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Boekbespreking van: Social Justice from Hume to Walzer

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powers of the one branch of government that is directly elected, the European Parliament, are weak and misdirected. Weak because its legislative power is ultimately consultative in the face of a determined Council, and misdirected because the powers to dismiss the Commission are illusory and do not have the accompanying power to appoint. However, and this is one of the most interesting points raised in the book, Weiler claims that the 'democratic deficit' is not reduced by increasing the powers of the European Parliament. The deficit problem has nothing to do with the balance of powers, but with representation and identity. Even though the MEP's are directly elected and decisions are taken by majority rule, their decisions are de facto not democratic. People only accept the majoritarian principle of democracy within a polity to which they feel they belong. The definition of democracy is that the people rule: *demos kratein*. In representative democracies, the people rule *via* their representatives. However, it makes no sense to speak about the sovereignty of the people in the European context, simply because in reality there is no European people. There is no European *demos*, which means that there is nothing for the MEP's to represent. Consequently, it is irrational to try and 'improve' European democracy by increasing the powers of the European Parliament.

Thus, as Weiler aptly points out, from a political, but not legal, point of view the Community is in fact a confederation. Until the European people consider themselves *politisch aktionsfähig* (i.e. capable of taking political action), European democracy can not work or, more precisely, is simply non-existent. Inevitably, Weiler runs into what must be the most bewildering conclusion about the condition of the European order: the obtrusive fact that there is no European people to constitute the European political entity. There is, de facto, no political entity to substantiate the constitution of Europe. The question Weiler poses in the subtitle of his book, *Do the New Clothes Have an Emperor?*, is doomed to be answered in the negative.

In the last chapter of the book, Weiler makes an attempt to think of theoretical 'remedies' to this predicament. He discerns two possible ways out. The first is the unity vision. In reality, there is no European people. However, considering what is said about democracy, theoretically a European people ought to exist. Therefore, the *telos* of European integration should be exactly this: the creation of a people of Europe. The first step then should be to change the preamble of the European Treaty. Not the ever closer union of many peoples, but the creation of one people should be its objective. Weiler strongly objects to this vision, saying it is 'easy' to see its faults. Indeed, he hardly bothers to elaborate upon his political goal, which is the notion of a 'United States of Europe'. He makes some suggestive remarks about the excesses of nationalism, supposedly referring to nazi-Germany. However, it is misleading to equate the idea of sharing a common national identity with the degenerated form of nationalism that nazi-Germany exhibited.

Instead of the unity vision, Weiler advocates what he calls the community vision. According to this vision, the Union is, and should be, composed of citizens who do *not* share the same nationality and cultural background. Thus, European citizenship is

undone of its ethno-cultural component. The substance of European citizenship becomes not a commitment to a shared heritage or cultural tradition, but a commitment to the universal values of tolerance and humanity. The European order thereby acquires a 'civilizational dimension' and is designed to encourage tolerance and humanity. In this vision, "the supranational is civilization".

In my opinion, the community vision is dangerously naive. First of all, it is no use robbing citizenship of part of its meaning, i.e. its ethno-cultural component. The concept of citizenship becomes empty when it means whatever anyone wants it to mean. Second, one wonders whether, in realizing the community vision, the European order would become exactly what Weiler wishes to avoid. The suggested 'civilizing' force of the European order, intent on creating citizens according to the utopian image of tolerant and humane creatures, implies a moralizing state. It turns what should be social concern into a political issue. Contrary to what Weiler claims, a *demos* should be an organic entity, an entity which simply exists and cannot be created artificially. The European *demos* should arise naturally or not at all, instead of being consciously created according to a utopian vision.

It is by now apparent that *The Constitution of Europe* is written by a strongly opinionated author and is therefore bound to provoke. True to its essayistic set-up, the book is a sketchy composition of seminal ideas. The merit of this book lies in its interdisciplinary approach and in the questions asked. *The Constitution of Europe* ought to be considered as a prelude to a much-needed theoretical debate on the foundations of the European order.

Emma Cohen de Lara

David Boucher and Paul Kelly (eds.), *Social Justice from Hume to Walzer*, Routledge, London and New York 1998, ISBN 0415149983.

When I ordered this book I foolishly assumed that it would be a treatise of the concept of social justice. How did philosophers from Hume to Walzer define it? Which paradigmatic changes have taken place between the eighteenth and the twentieth centuries? What caused these changes? In short, everything I always wanted to know about social justice but never had the time to find out. Instead it turned out that I had bought myself a miscellaneous collection of essays on issues of social justice and social justice philosophers (from Hume to Walzer, granted, but without any rationale on whom to discuss and whom to leave out). In the introductory chapter the editors argue that this loose collection of articles will show the many faceted as well as the essentially contested character of social justice, which, in my mood of disappointment, I considered a rather lame excuse.

The essays in this volume all seem to have different aims and different audiences. The first chapter, "David Hume, contractarian" is written by David Gauthier. I can

imagine it is a must for Hume and/or Gauthier experts. It is less interesting for ordinary social justice scholars like myself. The next three chapters also look at past concepts and theorists of social justice. John Stuart Mill is plausibly, but not very surprisingly pictured as a rule-utilitarian by Jonathan Riley. David Boucher describes the British idealists (Green, Ritchie, Bosanquet, and others) as the forerunners of present day communitarians, but with a metaphysical/theological/spiritual foundation which hinges on self-realization. Joseph Femia has written a very interesting chapter on Pareto whom most of us only know from his theory of elites and/or his economic analysis (the famous Pareto criterion). Apparently Pareto was also a very convincing critic of social justice philosophers' inventions such as natural laws and social contracts. Femia notices a few Burke-like arguments on the importance of convention and tradition in Pareto's critique, which would seem to make him into some kind of communitarian. He was, however, first and foremost a laissez-faire liberal. Femia convincingly shows that there is something awkward in this position. If you dismiss all arguments about social contracts and natural law you are left with convention and tradition. Why should you then disapprove so vehemently of governmental interference in the market? Government intervention is often based on convention and tradition, and sometimes on democratic decisions. If you do not believe that such intervention constitutes a breach of a hypothetical social contract or a violation of natural law, whatever can be wrong with them? You may think that taxes and regulations are unwise for economic reasons, but surely you cannot argue that economic logic should prevail over everything else?

Chris Brown gives a clear overview of the debate on international justice (globalism versus statism) in chapter 6 and Andrew Vincent does the same for environmental justice in chapter 7. More than Brown, Vincent also states his own position in the debate. One of the central questions in the debate on environmental justice is whether we should think about it in anthropocentric or ecocentric terms. From an anthropocentric point of view we may condemn pollution because in the long-term it will harm human beings (they will no longer see beautiful natural sights or gracious animals, or worse, their own health may be endangered); from an ecocentric perspective we will condemn pollution because it is bound to harm animals, plants and ecosystems. Participants in the environmental justice debate sometimes point out that human beings qua human beings cannot take a non-anthropocentric point of view. Vincent argues that this is like saying that white heterosexual males are necessarily male chauvinist pigs. I find this analogy sympathetic but not convincing. Warm-hearted, white heterosexual males have had ample opportunity to read about and listen to blacks, women and homosexuals, whereas human beings will never really be informed about the needs and desires of other living creatures. We cannot hear their point of view so we have to make do with our human interpretation. Despite his idea that humans are not necessarily anthropocentric, Vincent argues that it would be unwise to continue the ongoing attempts to discuss environmental values in terms of justice (the rights of animals, plants, and ecosystems as envisioned behind a veil of ignorance):

Once impartialist theory widens its ambit to biotic communities and ecosystems, then notions like rational agreement and contract begin to look distinctly odd. It is clearly possible for justice to widen its ambit, but I would follow Rawls in suggesting that this could only really be achieved by a much larger metaphysical change, or, as some deep ecologists would have it, a paradigmatic change in ecological sensibility. (...) Indeed, it might be the case that justice is irremediably a human political virtue and will remain so, whilst sensitive environmental issues can be effectively dealt with outside its ambit. (p. 137)

This seems a very sensible position.

In chapter 8 (another very interesting essay) Rex Martin discusses the status of the Rawlsian difference principle. Should we compare it to the status of classical civil and political rights? Over the years these rights have been approved by so many parliaments with overwhelming majorities that they have acquired an elevated status. We cannot say that the same thing holds for the difference principle or for some other criterion of social justice (Martin prefers what one might call an egalitarian Pareto criterion: all income groups should profit but the less endowed should profit most). So what should be the status of a social justice criterion? How should it be used in democratic decision-making forums? According to Martin it should be used as a standard for public policy:

Distributive economic justice is a standard for achievement, a standard for assessing policies in a democratic system of rights. And the goal it invokes should be part of the public understanding of such a system and should inform debate there. For distributive economic justice, as here conceived, is the kind of thing we'd expect a rights-respecting democratic government and electorate to be concerned with. (p. 149)

The chapter on Walzer by Richard Bellamy is mostly a critique on *Spheres of Justice*. Bellamy wonders (with other Walzer critics) whether it is at all possible to criticize one's society from within, that is, on the basis of certain understandings one supposedly shares with one's fellow citizens. This is a well-known criticism that has been addressed by Walzer in his two books on social criticism (*Interpretation and Social Criticism* and *The Company of Critics*). I must confess that I do not understand why some people cannot acknowledge the possibility of efficient 'internal criticism'. Let us assume I am a woman in a patriarchal Christian society. What can I do to improve my lot? I can appeal to universalist human rights or seek guidance in the books of Rawls and Dworkin. Nothing wrong with that strategy. But I may also try to find certain passages in the bible about men and women and build an argument on that. The bible can be interpreted in many different ways (the number of Christian churches is ample proof of that).

Bellamy also tries to find out whether Walzer's spheres approach could lead to equality (as Walzer hopes and believes). Bellamy thinks equality asks for radical affirmative action or redistribution of resources, and both strategies seem incompatible with Walzer's separate spheres approach. It is true that many Walzerian spheres (the sphere of welfare, the sphere of education) do not finance themselves, or cannot do

so if they want to be true to their own internal, normative logic. Apparently the sphere of the market can be 'attacked' ad lib in order to finance other spheres, but Walzer does not really go into that. This is a good point that Walzer might want to take up at some time.

The next chapters contain a defense of contractarian social justice against identity politics by Paul Kelly, some thoughts on social justice for cultural and or ethnic minorities by Tariq Modood, some considerations on freedom, justice and democracy by Carole Pateman, and an interesting proposal to add a fourth type of citizen rights to the Marshall list (civil, political, social rights) by David West. West suggests that positive freedom requires cultural rights as well. People should be empowered in order to live their lives according to their own cultural standards. Empowerment might also release some of the pressure on the welfare state. Encouraging people to take their lives into their own hands might be more cost effective than granting them a state allowance because of their social rights.

The book ends with a very provocative critique of the whole idea of social justice by Kenneth Minogue, who thinks the whole project should be abandoned because among many other things it would render our lives pointless and meaningless:

Treating human beings as creatures with needs to be managed assumes that the point of human life is to enjoy a succession of pleasant experiences – a good quality of life as it is often called. Social justice which guarantees food shelter and an adequate income leaves open to the challenge of life little except the moral equivalent of pocket money. In fact, hardly that, because on the horizon of social justice lies a completely de-moralised and therapeutic conception of human life. (p. 265)

Minogue's attack is followed by a prudent defense of social justice by Raymond Plant.

Let me sum up. *Social Justice from Hume to Walzer* is not a treatise of the topic. There are not many political theorists who will be able to appreciate every chapter. But, I would say that all political theorists interested in social justice will enjoy at least five of the fifteen chapters in the book and appreciate another three. And, that is not bad for a miscellaneous collection. Not bad at all.

Margo Trappenburg

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