

Article

JAZZ BANDS, CAMPING TRIPS AND DECOMMODIFICATION: G. A. COHEN ON COMMUNITY¹

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Abstract

This paper studies G. A. Cohen's account of community, in the context of his forceful critique of (Rawlsian) liberalism. I begin by discussing the two general forms of Cohen's conception of community, justificatory community and communal reciprocity, contrasting them with Marx's. I argue, first, that Cohen offers a compelling critique of liberalism, which successfully brings to the fore a difficulty liberals have making sense of, indeed attaching value to, community. I then argue that Cohen's novel account of community is in deep and problematic tension with his own theory of justice. Finally, I try to show, against liberals of most persuasions, that the second form of fraternity, which warrants the diminution or eradication of fear and greed from human relationships, is incompatible with commodification, i.e. with markets for human labor power. I thus try to vindicate Cohen's view that 'every market, even a socialist market, is a system of predation'.

Resumé

Dans cet article j'étudie la conception de la fraternité dans l'œuvre de G.A. Cohen, dans le cadre de sa critique du libéralisme Rawlsien. Il y a deux formes générales de la fraternité chez Cohen: la "communauté justificative" et la "réciprocité communale". Je soutiens que Cohen offre une critique convaincante du libéralisme, en montrant que des libéraux ont du mal à donner du sens à la notion de la fraternité. Puis j'essaie de montrer que la notion même de la

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fraternité chez Cohen est en tension profonde avec sa propre théorie de justice. Enfin, je soutiens que la seconde forme de fraternité chez Cohen, qui justifie l'élimination de la peur et de l'avidité des relations humaines, est incompatible avec la marchandisation, autrement dit, la réciprocité communale est incompatible avec un marché du travail. Je donc essaie de faire valoir le point de vue de Cohen, selon lequel "tous les marchés, même un marché socialiste, sont des systèmes de prédation".

Keywords

community, difference principle, market socialism, equality, Rawls, Marxism

Mots clés

communauté; égalité; principe de différence, socialisme de marché, Rawls, Marxisme

Marx's philosophical trajectory began, as is well known, with a "humanist" critique of Hegel and the Young Hegelians (with whom Marx was originally associated), eventually developing into a "materialist" theory of society and history.³ G. A. Cohen's philosophical trajectory was, in many ways, the reverse of Marx's: from his early elaboration, and defense, of historical materialism in the 1970s and 80s, Cohen gradually moved towards normative political philosophy, which figures prominently in all his writings from the 1990s until his death in 2009.

This paper studies Cohen's later, humanist thought.⁴ In particular, it focuses on an important but neglected strand of his thought, his account of fraternity or community.⁵ Community is significant not only because it may have intrinsic value (see Wolff 1968), but also because it was, and remains, a significant point of difference between liberals and socialists, or, to the extent that liberals can be socialists, between liberals and communists. What I will try to do is offer a more unified account of Cohen's views on community than he himself provided. One reason why it is sometimes difficult to reconstruct Cohen's views into a unified set of theses has to do with the fact that most of his normative ideas are developed in the midst of polemic, and hence of immanent arguments. An argument is immanent, in my special sense, when it grants (some of) the opponent's premises and derives from them conclusions she cannot accept (without intuitive cost). This way of

³ For excellent recent discussion of Marx's early work see Leopold (2007) and Brudney (1998). By contrasting Marxian humanism and materialism I mean to assert no opposition between these two conceptual schemes, nor anything like an "epistemological break" in Marx's work. On these questions I remain agnostic for the purposes of this essay.

⁴A reevaluation of Cohen's defense of materialism is task of epic proportions that cannot be undertaken here. For an attempt to reconstruct Cohen's conception of socialism, see Vrousalis (2010).

⁵Since Cohen treats "community" and "fraternity" as synonymous, I shall follow him here and use them interchangeably.

doing philosophy⁶ is productive, but it is also piecemeal. If you are in the business of testing every brick, you understandably fail to examine the overall structure. The upshot is that any sort of reconstruction of Cohen's own views has to rely substantially on conjecture and speculation about their content and connections.

In the first section, I sketch some parallels between Marx's humanist thought and Cohen's normative political philosophy. In the second section, I outline Cohen's community critique of Rawlsian liberalism. In the third section I describe Cohen's take on the connections between Rawlsian liberalism and community. In the fourth section I discuss the tension that arises in Cohen's normative work between the values of justice and community and argue that it may well go deeper than he thought. And in the fifth and final section, I try to vindicate Cohen's view that "every market, even a socialist market, is a system of predation" (Cohen 2009, 82), by arguing that community, as he understood it, requires decommodification.

Marx and Cohen on Community

Marx's writings are replete with allusions to community, its forms in pre-capitalist society, its gradual dissolution under capitalism, and its culmination under communism.⁷ Moreover, the dissolution ushered in by capitalism is posited as necessary for moving beyond "feudal idiocy" and parochialism.⁸ As part of this process, large scale enclosures, privatization of the means of production and the separation of men from their means of subsistence (their "radical chains"), all conspire towards the establishment of a class-divided society based on a capitalist division of social labor. In that society, the dominant form of relationship between human beings is one of "mutual indifference". Marx does not deny that capitalism exhibits a certain form of reciprocity. Indeed, the market form of reciprocity is, he says, a "natural precondition of exchange" (Marx 1973, 244). But that is not the rich form of reciprocity Marx envisages for communism:⁹

[Market] reciprocity interests [the subject to an exchange] only in so far as it satisfies his interest to the exclusion of, without reference to, that of the other. That is, the common interest which appears as the motive of the whole is recognised as a fact by both sides; but, as such, it is not the motive, but rather it proceeds, as it were, behind the back of these self-reflected particular

⁶Cohen labels his intuitionist approach to doing philosophy, in which "individual judgments retain a certain sovereignty", the "Oxford", as opposed to the "Harvard", way (Cohen 2008, 3-4).

⁷ For Marx's characterization of community under communism, see, for example, Marx and Engels (1975, vol. 3, 293-306), Marx (1986, 32), Marx (1973, 'the Chapter on Money').

⁸ See, for example Marx and Engels (1975, vol. 12, 126). For an influential argument defending Marx's "dialectic of labor" along these lines, see Cohen (1974).

⁹ I am here grateful to Keat (1981).

interests, behind the back of one individual's interest in opposition to that of the other. (Marx 1973, 244)

The reciprocity congealed in exchange relationships is said by Marx to have an "abstract universality" (Marx and Engels 1975, 28, pp. 40-41). It is a vehicle for the creation, and satisfaction, of more and richer human needs, a process which releases humanity from the limited and parochial relationships of feudalism. The abstract universality of capitalist exchange relationships is transcended under communist production, where free cooperative labor forms the basis of "truly human" relationships, i.e. relationships in which "man's *need* has become a *human need*" and where, "the *other* person as a person has become for him a need." (Marx 1986) Crucially, Marx does not infer that communist social relationships will be dominated by altruism or love: "the individuals' consciousness of their mutual relations will, of course... no more be the 'principle of love' or *dévouement* than it will be egoism." (Marx and Engels 1975, 5, 439)

As we shall see in sections III and IV, Cohen's work in normative political philosophy echoes this tentative understanding of Marx's communist community. But first I want to discuss Cohen's characterization of Marxian communism. He pictures it as follows:

imagine a jazz band in which each player seeks his own fulfilment as a musician. Though basically interested in his own fulfilment, and not in that of the band as a whole, or of his fellow musicians taken severally, he nevertheless fulfils himself only to the extent that each of the others also does so, and the same holds for each of them. There are, additionally, some less talented people around who obtain high satisfaction not from playing but from listening, and their presence further enhances the fulfilment of the band's members. (Cohen 1995, 122)

Here's his explanation of the analogy:

[A]s I understand Marx's communism, it is a concert of mutually supporting self-fulfilments, in which no one takes promoting the fulfilment of others as any kind of obligation. I am not, of course, denying that each delights in the fulfilment of others. Unless they are crabby people, they probably do so. But no such delight is required: it is not something in the dimension of affect which is supposed to make communism possible. (Cohen 1995, 123)

The emphasis on free, spontaneous, cooperative activity, largely in the absence of categorical interpersonal obligations, makes the jazz band analogy particularly apt.¹⁰ In a “well-ordered” jazz band improvisation takes place such that all members realize to the full their capacities and talents: each band member leads, and is in turn led, by the others. The emphasis is therefore not on altruism or duty, but rather on the development of free individuality: “Each joins [the band] to fulfil himself, and not because he wants it to flourish for any independent reason.” (Cohen 1995, 137)

Now a question immediately arises: how is it possible that everyone can partake of this “concert of mutually supporting self-fulfilments” in a world where the “circumstances of justice”, i.e. non-unlimited abundance and non-unlimited altruism, obtain? How can Marxian communism, in other words, avoid the “struggle for necessities”, the concomitant “generalised want” and that “old filthy business” which characterizes class-divided societies (Marx and Engels 1975, 5, 48)? Cohen interprets Marx as saying that, under communism, the circumstances of justice no longer obtain:

[I]n Marx’s good society, productive resources are available, gratis, to all, but the individual remains effectively sovereign over himself... An overflowing abundance renders it unnecessary to press the talent of the naturally better endowed into the service of the poorly endowed for the sake of establishing equality of condition... (Cohen 1995, 122)¹¹

It is Marxian optimism about communist abundance that makes possible “truly human”, “mutual indifference”-transcending, relationships that Marx favors (in the absence of a massive change in human attitudes, which Marx disavows).¹² Cohen rejects this optimism about resource abundance (Cohen 1978, 207, Cohen 1995, 5-12, 118-131, 135). He argues that it must be replaced by “voluntary equality”, i.e. equality of condition motivated by widespread social and individual commitment to that value (see below).

¹⁰ It lends itself to an “Aristotelian”, rather than “Kantian”, reading of Marxian communism, where the former places emphasis on individual self-realization, and the latter on self-realization-independent moral obligation. To the extent that the Aristotelian reading of communism is too optimistic about material possibility, and therefore about the feasibility of the form of society it envisages, it must either be significantly revised, or wholly abandoned, in favour of the Kantian one. Cohen takes the Kantian route in his normative political philosophy.

¹¹ Cohen argues that a commitment to this sort of *Star Trek* superabundance also explains the “life’s prime want” passage in Marx’s *Critique of the Gotha Programme* (Marx 1986). See Cohen (1995, 124-127) and Cohen (1978, 204-207).

¹²“It was because he was so uncompromisingly pessimistic about the social consequences of anything less than limitless abundance that Marx needed to be so optimistic about the possibility of that abundance.” (Cohen 1995, 11)

Although Cohen rejects the jazz band conception of communism,¹³ he does take on board Marx's critique of the distinction between the *droits de l'homme* and the *droits du citoyen*:

Above all, we note the fact that the so-called rights of man, the *droits de l'homme* as distinct from the *droits du citoyen*, are nothing but the rights of a member of civil society – i.e., the rights of egoistic man, of man separated from other men and from the community... Only when the real, individual man re-absorbs in himself the abstract citizen, and as an individual human being has become a *species-being* in his everyday life, in his particular work, and in his particular situation, only when man has recognized and organized his 'own powers' as *social* powers, and, consequently, no longer separates social power from himself in the shape of *political* power, only then will human emancipation have been accomplished. (Marx and Engels 1975, 3, 168)

Marx's complaint entails that "political emancipation" preserves, indeed implies, the insulation of one area of life, civil society, from democratic accountability and control.¹⁴ As we shall see, Cohen gives a new expression to this complaint against liberalism through a comprehensive attack on its most prominent contemporary defender, John Rawls. Cohen's attack, if successful, afflicts not only liberals, but all defenders of markets.¹⁵

Community and Liberalism

Cohen came to political philosophy through a critique of Robert Nozick's political philosophy (see Cohen 1995). It was Nozick's work that "roused [him] from what had been [his] dogmatic socialist slumber." (Cohen 1995, 4) Having thus tread the path from historical materialism to normative political philosophy, Cohen inevitably had to face up to the massive edifice of Rawlsian liberalism.¹⁶

According to Rawls, the primary subject of social justice is the "basic structure" of society, a set of institutions including its constitution, legal system, the family, and so on.

¹³ He deems it necessary to note that, for Marx, community is "a *means* to the independently specified goal of the development of each person's powers." (Cohen 1995, 123, emphasis in original) To the extent that Cohen here ascribes to Marx an instrumental view of (the value of) community, Cohen's own account of community is at odds with this ascription. For, as we shall see, Cohen thought community to have intrinsic value.

¹⁴ See (Marx and Engels 1975, 3, 154) for Marx's distinction between the "communal" being of political community and the "profane" being of civil society.

¹⁵ I postpone the task of clarifying the term "market" for section IV.

¹⁶ For a telling passage explaining his enamourment to Rawls' moral philosophy, see Cohen (2008, 11).

Rawls argues that a “well-ordered” society must regulate its basic structure to conform with his two principles of justice, as they are derived from an “original position” of free and equal rational choosers.¹⁷ Rawls derives his favored principle of distribution, the so-called difference principle, by invoking the device of the original position. According to the difference principle “social and economic inequalities are to... be to the greatest benefit of the least advantaged members of society” (Rawls 1999, 72) Between 1992 and 2009, Cohen largely occupied himself with criticizing the conclusions Rawls draws from the device of the original position and, eventually, with attacking the “constructivist” reading of that position itself. (Cohen 2008, Feltham 2009) One of those conclusions was Rawls’ view that the difference principle represents a plausible

interpretation of the principle of fraternity... The difference principle... does seem to correspond to a natural meaning of fraternity: namely, to the idea of not wanting to have greater advantages unless this is to the benefit of others who are less well off... Those better circumstanced are willing to have their greater advantages only under a scheme in which this works out of the benefit of the less fortunate. (Rawls 1999, 90)

Cohen’s strategy consists in pointing out a series of central ambiguities in Rawls’ “basic structural” reading of the subject of justice, and in his understanding of community. Cohen’s argument has, roughly, two steps. He sets out by showing that there exist certain individual choices which fall under the purview of social justice and which Rawls cannot exclude, on pain of arbitrariness. He then argues that, were a case to be made that these individual choices manifest Rawlsian fraternity, then that fraternity would be too ‘thin’ to merit the name. If these two steps are successful, then Cohen will have shown that the most influential contemporary defence of liberalism is inadequate on at least one ground, that of community. The rest of this section discusses Cohen’s two steps.

The first step in Cohen’s argument involves an immanent critique of Rawls’ “basic structure restriction”.¹⁸ This critique is indispensable to Cohen’s project, for community applies irreducibly to relations between individuals, rather than relations between structures. Cohen confronts Rawls with a dilemma: either the basic structure, the “primary subject of justice”, does include personal behavior, or it does not. If it does not include personal behavior, then its specification is purely arbitrary. If it does include personal behavior, then it fails to exclude what Rawls (and other liberals) wish it to exclude, namely personal behavior. Let’s examine each horn of the dilemma more closely.

¹⁷For an introduction to Rawls’ work, see Pogge (2007).

¹⁸This critique was first published in a 1997 essay, entitled “Where the Action Is: On the Site of Distributive Justice”, reappearing as chapter 3 in Cohen (2008).

On the first horn, Rawls circumscribes his subject of justice by saying that it is only the major institutions of society that have a direct and profound bearing on the distribution of benefits and burdens among citizens. Thus it is only those institutions that come under the purview of justice. Cohen's argument is that there is nothing about personal behavior *within* major institutions to rule out the possibility of oppression, exploitation and injustice supervening on such behavior alone. So the basic structure of society must include more than these institutions. On the second horn of the dilemma, Rawls can put forward an expansive account of the basic structure, such that it includes personal behavior. But that, Cohen argues, makes him into:

a radical egalitarian socialist, whose outlook is very different from that of a liberal who holds that "deep inequalities" are "inevitable in the basic structure of any society". (Cohen 2008, 129)¹⁹

For Cohen, a "radical egalitarian socialist" is someone who believes that equality applies not only to structures, but also to individual behavior. Radical egalitarian socialists ought to support the feminist slogan "the personal is political" because they are radical socialists, and endow that slogan with egalitarian content (through what Cohen calls an "egalitarian ethos"), because they are egalitarians.

This completes the first step in Cohen's attempt to "out-Kant" Rawls: social justice does not exempt personal behavior from the demands of justification. The second step requires him to show that certain forms of personal behavior, which do call for justification, cannot meet the demands of a community worth its salt. The form of personal behavior that exercises Cohen is that of talented incentive-seekers. He argues that there exists no compelling "I-thou" Rawlsian justification that the talented can offer to the nontalented for benefiting from market-generated inequalities (such as: "the inequality between you and me was necessary to make you better off").²⁰ The inability of the talented to offer this sort of justification turns on an ambiguity as to what "necessity" consists in. Given the centrality of this *démarche* for Cohen's account of community, I propose to study it at some length.

In his Tanner lectures, entitled "Incentives, Inequality and Community",²¹ Cohen attacks Rawlsian liberalism for its tolerance of inequality (in the relevant metric). The attack takes two general forms. As in his basic structure critique, Cohen insists that, since

¹⁹The first horn of the dilemma has been defended by Joshua Cohen (2001) and the second horn by Estlund (1998). Cohen responds to both in Cohen (2008, 374-394). Andrew Williams is the only author I know who has argued that the dilemma is not exhaustive. See Cohen (2008, chapter 8) for a response to Williams.

²⁰ By "the talented" Cohen means all those "fortunate people" who are "so positioned that, happily, for them, they do command a high salary and they can vary their productivity according to exactly how high it is." (Cohen 2008, 120)

²¹ Reprinted as the first chapter of Cohen (2008).

justice judges personal behavior, and since the talented in Rawlsian society will get more than the nontalented, Rawlsian liberals are committed to “giving to those who have”. (Cohen 2008, 86)²² What, then, can justify the fact that the talented will fail, in a Rawlsian society, to contribute, say, the same amount of work at a higher rate of taxation for the benefit of the nontalented less well-off? According to Cohen, such behavior is normally unjust. “Normally” is of importance here: a refusal to work the same amount of hours at a higher tax rate (or more hours at the same tax rate) can be caused by an agent’s unwillingness to work longer hours, or by the practical impossibility of doing so without impugning one’s own life projects.²³ That is, sometimes the talented *can’t* produce the same at a higher tax rate, and that’s a perfect excuse, indeed a justification, for not so producing. But sometimes they *won’t* produce the same at a higher tax rate.

To the distinction between “can’t” and “won’t” there correspond, roughly, two readings of the difference principle. The *strict reading* of the difference principle “counts inequalities as necessary only when they are, strictly, necessary, that is, apart from people’s chosen intentions.” The *lax reading*, on the other hand, “countenances intention-relative necessities as well. So, for example, if an inequality is needed to make the badly off better off but only *given* that talented producers operate as self-interested market maximizers, then that inequality is endorsed by the lax, but not by the strict, reading of the difference principle.” (Cohen 2008, 69) If the lax difference principle entails “giving to those who have”, then we should favor the strict difference principle on *justice grounds*.

But Cohen also develops a (justice-independent) argument in favor of the strict difference principle, on *community grounds*. I discuss this presently.

Community against Liberalism

Cohen’s community-based argument for the strict difference principle goes as follows:

I believe that the idea that an inequality is justified if, through the familiar incentive mechanism, it benefits the badly off, is more problematic than Rawlsians suppose; that (at least) when the incentive consideration is isolated from all reference to desert and entitlement, it generates an argument for inequality that requires a model of society in breach of an elementary

²²Recall that the original impetus in favor of equality in the formulation of the difference principle issues from a belief that the unequalizing effect on distribution of “natural and social contingencies” is unjust. For “it permits distributive shares... arbitrary from a moral point of view.” (Rawls 1999, 63) To be talented is therefore to be privileged in the offending sense: it is to be so “positioned” or “gifted” as to (be able to) reap a higher “distributive share” in a “morally arbitrary” way.

²³ Cohen accepts an “agent-centered prerogative” of individuals to “pursue self-interest to a reasonable extent.” (Cohen 2008, 61)

condition of community. The difference principle can be used to justify paying incentives that induce inequalities only when the attitude of talented people runs counter to the spirit of the difference principle itself: they would not need special incentives if they were themselves unambivalently committed to the principle. Accordingly, they must be thought of as outside community upholding the principle when it is used to justify incentive payments to them. (Cohen 2008, 32)

Cohen's conception of community takes as its point of departure the *interpersonal test*:

This tests how robust a policy argument is by subjecting it to variation with respect to who is speaking and/or who is listening when the argument is presented. The test asks whether the argument could serve as a justification of a mooted policy when uttered by any member of society to any other member. (Cohen 2008, 42)²⁴

The interpersonal test in turn furnishes a necessary condition²⁵ for what Cohen calls *justificatory community*:

A justificatory community is a set of people among whom there prevails a norm (which need not always be satisfied) of comprehensive justification. If what certain people are disposed to do when a policy is in force is part of the justification of that policy, it is considered appropriate to ask them to justify the relevant behaviour, and it detracts from justificatory community when they cannot do so. It follows that an argument for a policy satisfies the requirement of justificatory community, with respect to the people it mentions, only if it passes the interpersonal test. (Cohen 2008, 42-3)

Justificatory community is then said to “contribute to”, or be “indicative of”, community *tout court*, a moral notion Cohen compares to friendship (Cohen 2008, 43). In effect, justificatory community restricts the class of admissible inequality-types to those that pass the interpersonal test. Moreover, Cohen claims that this class rules out lax specifications of the difference principle. A well-ordered society must therefore affirm

²⁴There are two readings of this test. On the *metaethical* reading, it expresses an intrinsic property of all moral claims as second-personal (Anderson 2010). On the *ethical* reading, it expresses a substantive moral requirement. According to the ethical reading, if P is patently motivated by, say, vileness, and/or has committed vile acts, then P cannot (always) justifiably or excusably condemn others of vileness, even if what P says is substantively true. See Cohen (2006a) for discussion of the substantive reading.

²⁵ Though not sufficient: see the “Martian” passage in Cohen (2008, 44).

and practice the strict difference principle, thereby enforcing (some measure of) his egalitarian ethos. Here's Cohen's poignant challenge to Rawls:

Two brothers, A and B, are at benefit levels 6 and 5, respectively, in New York, where they live. If they moved to Chicago, their levels would rise to 10 and 5.1, respectively. If they moved to Boston, they would rise to 8 and 7. Is fraternity, as Rawls means to characterize it, consistent with A proposing that they move to Chicago? If so, it is a thin thing. Or is Rawlsian fraternity strictly maximinizing? (Cohen 2008, 78)²⁶

Why is Rawlsian fraternity a "thin thing", unless 'strictly maximinizing'? In response to this question, Cohen defends an analogy between a kidnapper and a talented egoist. He asks us to imagine a kidnapper directly addressing an ultimatum to the kidnapped child's parents:

Children should be with their parents.
Unless you pay me, I shall not return your child.
So you should pay me (Cohen 2008, 39)

The justification given by Rawls for paying higher salaries to the talented is analogous in structure:

Economic inequalities are justified when they make the worst off people materially better off. (Major premise)
When the top marginal rate is 40 percent, (a) the talented rich produce more than they do when it is 60 percent, and (b) the worst-off are, as a result, materially better off. (Minor premise)
Therefore, the top tax should not be raised above 40 percent to 60 percent.
(Cohen 2008, 34)

Cohen claims that there is a strong affinity between the two arguments.²⁷ To see this, all we have to do is imagine the latter argument articulated by the talented and addressed directly to the worse-off nontalented. If we do that, we will observe that both the kidnapper and the talented egoist *make* the minor premise true. That is, the kidnapper

²⁶"Poignant," because Rawls evokes the image of the family to explain how community is related to the difference principle.

²⁷ He grants, of course, that the behaviour of the kidnapper and the behaviour of the talented egoist are disanalogous in many respects (Cohen 2008, 41). But there is one respect, he thinks, in which they are analogous, namely in encroaching upon justice and community.

makes it true that, if he does not get the money, he will not return the child. Likewise, the talented who insist on high salaries or profits make it true that, if they do not get the high reward, they will work less hard, to the detriment of the worse-off. The kidnapper's conditional violates community because it fails the interpersonal test: his illocutionary acts place him beyond the pale of an embarrassment-free dialogical relationship with the child's parents. (Cohen 2008, 41-46) If the analogy with the talented is valid, and if non-thin community requires justificatory community, as Cohen claims, then the posture of the talented is unacceptable on community grounds.

I have, so far, tried to sketch Cohen's two-pronged attack against Rawlsian liberalism in the context of a broader argument for an egalitarian ethos (strictly speaking, for an intention-inclusive subject of justice). On the first prong, Cohen advances intention-inclusion on justice grounds: allowing the talented to be better off than the less talented is "giving to those who have". On the second prong, Cohen advances intention-inclusion on community grounds, by arguing that in Rawlsian society the dialogical relationship between the talented and the untalented can never be embarrassment-free.²⁸ How are these two grounds in favor of the egalitarian ethos related? I address this question presently.

Community and (or against?) Justice

Cohen's normative political philosophy manifests a deep ambivalence as to the connection, and indeed the compossibility, between justice (roughly: equality)²⁹ and community (roughly: justificatory community). Consider, first, Cohen's characterization of the kidnapper:

although what is (mainly) bad about the kidnapper is not his voicing the argument, but his making its minor premise true, he should still be ashamed to voice the argument, just because he makes that premise true. The fact that in some cases he would do further ill not to voice the argument does not falsify the claim that in all cases he reveals himself to be ghastly when he does voice it. (Cohen 2008, 40)

²⁸Of all the discussions of Cohen's critique of incentives I know, only Richard Miller (2010) has noticed that the justice grounds and the community grounds for intention-inclusion constitute distinct arguments. The reason why many commentators fail to distinguish between them is that Cohen himself is ambiguous as to the exact relationship between justice and community.

²⁹Cohen did not accept the difference principle as the best conception of (distributive) justice. He defended an alternative theory that came to be called *luck egalitarianism* (Cohen 1989, 2004). Luck egalitarianism is founded on the intuition that it is morally bad, because unfair, if A is worse off than B through no fault or choice of A's own.

This paragraph implicitly distinguishes between *makings* (of the minor premise true) and *voicings* (of the conditional ransom demand). The supervening dialogical relationship between parent and kidnapper clearly puts the kidnapper beyond the pale of community. But the passage does not make sufficiently clear whether the making is a necessary condition for the voicing being bad, or indeed whether the making is a necessary condition for the justifiability or aptness of feeling shame. In other words, we are not told whether injustice is a necessary condition for lack of community. Granting that both the kidnapper and the talented egoist do injustice, it does not follow that injustice is necessary for lack of community. Cohen's examples do, however, seem to gesture in this direction, for they furnish a plausible *explanation* as to why the voicings are wrong. Cohen makes his ambivalence explicit in a short book published a month after his death, entitled *Why not Socialism?* (Cohen 2009).

I am rich, you are poor, because of regrettable bad choices... and not therefore because of lack of equality of opportunity. You have to ride the crowded bus every day, whereas I pass you by in my comfortable car. One day, however, I must take the bus, because my wife needs the car. I can reasonably complain about that to a fellow car-driver, but not to you. I can't say to you: "It's awful that I have to take the bus today." There's a lack of community between us of just the sort that naturally obtains between me and the fellow car driver... I believe that certain inequalities that cannot be forbidden in the name of socialist equality of opportunity should nevertheless be forbidden in the name of community. But is it an *injustice to forbid the transactions that generate* those inequalities? Do the relevant prohibitions merely define the terms within which justice will operate, or do they sometimes (justifiably?) contradict justice? I do not know the answer to that question (Cohen 2009, 35-6, emphasis added, see also Cohen 1989).

Cohen is here asking not whether justice (sometimes) conflicts with community. Rather the question is: *given* that –Cohen's conception of– distributive justice will sometimes produce conflicts between the realization of that justice and the realization of community,³⁰ is it unjust to forbid the transaction-types that generate this conflict? The example Cohen gives is of a lottery, in which all can (freely) enter, starting from a state of equality. The lottery generates massive inequalities of condition, which are inapposite to embarrassment-free dialogical relationships: "even though there is no injustice here, your

³⁰Cohen refers explicitly to a "trade-off between fraternity and fairness" in Cohen (2006b, 443). Anderson (2010, 5-6) is, however, mistaken in her judgment that Cohen's fraternity critique of incentives requires a luck egalitarian premise, i.e. a premise embodying Cohen's *own* theory of fairness. For that critique is immanent, i.e. goes through even on the assumption that justice requires some sort of difference principle.

luck cuts you off from our common life, and the ideal of community condemns that, and therefore also condemns the running of any such lottery.” (Cohen 2009, 38)

The putative conflict runs yet deeper than Cohen envisages. Let’s assume, plausibly, that the idea of community at work in the passage above is, or partakes of, justificatory community.³¹ Cohen’s rationale for introducing this particular account of community is that not doing so permits too much inequality (and perhaps that community has intrinsic value). Now, both the talented egoist case and the bus case involve too much inequality. Of course the former case is unlike the latter, in that the talented egoist is, by assumption, benefiting from injustice, whereas the car driver on the bus is not. But both cases are said to involve transgressions of community. Why, then, dismiss the theory of justice that endorses incentive-seeking, but retain the theory of justice that endorses inequality in car-ownership? In other words, if justificatory community suffices to defeat Rawlsian justice, because that justice supports community-diminishing inequality, why does it not *also* suffice to defeat Cohenite justice, instead of (merely) making that justice “contradict” community? Cohen’s argument against Rawls seems to afflict his own account, like a fox that bites its own tail. Cohen can respond in two ways. He can say that the form of community tentatively broached in *Why not Socialism?* does not imply justificatory community. Alternatively, he can insist that his original, anti-Rawls argument was purely immanent, and he himself does not accept justificatory community. Both responses purchase consistency at the cost of emptiness, for each leaves us in the dark as to what Cohen actually thinks about community.³²

I now want to argue that a certain division of moral labour underlies Cohen’s commitments to justice and community, such that justice is concerned primarily with outcomes, whereas community is concerned primarily with individual motivation. With respect to the role of the egalitarian ethos for justice, Cohen writes:

Under abnormal conditions, justice might be consistent with *universal self-interested maximising*: if, for example, talents and utility functions are identical, then initial equality of tangible assets might be considered sufficient for justice. (Cohen 2008, 73, emphasis added)

It follows that, in the possible world in which self-interested maximizers get universal equality, justice is fully done. It is, of course, very unlikely that this possible world will become actual, but the modal claim shows that Cohen is a *consequentialist*

³¹ There is strong textual evidence that Cohen views the lack of justificatory togetherness in the bus case and the incentives case as relevantly similar (compare Cohen (2008, 45) and Cohen (2009, 36))

³²In light of all these difficulties, perhaps Cohen is better off giving up luck egalitarianism –his own theory of justice. Cohen was, in fact, flirting with rejecting, or at least significantly revising, luck egalitarianism towards the end of his life. See Cohen (2011, 124-147) for Cohen’s doubts about his own view and Vrousalis (forthcoming) for an argument that these doubts were well-founded.

about justice. Consequentialism about justice asserts that justice evaluates only states of the world, viz. distributions, independently of the motivation or standing of the agents that bring them about.³³ That Cohen asserts consequentialism about justice can be more clearly corroborated from a passage that discusses James Meade's social-democratic model:

Suppose that all citizens have the same tastes and talents, or at any rate that no differences among their tastes and talents would prevent an initial state-enforced equality of resources from reproducing itself under subsequent market-maximizing behaviour. Here the Meadian prescription [of people acting altruistically at the ballot box, but selfishly in their everyday lives] would be sound, from a purely egalitarian point of view (*as opposed to from the point of view of an egalitarianism enriched by a principle of community*). But the required conditions will never obtain. Selfish market behaviour will induce inequality of reward, and state intervention could mitigate but not (consistently with efficiency) reverse that tendency. (Cohen 2008, 175, emphasis added)

Since the Meadian prescription is "sound", consequentialism about justice is true. But the same passage confirms that Cohen *rejects* consequentialism about *community*. For the italicized fragment implies that "the principle of community" judges more than person-independent states of the world.³⁴

Cohen's "somewhat concocted" notion of justificatory community is very promising, but turns out to be in tension with his own theory of justice.³⁵ I now want to discuss yet another important notion in Cohen's normative thought, that of communal reciprocity.

Fear, Greed and Commodification

Cohen holds that markets (in a sense to be made clear presently) are inapposite to justice and community. He argues this on justice grounds in his two essays on luck egalitarianism (Cohen 1989, 2004), but I believe his normative political philosophy has to

³³ Consequentialism seems to be at odds with Cohen's claim that "justice in citizens was put, above, as a necessary condition of a just society." (Cohen 2008, 129) I believe much emphasis needs to be placed on "was put", since Cohen's argument, in this context, is purely immanent.

³⁴For further discussion of the significance of motivation, see Cohen's discussion of kidney donation and prostitution, where the "the wanted thing is yielded for the wrong reason". (Cohen 2008, 223-5)

³⁵ He also does not say what the relevant class of actions falling under justificatory community is. Cohen's argument against the basic structure restriction entails that this class is much broader than liberals are inclined to think, but we are left in the dark as to how much broader.

be read in light of this belief.³⁶ Cohen (2009) develops an anti-market argument on grounds of community by enlisting two “modes of communal caring”.³⁷ The “first mode” is something like justificatory community, and is illustrated by the bus case (see p. 14 above). The “second mode”, dubbed “communal reciprocity” is:

...the antimarket principle according to which I serve you not because of what I can get in return by doing so but because you need or want my service, and you, for the same reason, serve me. Communal reciprocity is not the same thing as market reciprocity, since the market motivates productive contribution not on the basis of commitment to one’s fellow human beings and a desire to serve them while being served *by* them, but on the basis of cash reward. The immediate motive to productive activity in a market society is (not always but) typically some mixture of greed and fear, in proportions that vary with the details of a person’s market position and personal character... the market posture is greedy and fearful in that one’s opposite-number marketers are predominantly seen as possible sources of enrichment, and as threats to one’s success. (Cohen 2009, 38-41)

Why not Socialism? is full of passages reminiscent of Marx’s critique of market society: the “abstract”, but “selfish” form of market reciprocity, the alienation of producer from consumer and product, the semblance of independence “founded on dependence”, and so on. By contrast, in a society where human relationships are regulated by communal reciprocity, people can properly be said to constitute each other’s need, and the emphasis is not just on how they *fare*, but also on how they approach and treat one another. Fear and greed thus cease to be the dominant motives in their everyday lives and are replaced by dialogically acceptable mutual concern.

Liberals (of Rawlsian and non-Rawlsian persuasions) object to this identification of market motivation with motivation by fear and greed. Jeremy Shearmur, for example, discusses “mixed motive” systems in connection with the market for blood, adding that “there seems to be no special reason to insist on austere altruistic motives here” (Shearmur 2003, 264-5). Drawing upon Andrew Carnegie’s life, Hillel Steiner also argues that neither fear, nor greed are necessary elements “in the motivational explanation of market behaviour.” (Steiner forthcoming, 9)

The liberal objection confuses different senses of the term “market”. As I understand that term, there are two kinds of markets. The first kind is innocuous, the second is devilish. An innocuous market system is what may be called *small-scale commodity production*: a network of markets, where people bring their privately owned

³⁶ I argue this in Vrousalis (2010).

³⁷ Cohen does not say how these two modes are related or, indeed, whether they are consistent.

wares for trade, to the exclusion of a labour market.³⁸ Injustice or lack of community may supervene under small-scale commodity production, but that social formation is not intrinsically unjust or unfraternal, and can be regulated to produce both justice and community. A non-innocuous market system is what Marxists call *generalized commodity production*: a network of markets, where people bring their privately owned wares for trade, and which includes a labour market. Indeed, what distinguishes capitalist from pre-capitalist modes of production is that, under the former, and unlike the latter, capital has invaded the sphere of production, and turned labour power into a commodity.³⁹

I maintain that the distinction between different forms of commodification sheds light on Cohen's remarks about community, and therefore on his opposition to the sort of "handling" that capitalism (regulated or not) generates:

The capitalist market does not, of course, require people to handle people roughly, but... the market does require people to *handle* people, to manage them, in a particular sense. Business is, among other things, people treating people according to a market norm –the norm that says they are to be dispensed with if they cannot produce at a rate which satisfies market demand... Business turns human producers into commodities. (Cohen 2000, 181)

The distinction shows, I think, how wrongheaded the liberal "mixed motives" response is. The capitalist market, *qua* generalized commodity production, by definition involves treating humans like commodities. Moreover, commodification must perforce institutionalize fear and greed, for otherwise it cannot perform its functional role. It institutionalizes fear because the owner of labour power (who does not own means of production) will always be under (the threat of) unemployment, poverty, alienation, misery, and so on.⁴⁰ It institutionalizes greed because no owner of the means of production can maximize his profit without maximally exploiting (in both the ethically neutral, and the non-neutral, sense) his workers. To be sure, not all market relationships constitute institutionalizations of instrumental treatment of others, as small-scale commodity relations demonstrate (e.g. my relation to the local grocer). Furthermore, no moral complications need arise with commodification if I get my wealthy neighbour's child to help me move my sofa in return for some pocket money. Commodification is

³⁸ This is, roughly, what Marxists (not Marx) call 'simple commodity production'.

³⁹What distinguishes capitalism from pre-capitalism is therefore neither private property, nor the profit motive, nor the existence of capital: all of the above pre-date capitalism and are necessary, but not sufficient for capitalist production. It is the generalization of commodity production that completes the set of sufficient conditions.

⁴⁰ For a more dramatic description of the evils of commodification, see Marx (1992, 799)

objectionable if and when it embodies or implies some sort of domination, i.e. the instrumental treatment of others through power over them.⁴¹

A rough and ready liberal response to this argument may grant that capitalists, *qua* capitalists, must behave with greed, and that workers, *qua* workers, must behave with fear under the structural constraints capitalism imposes. But one may then respond that there exist systems of *market socialism* that very nearly eliminate the suspect forms of motivation, or render them morally negligible. One such form of market socialism has been defended by Joseph Carens. Cohen was sympathetic to the Carensian model, which he called the “Platonic ideal of market socialism.” (Cohen 1995, 264) Here’s his characterization of that ideal:

Carens described a society in which what looks like a standard capitalist market organizes economic activity, but the tax system cancels the disqualifying results of that market by redistributing income to complete equality. There are (pretax) profit-seeking capitalists, and workers who own no capital, *but* people acknowledge an obligation to serve others, and the extent to which they discharge that obligation is measured by how close their pretax income is to what would be in the most remunerative (and therefore, on standard assumptions, the most socially contributing) activity available to them, which taxation effects a fully egalitarian posttax distribution of income. Here, then, producers aim, in an immediate sense, at cash results, but they do not keep (or otherwise benefit from) the money that accrues, and they seek it out of a desire to contribute to society: a market mechanism is used to solve the social technology problem, in the service of equality and community. (Cohen 2009, 63-64)

The Carensian ideal is “Platonic” because, unlike other forms of market socialism, it makes sufficient space for eliminating objectionable inequality in both alienable and inalienable resources.⁴² But even if superior to other forms of market socialism, it is still

⁴¹ I discuss this, and related questions, in “Why Marxists Should be Interested in Exploitation”, which is available from me upon request.

⁴² Important models of market socialism have recently been drawn up by Roemer (1994) and Schweickart (1996). Both Roemerian socialism, which equalizes individual shares to the means of production, and Schweickartian socialism, which gives all members of workers’ cooperatives an equal say over the management of the means of production imply (more or less) equalization of *alienable* resources. But what happens if, say, the more talented members of a cooperative down the road consistently make more money than others? Schweickart, unlike Cohen (and unlike Roemer), takes the resulting inequality to be not unjust. Yet the resulting inequality of resources and power is hardly congenial to Schweickartian economic democracy. Carensian market socialism can address that form of inequality and is, in that respect, more attractive.

inferior to a system of “planned mutual giving” (Cohen 2009, 10), such as the planned giving of a “well-ordered” camping trip. The reason some inferiority remains even under Carensian socialism is that it fails to meet Cohen’s standard of communal reciprocity. To see this, consider what Carens requires of the typical capitalist: in the morning he goes to work, and treats others exclusively as sources of enrichment, fires and hires them, and so on. The typical worker, on the other hand, views the capitalist, and his fellow workers, as constant threats to his own autonomy and self-respect.⁴³ In the afternoon the capitalist and the worker join hands, and return home together to enjoy their high –and equal– levels of material wealth. In the afternoon they “storm heaven”, but in the morning they must reluctantly take their chances in a profane world. The scent of bourgeois schizophrenia is in the air.⁴⁴

But what’s wrong with schizophrenia?⁴⁵ I say nothing about schizophrenia in general, but the bourgeois schizophrenia defended by market socialists is morally problematic, or, at least, it must be for someone (like Cohen), who affirms the value of community. For the relevant analogy is surely with someone who kidnaps your child in the morning and returns it (with some added benefit) in the afternoon. Market socialism, even Carensian market socialism, is generalized, self-reproducing kidnapping, in the sense that both the victims of kidnapping and the victims of the market (in the non-innocuous sense of “market”) are dominated: only a handful of workers are ever given a reasonable exit option from the sort of institutionalized relationship that breeds fear and/or greed, in which their lives are embedded are reproduced.⁴⁶

To be sure, under Carensian socialism, market domination results in substantial net benefits for the receivers of post-tax redistribution (whereas in the case of kidnapping the domination typically results in net harm for parents and child).⁴⁷ But this does not detract from the inherently objectionable features of the relationship in which market agents are embedded, at least during their working lives, including the tendency of this relationship to generate yet another “nursery for those vices of character” which include servility and

⁴³ He proceeds cautiously, ‘timid and holding back, like one who is bringing his own hide to market and has nothing to expect but –a tanning.’ (Marx 1992, 280) Threats to one’s self-respect survive even if he is guaranteed to *earn* as much as others do, or indeed to *fare* as well as they do.

⁴⁴ Interestingly, one of Hayek’s (1944) arguments for capitalism is the *depoliticization* it effects, i.e. its distancing of politics from the economy. This feature is, in turn, said to “protect” democracy. For a rebuttal of Hayek, see Schweickart (1996, 206-224).

⁴⁵ This question was put to me by Hillel Steiner in the course of my presentation of this objection.

⁴⁶ “The market, one might say, is a casino from which it is difficult to escape...” (Cohen 2009, 33) The casino, we may add, is situated on a large boat and enforces a strict policy of fear and greed. Those who fail to wear fear and greed on their face during their gambling endeavours are summarily thrown out to sea.

⁴⁷ Market domination is not a form of agent-less domination (whatever *that* is): if the market dominates, then some agents are *eo ipso* dominating others.

greed.⁴⁸ Since communal reciprocity by definition rules out these “vices of character” and the structures that generate them, Carensian socialism is inconsistent with communal reciprocity.

Let me summarize the argument of this section. Cohen thought communal reciprocity to be a value of “supreme” importance. He also held that value to be inconsistent with standard market motivations, such as fear and greed. Liberals counter his criticism by arguing that markets are consistent with “mixed motives”, which need not involve fear and greed (or, at any rate, their morally suspect forms). To this I have responded, on Cohen’s behalf, that whatever motives people happen to (want to) have, once we properly disambiguate the term “market” we will come to see why the capitalist market has an intrinsic tendency to generate fear and greed. The liberal rejoinder says that elimination or minimization of fear and greed is possible under a system of market socialism (e.g. resembling Carens’ model). To this I have replied that even such a system will fail to meet Cohen’s standards of communal reciprocity, since (Carensian) market socialism upholds the liberal distinction between “earthly” and “heavenly” aspects of the social world, in a way that imposes forms of domination on (a part of) peoples’ lives. I conclude that full realization of communal reciprocity requires the abolition of such relationships. It requires, in a nutshell, the decommodification of human labour power: decommodification is necessary for community.⁴⁹ I do not, of course, pretend that this is exactly what Cohen thought. All I have said is that communal reciprocity sets high standards, that these standards can’t possibly be met when people are treated as commodities (not even for eight hours a day), that all market-based societies (whether capitalist or market socialist) thus fail to embrace those standards, and that Cohen never balked at this conclusion. Indeed, he wholeheartedly embraced it.

This essay has sketched and critically assessed Cohen’s account of community. His work can, I think, shed fresh light on this neglected, but very important, value. The distinctive moral significance of socialism, and its capacity to represent itself as distinct from liberal egalitarianism, may yet hinge upon the understanding and prominence socialists attach to that value.

⁴⁸ I am paraphrasing Mill (1869, 66), who is here describing the relation of “superiors to dependents” in the context of the traditional family. His description nevertheless applies as much to ancient slavery, as to the contemporary wage relation.

⁴⁹ Cohen dismissed the view that decommodification is *sufficient* for communal reciprocity. Section IV of *Why not Socialism?* is devoted to the question whether it would be possible, using a form of social technology morally superior to that of the market, to produce a reasonably efficient and egalitarian economy on the basis of communal reciprocity. His answer is that we do not know whether such a technology will ever be forthcoming, which has the -only slightly encouraging- consequence that it is false that we now know that such a technology will never be forthcoming. And, because “every market, even a socialist market, is a system of predation”, it follows that we should not give up on “our attempt to go beyond predation” (Cohen 2009, 82).

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