

RAWLS, NOZICK, AND THE SEARCH FOR SOCIAL JUSTICE

In 1961, Sir Isaiah Berlin, the eminent British historian of ideas and philosopher, in an article entitled "Does Political Theory Still Exist?" noted that "no commanding work of political philosophy has appeared in the twentieth century."¹ In the last six years, however, two works have been published that bid fair to occupy a dominant place in the development of political thought in our time, at least in the Anglo-American philosophical world: John Rawls's *A Theory of Justice* (Cambridge, Mass.: Harvard University, 1971) and Robert Nozick's *Anarchy, State, and Utopia* (New York: Basic Books, 1974). Both books have been widely discussed, far more so than is usual for contemporary philosophical treatises. A substantial body of critical literature has already grown up around Rawls's book,² and Nozick's book received the 1975 National Book Award in the category of science, philosophy, and religion. My purpose is to provide an introduction to these important works and to indicate their significance for those who work for social justice from a Christian perspective.

RAWLS

Justice, for Rawls, is the first and indispensable virtue of social institutions (p. 3); and the primary function of a theory of justice is not to determine a particular form of political or economic organization, but to arrive at principles "that free and rational persons concerned to further their own interests would accept in an initial position of equality as defining the fundamental terms of their association" (11). Rawls later distinguishes a four-stage sequence of the judgments that citizens make in applying principles of justice to the structure and institutions of their society. These stages are (a) the adoption of the principles of justice in the original position, (b) the constitutional convention, which aims at designing a just procedure for government and requires guarantees of the liberties of equal citizenship, (c) just legislation enacted by the government thus established, and (d) the application of rules to particular cases by judges and administrators (195–201). Rawls does not claim that the working of this sequence yields a uniquely just outcome for all cases; for instance, he does not believe that the theory of justice yields a

¹ In *Philosophy, Politics, and Society*, Second Series, ed. Peter Laslett and W. G. Runciman (Oxford: Blackwell, 1962) 1.

² The most useful collection of philosophical appraisals of Rawls's work is *Reading Rawls*, ed. Norman Daniels (New York: Basic Books, 1974). A comprehensive philosophical critique is Brian Barry, *The Liberal Theory of the State* (Oxford: Clarendon, 1973). The most recent study is Robert Paul Wolff, *Understanding Rawls* (Princeton: Princeton Univ. Press, 1977).

definite universal answer for the question whether the means of production should be publicly or privately owned (273-74).

The general conception of justice with which Rawls begins calls for the equal distribution to all of social values, of which the most important are "liberty and opportunity, income and wealth, and the bases of self-respect" (62). His first formulation of this conception of justice is given in the following two principles: "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 both (a) reasonably expected to be to everyone's advantage, and (b) attached to positions and offices open to all" (60). These principles are to govern the basic structure of society.

The first principle requires the balancing of conflicting liberties, so that all the citizens may enjoy "the best total system of equal liberty" (203). No specific liberty is to be accorded absolute value or priority, though because of the serial ordering of the principles the principle of equal liberty has such a priority and "liberty can be restricted only for the sake of liberty itself" (244). The system of basic liberties for citizens includes the following more specific liberties: "political liberty (the right to vote and to be eligible for public office) together with freedom of speech and assembly; liberty of conscience and freedom of thought; freedom of the person along with the right to hold (personal) property; and freedom from arbitrary arrest and seizure as defined by the concept of the rule of law" (61). Rawls admits that, whereas all citizens are to have equal liberty, because of differences in their ability to achieve their ends "the worth of liberty is not the same for everyone" (204). It is in his insistence on the priority of liberty, which he understands in ways that are familiar from the Anglo-American legal and constitutional tradition, that Rawls's liberalism is most apparent. But it should be pointed out that his general conception of justice allows the restriction of liberty for the sake of political and social gains, and that a rational preference for the priority of liberty presupposes the development of certain conditions of civilization, which include the general satisfaction of the most urgent human needs (542). So it would be unfair to accuse Rawls of offering libertarian cake to masses clamoring for bread.

The second principle governs social and economic inequalities and is intended to apply "to the distribution of income and wealth and to design of organizations that make use of differences in authority and responsibility" (63). It is a principle of qualified egalitarianism; it requires that inequalities be justified, and it suggests the lines of argument for doing so. As Rawls points out, two phrases in the second principle are ambiguous. The requirement that inequalities be attached to "positions and offices open to all" can be understood as requiring a

formal equality of opportunity, "an open social system in which . . . careers are open to talents" (66). Or if one desires, as Rawls clearly does, to correct the cumulative inequalities that arise from social circumstances and from other factors "so arbitrary from a moral point of view," then the requirement can be given a liberal interpretation by adding "the further condition of the principle of fair equality of opportunity" (73). Rawls takes this to mean that "those with similar abilities and skills should have similar life chances" (73) and he recognizes that even the partial attainment of this sort of equality requires government regulation of the economy and the use of the school system to "even out class barriers" (73). Even under such a system of liberal equality, he thinks that distributive shares will be improperly influenced by the distribution of natural assets.³

The other ambiguity in the original second principle is the requirement that inequalities be reasonably expected to work to everyone's advantage. This can be interpreted along the lines of economic efficiency, but Rawls easily shows the need to supplement the principle of efficiency. This can be done by regarding the outcome of economic processes under certain minimal institutional constraints as the just outcome of the initial distribution of assets. When joined with the principle of careers open to talents, this would yield a system of natural liberty dear to conservative laissez-faire theorists but morally objectionable to Rawls because of the unequalizing influence of natural and social contingencies. Rawls favors the stricter requirement that "the higher expectations of those situated . . . work as part of a scheme which improves the expectations of the least advantaged members of society" (75). He argues that the difference principle is an expression of the social ideal of fraternity, "the idea of not wanting to have greater advantages unless this is to the benefit of others who are less well off" (105). Later he contends that the difference principle is implicit in the appeal to the common interest in democratic politics (319) and is an essential contribution to the harmony of a civilized society (501-2). This "difference principle" is intended to apply to the basic institutions of a society and to the effects of these institutions on the expectations of representative persons, not to the actual outcomes for individuals. The comparisons that are necessary in order to determine who is least advantaged are carried out in terms of an index of primary goods to which an individual can look forward. Primary goods are "things which it is supposed a rational man wants whatever else he wants" (192) and which "have a use whatever a person's rational plan of life" (62). Some primary goods are social (riches, income), some are natural (health, intelligence) and are not directly controlled by basic structures of society.

³ The issue in dispute between these two interpretations is clearly present in current controversies over equal opportunity for employment and school busing.

The main argument Rawls offers for his two principles of justice is that they would be chosen by rational persons in a hypothetical original position. The crucial aspects of this argument are Rawls's description of the parties to the original position, and his account of the strategy of choice they would follow.

The parties to the original position are to choose under the circumstances of justice, which include moderate scarcity and absence of philosophical and religious consensus, and in a spirit of disinterested rationality, unmoved by either envy or altruism. They choose from behind "a veil of ignorance," that is, without knowledge of their social positions, natural abilities, psychological characteristics, and the particular circumstances of their society. The reason for this stipulation is Rawls's desire to correct "the arbitrariness of the world," so that the choice of principles is not biased by knowledge of particular facts and interests and so that unanimity in the choice of permanent principles can reasonably be expected. The principles to be chosen must meet what Rawls terms "the formal constraints of the concept of right," which apply to all ethical principles and rule out egoism as a possible alternative.

Rawls contends that in the original position the parties will begin by accepting the general conception of justice which calls for equal distribution of social goods unless inequalities are to everyone's advantage (150). He then argues that, choosing behind the veil of ignorance, the parties will use a maxi-min strategy and will opt for the guaranteed minimum provided by the two principles of justice, thus avoiding unacceptable risks to liberty and well-being.

Rawls's theory, which is a more general and abstract form of social-contract theory than that found in Locke, Rousseau, and Kant, is designed for a society marked by individualism and religious pluralism. Like their theories, it accords no fundamental place to the great collective factors of class, race, and nationality that produce so many of the conflicts and injustices of modern society. It would, however, be somewhat unfair to Rawls to rely heavily on this line of criticism; for his project is to arrive at an ideal theory of justice for a society in which "everyone is presumed to act justly and to do his part in upholding just institutions" (8). He expressly sets to one side the problems of partial-compliance theory, "the principles that govern how we are to deal with injustice" (8), even though he admits that "these are the things that we are faced with in everyday life" (19). Especially in his notion of the difference principle, however, Rawls does show a concern for the welfare of the disadvantaged and for the problems of social class that arise in liberal democratic societies; and he is clearly no friend of unrestricted economic freedom.

Rawls shows an admirable concern for the equal dignity of human persons, as well as for their welfare. This is particularly manifest in his

Kantian interpretation of justice as fairness. On this view, the principles of justice are categorical imperatives which apply to persons in view of their nature as free and equal rational beings (253), and the original position gives us the viewpoint of free and equal rational beings, together with an argument for the principles of justice that such persons would choose as an expression of their nature (255-56). The interesting and controversial part of Rawls's Kantianism is that he believes he can reach the kingdom of ends by a procedure of choice that he himself regards as substituting "for an ethical judgment a judgment of rational prudence" (44). One reason why he is able to do this is that the formal restrictions he puts on the range of principles to be chosen are essentially those of the moral point of view (130). Furthermore, the original position is designed so as to rule out consideration and promotion of the particular interests that make a merely prudential approach objectionable under normal circumstances; in effect, it requires the parties to employ rational prudence from the standpoint of those who stand to gain least from the proposed basic structure of society. This enables the parties to use prudential strategies for choice without presupposing altruism, while freeing them from the moral limitations of self-love. But it involves a dualism between the noumenal selves who choose in the original position (253) and the phenomenal selves who suffer not merely from the biases of interest but also from the urgings of need. Adopting the standpoint of the noumenal selves of the original position and maintaining it in such a way that the principles of justice can be applied in our present sublunary world of conflicting interests may well be a more difficult task and may require a more fundamental conversion than trying to instill and maintain an attitude of benevolence.

The democracy Rawls describes will respect equal liberty of conscience, equal rights of citizens to participate in the political process, and the rule of law. In this society "arguments for restricting liberty proceed from the principle of liberty itself" (242). On matters of distributive justice, it will adopt a pluralistic approach which involves both a balancing of the various precepts of distribution according to need, contribution, etc. (308), and a distinction of functions between the market and various branches of government activity. Rawls explicitly endorses redistributive activity by the government for the sake of preserving "the fair value of equal liberties" (277) and of maintaining "a democratic regime in which land and capital are widely though not presumably equally held" (280). The regime may be either socialist or capitalist.

To this sketch of a democratic regime aiming at distributive justice Rawls appends a chapter on duty and obligation, which considers the natural duties of persons and the obligation to obey law. He concludes with an admirably judicious account of the justification for civil disobedience and its positive contribution to our common sense of justice.

In the final third of this massive work, Rawls moves from exposition of the principles of justice and their embodiment in just institutions to a consideration of the bearing of his principles on moral theory in general and the moral life of society. He is a pluralist about goodness, remarking that "it is, in general, a good thing that individuals' conception of their good should differ in significant ways, whereas this is not so for conceptions of right" (477). What a person's good is, however, is not purely arbitrary; for it "is determined by the plan of life that we would adopt with full deliberative rationality if the future were accurately foreseen and adequately realized in the imagination" (421). This formal concept of a person's good is given content by what Rawls calls the Aristotelian Principle: "Other things equal, human beings enjoy the exercise of their realized capacities (their innate or trained abilities), and this enjoyment increases, the more the capacity is realized, or the greater its complexity" (426). When people have a rational plan of life that satisfies the Aristotelian Principle and are valued by their fellows, then their self-respect, which is for Rawls "perhaps the most important primary good" (440), is supported. Rawls then contends that the development of a sense of justice in a morality of principles which enables men to express their nature as free and equal rational beings ensures the stability of justice as fairness.

In his effort to show that justice is a good for persons, Rawls borrows from Wilhelm von Humboldt the notion of social union, which involves "shared final ends and common activities valued for themselves" (525). A well-ordered society is a social union of social unions, in which the collective activity of bringing about justice in a constitutional order is experienced as a good and is the expression of our nature as free and equal rational persons.

Rawls's work is a meditation on the principles of justice, as these are chosen and defined in the original position, as they determine the structure of a constitutional democracy, and as they shape the moral aspirations of the citizenry. Rawls builds on the consensus of the liberal tradition, which requires the consent of the governed and the limitation of government by guarantees of liberty. He adds to this consensus the utilitarian and socialist concern for the welfare of those who are in less advantaged positions in society. Like earlier social-contract theorists, he works within the confines of the modern nation-state, though the principles of justice he proposes could be applied on an international basis.⁴

Like most theorists of the social contract, he is concerned about the divisive effects of religious belief, and its potential for intolerance and fanaticism. Partly this reflects the Western European political experi-

⁴ Cf. Charles Beitz, "Justice and International Relations," *Philosophy and Public Affairs* 4 (1975) 360-89.

ence of the sixteenth and seventeenth centuries, to which the liberal tradition is very largely a reaction; partly it reflects a fideistic notion of religion. Thus, in commenting on Aquinas' argument for the suppression of heresy, Rawls says: "Where the suppression of liberty is based upon theological principles or matters of faith, no argument is possible" (215-16). It is not my intention to argue for the use of religious premises in the determination of principles of justice for a pluralistic society, much less to defend religious persecution. But it is worth pointing out that it is possible to criticize Aquinas' views on theological grounds, e.g., the freedom appropriate to the act of faith, God's universal salvific will, etc. Furthermore, it is important to see that Christianity and other religions offer an interpretation of the common experience of human persons; in this sense, at least, the gospel can have a secular meaning and can be relevant to our conceptions of justice and society. Rawls treats religion as a private and personal phenomenon. He regards religious liberty as a very important value that is intimately related to personal integrity (206-7). But it is indicative of the privatization of religion in Rawls that, while he defends the religious liberty of the individual, he has nothing to say about the liberty of religious societies and institutions. This is, of course, another instance of his reluctance to accord any significant place in his account of justice to associations other than the institutions established for the implementation of the two principles of justice.

Christians concerned for the promotion of social justice should, however, approve Rawls's insistence on the need to clarify the demands of benevolence by consideration of the principles of justice (190). They should also welcome the difference principle as a criterion for the justice or injustice of inequalities within economic systems. Insistence on strict egalitarianism seems both impractical and undesirable in developed societies, and is likely to produce a loss of liberty as a result of the heavy hand of bureaucracy and an unhealthy centralization of power. But appeal to and application of the difference principle, with its requirement that inequalities be justified in terms of their contribution to the welfare of those least advantaged, can be the center of a moral assessment of our economic system that will have to be realistic in its estimates of the economic effects of egalitarian policies and honest in confronting the cumulative inequalities that threaten the value of political liberty for all (278).

Application of Rawls's two principles of justice in the international realm (which he does not undertake himself) should lead to conclusions acceptable to Christians concerned for social justice. For the principle of equal liberty leads to the rejection of imperialism and political domination. The difference principle, if applied to the working of international

economic institutions, could be the basis of a new international economic order that would strive to reduce inequalities and to direct its efforts to improving the condition of those least well off. But it would be tragic if Christians, in their search for social justice through economic development and the building of a new international order, came to acquiesce in permanent restrictions of equal liberty and failed to demand justification for practices that can easily be the instruments of tyranny and repression.

These suggestions indicate that Rawls's theory of justice, despite its marginalizing and privatizing of religious concerns and its individualism, offers certain resources to Christians concerned for social justice. It is politically available, at least at some points, despite its abstract and theoretical character. Since the principles Rawls offers are proposed both as the principles that parties to the original position would choose and as principles that with our sense of justice we would agree to in reflective equilibrium, it is still possible for those who reject Rawls's fiction of the original position or who regard his argument for the principles of justice as defective to accept, to criticize, or to modify his principles on independent grounds. It still remains to be seen just how great an influence Rawls's theory will have on legal, political, and economic institutions in America and elsewhere; but it seems safe to say that what influence it has will be reformist, egalitarian, and liberal. In his humane and earnest reflection on our choice of principles of justice and in his concern to provide a comprehensive theoretical framework for an alternative to utilitarianism and Marxism, Rawls serves as the expositor and systematizer of the conscience of a liberal and pluralistic society.

NOZICK

Rawls's Harvard colleague Robert Nozick functions rather as a libertarian gadfly to that conscience in its current form and as a proponent of our traditional system of natural liberty. Nozick's work will probably stand in the history of American political thought as the libertarian counterpoise to Rawls's egalitarianism. Both offer forms of social-contract theory, but where Rawls takes his inspiration largely from Kant, Nozick relies more on Locke. Nozick writes with more verve and argues with more technical virtuosity than Rawls, but I would surmise that his work will be more important for the reflections that his often dazzling arguments provoke than for its moral profundity or political sagacity. Its appeal will be strongest to professional philosophers.

Nozick's starting point is clearly laid down in the first lines of his Preface: "Individuals have rights, and there are things no person or group may do to them (without violating their rights). So strong and far-reaching are these rights that they raise the question of what, if

anything, the state and its officials may do" (p. ix). His book falls into three main parts, the main conclusions of which are "that a minimal state, limited to the narrow functions of protection against force, theft, fraud, enforcement of contracts, and so on, is justified; that any more extensive state will violate persons' rights not to be forced to do certain things, and is unjustified; and that the minimal state is inspiring as well as right" (ix). He emphasizes the exploratory character of his work (xii) and admits that he is but a recent convert to libertarianism, a doctrine which puts him at odds with most of the people he respects.

The first task for Nozick is arguing for the moral legitimacy of the minimal state against anarchism. Here we should observe that Nozick uses moral philosophy as an independent norm for political philosophy (6), whereas Rawls treats political philosophy as simply an aspect of moral theory. Nozick thus begins with a theory of the state of nature in the manner of Locke, which includes a natural law (9) that imposes moral constraints on actions (7) but lacks a procedure for resolving disputes over rights (11). Nozick proposes that in a state of nature individuals can enter into voluntary protective associations for the defense of their rights; eventually these would yield to a single dominant protective association, not by a compact but as a result of "market pressures, economies of scale, and rational self-interest" (16-17).

The dominant protective association then establishes a monopoly on the enforcement of rights and offers the "general provision of protective services that constitutes it as the minimal state" (52). Nozick's principal concern in this account of the origin of the minimal state is to show how it can arise without violation of the rights of individuals. Rights serve as side constraints on activities; they are based on the idea that "there are different individuals with separate lives and so no one may be sacrificed for others" (33). After an intriguing discussion of the question of side constraints on our treatment of animals, Nozick suggests that the natural basis for side constraints on our treatment of human beings is their ability to shape their lives so as to give meaning to them (49-50).

Once he has made his argument for the moral legitimacy of the minimal state, which he regards as "the most extensive state that can be justified" (149), Nozick turns to consideration of the claim that a more extensive state could be justified as a means of achieving distributive justice. It is here that Nozick directly takes issue with Rawls and with the received wisdom on public-policy objectives in this area.

Nozick proposes an entitlement theory of justice which in effect holds that a distribution is just if each person is entitled to his holdings by reason of just acquisition or just transfer (151). Nozick does not specify principles for justice in acquisition and in transfer; and he admits that his definition does not get at the problem of rectifying injustices in

holdings (152). But we can see that his proposed account of justice is like most systems of property law, a historical principle of justice in that it holds "that past circumstances or actions of people can create differential entitlements or differential deserts to things" (155). Nozick contrasts historical principles of justice with patterned principles, in which distribution varies along with a natural dimension (e.g., moral merit, needs, effort, intelligence, marginal product). The entitlement theory, he claims, will yield a distribution that is random with regard to such patterns (157) and will respect liberty, which overturns patterns over time (164). Patterned principles of justice require redistributive activities and consequent violations of the rights of persons. Thus Nozick asserts that "taxation of earnings from labor is on a par with forced labor" (169) and involves the state in partial ownership of persons (172).

Nozick then presents an extended series of objections to Rawls's theory (183-229): he maintains that it is less general than entitlement theory, that it restricts the liberty of those who might be better off under other arrangements, that it neglects particular entitlements, and that Rawls's idea of regarding natural abilities as a collective asset involves treating people as means. Though he rejects all proposals for redistribution as an instrument of distributive justice because this involves overturning entitlements, he does allow transfer payments as a means for the rectifications of past injustices. Thus he says that "past injustices might be so great as to make necessary in the short run a more extensive state in order to rectify them" (231).

Nozick criticizes the view that the criterion for distribution of medical care is medical need, on the ground that the things and actions to be distributed are "already tied to people who have entitlements over them" (235). He employs this same argument in criticizing the view that everyone has a right to equal opportunity or to life, and he adds that "no rights exist in conflict with this substructure of particular rights" (238). Here we can see the full extent of Nozick's reliance on the combination of specific entitlements and voluntary co-operation, as well as the results of his implicit denial of all consequentialist norms for appraising the justice of social arrangements and of his ignoring the natural duty of mutual aid. In addition to a good deal of libertarian polemic on such subjects as meaningful work, workers' control, and the Marxian notion of exploitation, this section of Nozick's book offers two short gems of critical analysis: his discussion of envy and self-esteem (239-46) and his examination of the claim that people have a right to a say in the decisions that importantly affect their lives (268-71).

There still remains for Nozick the task of showing that the minimal state is morally satisfying and offers room for utopian aspirations. He argues that because of the plurality of values and the diversity of

weights that people assign to them, it is not possible to satisfy all the values of more than one person, and so there cannot be one best society for everyone to live in. Utopia will have to consist of a number of different communities with different ways of life. "Utopia is a framework for utopias, a place where people are at liberty to join together voluntarily to pursue and attempt to realize their own visions of the good life in the ideal community but where no one can *impose* his own utopian vision upon others" (312). The minimal state will provide a framework for a variety of utopian experiments, excluding only those based on force and domination. Since persons are free to choose a community, a community may redistribute goods among its members and may impose patterns on them (321). The larger society of the framework will not have shared goals (325) and so will not constitute a social union in Rawls's sense, though the particular utopian communities will probably do so.⁵

Nozick's view substitutes a utopian process for a utopian end-state (332) and does not require the elimination of the problems of politics (330). He ends with the following Kantian affirmation and challenge:

The minimal state treats us as inviolate individuals, who may not be used in certain ways by others as means or tools or instruments or resources; it treats us as persons having individual rights with the dignity this constitutes. Treating us with respect by respecting our rights, it allows us, individually or with whom we choose, to choose our life and to realize our ends and our conception of ourselves, insofar as we can, aided by the voluntary co-operation of other individuals possessing the same dignity. How *dare* any state or group of individuals do more. Or less. (334)

Such an affirmation, while not without a certain nobility of aspiration, is likely to strike most readers as referring to a different order of things than we find in the grandeur and misery of human political endeavor. This reaction, of course, does not show that Nozick's vision of the minimal state with utopian communities is mistaken as an ideal theory; but it does indicate that its political availability under present circumstances may be quite limited, and it suggests that Nozick's understanding of the political realm may rest on some basic misconceptions. The root of the problem almost certainly lies in his conception of human rights, which is radically individualistic. As he presents the matter, the rights of individuals and the specific entitlements they acquire are accorded an absolute status. His general notion of rights has the obvious merit of ruling out many threats to the dignity and integrity

⁵ The relation of the communities to the framework has some affinities with the role of the *kibbutzim* in Israel, though Israel certainly goes beyond the limits that Nozick imposes on the minimal state.

of human persons, especially those arising from force. The place he accords to entitlements in his theory of justice captures the importance of claims based on specific actions and agreements, which play such a central part in our legal system and also in our judgments about the just disposition of particular cases. But he ignores the possibility of our being bound by ties of natural duty which are more extensive than the duty to respect the rights of others. Nozick, I would argue, is right in rejecting the view that persons have rights to food and other necessities of life if such rights are understood as political rights to be maintained by the activity of the state; they are moral rights that arise from our common human condition. Such rights are not absolute, but they are moral constraints which are prior to and determinative for any political arrangements we choose to adopt. Furthermore, the positions about entitlements to property that Nozick proposes for his perfectly just society cannot be transposed to any modern society of moderate complexity in which public inputs to the productive process play an important part, so that the output is not simply the result of private agreements.

Very few Christian social thinkers would be seriously attracted to the project of establishing Nozick's minimal state, either because, like natural-law theorists, they reject the restrictions he proposes to put on state activity in the name of individual rights or because, like theologians in the Social Gospel tradition, they seek to use the activity of the state to achieve higher and more equal levels of welfare which meet wider human needs. It is generally characteristic of recent efforts of Christian groups to promote justice in society that they take the form of trying to vindicate the rights of all, especially those who are least well off, rather than the traditional form of trying to bring about a *societas christiana*, which usually involved at least some restriction of the rights of others, especially in the areas of freedom of thought and expression. Many, if not most, of these recent efforts at bringing about a more just society by vindication of the rights of persons have presumed that the primary means of achieving this result is through the power of the more-than-minimal state that is the institutional center of both modern and traditional societies. The power of the state, which was necessary to restrain the economic power that was so unequally distributed in modern societies but which was also dangerous because of its threat to the liberties of all, is to be redirected to more just and more humane objectives. This is common ground both to Rawls and to most recent Christian social theorists and activists; but it is challenged by Nozick and by radical libertarians and also by that strand in the Marxist tradition that takes "the withering away of the state" seriously. Nozick restricts the activity of the state by a barrier of absolute rights which would effectively keep it from any activity to achieve more balanced or

equitable economic outcomes. Rawls urges such redistribution but keeps most traditional curbs on the power of the state by his insistence on the priority of liberty. It is important that those Christians concerned for a just society see the need to limit the state's power and the value of preserving both the independent basis of voluntary religious community and the most extensive system of personal and political liberty for all that is compatible with satisfaction of the basic economic needs of all. It has been, as Lord Acton maintained, a historic contribution of the Christian Church to preserve certain barriers of liberty against the power of the state.⁶ It is both in the long-range interest of the Christian community and to the long-range advantage of the cause of social justice for the Church to promote the cause of freedom, though the Church clearly needs to denounce situations in which the appeal to liberty is used to legitimate oppression or in which the rights of some are absolutized at the expense of the needs of others.

The recent flowering of political philosophy in America has produced two major works that share many themes in common but are significantly different. Both Rawls and Nozick are social-contract theorists; both make extensive use of arguments drawn from economics and the theory of choice; both are in the tradition of liberal political thought; both have strong individualistic tendencies; both are secular in their ultimate loyalties but allow scope for religious expression and aspiration. Rawls impresses more by the breadth of his theory and his careful elaboration of its ramifications and by the humaneness of his moral ideas, Nozick more by the ingenuity of his arguments. We can see both Rawls and Nozick as manifestations of the restless conscience of liberal America. Rawls expresses our desire to aid those less well off than ourselves, whereas Nozick expresses our jealous passion for liberty.

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⁶ Cf. John Emmerich Dalberg, 1st Baron Acton, "The History of Freedom in Antiquity," in *Essays on Freedom and Power*, ed. Gertrude Himmelfarb (Cleveland: World, 1955) 79-81.