mark off, schematically, only two forms of justification: religious and secular, Christian and feudal. Hierarchy had, of course, its religious defense and its clerical defenders, but Christianity was also always at least potentially subversive, its biblical texts suggesting a kind of primitive or original egalitarianism:

When Adam delved and Eve span,
Who was then the gentleman?

But I want to focus here on feudal ideology, hierarchical from start to finish, though not without its own critical

potential. For it was the claim of the gentlemen, lords, and barons who occupied each hierarchical rank, that they served the ranks below. Service was the social ideal of the feudal system; its founding myth was a tale of the strong defending the weak.²⁹ The usual crowd of scribes, lay or clerical, provided the usual mapping out of the ideal in terms of justice done and protection provided. And when justice was not done and protection not provided, an occasional critic appeared to castigate a dissolute and degenerate aristocracy.

But criticism of this sort, it might be said again, in fact upholds the system, for it is addressed only to deviant individuals or groups. The bad aristocrats are castigated, while aristocracy itself is celebrated and the ideal of service reaffirmed. So they are; but the celebration is subversive insofar as the aristocratic ideal is distinguished from every actual instance of aristocratic behavior. Soon some bolder critic will ask why it is that these lordly and privileged men so rarely perform the services that supposedly justify their position. The revolutionary critique of aristocrats as parasites has its origin here: they have work to do but don't do it!³⁰

Hierarchy is a distributive system in which place, standing, and role are thickly intertwined—in discourse, not necessarily in practice. Or, perhaps, necessarily not in practice, for pride of place undercuts the willingness to serve. Aristocrats find other roles—leisure, display, wit, intrigue—with far less cultural legitimacy. Thus the bold lines of Beaumarchais' Figaro: "Nobility, fortune, rank, position! How proud they make a man feel! What have

²⁹ Georges Duby, *The Three Orders: Feudal Society Imagined*, trans. Arthur Goldhammer (Chicago: University of Chicago Press, 1980), esp. chapters 5, 13, 22.

³⁰ The Abbé Sieyès, *What is the Third Estate?* trans. M. Blondel (London: Pall Mall Press, 1963), chapter 1.

you done to deserve such advantages? Put yourself to the trouble of being born—nothing more!"³¹ A helpful or protective lord or baron is now seen as a contradiction in terms (much like a benevolent despot—the adjective is readily deployed against the noun). And then there is no way to justify hierarchical standing. The whole structure collapses. I would suggest that the egalitarian doctrine of "the rights of man" was the product of, or was made possible by, this collapse. The feudal fortress was not stormed from without until it had been undermined from within. Or, to shift the metaphor, equality grows out of the critique of a failed hierarchy.³²

Something similar could be said, I think, about the example with which I began my first chapter. How did the Czechs, and other East European dissidents, go about criticizing communism? Here too there existed a complex ideological culture, and it seems likely that a certain kind of criticism, and with it an elaborate pattern of evasion and resistance, was sustained from the beginning in religious and nationalist terms. This was mostly a submerged and clandestine critique, however, expressed only in private, to family and friends. It would be worth investigating in detail how criticism of this kind actually works under conditions of tyrannical repression; the crucial point, however, is that it does work. It even affects the distribution of such social goods as it can still (at least partially) control—recognition and honor, for example. But

³¹ Beaumarchais, *The Barber of Seville and The Marriage of Figaro*, trans. John Wood (Harmondsworth: Penguin Books, 1964). *Marriage*, Act V, p. 199.

³² Michel Foucault's argument for a radical and pretty much incomprehensible break between one *épistème* and its chronological successor (*The Order of Things*, trans. Alan Sheridan [New York: Pantheon, 1972]), whatever its value in intellectual history generally, doesn't seem to fit the history of political and social criticism.

the most dangerous criticism, which tyrants fear more than any other, is the criticism shaped not by old loyalties and ideologies but by their own putative idealism. The primary critics of communism, who opened the way for nationalists and Christians, were dissident communists, demanding that the tyrants actually deliver on the values to which they claimed to be committed (and to which their critics were really committed): freedom, equality, and democratic government.

The critique of communist tyranny no doubt also reflected a reiterated minimalism—hence our own instant solidarity with it. But this solidarity had its limits, for the full program of the earliest dissidents was a communist, even a Leninist, program that could not have been endorsed by many of their Western sympathizers.³³ Indeed, the full program lost much of its relevance, even for its Eastern sympathizers, as soon as the communist regimes collapsed, so much was it, if not a function of the regimes themselves, a product of the movements and ideology out of which the regimes had come. By that time, however, many of the dissidents had revised their critique, introducing new distinctions into the social idealism of the left. They came to believe that a state committed, even hypothetically, to simple equality and radical redistribution was necessarily too powerful, a threat to every other aspect of its own (putative) idealism, beyond reform. They became critics of Leninism as well as of Stalinism (and all the local imitations of Stalinism), and so drew closer to what we can think of as the standard maximalist morality of the West: liberalism, democracy, “bourgeois civil rights.” But it was the experience of internal dissidence, and the recognition

³³ See the account of earlier Polish (and Czech) dissidents by Adam Michnik, *Letters from Prison and Other Essays*, trans. Maya Lotynski (Berkeley: University of California Press, 1985).

of the extreme unlikelihood of reform from within, that led the critics to adopt this external model. Though the time span is much shorter, as befits the rhythms of modernity, the case is the same in the contemporary East as in the late medieval and early modern West. Liberalism grew out of the critique of a failed communism.

I have used these examples to suggest the radical potential of an internal critique: the subversiveness of immanence. Social criticism in maximalist terms can call into question, can even overturn, the moral maximum itself, by exposing its internal tensions and contradictions. And this seems to me the normal course of criticism even when the critics don't mean to run the full length of the course, aiming at reform or reconstruction, say, rather than at subversion. Social critics commonly start from where they stand, win or lose on their own ground.

II

But how—so the critic of *Spheres of Justice* commonly continues—can this original, normal, internal criticism ever find persuasive expression?³⁴ I think that this question has a very particular point: what is being asked is how internal criticism can ever find a definitive philosophical expression. For the claims that the dissidents make about communist freedom and equality (or the claims they make about feudal service and protection) are always disputed. And there are alternative accounts of vanguard tyranny (and aristocratic privilege): more or less credible stories that can also be given a historical

³⁴ See Ronald Dworkin, “To Each His Own,” *New York Review of Books*, April 14, 1983, pp. 4–6, and the subsequent exchange between Dworkin and myself, *NYRB* July 21, 1983, pp. 43–46.

dimension and rooted in old texts. So the internal criticism, as long as it is confined to the interpretation of communism (or feudalism) as a maximalist morality, always falls short—not only as a practical but even as a theoretical endeavor. People who live inside the moral/cultural thickness of the old regime, who read these books, obey (or evade) these laws, celebrate this tradition, and so on, nonetheless disagree about what it all “means.” The result is an intellectual as well as a political stalemate. And then the only thing to do, at the end, after all the possibilities of interpretive criticism have been exhausted—so say the critics of immanence—is to appeal to an external standard: the best abstract and general theory that deals with the matters in dispute.

Of course, if one really were in secure possession of the best abstract and general theory, one probably wouldn’t bother with internal criticism at all. All the local critics could be replaced by a universal Office of Social Criticism, where an internationally recruited and specially trained civil service (of professional philosophers? political theorists? theologians?) applied the same moral principles to every country, culture, and religious community in the world. I would not be surprised if the medieval Church and the old Comintern had such offices, under different names. And there may well be organizations aspiring to this status today, attached to the United Nations or independently constituted. But if the aim here is maximalist in character—to render a detailed judgment of moral values and social practices everywhere—then theoretical possession is as likely as interpretive understanding to be disputed. The leap from inside to outside, from the particular to the general, from immanence to transcendence, changes the terrain of the argument, but I know of no evidence that the argument marches more readily toward closure on its new terrain. Even people who read the same books (of moral philosophy, say) are likely to disagree about which abstract and general theory is really the best.

It is still possible, as I argued in the first chapter, to move effectively from the particular to the general—as when a group of critics give up their own maximalism and embrace (or invent) for some specific purpose a moral minimum. This is, I think, the approach of groups like Amnesty International, which can certainly play a useful critical role—so long as they restrain whatever impulse their members have to impose a complete set of moral principles across the range of cultural difference. Success depends upon this self-restraint, for otherwise Amnesty International would represent one more missionizing maximalism, like the Church and the Comintern. Its members would make themselves into a kind of global vanguard, aspiring, perhaps, to rule outside their sphere, claiming political authority everywhere on the basis of ideological correctness. If, however, there is (as I believe) no single, correct, maximalist ideology, then most of the disputes, and certainly most of the distributive disputes, that arise within a particular society and culture have to be settled—there is no choice—from within. Not without suggestions from the outside, not without reference to other maximal moralities, but by and large through the kind of interpretive arguments that I described in my last chapter and through political processes adjusted to them. Social critics mostly work out of a Home Office.

All this is not to say that moral maximalism can’t be “theorized”—first of all in a general way and then more particularly. We can explain its general value and the deference we owe to each of its particular versions (and the limits of that deference). And then we can try to specify its content in some particular case and for some particular purpose, giving a theoretical account of local justice, for example, displaying the interconnections of its various parts and defending a view of its priorities. To construct a theory out of an actual thick morality is mostly an interpretive (rather than a philosophically creative) task. If the purpose is critical, then what is required is a *pointed*

interpretation, a localized theory that concludes with a moral maxim—the philosophical equivalent of an Aesopian fable. Indeed, it is a good thing if the interpreter is able to tell a story, making his critical argument from within a tradition, acknowledging the significance of historical events and proper names even as he reaches for the appropriate theoretical terms.

III

But doesn't this account (I am still following in the tracks of my critics) miss the excitement and heroism of the critical enterprise?³⁵ My imaginary Egyptian scribe takes his life in his hands; the early Czech dissidents put their careers and their own and their family's safety on the line. How could they do this unless they were sure that they had gotten things right—not only that their interpretation of the maximalist morality was the one true interpretation but also that this maximalist morality was the one true morality? I have been talking about a thin universalism and a thick particularism, but isn't criticism at its most powerful when it claims to be both thick and universal, rich in its detail, expansive in its scope—a full philosophical account of the right and the good? Think of Martin Luther as a critic of the Church: his critique was certainly based on an interpretation of Christian maximalism about which he had no doubts (it wasn't just one possible interpretation). And the argument had universal reach: everyone should be or become a Christian of the Lutheran sort. If Luther had not believed this, could he have been so strong, so confident of where he stood and what he could and could not do?

³⁵ George Steiner, "Putting critics in their places," *Sunday Times Books* (London), 12 March 1989.

I am sure that Luther was a strong man and a great critic, but he was also brutal and intolerant—in part, at least, because of his Christian universalism. Nor is he the only model of the critic as hero; it would not be difficult to describe alternative models, critical styles more skeptical or more modest (as I have done, in fact, in *The Company of Critics*). But I want to attempt a different argument here; I want to deny that the critical enterprise is best understood with reference to its heroic moments. A recent and very fine book by two French scholars, Luc Boltanski and Laurent Thévenot, provides the sociological grounding of my argument: they have shown, precisely and in great detail, how ordinary an activity criticism is and how it necessarily works from within the different spheres of everyday life.³⁶ It reflects the full range of social differentiation; its various vocabularies are widely known; it is an activity of the many, not the special task of the few, and so it is carried out sometimes with wit, sometimes with vulgarity, skillfully and clumsily, bravely and timidly. No doubt, critics, like lovers, friends, and political militants, must sometimes act boldly and take risks. But their everyday story is different, closer to what I have called "common complaint" than high philosophical or theological argument. What's at stake is not the universal good or the divine will, but justice or liberty more locally understood.

Philosophical and theological critics do indeed have more far-reaching ambitions; hence the readiness with which they adopt heroic postures. In a sense, each one hopes to be the last social critic. If he gets things right, all that will ever be necessary in the future is the reprinting and the endless study of his texts. After all, the objects of critical scrutiny don't change all that much: human greed, cruelty, and lust; the abuse of power; the oppression of the

³⁶ Luc Boltanski and Laurent Thévenot, *De la Justification: Les économies de la grandeur* (Paris: Gallimard, 1991).

weak. Shouldn't it be possible to find the right response to all this, "the correct ideological position," so that no one would ever have to look again?

Yes, it is possible, but only in a minimalist way, responding to the grossest and most offensive injustices. But critics also respond to ordinary injustice, and they respond in detail, thickly and idiomatically. When they do that, criticism is a different sort of activity than its philosophical and theological heroes suggest. Of course, the critics try to get things right, just as I am trying to do now, but we ought to understand this effort less by analogy with what philosophers do than by analogy with what poets, novelists, artists, and architects do. No architect, for example, aims to design the last building (not even the last church or school) and make architecture henceforth unnecessary—even though he aims to get his particular building right. Rightness is relative to the architectural occasion: the needs that the building is intended to serve, the materials at hand, the reigning aesthetic idealism (the architectural equivalent of a maximalist morality). Architecture is a reiterative activity, where many architects design many buildings, and it is in principle possible for all of them to get their designs right—though this doesn't mean that they all design the same perfect building. In practice, of course, they all produce imperfect buildings: more or less beautiful, habitable, useful. And each of these buildings immediately becomes an object of critical reflection and debate—models for the future that are imitated or revised or rejected. Indeed, they are imitated *and* revised *and* rejected, in endlessly reiterated architectural efforts with endlessly differentiated results. (Perhaps a minimalist universalism also develops, an international style—in hotel design, say—though this is unlikely to reflect the best architectural work.)

Criticism is also a reiterative activity, and the critics who aim to get things right aim at a rightness that is relative to their critical occasions. They want to produce a strong argument and a local political effect, but also,

again, an object of reflection and debate—so that other critics are drawn into the argument (even though they know that these others won't piously repeat their own strictures). Let me try now to describe how they might go about doing this. What is the critical enterprise like, in its ordinary form, expressed in the idiom of a particular morality?

IV

Consider the political culture of the contemporary West, our own morally maximalist account of how power should be distributed. I will work out of the specifically American version of this account—more "federalist" than "republican," but, so far as my purposes go right now, not all that different from other Western versions. The basic principle that governs distributions in the sphere of politics is that power can legitimately be attained and held and used only with the consent of the governed. The principle is much older than modern democracy; it is a feature of medieval monarchy too, where the rulers themselves or their taxes or military mobilizations commonly required the consent of at least some of their subjects—for example, the barons, lords, and gentlemen. What the democratic revolutions accomplished, most importantly, was the replacement of "some" by "all." It is not surprising that the ideal citizen of early modern political theory is modeled on the renaissance and neo-classical ideal of the aristocrat. The citizen, *né* everyman, took over from the aristocrat the rights that made his and, later on, her consent meaningful—took over also the social space and the range of activities within which consent could be expressed. Hence the rights of petition and assembly, which the aristocracy had always held; the new right of a free press, made necessary by the creation of a mass public; and the rights of domestic and religious privacy, manifest in the aristocratic great houses

and private chapels that kings invaded at their peril. The maxim that a man's home is his castle was originally defended by men whose castles were their homes. In the American colonies and then in the new republic, there was, of course, no native aristocracy, but the citizen was still conceived in this image of personal "liberty" and many-sided activism.

In an important sense, the principle of consent establishes a proceduralist ethic. It describes how one comes legitimately to exercise political power. Once the procedures are in place—periodic elections, freely organized parties, laws against the sale and purchase of votes, and so on—we commonly assume the legitimacy of the elected rulers. But this is much too narrow an understanding of democratic politics. In fact, what makes the proceduralism *proceed*, what gives it its legitimizing force, is a certain spirit, expressed in a set of practices.³⁷ The spirit is one of active engagement, and the practices include arguing, organizing, assembling, demonstrating, and petitioning as well as voting. Sometimes this sort of thing is simply assumed—as in the American Bill of Rights: when one asserts "the right of the people peacefully to assemble," one expects . . . assemblies. It would be a very bad sign were the "people" never to exercise their right. Precisely for this reason, democracy is characterized by a series of explicit efforts to create and sustain an active citizenry. (This is the central point of Rousseau's political theory, in which the neo-classical picture of the citizen is always explicit.) In the United States, public education is the most important of these efforts. The long debate about how to "Americanize" the immigrants was largely governed by the

³⁷ Cf. the argument of Robert Putnam, *Making Democracy Work: Civic Traditions in Modern Italy* (Princeton, N.J.: Princeton University Press, 1993).

same purpose—though the "Americanizers" were as often nativists as republicans.³⁸

But this focus on citizenship is, in the American case, neither exclusive nor singular in character. It is a crucial feature of our political idealism that the commitment to democratic procedures, and then to the spirit and practices that they require, encompasses all levels of our federalist government and spills over into civil society. Much of the political education of American citizens takes place in the smallest political units that they inhabit—boroughs, townships, school districts—and then in churches, unions, philanthropic organizations, and so on. This process moves in two directions: if the citizens learn something about the uses and misuses of power, local governments and secondary associations are at the same time made more democratic. Or, at least, they are brought under democratic scrutiny. Though not often run in strict accordance with the principles of consent and participation, they are always subject to challenge in the name of those principles. Citizenship takes on a range of added and more particularized meanings: in the neighborhood, or in the community of the faithful, or in the labor movement, or among men and women committed to this philanthropy or that good cause.

Rousseau defines a virtuous citizen as one who "flies to the assemblies," meaning, to the assemblies of citizens.³⁹ Today we are more likely to give that definition a pluralist twist: many different assemblies, reflecting the material and ideal interests of different, though overlapping, groups of citizens. Virtue is still best displayed, I suppose, at

³⁸ For a discussion of American "republicanism," see Michael Walzer, *What It Means to be an American* (New York: Marsilio, 1993), pp. 23ff. and 81ff.

³⁹ Jean-Jacques Rousseau, *The Social Contract*, Bk. III, chapter XV.

meetings, but this is not necessarily the sort of virtue that produces a Rousseauian general will. What is virtuous is the activity (and the spirit that animates and infuses it), not the outcome of the activity—itself, often enough, decidedly unsatisfactory. We aim to give this activity maximum scope. Hence, the claim of the Italian political theorist Norberto Bobbio that the critical question for democrats is not whether the citizens vote, or exactly how many of them vote, but *where* they vote—this claim applies with special force to the American experience.⁴⁰ Many issues, many settings, much consenting and refusing: this is our ideal picture of democratic politics.

But this picture must not be overdrawn; it cannot obscure all the other pictures of social activity in a differentiated society inhabited by “many-sided” men and women. Power is not always at issue; nor is consent the only distributive principle. So political virtue is tempered by what we can think of as apolitical virtue, itself of many different sorts: familial love, professional competence, even the “green thumb” that rules the market. There are indeed places where citizens need not vote, and social critics are obliged to fit their democratic arguments into a larger view of distributive complexity. They have nonetheless a powerful weapon in their hands: a thick, internalist account of how one crucially important social good ought to be distributed, an account that is culturally warranted and at odds with every actual distribution.

I want to stress that though this account starts with simple equality (one citizen/one vote), its aim is to justify inequality. The way one wins unequal power—to hold or control a state office or to carry out a policy, say—is to persuade one’s fellow citizens to agree to the inequality: one

⁴⁰Norberto Bobbio, *Democracy and Dictatorship*, trans. Peter Kennealy (Minneapolis: University of Minnesota Press, 1989), p. 157.

must first win an argument and then an election. But this short list of necessary victories is too short. Democratic politics, even in its ideal form, is only in part argumentative; it is also a matter of organization, bargaining, strategy, demonstrations of strength, and much else. In all this, power is exercised even as it is pursued, and it is always a difficult question how the exercise can be brought under the rule of consent.

Despite the difficulty, we can see readily enough how a critique of American politics could be developed from this thick account of democratic idealism. The critique would have a twofold focus. It would aim first at exposing the most important kind of distributive aggression in American society: the invasion of the political sphere by wealthy individuals or by the masters of corporate wealth. This is not always or everywhere the most important (or the most effective) kind of aggression: think of how long it took the West European bourgeoisie to displace the old aristocrats from the political sphere or how easily its Eastern counterparts were themselves displaced by party militants and state bureaucrats. But the power of wealth is certainly characteristic of contemporary America—and because it is characteristic, it has its own local ideological justifications. So the democratic idea must be articulated with these in mind, *against them*, showing in specific ways, with concrete examples, how state power is seized and used even though the consent of those subject to it is never asked. A book like Charles Lindblum’s *Politics and Markets* provides a good academic model of this critical enterprise; it is a sad commentary on the quality of American political life today that there are no very good popular models.⁴¹

⁴¹Charles Lindblum, *Politics and Markets: The World’s Political-Economic Systems* (New York: Basic Books, 1977); see also the earlier work of

Democratic criticism would aim, secondly, at revising the internal boundaries of American society—exposing the exercise of something very much like political power outside the recognized political sphere, beyond the reach of the principle of consent. Here there are a number of different targets, each with its own ideological defenses, which need to be addressed one by one: the despotism of factory managers and corporate executives, the autocracy of university presidents, the patriarchal absolutism of male “heads of households,” and so on. The argument is similar in each case but by no means the same. The more like political power these are, the more they should be subjected to democratic rules. But these rules will have to be qualified or revised in accordance with our understanding of the relevant goods at stake in the different spheres—in markets, commodities; in schools, learning; in families, mutual affection and the socialization of children. With regard to the last of these, feminist literature provides both popular and academic examples of the form and style of democratic criticism; among American texts, I would recommend especially Susan Okin’s *Justice, Gender, and the Family*.⁴²

V

It should be clear that this kind of criticism, calling for the realization of democratic idealism here and now, is not a defense of democracy itself. This is not to say that democracy can’t be defended; we have reasons for preferring it. But I take that question to be settled—for us at least—and begin instead with a series of interpretive claims about the meaning of the settlement. Yes, we are all democrats.

Grant McConnell, *Private Power and American Democracy* (New York: Knopf, 1966).

⁴²Susan Moller Okin, *Justice, Gender, and the Family* (New York: Basic Books, 1989).

What follows from that commitment? What sort of life do democrats live when they are living in an authentically democratic way? Posing these questions does not preclude compromises of various sorts with other values, but it does suggest (what would have to be defended empirically and theoretically) that democracy has priority or at least special standing among contemporary American ideals. The adjectives are important—“contemporary,” “American”—for it is clear, again, that this critique does not involve or require a defense of democracy in every time and place. It doesn’t pretend to be an answer to the old Greek question about the best regime. That question has no singular and universal answer. What does the critic do, then, when he looks around and sees tyrannical governments in other countries, in distant places, and people marching in the street in opposition to their rulers—demanding not only “truth” and “justice” but also “democracy”?

I was ready, of course, to express my solidarity with the Chinese students in Tienanmen Square in 1989. But this readiness reflected a morally (and politically) minimalist position: solidarity with all the students, despite the disagreements among them, against the tyrants. I certainly did not believe then that American political idealism was about to be realized in China, or that it should be realized. Nor did I have an abstract and universal theory of “true democracy” to urge upon the Chinese. And I recognized in the arguments of the students—one had only to pay attention to what they were saying to Western journalists—a sense of their mission or their special political role that was clearly incompatible with the American ideal (in which a certain hostility to the claims of the educated classes has always been present) and probably incompatible too with the prevailing abstract and universal theories.⁴³ Student

⁴³For the Americans, see Richard Hofstadter, *Anti-Intellectualism in American Life* (New York: Knopf, 1963).

elitism was rooted, perhaps, in Leninist vanguard politics or, more likely, in pre-communist cultural traditions (Confucian, mandarin) specific to China and certain to show up in any version of Chinese democracy. My solidarity with the students did not commit me to support their understanding of democratic government. My own (American) idealism did not commit me to oppose that understanding.

Watching from abroad, I could afford this benign disengagement, not from the political struggle as a whole but from its details. Were I to be invited to visit China and give a seminar on democratic theory, I would explain, as best I could, my own views about the meaning of democracy. But I would try to avoid the missionizing tone, for my views include the idea that democracy in China will have to be *Chinese*—and my explanatory powers do not reach to what that means. Indeed, it seems to me that this idea of local prerogative follows from what we might think of as moral minimalism in the international arena (the subject of my fourth chapter). The principle of consent requires this much at least: that Chinese democracy be defined by the Chinese themselves in terms of their own history and culture.

Against this argument, it might be said that I am allowing the (foreign) social critic to speak for some (perhaps mythical) version of collective China, the cultural tradition standardly understood, maybe even the old elites, but not for the individual and his or her rights. In one sense, this is clearly wrong, for I do defend the minimal rights of Chinese, as of Czech, demonstrators. But these are unknown and therefore abstract individuals: minimal rights are all they have. Rights-in-detail, rights thickly conceived, belong only to concrete men and women, who are, as Marx and Engels argued in their *German Ideology*, individuated in society.⁴⁴ Since I know very little about their society, I

⁴⁴ Karl Marx and Friedrich Engels, *The German Ideology*, Parts I and II, ed. R. Pascal (New York: International Publishers, 1947), "Feuerbach."

cannot foist upon the Chinese this or that set of rights—certainly not my own preferred set. So I defer to them as empirical and social individuals. They must make their own claims, their own codifications (a Chinese bill of rights?), and their own interpretative arguments.

Someday, no doubt, they will produce their own version of democratic politics, and then a controversy will develop over whether it should be more, or less, "participatory"—and perhaps I will join the controversy, not as a social critic, but simply as an interested student and sometime political theorist. But I have no reason to anticipate that argument now. All that my democratic idealism requires now is that I support the dissident students, encouraging them to make their own way, without worrying about whether their way will also be mine. There isn't much room for moral maximalism here. The work of the critic, when it is maximalist work, is also local and particularist in character.

It doesn't follow, however, that the character of these individuals is "entirely determined by the division of labor" (p. 65).