
Beyond an ungreen-economics-based political philosophy: three strikes against ‘the difference principle’

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Abstract: “Beyond an ungreen-economics-based political philosophy”

John Rawls’s liberalism is the dominant political philosophy of our time. But is it compatible with the values of green economics? I argue in this paper that it is founded on ungreen economics.

In particular, Rawls’s ‘difference principle’, which takes inequalities to be just if they benefit the worst off, is subjected here to three counter-arguments.

Firstly, an argument based on one from Norman Daniels.

Secondly, an argument based on one from Jerry Cohen.

Thirdly, and most originally: inegalitarian modes of ‘societal’ organisation are ecologically unsustainable. The difference principle unconsciously assumes that the Earth is infinite, that the more we raise the lowest boats the better; disregarding that we may already have raised the lowest boats – in Western societies at least – let alone, obviously, the higher boats, *more than the ecosphere can tolerate*. (And: in a steady-state, inequalities would be more socially unsustainable than ever.)

Three strikes: the difference principle is out...

Keywords: Rawls; Jerry Cohen; Norman Daniels; difference principle; liberalism; ecological.

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1 Introduction

The dominant political philosophy of our time is ‘liberalism’. The leading figure in this liberalism is John Rawls. Rawls’ (1972) masterwork, *A Theory of Justice*, issues in his famed ‘two principles’ of justice:

“First: each person is to have an equal right to the most extensive basic liberty compatible with a similar liberty for others.

Second: social and economic inequalities are to be arranged so that they are...reasonably expected to be to everyone’s advantage.” [Rawls, (1972), p.60]

Rawls relies, in generating these (at face-value very reasonable-sounding) principles, as I shall show, on a series of (sometimes explicit, more often tacit) broadly economic and arguably ‘economistic’ assumptions *which are incompatible with the green/ecological economics revolution*¹. I believe that – as a consequence – Rawls’s celebrated second principle, the ‘difference principle’, the central novel implication of his system of thought, is fatally flawed. I aim to show this, by briefly setting out in turn two relatively-familiar arguments – one clearly-drawn from within Rawls’s ‘system’ itself (based upon the importance of economic *power* in a capitalist/inegalitarian society), and another that is to a considerable extent motivated by assumptions from within the ‘system’ and that is undoubtedly drawing on an intuition that the system too claims to draw on (a genuinely *egalitarian* intuition of the kind ignored by mainstream economics) – which I think have the result that at best only *very* slight differences in wealth-outcomes should be tolerated by those who actually care about justice. Should these arguments be adjudged ineffective or inconclusive, I add a third *ecological* argument, an argument almost wholly absent from the terrain of Rawls’s system (and more generally from the (‘mainstream’) economics on which Rawlsian liberalism is tacitly-based). This third argument draws on a very familiar feature of the difference principle to seek to provide a novel (and fatal) counter-example to the apparently-desirable outcomes produced by the difference principle. After summing up at the opening of the conclusion to the paper, I close by sketching somewhat more speculatively where I see these three arguments as leaving us, us who care about justice: that is, about each other, including about future people. I suggest that the arguments against the difference principle set out here will tend ultimately to undermine more fundamental elements still of liberal philosophy.

2 First strike against the difference principle: the argument from inequality compromising *liberty*

What is John Rawls’s ‘difference principle’? It is the key novel outcome – the main and most ‘celebrated’ practical consequence – of Rawls’s system, and it states that *differences in income or wealth are permitted and are moreover just if they work out to the advantage of the worst-off in society*. This principle is permitted to operate only subject to the ‘lexical priority’² over it of his first principle of justice, Rawls’s principle of ‘equality of liberty’ (i.e., that everyone should be as free as possible, but *equally* free).

Now, a familiar feature of the difference principle is that it allows for inequalities and submits that these should not be judged unjust, provided that those inequalities work to

the benefit of the worst off in society *even should those inequalities be substantial*. For instance, a society in which half the population earn £10,000 a year and half earn £20,000 a year is *prima facie* to be dispreferred, according to the difference principle, to one in which half earn £11 k a year and half earn £40 k a year. But, this is only *so long as* there is no interference with the first principle, the principle of equality of liberty.

Now, if ‘equality of liberty’ is interpreted in a legalistic or formalistic manner, such that it were enough for equality of liberty to be present that there was nothing encoded in law that directly and wrongly prevented people from being ‘free’, then that principle might be compatible with extremely grave inequalities, such as at present exist in Britain or the USA, say. If, though, equality of liberty is interpreted in a *substantive* manner, as meaning that people should actually *be* as free as each other to influence the decisions of their polity, to have their views heard, to be un-vulnerable to arbitrary ill-treatment at the hands of the police, etc., then the lexical priority of this principle surely has massive revisionist implications. For it can hardly be held that, in societies like the contemporary ‘Western liberal democracies’, poor people are as likely as rich people to get a truly fair trial, to be able to make a difference in electoral politics, etc. The reality is that economic inequalities, as Marx pointed out long ago, necessarily produce political inequalities. ‘Formalistic’ – ‘bourgeois’ – liberty is therefore never enough.

Rawls’s own writing is somewhat ambiguous on whether he would favour the ‘substantive’ or the ‘formal’ interpretation of the equality of liberty. Let me briefly give an example, to suggest why one *ought* to favour the former.

In Britain, there is nominally – formally – a free press. There is not a harsh system of government censorship. There is nothing to stop anyone from setting up their own newspaper. All are equally free to do so, and to join in public debate thereby.

In practice, of course, the ‘restrictions’ on doing so are extremely severe. One is the need for extremely substantial amounts of capital. Another is the need for advertising income, which forms the great bulk of most newspapers’ earnings. In an unequal ‘consumer’-society, these constraints have the effect of making any newspaper which does not have the backing of rich individuals and/or the tacit support of a large number of corporations and/or (and this is most crucial of all) people with money – desirable *audiences* for advertisers – as readers, virtually a non-starter. So, for instance, Britain’s *Daily Herald*, a truly left-wing paper, failed, a generation ago, because it could not generate enough advertising revenue. It failed, despite the fact that its circulation was *higher than that of any of its rivals*³. This is the shocking economic truth about newspapers: their real product is not newspapers, but *audiences*, readerships. That is what they mostly sell – to their advertisers, who make up most of their income. Therefore, rich corporations mostly want to sell newspapers to rich people (people with high ‘disposable’ incomes), and this hugely constrains the economic viability of the progressive or radical press.

The modern British tabloid press grew, in replacing it. And there is pretty good reason to believe that the newspapers in Britain (especially, the tabloids) owned by Rupert Murdoch have influenced the outcome of – might possibly even have *ensured* the outcome of – every single British general election since Margaret Thatcher arrived in No. 10 Downing Street⁴. In the context of considering the impact of inequalities of wealth, etc., upon the possibility of democracy, it is as well to consider carefully the in-effect chillingly-accurate joke of mine that did the rounds a few years ago in Britain, after Murdoch in effect decided that there would be a referendum on the EU Constitution

in Britain, which the new labour government had not wanted: “It’s a wonderful thing that we live in a democracy: One Man, One Vote! It’s just a shame that in our case that One Man is: Rupert Murdoch.”

My own view, following Norman Daniels and others, is that, if we took Rawls’s own ‘theory’ *seriously*, just on its own terms, there is herein some good reason to believe that it would not yield very substantial inequalities. We would, if we applied a ‘substantive’ interpretation of the equality of liberty principle, adjudge it in fact to rule out all but fairly marginal instances of economic inequality, all but fairly minor instantiations of the difference principle⁵. It would prohibit, for example, many of the taken-for-granted features of contemporary Western societies: such as accumulation of wealth due to a primarily debt-based money system⁶, inheritance of wealth, private ownership of land (as opposed to private stewardship of land subject to a land tax), private/commercial ownership of the media, and private and commercial/corporate funding of political parties, to mention just a few. All these, I suggest, lead inevitably to *political inequality*, to a society or system whereby one person’s liberty (e.g., Rupert Murdoch) is many others’ virtually-complete powerlessness (e.g., probably yours).

The first argument I would bring to bear then against the difference principle is that it will, unless its resultant inequalities are very small, inevitably deform, diminish or simply destroy (equality of) liberty. Unless the principle of equality of liberty is interpreted in an unacceptably formalistic way, Rawls’s theory should – on its own terms – undermine nearly all applications of the difference principle. Or, at the very least, it will constrain what can be done with the products of inequality – with money – so tightly that the acquisition of more money than others have (and surely of large amounts thereof) might even become virtually pointless, because there will no longer be anything of any great moment that that money can buy (so: not health, not power, not audience, not the ability to dictate what others labour on, etc.)⁷.

Let me then acknowledge the possibility that Rawls’ theory might become more – become genuinely – equitable (and sustainable), *but only if he fails to derive the central principle he wants to from it!* (I.e., only if the difference principle is abandoned, or makes no *difference*, in the sense that it is extensionally equivalent after all to true egalitarianism)⁸.

The upshot of Section 2 is then a broadly ‘empirical’ argument against the difference principle, and an argument moreover that is derived from Rawls’s own lexically-prior principle, of the equality of liberty. What we have rehearsed in this section, to put it simply, is that economic inequality leads to political inequality, to the compromising of the political liberties (which is in turn likely to lead to *further* economic inequality, as political power is used plutocratically to benefit the rich; though that is another story). Thus, if one believes the political liberties to be paramount, one must oppose economic inequality resolutely.

3 Second strike against the difference principle: the argument from inequality compromising *society/fraternity*

The argument given in Section 2 above is of course a broadly *empirical* argument against ‘the difference principle’. It does not, one might say, argue against it *in principle*... It does not perhaps undermine the difference principle itself; it only suggests that it (the difference principle) will be applicable at best only very marginally, if the principle that

has lexical priority to it, the equality of liberty principle, is applied with seriousness, and not just ‘formalistically’.

I turn now to an argument which makes a more ‘principled’ challenge to the difference principle [I shall discuss this argument only relatively briefly, as it may be more familiar to some readers (those familiar with recent post-Rawlsian political philosophy) than is the argument of Section 2 above let alone that of Section 4 below.] This argument is not quite immanent to Rawls’s system in the way that the argument of Section 2 above is: it draws however on an impulse that that system seeks to marshal: the (supposedly) broadly-egalitarian impulse that lies behind the nature of the difference principle. It draws, that is, on the impulse holding that it is any *departures* from full equality of outcome that need justifying [see Rawls, (1972), p.100ff.]; that such departures should be the exception rather than the rule – that, to be precise, any *departure* from full equality of outcome should be permitted only if it works to the benefit of those who are at present worst off. The argument is marvellously summed up in the title of Cohen (2001), now justly-famous book, *If You’re an Egalitarian, How Come You’re so Rich?* Rawls had infamously challenged [Rawls, (1972), pp.530–541] whether envy of those better-off, in a society working with the difference principle, would be rational/justified. Cohen in effect rejoins that it is hard to see what justification maintaining most such differentials has, if the members of the society in question are actually *members of a society*, as opposed to individuals atomised from one another and without any non-selfish interest in each other⁹.

The second argument I would bring to bear then against the difference principle is that it is incompatible with the egalitarian ‘intuition’ that is supposed to lie at or somewhere near the heart of Rawls’s system and that many of us find of considerable moment: the intuition that any *departures* from equality require justifying, and that it is hard to see what sense of community can be maintained – it is hard to see how a society can be ‘well-ordered’ [cf., Rawls, (1972), p.453ff.] – if its members regard their responsibilities toward each other as *exhausted* by what are alleged to be necessary conditions for the maximal material well-being of the worst off.

My belief is actually that the fundamental problem with Rawls’s system here, which Cohen does not really bring out, is that it has a ‘social science’ (or quasi-*homo-economicus*) model of members of society firmly in place, i.e., it encourages *economistic* thinking (it fails to shift to a newer green economics). It encourages citizens to think of themselves as if from a 3rd person point of view, as social science does, rather than encouraging them to think of themselves as active participants in a live society. It encourages people to think in terms only of what would allegedly encourage others to do things (e.g., to work harder, or to take financial risks, for the potential benefit of many), not in terms of what one can oneself actually do, directly or indirectly, to benefit the worst off¹⁰.

But be that as it may, the Cohenian bottom-line is this: if the justification for the way society is ordered is dependent upon that ordering being to the advantage of the worst off, then why stop at the formal/legal structure of society in order to achieve that ordering, that advantage? (And here we see how Section 3 of the present paper bolsters and takes further the kind of consideration already offered in Section 2). Why not go further, and look actively to reduce inequality, no matter what inequality is ‘allowed’ by the difference principle? In a society of Rawlsians – and can the society Rawls envisages be ‘well-ordered’ if very few of its members actually accept broadly Rawlsian ideas? – how

can there continue to be rich and poor, given that the rich are (supposedly) *only* rich so that the poor would not be so poor?

My view is that taking Cohen's argument seriously would (by these principled means) eliminate most inequalities that might remain after Section 2 above has done its work, i.e., after taking Rawls's own system seriously has mostly undermined the empirical applicability of the difference principle. The only inequalities I can see remaining, once we take genuinely society and community and fraternity seriously, and no longer think that people who claim to care about equality can rest content in the richness they have 'earn', are the relatively minor inequalities that would result from for example not wanting a big brother state to ensure absolute equality of outcome, and from wanting it to be permitted to pass on some items of sentimental value to one's offspring (e.g., possibly a reasonably-valuable ring; not a huge manor house), and from the beauty of the culture of the gift in general¹¹.

And here it helps to reflect on the following point: that, when Rawls speaks of 'income and wealth' as fairly centrally-placed among 'the good things in life' (*Theory*, p.310), when he sees them taking up prominent positions among the 'primary social goods', he is in effect giving up any claim to be preserving liberty, to be creating a 'kingdom of ends'. For one person's wealth *means* their being able to buy (the time of) another person. Rawls might claim that the 'purified' thin liberal individual 'within' each of us is not being used as a means, when our time and labour power are bought and sold by those richer than us. But, as Nozick remarks in a not-unrelated context, "Why we, thick with particular traits, should be cheered that (only) the...purified men within us are not regarded as means is...unclear"¹².

Wealth and income are not *stuff*. They are not piles of food or baubles. Has Rawls fallen into a kind of unconscious mimicking of the logic of consumerism, in seemingly assuming otherwise? Wealth and income, in societies, which all of us necessarily inhabit, are socially-real ways of accessing greater rights than others have to stuff – to bits of the Earth (see Section 4 below), and/or to others' labour-power, to others' sweat or mind-work. Wealth and income are abilities to obtain *more of these than others have*. And it is by no means obvious that it is (in the true sense of the word) *rational* to want to be able to acquire others' labour-power, or at any rate to want a society in which some can do this and others (the worst off) cannot, any more than it is rational to want wealth that costs the Earth (and yet, for Rawls, *it has to be obvious* – for the identification of the 'primary social goods' to be an unproblematic identification of what we *already* want, for these items to be available to us conceptually as goods on a sufficiently thin conception of the good for this to be a system in which the right is prior to the good!).

Thus, Section 3 has established a reason, due initially principally to Jerry Cohen, for believing that, if we are serious about fraternity/sorority, we will overcome the difference principle. For the difference principle is incompatible with the degree of equality that any true *society* would require.

This leads directly into my third – and my only genuinely novel – argument.

4 Third strike against the difference principle: the argument from inequality compromising ecology

At around the time that John Rawls was writing the manuscript for *A Theory of Justice*, the English-speaking world was perhaps for the first time coming to take seriously, at

last, the environmental crisis facing our planet. For example, the first ever ‘Earth day’ was held on April 22, 1970. The Sixties had seen a radical rise in environmental conscience and consciousness that made this possible. But it is striking that Rawls, like Marx, and like in fact most political philosophers and political economists until surprisingly recently (and even now), did not build the finitude of resources into the *fabric* of his ‘theory’, into if you like the ‘basic structure’ of his thought about what justice is and how it might be achieved. He treated such finitude, rather, as a kind of unfortunate add-on, at best a kind of additional factor or special case that has to be considered somewhere in the ‘theory’, as well of course as part of the constraint that means in the first place that it is unlikely that everyone can have whatever they want, thus making the quest for distributive justice *necessary* in the first place (the slightly later revised edition of ‘*A Theory of Justice*’ did not, on my reading, change all this at all).

The full import of such finitude/resource-constraint becomes apparent when the empirical responses to zero-sum and non-zero sum resource distributions are considered. A zero sum game produces positional and mutually-harmful competition unless the participants regard themselves genuinely altruistically (as Rawlsians/liberals do not); a non-zero-sum game does not necessarily do so¹³.

My third argument against the difference principle, and the only really novel such argument in this paper, is then this: that it ignores the finitude of the Earth’s resources, and that it has encoded within it *a recipe for the consumption of those resources, and for the devastation of the planet*. It subjects the quester for justice to a ‘[economic-]growth-oriented’ imperative that is proving disastrous.

Let me explain this. Recall the familiar feature of the difference principle rehearsed in Section 2 above: that a gain for some, provided it is not at the expense of any, and especially if it is for the benefit of all, should be welcomed by all, is right, just. Say an extra £30 k p.a. in income for half the population. Now, assume for the moment that you are unimpressed by my arguments in Sections 2 and 3 above; perhaps you doubt them on ‘political’ grounds of some kind. Assume, that is, that the £30 k looks like a ‘victimless crime’, genuinely looks *right*. Still, it is reasonable to ask: where has it come from? Not out of thin air, surely. If it has truly not been at the expense of those still earning £10 or £11 k p.a. – if they, for instance, are not having *to work much harder* just in order to stay standing virtually still, money-wise – then there is one very obvious place that it has probably come from: from the Earth¹⁴. It has probably come, for instance, in part from a greater consumption of oil. Take recent growth rates in China, which seem to be raising the vast majority of boats, albeit some far more than others: the stupendous annual rate of net economic growth in China has been almost precisely ‘matched’ by the rate in growth of oil consumption there. Other economies are now exporting their carbon-emissions to China. In other words: the relatively poor (the Chinese) are growing wealthier – are catching up somewhat with the West – at the expense of the Earth.

Against this, it might be objected that China has at present one of the fastest rates of reduction in carbon-intensity per unit of production in the world. That they are therefore leading the world in decarbonisation. But, while the former is true, the latter is in one very important respect not true.

For, while China is indeed reducing its carbon-intensity impressively, it is not net-decarbonising. Its growth rates are still exceeding its decarbonisation rates. So the lockstep of a correlation between growth in the economy and growth in carbon emissions has not been broken; decarbonisation is still losing the race against growth.

Relative decoupling of growth and emissions/footprint has *not* equated to absolute decoupling. China is still looking to secure ever more oil and coal. And remember that the decarbonisation in China is coming from a high starting platform of waste and inefficiency. China has been amazingly efficient in terms of returns to labour. Not so efficient in terms of what ultimately will matter more (because labour-power, unlike most sinks and sources, can be genuinely renewable, literally reproducible): in terms of ‘returns’ to nature.

We have increasingly overwhelming evidence that the rates of growth that we are seeing at present across the world and particularly in the ‘developing world’ – that such rates of increase in the toll taken upon the Earth of our economic activities – are unsustainable¹⁵. Most strikingly, the Earth’s climate will sooner or later deliver a devastating ‘correction’ to this growth: and most of what we know as civilisation may well then (gradually or rapidly) collapse.

My suggestion in this section of the present paper then is that there is now, especially (but *not* only) in the ‘Western liberal democracies’, a fairly strong *prima facie* case *against* any and all applications of the difference principle. The difference principle is premised on the assumption that whatever economically benefits the worst off is just (provided it does not infringe other prior principles, most crucially Rawls’s first principle of justice). My suggestion is that the premise (if it was ever tenable and plausible) now no longer is valid by any measure.

We should assume rather that whatever benefits the worst off, insofar as it yields economic growth, is unjust – unless and until economic growth can be decisively decoupled from ecologically-unsustainable practices (an event that ecological-economics thinkers such as Herman Daly, Nicholas Georgescu-Roegen and Aubrey Meyer believe will never take place, because the very idea of such ‘angelisation’ of economic growth is conceptually-incoherent, in the final analysis ...¹⁶).

Note that, until such time, the existence of corporations, allowed for by Rawls, is almost bound to result in the rape of our planet. For, within the constraints of the law, corporations are *legally-obliged* to maximise profits for their share-holders.

My suggestion is that it certainly cannot be just to hasten the decline of civilisation, it cannot be just to devastate future generations – and so the basis of the difference principle must be assumed null and void, except insofar as one could make some good case that these worryingly-likely outcomes could be gotten around. It cannot be just to sacrifice future people’s lives on the altar of the standard of living of present people.

At this point, a Rawlsian might object that I have failed to take account of Rawls’s ‘just savings’ principle, which aims to avoid injustices perpetuated by one generation at the expense of another¹⁷. But what Rawls actually says about what ‘just savings’ is, that each generation should aim to ‘accumulate’ enough ‘real capital’ to ensure that the least-well-off members in all foreseeable future generations will be no worse off than then least-well-off members of the present generation.

But this notion of ‘accumulating real capital’ is arguably precisely *part of the problem*, not of the solution, so far as ecological sustainability is concerned: this notion blithely ignores the *taking* from the Earth that is implicit in the ‘accumulation’ of capital. In effect, it construes the Earth as income, and, like conventional economics, thereby gives the strong impression that it is just a kind of metaphysical accident that we are part of an ecosystem and that we – and of course future generations – depend upon the rest of it utterly and thoroughly, for our survival.

Rawls should have had a greener principle of saving, and of capital. His followers could offer one. But the point that cannot be gainsaid hereabouts, even by such a possible alteration to Rawls's system is this: Rawls regards the 'just savings' principle as a 'constraint' upon the effects of the difference principle, but it does not in his schema have priority over the principle of equality of liberty¹⁸. Think about what this means for a moment. It means that we cannot infringe upon people's liberties, according to Rawlsian liberalism, *even if to do so is likely to be essential to providing a decent future for generations to come*. In fact, what this in practice means is that Rawls's schema insists upon the priority of civil, etc., liberties now over survival in the future. A sub-Faustian bargain that runs the risk of imposing an obscene asymmetrical penalty on future people.

To change *that*, 'Rawlsians' would have to give up being liberals altogether (as I think they should: see Section 5 below).

In additional, 'empirical', support of this third strike against the difference principle is an observation somewhat similar to one of the points *constituting* my first line of argument, above: That the wealthy are on balance likely to squander much of their additional wealth or income – much of what they have which is above their basic needs – on activities *harmful to the ecosphere* (e.g., on luxury goods produced through the use of non-renewable energy, leading to consuming part of the world's riches in the extraction of raw materials). And this is a solid reason for thinking that much of the growth that takes (say) a society in which all the people are on 10 k a year to one in which half the people are on 11 k a year and half on 40 k a year is likely to be at the expense of the Earth. In other words, in Sections 2 and 3 above, we ignored the 'external' impact of the 30 k p.a. made by half the population (in the UK for example), concentrating on its impact (in turn) first on the substantive freedoms of the poorer half, and second on the sense in which the resultant society could really be said to *be* a society, to *be* a community. But my third argument demands that we look at these 'externalities', and if we do so, then it may be that both the society where half earn 20 k p.a. (in the UK), *and the society where all earn 20 k p.a.* are to be dispreferred to the society where all (say) earn 10 k p.a.¹⁹. My ecological argument throws into question the apparently *prima facie* unquestionability of the desirability of growth in income for half the society, or indeed for the whole of the society. It points out that such growth usually *costs the Earth* (the argument here is worth comparing with Marx's argument concerning exploitation, which in turn is worth comparing with Cohen's arguments, see Section 3 above). Marx of course argues that the 'surplus value' produced by labour and stolen by capital should be returned to labour. He does not consider in any depth the alternative – that *any surplus*, that motivates or constitutes growth, should probably, at least in the 21st century, be 'returned to the Earth'. To *restore* the Earth or, alternatively, and *usually better: not produced at all*.

It could be said against my ecological argument that it is in fact included within Rawls's schema, that it is very much present within the terrain of his system, in that (according to that system) future generations ought to be fully included *in the original position*, i.e., that behind 'the veil of ignorance'²⁰, I ought not to know not only what my position in society will be, but *when (or even if?) I will live*. Such that I might live many thousands of years from now. I do not read Rawls that way²¹; but perhaps that is what he did say, or at least should have said. If that is so, then note a couple of very important things that nevertheless remain true:

- 1 My argument in Section 4 would not fail, but would simply translate into a (new) ‘lexical priority’ argument: that the difference principle should in practice be allowed to apply only when the resultant growth (and inequality) was not likely to result in or constitute *unsustainable* development/growth. Given the difficulty of producing genuinely sustainable – e.g., genuinely carbon-neutral or (what is really needed, *if* there is to be growth) *carbon-negative* – growth, this would immediately curtail drastically the scope for actually applying the difference principle: rather, roughly as in Section 1 above, we would have here at the very least then a powerful ‘empirical’ argument against inequality, and indeed against growth even where it does not result in inequality. And in the (very rare) moments in his oeuvre when Rawls takes ecological considerations seriously, it does indeed even seem possible that he himself would like to be able to agree. See for instance, Rawls (2001, p.64) where Rawls remarks that he sees justice as fairness as being compatible with “Mill’s idea of a society in a just stationary state where (real) capital accumulation may cease”. This welcome idea, though in severe tension with much of the rest of Rawls’s corpus²², perhaps ‘only’ needs to be propelled onto the front-burner of liberals’ consciousness, i.e., liberals need to understand that the contemporary West should *already* be in such a state²³. In fact, we have surely already overshot such a state, and need to build our economy down deliberately towards it [NB: *not* collapse towards (or beyond) it, as would occur in a depression].
- 2 A difficulty comes to the fore concerning how we can conceivably think of there being *parties* behind the veil of ignorance, or a *contract* there. The difficulty ramifies when one tries to marry this point with the later Rawls’s emphasis on his theory of justice being ‘political not metaphysical’, in his later writings; for these seem to take us *further from*, not *closer to* a vision of justice which includes all places and all times.

The challenge of dangerous climate change, we might say, makes the move toward thinking of Rawls’s conception of justice as apposite primarily to modern ‘democracies’ look if anything worse, not better, than his earlier formulation looked; for how can we take justice and care for others seriously, if we think of these as being about what is or should be *here* and *now*, when the great political issue of our time is how to stop a catastrophic injustice being done to people who may live anywhere in the world, at any time in the *future*, in polities/societies *of whose shape we have barely the foggiest idea*, if that?

Before starting to move toward a conclusion in this paper, I must address what will undoubtedly be raised against me as the main feasible *objection* to my argument here in Section 4: namely, that the difference principle is intended to result in economic *efficiency*, and the minimisation of *waste*. This is supposed to get around my ecological objection to Rawls. In other words, Rawls and Rawlsians will say that, in a steady-state economy even, it will be rational to apply the difference principle, in order that the worst-off are assisted by the greater efficiency inherent in the way the better-off are incentivised to use the strictly limited resources that are available in such a steady-state, to maximise their and everyone’s standard of living. We are supposed to imagine a world in which, through departures from equality/from a levelled condition, the level of income/wealth available to the worst-off is higher than it would be if we insisted upon remaining in a levelled condition.

Leave aside for now the empirical points I made above (such as that, in what might be seen as a broadly-difference-principle-type move, China is helped by Western demand to grow and thus to enrich those who were previously among the world's poorest – but at the cost of a what is on balance a *less* environmentally efficient world economy, in part of course just because of its unsustainable level of transport emissions and hyper-mobility). Leave aside that the difference principle does and will provide a dangerous ideological justification for relative poverty. The *fundamental* problem with the objection just made against me, a problem that I see no absolutely way of vitiating, is that it is very hard to see how a tacitly-permanent income/wealth inequality (permanent, because I am talking now about a steady-state society/economy) can be justified or made stable. In a growth-oriented economy, the worst-off accept inequality because they can see how making the pie bigger allows them to get richer. But, if we have a *society* rather than merely atomised individuals, how (to use again the logic of Cohen's that we drew on in Section 3) can this enduring inegalitarianism be acceptable, 'congruent'? Surely the alleged greater-efficiency of a steady-state society that is unequal is purchased at the cost of permanently alienating the poor from the rich in a way that will prove an intolerable fount of envy and instability.

Of course, it is important to point out that a 'steady state' economy does not imply a *static* society. Far from it; it could be a dynamic (stochastic) equilibrium. And it surely would be: a 'steady-state' society would be highly dynamic in terms presumably of its *cultural* production, its *intellectual* growth, etc. But the crucial point is that, economically, there would be no way out of relative poverty for a class of poor people kept in place by the alleged advantage to all of the difference principle in terms of greater efficiency, etc. And it is hard to see how you could have social peace, when one group or class was systematically and permanently better off than another – for the alleged best interests of *all!*

To conclude this section, then: Ecology, requiring a steady-state economy, seems inevitably to require equality too. Once again, the difference principle drops out of our considerations, or must be overcome. Of course in a steady-state people would try harder than ever to be genuinely efficient, producing the best quality of life compatible with a sustainable and renewable resource-'take'. But they would insist on doing so, surely, in a way that *eliminated* rather than allowing, let alone promoting, the inequality which is liberalism's bread and butter.

5 Conclusions

To sum up, Rawls's 'original position' social-contract-device posits individuals²⁴ who must choose what is best for their society by choosing what kind of society they would want *for themselves*, considered as selfish individuals. Rawls suggests that, under such handy constraint, they would not choose a society where they might end up very badly off, but would choose via the maxim of 'maximin' (allegedly making the worst off as well off as possible, by means of carefully-chosen inequalities). I have suggested in the body of this essay, three reasons why they would not – or at least, should not – choose (via) such a maxim:

- Firstly, because, as we in the modern West know all too well, modes of societal organisation that pretend to be for the benefit of all (via for instance ‘trickle-down’ economics) are not only unlikely to benefit all, economically, *but will certainly not benefit all, politically*. This *matters*, because of the importance of the political value of equality and of the need for citizens to be genuinely equal at least in their political freedom: supposedly, in Rawls’s schema. In short: because inequality of outcome leads inexorably to inequality of liberty, so long as liberty is considered substantively and not just legalistically. Slightly more polemically: ‘political liberalism’ is not genuinely *politically* liberal at all, but rather is a recipe for the politics of oligarchy, of plutonomy²⁵ and plutocracy, that we see writ large across the ‘liberal democracies’ of the world today.
- Secondly, because such modes of societal organisation as liberalism recommends do not really constitute modes of truly *societal* organisation at all; they are suitable only for organising individuals who do not see themselves as related in other than means-ends ways to one another. Individuals who care about one another – as we do, once we come out from behind the veil of ignorance; as we do, when or insofar as we feel that Rawls has generated an argument *for what we felt or believed anyway*, insofar as we believed that there was something right about the basic impulse of egalitarianism, or about caring for the worst off, even if we wanted to think that intellectually Rawls has found a way of showing that equality of outcome need not be absolute – will not be satisfied to stay rich, while others are poor.
- Thirdly, because such modes of ‘societal’ organisation are unsustainable. The difference principle unconsciously assumes that the Earth is infinite, that the more we raise the lowest boats the better; disregarding that we may already have raised even many of the lowest boats – in Western societies at least – let alone, obviously, the higher boats, *more than the ecosphere can tolerate*. (And: in a steady-state, inequalities would be more socially unsustainable than ever.)

Three strikes: it looks like the difference principle is out...

In the short remainder of this conclusion and of this paper, I will take the risk of reflecting a little more speculatively on what these conclusions entitle us to believe about green economics on the one hand and about the political philosophy of liberalism on the other: about where we end up, when we think in the way in which I have argued here we must.

Cohen’s book prompts us to be reminded that we members of a society think of each other not only as means to ends, but also as ends. And as intrinsically *involved* with each other. As subject to being loved and to loving, roughly. But if we love each other, or at least care about each other, we will only redistribute wealth such that it is pretty evenly distributed *without creating more than is needed*. My first and second arguments, above, gave us reasons to disprefer (say) a society in which half the populace earn 11 k and half 40 k to a society in which half earn 10 k and half earn 20 k. But both those arguments are compatible with preferring a society in which all earn 20 k. Against this (and in favour of a somewhat lower shared level of income), my third argument is I think a powerful one. It implies that not only should we certainly hesitate to generate inequality that will (purportedly) improve the (economic) position of all, but that – for ecological reasons, on the grounds of true long-termism – we should also hesitate to generate even growth that

will undoubtedly improve the (economic – in terms at least of *conventional* economics) position of all, here and now.

In this connection, it is also worth mentioning the disastrous way in which consumerist-growthist society continually makes it look as though our ‘basic needs’ are more than we at present have. If it did not do so (via advertising, via making us feel inadequate as we are without the latest gizmo), it would falter. Such consumerism is incompatible with my argument in Section 4 above and indeed, the iconic self-image of ‘the consumer’ is itself an ongoing disaster for the Earth (for future generations, etc.). We are consuming...the Earth. That none of these truths feature in Rawls’s work – that Rawls fails to take them into account in his discussions of envy, of the likely or actual operation of the difference principle, of the right rights of future generations, etc., – is in my view an indictment of that work.

For those of us who are impressed by the thought that growth does not necessarily actually serve human needs (consider for instance the fairly robust data that suggests that levels of human well-being have tended to be static or declining for about a generation now, in much of the world, including ‘the West’²⁶), and who suspect that that there is a level of basic human wants and needs that most of us in the West at least have already considerably surpassed, an interesting conclusion eventuates:

For the most crucial question is not any longer one primarily of redistribution of wealth. Rather, we (non-liberals)²⁷ believe that, as a matter of love and mutual respect and fraternity²⁸, of what Kennet calls sharing the Earth with each other and with other species, green economics, the economics of doing, the economics of sharing and the economics of supporting each other (Kennet, 2011), all should have what they need, and that the arguments of Sections 2 and 3 above index transitional measures to ensure that that has a chance of happening. They are good arguments *against inequality* – not *for redistribution of wealth*. What probably needs to happen to wealth, *rather* than simply redistributing it, is that it needs to be *built down* (and the current world financial and economic crisis gives us a unique opportunity for beginning this process, an opportunity that appears, sadly, to be being squandered). According perhaps to a ‘contraction and convergence’ model – which has begun to be applied to CO₂ emissions, but probably needs to be applied, with regard both to individuals and to societies, worldwide, not only with regard to carbon but more *generally* with regard to the ecological impact of one’s wealth.

So: Rawls must not be used as an excuse for inequalities unless those inequalities are harmless – to the poor, considered as substantive political agents, as well as economic agents; to society *as a whole*; and to the planetary ecosystem *as a whole and over time*. I believe that there will be hardly any inequalities at all that pass this test²⁹. No longer should Cohen or Rawls be used as an excuse for most growth/wealth-creation, even if it be allegedly egalitarian in nature or outcome. If we care about one another, and about our descendants, then we will reject the difference principle; we will also probably reject a lot that is more fundamental in Rawls’s account, as this paper has increasingly suggested.

From a green-economic/ecological point of view, it is *not* that we need or even want more, and thus could or should rationally envy the rich; it is rather that the world – all of us – *need the rich not to have more than*, or even as much as, they have.

And for present purposes the concept of ‘the rich’ should be understood across cultures. In other words: ‘the rich’, for the purposes of this discussion, probably includes under its ambit *most* inhabitants of Britain and the USA, for instance. A useful test for

who is rich (and who is super-rich, etc.) is ‘ecological footprinting’. For example, your use of any international air travel at all is likely to give you a footprint that, if multiplied by the population of the Earth, would mean that humanity’s total footprint would ... stamp most of the Earth into virtually lifeless dust within a few generations. If the current *average* British standard of living were extrapolated across the world, then we would need about three worlds to sustain that footprint indefinitely...

Rather than envying the rich, or (*a la* Rawls) building up the assets or income of the poor, the necessary thing to do is primarily *simply to build down the rich to a level where their (i.e., our) lifestyle actually is sustainable*, which is argued for in the contraction and convergence model (Meyer, 2001). The place to start, if we are to take justice seriously – and that means being just to our children and to people who are not born yet and who may never be if we do not sort out and build down our ‘externalities’ – is not to seek to haul up the worst off, but to turn the proposition around. In other words, to question the difference principle. To question the thought that a ‘gain’ for some or even for all is really a gain at all. Such questioning, as this conclusion has I hope intimated, may lead us even further from Rawls’s theory than we expected. Into a world in which we no longer believe that economic gain for the worst off is necessarily a good thing, beyond a truly decent level of subsistence. Provided, needless to say, that the world that we create is not the nightmare world of rampant anti-egalitarian capitalism that at present we are perhaps drifting into. Rather, the world that we should build, if this paper is at all right, is a world in which we have a notion of real human needs and of love for one another and of commonality with one another all in the same boat, thus *trumping* any notion of growth-based ‘wealth-creation’, even one that supposedly contributes to development for the alleged benefit of the worst-off.

A world that takes my argument in Section 4 seriously is likely to be a world where the preconceptions and premises that led Rawls to his difference principle have in any case then been mostly overcome, and in which a conception of justice as founded in a conception of the good which might actually help to save us has replaced them. It would be, for starters, a world in which political philosophy were genuinely informed by ecology and by green economics, and thus in which quality of life and precautionary action with regard to the necessary conditions for life were regarded as more important than raising material standards of living or than abstract ‘freedoms’. A world which was not tacitly fantasised to be disposable.

Perhaps this paper might even play some small role in helping to birth that world.

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Notes

- 1 I mean of course here to index the work of Herman Daly, to some extent that of Robert Costanza, and of the other pioneers of this revolution – which this very journal is of course endeavouring to develop further (see for instance the 'framing' piece by Miriam Kennet and Volker Heinemann, here: http://www.inderscience.com/search/index.php?action=record&rec_id=9338&prevQuery=&ps=10&m=or). Developing an economics for a finite planet, an economics concerned with provisioning for all people everywhere and everywhen, and genuinely valuing other species and nature itself. Everyone is equal when it comes to food and water and shelter and all basic needs, different generations just as much as our own. Inequality militates against this, which is one key reason why I am so concerned with and about Rawls's 'legitimation' of it.
- 2 See e.g., p.243ff of the original edition of Rawls (1972).
- 3 For detail and discussion, see e.g., p.15 of Chomsky and Herman (1988).
- 4 By this, I mean not that the outcome that would otherwise have happened was reversed, but only that no other outcome was realistic. The most striking example is 1992, when there is relatively little doubt but that it was the *Sun* which won a very close election for the conservatives. Five years later, with the Murdoch papers now backing New Labour, the unpopular Tories had no chance at all.
- 5 See the first page of <http://www.jstor.org/pss/448214>, for a similar point.
- 6 See my 'A green philosophy of money', in Liam Leonard and John Barry (Eds.) (2009), for justification for this remark.
- 7 This conclusion could be read as a strengthened reworking of that of Peffer (1994), when he posits a revised set of lexically-ordered principles of justice, wherein the difference principle comes fourth on the list, and is reworded as follows: "social and economic inequalities are justified if and only if they are to the greatest benefit of the least advantaged, consistent with the just savings principle, but are not to exceed levels that will seriously undermine (a) (approximately) equal worth of the liberties required by due process or (b) the good of self-respect". It is also supported by Wright (1977).
- 8 I am running in parallel here to Norman Daniels' well known paper *Equal Liberty and Unequal Worth of Liberty*, which already argues that actually it is Rawls's first principle that carries the egalitarian punch, and that if Rawls was properly consistent then he'd actually be a radical egalitarian – that is, he'd have to espouse principles of distribution that are actually

much, much closer to what I want to advocate anyway on grounds of sustainability, fraternity and equality, that I will elaborate on below. See http://books.google.com/books?id=smNgOhUPdMQC&pg=PA253&lpg=PA253&dq=Equal+Liberty+and+Equal+Worth+of+Liberty+daniels&source=bl&ots=GtnUzjuVHY&sig=E_79Jh6vRapXjPfUcpEzHTMncSk&hl=en&ei=tWRcS5DCE8KRjAfTjPCWAg&sa=X&oi=book_result&ct=result&resnum=1&ved=0CAkQ6AEwAA#v=onepage&q=Equal%20Liberty%20and%20Equal%20Worth%20of%20Liberty%20daniels&f=false. (Cf. also Robert Paul Wolff's Marxist critique of Rawls.)

- 9 Arguably, the problem here of course stems from the 'basic structure' of the Rawlsian 'original position', in which individuals are not permitted to consider non-selfish interests in each other. I shall return to this point at the close of this paper.
- 10 This problem arguably stems from the obvious problem stressed in the note immediately above. It is hardly surprising if people are encouraged to think by Rawls of what selfish people would do which could help the worst off, not of what they themselves and others who they might lead to be similarly altruistic could do which could help the worst off, if the version of rationality – the vision of 'rationality' that founds mainstream economics – that (in turn) in practice founds the Rawlsian system builds in selfishness.
- 11 For more on the kind of society that Cohen and I envisage, and that a liberalism which maintains a substantive version of the difference principle seems to bar, see Norman (1998).
- 12 See p.228 of Nozick (1974).
- 13 See Deutsch (1985), for the basic work in this area. The same research deals extensively with the development of co-operation and the intrinsic role of equality in the social relationships that are needed for community. Experimental work on bargaining shows furthermore that people do have a value for community; indeed more recent neuroscience (the work of Damasio, for one) has demonstrated that co-operation can be intrinsically (i.e., non-instrumentally) rewarding (thanks to an anonymous referee for this point).
- 14 There are of course other possibilities. It may have come from the elimination of waste (see below for some more on this important possibility), or of truly wasted or pointless labour hours.
- 15 See for instance Chapter 3 of Woodin and Lucas (2004).
- 16 Note, that is, that green ecological economics very strongly doubts that it even makes sense to believe that economic growth can be decisively decoupled from ecologically-unsustainable practices. This is because of the nature of finitude.
- 17 See Section 44 of *Theory*.
- 18 See Paden (1997, p.28, p.35).
- 19 Actually, my choice of the figure of £10 k p.a. is not accidental. Very approximately, this is the very most we can expect, as a globe-wide long-term sustainable income: see the analysis at <http://www.ecoequity.org/docs/TheGDRsFramework.pdf> for details.
- 20 Readers needing clarity on the meaning of these Rawlsian terms of art are recommended to consult the earlier chapters of *Theory*. Or consult http://rebirthofreason.com/Articles/Younkins/John_Rawls_Theory_of_Blind_Justice.shtml.
- 21 See my 'Liberalism cannot take future generations seriously', forthcoming in my *The End of Liberalism and the Dawn of Permanent Culture*, for more detailed discussion as to why than there is space for in the present paper.
- 22 Taking it seriously would require major changes in liberal political philosophy – see e.g., No. 23 below.
- 23 The question, however, is whether this is genuinely compatible with the remainder of liberalism: e.g., with state neutrality between conceptions of the good, with careers open to talent, with the difference principle, etc.
- 24 Really, only one individual: there is no contract, because the 'parties' are so stripped down that they will not differ from one another. For citations and discussion, see Sandel (1982, p.128f.).

- 25 See <http://rupertsread.blogspot.com/2010/09/we-live-in-plutocracyplutonony-and.html> for explication.
- 26 See e.g., Woodin and Lucas (2004, pp.60–63).
- 27 Non-liberals, because we believe that people are as much one as they are separate, because we are not indifferent between conceptions of the good – indeed, we believe that such indifference is a contradiction in terms –, and because we think that the bare selfish individual of liberalism is not really capable of being a human being at all, and is rather a dangerous fiction. For instance, we socially and politically engaged Buddhists; see for instance, Brazier (2001) and Jones (2003). By calling myself and these others ‘non-liberals’ I do not mean to imply that we do not care about liberty and democracy; on the contrary, as laid out in Section 2 above, it is BECAUSE we care about liberty and democracy – about politics – that we believe it necessary to overcome most of ‘political liberalism’.
- 28 Fraternity is the word that Sandel uses hereabouts. Like him, I fear that justice a la Rawls will or would crowd out love and fraternity – see pp.32–35 of Sandel’s (1982) discussion, for explication. Like rational choice theory generally – and it is helpful sometimes not to forget that the bulk of Rawls’s work in political philosophy was initially grounded in rational choice theory – Rawlsian thinking will tend over time to leach out even its own good intentions. I would go so far as to suggest, riffing on a formulation of Karl Kraus’s, that Rawlsian individualism, with its limited sense of what we owe each other, is the very illness of which it takes itself to be the remedy. Rawlsian thinking prevents us from taking each other seriously (see Sections 2 and 3 above), and likewise future generations (see Section 4 above), let alone non-human animals or the planet ‘itself’.
- 29 See the close of Section 3 above, for some minor inequalities that probably would pass the test. ...I should additionally point out that the health inequalities literature [see e.g., Wilkinson’s work] has very strong negative implications for the difference principle. The strong position in Wilkinson et al. would be that inequality itself causes early death and increased illness and disability and much more besides. I detail this point in my ‘An empirical refutation of the difference principle’, forthcoming.