

that (even if there are reasons why we should prefer them anyway) open borders are far from a panacea from the point of view of global justice. Even in a regime of open borders, some would find it harder to move, given the expense and effort involved. And even if we could render free movement an effective rather than merely formal freedom, we might still want to ask: why should individuals *have* to move in order to avoid living inferior lives? People might well be attached to the places where they live, the social networks, religious communities and language groups they have grown up in, and so on. In the face of that, should we be content to say that distributive injustice cannot pertain in a world in which free movement is possible? The point, here, is that Tan seems to hold that an institution is not creating an injustice unless it *actively maintains* an unequal distribution, rather than simply possessing the capacity to ameliorate it and not doing so. It is the *positive impact* of institutions that matter (159), and not, apparently, their mere inaction. It is easy to see why Tan should maintain such a line, because accepting that the mere capacity to remove an inequality whether or not it is caused by an institution would undermine his defense against the Cohenites. But the exclusive focus on what institutions *actually* do now—as opposed to what they *could* do to ameliorate inequalities if so charged—may limit the critical purchase of an otherwise sophisticated and finely argued account.

Jeffrey Reiman, *As Free and as Just as Possible: The Theory of Marxian Liberalism* (Chichester: Wiley-Blackwell, 2012), ISBN 978-0-470-67412-3, xiv + 241 pp.

Paul Warren, Florida International University

The aim of Jeffrey Reiman's *As Free and as Just as Possible* is to develop and defend the theory that the book's subtitle calls Marxian Liberalism. This theory draws on what Reiman takes to be the important insights of both Marxism and Liberalism, traditions of political thought often opposed to one another, in order to describe principles for a society that would be "as free and as just as possible." The liberalism component focuses on the importance of the value of liberty, but more specifically draws upon and seeks to deepen key ideas of Rawls's liberalism, especially the original position and the difference principle. The Marxian component focuses on three significant insights that Reiman attributes to

Marx: his identification of the conditions of structural coercion, his labor theory of value construed in moral terms, and his recognition of the historically progressive nature of capitalism's capacity to develop society's productive forces and hence establish the material prerequisites for freedom. Each of these Marxian insights is "factual" according to Reiman, but taken with a premise concerning the natural right to liberty, they collectively support a normative theory of the conditions of unfreedom. Reiman is skeptical about other aspects of Marxian thought, especially those relating to the feasibility of desirable socialist alternatives to capitalism. Moreover, he thinks that while liberals typically have failed to recognize the importance of Marx's insights into capitalism's nature, Marxists all too often have failed to recognize the importance of liberalism's insights concerning liberty. A primary motivation of his project is to address these defects in a more adequate theory that combines what is soundest in each tradition. Along the way, Reiman engages important questions of contemporary political philosophy and develops arguments that have independent interest apart from their role in the case for Marxian Liberalism.

With respect to contemporary political philosophy, Reiman's project should be situated within a broader theoretical orientation that seeks to bring Marxian and socialist theory in contact with liberal and even libertarian ideas, not simply for purposes of comparison and contrast, but to produce constructive alternatives that build on the strengths of each. The term "analytical Marxism" refers to that current of thought that supposes that the tools and methodology of liberal social science and analytical philosophy—generally supposed to be non-Marxian in nature—can be deployed to critically investigate and reconstruct central Marxian positions and theoretical concepts. G.A. Cohen's defense of historical materialism and John Roemer's reconstruction of Marx's theory of exploitation are well known examples of work in this genre.¹ But later work of Roemer's on market socialism and Cohen's on the idea of self-ownership and Rawls's difference principle, respectively, are not so much straightforward defenses of Marxian ideas, but rather critical discussions of liberal and libertarian ideas from left or socialist perspectives that reflect Marxian concerns.² Indeed, in recent years a considerable body of work has emerged on the topics of market socialism, basic income, left-

¹G.A. Cohen, *Karl Marx's Theory of History: A Defense* (Princeton: Princeton University Press, 1978); John Roemer, *A General Theory of Exploitation and Class* (Cambridge, Mass.: Harvard University Press, 1982).

²See John Roemer, *A Future for Socialism* (Cambridge, Mass.: Harvard University Press, 1994); G.A. Cohen, *Self-Ownership, Freedom, and Equality* (Oxford: Oxford University Press, 1995); and G.A. Cohen, *Rescuing Justice and Equality* (Cambridge, Mass.: Harvard University Press, 2008).

libertarianism, and left-Rawlsianism. Plainly, the biggest influence on Reiman is Rawls, and his Marxian Liberalism is a kind of left-Rawlsianism that attempts to positively advance Rawls's ideas while at the same time demonstrating the continuing significance of certain of Marx's core tenets. Left-Rawlsianism has been a presence in contemporary political philosophy ever since *A Theory of Justice*, but it received further impetus with the publication of Rawls's *Justice as Fairness: A Restatement* and especially his *Lectures on the History of Political Philosophy*, each of which contains an extensive discussion of Marx and provides evidence of the seriousness with which Rawls viewed Marx's thought.³ Reiman's book is a major contribution to current debates on the nature of left-Rawlsianism, Marx and justice, and the relationship between Marx and Rawls.

Reiman's Marxian Liberalism should be understood fundamentally as a form of liberalism developed using Marxian insights. It is not a form of Marxism developed using insights from liberalism. Marxian Liberalism is not Liberal Marxism. The point is not trivial. The core argument of the book consists mainly in a re-description of Rawls's central ideas of the original position and the difference principle in light of certain Marxian claims that Reiman thinks are defensible. Reiman believes that such revisions will strengthen Rawls's main conclusions and bring out points of convergence between Marx's and Rawls's respective conceptions of society and value commitments. But Reiman is clear that the resulting theory is liberal and not Marxian in its fundamental character. There is no discussion, let alone defense, of central Marxian claims about class, the state, economic crisis, proletarian internationalism, revolution, or historical materialism more generally. This isn't a criticism. It is just not the book's aim. Indeed, the book assumes that Marxism is fundamentally mistaken to the extent that it incorrectly supposes that a more free and just alternative to capitalism is both feasible and desirable, at least at present. Reiman recounts the failure of centrally planned forms of socialism, taking these failures as evidence of the failure of the socialist enterprise more generally. While not quite putting the point in these terms, Reiman seems to suppose an economically deterministic interpretation of historical materialism premised on the primacy of society's productive forces, with the corollary that although socialism is indeed humanity's future, capitalism has yet to exhaust its progressive potential for advancing the productive forces. Thus, he argues that the productive dynamism of capitalism needs to be embraced while at the same time the respects in which

³See John Rawls, *Justice as Fairness: A Restatement*, ed. Erin Kelly (Cambridge, Mass.: Harvard University Press, 2001), and *Lectures on the History of Political Philosophy*, ed. Samuel Freeman (Cambridge, Mass.: Harvard University Press, 2007).

it limits freedom and produces inequality are counteracted. Moreover—and here's the surprising part—Reiman thinks there are good Marxian reasons for taking this position. Read polemically, therefore, *As Free and as Just as Possible* is aimed as much at unyielding Marxian socialists as it is at recalcitrant libertarians.

It is impossible in a short review to discuss all the interesting points that are made in this stimulating, wide-ranging, yet tightly argued book. It makes sense to start with Reiman's illuminating discussion of the respects in which the central Rawlsian idea of the original position lends itself to Marxian ways of thinking about society. This connection might seem unlikely, since Marx was methodologically opposed to "abstracted individualism" and apparently hostile to the social contract tradition within which Rawls's original position idea is situated.⁴ However, as Reiman presents matters, central to Rawls's original position is a focus on social practices and the theoretical question of the relation of such social practices to persons' true interests. In other words, Rawls's focus is not on particular distributions to individuals atomically conceived, but on the "basic structure of society" understood in a non-reified way. The non-reified view of society is partly captured in Marx's famous statement from *Capital*, which Reiman quotes, that "capital is not a thing, but a social relation between persons"⁵ (24). Reiman presents a convincing case that Rawls too adopts this non-reified view of society in working out his principles of justice, quoting in support his statement that the "social system is not an unchangeable order beyond human control but a pattern of human action"⁶ (113). Moreover, in emphasizing the "theoretical" nature of Rawls's original position, in contrast to the conceptual starting points of other social contract theorists, Reiman draws attention to the critical nature of Rawls's project. To assume an original position close to the actual world, complete with individuals possessing knowledge of their particular situation and interests, would lead to principles biased in favor of existing arrangements. A theory of justice with critical intent needs to pay attention to the background circumstances that shape peoples' life prospects, including particularly social and economic practices. Rawls's original position uses the device of the veil of ignorance as a way of ensuring that the principles chosen will be fair, and hence in everyone's interests, that is, "principles that they could accept whoever

⁴For example, in the *Grundrisse*, Marx criticizes the illusion represented by beginning, as Smith and Ricardo do, with the "individual and isolated hunter and fisherman." Karl Marx, *Grundrisse* (London: Penguin Books, 1973), p. 83.

⁵Karl Marx, *Capital, Volume 3* (New York: International Publishers, 1967), p. 814.

⁶John Rawls, *A Theory of Justice* (Cambridge, Mass.: Harvard University Press, 1971), p. 88.

they turn out to be” (44). Yet while the original position excludes specific knowledge that individuals might have about their location within a social practice or native endowments, it includes general knowledge. Individuals know that they have ends that they seek to advance and that certain primary goods will prove useful in pursuit of those ends, whatever their content. They also possess general knowledge of such things as political affairs, the principles of economic theory, the bases of social organization, and the laws of human psychology. It is with respect to these two points that Reiman incorporates Marxian-specific ideas in his redoing of Rawls’s original position, arguing that we should include the three factual insights mentioned earlier. This of course involves a change from Rawls’s own account of the general knowledge that the parties possess in the original position. Reiman’s contention, however, is that we can be confident that these Marxian beliefs are true, that they will become part of the general background knowledge of society, and that the original position, so modified, will yield stronger conclusions.

Reiman claims that one of Marx’s “great discoveries” was the “mechanism of structural coercion” (23). He explains the significance of structural coercion by contrasting it with two other, more familiar types of coercion. The first is overt coercion, which involves the direct use of force by one individual against another. This kind of coercion, which limits peoples’ choices and hence their liberty, is relatively unproblematic from a philosophical point of view. It is the kind of interpersonal coercion that characterizes social relations in slavery-based or feudal economic systems. A second form of coercion is that which the state exercises in upholding individuals’ rights and protecting their liberties. Of course states can be forms of despotism too; and to the extent they are, the coercion they exercise conforms to the overt model of coercion. But nondespotic, liberal, rule-of-law states exercise coercion to promote greater liberty overall. In traditional liberal theory this kind of background coercion supplied by the state provides space for individuals to exercise their social and economic freedoms. What Marx recognized is that in addition to overt coercion and state coercion, there exists structural coercion within the economic sphere protected by state coercion. Reiman emphasizes that the Marxian claim that capitalism is structurally coercive is not the same as the claim that private property limits freedom. All property both enhances and limits freedom: it enhances the freedom of the property holder, but limits the freedom of those who don’t have access to the property held. This doesn’t pose a general problem. My right to my nose limits your right to punch it, but your similar right to your nose limits my right to punch yours. Limits on freedom, of the right kind, can enhance freedom overall. But difficulties develop with unequal

property and with situations in which all or most of the property is owned by a few, with others having little or none. In such situations, those who lack property will be structurally coerced to sell their labor power. The *locus classicus* of this argument is in Marx's chapter "On the Sale and Purchase of Labor Power" in *Capital, Volume 1*, where he defines capitalism in terms of two forms of freedom. Workers are free to sell their labor power, in contrast to the social systems of slavery and feudalism; but they are also free *from* any access to the means of production required for that labor power to be activated. Because they lack access to the means of production, they must agree to work for those who possess the means of production. There is real freedom here, but it is accompanied by an equally real limitation. A highlight of *As Free and as Just as Possible* is Reiman's analytically sophisticated account of how the structural coercion that Marx discovered works: the ways in which it is intentional, statistical in its operation, ideologically hidden, and complemented by state coercion.

The second important Marxian factual claim that Reiman defends concerns Marx's labor theory of value. Reiman proposes that we interpret this theory in moral and especially social relational terms, rather than as forming the basis for a theory of price or as narrowly distributional. On Reiman's reading, the theory is useful in developing an account of economic systems that filters out ideological factors. The moralized version of the labor theory of value provides the requisite critical distance by identifying a metric—units of labor time—that isn't biased toward one property system or another, but can be used in comparative evaluation. In effect, what Reiman advances here is a labor theory of contribution—to each according to his labor contribution—with the important caveat that contribution should be measured in terms of time and energy, not differential productive ability. It is thus reminiscent of the principle of distribution for the lower-stage communism that Marx both defended and criticized in the *Critique of the Gotha Program*. According to this principle, what individuals give is their labor, and what they receive back is proportional to the labor they have supplied, with adjustments made for general social needs. Reiman emphasizes that distributions that fall short of such a principle should be understood in relational terms, as involving a kind of social subjugation. This is because those who receive products disproportionately greater than their labor contribution are in effect subjugating the labor of those who receive products disproportionately less than their labor contribution. But because this is generally the case within capitalism, it is an economic system that involves social subjugation.

The third factual claim that Reiman derives from Marx is linked to his

theory of history, and more particularly to the Marxian idea of material subjugation. Material subjugation “refers to the limits on freedom that come from the fact that human beings’ freedom is subject to the constraints of the material world” (170). Material objects satisfy wants and needs, but also enable people to act on their choices and in that way enhance their freedom. Marx’s theory of history depicts a dynamic whereby human history is the story of mankind’s gradually overcoming scarcity through the development of productive forces—scarcity being defined as the situation in which people cannot satisfy their basic needs and wants without the expenditure of burdensome toil. In establishing the preconditions for overcoming scarcity, capitalism is progressive. Drawing on these points, Reiman makes two key moves. He couples the notions of social subjugation and material subjugation in a thesis asserting the fungibility of the two. He contends that Marx’s belief in the progressive nature of history presupposes such fungibility, because otherwise any historical movement away from primitive egalitarianism could only be understood as historically retrograde. Second, he deploys the fungibility thesis in a distinctively Marxian version of Rawls’s difference principle. He argues that it would be rational for individuals in the Marxian-Liberal original position to accept some social subjugation and structural coercion in exchange for additional material freedom. This reasoning parallels the original Rawlsian reasoning for the difference principle in supposing that rational individuals would accept incentive-induced inequalities as long as they would be rendered better off than they would be absent such inequalities. The Marxian parallel is that they would accept some social subjugation if it resulted in a situation in which their overall freedom increased because their material freedom increased. In the penultimate chapter of the book, Reiman connects the foregoing argument to the economic and political institutions that would characterize the kind of just and free society that Marxian Liberalism requires. It would be one that is “a form of capitalism with the least social subjugation necessary for maximizing the material conditions of freedom from the bottom of society on up” (191). Institutionally, Reiman follows Rawls and argues that such a society would be a property-owning democracy. The latter, unlike welfare-state forms of capitalism, requires a wide dispersal of productive assets. Reiman further distinguishes between different versions of property-owning democracy and endorses a version that includes democratic management of the workplace.

The foregoing provides the briefest sketch of the core argument of *As Free and as Just as Possible*. Let me now turn to some questions that might be raised about that argument. The first concerns Reiman’s reconceptualization of Rawls’s original position and more broadly the

philosophical foundations of his proposed Marxian Liberalism. Reiman insists that the Marxian-Liberal original position is preferable to Rawls's version because its focus on labor better enables a response to common objections to the difference principle and also makes clear the connection between the difference principle and property-owning democracy. However, on the contrary, the reliance on Marxian factual beliefs in his version of the original position might be thought to weaken the argument for principles of justice, since those beliefs are unlikely to be widely accepted. Reiman hedges a bit when it comes to the status of those Marxian beliefs. He says that such beliefs "could in principle become part of generally accepted knowledge and thus part of the general factual knowledge possessed by parties" (173), and that "we assume that we have reached a point in time when the factual beliefs making up the Marxian theory of the conditions of liberty ... are recognized as common knowledge" (158). These statements suggest that those beliefs are not now widely accepted. But, then the principles derived from such beliefs would not now be justified. Moreover, suppose that one day the relevant Marxian beliefs became generally accepted. Ironically, that would mean that once Marxian beliefs are generally accepted, a particular form of constrained capitalism would become justified. This seems an odd result. There are also further questions that might be raised about the content of those Marxian beliefs. Reiman suggests that they are factual. But it isn't clear whether in so designating them he intends to contrast them with normative beliefs. They are certainly factual to the extent that they offer an explanation of social relations, capitalist arrangements, and history more generally. But they are also plainly normative. Take Reiman's moral version of the labor theory of value. It rests on moral presuppositions about the importance of labor and its place in human life. A related difficulty concerns the connection between the Lockean natural rights strand in Reiman's argument and the Rawlsian one. Most of the book focuses on developing the modified Rawlsian argument for the difference principle; yet at times Reiman says that his whole argument rests on one moral principle concerning the natural right to liberty. But if that's the case, why bother with the elaborate Rawlsian derivation? And, if one has the Rawlsian argument in place, why appeal to a natural right to liberty? It would seem, at best, an extra wheel; at worst, there is incompatibility between the two approaches. The Rawlsian approach eschews natural rights in favor of a more historically grounded Kantian constructivism. The Rawlsian approach focuses on basic liberties in the plural, whereas the Lockean approach appeals to liberty in a more abstract and undefined sense. The book never satisfactorily sorts out the relation between these two philosophical perspectives on liberty.

A second worry about Reiman's argument concerns the conceptions of capitalism and socialism that he employs. At various points in the book he describes himself as offering a Marxian defense of a particular kind of capitalism (21). However, this framing is hard to square with his claim that Marxian Liberalism requires a form of property-owning democracy involving workers' self-management of their workplaces. Rawls is quite clear that he thinks of property-owning democracy as an alternative to capitalism, and insistent on contrasting it with welfare-state capitalism, which he believes is defective both in practice and in principle.⁷ Indeed, Rawls allows for democratic socialism as another alternative that would be superior to both welfare-state capitalism and state socialism with a command economy and one-party rule. Reiman's categorization would seem to differ from Rawls's on these important issues, yet oddly the difference is never explained. Apart from this departure from Rawls, what is perhaps even more worrisome is the coherence of the model Reiman advocates. Its capitalist element—the private ownership of the means of production with attendant structural coercion—would seem to contradict the idea of a property-owning democracy where the means of production are equally distributed and democratically managed by the workers. One related point: while Reiman is rightly critical of state socialism of the sort that existed in the former Soviet Union, he more or less assumes that prior to material abundance, all forms of socialist society must be oppressive and economically stagnant. He also takes for granted that capitalism as such will protect individual liberty and enhance the material conditions of freedom. Both suppositions are in need of more defense than Reiman provides.

It is likely that Reiman has good replies to these critical comments. In any case, independently of whether his core argument succeeds or falters, the distinctions, concepts, and arguments Reiman develops in *As Free and as Just as Possible* are of great significance. They need to be studied and discussed by all those interested in Marx and justice, the real conditions of freedom, Rawls, and post-capitalism.

⁷See *Justice as Fairness: A Restatement*, pp. 135-36: "One reason for discussing these difficult matters is to bring out the distinction between a property owning democracy, which realizes all the main political values expressed by the two principles of justice, and a capitalist welfare state, which does not. We think of such a democracy as an alternative to capitalism."