

Book Reviews

ON JUSTICE

The virtue of J. R. Lucas's *On Justice* (London: Oxford University Press, 1980) is not that it offers a new theory of justice destined to rival the one put forth by John Rawls in *A Theory of Justice*. Nor is it that the book is replete with ingenious examples and puzzles that will set one to thinking. Rather, it is that the book constitutes a paradigm example of good, solid, conceptual analysis and commonsense thinking as applied to the topic of justice. The author gives one a real sense, not so much of the importance of justice, but of its scope and limits. Perhaps the most important message of this book is that in society there is, of necessity, a trade-off between justice and freedom: social justice does not, and cannot, guarantee interpersonal justice (p. 197).

Lucas holds that a just society is one that accords its members a degree of autonomy and so, by way of rights, is one that guarantees all of its members a sphere of freedom in which they may do as they please (p. 29). Clearly, from the fact that justice requires a sphere of freedom, it does not follow that persons will act justly within this sphere. For example, a professor does a student a grave injustice if he believes the student to be first-rate but refuses to write a needed letter of recommendation for the student because he does not like the student's ethnic or religious background or because the student is a woman. A student in this predicament has no formal means of redress. Nor is it obvious that there *should* be any. After all, a letter of recommendation is the sort of thing that, if not written willingly, is perhaps best not written at all.

The above example of an interpersonal injustice that is compatible with social justice is, I think, superior to Lucas's example of a person disinheriting his family (p. 31). Disinheriting is a kind of taking back what one has given; it constitutes altering what a person had been led to believe he could count on, and there is something to be said against doing just that. In the letter of recommendation example, however, I did not suppose that the student is led to believe that he could count on a recommendation from the professor if his (the student's) performance in class is first-rate. This need not be true at all. The professor could make it manifestly clear that he does not write letters of recommendation for Jews, minorities, and women no matter how well they perform in his class. Nonetheless, in the case of those who are first-rate, his not doing so would still be a grave injustice.

On Justice contains a rather illuminating discussion of game theory (chap. 3). For instance, if the prisoner's dilemma makes it clear that complete selfishness on the part of everyone will lead to results that everyone will find undesirable, it would be a mistake to think that complete altruism

on the part of everyone does not (p. 49). In chapter 4, "Natural Justice and Process Values," the observation that, in order to be effective, "justice must not only be done, but be seen to be done" (p. 82), illuminates our conviction that a person should not be judge in his own case. And the chapter on punishment (chap. 6) contains a useful discussion of the difference between punishment and revenge (pp. 129-32).

While Lucas is for the most part a remarkably sensible writer, the chapter entitled "Justice and Law" does contain some quite disturbing asides. He writes as if it were obvious that the incarceration, after Pearl Harbor, of Americans of Japanese descent could easily be defended as fair (p. 121). This is far from obvious; yet Lucas does not advance a single consideration, let alone argument, in support of his way of regarding the matter.

As for his aside on sexism, let me say this. That sex has often proved to be correlated with some feature that is relevant to the performance of some task is beyond dispute. What turns on this, though, depends on the explanation for the correlation. It is one thing if the correlation has nothing to do with past prejudices and forms of discrimination that have resulted in women having a diminished or, at any rate, skewed, sense of self; it is quite another if the correlation is inextricably tied to these things. We have sexism in the latter instance but not in the former. (I hold that sexism, like racism, is by definition morally objectionable.¹)

As one might expect, given the title of this book, Lucas devotes a chapter to Rawls's views on justice. It is a fair criticism of Rawls that, in regarding the natural endowments of people as a common asset, he leaves himself somewhat vulnerable to precisely the charge he makes against utilitarianism, namely, that it does not take seriously the distinction between persons (pp. 189 ff.)² It is worth noting, however, that Rawls's premise does not yield the conclusion that he is a radical or strict egalitarian; for this premise is used in the argument for the difference principle, which applies to the basic structure of society. It is not Rawls's view that any and every inequality at the interpersonal level is impermissible. After all, he devotes an entire section of the book to the problem of envy, which is generated by economic differences.³ This section would be quite unnecessary if Rawls were a radical egalitarian. In fact, a very clear measure of his nonegalitarianism is that for him the most important primary good is self-respect, which consists of the conviction that one's plan of life is worthwhile, and which is underwritten by the primary good of liberty.⁴ Thus, Rawls wants to say that, so long as people have the conviction that their plan of life is secure, they are rather oblivious to the differences that surround them.⁵ So, if it is true that, in connection with our natural assets, Rawls starts with a very egalitarian premise in the original position, the fact of the matter is that the results are very nonegalitarian—perhaps surprisingly so. This is a testimony to Rawls's tremendous philosophical acumen. Like many, Lucas seems not to have read Part III of *A Theory of Justice*,

at least not carefully enough.

On Justice is not a very powerful philosophical work. It covers too much too quickly to be that. But, for this very reason, it is a very suggestive book. It raises many issues to think about. While the seasoned moral philosopher will not gain much by reading it, others can do so with profit.

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1. Since facts cannot be sexist or racist, I hold that true claims about the differences between women and men or minorities and nonminorities cannot be, either.

2. John Rawls, *A Theory of Justice* (Cambridge: Harvard University Press, 1971), p. 27. On the topic of natural assets and Rawls's theory of justice, I find it rather surprising that Lucas does not cite David Gauthier's very important article, "Justice and Natural Endowment: Toward a Critique of Rawls's Ideological Framework," *Social Theory and Practice* 3 (1974): 3-26.

3. *A Theory of Justice*, sect. 80; see also sect. 81.

4. *Ibid.*, sects. 67, 82.

5. *Ibid.*, p. 442. On this point, I have tried to show that the argument is not as successful as Rawls would like to think. See my "Rawlsian Self-Respect and the Black Consciousness Movement," *Philosophical Forum* 9 (1978): 303-14.