

THOMAS NAGEL. *Equality and Partiality*. New York: Oxford University Press, 1991. 186 pp.

In this book, Thomas Nagel offers a fresh approach to the perennial unsolved problem of developing a justified political theory. He maintains that we do not now possess an acceptable political ideal because no one has solved the problem of how to reconcile the impersonal standpoint of collectivity with the personal standpoint of the individual. Nagel addresses this as a question of each individual's relation to himself or herself (p. 3). All persons have within themselves a division, and potential conflicts, between these two standpoints. We do not yet know how to design political institutions that do justice both to the equal importance of all persons recognized and required by the impersonal standpoint in us, and to the importance of individual interests and personal allegiances to family, friends, particular communities, etc. involved in the personal standpoint in us. Ideal political institutions would satisfy both of these standpoints in every divided self, but Nagel repeatedly expresses doubts that this ideal can be satisfied at all because the standpoints pull in different directions (pp. 3-20).

Nagel condemns "utopian" political ideals precisely because, by definition, individuals cannot be motivated to live by them (pp. 6, 21). "What is right must be possible, even if our understanding of what is possible can be partly transformed by arguments about what is right" (p. 26). The ideal of the classless society has failed because it does not do justice to the personal standpoint, and because "Altruism appears to be just as scarce in socialist as in capitalist societies, and the employment of strong-arm methods to make up the deficit has not been a success" (pp. 27, 28).

Nagel proposes that a justified or, as he prefers, a "legitimate" political system would be one to which all persons *unanimously* consent, provided that they are "reasonable and committed within reason to modifying their claims, requirements and motives in a direction which makes a common framework of justification possible" (pp. 3-34). To gain unanimous consent, a political system must satisfy the requirements of both the impartial and individual standpoints in each person. *That* would be difficult, perhaps impossible (Ch. 4).

Nagel examines a number of political theories—those of Hobbes, Bentham, Hume, Rousseau, modern liberalism—and argues that they all fail because in one or way or another they do not do justice to one or the other of the two standpoints in us. Both Egalitarianism (Ch. 7) and Utilitarianism (pp. 44, 77-80) fail adequately to affirm the personal standpoint and require sacrifices of the well

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off to which they could not reasonably consent. Kant's categorical imperative seems to do no better, since there may be no moral maxims that everyone else can will that everyone else adopt as maxims (pp. 47-52).

The position which Nagel calls "the guaranteed minimum" seems attractive, at least initially, because it does not require great sacrifices from the well to do, who might be just impartial enough to accept it. Here, it is not well being in general, only basic goods, that impartiality commends, i.e. such things as "personal rights and liberties, . . . certain conditions of security, self respect, and fulfillment of basic material needs" (p. 77). The "fatal mistake" of this position is that it assumes that the worse off could not reject the guaranteed minimum, i.e. that they would be content with such a minimum while those better off enjoy benefits well above the minimum at their expense (p. 81-84).

No currently conceivable political systems seem legitimate, i.e. command universal rational consent, according to Nagel. Yet, when he considers practical options, he finally favors what he takes to be the best workable nonutopian approximation to legitimacy. It is something very close to the "guaranteed minimum" view—provided that there be "a high social minimum, with healthy, comfortable, decent conditions of life and self-respect for everyone. This would be in addition to fair equality of opportunity... (p. 124). In discussing "Rights" (Ch. 13), Nagel makes it clear that basic rights that protect the personal standpoint would also be included. "This (minimalist position) is hardly an unworthy goal, and it may be that nothing beyond it can be seriously pursued until this much has been achieved and has become so well entrenched that it is considered the natural order of things: Then it will be time to complain that it is not yet good enough" (p. 125).

Nagel's most problematic chapter is on "Inequality." There he tries to justify the "frankly inegalitarian element" of taxation to support science, scholarship and the arts (p. 132). He argues that reasonable persons could be expected to agree on the general principle that "there are things good in themselves, . . . even if they do not agree about what those things are (p. 134)," and that "everyone has reason to want the state to identify and encourage excellence, and this will require a method of selection which will inevitably leave some people unsatisfied with the result, even though they can accept the claim" (p. 134). Jesse Helms (who thinks he is rational), and the thousands that he represents, doubtless would not give their consent to any general procedures for selecting and sponsoring excellence which generate in practice what they believe to be degeneracy. Public support for excellency in general cannot be translated into public support for excellency in particular as easily as Nagel assumes. Probably no scholar or artist supported by public funds can justify his or her own existence through a theory of legitimacy as unanimous consent.

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