



BRIAN BARRY

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## Brian Michael Barry 1936–2009

BRIAN BARRY was the leading European normative political theorist of his generation, his intellectual influence being felt in Europe, North America, Australasia and indeed wherever normative political theory in the analytical mode is practised. As well as being a Fellow of the British Academy (elected in 1988), he was a Fellow of the American Academy of Arts and Sciences and the only Briton to have received the prestigious Johann Skytte prize from the University of Uppsala for achievement in the study of political science. During his life he published seven single-authored books and five co-edited volumes, as well as over seventy articles and a large number of reviews and review essays, some of the latter being full-length and original articles in their own right. In addition, at his death Barry left a number of unpublished manuscripts, including one ready for publication on international justice, as well as work on the theory of voting and lectures in the history of political thought.

He had a deep and abiding commitment to the professionalisation of the study of politics, and was an inspiration to many younger scholars. He held academic positions at Oxford (variously), Keele, Birmingham, Southampton, Essex, British Columbia, Stanford, Chicago, the California Institute of Technology, the European University Institute, the London School of Economics and Columbia. Some positions he occupied for only a short time (inevitably given their number); yet, sometimes even a brief tenure would be sufficient for him to leave his mark with long-term consequences.

A product of Oxford PPE in the 1950s, his work was always characterised by a rigorous and well-informed application of the modes of thought

distinctive of each discipline: clear-headed conceptual analysis from Philosophy, an understanding of the logic of choice from Economics, and a respect for empirical institutional analysis from Politics. He wrote clearly and without obfuscation. He could be savage—as well as savagely funny—in his appraisals of others' work. In what was to become a notorious review of Nozick's *Anarchy, State and Utopia* in *Political Theory* he responded to the publisher's blurb that the book was 'nothing less than a powerful philosophical challenge to the most widely held political and social positions of our age' by pointing out that the book merely articulated 'the prejudices of the average owner of a filling station in the Midwest who enjoys grousing about paying taxes and having to contribute to "welfare scroungers" and who regards as wicked any attempts to interfere with contracts, in the interests, for example, of equal opportunity or anti-discrimination'.<sup>1</sup> These caustic reviews were often appreciated by his readers. In the introduction to a collection of his essays, Barry recorded that he had been deluged with appreciative notes from American law professors for his review of Charles Fried's *Right and Wrong* in the *Yale Law Journal*.<sup>2</sup> Discussing Fried's example of the problem of whether one should lie about the whereabouts of a potential victim to a pursuer intent on murder, Barry noted that the absolute prohibition on lying made sense in Augustine's religious framework, but in a secular frame of reference simply became a form of narcissism: 'If this is Kant,' he wrote, 'I prefer to spell it with a *c*.'<sup>3</sup>

Although many readers relished these put-downs, Barry could also be a lucid and detailed exponent of others' views, sometimes explaining their position more clearly than they did themselves. Many people will have benefited, for example, from his exposition in *Theories of Justice* of Richard Braithwaite's *Theory of Games as a Tool for the Moral Philosopher*, Braithwaite's inaugural lecture for the White Chair of Moral Philosophy at Cambridge, which appeared to most people to have more to do with game theory than with moral philosophy.<sup>4</sup> In Barry's discussion it is located clearly in one tradition of thinking about justice. Others have said that they recommended Barry's exposition of Rawls's theory in his *Liberal Theory of*

<sup>1</sup>Review of *Anarchy, State and Utopia* (New York, 1974), *Political Theory*, 3 (1975), 331–6, at p. 331.

<sup>2</sup>Brian Barry, 'And who is my neighbour?', *Yale Law Journal*, 88 (1979), 629–58, repr. with revisions in Brian Barry, *Democracy, Power and Justice: Essays in Political Theory* (Oxford, 1989), pp. 322–59.

<sup>3</sup>Barry, *Democracy, Power and Justice*, p. 341.

<sup>4</sup>R. B. Braithwaite, *Theory of Games as a Tool for the Moral Philosopher* (Cambridge, 1955).

*Justice* to students, because of the way it clarified many arguments in that long and complex book.

### Life and works

Barry was born on 7 August 1936 in London, where he spent his early years. He took the eleven-plus examination a year early in London, but shortly thereafter his family moved to Southampton where he was educated at Taunton's School. From early on he was a religious sceptic, and together with a teenage friend, David Smart, he would go to séances to see if they could spot the tricks that were used. In 1955 he went up to Queen's College Oxford to read PPE, and in 1958 graduated with the best first of his year. Although excited by the Economics and Philosophy taught at Oxford at the time, he was disappointed by the Politics, later saying that '[w]armed-over facts with a topping of *Times* editorializing seemed to be the formula'.<sup>5</sup> He was always to retain the sense that Politics was a late-developer professionally by comparison with Economics and Philosophy, a thesis he later pursued in an essay in the British Academy volume on *The British Study of Politics*, which he co-edited with Archie Brown and Jack Hayward.<sup>6</sup> Drawn towards the more theoretically developed disciplines, he specialised in Philosophy, where he learnt that the study of arguments pushed to their full conclusions was central and that there should be no cluttering up the discussion 'with appeals to the authority of the illustrious dead'.<sup>7</sup>

Unusually for those days, he embarked on a D.Phil. in political philosophy, supervised by H. L. A. Hart, whom Barry had sought out as a supervisor after Hart had spoken at the Bentham Society in Queen's. Barry was fond of quoting the advice he received at the time from Isaiah Berlin that doctorates were only for people who had something to hide, such as a second class degree from a first-rate institution or any sort of degree from a second-rate institution. In September 1961, after a year at Birmingham, he took up a research fellowship at Harvard, awarded by the Rockefeller Foundation, which C. J. Friedrich had organised. He chose Harvard

<sup>5</sup>Brian Barry, 'The strange death of political philosophy', *Government and Opposition*, 15 (1980), 276–88, repr. in *Democracy, Power and Justice*, citation at p. 12.

<sup>6</sup>Jack Hayward, Brian Barry and Archie Brown (eds.), *The British Study of Politics* (Oxford, 1999).

<sup>7</sup>Barry, *Democracy, Power and Justice*, p. 13.

because at the time John Rawls was teaching at the Massachusetts Institute of Technology. However, although the two men spoke on a couple of occasions, their interchange was not extensive. Nominally in Philosophy, Barry attended courses given by Thomas Schelling on game theory and Edward Banfield on public choice, both of which were to leave a lasting impression on his intellectual style, as well as assuring him that Politics did not have to be dull but had genuine intellectual content. During the same year, he was thrown out of Henry Kissinger's course on international politics for questioning the assumptions that in foreign policy American national interest was the only goal worth pursuing and military power the only means worth considering. His subsequent work on international justice might well be understood as an equal and opposite reaction to the force of these realist claims about international relations.

In a typically engaging intellectual retrospective essay published in *Government and Opposition* in 1980, the source of some of the above material, Barry described giving a job-talk, written in November 1961, in Princeton's Philosophy department. In 1956 political philosophy had famously been pronounced 'dead' by Peter Laslett, an accurate diagnosis at the time, though one that was to prove short-lived. Despite the prevailing view, Barry offered an optimistic account of the future of the subject, picking out four areas of work that he thought would prove fertile sources of development. These included work on the formal theory of voting, game theory, welfare economics, and the appraisal of institutions in the light of political principles or values.<sup>8</sup> This diagnosis was not only remarkably prescient but also showed early engagement with leading social science work of the mid-twentieth century. The work of Duncan Black and Kenneth Arrow on the formal theory of voting had only been published some ten to twelve years previously; Anthony Downs's book *An Economic Theory of Democracy* was published in 1957, as was Luce and Raiffa's *Games and Decisions*, and Thomas Schelling's *Strategy of Conflict* appeared in 1960. For someone only three years away from his undergraduate days to have picked up these currents of thought and seen their significance shows how keen was Barry's intelligence, and how acute were his sensitivities to leading currents of social science research.

The interest in all of these themes was carried forward into his first major publication *Political Argument*, which appeared in 1965 only one year after Barry was awarded the D.Phil. on which it was based.<sup>9</sup> That

<sup>8</sup> Barry, *Democracy, Power and Justice*, pp. 15–17.

<sup>9</sup> Brian Barry, *Political Argument* (London, 1965).

work was an attempt to classify political arguments as they were presented in what would now be called policy communities rather than in the rarefied atmosphere of an Oxbridge common room. Its citations drew upon applied cost–benefit analysis, sociological studies of poverty and inequality, and judgments of the US Supreme Court, as well as newspaper and ‘op-ed’ pieces devoted to advancing particular points of view. Its organising framework established a basic distinction in political arguments between those that were want-regarding and those that were ideal-regarding. Want-regarding arguments involve taking people’s wants as given and favour public policies that would satisfy those wants to the maximum degree possible, or to the maximum degree possible constrained by some criterion of distribution. For example, a principle of non-discrimination is to be understood as saying that people should have a chance of satisfying their wants without that chance being affected by the colour of their skin or their sex. Ideal-regarding arguments go beyond this idea of responsiveness to wants and indicate some desirable state of society independently of what people want, for example the view that says that the social integration of different races or ethnic groups is desirable in itself.<sup>10</sup>

One central thesis of *Political Argument* was that the concept of the public interest not only made sense but also could provide a valuable criterion for evaluating alternative institutional arrangements. Both the positive thesis and the way in which it was established were striking. As Barry noted in one of the chapters devoted to the analysis of the concept of the public interest, there was a prevailing view in academic circles that the concept was meaningless.<sup>11</sup> Pluralists in political science, building upon the empirical analysis of pressure group behaviour and its influence on US legislation, denied that there was anything that could be labelled the public interest rather than the action of competing forces aiming to secure for their constituents as much as was possible from the public purse. In a distinct but complementary mode, public choice theorists like Buchanan and Tullock, using the *a priori* methods of economic reasoning, thought that only a principle of unanimity could secure anything like a public interest, and the practice of majority rule would lead to members of the majority imposing ‘external costs’ on the minority. For these reasons super-majorities were to be preferred.<sup>12</sup>

<sup>10</sup> Ibid., p. 122.

<sup>11</sup> Ibid., p. 207.

<sup>12</sup> James Buchanan and Gordon Tullock, *The Calculus of Consent: the Logical Foundations of Constitutional Democracy* (Ann Arbor, MI, 1962).

Barry criticised the public choice argument with considerable effect, pointing out that the difficulty with super-majorities was that they typically entrenched the power of those with an interest in the status quo. Problems of external costs were not disposed of by requiring super-majorities; instead they took a less direct but more insidious form as established groups could resist pressure for change.<sup>13</sup> Barry's account of the public interest also showed how much he had learnt from game theory, and in particular the analysis of the prisoners' dilemma, showing how collective rationality departs from the sum of individual rationality. He pointed out that rational egoism in prisoners' dilemmas was a self-defeating strategy in the sense that players could secure more of their interests with cooperation than without, but he also anticipated the view, later explicated by Michael Taylor and Robert Axelrod,<sup>14</sup> that conditional cooperation over a series of games could lead to mutually productive cooperation even among rational egoists.

In an earlier paper published in *Proceedings of the Aristotelian Society* in 1964, Barry had anticipated some of his treatment of the public interest in *Political Argument*, but with a greater emphasis upon the principle of equality.<sup>15</sup> He suggested that the core notion contained in the idea of 'common interests' was that of policy proposals that served the interests of individuals in the same way. He then explicated this notion via Rousseau's distinction between the 'will of all' and the 'general will' in game-theoretic terms. Rather than see the general will as the expression of a latent or direct totalitarianism, it was instead to be understood as expressing the fact that the sum of individual choices did not always tend to the public good unless the choices of the individuals were constrained by their being similarly situated in respect of that choice. It was for this reason that he was able to say of Buchanan and Tullock's *Calculus of Consent* in *Political Argument* that they aimed at 'nothing less than the destruction of a whole tradition of political theorizing: the tradition which has seen the promotion of widely shared common interests—public interests—the most important reason for the existence of public authorities'.<sup>16</sup>

<sup>13</sup> Barry, *Political Argument*, chaps. XIV and XV.

<sup>14</sup> Michael Taylor, *Anarchy and Cooperation* (London, 1976); Robert Axelrod, *The Evolution of Cooperation* (New York, 1984).

<sup>15</sup> Brian Barry, 'The public interest', *Proceedings of the Aristotelian Society*, suppl. vol. 38 (1964), 1–18, repr. in Anthony Quinton (ed.), *Political Philosophy* (London, 1967), pp. 112–26.

<sup>16</sup> Barry, *Political Argument*, p. 256.

One feature of *Political Argument* is easy to pass over, but reveals much about Barry's intellectual quality. This was his ability to put technically complex ideas into an intuitively attractive form. At one point he cites Lipsey and Lancaster's second-best theorem, which says that, if one of the conditions necessary for a Pareto optimal allocation of resources is not in place, it cannot be assumed that the next best thing is to secure as much as you can of the other conditions. The theorem can be given a complex mathematical exposition, but here is Barry's explication almost in passing in a footnote: 'The truth of this is, I think, intuitively clear. For example, an aeroplane design which depended on the existence of a metal with certain characteristics might require to be scrapped completely if no metal with these characteristics could be found.'<sup>17</sup>

Barry's second book, published in 1970, was *Sociologists, Economists and Democracy*, a study of the competing approaches to understanding how democracies work from the analytical traditions of economics—these days gathered up under the label of rational choice theory—and sociologists—then under the influence of Parsons' understanding of social systems as based on pattern variables.<sup>18</sup> The book showed his capacity as an expositor of others' ideas, as well as his instincts as a sharp critic. For many readers it will have been the first time that they were introduced to the ideas of Anthony Downs and Mancur Olson.<sup>19</sup> Barry saw these economists as providing structures of theory that were capable of offering serious and empirically testable explanations of political phenomena. By contrast he criticised the sociological approach as consisting of little more than conceptual schemes that were not organised in a logical form in which putative empirical relationships could be tested. A casual reading of the book would lead some people to think that Barry's view amounted to three cheers for the economist and barely a titter of recognition for the sociologist. In fact, this would be too simple. For example, a central tenet of the sociology that Barry criticised was its emphasis upon the normative basis of social order. Barry did not dismiss the role of norms in understanding social and political behaviour (how could a critic of Kissinger do so?), but insisted that any causal influence of norms be related to other causes of democratic stability, for example government performance,

<sup>17</sup> *Ibid.*, p. 262.

<sup>18</sup> Brian Barry, *Sociologists, Economists and Democracy* (London, 1970).

<sup>19</sup> Anthony Downs, *An Economic Theory of Democracy* (New York, 1957) and Mancur Olson, *The Logic of Collective Action* (Cambridge, MA, 1965).

and placed in a scheme of analysis in which the hypothesised flows of influence could be understood and assessed.

In 1971 John Rawls published *A Theory of Justice*.<sup>20</sup> With its combination of Kantian moral philosophy, contractualist political theory and analysis of economic and political institutions from the viewpoint of justice, this was to be the most important book of political philosophy in the late twentieth century. In 1973 Barry published the first full-length critical examination of Rawls's book, *The Liberal Theory of Justice*.<sup>21</sup> He wrote this work while he was the only passenger on a four-month round trip from Piraeus to Mombasa and back on a Greek freighter, the *Hellenic Halcyon*, an environment that he thought ideal for working. Judging from its contents, his main literary resources on board were Rawls's book, some of his own writings and Boswell's *Life of Johnson*. Johnson's words were used to illustrate a conservative position by contrast with Rawls's liberal position and Barry's own socialist one. For example, Barry cited Johnson's view that respect for authority is more easily granted to a man whose father had authority than not, so that in a republic there is no respect for authority but only fear of power. (Despite their differing political inclinations, Barry's intellect was in some respects close to Johnson's, with the latter's concern for clarity of language and vigorous expression; in relation to a number of problems, Barry was fond of quoting Johnson's remark that first of all 'we must clear the mind of cant', as well as Johnson's acute observation that David Hume was 'a Tory by chance'.)

Barry begins his exposition of Rawls by comparing him with Sidgwick, saying that Rawls stands to Kant as Sidgwick stood to Hume and Bentham. He developed this comparison in terms of their respective attempts to be systematic, their engagement with intuitionist moral theory as well as their common concern with utilitarianism and egoism despite their substantive differences in assessing the two. This introductory point was insightful, given what we now know from the publication of his lectures on the history of moral philosophy about the high esteem in which Rawls held Sidgwick.<sup>22</sup> Moreover, Barry's own distinction in *Political Argument* between want-regarding and ideal-regarding arguments followed along the same lines as Sidgwick's distinction between intuitional and utilitarian morality, and Barry interpreted Rawls's theory as a form of want-regarding

<sup>20</sup> John Rawls, *A Theory of Justice* (Oxford, 1972).

<sup>21</sup> Brian Barry, *The Liberal Theory of Justice* (London, 1973).

<sup>22</sup> John Rawls, *Lectures on the History of Political Philosophy*, ed. Samuel Freeman (Cambridge, MA, and London, 2007), pp. 375–415, particularly at pp. 377–8.

theory, a characterisation which though contrary to the letter of Rawls's own account was true to the spirit of one strand in that complicated and tangled book. He goes on to reconstruct the reasoning of the parties in Rawls's original position, showing for example that Rawls's lexical priority of liberty over the difference principle cannot be derived simply from the preferences of the parties in the original position but also requires some understanding of the conditions under which civil and political liberties are positively related to economic prosperity. (That is to say, it requires an understanding of the production possibility frontiers facing the contracting parties as well as their indifference curves.)

However, the kernel of Barry's analysis was best expressed in chapter 11 of *The Liberal Theory of Justice*, where he saw the fundamental difficulty with the Rawlsian approach as being the conflation of individual with social rationality. The standard problem of the free rider can be seen as an instance of the fallacy of distribution, in which one wrongly infers from what is good for all to what is good for each. According to Barry, Rawls's mistake was a version of the inverse fallacy of composition, inferring what is good for all from what is good for each. In particular, if one insists that the parties to the original position are mutually disinterested and therefore not interested in each other's welfare, one leaves out of account relational properties, whether of altruism or of envy, that may have an important role to play in making judgements about social justice and social well-being. Although it is better to be rich than poor in a poor society, it does not follow that it is better to be rich in a rich society, since an affluent society has its own disadvantages as well as advantages. It may have more by way of consumer goods, but it suffers from noise and resource depletion. What are needed are social judgements on the basis of social facts, where the notion of social facts makes essential reference to the quality of relations among citizens.

As a critique of Rawls, the book had its weaknesses as well as its strengths, not least its categorisation of Rawls's theory as that of Gladstonian liberalism—a view that Barry later revised to the more accurate characterisation of it as the culminating statement of a tradition of democratic egalitarian citizenship. However, in its attempt to articulate a socialist alternative to Rawls, *The Liberal Theory of Justice* was a restatement and development of a position in political theory that Barry had outlined in *Political Argument*. The paradoxes of collective action and aggregation mean that there is no simple inference from what is good for individuals to what is good for society as a whole. In making judgements about what is good or bad for society as a whole, one has to take into

account the character of societies and alternative institutional arrangements. Some important and indispensable improvements in social organisation can only be brought about by political means. The extension of the franchise and the organisation of political parties competing for a winning share of the popular vote and seeking political office to implement their preferred vision of society provide the democratic complement to the pursuit of social justice. Inevitably there is a plurality of values, and a choice has to be made sometimes between a higher average standard of living on the one hand and a more equal distribution of resources on the other, although the rich and powerful all too easily overstate the case for their privileges in terms of the incentives they require. Always, in making political judgements, it is necessary to respect the need for decent treatment of the weak and powerless. In short, political power, rightly used, could achieve just ends, building upon the priority of civic relationships.

To say that political power rightly used can achieve certain aims requires us to have an understanding of power, whether its uses are right or wrong. Throughout his professional career, Barry was always interested in power as a concept, and his own abilities at original analysis were shown through his various discussions, most importantly his 1980 *Political Studies* article on whether it was better to be powerful than lucky.<sup>23</sup> At the time the article was written, the dominant analyses of power had relied on approaches drawn from the theory of zero-sum games, in which the power of an actor was measured by the probability of being pivotal to a coalition seeking to maximise its share of a fixed sum. Barry made the simple, but effective, observation that whether one was a member of a winning coalition or not in politics was less important than whether the winning coalition actually brought about or frustrated the political ends that you sought. When the winning coalition brought about what you wanted, without your taking part, you were lucky, and sometimes it was better to be lucky than powerful. Barry's interesting reformulation has often been referred to, though it has not received the technical developments that the approaches to which it was a response had secured. It certainly illustrated Barry's long-standing belief that politics was an activity in which collective goals could be pursued.

It might have seemed from the critique of Rawls that Barry's own theoretical development would take him away from contract theory, which is a paradigm of seeking to understand social relationships in terms of indi-

<sup>23</sup> Brian Barry, 'Is it better to be powerful or lucky: Part I?', *Political Studies*, 28 (1980), 183–94; 'Is it better to be powerful or lucky: Part II?', *Political Studies*, 28 (1980), 338–52.

vidual motivations. However, there was always an individualist element in Barry's political theory pertaining to the ultimate value of different social states of affairs. Although social relationships were important, they were important because they contributed to the quality of individual experience. Thus, in an essay 'On self-government revisited', originally published in 1983, Barry discussed John Plamenatz's view that there was much to be said for the principle of national self-determination, and sought to construct an account of why fellow members of the same political community might have special obligations to one another.<sup>24</sup> The important point about the account was that it should rest on individualist premises, that is to say premises that do not make essential reference to supra-individual entities like Nature, History or the Spirit of the Nation, but instead show how popular self-government can serve individual interests. This problem had been discussed by Sidgwick in *The Element of Politics*, who had argued that what was important to a sense of nationhood was that the members of a community would hold together even in the event of a war or revolution that destroyed their government.<sup>25</sup> Although Barry criticised Sidgwick's views on secession, his principal account of nationality unconsciously echoed the Sidgwickian approach, since it was based on the idea that over time the habit of cooperation among different groups would give rise to stable expectations about future behaviour and would establish sufficient trust such that there was a reasonable expectation that concessions made at one point of time would be reciprocated later. Such fellow-feeling facilitates cooperation on common projects and makes redistribution within the polity more acceptable. In a similar vein, in the concluding essay to a volume on the political theory of free movement that he co-edited with Robert Goodin, Barry defended the view that collectivities had a right to protect their common life by imposing some barriers to the free movement of persons.<sup>26</sup> (Goodin and Barry had originally agreed to a common line before Barry wrote his essay, but they ended up producing what they were jointly happy to call a 'pantomime horse', in which the two editors of one volume were in fundamental disagreement over the merits of the relevant political arguments.)

<sup>24</sup>Brian Barry, 'Self-government revisited', in David Miller and Larry Siedentop (eds.), *The Nature of Political Theory* (Oxford, 1983), pp. 121–54, repr. in Brian Barry, *Democracy, Power and Justice: Essays in Political Theory* (Oxford, 1989), pp. 156–86.

<sup>25</sup>Henry Sidgwick, *The Elements of Politics* (London, 1891), pp. 213–15.

<sup>26</sup>Brian Barry and Robert E. Goodin (eds.), *Free Movement: Ethical Issues in the Transnational Migration of People and of Money* (London, 1992).

It is a short step from this account of political community to the view that the theory of the social contract—suitably interpreted—could provide a useful intellectual tool in the analysis of social justice. Barry was to take that step in his *Treatise on Social Justice*, which was published in two volumes, the first in 1989 under the title *Theories of Justice* and the second in 1995 under the title *Justice as Impartiality*.<sup>27</sup> One major feature of the *Treatise* was that Barry embraced a constructivism about ethical reasoning that had been absent in his earlier work. Constructivism in this context refers to a long-standing tradition in normative theory according to which common sense convictions about justice are to be theoretically accounted for in terms of a particular construct of reason. In particular, constructivist theories of justice are those that seek to characterise the principles of justice in terms of what would emerge from the choices of individuals in some specified situation. The idea is that we can use this hypothetical choice situation as a model for thinking about justice, and we can refer disputes about what justice requires to such a model, in the expectation that the model will provide a way of resolving disagreements. Rawls had argued that what defined the principles of justice were the choices rational individuals would make in an original position in which those individuals were ignorant of their future position, role and talents. Barry generalised this idea to describe all theories that seek to account for justice in terms of the choices that free and rational individuals would make in some specified situation of choice, where the specification was made by the theorist and not by the persons in the choice situation.

Barry used this general characterisation to discuss competing accounts of justice in *Theories of Justice*. He relied upon a broad distinction between theories that rested on the idea of justice as mutual advantage and theories that rested on the idea of justice as impartiality. Justice as mutual advantage involved the idea that the rules of justice are those that would be agreed upon as promoting the interests of all individuals over some base-line point of non-agreement. Hume's theory of the justice of property—that secure possession gives title—is a mutual advantage theory in this sense, being based on the view that it is to the general advantage to acknowledge this principle. According to Barry, the difficulty with this construal of justice was that it allowed inequality in initial advantages to be translated into the content of the agreement, a situation that was particularly serious in the case of intergenerational justice, where by definition

<sup>27</sup> Brian Barry, *A Treatise on Social Justice, Volume I: Theories of Justice* (London, 1989), and *Treatise on Social Justice, Volume II: Justice as Impartiality* (Oxford, 1995).

later generations have nothing to offer earlier generations, and so are vulnerable to the unconstrained choices of those earlier generations. Justice as impartiality reverses this asymmetry of advantage, since it specifies the situation of choice as one in which people have to agree without their having the ability to translate bargaining power into agreed advantage. Instead, it rests—borrowing an idea from Scanlon—on the desire to be able to justify one's actions to others on grounds that they could not reasonably reject.<sup>28</sup>

According to Barry, theories of justice could be allocated to one or other of the categories of mutual advantage or impartiality, although many theorists had traces of both in their work. Indeed, Barry claimed to find elements of mutual advantage and impartiality in the works of both Hume and Rawls, who were the major theorists discussed in the book. Throughout *Theories of Justice* it was clear that Barry was leading towards the theory of justice as impartiality as his preferred approach, but there was an interesting passage towards the end of the book that has not been adequately noted. Posing the question of how one would know what types of agreement could be reasonably rejected in an original position, he contrasts an *a priori* and an empirical method. The *a priori* method starts with the question of whether there are some practices that no one could reasonably accept in an original situation of choice and determines as unjust those practices, like slavery or apartheid, that fall foul of this test. Whatever its force in particular cases, however, this method does not get us very far in general. The empirical method, by contrast, looks at actual societies and uses the variability of social arrangements to ask which ones come closest to the 'circumstances of impartiality'. Such societies will, for example, have political groupings that express the interests of all sections of society and will have open means of communication, in which public issues can be debated rather than treated as an occasion for power games, and in which there is some sense of the needs of fellow citizens.

*Justice as Impartiality* laid out more systematically Barry's own conception of justice, using the constructivist device of contractual reasoning. Between *Theories of Justice* and *Justice as Impartiality* there is an important switch of focus that was to become important later. *Theories of Justice* is typically concerned with questions of property and economic distribution as the subject matter of justice; *Justice as Impartiality* is more focused on issues to do with civil and political liberties, most notably

<sup>28</sup>T. M. Scanlon, 'Contractualism and utilitarianism', in Amartya Sen and Bernard Williams (eds.), *Utilitarianism and Beyond* (Cambridge, 1982), pp. 103–28.

freedom of religion and freedom of sexual expression. This switch in part reflects Barry's formulation of the fundamental theoretical problem as being one in which those with different conceptions of the good life can live together whilst respecting justice. The key idea is that while those with particular conceptions of the good should be free to use public means to pursue their ideas—by voting and spending their money on campaigns for example—they should not be in a position to build their conception of the good into the constitutional framework of a just society. Barry thought that the device of contractual negotiation in which the parties were trying to reach reasonable terms with one another would lead to justice provided that anyone could veto particular proposed terms of agreement.

Working through the examples that Barry offered of the supposed contractual reasoning that parties would engage in, there are three primary types of argument that he thought would characterise a just contractual arrangement. Parties to the contract would veto any arrangement that imposed absolute deprivation on them; they would veto any arrangement that imposed relative deprivation above a certain threshold level, say a policy of establishing one religion in preference to others; and they would veto any arrangement that prevented governments from levying taxation for the purpose of providing public goods and for dealing with the free rider problem in relation to such goods. For Barry, if the parties to the contract could cite any of these grounds as reasons for rejecting an arrangement, then the theory says that they are entitled to veto that arrangement.<sup>29</sup>

The theme that political arrangements should be neutral with respect to different cultural commitments emerged most clearly in *Culture and Equality*, published in 2001.<sup>30</sup> Everyone expected the third volume of the *Treatise on Social Justice* to follow the second, but it was postponed, so that Barry could act on his strongly felt need to offer a critique of multiculturalism. The essence of his position consisted in the republican claim that a democratic society places all of its citizens on an equal footing, allowing no special privileges in law or public policy. The privatisation of cultural concerns requires that there be no established religion but it also involves conditions in which the members of some groups have to bear the costs of their belief. Just as conscientious vegetarians find that they cannot eat meat, though they would like to on account of its taste, so those

<sup>29</sup> Albert Weale, 'From contracts to pluralism?', in Paul Kelly (ed.), *Impartiality, Neutrality and Justice* (Edinburgh, 1998), pp. 9–34, at pp. 19–22.

<sup>30</sup> Brian Barry, *Culture and Equality: an Egalitarian Critique of Multiculturalism* (Cambridge, 2001).

with religious beliefs that would require them to eat meat that has been ritually slaughtered in ways contrary to justified animal welfare legislation will have to become vegetarians rather than claim the cultural privilege of exemption from the commonly agreed rules. Barry works systematically through the logic of this position, often pointing out that what is sometimes taken to be a case for special cultural treatment—for example the danger that certain groups will be marginalised—is in fact an expression of social deprivation, and that the grounds on which the deprivation should be rectified would apply to anyone similarly placed.

*Culture and Equality* cut across the plan to finish the third and final volume of the *Treatise on Social Justice*, and this delay meant that this volume was never completed. Instead, in 2005 Barry published his final book, *Why Social Justice Matters*, which was a polemical statement of his views on central issues of public policy, including income and wealth distribution, education, health and crime.<sup>31</sup> He noted in the introduction that had he carried through the original intention of the *Treatise on Social Justice* he would have related these issues more explicitly to the principles and forms of argument contained in *Justice as Impartiality*. However, he decided to dispense with what he called these ‘philosophical trimmings’ in order to strengthen the arguments of those who were critical of the prevailing small state and free market ideology (an ideology that at the time of his death had acquired rather less plausibility among the *bien pensants* than at the time the book was written).

In fact, the book is perhaps less interesting as polemic—because polemical causes are in their nature fleeting—than it is for its attempt to explore deep and complex issues of personal and social responsibility through the analysis of arguments about public policy. Since there are many social causes that bear upon how individuals make choices, the apportionment of personal and social responsibility for those choices becomes a difficult matter and assigning weights to heredity and environment is conceptually complex. Thus, to take a simple example, height varies with genetic endowment and nutrition. If all children receive the same high-quality nutrition, they will grow taller, but also a larger proportion of the variation in height will come from genetic endowment. So, recognition of the role of genetic endowment does not undermine the case for social action to ensure high-quality nutrition, as those who sometimes argue for the importance of genetic factors in discussions of equality and inequality think. As with his earlier arguments about the public interest,

<sup>31</sup>Brian Barry, *Why Social Justice Matters* (Cambridge, 2005).

we see in Barry's work a continuing concern with the relation of the social and the individual.

Barry's writing often took the form of exposition and critique, and this led some to think that his was essentially a negative rather than a positive intelligence. Indeed, he once described himself to Bob Goodin as 'essentially a counter-puncher'. He certainly did have a critical intelligence, and his work was often in the expository mode, but it is also possible to interpret these features of his writing in terms of his response to the intellectual dilemmas that his political theory faced. Barry's work can be seen to be—to use the phrase from F. R. Leavis—in the 'great tradition' of British political thought, a line that stretches from Hobbes through Locke, Hume, Bentham, and the Mills to Sidgwick and Hart. That tradition is dominated by the utilitarian inheritance, but, when it reached Barry, its maximising utilitarianism was modified by a concern for fairness in the distribution of welfare. Despite J. S. Mill's best attempt in the final chapter of *Utilitarianism*, it had not been possible to show that Bentham's principle that everyone should count for one and no one for more than one was anything other than a distinct criterion of social value from that of the utility principle, no matter how the latter was modified and understood.

This left theorists with a plurality of basic principles, a view that Barry said he had found in the work of Isaiah Berlin, but which was already present in W. D. Ross and Henry Sidgwick. The intellectual problem was to devise a rigorous way of somehow combining these different intuitions. Hare's universalisation test could be seen as one way of dealing with this problem, as could Rawls's contractualist approach. At various times Barry drew on both of these strands of thinking, but he was never a fundamentalist adherent of either. In such a situation, all a theorist can do is to state a set of principles as clearly as possible, with some indication of their institutional and practical implications, and scotch fallacious reasoning or the misuse of evidence in opposing points of view. No political theory is going to be more persuasive than the intuitions that sustain it, and a clear statement of those intuitions may well be better than a long close chain of reasoning that loses more in plausibility than it gains in sophistication.

The strength of Barry's work—as Keith Dowding, Bob Goodin and Carole Pateman pointed out in their introduction to the Festschrift for him that they edited—was that few before him had brought together the theory of justice and the theory of democracy.<sup>32</sup> Barry's insight that jus-

<sup>32</sup> Keith Dowding, Robert E. Goodin and Carole Pateman (eds.), 'Introduction: between justice and democracy', *Justice and Democracy: Essays for Brian Barry* (Cambridge, 2004), p. 4

tice would be the outcome of a democratic politics in which bargaining power and influence were widely dispersed in a political context in which deliberation and reasoning were respected in many ways defines the essence of his political philosophy. Just as one part of the great tradition showed that economic efficiency would be the outcome of market transactions under conditions of competition, so Barry aspired to show that bargained politics, when carried on under the right conditions, would produce public policies that treated citizens and members of other societies justly.

### Professional involvement and private life

Barry's written work was extensive, but this did not stop him being active in promoting the professionalisation of the study of politics more generally. In the 1960s Jean Blondel had built up the Department of Government at Essex as the leading centre for behavioural analysis in Europe on an explicit programme of developing a technically proficient school of political science. Although a normative theorist, Barry's command of the relevant empirical literature, and his instincts for uncluttered analysis, were such that he was a natural appointee to a chair at Essex, which he took up in 1969. Quite early in his period at Essex, in Jean Blondel's kitchen, he hatched with Anthony King the plan to establish a new journal. After experimenting with various permutations, they decided to call it the *British Journal of Political Science*. They put the proposal to Cambridge University Press, but before CUP had made a decision it was lobbied by Bernard (later Sir Bernard) Crick and Norman (later Sir Norman) Chester, who urged that it would be wrong for the Press to have a journal that was in competition with *Political Studies*, the journal of the Political Studies Association, and they claimed that to call it the *British Journal of Political Science* would be to pass it off as the official journal of the Association, just as the *British Journal of Sociology* was the journal of the British Sociology Association.

Barry and King were summoned to a meeting in Cambridge with Sir Frank Lee, formerly permanent secretary at the Treasury but by then the Chairman of the Syndics for CUP. Sir Frank interrogated both men, at that stage both in their mid-thirties and in effect taking on the political studies establishment. Sir Frank was concerned that the new journal would cause controversy and was particularly exercised about its proposed

title. Barry and King patiently explained how they had come to the name after the exploration of various alternatives and pointed out that their opponents had not properly done their homework, since the official journal of the British Sociology Association was called *Sociology*, not the *British Journal of Sociology*, which was a separate and independent journal. Sir Frank concluded the meeting with the words were: ‘Gentlemen, I think you ought to know that I leave this meeting with a different opinion from that which I entertained when I came in.’<sup>33</sup> In January 1971 the first issue of the new journal was published, with Barry as its editor. Since that time it has been the only general journal in political science in the world to be a serious competitor to the leading US three in terms of profile, reputation and reach. Barry continued to serve on its editorial board, reviewing manuscripts and at its editorial board meetings offering suggestions for potential authors, review articles or possible board members. He always urged the editors to use their judgement, rather than simply weigh the reports of the referees. As he often pointed out, if three positive reports were required to publish an article, then no article in normative political theory would every be published—normative theorists being an unusually cantankerous bunch.

In 1975 he was the leading initiator of the group of younger members who precipitated the only fully contested election for the executive committee of the Political Studies Association in its history and led to Jim Sharpe, a co-initiator, taking over as the editor of *Political Studies* to enliven it. This was not simply a matter of wanting to oust the old guard, but formed part of Barry’s belief, well articulated in his essay in *The British Study of Politics*, that what was needed was the professionalisation of the discipline. This involved among other things an association that had critical mass, serious places for intellectual exchange and an orientation towards publication in appointments and promotion. Because he left for the USA before the 1975 twenty-fifth anniversary conference, he did not participate in carrying out the action programme that Jack Hayward—who became Chairman, *faute de Barry mieux*, of the Association—had induced him to accept. Barry had dismissed the suggestion of an explicit programme, declaring that he would bluntly say to the outgoing executive in Cromwell’s words concluding the rump of the Long Parliament: ‘In the name of God, go.’<sup>34</sup> Although Hayward was disinclined to speak in God’s

<sup>33</sup> As recalled by Anthony King.

<sup>34</sup> As recalled by Jack Hayward.

name, the Association was never the same after 1975, developing in some of the ways that Barry had envisaged.

He further displayed his editorial skills in 1979 when he was working at Chicago. The Chicago University Press had planned the closing of *Ethics*, a journal with a distinguished history but then in the doldrums. Barry was told that the closure would go ahead unless he was prepared to take on the job of editor, a challenge that he relished. He wrote in his inaugural editorial that he found all aspects of publishing a journal, 'from the first stirring of an idea for a symposium all the way through to the smallest detail of layout', equally absorbing.<sup>35</sup> He brought in four of the brightest and the best as co-editors and, with an editorial board of some fifty persons, turned the journal into the liveliest in the field.

His ability to find willing helpers to pursue a task was also shown in his relatively brief tenure as departmental convenor at the LSE, where he was able to mobilise staff to the cause of the department. One colleague recalls that as convenor he had the knack of creating a family atmosphere (a productive kind of family), but balanced with an ability to ensure that people focused upon research, conveying his own fiery enthusiasm for the discipline. His commitment to his students was always strong. Weekly seven or eight Ph.D. students would go to his flat for a seminar during the afternoon, sessions that would often end in the pub and with a dinner. In the same vein, when Barry acted as convenor for the Political Studies Association Rational Choice Group, the meetings were held in his flat and the cheese on offer was the best from Neal's Yard. All were welcomed and made to feel at home, although the intellectual exchange was never less than rigorous.

In 1960 Barry married Joanna Scroggs and they together had a son, Austin. When Barry left the US in 1986 he and Joanna separated, she eventually going into a closed religious order. In 1987 he met Anni Parker while they were both lodging with Julian and Damaris Le Grand. After their wedding at St George's Bloomsbury in 1991 Le Grand gave a speech in which he recounted that he had told each about the other being in the house, and that he was worried because they had nothing in common—a worry that rapidly proved unfounded. In fact, whilst different personalities, they were complementary in many ways and found joint love together. Both enjoyed travel, particularly to Italy, as well as good food and wine. (One reason why meetings of students or the Rational Choice group in

<sup>35</sup>Brian Barry, 'On editing *Ethics*', *Ethics*, 90 (1979), 1–6, at p. 1.

their flat were a success turned on their joint ability to host a group of people.) Both were voracious readers. Both loved the theatre: their first conversation turning on the fact that each of them had recently seen Alan Bates in Simon Gray's *Butley*. Both were unpretentious in their personal style, with little time for status or grandeur. Both were on the left, but in an independent way that owed nothing to passing fashions. But Anni also brought Barry out. Naturally gregarious, she made sure that they kept up with friends. She brought her own special warmth in welcoming students and scholars to their flat. She spruced up his clothes when the occasion demanded, for like many academics of his generation his natural dress sense tended towards crumpled casual. She accompanied him to important events and on his professional travels. She helped him in a myriad ways with his work and writing. His dedication to her in *Culture and Equality*, which invoked John Stuart Mill's intended dedication to Harriet Taylor in *The Principles of Political Economy*, was a token of the love, respect and affection that he felt.

During much of his life Barry suffered from a bipolar disorder and in his later years he was badly afflicted with the condition. In 2006 the disorder became worse when he and Anni were on holiday in Italy. This led to a long period in hospital and then a further long period of recuperation. Throughout that period he was comforted by Anni's care and affection, and she persisted in her concern even when the illness made it difficult. In the weeks leading up to his death, he had returned to hospital for further treatment. It was in hospital in London that he died unexpectedly of a heart attack on 10 March 2009.

Barry once wrote that he could not remember any time when he was 'anything other than an atheist with a soft spot for the Church of England, a socialist exasperated by all sections of the Labour Party, and a sympathizer with the tribal vision of England à la Orwell ("a family with the wrong members in control") slightly suffocated by the reality of it'. When he and Anni were married, the congregation lustily sang as the final hymn 'Jerusalem' with Blake's magnificent closing lines:

I will not cease from mental fight,  
Nor shall my sword sleep in my hand,  
Till we have built Jerusalem  
In England's green and pleasant land.

Towards the end of his life, Barry endured considerable mental fight as he struggled with his own inner demons. His academic mental fight had always been sharp, fiercely intelligent, learned and suffused with a humane

concern for those who did not share his good fortune. No one could doubt how much he wanted to build Jerusalem in England's green and pleasant land.

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