

# Reviews

*The Arc of the Moral Universe and Other Essays*, Joshua Cohen (Cambridge, Mass.: Harvard University Press, 2011), 426 pp., \$39.95 cloth.

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This volume collects eleven of Joshua Cohen's essays, each of which deals in some way with the nature and role of political justice and its relationship to ideals of democratic self-government. Within this general set of interests, the essays range over a variety of topics, from commentary on specific democratic thinkers to the morality of international political institutions. If the essays are diverse in their subject matter, they are linked by the sensibility of the author, who is rightly celebrated as one of our most insightful and subtle political thinkers. Although I disagree with parts of Cohen's argument, none of these disagreements diminish my admiration for his project; those of us who care about justice, whether at home or abroad, would do well to give his ideas a closer examination.

The book is divided into three sections. The first treats of the possibility of ethical explanations in history, and asks whether the injustice of a given social institution might count as part of the explanation for that institution's disappearance. The second deals with the nature of democratic self-government, and includes both analyses of what democratic society entails and comments on several recent theorists

of democracy. The third addresses global justice, and develops an attractive vision of global public reason and international human rights. This review will discuss the first and third sections of Cohen's volume, since they work together to create a particular vision of what we may do—and what we might hope for—internationally. This is not to be taken as a dismissal of the second section, which contains an enormous amount of material that is of benefit to those who are interested in democratic self-government as a project; I mean, here, only to focus on that which is most likely to be of interest to theorists of global justice.

Cohen begins by arguing for the plausibility of ethical explanations as part of the story of why unjust institutions ultimately cease to exist. He argues that the same facts that made slavery unjust also created standing difficulties for the continued preservation of that institution. Slavery was unjust precisely because of the ways in which it stood in opposition to the "material well-being, autonomy, and dignity" (p. 21) of slaves. These facts also helped weaken the institution, given that they produced resistance to slavery—both in the form of moral opposition to the

practice and in the form of significant (and costly) resistance by slaves themselves. The result is that part of the story of why slavery ceased to exist is the injustice of slavery itself.

The third section of the book argues for a particular view of global justice. Cohen asserts that the global institutional environment in which states now operate has given rise to its own set of norms of mutual respect, and thus an analogue to the Rawlsian vision of domestic public reason can be applied internationally. States are therefore obligated to justify their acts within these institutions through certain specified forms of mutually respectful reasons. This vision rejects the perspective that the realm of international politics is one in which the concept of justice fails to apply; it similarly rejects the notion that the norms of international justice are equivalent to the norms of domestic justice. For Cohen, human rights serve to mark the boundaries necessary for states' inclusion within the international political society of equals. On this account, there is no international human right to democracy, since insisting upon such a right would illegitimately exclude some societies that ought to be recognized as legitimate members of international society.

There is much in Cohen's vision I must gloss over, as I cannot entirely do justice to the depth and breadth of his scholarship in a short review. But I want to stress that the first and the third sections work together: the first paints a picture of the world tinged by hope, insofar as institutions can be counted upon to face pressures to make themselves more perfectly just; and the third describes what justice would look like for contemporary institutions. The picture is one of tempered optimism, in which we have reason to believe we are, however

slowly, proceeding from a less just world to a more just one.

I cannot entirely accept Cohen's picture here, for two reasons. The first is that I believe that injustice is more resilient than Cohen presents it as being. We have any number of means of avoiding our obligations, by insisting that justice—properly understood—defends the unjust institution in question. The fact that these methods ultimately failed in the case of slavery should not make us think that they are therefore ultimately doomed to fail everywhere. I worry that the injustice of an institution may provide so minimal an explanation of its chances of survival that almost no information about the latter can be drawn from the former. The continued resistance in the United States to distributive justice is, I think, instructive. Thomas Frank's *What's the Matter with Kansas* has detailed many instances in which lower-income Americans can be counted on to vote against policies that would decrease the gap between their incomes and those of the wealthy. This trend, while perhaps given brief pause by the election of Barack Obama (and perhaps by the Occupy movements of the past year), shows no particular signs of stopping; indeed, according to a 2011 Gallup poll a majority of Americans believe that income inequality is not itself a morally troubling aspect of the American political economy. On my view, this is not just a failure of instrumental rationality; it is a failure of political morality. The economic inequality found in the United States is, I believe, unjust. This fact, though, seems entirely compatible with that inequality persisting, and with individuals continuing to support and celebrate that inequality. From the fact that what they defend is—in my view, and in Cohen's—unjust, we

cannot infer any particular conclusions about how likely it is to survive.

The second point is more conceptual: It is not always clear what institutions actually are, and what it takes for them to disappear. It is true that chattel slavery was eliminated in the United States after the Civil War. Many of the features of slavery that made it repugnant, however, were reintroduced after the withdrawal of federal troops from the South and the subsequent rise of Jim Crow (see, for instance, C. Vann Woodward, *Reunion and Reaction: The Compromise of 1877 and the End of Reconstruction*). We should avoid an easy nominalism here, on which we know all we need to know of an institution's powers and social reality simply in virtue of its existence—or absence—as a named thing in the world.

These points recur, I think, for Cohen's analysis of global justice. I worry that his analysis of global institutions relies too heavily on the existence of these institutions as a formal legal matter, and not enough on what these institutions are actually able to deliver in the real world. Imagine, for example, that institutions such as the World Trade Organization did not exist, and powerful states simply made unilateral trade agreements with the other states of the world. For Cohen, the fact that there would be no global institution here is significant; there is no space within which global public reason can operate, since there is no global institutional set for it to constrain. On my view, however, this seems too easy. If there are duties incumbent upon a powerful state to treat less wealthy societies with principled norms of tolerance, such duties would have

to apply to a state that acts alone as much as to the same state acting within the WTO.

My first worry is also applicable to Cohen's analysis of global justice. Simply put, his vision seems to insist that we have some sense of what justice would look like for global institutions, and that we have some form of pressure impelling us—however haltingly—toward justice. Cohen asserts a confidence in the ability of people “to understand what justice demands and to make, over history's long arc, the concerted effort needed to meet these demands” (p. 12). I simply do not share this optimism. The ways in which we resist injustice domestically recur here, with even more space for self-interested reasoning and dissembling. If we are able to explain away injustice domestically, when we see the people to whom we are unjust on a daily basis, how much more able are we to do this internationally—when the objects of our moral concern are likely to be far away from us, both culturally and geographically.

None of this, however, should be taken as anything more than a disagreement with the views of someone whose methods and arguments are deserving of our respect. Cohen's view is wise, humane, and hopeful, and it is argued for with subtlety and clarity. Indeed, I would not mind being proven wrong, if it meant that Cohen's liberating promise is ultimately proven right.

—MICHAEL BLAKE

*Michael Blake is Associate Professor of Philosophy and Public Affairs and Director of the Program on Values in Society at the University of Washington.*