

**David Miller, *Justice for Earthlings – Essays in Political Philosophy*, Cambridge (UK):
Cambridge University Press 2013**

Justice for Earthlings is a collection of various articles on social justice, global justice, and the methodology of political theory which were published in different places over the last decade or so. Its main value as a book is precisely that of bringing together these articles in one place, for easy reference, but it also adds a new, and highly original, chapter– “A Tale of Two Cities, or Political Philosophy as Lamentation” – delivering a diagnosis of what, in David Miller’s view, has gone wrong with the direction, and ambitions, of a prominent strand in recent political philosophy: ‘fact-free’ political philosophy of the kind advocated especially by G.A. Cohen. This chapter significantly enhances the value of a volume as a whole. More on it at the end of this review.

First, however, a brief overview of the content of the volume, concerning both what readers can expect from it as a whole, and the different chapters of which it is composed. The title of the book takes up, and modifies, the title of the first chapter, “Political Philosophy for Earthlings”, which delivers the first part of Miller’s critique of G.A. Cohen-style ‘fact-free’ political philosophy¹ (the second comes in the aforementioned last chapter of the volume). At the same time, it indicates a unifying theme for the collection as a whole, which, if interpreted loosely, works well enough. Miller’s political philosophy, here as elsewhere, is characterised by attributing justificatory importance both to general facts as conditioning principles of justice, such as people’s generally limited capacity for general benevolence and impartial altruism towards strangers, and to ‘normal’ peoples’ actual beliefs about what justice is and requires, always with a view to coming up with principles that can serve to guide practice in the real world as we know it (p. 3). This precludes identifying social justice with highly abstract and general principles which

¹ See especially G.A. Cohen, *Rescuing Justice and Equality* (Cambridge (MA): Harvard University Press 2008).

are so demanding that they could never be fulfilled – the main example here being luck egalitarianism, which requires compensating people for all unchosen disadvantages up to equality (p. 2). Miller’s way of tackling problems of social justice is to focus on, elucidate, and seek to resolve, or, at least mitigate, conflicts both between different elements of social justice and between justice and other values, such as conflicts between equality of opportunity and cultural commitments (ch. 4) and the family (ch. 5), between domestic social justice and global justice (ch. 7), and between the requirements of altruism and people’s supposed need to relate in some specific way to others in order to be able to make significant sacrifices on their behalf (ch. 8).

Miller thus always goes ‘where it hurts’ - this focus on real-world value conflicts, and consequent eschewal of abstraction and idealisation, are among the constant virtues of his work, here as elsewhere. They continue to be refreshing, especially given that a fair bit of recent work in political philosophy of the analytical kind has displayed a tendency to stake out quite limited claims, often at a very high level of abstraction, and to defend them against all kinds of conceivable objections; where, in short, the focus seems to be more on winning a debate with other philosophers than on making normative sense of a pressing real-world problem.

Sometimes, however, Miller takes the commitment to honouring all sides of the conflict, and to defer to peoples’ actual value-beliefs a bit too far; more on that below, in the overview of the chapters.

As mentioned, chapter 1, points out, *contra* G.A. Cohen, several ways in which general facts can enter in the justification of fundamental principles of justice, without the relevant justificatory relationship having to be one of *entailment* (p. 22). Chapter 2 takes up, and develops further, Miller’s own ‘contextualist’ position – well-known from previous work² – concerning the justification of principles of justice. It points out ways in which delineating different contexts of social justice, none of which is regarded as more fundamental than others, can resolve apparent disagreements about the content of justice, while universalist theories – which propose one set of

² See especially his *Principles of Social Justice* (Cambridge (MA): Harvard University Press 1999).

fundamental principles of justice as valid across different contexts, or valid in one fundamental context (for example, Rawls's "basic structure") – have difficulties coming up with non-arbitrary resolutions of such disagreements. Take the example of economic desert (pp. 58,68): Miller argues that we stray too far from "popular conceptions of justice" (p. 58) if we argue, as Rawls does, that desert judgments may justifiably play a role in micro-contexts (such as firms), but not at the relevant level of the basic structure – of society at large. Miller's contextualism is sensitive to the fact that people think it applies at both micro- and macro-level, while "the idea of a basic structure almost certainly plays no part in their thinking" (p. 58). Miller is right that we should take people's pre-theoretical normative beliefs very seriously.³ But there is a risk of taking contextualism too far if we, implicitly or explicitly, attribute justificatory weight to the fact that organising concepts such as "the basic structure" play no role in (most) people's judgments. Artificial concepts such as this one, with its focus on how major institutions together set up the macro-context, might be very useful for bringing everyday beliefs about justice and social science concerning that context together, and help us in this way to test these beliefs. We shouldn't risk precluding, or discounting the value of, such a theoretical exercise.

Chapter 3 argues that multiculturalism need not pose a danger to social justice, as criteria for social justice are in fact quite robust across different sets of cultural beliefs; the real problem for multicultural societies is to build trust between different cultural groups. Chapters 4 and 5 examine tensions between equality of opportunity and the transmission of value-beliefs, ambitions, and life-models via cultural group membership, and via education in the family, respectively. In both cases, Miller argues that, since culture and family upbringing have to be conceived as shaping people's personality, not just their circumstances, and are independently valuable, the fact that they might bring about differences in the costs that are attached to personal choices cannot, in all circumstances, be classified as an obstacle to equality of opportunity. They are an obstacle only where such costs are excessive. Ch. 5 was originally written in honour of

³ For his substantive argument as to why the notion of economic desert can be sensibly applied at the macro-level of society, see *Principles of Social Justice*, ch. 9.

Susan Moller Okin, and discusses her views on equality of opportunity and the family. While Miller's investigation in these two chapters is otherwise characteristically perceptive, this chapter seems to miss a crucial aspect of gender, for Okin⁴ and many others: the primary problem is not that some families may, due to their 'traditional' (p. 126) outlook, make it harder for their daughters to succeed, but that gender is a system of society-wide norms pushing into the direction of an unjust division of labour, with women generally being accorded both more responsibility for domestic affairs and less social status for it. If this is right, gender is, in this respect, unlike the plurality of cultural, religious, and professional orientations differentially influencing children's personalities at the family level, mentioned by Miller to illustrate his point (p. 138). This is consistent with holding that, in a society without pervasive gender norms of this sort, it would not be an obstacle to equality of opportunity, rightly delineated, that some families, because of their specific orientations - which once *were* traditional -, might make it harder for their daughters (as long as they don't make it too hard). Miller seems much more optimistic than Okin was that "liberal societies" (p. 139) are already like that, but this would require discussion and defense.

The following chapters bring together some important contributions by Miller to recent debates on global justice. Chapter 6 ("Justice and Boundaries") shows him at his best, not committed to defending his own specific liberal nationalist view developed elsewhere, but taking contextualist methodological reflection further. He notes that the fact that functioning nation-states unite three kinds of relationships often thought to ground particular obligations of social justice – systematic coercion, large-scale cooperation in the production of essential goods, and co-identification of their members with each other – "has made life easier for those of us on the particularist side of the fence than it ought to be" (p. 162), thus opening up avenues for exploring plural conceptions of global justice depending on the respective presence, and combination, of these factors. This is an excellent piece inspiring reflection on the point, and shortcomings, of, the whole

⁴ Susan Moller Okin, *Justice, Gender, and the Family* (New York: Basic Books 1988).

statist/nationalist vs. cosmopolitanism-debate characterising the earlier stages of global justice theorising, which recently many contributions have sought to transcend (the original article is from 2009). Chapter 7 is a sustained attempt to demonstrate the importance, and make sense of, proper conflicts between the requirements of domestic social justice and of global justice, rather than arguing for the general priority of one over the other. At the time of its original appearance (2009), it was, to my knowledge, among the very first of its kind. It remains a valuable point of departure for thinking about such conflicts. The conclusion that there may sometimes be a “justice gap” (p. 179), that sometimes the global poor may have claims of justice on the globally better off without the latter having corresponding obligations of justice, sits somewhat uneasily with the volume’s general claim, made in the introduction and pressed against Cohen-style political philosophy, that theories of justice have to be action-guiding – even though it is clear that, on a contextualist view, sometimes conclusions of this sort will be very hard to avoid.

Chapters 8 and 9 tackle problems of limited beneficence and the conflict between in-group fairness and the unmet claims of third parties in situations of partial compliance. Chapter 8 explores how limited altruism – which is not only empirically well-documented, but also justified, in Miller’s view – can be squared with obligations to distant strangers, and recommends, as one solution, mechanisms that establish specific connections between potential helpers and people in need, including random mechanisms. Chapter 9 explores the tension between victim’s claims to remedy injustice, which presumably shouldn’t change just because some refuse to do their part, and the unfairness of requiring those who have done theirs to take up that of non-compliers as well. Miller argues that the first consideration doesn’t trump the second, and advocates *humanitarian* obligations to take up the slack, as a middle way between obligations of justice (which would be enforceable) and mere supererogation.

The final chapter, “A Tale of Two Cities, or Political Philosophy as Lamentation”, deserves special mention, not only because it is the only previously unpublished piece. It seeks to establish a parallel between Augustine’s view, that true justice is not possible on earth, but the preserve of

the heavenly commonwealth,⁵ where people get what they morally deserve in accordance with their true character, and recent purportedly fact-free political philosophy, argued for especially by G.A. Cohen (and coupled with advocacy of luck egalitarianism), which Miller polemically labels “neo- Augustinianism” (p. 231). Both put forward principles of justice that are not only impossible to fulfill, but for which it is arguably also impossible to know whether any real-world policies would really bring us at least significantly closer to the ideal; and both views, Miller contends, seek to persuade us to find some kind of solace in the thought that we at least know what justice would be, however unattainable it is. His diagnosis is that both views’ retreat from aspirations to guide political practice was influenced by historical events which were traumatic, or brought about a contraction of political possibilities (the sack of Rome in 410 AD for Augustine; the undisputed dominion of capitalism after the fall of the Berlin Wall for socialists, such as Cohen, p. 231). Miller not only points out that theories of justice of this kind are likely to have bad motivational consequences (p. 242) for real-world political action, which is probably correct, but not necessarily a good objection. He also argues, more pertinently, that they are conceptually problematic, as they treat “metaphorical” (p. 240), abstract uses of the concept of justice as basic, and familiar, real-world practical uses – for example, concerning the division of the fruits of cooperative activities – as merely derivative. One problem with such a view is that we learn how the concept of justice works precisely by familiarising ourselves with correct usage in such everyday practical examples. This suggests that the relationship is the other way around (*ibid.*).

The chapter deserves praise for its insightful and original combination of drawing on the history of political thought, attempting a diagnosis of how historical events enter into political theorising, and conceptual argument. One would hope to see more contributions to political theory that attempt such a kind of combination.

⁵ Augustine, *The City of God against the Pagans*, ed. R.W. Dyson (Cambridge: Cambridge University Press 1998).