

Cohen, G.A. *Rescuing Justice and Equality*. Cambridge, Mass: Harvard University Press, 2008.  
xvii + 430 pp. Cloth, \$45.00 —

G.A. Cohen's *Rescuing Justice and Equality* will be read and discussed for a long time. In the lucid, witty, highly sophisticated voice of one of the best political philosophers in a generation, the book presents what is surely one of the deepest and most formidable challenges to John Rawls's *A Theory of Justice*.

*Rescuing Justice and Equality* develops two general lines of criticism against Rawlsian liberalism. The first five chapters of the book rehearse and expand upon Cohen's powerful and elegant critique of Rawls's difference principle, the crux of which is that Rawls's restricted (or "lax") application of the difference principle to the basic structure of society (and *not* the personal choices of citizens made within that structure) turns out to be morally incoherent. If distributive justice consists in giving each person her due, and if the difference principle is indeed a correct principle of distributive justice, then, Cohen has it, "there is no good reason why the *very* principles that govern the basic structure should not extend to individual choice within that structure" (p. 359). Cohen does not say that the complete set of principles for social institutions is identical with the complete set of principles for individuals. His claim is the more modest one that principles of *justice* apply, even if other sorts of principles do not, both to the basic structure and — "in appropriately different fashion" (p. 10) — to personal choices made within the structure. The argument will be familiar to those who have followed Cohen's work, as three of the first five chapters are revised versions of previously published material. Readers with an interest in the discussion Cohen's criticism of the difference principle has generated in the literature will

particularly appreciate the appendix with which the book ends, where Cohen carefully responds to several prominent critics.

The last three chapters of the book comprise Cohen's critique of Rawlsian constructivism. According to Cohen, "Rawlsians believe that the correct answer to the question 'What is justice?' is identical to the answer that specially designed choosers, the denizens of the Rawlsian original position, would give to the question 'What general rules of regulation for society would you choose, in your particular condition of knowledge and ignorance?'" (p.277) Cohen is prepared to admit that principles thus chosen may be efficient, or humane, or, indeed, "the *all-things* considered best principles to live by" (p.275). What he rejects is that such principles — *simply in virtue of the decision procedure of which they are the result* — are properly regarded as "principles of justice" as opposed to "rules of social regulation". On Cohen's view, justice is primarily a matter of bringing about a certain pattern of distribution. Correct principles of justice, therefore, articulate and make precise the nature of such a pattern. Rawlsian constructivism is hopelessly off the mark, then, because it conflates principles of justice with the outcome of an idealized procedure — the original position. Indeed, even if the principles generated by the original position happened to be correct principles of justice (something Cohen denies is the case) that would be because such principles correctly spelled out *what justice is* and not, *pace* Rawlsian constructivism, because correct principles of justice are simply whatever principles the original-position machine happened to produce.

It is important to see how what Cohen thinks justice *is* occupies a central thread in both lines of criticism. If, as Cohen argues, justice consists in a certain egalitarian profile of rewards, a set of outcomes — "My concern is distributive justice," he writes, "by which I uncentrally mean justice (and its lack) in the distribution of benefits and burdens to

individuals” (p.126), — it follows that anything which might be thought to bear (causally) on the “distribution of benefits and burdens” can be appraised in terms of its contribution to or detracting from the ideal of justice. Viewed in this way, Rawls’s restriction of the difference principle to the basic structure of society looks confused and arbitrary, unless it is taken for granted that injustice in the distribution of benefits and burdens is simply impossible where a just basic structure prevails — something both Rawls and Cohen deny. Cohen’s outcome-oriented conception of justice also animates his critique of constructivism. Unlike constructivists, who attempt to understand justice only by way of a principle producing procedure, Cohen thinks that the content of justice itself — what justice *is* and what it requires — remains wholly untouched by any such procedure.

It is doubtful that *Rescuing Justice and Equality* will convert many Rawlsian liberals to its way of thinking. One suspects that Cohen’s approach to justice is too “Platonist” (p. 291) for the sensibilities of most Rawlsian liberals — too metaphysical rather than political. Nevertheless, this book (just like its now sadly late author) is a model of clarity, precision, and analytical rigor. *Rescuing Justice and Equality* is required reading for anyone working in normative political philosophy.

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