



---

The Subjects of Justice

Author(s): Evan Simpson

Source: *Ethics*, Vol. 90, No. 4 (Jul., 1980), pp. 490-501

Published by: [The University of Chicago Press](#)

Stable URL: <http://www.jstor.org/stable/2380449>

Accessed: 28/05/2013 07:36

---

Your use of the JSTOR archive indicates your acceptance of the Terms & Conditions of Use, available at <http://www.jstor.org/page/info/about/policies/terms.jsp>

JSTOR is a not-for-profit service that helps scholars, researchers, and students discover, use, and build upon a wide range of content in a trusted digital archive. We use information technology and tools to increase productivity and facilitate new forms of scholarship. For more information about JSTOR, please contact support@jstor.org.



The University of Chicago Press is collaborating with JSTOR to digitize, preserve and extend access to *Ethics*.

<http://www.jstor.org>

# The Subjects of Justice

*Evan Simpson*

What are the basic subjects of justice—individuals and their actions, societies and their basic institutions, or something else again? In the absence of an answer to this conceptual question, substantive disputes among political theories remain unresolved.<sup>1</sup>

If, as John Rawls says, “the primary subject of justice is the basic structure of society,”<sup>2</sup> a just society may include many acts of apparent inequity to individuals, for social intrusions into the lives of everyone will likely be justified by principles defining a fair share of the social product. If, however, the subject of justice is identified more clearly in Robert Nozick’s assertion that “individuals have rights,” personal entitlements may provide immunity from assault by principles of specifically social justice.<sup>3</sup> The contest between modern, interventionist liberalism and libertarianism is thus inseparable from the problem of the subject of justice.

The disagreement is neither well defined nor resolvable until other possible subjects of justice are canvassed. Both the idea of justice to individuals and the idea of just social structures are significantly ambiguous. They interfere with clear perception of the matter of justice—the problems of power and domination, freedom and oppression, which are raised by conflicts of interest. A catalog of such conflicts indicates the inadequacy of both liberalism and libertarianism. As individualist theories of justice they lack the conceptual resources for mapping important areas of the domain of right action, notably that of class conflict.

## I. CONFLICTS OF INTEREST

Justice is wanting when one person or one set of interests dominates another without justification. This is the unifying thread among several

1. See Hugo Adam Bedau, “Social Justice and Social Institutions,” *Midwest Studies in Philosophy* 3 (1978): 159–75.

2. John Rawls, *A Theory of Justice* (Cambridge, Mass.: Harvard University Press, 1971), p. 7.

3. See Robert Nozick, *Anarchy, State, and Utopia* (New York: Basic Books, 1974), pp. ix, 204–9.

types of conflict of interest which can be distinguished according to their respective subjects.

### 1. *Conflict within a Community of Interest*

Aristotle discerned “a community of interest . . . between master and slave, when both of them naturally merit the position in which they stand. But the reverse is true [and there is a conflict of interest and enmity] when matters are otherwise and slavery rests merely on legal sanction and superior *power*.”<sup>4</sup> In general, a veritable community of interest exists when each person’s social position corresponds to his real merit, so that if there are relationships of natural superiority and inferiority they define a proper institutional ordering among individuals. Superior and inferior then share a common interest in maintaining the arrangement, not merely because to do otherwise would be to sacrifice mutual advantage but also because it would be to lack touch with reality, and it is in no one’s interest to live in ignorance or illusion.

Social hierarchies can be just if they correspond to natural superiorities, since domination may then be justified. Superiorities need not be natural, however, in order to provide such justification. Wherever there are identifiable species of merit and excellence, those qualities define a common interest which should be served in preference to the private aims and individual dispositions which lack any justifying reasons. If Rousseau is right, merit and excellence are social rather than natural qualities, since they arise solely from “artificial sentiments,” but once such modes of evaluation do arise they reflect genuine communities of interest.<sup>5</sup> Criteria of beauty and dexterity, for example, even if artificial, provide a standard by which one’s interest in social position and recognition can be assessed and one’s quest for these goods justified as warranted or condemned as baseless. Such appraisal is possible because the social standards in question remain tied to realities which are independent of individual judgment and preference.

Communities of interest are not always hierarchies, of course, since equality, too, is a relationship. Citizenship and many friendships are relationships of equals in which seeking privileged position may be to violate the relationship and to act wrongly. For equals to demand more than an equal share is a paradigm of injustice because it constitutes a repudiation of the rational standard which justifies each person’s interest in an equal division. The crucial point about communities of interest, however, is not whether they are composed of equals or unequals or whether assertions of superiority and inferiority are tested against a natural or a social standard. It is the more general point that any just

4. Aristotle, *Politics*, trans. E. Barker (Oxford: Oxford University Press, 1948), pp. 20–21.

5. Jean Jacques Rousseau, *The First and Second Discourses*, ed. R. D. Masters (New York: St. Martin’s Press, 1964), pp. 134–35, 146–49.

community must rest upon realities which determine whether the domination of some by others is justified. Within such communities conflicts of interest are conflicts with those realities.

### 2. *Conflict among Private Interests*

Since a community of interest is defined by the existence of certain interest-justifying truths, there is no such community but only sets of private interests when no independent standards for evaluating interests are identifiable. Under such circumstances the possibility of imposing domination upon another can no longer be admitted because there is no satisfactory justification for it. Thus, Locke follows Aristotle in noting that domination is oppressive, hence unjust, when it has a counterfactual foundation, but he rejects the legitimacy of involuntary subjection on the grounds that nothing known to human beings warrants such a relationship. Regarding political domination, for example, he observes that since God did not "by any manifest Declaration of his Will set one above the other" there is no "undoubted Right to Domination and Sovereignty." Because, in general, relationships of "Subordination and Subjection" are no part of our natural condition, any domination not agreed to is oppression, and justice must originally consist in each person's having "perfect freedom" and not "depending upon the Will of any other Man."<sup>6</sup> Any subsequent subordination of one interest to another must depend upon agreements between people rather than upon truths identifiable independently of consensual relationships.

The natural equality which exists together with freedom in the state of nature is not a relationship of the sort existing between citizens and friends. Independence, in Locke's sense, is an absence of the common interests which constitute a community of interest identified by natural or social facts. In the place of communities, therefore, one finds protective alliances which are sustained by a coincidence rather than a union of individual interests. Since each person's reason for the arrangement derives from interests which are not themselves amenable to appraisal, the only possible conflicts of interest are those involving the uninvited imposition of one person upon another. In consequence, the only unjustifiable expressions of an interest are assault upon the unappraisable interests of others and, since agreements freely arrived at give others a legitimate interest in their execution, the breaking of such an agreement.

### 3. *Conflict with Institutions*

Because the violation of an agreement is the violation of an interest, justice to individuals extends to agreements between persons and from them to social institutions. Following Rawls, institutions may be regarded

6. John Locke, *Two Treatises of Government*, ed. P. Laslett (Cambridge: Cambridge University Press, 1967), p. 287.

as constitutive conventions—as public systems of rules which define offices and positions with their rights and duties.<sup>7</sup> Systems of government, of property, and the family are constituted by the basic rules which govern them, and, like other conventions, they consist in patterns of behavior maintained as if by agreement<sup>8</sup>—the “tacit agreements” of so much liberal literature.

It is clear that institutions need justification, for rules impose constraints and their enforcement can be just only when the constraints are justified. The need for justification is clearest when institutions dominate life in ways plausibly characterized as oppressive because they express social requirements which are unsanctioned by individual consent. They are then inimical to freedom in the ways so compellingly described by J. S. Mill and, given the relationship between conventions and agreements, should be made compatible with what individuals regard as in their own interests.

The need for justifying social institutions is recognized in attempts to test the authority of constitutive rules by appeal to social utility or to rational principles of right. Concerned specifically with institutions as a subject of justice, such appeals identify the crucial common feature of Locke’s natural right theory, Mill’s utilitarianism, Rawls’s contractarian view, and Nozick’s entitlement theory. All of these accounts exclude consideration of the natural or social standards presupposed by communities of interest and describe ways of adjudicating among interests rather than of determining whose interests are correct. That they should do so is entirely appropriate, given any characterization of institutions as servants of private interests for which questions of justification do not arise. Just as surely, however, they define a general viewpoint which does not provide an adequate command of the concept of justice, for there are conflicts of interest which they cannot even discern.

#### 4. *Class Conflict*

Conflicting class interests define a subject of justice distinct from institutions. A mark of the difference is the way in which class domination is commonly justified by unsatisfactory appeals to dubious or obscure realities rather than by means of the utilitarian and consensual legitimations characteristic of accepted social practices. We now regard Aristotle’s defense of slavery as founded upon counterfactual claims of natural superiority, and it has often been remarked that medieval social hierarchies were justified by religious and moral dogmas rather than by utility or rational self-interest. Such appeals may be so successful in disguising antagonisms as communities of interest that the opposition goes unrecognized even within classes that have the common interest in freedom

7. Rawls, pp. 55–56, 344.

8. David K. Lewis, *Convention* (Cambridge, Mass.: Harvard University Press, 1969), p. 88.

implied by their unjustified domination. The way in which class conflict, unlike conflict with institutions, may go unrecognized and an oppressed class remain only a virtual community of interest signifies the distinctively structural or systematic character of such domination.

Modern class conflict is tied to a distinction between money as a medium of exchange and money as a commodity. The distinction itself is ancient. Aristotle distinguished two forms of the art of acquisition—one, “necessary and laudable,” which permits gaining natural and useful products through exchange, and another which “makes a profit from currency itself, instead of making it from the process [i.e. of exchange] which currency was meant to serve”—a profit which is “made at the expense of other men.”<sup>9</sup> Dealings such as simple usury, however, do not entail class conflict, and Aristotle seems to condemn the “unnatural” mode of acquisition primarily for engendering conflicts within a community of interest. In depicting a civilization without such community, furthermore, Locke is able to maintain that the transformation of a means of exchange into a commodity merely extends an accepted institution and cannot, therefore, constitute injury to anyone. The distinction between two forms of money or acquisition can, therefore, be used to identify a conflict of class interests only if it is redescribed in a way which identifies structural distinctions ignored by Locke. Marx does this in an account of the counterfactual justification of the system of capital—as opposed to the conventions of currency and exchange.

Exchange transactions are no more inherently objectionable than any other form of voluntary, beneficial, rule-governed activity.<sup>10</sup> But whereas conventions of exchange need not involve any conflict of interest, in the system of capitalistic transactions “the relation of exchange has . . . dropped away entirely, or is a *mere semblance*.”<sup>11</sup> The money system is misrepresented as a system of exchange because its characteristic feature is a continual net transfer of value from labor to capital. The expropriation of wealth from wage labor by capital finds apparent justification in the uncoerced agreement between employee and employer, but since that justification ignores the relationship between the working and the capitalist classes it is insufficient. A form of unjustified domination remains, and the extraction of value from labor arguably constitutes exploitation and injustice.

Since individual workers are free to strike a bargain with individual capitalists, the concept of class is essential for sustaining the judgment of injustice here.<sup>12</sup> Domination does not occur between individuals, nor

9. Aristotle, p. 35.

10. See Karl Marx, *Grundrisse*, trans. M. Nicolaus (New York: Vintage Books, 1973), pp. 465–67.

11. *Ibid.*, p. 458.

12. For an illustration of this fact see Allan W. Wood, “Marx on Right and Justice: A Reply to Husami,” *Philosophy and Public Affairs* 8 (1979): 267–95.

does it occur between individuals and the institution of exchange. It occurs only between classes. If this is so, then class conflict is irreducible to other forms of opposition, and the legitimacy of social microphe- nomena—such as the interpersonal transactions which establish individual entitlements to property—must be balanced against the in- justice of important macrophenomena. The existence of class exploita- tion is evidence against the justice of the capitalist system, however justly that system may have arisen through a series of historical transactions. To complain about the unfairness of measures to alter such a historical result is then hopelessly myopic,<sup>13</sup> while suggestions that “the primary subject of justice is the basic structure of society, or more exactly, the way in which the major social institutions distribute fundamental rights and duties” conflate importantly different subjects and hinder the critique of social systems.

## II. SOCIAL STRUCTURES

A distinction between social structures and basic institutions which is sufficient for undermining liberal and libertarian theories of right must distinguish classes from social groups and patterns of ownership. While class societies will tend to display patterns of privileged appropriation which generate superior life prospects for members of favored economic groups, it is as simplistic to characterize the major constituents of such societies as “hostile camps” as it is now false to refer to “naked, shame- less, direct, brutal exploitation” of one class by another.<sup>14</sup> Models of classes as cohesive groups, appropriate though they are in popular tracts, imperil the truths they represent when they are conflated with the actual structures they portray.<sup>15</sup> While Marx was hardly immune to this confusion, his theoretical works tend to depict capital and labor as abstractions and as identical to the capitalist class and the working class, respectively.<sup>16</sup> These social classes, like logical classes, are, therefore, themselves properly regarded as abstractions rather than as groups de- finable in terms of their membership.

Only by distinguishing structural phenomena from the subjects of empirical sociology can a clear and plausible concept of class domination be formulated. It is quite conceivable that there should be a general diffusion of ownership of the means of production among the members of a population. The joint-stock character of the modern corporation,

13. See Nozick, pp. 204–7.

14. Karl Marx and Frederick Engels, *Manifesto of the Communist Party* (Moscow: Pro- gress Publishers, 1975), pp. 41, 45.

15. The conflation is, of course, a common one (see, e.g., Kai Nielsen, “Class and Justice,” in *Justice and Economic Distribution*, ed. John Arthur and William H. Shaw [Englewood Cliffs, N.J.: Prentice-Hall, Inc.], p. 228). For a sustained illustration of the difficulty in getting clear about classes see Alan Hunt, ed., *Classes and Class Structure* (Lon- don: Lawrence & Wishart, 1977).

16. Marx, pp. 104–8, 464.

the early instances of which so impressed Marx, has, indeed, taken us some distance in this direction. There is, therefore, no logical reason why the membership of the working class and the capitalist class should not coincide, but a society so organized would be far from classless. Under a system of private ownership there would continue to be a net transfer of wealth and power from labor to capital. That is to say, crucial investment decisions would be made by private interests, and production would remain oriented to exchange values. Nothing would decisively check the proliferation of useless and harmful products or the manipulation of consumer preference, and the difficulty of exerting social control over production would continually increase with the growth of private productive capacity. Capital, hence the capitalist class, but not a group of plutocrats, dominates such a society.

In political thought, more than anywhere else save religion, important conceptual discoveries harden into orthodoxies in which they are mistaken for historical truths. Failure to appreciate the distinction between impersonal structural oppositions and their various possible manifestations, unfortunately, leads to confused sectarian disputes about strategies of action and to shallow external charges of descriptive failure. While classes may correspond to relatively discrete groups, the abstract structural feature need not exhibit itself in this way. To insist that class conflict must consist in a fight between oppressor and oppressed is, in a liberal era, to be guided by a mirage and doomed to political impotence. The image of overt struggle misrepresents the nature of the conflict.

According to Marx, the worker sells his "particular expenditure of force to a particular capitalist, whom he confronts as an independent *individual*. It is clear that this is not his relation to the existence of capital as capital, i.e. to the capitalist class. . . . Everything touching on the individual, real person leaves him a wide field of choice, or arbitrary will, and hence of formal freedom."<sup>17</sup> Formal freedom is freedom; it is a conventional counterpart of Locke's freedom, namely, independence of the will of any superior authority, augmented by the institution of exchange which makes unfettered economic transactions possible. While such institutional freedom entails that there need be no conflict of interest between individual worker and individual owner, however, it lacks a structural analogue, for the steady augmentation of "objectified labor" by capital is clearly no voluntary relationship.

Criteria of justice which hold for all transactions between individuals may be unsatisfied at the structural level. The truism that "a person who acquires a holding in accordance with the principle of justice in transfer, from someone else entitled to the holding, is entitled to the holding,"<sup>18</sup> evidently lacks application to the transfer between labor and

17. *Ibid.*, p. 464.

18. Nozick, p. 151.



capital. Of course, a class is not a person, and it is unsurprising that a principle for assessing personal transactions should be silent upon the macroscopic transfer emerging from a complicated set of individual actions. But insofar as such a transfer occurs and insofar as there are, therefore, identifiable classes between which it occurs, silence bespeaks a serious limitation upon the generality of the principle and lack of provision for dealing with structural conflicts of interest.

No less seriously, a conception of just acquisition and transfer which is limited to individual transactions confers apparent legitimacy upon unsound arguments. A description confined to microscopic transfers conveys the impression that in order to prevent gradual growth of private property a socialist society would have to “forbid capitalist acts between consenting adults.”<sup>19</sup> Clearly, though, capitalist acts can occur only where there is a capitalist class, and individual exchanges include no such presupposition. The prohibition of classes through measures designed to preserve collective decision making does not, therefore, entail repressive restrictions upon individual initiative. It restricts only the unintended, cumulative effects of such initiative. Only reticence about classes leads to suggestions of conflict between individual liberty and public self-determination.

The same silence is incumbent upon Rawls, even though he does not appear to eschew macroscopic analysis. Principles of justice for institutions are naturally represented as describing the social structures to which basic institutions should conform, but the difference principle, for example, does not at all address the structural feature of class domination. Because classes are, in principle, distinct from patterns of individual ownership, no redistribution of social goods among representative persons need alter the underlying structure of domination.

This limitation is inherent. In seeking principles of justice Rawls’s rational contractors are constrained from probing beneath distributive justice and arguing as follows: “I may belong to a class society. In order to defend myself against such a system of unjustified domination I must formulate a principle which requires important social decisions to be made democratically. Since such decisions include the investment of resources, that principle should exclude private control of the major means of production.” Rawls’s contractors cannot so reason because, although they are concerned about the social and economic groups into which they may fall, they are not aware of class distinctions. The existence of classes is not among what Rawls considers “the general facts of human society,” for members of dominated classes have a common interest in freedom and no grasp of common interests is possible for the independent strategists who seek an acceptable contract for themselves.<sup>20</sup> The cornerstone of liberal individualism—the idea that interests

19. *Ibid.*, p. 163.

20. For a related argument see Evan Simpson, “Socialist Justice,” *Ethics* 87 (1976): 7–14.

are ultimately private and unjustifiable—precludes identifying social realities whose existence entails the contrary. For liberalism there are only interest groups, not classes or communities of interest.

To deny the existence of classes is to beg the question in favor of individualist theories of justice. A better reply to the complaint that such theories are blind to social structures would, therefore, be that class conflicts are not a subject of justice. Principles of justice are not deficient for lacking application to cases in which no questions of justice arise, and even the socialist tradition provides strong arguments against the ascription of injustice to capitalism. If there is an objection to be made, perhaps, it is that the system is unfree, not that it is unjust.<sup>21</sup>

A consequence of that freedom which is simply independence of the domination of other men is the replacement of personal relationships by material or external ones. "In the money relation, in the developed system of exchange . . . , the ties of personal dependence . . . are in fact exploded . . . and individuals *seem* independent . . . , free to collide with one another and to engage in exchange within this freedom. . . . [But] here also individuals come into connection with one another only in determined ways. These *objective* dependency relations also appear, in antithesis to those of *personal* dependence . . . in such a way that individuals are now ruled by . . . material relations. . . ."<sup>22</sup> When in this way money relations supplant personal relations and anonymous class domination replaces political class rule,<sup>23</sup> there is no longer any evident domination of men by other men, and ascriptions of injustice seem inappropriate. Insofar as the system of exchange has become an independent structure within which individuals must act, it can still seem oppressive, but that limitation upon freedom seems no more unjust than the unjustified domination of man by nature.

Because capital is a social artifact, freedom cannot be severed from justice in this manner. Given the equation between injustice and any unjustified domination of some interests by others, the value of freedom for persons so dominated entails the value of justice. Since class conflicts reflect such domination, social structures are correctly regarded as subjects of justice. Since, more particularly, capitalist class domination is to be understood in terms of the suppression of public interests by private ones, members of the public can plausibly be said to have a justified interest in economic democracy—in collective determination of the use to which primary productive resources are to be put. And because control is the salient aspect of ownership, class conflict entails the justice of social ownership of the major productive resources. A theory of justice which ignores classes may permit socialism, but a theory which recognizes them requires it.

21. See George G. Brenkert, "Freedom and Private Property in Marx," *Philosophy and Public Affairs* 8 (1979): 122–47.

22. Marx, pp. 163–64.

23. See Jürgen Habermas, *Legitimation Crisis* (Boston: Beacon Press, 1975), pp. 20–21.

### III. PROPERTY RIGHTS

Property rights define the boundaries of justice, for justice is giving everyone his own, that is, his property. Unjustifiable conflicts of interest arise when persons are deprived of their property, since such actions deny them their rights. Property, however, is a complex concept defined by a number of distinguishable rights. An individualist theory of justice will fail to discriminate them all, for it will prevent arguing that, since class domination is unjust, oppressed classes are wronged and some forms of property constitute solely a social right.

Let no one deny that property is a natural right. It is a right which follows from the human freedom and equality which become apparent once cultures are freed from traditional ties of obligation and the claims which justified those bonds of dependence are rejected as false. So long as a community survives and is not dissolved into a system of merely material dependencies its members remain related—but, with the disappearance of baseless standards of superiority and inferiority, only as equals. Each person becomes an independent agent rather than the instrument of another. To be such an agent is to have the right to use one's body as one wishes; that is, to have personal property in one's body and its use, hence the right to exclusive control over them. In short, the natural right to property is equivalent to the distinctness of individuals, and the libertarian defense of property thus rightly identifies a central aspect of our idea of a person.

This natural right to property derives, however, from our moral and social relationships rather than from a libertarian axiom of personal autonomy, and it defines an extremely attenuated form of property. While property of this primitive sort must include a right of appropriation—or else the right to the use of one's body, one's labor, would be meaningless—it does not include a clear right to private accumulation. Still less does it include a right to transfer one's rights to others. Natural rights are inalienable, since they could not be transferred without destroying that distinctness of individuals which they define, but a conception of property which includes further rights needs further argument.

The rights to accumulate goods and transfer them constitute a useful extension of the concept of property, and their justification resides largely in that usefulness. Under conditions of relative scarcity, at any rate, they are conducive to comfort and security in addition to bare subsistence. Since, however, property in what can be accumulated and alienated is not defined by natural rights, it must be understood in terms of the rules constitutive of an institution. For reasons cataloged by Locke and Hume, we tacitly agree that surpluses and transfers are to be permitted, accepting rules which define new rights to amass and exchange goods on the assumption that the observance of these rules promotes the growth and spread of well-being.

The constitutive nature of these rules shows that exchanges between

persons are not acts of elementary freedom but ones which are embedded in a matrix of general understandings of a distinctive kind. The rules make possible transactions, such as giving, which would otherwise lack the character of an exchange and amount only to one person's ceasing to control a thing and another person's appropriating it anew. They are also subject to evolution. When existing conventions cease to seem generally beneficial and no longer command approval, the rules are properly qualified or rewritten in order to restore the viability of the institution. There is no permanent right to conventional forms of property, for as Locke notes, "I have truly no property in that, which another can by right take from me, when he pleases, against my consent," and this consent, Locke observes, is to be identified with "the Consent of the Majority."<sup>24</sup> One enjoys the rights of an institution only at the pleasure of the participants, since without their assent the conditions for the existence of those rights do not exist.

Although human freedom entails only very circumscribed rights to property, there do arise apparent antagonisms between the collective conditions of property and the individual right to it. It is easy to describe circumstances under which the rules enabling acquisition of certain rights by individuals cease to be justifiable, but the redefinition of rights warranted by such circumstances may be unjustifiable given that the existing rights were justly acquired. The problem cannot always be resolved by giving compensation for property to those who refuse consent to its expropriation, since where consent is wanting compensation may also be unavailable.<sup>25</sup> If some people own everything there are no resources with which to compensate them. If, for example, some people own all of the means of production there seems no way to achieve a desirable reform without unjustly ignoring the rights of capital.

The dilemma is resolved not by ignoring legitimately acquired rights or by dismissing justice as a bourgeois legalism but by recognizing that the problem arises only so long as the right to private property is considered to extend to capital. Since capital constitutes a social structure rather than an institution, this extension is misconceived. Control of society's productive resources grows out of, but is not a right defined by, the generally accepted convention of private property, so that the case in which the withdrawal of rights requires impossible compensation does not arise. Since, indeed, private control of these resources is defended primarily by appeal to an idea of free exchange which is belied by the structure of capitalism, domination of public by private interests rests upon a counterfactual assumption and is unjust.

Standard defenses of private property—most of which are entirely persuasive—justify not private control of capital but the mechanisms of

24. Locke, pp. 406, 408.

25. See Lawrence C. Becker, *Property Rights* (London: Routledge & Kegan Paul, 1977), p. 117.

the market. It bears repeating that free exchange is no offense against justice. The exchange of goods and labor in the market mitigates the free-rider problems endemic to state socialism. The market provides opportunities for a diversity of interests and for the generation of self-esteem. It tends to enhance productivity and innovation and it provides a very important protection against the authoritarian bureaucracy which is encouraged by the existence of a sole employer. And offerings in the market seem the only sensitive indicator of demand. As these reasons for the institution of private property are extended toward a defense of capital, however, they meet offsetting structural reasons for the social control of investment in productive resources.

In practice, confining the market to noncapital goods might prove less efficient than any form of regulated or even unregulated capitalism.<sup>26</sup> Since the idea has not been sufficiently explored in practice, doubts should be tentative, but the matter of efficiency is not central in any case. The question of a trade-off between efficiency and democratic control is improperly posed, since demands for economic democracy are claims of justice, whereas efficiency is a measure indifferent to questions about the justifiability of domination. The justice of social structures can be denied superiority over market considerations only by supposing that there are no claims about class interests amenable to objective assessment. If, however, the claims of economic democracy are justifiable—as the view that social structures are subjects of justice contends—liberal ignorance of class interests represents a serious shortcoming, and we should seek to identify and to satisfy the objectively justifiable interests to which considerations of efficiency are, if necessary, rightly subordinated.

26. See Arthur M. Okun, *Equality and Efficiency: The Big Tradeoff* (Washington, D.C.: Brookings Institution, 1975), pp. 32–64.