

The Price We Pay For Justice¹

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1. What Justice Is and Isn't

Talk about justice, as we all know, can be talk about either of two very different things, as Aristotle pointed out so long ago. On the one hand, justice can be understood as embracing everything that is good. A just society, on this view, is simply a good society. So understood, justice is comprehensive, and thus not liable to be contrasted to any other value. On the other hand, and distinctively, justice is a special value, most commonly rendered as fairness. It is the value of ensuring that each person is accorded their due, whether in terms of needs or merits, distribution or retribution, assignment or correction. On this view justice is essentially allocative. That is not to identify the two. The focus of allocation is not necessarily on justice (one may allocate the hours in the day to different tasks, or to work and to leisure) but the focus of justice is on allocation. There is more to it than that, of course, and for that reason I will return to

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the question of allocation later. Yet that is enough for present purposes. What matters here is that the allocative nature of justice, which is one of its inescapable features, gives rise to two significant difficulties.

The first is that many good things in life are not susceptible to allocation, so as to make justice a very incomplete guide to a good life. That, of course, is no more than simply what follows from any understanding of justice as a special rather than a comprehensive value, but it does highlight the need to keep justice in its place so to speak, not to allow it to become too large a concern in our lives, lest it crowd out other concerns that are essential to our flourishing, as well as highlighting the consequent issue of exactly which particular places in our lives to assign justice to.

The second and more profound difficulty, however, is that the pursuit of justice is inimical to the realization of certain other values, which are not merely marginalized, so as to be eclipsed by justice, but actually precluded by the terms on which justice depends. Put colloquially, if not keeping score is constitutive of certain valuable ways of being, then those ways of being cannot coexist with justice. To be kind, for example, to be generous, to be compassionate, to be loving, is not to keep score. To be any of these things is to reject the claims of justice, at least *pro tanto*, not merely to neglect them. Such forms of goodness are constituted, in part, by their disregard for what is due. That is both a good and a bad thing, and it is vital not to neglect either of those facts in attending to the other.

A year or so ago my mother, then in her late eighties, fell while on a visit to London, and broke her femur. She had a steel rod inserted in her leg and spent some time recuperating in St Thomas's Hospital, overlooking the Thames. She said to me one day, speaking of her

care by the nursing staff, 'These are people who have dedicated their lives to kindness'. Something in the shape of the observation struck me. To dedicate one's life to kindness is to move beyond justice, although not, as we all know, beyond the claims of justice. So nurses today, in a world very largely made answerable to justice, are not so much expected to be kind as to check patients at certain intervals, to monitor a specified list of concerns, and more generally, to behave in ways that can be held to account: has the patient received what was owed to her, and can that be demonstrated? If the nurses tending my mother had behaved like that my mother could not have made the observation that she did.

Something is lost in this, and that something is essential to kindness, which is a virtue that is not only unforced but also unforceable, not susceptible to measure and assignment. Something is also gained of course, in terms of everything that accountability makes possible on the one hand and impossible on the other, in the needs that can be met and the neglect that can be exposed. The opacity that allows kindness to flourish also screens abuse. To shine the light of justice into every corner is to drive the shadows out of social practice, with all the valuable nuances that they give rise to, and all the malfeasance that they conceal.

2. Fairness and the Lives of Children

I remember once wearily reflecting, upon hearing yet again, perhaps from my brother at some time when we were both young adults, the eternal complaint that 'It's not fair!', that fairness is for children. It is something that we leave behind when we become adult, something that we grow out of, as part of the moral development that Aristotle expected of us. This gives rise to a tempting line of thought which,

it seems to me, offers some insight, although it will prove to be ultimately unsatisfying, because it is insufficiently probing.

Many people of my generation made a very conscious decision not to grow up so as to become something like our parents, and in particular not to lose the sense of unfairness, of injustice, that our parents seemed to have lost, and so not to lose the need to protest that injustice, to fight against it, to be constitutively opposed to it. People did not want to become, as they saw it, compromised and inured, to accept the idea that life is not fair, (in the sense of being unfair, rather than in the sense of being about something other than fairness). As members of a new generation, committed to the fact of its youth and the insight they took that to embody, people sought to grow powerful without growing up, to discover ways to make their voice count in its own special register. Don't trust anyone over 30, it was said, until of course we all turned 30 ourselves, and fell silent on the point. Such people insisted on the binary, that what is not just is unjust. If you're not part of the solution you're part of the problem.

Put less colloquially, the line of argument ran something like this. If one will but face up to the fact, one is bound to recognize that there is injustice everywhere, embedded in social practices that we have not had the honesty, the courage, or the integrity to question and to challenge, injustice not simply in the broad sense, that the world is not nearly as good a place as it ought to be, but in the specific sense of the misallocation of prosperity, opportunity, security, stability, health, sustenance, housing, and many other vital goods. We cannot fail to act in the face of such injustice, it was insisted. This world of manifold injustice is hidden behind self-serving veils that present as virtues what in fact are only devices fostered and promoted by the authors and beneficiaries of injustice. Do not be deluded by appeals to kindness, generosity, charity, or even love. Those are but schemes

that a corrupt culture has employed to persuade people to embrace their subordination as a good. The essence of the most basic line of thought here was elegantly and incisively captured by Nietzsche, and re-presented with a different target in mind by radical feminists such as Catharine MacKinnon. It became the foundation of a political retort that the determinedly young and uncorrupted made to their contemporary counterparts, the hippies and the flower children, many of whose practices, one is bound to observe, were appallingly unjust, as those of us who were straight enough at the time to remember the era properly now recall with a wince. Love is most emphatically not all that you need. In a great many of its forms it is something to be seen through and exposed.

To see the world in this way is to achieve what appears to be great moral clarity, to reduce the challenges before us to ones primarily of courage and of will. It is also to present the claims of morality as straightforward, non-contradictory, and inescapable. Injustice must be confronted, not avoided, excused, or presented as conflicted, to the warranting of moral inertia. Yet it seems to me that while there is truth in this picture of the impulse to justice it is not quite right. There is more to that impulse than can be explained by the presence of the child in us all. The outlines of a fuller answer are visible in the circumstances of childhood, but transcend them.

Children are moral primitives. When asked to think unegoistically they are driven to think reciprocally, in terms of the claims of other egos, rather than in terms that reflect grasp of the fact that the moral life goes beyond ego. In doing so they become political, not because politics is childish (though in many settings it is and is expected to be fundamentally egotistic), but because politics (whether democratic or otherwise) arrives at similar conclusions as a consequence of different disabilities. It too lacks the capacity for empathy and the values and

virtues that depend on empathy, and that is the source of its strength and its limitations. The two impulses, the childish and the political, come together when certain people, alive to the goods that this perspective makes possible, seek to hold at bay the complications (as well as the returns) that a richer perspective would press upon them, the richer perspective towards which many members of previous generations had strained, and so prize justice above other virtues. In doing so they make a cardinal virtue of what is necessary to politics but is ultimately no less the instrument of a set of correlative moral disabilities, disabilities that are far from inconsequential in many settings, and thus all too often ground for more than the necessary regret that accompanies hard choices between incommensurables, of the kind that has come to be conventionally if brutally expressed in terms of omelettes and eggs.

To put it in other terms, there is a bidirectional scheme of influence here. Certain moral roles entail recourse to fairness, and to the institutions and social practices that the vindication of fairness entails, while those institutions, and the authority and the distance that they embody and depend on, entail the adoption of certain moral roles, the roles of justice. In this way the dynamic of justice self-fulfillingly describes a moral role and a moral outlook, both self-referential, to the cost of its alternatives.

3. The Personal and the Political

Another no less familiar and no less tired slogan from the Sixties is that the personal is political. What makes this a slogan is that it presents an ambition as a description. The personal can certainly be made political, but at the cost of much of its personality. Some of

that personality is better gone, some is worth sacrificing, but some is all things considered to be mourned.

As the popularity of this and other slogans attests, people are attracted to an uncomplicated picture of moral life. In this they are sometimes merely simplistic, whether out of intellectual laziness, or something more malign, or the familiar, unpleasant combination of both those things: think of the world as presented by Nigel Farage. As often, however, they are wise, for we would live less well if we had to be thinking about everything all the time, if we had no recourse to moral mechanisms beyond our own reflection, not only because we would be overwhelmed by the task of doing so, but more important perhaps, because we would lose touch with the value of what is spontaneous and innate, so as to constitute personal and communal virtue, as well as the value of what is formally determined, and so as best as we can make it, unequivocal, prospective, and relatively stable and reliable.

This gives rise to a picture of moral life that Aristotle would surely recognize. On the one hand we internalize the claims of goodness, so as to make them part of our character, and our response to them unforced. We do this both individually and as participants in certain shared social practices, from family to community to country to yet broader forms of shared heritage, practices the sharing of which is such as to be constitutive of virtue as we practise it in our lives, practices that constitute what we commonly call cultures. We draw upon these various cultures for much of the goodness that we seek to embody in our lives, as those lives are shaped by the virtue of our persons. On the other hand, once again both as individuals and as participants in shared social practices, we do the opposite, and so externalize and institutionalize the claims of goodness, thereby giving them public and authoritative form, making them the formal burden

of some other. Doing this carries with it a significant degree of reductiveness, for better and for worse, both in our understanding of what is at stake and in our modes of response to it. This follows in part from the fact that the pre-emptive reasons on which public institutions depend for their authority operate through the exclusion of other relevant and rival reasons. That is how authorities are able to make up our minds for us, on all matters over which they have jurisdiction, other than the question of the wisdom of recourse to authority itself. In its other part it also follows from the self-conscious detachment of such institutions from the organic, non-deliberative, non-transparent fabric of our everyday lives.

So there are two broad ways of managing the great complexities and deep contradictions of moral life, and with them two corresponding roles, ancient and modern, one comprehensively just in its ambitions, the other specifically so. Each approach exhibits certain distinctive vulnerabilities: the internal risks being insufficiently critical while the external risks being insufficiently nuanced. In the externalization that inspires justice and lays down the circumstances in which it is to be realized, reductiveness informs both the idea of justice and the extent of the role that reference to authority plays in our lives. How far do we make things matters of justice and of the institutions that authoritatively determine questions of justice? Do we go so far as to give primacy to justice and the institutions and practices that embody and secure it?

In the case of children taking the first steps in the development of their moral life, the move to fairness is prompted by moral incapacity of a personal and internal kind, the moral incapacity that comes of an as yet imperfectly developed rationality. In collective adult life its promptings are incapacities of a different kind, stemming from the different forms of imperfect rationality and, more profoundly, from

the impossibility of perfection in the very nature of rationality. They include the size of a community and of its ambitions, the fluidity of social practices, the plurality of value and the diversity of legitimate goals that it gives rise to, and mistrust of the organic coupled with a correlative consciousness of the wrongdoing that the self-justifying, relativizing tendencies of organic practices licences or at least protects. What these promptings yield include formal institutions and practices of authority, demands for accountability to those institutions, and consequent demands for the transparency that accountability depends upon. From these resources we have built much of the modern world, with all the evils that it has ended, and all the goods that it has made possible. And of course and by the same token, we have demolished most of the virtues of the pre-modern, and the modern evils that they forestalled.

Questions of justice, and the political institutions that serve them, cut through the complications of moral life, in ways that the modern world has found refreshing and inspiring. It has enabled us to sweep away the organic, the opaque, and the unaccountable. And yet it has entailed huge costs, not only in health care, as suggested earlier, but also, and closer to home for most present readers, in academic life, just to pick an obvious local illustration. One can know how to be a good teacher, how best to explain, how best to assess, in a way that is fully internalized, so as to become part of one's self-understanding in a manner that is not susceptible to articulation, and more tellingly, rightly so. One could stop there, defiantly inarticulate, and it would be good to do so. It is not simply that some things are better left unexplained. Rather it is that any attempt at explanation in settings such as this one would undermine what is good about what is being explained. In many universities today, however, one has to be able to account for the quality of one's teaching in ways that re-shape the practice of teaching, at the expense of some of its best qualities. So

university teachers are now expected to attend to student assessments of their teaching in ways that clearly do not allow sufficiently, if at all, for the fact that the act of learning, at its best and at its deepest, is in many ways an unavoidably unpleasant experience, just as unpleasant as it is properly challenging. There is nothing at all good about pain (special cases of masochism aside perhaps), but many good things can only be acquired painfully, as Joseph Raz has pointed out.

One can similarly know how to be an excellent researcher, in ways that are no less internalized, constituted as they are by deep grasp of a discipline, acute awareness of its distinctive demands, history, and prospects. Yet once again, in a growing number of countries today the practice of justice demands that the public funding of academic research be publicly accounted for, and so expects researchers to justify themselves to communities with no deep understanding of the discipline in issue, be they other academic communities, or communities that are dedicated to public goods other than those of academic life. In many cases it is not possible to meet those demands fully without engaging in a rather different kind of research, less specialized, less cloistered, sometimes less deep. One cannot be as open to the world as the demands of justice would have one be without meeting the terms of that world half way. Doing so is as apt to foreclose intellectual creativity as to give rise to it. More precisely, it leads intellectual creativity in certain directions and away from others. What is thereby gained in terms of ecumenicism and reach is lost in terms of specialism and enclosure.

Here is the possibility: that we secure a culture in which certain failings, many of them quite serious, are eliminated, at the price of simultaneously and by the same means more or less removing from that culture the essence of what made it valuable. Even if one believes, optimistically, that new values are bound to occupy the

space left by the old ones, one is still left with good reason to regret the loss of those values that are no longer accessible. There will be more justice in the world, but correspondingly and consequently less of certain other good things. And if one doubts, as realistically one should, that new values can always be counted on to inform, no less successfully than the old values, what have become new ways of life, one then has even more reason to regret what justice has made impossible, even as one welcomes what it has achieved.

Some of this is down to certain unfortunate, economistic ways of thinking, in which metrics are established so that scores can be given, alternatives can be ranked by number, and choices can be made in what are thought of as rational terms.² Yet it is also entailed by the impulse to justice and the allocations that the practice of justice involves. The threat here comes not from the values of the private sector, but from those of the public sector. We ask public bodies to behave in these ways partly so that consumers can make choices, but partly too because we believe that public institutions ought to be accountable, and further, that accountability requires that the practices of public institutions be rendered in these terms. To fail to do so would be to hold oneself unaccountable. Back to the binary, in which what is not just is unjust.

4. Just Allocations

I have so far spoken very largely in terms of symptoms rather than in terms of the pathology that gives rise to them. In part this has been because it is symptoms that we are most familiar with, and properly so, given that it is the basic function of both justice and its organic

² Thanks to John Gardner for posing this challenge.

alternatives to shape our engagement with the moral world in such a way that moral issues that we cannot resolve through the exercise of our own deliberation are displaced onto issues and modes of decision that yield resolutions for us, resolutions however that we can rely on because and to the extent that we are able to take them at face value, so leaving only symptoms to show for the success of their work. In short, these are the sorts of schemes that succeed only if one does not enquire into them too closely. As a consequence, analysis of them is liable to be both uncertain and puzzling. Yet here again, we typically know more than we let on, and one way to appreciate just how far that is the case is to inquire further into the fact of allocation and the distinctive role that it is called upon to play in the setting of justice.

I suggested earlier, echoing John Gardner and others, that allocation is central to the idea of justice. I also suggested that there was rather more to it than that. Our lives are filled with forms of allocation that seem to have nothing to do with justice. A few quick examples will make the point clear. At any given moment of our lives we allocate our time, our energies, our selves, to one activity rather than another, (or even to absence of activity) and in doing so shape not simply that moment or that day, but the ongoing evolution of our commitments and our character. That is how we begin to become just who we are. Over time and usually with greater reflection we further allocate our lives to different goals and to different weightings of the same goals. In doing so we incrementally develop the narrative of a life. Some of the allocations that we make in this way are relatively conventional, as when we exercise a degree of prudence by saving for our age and its inevitable vulnerabilities. Others may be relatively original in our hands, as when we deliberately drop out of expected narratives just because we take issue in one way or another with what they call for from us. All these things are done on our own and, more commonly, through social practices. Not only at given moments but consistently

and over the course of a life we undertake allocations in conjunction with others, so as to engage, for example, in a division of labour, or of a shared responsibility, so allocating their burdens and benefits.

In none of these allocations do we need to speak of justice. They are guided for the most part by reference to the good, as we perceive it and as it is given to us through social practices. To be aware of these ways of living, as we all are, is in itself to know that justice cannot be easily identified with the fact of allocation. Nevertheless there seems to be something especially allocative about justice, and the question that must now be faced is exactly what that is and how to tease it out. Allocation seems to come first in justice, so much so as to inform the very idea of fairness, where it comes second elsewhere. What might make that the case, if case it really be? It cannot simply be that the issue of justice arises in response to the presence of competing claims between persons, for many, perhaps most, of the claims described in the various quick examples offered above were claims regularly made between persons. Such claims are routinely settled without reference to the requirements of justice. Of course justice may well disapprove of that fact, in certain settings at least, but if so it is on the basis of a moral case for the application of justice instead, not on the ground of an alleged conceptual confusion on the part of those who invoke a different means of resolving conflict.

When we engage with people without referring to justice we engage with them as bearers of values. Their significance to us as persons is a product of the value and disvalue that they bring to life, at any given moment and over the course of time, and more profoundly, of their status as living creatures (human beings as it happens) in possession of a particular, species-distinctive capacity for the realization of value and disvalue. In short, people matter just because and to the extent that they are able to make good (and bad) things happen in the

world. One might be tempted to think of this, with a nod to Joseph Raz, as the service conception of humanity. Whatever our human proclivities may be, and whatever sense of purpose may be discerned there, our existence derives its significance from its service or lack of service to the good.

Not so as far as justice is concerned. In the eyes and hands of justice it is persons that matter, both first and foremost. Their significance is detachable, in practice and in principle, from the goodness that they are capable of giving rise to. Most obviously and immediately, justice is committed to certain familiar forms of moral blindness, and thus is constitutionally committed to a discounting of what full moral sight would recognize and record as morally relevant considerations. More profoundly, however, it calls upon the subjects of justice, insofar as they are subjects of justice, to be in principle detachable from the good, in all those dimensions of the good a degree of detachment from which may be necessary to the achievement of justice. There are no *a priori* exemptions from this broad demand. This leads justice to take persons seriously simply as persons, and to invest them with attributions of dignity and respect that do not derive from moral worth, or at least not from a moral worth that is in any way reducible by reference to the record of its exercise. It is in this commitment to persons that justice becomes recognizable, and in the breadth of the recourse to it that justice becomes modern.

Justice famously takes the distinction between persons seriously, and has claimed much credit for that fact. Yet there are two different ways in which one might in principle take that distinction seriously, which justice conflates. The first is to insist on the individuation of value, so as to register it as value in the hands of some valuer, and thereby to honour and give effect to what I take to be the absolutely

vital relationship between value and valuers.³ Thus far justice is fully *ad idem* with most enlightened renderings of the good. The second way to take the distinction between persons seriously, however, is to give primacy to persons, and to accord them value by virtue of their personhood. It is in this respect that the good and the right part company. From the perspective of the good the value of personhood itself (that is, apart from its actual history in individual cases) is always a matter of potential: we are clearly owed something by virtue of our status as persons, but it is something basic to the species, that the species cannot alter, because it is something that is an inescapable feature of the human condition, invulnerable to the exercise of our everyday moral capacity. To think of it another way, it is a capacity that we cannot help but exercise, but it is still its exercise, and the value and disvalue which that gives rise to, that makes the capacity significant. On this view of the moral world the connection between our significance as persons and our service to the good is maintained.

Not so for justice, from the perspective of which our significance as persons is independent of our service to the good. The crucial point seems to be this. Persons, as such, are what matter to justice, and they are bound to do so by the very concept of justice, because it is in their name and for their sake, not that of the good, that justice engages in the familiar determinations that it is its function to

³ I follow Raz in thinking that value is for valuers in the sense that without there being valuers there could be no value: value is there to be appreciated. However value is not there to serve any valuers in particular (although some parts of it will clearly suit some valuers more than others) so that the perspective offered by justice, in putting persons first, is on the face of it a meta-ethical error that does moral good by offering us a way to achieve determinations that morality cannot generate from its own resources, but that the instantiation of morality in human lives makes necessary in many settings. Thanks to Christoph Kletzer for pressing me to expand this point further.

provide. Justice still and ultimately serves the good, of course, as any human endeavour is bound to, but it does so by serving persons first. Were it otherwise there would be no need for justice, distinctively understood, so that justice in the strict sense, once pushed, would quickly collapse back into justice in the broad sense. Justice in the strict sense is bound to put persons first, so as to make sense of itself. It can only do justice by taking the person more seriously than the goodness and badness that he or she gives rise to in the circumstances before it, by acting as if the function of value was to serve the person, rather than as if the function of the person was to serve value, as is of course actually the case, or there would be no value to justice, in its service to the person.

It is important to be entirely clear here that to see justice as a matter of allocation between persons is not a way of returning to the idea that I set aside earlier, that justice is about competing claims between persons. That would be to put the idea of competition, rather than the idea of a person, at the centre of the picture of the allocations that we engage in when we have justice in mind. It is true that we very often think of allocation in that way, but that is simply because we very often think of allocation in terms of justice. Nevertheless it is clear that one can readily contemplate the idea of treating a person justly or unjustly even if he or she happened to be the last person on earth. It is no less clear that one can as readily contemplate doing oneself justice, or doing an injustice to oneself.⁴ Idiom is not in any way deceptive here. It might be initially tempting to think that this is the case if and only if one treats a person, whether that be oneself or another, with some other person, here a hypothetical person, in mind. On that view of the world, one is capable of treating oneself unjustly only because one is capable of being more than one person,

⁴ Thanks to John Gardner for pressing this point upon me.

or less extravagantly, is capable of thinking of oneself in that way, as is evident from the very locution in which one is driven to describe the action involved, distinguishing as it does between the persons of one and oneself, the person acting and the person acted upon. Justice, one might think, does require that there be more than one person to allocate among, but there is always another person available, and indeed it is the gaze of justice that enables us to envision that person.

Yet that is to miss the point. One can undoubtedly act in these terms, but it is not necessary to do so in order to do justice, to oneself or to another. One does justice or injustice by approaching a person with his or her status as a person uppermost in mind, whether or not any other person is on the scene, imaginatively or otherwise. Joseph Raz once spoke helpfully of the mark of incommensurability, as a way of testing for the presence of that fact, and perhaps the idea of such a mark might be as helpful here. The mark of justice, it seems to me, is respect for persons as such. It is not in any sense an accident, or a non-accidental but contingent fact, that justice treats the needy with respect while charity, for example, does not. Charity respects needs but not, other than derivatively, the people who have them. Justice respects persons, and as a consequence of that respect, respects their needs. It cares about needs because it cares about people, and people have needs. In short, it is as much the point of justice to respect the needy as persons as it is the point of charity not to do so. Thus the value of the mark: justice is revealed by the presence of the attitude of respect for persons.⁵

⁵ Things are rather more ambivalent and overlapping than that of course. This cuts both ways. Respect for the good very often turns on the conclusions of justice, while in the hands of justice respect for persons is as variable as it is unvarying. Were it otherwise, respect for the good would be indifferent to questions of justice and injustice, so that goodness would be bound to respect the unjust no less than the just, while the operation of justice would be impervious to matters of the

Justice respects value, of course, for otherwise it would be arbitrary, yet it does so only as and when value is appropriately filtered by the scheme of justice in question, and thus in the dimensions which that particular scheme takes account of. In blocking off direct respect for value justice quite deliberately blocks off whole domains of good as well as of bad, matters that there is good reason to take account of as well as matters that there is good reason to ignore. In those domains in which respect for value is blocked off in this way the respect of justice for people is unvarying. If that seems in any way a surprising or implausible conclusion, its accuracy can be quite simply tested by contemplating the obverse. If the point pressed here were misguided then it would follow that the basic respect of justice is variable. Yet it is fundamental to the very idea of justice that its subjects are equal in its eyes.

good, so that we would be bound to deliver justice without any reference to respect for persons in all their particularity and the bases on which that respect is grounded. Goodness and justice would simply have nothing to say to one another. In fact, of course, it is part of the very purpose of justice, and a central aspect of its proper functioning, to mete out treatment to people in accordance with their needs, deserts, or whatever the appropriate metric of justice is taken to be in any given setting. All those grounds are as much grounds of goodness and its absence as grounds of justice and injustice. Justice is quintessentially blindfolded, in this case to certain dimensions of goodness, but it does not follow that its conclusions are blind to the good, for the blindfold is only partial, ignoring some bases of respect for the good in order to focus on others. It is a premise of justice, and the ground of its blindness, that assessment of persons and the goods they embody proceeds from an unvarying respect for them as subjects of justice. Value and concomitant respect then flow through the filter of justice, so that in lieu of the variable respect that goodness would call for is respect for justice, and the unvarying initial regard it has for persons as persons rather than as embodiments of the good, on which its own partial respect for persons is built.

So to map the contrast, when we allocate with reference to the good, the allocation is made between claims of the good at the instance of persons. The difficulty with this is that it gives rise to problems of indeterminacy in the lives of persons just as often as the claims embodied in those lives are incommensurable, and allocation has, for whatever reason, good or bad, become necessary. As a result of the incommensurability, there may well be a number of legitimate answers to the question of how an allocation of goods (or bads) ought to take place in any given case, and in the absence of an authoritative determination of which of those legitimate answers is to prevail, there will be ample opportunity for conflict between persons on the behalf of legitimate claims. That is something of real concern to the good, of course, but it is not something that the good can do anything about, simply because the resources of the good are incapable of providing the resolution that persons, and the goodness that their existence embodies, are in need of.

In the setting of justice, this pattern is very consciously upended: the allocation is one that is made between persons, precisely so that there can be a determination for persons. Justice exists to yield decision, and it does its characteristic work both by giving priority to the ingredients of decision, and by doing so through a focus on persons. This helps to explain the prominence of its most notable attendant features, allocation and conflict. The reason that allocation acquires a particular prominence in the scheme of justice is that the scheme is designed above all to secure allocation among persons. As far as those persons are concerned, allocation is just what the scheme is about. Goodness is attended to selectively, via procedures and institutions that first, possess the authority needed to yield decision, and second, are governed by established perspectives on the good that will make decision more likely, through the application of what Joseph Raz has classified as positive and negative second-order reasons. The further

reason that the presence of conflict appears to be a precondition of justice, is that in practice the inability to secure rationally determined allocations between persons often yields significant conflict between persons, although it is the good of rational determination for persons rather than the draining of conflict between persons that lies at the heart of the impulse to justice.

Allocation and conflict are not the only leitmotifs of justice of course. The practice of justice also gives rise to a characteristic emphasis on the significance of the will, together with the attendant institutions of power, as well as the attendant virtue of courage, all of which gain much of their familiar prominence in the modern world as functions of the priority of persons in the scheme of justice. Persons instantiate goodness by the exercise of reason, here straitjacketed by the claims of justice, and of the will, here correspondingly enhanced. In the realm of the good, the will, and the courage that may be called for in its exercise, are necessary to the very possibility of goodness, indeed so much so as to become partly constitutive of it. That is because the will plays its moral role and acquires its moral import by virtue of its capacity to instantiate value as goodness (and disvalue as badness). In the realm of goodness the practices of reasoning and willing support one another in the realization of value in what we do and what we thereby become. On this rendering of the significance of will, the service conception of humanity is once again preserved.

In the hands of justice, however, the fact of the will, and the value of its exercise, comes before the good, in two ways. Most obviously, the practice of justice is itself an act of willing insofar as it is a practice of decision, one that gives priority to the goodness of determination over the goodness in all that is thereby determined. More fundamentally, however, the practice of justice takes the fact of the will seriously in taking persons seriously, for from the point of

view of justice, persons are significant by virtue of the significance of those determinations that make them persons, determinations that they cannot always arrive at unaided, and that it is accordingly the role of justice to render on their behalf and in their stead.

Doing these things gives rise to the price we pay for justice. Justice of course seeks to align as far as possible the claims of the good and the claims of decision (itself an aspect of the good) but the alignment is as imperfect as justice is necessary. The further that we extend our reference to justice, by extending the practice of justice to domains in which its presence and its role are permissible rather than vital, the more profound that price becomes. This much I have more or less emphasized throughout, yet there is further. I have spoken thus far as if justice was the only mode of determining moral conflict when that is clearly not the case. Determinations can be arrived at in a number of ways, by lottery even. What is not only distinctive but also distinctively modern about the determinations of justice is the focus upon persons. That means that the price that is paid in terms of the good by the determinations of justice is different in kind from the price paid in terms of the good by other forms of determination. As inhabitants of the modern world we are consciously sensitive to the price that is exacted by pre-modern, organic, non-deliberative forms of determination, yet correspondingly insensitive to the price we pay for justice.

John Rawls has been much criticized for the alleged austerity of his conception of justice, on the part of critics who thought the austerity self-defeating and critics who regarded it as impoverished. Yet it will be clear that the austerity that Rawls sought to capture through the achievement of reflective equilibrium, and subsequently to depict in the spare lineaments of the original position, is at heart a function of the very concept of justice, rather than of any particular rendering of

it, a concept that was embraced as fully by the bulk of Rawls's critics as it was by Rawls himself. Those critics, no less than Rawls, give to the person the priority that justice demands by its definition, though they would attribute to that person certain of the mores of particular communities. In doing so they render themselves doubly vulnerable, first to the price of justice, and second, to the price of community and the relativism to which it is vulnerable in prioritizing mores over morals. In effect they have sought to embrace two rival mechanisms for determination, each of which can only be ultimately successful by understanding itself in ways that are constitutively opposed to the other.

Rawls has also been much credited, as noted above, for his insistence on taking the distinction between persons seriously. Yet utilitarians were surely right, despite their placement of humanity at something quite close to the centre of the moral world, in retaining a degree of recognition for the independence of value from persons, the degree that allows utility to reach the condition of other animals, and that prevents utility from taking persons fully seriously. Justice by contrast, proceeds as if value served humanity: it thus takes persons seriously *qua* persons, from which its particular sense of the distinction between them follows. That distinction, of course, famously makes it difficult to justify the sacrifice of one person for the sake of the well-being of others. Yet that is not entirely a matter for congratulation. We can all readily agree that one person should not be tortured to make others happy, yet we surely both feel and ought to feel a good deal less comfortable with the fact that what blocks the warranting of such torture no less blocks, as a matter of principle, any compelled sacrifice of one person's good to the good of others that cannot be explained in terms of justice to the one person.

5. Worlds without Justice

There is much more to be said here, about the alternatives to justice, and about the social practices upon which those alternatives depend. Many of those practices are deeply rooted and local, in a way that modernity has set its face against, and that we have begun to miss, perhaps profoundly so. The backlash against globalization is typically rendered and explained as a backlash against neo-liberalism, and so against certain associated economic ways of thinking, but it is also, and no less familiarly, a backlash against the scrutiny of justice, on grounds that are sometimes pernicious, as their commonly atavistic character plainly suggests, but that are sometimes morally perceptive. That is how, for example, the xenophobic is able to present itself as morally enlightened: there are indeed morally enlightened reasons for attending to what the xenophobic purports to attend to, though not for rejecting what it rejects. These are not things that a child of the modern world, such as myself, is terribly able to speak of, partly because of the familiar but negotiable problem of cultural distance, yet more importantly perhaps, because of the vast and rich variety of local possibilities for social practice, from among which it is difficult to abstract so as to speak in general terms without becoming guilty of what one might be tempted to call a degree of injustice, were one not so acutely aware that in fact and to the contrary the real danger is that of introducing a foreign degree of justice into the picture. For that reason I will not attempt to offer an account of those modes of determination that are latent in the practices of relationships and communities in the way that I have attempted to do for justice. Nevertheless it seems to me that there are a few, relatively safe preliminary observations that might be made in that respect. Beyond that it is probably wiser to stick to the suggestive.

First, it is wrong to contrast universal justice with the communal, or with ordinary virtue, as Michael Ignatieff put it in a recent Fulbright Lecture.⁶ That is to fall into the relativizing trap that justice rightly sets itself against, as well as into something like the tired opposition of the liberal and the communitarian. The true contrast is with the values that justice and the political are incapable of delivering, or at least, incapable of delivering well. Sometimes those can be identified with ordinary virtue, sometimes not. Conversely, ordinary virtue is sometimes capable of securing the ends of justice or something close to them, sometimes not. The interdependencies here are complex, though no less real for that fact. Indeed to simplify them, to look for informing structures, is already to adopt certain of the analytic premises of the perspective of justice.

Second and relatedly, it is wrong too to say that justice is the first, or even the characteristic virtue of political institutions. Perfectionists are right to deny this. But it is not wrong to notice that politics is quite poor at kindness, generosity, love, and a range of other virtues, and that to the extent that we commit ourselves to politics and its particular virtues we diminish our collective access to rival virtues and to the worlds that they make possible. This diminution is simply what follows from the politicization of our collective moral life, something that continues to gather pace even today, ironically all the more so in many ways as it is challenged by an inarticulate backlash that it all too plausibly and in many cases quite accurately dismisses as reactionary.

This is not to say that the very practice of politics is to be regretted, to espouse a romantic return to a supposed age of the pre-political,

⁶ For the full expression of Ignatieff's view see *The Ordinary Virtues: Moral Order in a Divided World* (2017).

to fall into the trap of thinking that to make choices in the manner that politicians do is inherently corrupt. In truth there is no way not to be political, not merely as a contingent practical matter, for example, in communities that are large, complex, and fluid, in the manner of much of the modern world at the moment, but because the demands that politics makes of us are demands that we are bound to make of ourselves, and rightly so, in whatever groupings we may be gathered, albeit that in making those demands of ourselves we are no less bound to recognize their proper limits, as well as their cost, which may run to the very existence and value of the social groupings upon which our life as social beings depends.

Many people today aver that they are simply not political, as if that were a possible position for someone to hold. Yet not being political is itself a deeply political position. For all those who possess the capacity for politics (which is something close to all those who possess rational capacity) it is in fact the politics of apathy, or at least of abstinence, and very dangerous things follow from it, as well of course as very disappointing things, as those young people who have decided not to vote have often discovered to their cost, as they have found themselves in worlds that their grandparents voted for on the basis that they would be good worlds for grandchildren, rather than the worlds that they themselves would have voted for, as good for themselves. So justice is something that we are morally bound to pursue, as part of the moral necessity of politics, while also being something that we have good reason to temper.

Third, therefore, it is wrong to condemn the pursuit of justice, as if the price attached to it somehow made it unworthy as an ideal. On the contrary, we have much to be deeply grateful to it for. What is not wrong, however, is to notice the correlative price attached to it in specific settings, and so to notice that it certainly is not all that you

need, any more than is love. They say (perhaps too often) that love hurts, but so too does justice. To speak in my own voice for a moment, spare me from the one who takes justice as his guide, and the niggardliness of his spirit, no less than the one who insists upon the loyalties of love, and the oppressions that go with them.

Fourth, it is wrong to think that there can be worlds without justice, in the sense of there being worlds in which the writ of justice simply does not run. In a sense, to say this is no more than another way of putting the first of these observations. We are always and inescapably answerable to justice, and so accountable to its demands, in the same way that we are answerable to the presence of every other reason in the world. Culture and commitment have no power to insulate us from the claims of reason, no matter how alien, or how disruptive of the good, those claims might prove to be. Yet that having been said, the presence of commitment of any kind subtly changes the shape of the reasons that reason presses upon us, by changing the perspective from which they are bound to be contemplated on and responded to.

I said earlier that we cannot but see the world in terms of a view from somewhere, and that being the case the settings in which we find ourselves have a vital role to play in framing our particular view of the world, and in shaping our relationship to it, in something the same way, perhaps, that one's height does in framing one's visual and physical perspective (think of Alice in Wonderland), although they have no capacity whatsoever to alter the terms of the world that is viewed, or the scrutiny that it receives. One can inhabit a domain, such as a personal relationship, that precludes scrutiny of certain kinds, and the consequence of one's engagement in that domain is that it is thence that relationship, and in particular the specific preclusions it embodies, that forms the object of immediate scrutiny. It is perhaps something a little like the deflection that occurs in the

operation of the normal justification of authority. Reason wants to know in that as in any other case why we do not think for ourselves, and of course the answer cannot be given by thinking for ourselves without foregoing any benefit that observance of the exclusionary reason has to offer. Yet when, in proper recognition of that fact, the answer offered is the presence of the exclusionary reason, reason will thence want to know whether the alleged exclusionary reason is a sound one, and it will want to know that ultimately because it still wants to know why we do not think for ourselves, and the reference to the presence of the exclusionary reason has become the only way of answering that question. In short morality regularly requires us to be relativistic without thereby asking us to become moral relativists.

Finally, one is bound to notice the connection between different values and the social institutions and social practices that they depend upon for their instantiation. One might reasonably ask whether the contemporary world is not overly monochromatic in these respects, notwithstanding its nominal commitment to diversity. One might wonder whether we are insufficiently attentive to the sources of the diversity that we nominally celebrate, not only of cultures, but more profoundly, of conceptions of the good and the conditions for their articulation. We cannot simultaneously be as morally diverse as we need to be to make liberalism fully meaningful in our hands, and as committed to justice as we need to be to make our liberal societies just societies. The best we that can hope for is that we will find a way to be diverse enough to make the palette of our possibilities a rich one, and also to be just enough to preclude significant iniquities in their assignment, that is, to be ancient as well as modern in our understandings of virtue, to couple the (potential) wisdom of age and the (potential) resolution of youth. Realistically however, what seems rather more probable, on the evidence of contemporary affairs, is that we are likely to do the opposite, resiling from justice for all

the wrong reasons, and embracing the communal uncritically. In that struggle it is plainly justice that we need to hold on to, while being clear-eyed enough to appreciate its limitations and its trade-offs, the role that those two defining features play in its rejection, and the need to envision a future that takes them both seriously.

What then can be said about the social practices that constitute rivals to justice, and the ways in which they guide our pursuit of the good, for better and for worse? Many social practices arise unconsciously rather than consciously, as casual byproducts of shared circumstance, be that circumstance physical, cultural, intellectual or some other, be it played out in terms of landscape, tradition, economy or patterns of authority. The mutual recognition of their practitioners, if and when it arises (as it may well not), becomes the recognition of the fact of community, not so much in contrast to other communities, for those may be unknown, as in the assurance of itself. There gradually come to be certain ways of doing things that are understood and accepted as the right way to proceed in that setting, sometimes strongly so, as when actions and attitudes are regarded as more or less compulsory, sometimes temperately so, as when they are regarded as permissible. Precisely how this comes to be is not something that is or ever could be spoken of. Yet once it has been secured, the fact of understanding and acceptance acts as a kind of filter, which more or less excludes all other possibilities, be they rationally eligible or rationally ineligible. In this way a great many, though not all, dilemmas that stem from the lack of rational determinacy are quietly and effectively resolved without any recourse to deliberation, of the kind that justice engages in. The process at work here is something like the process whereby value comes to be embodied in character as personal virtue, although in the communal setting, as indeed in the personal setting, what is embodied is not necessarily virtuous.

It is a common thought that such practices of propriety are designed to exclude. Sometimes the thought is a sound one, but more often it is not, partly because social practice does not usually look like that, and partly because it would work less well if it did. Social practices do not usually look like that because their creation and deployment is, as I have emphasized, usually not deliberate. They tend to emerge as byproducts of what we do for other reasons, and of a subsequent alignment of that experience in the minds of those who have shared it that gives rise to what is commonly described as intersubjectivity, if one can use that term happily without subscribing to its anti-realist implications. Furthermore, the good in such social practices, such as it is, is the good that comes from the ability to pursue value in ways that are relatively structured in advance and recognizable after the fact. Doing this can make the realization of value significantly more likely, if more predictable, and make the appreciation of value in the consequent narrative of one's life that much more rich, complex and intertwined. None of these things depends on exclusion. To know a social practice in these ways is of course to be able to distinguish it from others, actual and hypothetical, but to identify that distinction with the very point of the practice (to the extent that there is one) is to mistake the possible corruption of the practice for its worth.

The real moral concern with such practices, and with the absence of deliberation in their creation and implementation, is the familiar one of absence of reflection and self-examination. These social practices succeed just in the ways that they do not call for, or indeed permit, the level of examination that would reveal their moral arbitrariness. The moral price paid is the entrenchment of social practices as goods when what they are in fact is very often empty and even pernicious. Sometimes the emptiness may not much matter, for it may well become something that is merely rococo about the culture, eccentric but not at all damaging. Sometimes even the perniciousness may not

much matter, for it may be a price worth paying for a cultural whole that yields other goods, including the good of other aspects of determination, a whole from which the pernicious could not be successfully severed without adopting attitudes that were inimical to the very cultural acceptance on which the authority of the practices depends. As often, however, they are truly to be condemned. When that happens, one response is a turn to justice, although it is far from the only possible response. Vernacular social orders are as liable to be displaced by a turn to militarism, or anarchy. Those who recognize good reasons to overthrow them need always to be mindful that doing so does not necessarily yield justice, even when the overthrow is undertaken in the name of justice. This is no less true in miniature, when the social practice is relatively local in terms of its duration, extent, or subject matter, as it is comprehensively, when the social practice helps to constitute a dominant territorial order.

I spoke earlier of the problem of false consciousness, and in doing so implicitly accepted the view that such consciousnesses are something to be regretted, and thus to be dispelled where possible and without too large a cost. Yet it is one of the principal functions of organic social practices, and a contributing element in their value, to develop false consciousnesses. Doing so enables practices to trade ruthlessly on the chimerical value of their purported inevitability and completeness, as well as on their genuine stability, for the very real value that acceptance of them as governing parameters in the articulation of lives individual and social can give rise to (the kind of value that is constituted, in part at least, by stability, community, recognition and the like), and furthermore, for the many kinds of goodness that may emerge from the standing embrace of such value. It is in these ways that we come not only to be tempted by but actually to discover and profit from the unreliable value of the practice of self-deceit, and the supporting value of myth. Self-

satisfaction is not always a bad thing, and self-examination not always a good one, it turns out, central though it is to the practice of justice, and rightly so, to regard them as such.

Built into this approach to the world is a related idea, that of taking oneself much less seriously than the modern world expects one to. In speaking earlier of the possible shape of a loving relationship, I set aside the possibility of supererogation as being inconsistent with the self-understanding of the participants. One can now perhaps see why there was rather more to that move than respect for intuition, or the possibilities for argument that the move enabled. What such a loving relationship expresses is selflessness in a much deeper sense, a sense that transcends rather than sacrifices self. It is in that sense that love might well be thought of as the highest form of human relation, simply because it is the most uncompromised by the pull of interests other than those, if any, that identify with its own worth. The self-abnegation that this involves on the part of the participants, at least as justice would perceive it, is something that is to be as far concerned about as persons matter *qua* persons. In the modern world, in which persons enjoy pride of place, and in which social practices are very largely shaped with persons in mind, it is something to be very concerned about indeed. That does not mean that such transcendence of oneself is not potentially valuable, and that there may not be good reason to pursue it in whatever setting, and to whatever degree, does not undermine the overall capacity of people to take themselves fully seriously as persons in other settings, and indeed to be so regarded by the other people on whom their dignity and their prospects depend. To transcend oneself in such a way is to achieve in one's very being a blurring of boundaries with others, both as persons and as bearers of different values, and more profoundly, a blurring of boundaries between oneself and the world at large, and hence between oneself and the value that one's life

gives rise to. This is selflessness without self-sacrifice, selflessness as a way of being.

A second equally brief aside. To recognize this way of approaching the world and its potential legitimacy helps to expose the extent to which our ordinary thinking about social groups trades upon two different notions of a group, the one conceived in terms of justice, the other conceived in terms of relationship as I have outlined it. Many of the difficulties in thinking about groups, and indeed in thinking about social identity more generally, stem from the misattribution of the features of one, usually older conception of a group to a group that has in fact been identified by reference to the other conception. A conception that is conceived in terms of justice is often thereby called upon to do the kind of work that it is conceptually incapable of doing, and vice versa.

A final brief aside. There is a common confusion in ordinary life and in political discourse as to what constitutes the direction of influence in the identification of the parameters of justice. For any particular conception of justice there is a question of which considerations that conception rightly excludes, so as to acquire distinctive legitimacy as the valid conception of justice that it is. It is those considerations that come to define what people are regarded as equal in terms of as far as that particular conception of justice is concerned. Given that the considerations in question also form the basis of the legitimacy of the conception of justice in question, it is entirely natural, yet mistaken, to search for some basis in the good to drive that exclusion. In fact, however, it is precisely because the good cannot supply that answer that justice becomes significant. The exclusion must of course be one that is permissible in terms of the good (for that is the source of its legitimacy), but it is one that by the premise of its very reason for being could not be determined by reference to the good.

6. Companionability

In a way there should not be anything very surprising in anything I have said so far. Once it is recognized that justice is not simply the name for all that is good, but is rather the name for a particular value, commonly described as fairness, it follows straightforwardly from the fact of value pluralism that there are bound to be occasions when the claims of justice will be at odds with the claims of other values, and being different in kind from those other claims, will not be open to assessment as better or worse than their rivals. To believe otherwise is to believe, at a minimum, in the unity of the virtues, and despite its impeccable pedigree, that belief is not one that can be reconciled with a belief in the depth of value pluralism. Without the unity of the virtues, justice remains but one value among others, competing for our attention and a place in our lives. To know that much is *ipso facto* to know that justice has its inevitable price, as do its rivals. That price is far from straightforward, of course, because all values depend for many aspects of their realization on the existence of certain social practices, so that the pursuit of certain values depends on the presence of compatible social practices and discourages others, while the presence of certain social practices enables the pursuit of certain compatible values and discourages the pursuit of others. It is in this way that the priority of justice and certain social practices that are characteristic of the modern world (fluid, impersonal, detached and political) have come into being together, flourish together, and fail together.

Left at that, however, the story seems not only residually counter-intuitive, but quite possibly neglectful of other prominent available ways of prioritizing the claims of justice. After all, justice and other

values are regular presences in our lives, so that there must be at least some good ways of reconciling them, as *modi vivendi* if nothing more. I will consider two of what strike me as the most straightforward of those, before closing.

One common and attractive thought is that there is companionship rather than rivalry to be found in the relationship between justice and its alternatives. We regularly pursue justice in certain domains and allow it to take a back seat in others. According to some, that is because justice is by its nature called for in certain domains (in the public realm perhaps) but not in others (such as the private realm). Or, to put it from the opposite perspective, certain domains call for justice while others simply do not. One would need to be extremely careful about the articulation of such domains, of course, and to be healthily skeptical of the existing boundaries of those that have been bequeathed to us, lest they incorporate injustices that are subsequently passed off by those that they privilege as practices to which justice inherently does not apply. A good deal of the recent history of feminist practice has been notoriously, and on the whole rightly, excoriating about attempts to secure a domain of the private against the scrutiny of justice. Indeed, a tacit recognition of that fact was implicit in the real doubts that I expressed above (in the second section) about the legitimacy of personal relationships that neglect justice or otherwise set it aside. Yet a warranted skepticism about the existing boundaries of the private is compatible with the possibility that some kind of companionship between justice and its alternatives is available in principle, however fraught the negotiation of it may be in practice.

If there is to be such a relationship, and if it is to be one that is to be in any way relied upon, there must be principles in terms of which the relationship can be described, principles latent in the very idea of

justice, and no less so in the ideas encapsulated in its rivals. Those principles would have to be capable of assigning all values to related domains of human activity, not always uncontroversially perhaps, for the project could be subject to marginal exceptions, but for the most part exclusively. Yet in fact there is no conceptual algorithm of that kind that could eliminate the rivalry. Indeed the thought that there is or could be such an algorithm is only really plausible to the extent that one is prepared to believe that all values, here including justice of course, are nothing other than abstract projections of the character of human activity, and hence of the domains into which that activity is demarcated, from place to place and time to time. Fit with domain would then be a premise of value. Yet the disturbing implication of value pluralism, where pluralism is understood in realist terms, is that conflict between the claims of value is an endemic feature of moral life, one that cannot be escaped by reference either to the content of morality or to the particular domains in which particular dimensions of morality are called upon. It can of course be moderated by ideas of appropriateness, but it cannot be displaced. That makes life less easy than it might be, yet much richer and more rewarding, as well of course as more overwhelming and more distressing.

So sometimes it is possible to say that this is a place and a moment to be kind rather than just, or vice versa, but that possibility is one that stems from the presence of social practices that have established that sense of appropriateness, and further, that have constituted it as the common sense of the culture in question, according it the status of a moral fact without making it one. As much is as true of the social practices, characteristic of the modern world, in which the priority of justice is embedded. We can turn to those practices to discover the proper place of justice as we know and live it, but we cannot look to justice, or to any other value, to scrutinize or supplant those practices by telling us where justice belongs and where it doesn't. It

is this, rather than some logic of harmony and reconciliation, that is inherent to the idea of justice, so as to make it the idea that it is rather than some other. From the point of view of justice, it is not that justice is in principle a value that is bound to run everywhere, so that we should only ever act in accordance with justice. Rather it is the more modest claim, that any scheme of assignment, according to which justice is appropriate in some settings and not others, is itself susceptible to the scrutiny of justice, if not to warrant its overthrow then at least to open our eyes to its very real cost. That means that justice cannot be kept in what is supposed to be its place. Its reach is as broad and demanding as is the reach of reason. We are always and everywhere accountable to justice, although when we render to justice what is its due we may well give up something no less valuable.

Another, perhaps even more appealing thought is that justice sets a threshold for legitimate social order, past which other values describe courses of human interaction that are consistent with justice without being animated by it. Such patterns of accommodation are not only possible but familiar features of our lives. Yet that is because we very often make a practice of reconciling the irreconcilable, sometimes *ad hoc* and individually, sometimes by creating and maintaining social practices that constitute working compromises (between the rational and the irrational, or between different kinds of rational claim), some of those compromises morally permissible, some not, some of them morally intelligible in terms of the good that they give rise to, so as to be at least excusable, some not. The fact that we very often get by in these ways might show that we have a reason to get by (as indeed we well may), or that we believe that we do, but it does not show that there is nothing to get by, that justice finishes its work where other values begin theirs, so that conflict between them is not a genuine problem in the conduct of our lives.

There is nothing I can discern in the idea of justice to suggest that its remit is an austere one, that it has nothing to say to the details of the allocations between persons, that its role is exhausted by laying the foundations for the operations of other values. Surely to live justly, as it is admirable to do, is to be animated by justice and answerable to its demands in all that one does. The same, of course, can be said of the values and virtues with which justice is potentially in tension. It is not their place to take as their premise the foundations that justice would lay down. Like the claims of justice, their claims reach in both directions, from the foundational to surface detail, so as to make their voice heard and their presence felt in all parts of our lives. One way to see this, it seems to me, is to remind oneself that value does not exist for humans, making it difficult to think that it could be aligned with anything like a threshold in our lives.

In the end these are different gods with different appetites. Whether we have chosen to worship at the altar of one rather than the other, or whether we are in a dilemma of belief, or whether we are bound to improvise a course among their claims as a sailing vessel navigates a course among the claims of wind, water and provisional destination, we must recognize that we cannot honour both in the same breath.