Marxism and the Continuing Irrelevance of Normative Theory (reviewing G. A. Cohen, If You're an Egalitarian, How Come You're So Rich? (2000))

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BOOK REVIEW

Marxism and the Continuing Irrelevance of Normative Theory

Brian Leiter*


I. INTRODUCTION

G. A. Cohen, the Chichele Professor of Social and Political Theory at Oxford, first came to international prominence with his impressive 1978 book on Marx's historical materialism,¹ a volume which gave birth to "analytical Marxism."² Analytical Marxists reformulated, criticized, and tried to salvage central features of Marx's theories of history, ideology, politics, and economics. They did so not only by bringing a welcome argumentative rigor and clarity to the exposition of Marx's ideas, but also by purging Marxist thinking of what we may call its "Hegelian hangover," that is, its (sometimes tacit) commitment to Hegelian assumptions about matters of both philosophical substance and method. In particular, analytical Marxists "deny that there is

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anything of value which distinguishes [Marx’s] method from that of mainstream social science.”

Thus, analytical Marxists repudiate Marx’s unfortunate attachment to the idea of a distinctively \textit{dialectical} method of analysis and explanation,\textsuperscript{4} according to which (as Cohen explains it) “every living thing ... develops by unfolding its inner nature in outward forms and, when it has fully elaborated that nature, it dies, disappears, is transformed into a successor form precisely because it has succeeded in elaborating itself fully.”\textsuperscript{5}

Dialectics, so understood, entails \textit{teleology}: A thing’s “inner nature” determines its \textit{end}, i.e., what it can and will become.

Applied to the phenomenon of socioeconomic change, dialectics leads to what Cohen aptly calls Marx’s \textit{“obstetric” conception of political practice.”}\textsuperscript{6}

According to this view, “The prescribed way forward [i.e., to communism] is dictated by the process of pregnancy itself. \textit{The solution} [communism] \textit{is the consummation of the full development of the problem} [capitalism].”\textsuperscript{7}

Historical development is like a normal pregnancy: The outcome is foreordained—a baby will be born approximately nine months after conception—and all we, as historical actors, can do is facilitate, and perhaps ever-so-slightly accelerate, the predetermined conclusion. The \textit{solution} (the baby) is the consummation of the full development of the \textit{“problem”} (the pregnancy).

As Cohen notes, this \textit{“dialectical idea ... of self-destruction through self-fulfillment”}\textsuperscript{8} and its cognate doctrine that “politics teases solutions out of developing problems”\textsuperscript{9} are ideas that “few would now regard as consonant with the demands of rigorous science.”\textsuperscript{10} Of course, that understates the point: A commitment to dialectical methods of analysis and explanation looks like nothing more than \textit{a priori} dogma, not the methodological linchpin of any successful empirical science. Hegel, who died in 1831, was himself a dead issue in German philosophy by the 1850s, having been skewered on the end of Schopenhauer’s pen, turned on his head by Feuerbach, and dismissed or ignored by the new breed of German materialists and NeoKantians.\textsuperscript{11}

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\textsuperscript{3} Alex Callinicos, \textit{Introduction} to \textit{MARXIST THEORY} 14 (Alex Callinicos ed., 1989).

\textsuperscript{4} As Allen Wood puts it: “[D]ialectic is best viewed as a general conception of the sort of intelligible structure the world has to offer, and consequently a program for the sort of theoretical structure [i.e., explanation] which would best capture it.” ALLEN W. WOOD, \textit{KARL MARX} 190 (1981).

\textsuperscript{5} P. 46.

\textsuperscript{6} P. 43.

\textsuperscript{7} P. 54.

\textsuperscript{8} P. 46.

\textsuperscript{9} P. 64.

\textsuperscript{10} P. 64.

\textsuperscript{11} He was resurrected as an important figure in the Marxian tradition by GEORG LUKÁCS, \textit{HISTORY AND CLASS CONSCIOUSNESS} (Rodney Livingstone trans., Merlin Press 1968) (1923), a book which, via ROBERTO MANGABEIRA UNGER, \textit{KNOWLEDGE AND POLITICS} (1975), had a significant, and not salutary, impact on Critical Legal Studies. For a discussion, see Brian Leiter, \textit{Is There an “American” Jurisprudence?}, 17 OXFORD J. LEGAL
thanks to Marx, and especially Engels’s infatuation with dialectics—and the intellectual subservience of so many of their followers—Hegel’s idea of dialectic remained a vibrant one in European thought for the next century-and-a-half.

What remains of Marx without the Hegelian hangover? The perhaps surprising answer is quite a lot, and certainly everything worthwhile! Curiously, G. A. Cohen’s important book, *If You’re an Egalitarian, How Come You’re So Rich?*, obscures this point. Cohen inferences from the need for Marx to sober up from his Hegelian hangover that Marxists can no longer ignore the questions of normative moral and political philosophy, as Marx himself did: Once the “[s]uccess of the [revolutionary] cause is [no longer] guaranteed . . . Marxists, or what were Marxists, are increasingly impelled into normative political philosophy.”

Thus, Cohen’s brand of Marxism returns the reader to the familiar academic terrain of armchair normative theory à la Rawls and Nozick. Whereas much of Cohen’s 1995 collection of essays took on the libertarian challenge to a Marxish conception of equality and justice, the current volume attacks the liberal conception associated with Rawls, according to which “distributive justice and injustice are features of the rules of the public order alone.” This raises the question, as Cohen has dubbed it, of the “site” of distributive justice: Do principles of distributive justice govern only “the rules of the public order,” as Rawls would have it, or must they also govern “personal choice,” “the attitudes people sustain toward each other in the thick of daily life”? In Cohen’s rather unMarxian view, “both just rules [for society] and just personal choice within the framework set by just rules are necessary for distributive justice.” Cohen’s is an argument for a variation on the theme “the personal is political,” or, more precisely, for the Christian version of that theme according to which genuine “equality requires . . . a moral revolution, a revolution in the human soul.”

Equality, in short, demands not just institutional arrangements favoring egalitarian norms, but also an
egalitarian "social ethos," which informs the actions of citizens in their daily lives, an ethos which takes root in the "soul." Hence, the title of his book: If you're really an egalitarian, then it's not enough to support the redistributive, liberal state—you really ought to be giving away your money too!

Roughly half of Cohen's book is devoted to a lucid and provocative exposition and critique of what he calls "Classical Marxism," its Hegelian hangover, and the obstetric metaphor; the second half is an exercise in normative theory, with Rawls as its target. The latter arguments have, so far, attracted the most attention, but I will accord the first half of the book somewhat more space here. The traditional Marxian attitude towards normative theory—namely, that it is pointless because ineffectual—is one that resonates with a more recent attack on normative theory familiar to legal scholars from the work of Richard Posner. Attacking what he calls "academic moralism"—"the kind of moral theorizing nowadays considered rigorous in university circles"—Posner claims that such theorizing has no prospect of improving human behavior. Knowing the moral thing to do furnishes no motive, and creates no motivation, for doing it; motive and motivation have to come from outside morality. Even if this is wrong, the analytical tools employed in academic moralism—whether moral casuistry, or reasoning from the canonical texts of moral philosophy, or careful analysis, or reflective equilibrium, or some combination of these tools—are too feeble to override either narrow self-interest or [pre-existing] moral intuitions. And

22. Cohen's actual conclusion is less definite than this, as we will see. In fact, Cohen thinks there may be some unanswered arguments in favor of egalitarians remaining rich! See P. 179.
24. Many of the prominent reviews to date have been by political philosophers who apparently know little about Marx and thus cannot evaluate Cohen's claims. Nagel, supra note 23, is a good example.
26. Id. at 5.
27. Id.
28. Although Posner does not discuss the issue, he is, in fact, taking a position on a controversial thesis in moral theory, namely externalism, which denies that there is any intrinsic connection between knowledge of the moral rightness of an action and an agent's motivation to perform it. Kantians deny externalism, while Humeans affirm it. I am inclined to think that the Humeans (and, a fortiori, Posner) are rather clearly right (certainly empirically, but also conceptually), but such an affirmation will merely strike Kantians as dogmatic.
academic moralists have neither the rhetorical skills nor the factual knowledge that might enable them to persuade without having good methods of inquiry and analysis. As a result of its analytical, rhetorical, and factual deficiencies, academic moralism is helpless when intuitions clash or self-interest opposes, and otiose when they line up.29

With a slight change in the rhetoric, Marx could have been the author of this passage. Moreover, Marx and Posner may be more correct about the efficacy of moral theory than either Cohen or Posner's critics30 allow. Or so I shall argue in what follows. Let us begin, however, by considering what remains of Marx's theory of history once we cure Marx of the Hegelian hangover.

II. MARX'S HEGELIAN HANGOVER: HISTORICAL EXPLANATION WITHOUT DIALECTICS

I want to grant Cohen and other analytical Marxists that dialectics, understood as an a priori constraint on explanation, is unacceptable. I also do not want to dispute the interpretive point that Marx sometimes took dialectics quite seriously. The interpretive point is of interest to Marx scholars, to be sure, but not to philosophers, historians, or readers of this journal. The question that really matters is ought Marx—or a Marxian—be committed to dialectics? Does his theory of historical change require it? Does his opposition to normative theory demand it? In all these cases, the answer is "no."

Why does Cohen not attend to these points? The source of the problem is suggested by his explanation of the sense in which Marx and Engels take "scientific socialism" to be "scientific":31

The most obvious and least interesting sense, though not therefore the least important sense, in which it is, in their view, scientific, is that it possesses a

29. POSNER, supra note 25, at 7. Posner is aware that professional moral philosophers frequently claim influence for academic moral theory, but, as he notes, no empirical evidence is ever adduced on behalf of these sanctimonious platitudes. See id. at 25 & n.27 (discussing such claims by the moral philosophers Samuel Scheffler and J.B. Schneewind).

30. See, e.g., Ronald Dworkin, Darwin's New Bulldog, 111 HARV. L. REV. 1718 (1998); Martha C. Nussbaum, Still Worthy of Praise, 111 HARV. L. REV. 1776 (1998). While Dworkin is right about Posner's misuse of Darwin, he takes advantage of Posner's rhetorical looseness when he objects, "no doubt many people are never moved by the logic of a moral argument, even once in their lives, but it is absurd to suppose that no one ever is." Ronald Dworkin, Philosophy & Monica Lewinsky, 47 N.Y. REV. BOOKS, Mar. 9, 2000, at 48, 51. But nothing, ultimately, in Posner's view, or that of Marx, requires maintaining that philosophical arguments have never influenced anyone; the claim at stake, as we shall see, is whether moral arguments bring about social and economic changes. Indeed, it seems bizarre for Dworkin to lambaste Posner for his "a priori psychological dogma," id., regarding the influence of moral philosophy, given that Posner's claim, like Marx's, is a posteriori. Where, one wonders, is the evidence for the great influence of the arguments of moral philosophers?

31. P. 53.
scientifically defensible theory of history in general and of capitalism in particular.

. . . .

But the most interesting claim is about how the movement which possesses the science relates to the social reality which generates the movement and the science . . . . The movement understands . . . how it itself arises . . . . It is the consciousness of social reality, in a political form.

. . . .

Scientific socialism is what it is because of a different self-perception . . . . It understands itself as utopian [i.e., non-scientific] socialism could not, as the reflex of the stage of development at which it arises, this now being the stage when capitalism's contradictions are acute and the proletarian movement is strong. It understands itself as the consciousness of the movement, rather than as inspired by universally valid ideals. It consequently looks for the solution to the evils of capitalism in the process in which capitalism is transforming itself.32

Cohen thinks the "most interesting"—but not necessarily, he admits, the most "important"—reason that Marx takes his theory to be scientific33 is that it displays a dialectical self-understanding. "Scientific socialism" understands both (a) that it itself is historically conditioned (such "understanding" is only possible at the point at which "capitalism's contradictions are acute"), and (b) that the "solution" (i.e., communist revolution) is immanent in the problem (i.e., the developing contradictions of capitalism). These are the kinds of claims that Cohen rightly notes are not "consonant with the demands of rigorous science."34

Yet it is actually what Cohen calls "the least interesting" sense of "scientific socialism" that has any plausible claim to scientific status, namely, that Marx's theory actually explains and predicts historical and economic developments. Consider: If Marx's theory of historical change both explained historical developments and predicted them, then everyone would view it as a scientific theory whether or not it had the Hegelian features noted above.

Of course, there are no theories of historical change, to date, that successfully explain and predict events with the quantitative precision we associate with theories in the natural sciences. This may, in part, be an artifact of the unwarranted imposition of standards of explanatory and predictive success appropriate to the study of inanimate matter onto human phenomena. As one philosopher of science notes: "[H]istorians lack the physicist's freedom to choose questions specially susceptible to rigorous answers . . . [H]istory is committed to asking questions that are salient because of their practical

32. P. 53-54.
33. Most of the textual support actually cited comes from Engels, not Marx. But that is a philological debate I do not want to enter here.
34. P. 64.
importance, not because of their susceptibility to rigorous answers."

Moreover, assuming we grant, as most philosophers of science now believe, that "explanatory adequacy is essentially pragmatic and field-specific"—what counts as a good explanation depends on our interests and may vary with domain (a good explanation in history might not be so good in biochemistry)—then we can recognize, as most historians do, that there are better and worse historical explanations, even if none meets the standards of quantitative precision we associate with physics or chemistry.

Once we grant the latter, however, then it is surely obvious that Marxian historical explanations have been and continue to be among the best and most plausible in the field. The enormous and impressive historical literature employing a Marxian framework would have established this, one should think, beyond doubt. But professional history aside, it is surely striking that even the capitalist media have taken note of the power of Marx's predictions. So, for example, that quintessentially "bourgeois liberal" newspaper, The New York Times, noted:

Karl Marx may have been right after all.

As readers revisit "The Communist Manifesto" on its 150th anniversary, those on the left and the right have been struck by the eerie way in which its 1848 description of capitalism resembles the restless, anxious and competitive world of today's global economy. Economists and political scientists note how the manifesto, written by Marx and Friedrich Engels, recognized the unstoppable wealth-creating power of capitalism, predicted it would conquer the world, and warned that this inevitable globalization of national economies and cultures would have divisive and painful consequences.

The Times is joined by the economics writer for The New Yorker:

Marx was a student of capitalism, and that is how he should be judged. Many of the contradictions that he saw in Victorian capitalism and that were subsequently addressed by reformist governments have begun reappearing in new guises, like mutant viruses. . . . [Marx] wrote riveting passages about

36. Id. at 95.
globalization, inequality, political corruption, monopolization, technical progress, the decline of high culture, and the enervating nature of modern existence....

His basic insight... was reintroduced in recent times by James Carville: "It's the economy, stupid." Marx's own term for this theory was "the materialist conception of history," and it is now so widely accepted that analysts of all political views use it, like Carville, without any attribution. When conservatives argue that the welfare state is doomed because it stifles private enterprise, or that the Soviet Union collapsed because it couldn't match the efficiency of Western capitalism, they are adopting Marx's argument that economics is the driving force in human development. Indeed, as Sir John Hicks, a Nobel Prize-winning British economist, noted in 1969, when it comes to theories of history Karl Marx still has the field pretty much to himself.39

To be sure, it is all a bit more complicated than that, but the accuracy of Marx's qualitative predictions is still striking: Capitalism continues to conquer the globe; its effect is the gradual erasure of cultural and regional identities;40 growing economic inequality is the norm in the advanced capitalist societies;41

40. See, e.g., Bill Keller, Of Famous Arches, Beeg Meks and Rubles, N.Y. TIMES, Jan. 28, 1990, at A1 (commenting on the first McDonald's to open in Moscow, "a company executive... summing up the company's cultural conquest" said, "We're going to McDonaldize them."); Amy Wu, For the Young, Hong Kong is the Home of Opportunity, N.Y. TIMES, Apr. 27, 1997, at C12 ("To us, as long as the paychecks go up and we are satisfied with our lives, then whatever flag we are under [British or Chinese] doesn't seem to matter.").
41. See Keith Bradsher, Rich Control More of U.S. Wealth, Study Says, as Debts Grow for Poor, N.Y. TIMES, June 22, 1996, at A31; Barbara Crossette, Kofi Annan's Astonishing Facts!, N.Y. TIMES, Sept. 27, 1998, at D16 ("The world's 225 richest individuals, of whom 60 are Americans with total assets of $311 billion, have a combined wealth of over $1 trillion—equal to the annual income of the poorest 47 percent of the entire world's population."); Helen Epstein, Time of Indifference, N.Y. REV. BOOKS, Apr. 12, 2001, at 33, 35 ("Today per capita income in many developing countries is lower than it was fifteen years ago, and average living standards in most of them have declined since the mid-1980s. Health status is declining along with incomes."); Andrew Hacker, The Rich: Who They Are, N.Y. TIMES, Nov. 19, 1995, § 6 (Magazine), at 70; Paul Lewis, Road to Capitalism Taking Toll on Men in the Former Soviet Bloc, N.Y. TIMES, Aug. 1, 1999, at A3 (stating that U.N. report notes that [i]t is a transition to a market economy has thus been accompanied by a demographic collapse and a rise in self-destructive behavior, especially among men"); Sylvia Nasar, Fed Gives New Evidence of 80's Gains by Richest, N.Y. TIMES, Apr. 21, 1992, at A1; Elizabeth Olson, Free Markets Leave Women Worse off, Unicef Says, N.Y. TIMES, Sept. 23, 1999, at A9; Study Finds Poverty Deepening in Former Communist Countries, N.Y. TIMES, Oct. 12, 2000, at A3 ("The report... found that poverty in the region [Eastern Europe] had increased more than tenfold over the decade since the fall of Communism because of reduced spending on health, education and other social programs."); Michael M. Weinstein, America's Rags-to-Riches Myth, N.Y. TIMES, Feb. 18, 2000, at A28. See generally EDWARD N. WOLFF, TOP HEAVY: THE INCREASING INEQUALITY OF WEALTH IN AMERICA AND WHAT CAN BE DONE ABOUT IT (1996).
where capitalism triumphs, market norms gradually dominate all spheres of life, public and private; class position continues to be the defining determinant of political outlook; the dominant class dominates the political process, which, in turn, does its bidding; and so on. Marx and Engels write, for example:

The bourgeoisie, wherever it has got the upper hand, has put an end to all feudal, patriarchal, idyllic relations. It has pitilessly torn asunder the motley feudal ties that bound man to his “natural superiors,” and has left remaining no other nexus between man and man than naked self-interest, than callous “cash payment.” It has resolved personal worth into exchange value, and in place of the numberless indefeasible chartered freedoms, has set up that single, unconscionable freedom—Free Trade.

42. See, e.g., Eric Mann, “Foreign Aid” for Los Angeles, N.Y. TIMES, May 1, 1993 at A23 (“Elect a black mayor. In 1973, a multiracial movement elected Tom Bradley, a moderate who promised jobs and justice. The Bradley legacy has been a revitalized downtown business district, the transformation of the mayor’s office into an adjunct to the Chamber of Commerce and the polarization of wealth and poverty. At every major juncture, the Bradley administration sided with privilege and against the poor.”); Katha Pollitt, Subject to Debate: Most Women in Congress Support Harsh Welfare Reform, THE NATION, Dec. 4, 1995, at 697 (“The truth is, except on a few high-profile issues—abortion rights, sexual harassment, violence against women—electoral feminism is a pretty pallid affair: a little more money for breast cancer research here, a boost for women business owners there. The main job of the women is the same as that of the men: playing toward the center, amassing campaign funds, keeping business and big donors happy, and currying favor with the leadership in hopes of receiving plums.”).

43. See An “American Ruling Class”? WASH. SPECTATOR, Apr. 1, 1993, at 1 (“For all the talk of ‘change,’ this [Presidential] cabinet is decidedly establishmentarian. Ten of the 14 cabinet members are lawyers, as many as ten are millionaires and several are implicated in the savings and loan and corporate takeover scandals of the Reagan-Bush era.”); Dan Hamburg, Inside the Money Chase, THE NATION, May 5, 1997, at 23, 25 (The former congressman noting that “[t]he real government of our country is economic, dominated by large corporations that charter the state to do their bidding”); Bob Herbert, The Donor Class, N.Y. TIMES, July 19, 1998, at 15 (“I doubt that many people are aware of just how elite and homogenous the donor class [to political campaigns] is. It’s a tiny group—just one-quarter of 1 percent of the population—and it is not representative of the rest of the nation. But its money buys plenty of access.”); Nicholas Lemann, The New American Consensus: Government of, by and for the Comfortable, N.Y. TIMES, Nov. 1, 1998, § 6 (Magazine), at 37; Mann, supra note 42 at A23; Pollitt, supra note 42, at 697.


46. See David Corn, Grading Free Trade, THE NATION, Jan. 1, 1996, at 19 (“President Clinton declared 200,000 jobs would be added ‘by 1995 alone’ [as a consequence of NAFTA]. This fall, [economist Gary] Hufbauer estimated that the United States has suffered a net loss of 225,000 jobs under NAFTA. Multinational Monitor and Public Citizen’s Global Trade Watch, an early NAFTA opponent, recently surveyed sixty-six major U.S. corporations that had claimed the trade agreement would cause them to create jobs or expand imports; fifty-nine percent reported that their predictions have not come true.”).
It has converted the physician, the lawyer, the priest, the poet, the man of science, into its paid wage-labourers.\textsuperscript{47}

The need for a constantly expanding market for its products chases the bourgeoisie over the whole surface of the globe. It must nestle everywhere, settle everywhere, establish connexions everywhere.\textsuperscript{48}

The bourgeoisie, by the rapid improvement of all instruments of production, by the immensely facilitated means of communication, draws all, even the most barbarian, nations into civilisation. The cheap prices of its commodities are the heavy artillery with which it batters down all Chinese walls, with which it forces the barbarians' intensely obstinate hatred of foreigners to capitulate. It compels all nations, on pain of extinction, to adopt the bourgeois mode of production; it compels them to introduce what it calls civilization into their midst, \textit{i.e.}, to become bourgeois themselves. In one word, it creates a world after its own image.

The bourgeoisie keeps more and more doing away with the scattered state of the population, of the means of production, and of property. It has agglomerated population, centralised means of production, and has concentrated property in a few hands. The necessary consequence of this was political centralization. Independent, or but loosely connected provinces, with separate interests, laws, governments and systems of taxation, became lumped together into one nation, with one government, one code of laws, one national class-interest, one frontier and one customs-tariff.\textsuperscript{49}

Does anyone doubt that these remarks written more than 150 years ago describe, even more accurately, \textit{our} world and its own developmental tendencies today?

Why might Cohen have ignored these explanatory and predictive virtues of Marx's account of capitalism? The answer must surely have something to do with the very distinctive interpretation of Marx's theory of history Cohen offered in his famous 1978 book,\textsuperscript{50} according to which Marx presented a \textit{functionalist} theory of history, the one most clearly articulated in the 1859 preface to \textit{A Contribution to the Critique of Political Economy}.\textsuperscript{51} As Cohen notes in the book under review, "[t]he obstetric metaphor is deeply impressed

\begin{itemize}
\item \textsuperscript{47} One thinks of the lament of doctors under managed care, or the laments about the decline of the legal profession from a craft to a "mere" business.
\item \textsuperscript{48} One thinks of the now endless laments, and defenses, of "globalization," which have become a hallmark of our time.
\item \textsuperscript{49} One thinks of the European Union.
\item \textsuperscript{50} COHEN, supra note 1.
\end{itemize}
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on" this preface.\textsuperscript{52} Thus, the \textit{functionalist} theory of history and the Hegelian hangover go hand-in-hand on Cohen's rendering.

According to Cohen's interpretation, Marx offers functionalist explanations of historical change. In functional explanations, "the character of what is explained is determined by its effect on what explains it."\textsuperscript{53} Functional explanations are most familiar from evolutionary biology. We might explain the innate sucking reflex in (most) infants, for example, by reference to its fulfilling the function of helping newborns get the nutrition they need to survive. So, too, Cohen's Marx explains the ideological "superstructure" of a society (roughly, the dominant moral and political ideas of a particular epoch) in terms of its fulfilling the function of stabilizing the "relations of production" (roughly, the existing set of property rights), and he explains the "relations of production" in terms of their fulfilling the function of promoting the maximal growth of the "forces of production" (roughly, "technology, science, and human skills\textsuperscript{54}). As Elster, interpreting Cohen (interpreting Marx), usefully puts it: "[P]olitics and ideas are explained by the fact that they stabilize property rights; and property rights are explained by the fact that they give an impetus to technical change."\textsuperscript{55}

Historical transformations, on this account, occur when the relations of production fail to fulfill their function, i.e., fail to promote the maximal development of the forces of production. (So, e.g., a Marxist functionalist would say that the Soviet Union collapsed because the relations of production—state ownership of the major forces of production conjoined with bureaucratic central planning—fettered, rather than enhanced, the use of the productive forces.) On this story, a tendency towards growth in productive power is simply taken as a \textit{brute} fact of history.\textsuperscript{56}

The difficulty is that the 1859 preface, on which the functionalist interpretation is largely based, is highly atypical, and, in particular, it bears no relationship to Marx's \textit{own} practice of historical explanation in such works as \textit{The Eighteenth Brumaire of Louis Bonaparte}\textsuperscript{57} from 1852—the latter of which is also far more typical of what Marxian historians do as well. Here it is \textit{class struggle}—and the way in which actions, policies, and ideologies reflect the economic interests of particular classes—that figures centrally in historical explanation. "[H]istory ... is the history of class struggles," Marx says famously in \textit{The Communist Manifesto}.\textsuperscript{58} And that is a far more suggestive

\begin{itemize}
  \item \textsuperscript{52} P. 69.
  \item \textsuperscript{53} P. 278.
  \item \textsuperscript{54} ELSTER, \textit{supra} note 12, at 106.
  \item \textsuperscript{55} Id. at 113.
  \item \textsuperscript{56} For important critical discussion of this aspect of Cohen's argument, see Joshua Cohen, \textit{Book Review}, 79 J. PHIL. 253, 262-66 (1982).
  \item \textsuperscript{57} KARL MARX, \textit{THE EIGHTEENTH BRUMAIRE OF LOUIS BONAPARTE} (C. P. Dutt ed., International Publishers 1935) (1852).
  \item \textsuperscript{58} MARX & ENGELS, \textit{supra} note 44, at 473.
\end{itemize}
slogan for historical explanation than "history is the history of the growth of productive power." As Jon Elster notes in criticizing Cohen, the difficulty with the functionalist interpretation of Marx's theory of history is that one needs "an account of how the less than optimal character of the existing relations of production motivates individual men to collective action for the purpose of ushering in a new set of relations." In other words, why would the possibility of developing the productive forces give anyone a reason for acting?

Class struggle supplies the answer, as Cohen himself recognized long ago. He notes:

Classes are permanently poised against one another, and that class tends to prevail whose rule would best meet the demands of production. But how does the fact that production would prosper under a certain class ensure its dominion? Part of the answer is that there is a general stake in stable and thriving production, so that the class best placed to deliver it attracts allies for other strata in society. Prospective ruling classes are often able to raise support among the classes subjected to the ruling class they would displace. Contrariwise, classes unsuited to the task of governing society tend to lack the confidence political hegemony requires, and if they do seize power, they tend not to hold it for long.

Put more colloquially: If the nascent bourgeoisie can out-produce the complacent feudal lords, it should hardly be surprising that (a) they try to, and (b) they displace, in the end, the unproductive feudal lords.

But Cohen maintains that growth of productive forces is still the fundamental explanatory force in Marx's theory. He says, "[I]t is true that for Marx the immediate explanation of major social transformations is often found

59. This is the slogan suggested by G.A. Cohen's formulation of historical materialism; obviously, it is not a slogan Cohen or Marx actually employs.

60. ELSTER, supra note 12, at 108. One can agree with Elster that it is not obvious, on its face, how the prospect of a more optimal development of productive forces would motivate people to act, while disagreeing that "collective action" presents a special obstacle in addition. It is true that collective action looks paradoxical given the standard premises of rational choice theory, but such premises are simply a priori dogma, on a par with Hegelian dialectics in their indifference to empirical evidence! As Wolff caustically notes: "[T]he most casual survey of history and society shows us that collective action is the norm in human affairs. In every human group one can think of, collective action dominates the waking hours . . . of every one over the age of one and a half or two." Wolff, supra note 2, at 472. That a particular a priori dogma makes that phenomenon puzzling ought, in rational discourse, to count against the dogma! On the ideological peculiarities of legal scholarship on this score, see Brian Leiter, Incommensurability: Truth or Consequences?, 146 U. PA. L. REV. 1723, 1727-1731 (1998).

61. COHEN, supra note 1, at 292.

62. As Cohen writes:

Sometimes, too, as in the gradual formation of capitalism, the capacity of a new class to administer production expresses itself in nascent forms of the society it will build, which, being more effective than the old forms, tend to supplant them. Purposive and competitive elements mingle as early growths of capitalism encroach upon and defeat feudal institutions that would restrict them.

Id. at 292-93.
in the battle between classes. But that is not the fundamental explanation of
social change."  

For the fundamental explanation, we need to answer the
question: "[W]hy does the successful class succeed? Marx finds the answer in
the character of the productive forces." This only shows, however, that
growth of productive power is the fundamental notion in Marx's theory of
history on the assumption that functional explanation is the fundamental form
of explanation in his theory. But it can not be—and this is the central difficulty
in Cohen's approach—for functional explanations can not be fundamental. In
the case of Marx's theory, it is precisely the notion of class struggle that
provides the causal mechanism that renders functional explanations intelligible
in the first place! Let me explain.

All functional explanations, it turns out, have the suspicious feature that the
explanandum (the thing to be explained) is temporally prior to the explanans
(that which does the explaining). The sucking reflex (the explanandum) is
clearly prior to the fact of survival (the explanans). But how can anything
explain the existence and character of something that comes before it? Genuine
explanations involve the temporal priority of explanans over explanandum: you
explain the occurrence of X by something that came before X in time, not after
it! So if functional explanations are genuine, they must satisfy this temporal
demand. How can they do so?

The answer, in a nutshell, is that functional explanations, if they are real
explanations, have to be reducible to or shorthands for ordinary causal
explanations (X was caused by Y, and Y preceded X in time). When we say
the sucking reflex in infants is explained by the contribution it makes to the
survival of newborns, what we really mean is that the reason the sucking reflex
came to predominate in the population of infants is that, in the past, those
infants with the genetic predisposition for the sucking reflex survived and
went on to reproduce at much higher rates than those lacking that genetic
predisposition. So a genetic predisposition towards sucking causes survival,
which over time and populations, causes most infants to end up having that
genetic predisposition.

Class struggle must play the same role with respect to Cohen's
functionalist version of historical materialism: The reason relations of
production favorable to the maximal development of the forces of production
come into being is because classes that can effectively exploit the forces of
production try to bring such relations about. Here is how Peter Railton put the
point many years ago:

63. Id. at 148.
64. Id. at 149.
65. The classic discussion is LARRY WRIGHT, TELEOGICAL EXPLANATION (1976). For
discussion in the Marxian context, see ELSTER, supra note 12, at 31-34.
66. This is merely an illustration; I am not claiming there is such a genetic basis for
sucking.
Historically man has enlarged what are in effect his natural ("material") possibilities through the development of new productive forces, and, with this, new ranges of adaptations or social forms ... became possible. When the terms of competition thus shift, individuals or groups who happen to be so situated or so to act as to take differential advantage of these changes in adaptive possibilities will acquire increased resources, power, and so on. The result may be the emergence into prominence of new groups at the expense of those groups who previously commanded resources, power, and so on. If the terms of competition shift markedly, and if new groups emerge who take advantage of these changes, the resulting conflict may lead to an overthrow of existing social relations. ... Marx analyzes such intergroup competition as class struggle, since the groupings that emerge in such conflicts are, he believes, determined by the relation of individuals to the productive forces. ...

As in the biological case, one can give a "fitness"-invoking [or functionalist] gloss on this process: a dominant class that cannot achieve efficient exploitation of the possibilities inherent in the existing state of productive forces will tend to be replaced by a class that can, and, in the process, social relations as a whole will be reshaped to reflect the mode of existence of this more efficient class.67

So functionalist explanations are simply a gloss on ordinary causal explanations in terms of class struggle. And class struggle provides a fruitful explanatory rubric through which to view a wide range of historical events, from slavery to urban history.68 And none of this requires an a priori commitment to either dialectics or teleology. That is all to the good, since, as Joshua Cohen observed two decades ago, "there are no system-transcendent tendencies of productive development" throughout history;69 there are numerous instances of productive regression and stagnation that simply do not fit the functionalist version of historical materialism promulgated by G. A. Cohen.70 Any viable Marxian approach to history must "reject[] the attempt to restate scientifically a teleological image of history as driven by a tendency to material progress."71

III. NORMATIVE THEORY AND THE DEMANDS OF EQUALITY

G. A. Cohen notes, correctly, that, "Classical Marxism distinguished itself from what it condemned as the socialism of dreams by declaring a commitment to hard-headed historical and economic analysis: It was proud of what it considered to be the stoutly factual character of its central claims."72 Classical

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68. See sources cited supra note 37.
69. Cohen, supra note 56, at 266.
70. See the examples discussed in id. at 266-68.
71. Id. at 271.
72. P. 102.
Marxism—including, clearly, Marx himself—had, in other words, a scientific self-conception. The goal of theorizing is not to justify communism as morally desirable or just, but rather to construct an adequate descriptive and explanatory account of socio-economic change that will have practical payoffs in political organizing and revolutionary activity. On the Marxian view, what people need is not a theory of justice, or a theory of the good and the right, but rather the intellectual tools to understand—to render visible—the networks of socioeconomic causation that circumscribe their lives—how dominant classes try to remain dominant by construing their rule as legitimate and in the general interest; how dominance is defined by economic power, and so on. As Cohen observes:

> [V]alues of equality, community, and human self-realization were undoubtedly integral to the Marxist belief structure. . . .

Yet Marxists were not preoccupied with, and therefore never examined, principles of equality, or indeed any other values or principles. Instead, they devoted their intellectual energy to the hard factual carapace surrounding their values, to bold explanatory theses about history in general and capitalism in particular . . . .

Cohen thinks that Marxism has now “lost much or most of its carapace, its hard shell of supposed fact,” and so concludes that, “[t]o the extent that Marxism is still alive . . . it presents itself as a set of values and a set of designs for realizing those values.”

We have, to be sure, agreed with Cohen and other analytical Marxists that

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73. P. 103.

74. P. 103. There is an interesting question of Marx interpretation as to whether “equality” is, however, really one of those values. Cohen assumes it is throughout the book, without ever specifying what is meant by Marxian equality. At one point, he equates “Marxist equality” with the famous slogan from The Communist Manifesto: “From each according to his ability, to each according to his needs.” But the latter seems a slogan that contemplates vast amounts of inequality, making the exact content of the Marxist commitment to equality even more puzzling.

Now, in fact, it seems to me that Marx is committed to equality only in what is now the banal sense accepted by all post-Enlightenment thinkers: namely, that in moral deliberations, everyone’s interests (well-being, dignity, autonomy, etc.) counts equally. I am not entitled to more or less moral consideration because I am an American, or a male, or white. At this level, however, equality as a doctrine does not do much to discriminate among possible positions. After all, Kant is an egalitarian in this sense, as is the arch-utilitarian, Bentham. As a matter of Marxology, it seems to me that, in fact, equality is not a Marxian value at all—except in the banal sense just noted—whereas well-being (human flourishing) is the central Marxian evaluative concept. Marx is a kind of utilitarian not a deontological thinker, as Cohen’s employment of the equality rhetoric often suggests. Of course, Marx’s view of well-being is a very particular (and Hegelian) one, and has nothing to do with desire-satisfaction, actual or idealized. But it is this implicit utilitarianism that would explain the famous slogan from the Manifesto, “From each according to his ability, to each according to his need.” Productive labor is part of the good life, according to Marx, and thus everyone is made better off by producing what they are able to produce; yet no one can flourish unless their needs are met, independent of their ability to produce.
there is no factual component to the Hegelian hangover—the a priori commitment to dialectics and teleology—but that concession still ignores the extent to which Marxian explanations of historical change and predictions about the tendencies of capitalism may be vindicated a posteriori. Of course, Cohen’s real argument for the move from the scientistic self-understanding of Marxist theorizing to a normative version of Marxist theory depends, he thinks, on the failure of the Hegelian hangover component of Marx’s view. He writes:

Capitalism does not produce its own gravediggers. The old (partly real, partly imagined) agency of socialist transformation is gone, and there is not, and never will be, another one like it. Socialists have to settle for a less dramatic scenario, and they must engage in more moral advocacy than used to be fashionable.

The claim that “capitalism does not produce its own gravediggers” is, to be sure, not an a priori truth; the question is what the a posteriori evidence is for rejecting it. That capitalism is flourishing is hardly evidence, unless one believes that history is over. Cohen, alas, has a somewhat unfortunate tendency to assume precisely this, without ever explaining why. So, for example, in the quote above he declares that there “never will be . . . another” revolutionary agent like the proletariat of Classical Marxism. But how does he know? And in explaining why “[c]lassical Marxists believed that material equality . . . was . . . historically inevitable,” he says, correctly that,

Two supposedly irrepressible historical trends, working together, guaranteed the future material equality. One was the rise of an organized working class, whose social emplacement, at the short end of inequality, directed it in favor of equality. The workers’ movement would grow in numbers and in strength, until it had the power to abolish the unequal society which had nurtured its growth. And the other trend helping to ensure an eventual equality was the development of the productive forces, the continual increase in the human power to transform nature for human benefit. That growth would issue in a material abundance so great that anything anyone needed for a richly fulfilling life could be taken from the common store at no cost to anyone.

Yet Cohen, writing once again as though history were over, concludes: “History has shredded each of the predictions that I have just sketched.” We will turn, in a moment, to the surprisingly non-existent empirical basis for these claims. But let us certainly grant Cohen this: Marx was spectacularly wrong about questions of timing. He thought, like many a giddy optimist of the nineteenth-century, that the period of limitless abundance was almost at hand, and thus the end of capitalism near. No doubt his Eurocentric focus encouraged this way of thinking, since the industrial and technological progress

75. See text accompanying notes 34-54 supra.
76. P. 112 (emphasis added).
77. P. 103.
78. P. 104.
79. P. 104.
there was striking. But, as we discussed in the prior section, the qualitative predictions in Marx about the tendencies of capitalism have proven to be highly accurate in the 150 years since, except with respect to the issue of timing.

Why does Cohen think history has "shredded" the Marxian predictions noted above? He observes, correctly, that the proletariat did not become the "immense majority," and that, increasingly, the immiserated of the world are not producers like the classic working class; they are just miserable. But Cohen thinks that a group, to be an effective agent of revolution, has to have the four features that the classic nineteenth-century proletariat were supposed to have: They were the majority; they produced the wealth of society; they were exploited by the capitalist class; and they were needy. It is true, as Cohen notes, that the second and third features made the cause of the proletariat particularly appealing: They produced society's wealth, yet it was taken from them. But what he never explains is why it would not suffice for revolution if the majority of humanity was needy in conjunction with there being enough productive power to meet their needs? Indeed, the whole discussion proceeds, somewhat oddly, without citation of any empirical evidence one way or the other!

Now it is true that my reformulation of the conditions for revolutionary change requires that Marx's abundance prediction be made good as well. And Cohen disputes this prediction also—though, once again, without citing empirical support. He says "our environment is already severely degraded" such that "if there is a way out of the crisis, then it must include much less aggregate material consumption than what now prevails," meaning "unwanted changes of lifestyle" for those in the affluent West. Thus, he concludes:

It is certain that we can not achieve Western-style goods and services for humanity as a whole, nor even sustain them for as large a minority as has enjoyed them, by drawing on the fuels and materials that we have hitherto used to provide them.

......

We can no longer sustain Marx's extravagant, pre-Green, materialist optimism. At least for the foreseeable future, we have to abandon the vision of abundance.

What is utterly bizarre here is that these empirical propositions are affirmed without support, and apparently in indifference to, or ignorance of, the empirical literature that disputes them. Cohen would, apparently, have

80. P. 104.
81. P. 107-08.
82. P. 107.
83. P. 113.
84. P. 113-14.
Cohen wryly notes that,

The Princeton demographer Ansley J. Coale observed that, in 1890 (when the U.S.
Marxists abandon the empirical claims of the theory without any actual empirical evidence to the contrary!

This part of Cohen's book, then, is a somewhat disappointing exercise in armchair political economy. There still remains, however, the question why he thinks Marxists should turn to normative theory. Cohen says, recall, that since "capitalism does not produce its own gravedigger"—i.e., its downfall is not inevitable—"Socialists . . . must engage in more moral advocacy than used to be fashionable." He makes the same basic point several times:

The disintegration of the characteristics [possessed by the classic proletariat] produces an intellectual need to philosophize, which is related to a political need to be clear as never before about values and principles, for the sake of socialist advocacy.

The disintegration of the proletariat induces persons of Marxist formation to turn to normative political philosophy, and . . . the loss of confidence in a future unlimited abundance reinforces their tendency to take that turn.

Thus, the turn to normative theory is justified primarily on the grounds that, in the absence of a teleological view of history, there is no reason to think that the "just" state of affairs is inevitable. Normative theory, then, is necessary, according to Cohen, to help bring about the "just" state of affairs that the Hegelian hangover in Marx used to guarantee.

In pitching the case for normative theory this way—i.e., in terms of its necessity for bringing about certain consequences (namely, the achievement of justice)—Cohen is accepting the fundamentally pragmatic premise of Marx's whole approach to philosophy. The clearest statement of this pragmatic premise comes in Marx's Second Thesis on Feuerbach: "The dispute over the reality or non-reality of thinking which is isolated from practice is a purely scholastic question." In other words, philosophical questions—e.g., about whether or not thought corresponds to reality, or whether capitalism is just—are to be dismissed as "purely scholastic" unless they make a difference in practice, that is, unless they have some impact on what we do and how we live. This is a particularly severe form of pragmatism, but it is plainly central to Marx's view of philosophy.

population was 63 million), most reasonable people would have considered it impossible for the United States to support 250 million people, its approximate population in 1990; how would 250 million people find pasture for all their horses and dispose of all their manure? Id. at 266; see also Doing the Numbers, THE NATION, July 14, 1997, at 7 ("From the annual U.N. Human Development Report: [D]elivering basic social services in all developing nations would cost $40 billion a year for ten years—less than 0.2 percent of total world income; the net worth of ten billionaires is 1.5 times the combined national income of the forty-eight poorest countries.").

86. P. 112.
88. P. 117.
Now, as Cohen notes, Marx believed that, "Devoting energy to the question, 'What is the right way to distribute?' is futile with respect to the present . . ."—that is, it is a purely "scholastic" question in the sense just noted. But Cohen retorts: "We can no longer believe the factual premises of those conclusions about the practical (ir)relevance of the study of norms." The locution here is striking: "We can no longer believe" that the study of norms is practically irrelevant. But why can't we? Cohen never says. One suspects that this is more the expression of a pious hope than of the discovery of contrary evidence. As Cohen observes about Marx, no doubt correctly: "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, as we have seen, is not so optimistic, but it now appears that he simply substitutes a different kind of optimism, even less empirically grounded than Marx's: namely, optimism that socialist advocacy for equality will bring about justice, even in the face of scarcity. But why anyone else should believe this is, alas, never explained.

Indeed, one might worry that Cohen's own elegant exercise in normative theory is counter-evidence to his own optimism. For Cohen's book has attracted most attention, as noted, for its argument that a genuine commitment to equality and justice requires changes in individual behavior. He rejects the Rawlsian idea that principles of justice apply only to "the basic structure" of society; instead, he argues,

"Justice cannot be a matter only of the state-legislated structure in which people act but is also a matter of the acts they choose within that structure, the personal choices of their daily lives. I have come to think, in the words of a recently familiar slogan, that the personal is political." This means, in particular, that "principles of distributive justice . . . apply, wherever else they do, to people's legally unconstrained choices."

The crux of Cohen's argument against Rawls begins by noting that, according to Rawls's "difference principle," "inequalities are just if and only if they are necessary to make the worst off people in society better off than they otherwise would be." But this application of the difference principle takes for granted that some people—those who can command more income for their work—are "acquisitive maximizers in daily life," i.e., they want to get as much as possible for themselves, and thus the difference principle is necessary

90. P. 115.
91. P. 115.
92. P. 114.
93. P. 122.
94. P. 122.
95. P. 124.
96. P. 140.
to insure that some “of the extra which they will then produce can be recruited on behalf of the worst off.”97 But such a society is not a just one. As Thomas Nagel usefully summarizes the argument:

[A] society in which it is impossible to optimize the condition of the poor without permitting large inequalities is not a just society. It is unjust, because what makes these inequalities “necessary” is the distinctly non-egalitarian motivation of the individuals whose pursuit of personal gain drives the economy.98

There is no principled justification, Cohen argues, for exempting personal motivation and choice from the demands of principles of justice, as the Rawlsian slogan—“The principles of justice govern only the basic structure of a just society”99—would suggest. He writes:

Why should we care so disproportionately about the coercive basic structure [of society], when the major reason for caring about it, its impact on people’s lives, is also a reason for caring about informal structure and patterns of personal choice? To the extent that we care about coercive structure because it is fateful with regard to [the distribution of] benefits and burdens, we must care equally about the [informal social] ethic that sustains gender inequality, and inequalitarian incentives.100

If one is concerned with “distributive justice”—“by which I uneccentrically mean justice (and its lack) in the distribution of benefits and burdens to individuals”101—then it seems arbitrary to think the moral demands of justice apply only to the “basic structure” of society, rather than to all those other forces—noncoercive conventions, social ethos, and personal choices—that are equally capable of affecting the distribution of benefits and burdens.

Cohen focuses, in particular, on the personal choice of rich egalitarians not to give away their money. As Cohen notes, “Most people find the posture of rich folk who profess a belief in equality peculiar;”102 and he does not exempt himself from the charge: “I am, like most professors, much richer than the average person in my society, even though, for various reasons that need not be laid out here, I am quite poor, as professors go.”103 The Marxist in the grips of the Hegelian hangover could, of course, say, as a David Lodge character does (whom Cohen quotes): “By renouncing our own little bit of privilege . . . we should not accelerate by one minute the consummation of that [historical] process, which has its own inexorable rhythm and momentum, and is

97. P. 124.
98. Nagel, supra note 23, at 5.
99. P. 141. This is Cohen’s (fair) formulation of the Rawlsian doctrine. For representative Rawlsian formulations of the point, see John Rawls, A Theory of Justice 7, 54-55 (1971).
100. P. 140.
101. P. 130.
102. P. 149.
103. P. 150.
determined by the pressure of mass movements, not by the puny actions of individuals." But Cohen has already argued against such historical complacency. Thus, Cohen carefully reviews a variety of other arguments the rich egalitarian might give, and finds most of them wanting. So, for example, Cohen says to the rich egalitarian,

If you hate inequality because you think it is unjust, how can you qualmlessly accept and retain money your retention of which embodies injustice—money which you could give to others, or donate to an egalitarian cause, and thereby diminish, or hope to diminish, the amount of injustice that prevails, by benefiting sufferers of that injustice? So, too, Cohen responds to the claim that the individual charity of a rich egalitarian is a mere "drop in the ocean" by observing that, "getting twenty people out of dire straits is a negligible effect in the . . . numerical sense, when five million are in such straits, but it is not plausible to say that it is negligible in the sense of unimportant, especially for someone whose egalitarianism focuses on how badly off the badly off are."

Interestingly, Cohen allows that those who do not think inequality is "unjust"—namely, utilitarians—are invulnerable to many of these arguments. For the utilitarian, it is not equality, but human well-being, that is morally fundamental. And utilitarians customarily distinguish between "what states of affairs . . . are good and what obligations [an individual] has to promote those states of affairs." It might be good if most people were better off, but, from a utilitarian standpoint, it hardly follows that I have to give money away, absent some reason for thinking it would produce the desired state of affairs—which, in the absence of compulsory collective action, it would not.

104. P. 153 (quoting DAVID LODGE, SMALL WORLD 127-29 (1984)). Note, of course, that the basic point might hold—individual charity makes no difference to systemic change—even without a commitment to dialectics or teleology.

105. Oddly, he begins the discussion by considering the analogy between the rich egalitarian, and the classical problem of akrasia, i.e., knowingly doing wrong (or knowingly failing to do what is good and right). Pp. 155-57. But that presupposes an affirmative answer to the question whether rich egalitarians are obligated to give away their money; for if they have no such obligation, then their failure to give away their money is not akratic. Since Cohen's own conclusion is that some rich egalitarians may have arguments for staying rich, this discussion seems particularly ill-placed.


107. P. 163.

108. Arguably, this would include Marx! See discussion supra note 74.

109. Peter Singer, of course, is famous for trying to give utilitarian arguments for conclusions similar to Cohen's. See, e.g., Peter Singer, Famine, Affluence and Morality, 1 PHIL. & PUB. AFF. 229 (1972). Few utilitarians are convinced, since the arguments tend to ignore the systemic implications of individual decisions (about whether to keep money or give it to charity), but without any explanation of why such implications are not relevant from a utilitarian standpoint.

110. P. 160.
Cohen also allows that a rich egalitarian might have one good argument for
remaining wealthy; he calls it the “relative-disadvantage” argument:

Rich egalitarian people might be willing to give generously only if similarly
situated people would in general be ready to do the same. But, as they well
know, those others are not similarly disposed. And because others will not
give, giving severely prejudices their self-interest and, more poignantly, the
interest of members of their families. If Johnny’s dad buys him a new bicycle,
how can Molly’s dad explain why he doesn’t buy one for Molly?

... To expect a given rich person to be within a minority that give is to
demand that he incur particular sorts of sacrifice that poor people need not
face, such as... the sacrifice... of deliberately denying one’s child what one
has the power to give her and what comparably placed parents give theirs.
Accordingly, a person can, in full consistency, think it desirable for tax policy
and/or a general ethos to favor the badly off, yet resist furthering their cause
by extravagant personal initiative in an unequal society that lacks that policy
or ethos.111

But this argument only works if the “metric of equality” is “welfarist”—i.e.,
based on the welfare or well-being of each individual—since only the welfarist
can “take seriously the predicament of people whose tastes are expensive,”112
as the tastes of our rich egalitarian and his offspring would be. Other
egalitarians have no reason to take the special burdens of soon-to-be-former
rich kids as constituting a moral argument against disposing of one’s wealth.

Let us suppose, then, that Cohen is right that true egalitarians would give
away their money—does he really think any will? Here the review by Thomas
Nagel—distinguished political philosopher, non-utilitarian and highly
remunerated professor of law and philosophy at NYU—is telling. Nagel
writes:

I have to admit that, although I am an adherent of the liberal conception of
[justice and equality], I don’t have an answer to Cohen’s charge of moral
incoherence. It is hard to render consistent the exemption of private choice
from the motives that support redistributive public policies. I could sign a
standing banker’s order giving away everything I earn above the national
average, for example, and it wouldn’t kill me. I could even try to increase my
income at the same time, knowing the excess would go to people who needed
it more than I did. I’m not about to do anything of the kind, but the equality-
friendly justifications I can think of for not doing so all strike me as
rationalizations.113

Here we have a rather striking confirmation of Posner’s point about the causal
inertness of moral argumentation. Nagel is a sophisticated liberal philosopher;
he understands and appreciates the force of Cohen’s arguments and has no
response to them; and yet he admits it will have no effect whatsoever on his

111. Pp. 175-76.
112. P. 177.
behavior. Isn’t this rather dramatic evidence in favor of Posnerian—and Marxian—skepticism about normative theory? If high quality moral philosophy does not change the behavior of high quality moral philosophers, why think it is going to affect anyone else? There is, of course, no reason to think anything of the sort.

IV. CONCLUSION: WHAT IS TO BE DONE?

Normative theory changes nothing. This is a “terrible truth,” as Nietzsche would say, but a truth nonetheless. Normative theory may, to be sure, get people tenure, increase their incomes, and make them celebrities within academe. It may provide the satisfactions attendant upon deeper understanding of some aspect of human life. It may occasionally change a philosopher’s view about some normative question too. But as Thomas Nagel wrote many years ago, in a passage that anticipates Posner’s more recent polemics:

Moral judgment and moral theory certainly apply to public questions, but they are notably ineffective. When powerful interests are involved it is very difficult to change anything by arguments, however cogent, with appeal to decency, humanity, compassion or, fairness.

One posture in response to this problem is simply to declare, as Nagel does, that the value of moral theory “cannot be measured by its practical effects.” But that response is unavailable to G. A. Cohen, since he has joined Marx in embracing the “practical effects” test as the relevant measure of value in matters theoretical. And once we take that as the measure of theoretical value, then the turn to normative theory that Cohen recommends for Marxists has no real justification. Marxists, like Posnerians, think that what we really need is an empirical understanding of how the world works, not ineffectual exhortation by academic philosophers to do the morally right thing. Marxists and Posnerians differ, to be sure, over how the world really works. But that question is, to quote Cohen, “where the action is,” or at least ought to be.

114. The point, remember, is about normative theories, not theories, per se. Marx plainly thinks that the theoretically correct understanding of historical change and capitalist development will have practical pay-offs in political organizing and revolutionary activity. But Marx realizes one doesn’t need a normative theory to convince the immiserated that they’re miserable and ought to do something about it. Marx, like Posner, assumes that normative theory will be either ineffectual insofar as it conflicts with existing motivations, and otiose otherwise. Insofar as the immiserated are motivated to change things, Marx thinks his theory gives them the intellectual tools that will facilitate their revolutionary practice.


116. Id. at xiii.

117. See note 6 supra and accompanying text.