

## What is the Right Thing to Do?

### The Sixth Session: John Rawls

Friday, October 19th, 2018

### Principles of Distributive Justice: How to Make a Society More Equal

#### Rawls' Life Experience

John Rawls was arguably the most important political philosopher of the twentieth century in the English-speaking world. He wrote a series of highly influential articles in the 1950s and '60s that helped refocus Anglo-American moral and political philosophy on the problem of what it is we ought to do. His first book, *A Theory of Justice [TJ]* (1971), sought to find a way between the two poles of freedom and equality, arguing for the idea of *justice as fairness*, renewing the foundation for political liberalism's insistence upon freedom within the limits of what is fair. He held the James Conant at Harvard University and the Fulbright Fellowship at the University of Oxford.

During World War II, Rawls served as an infantryman in the Pacific, where he toured New Guinea and was awarded a Bronze Star; and the Philippines, where he endured intensive trench warfare and witnessed horrific scenes such as seeing a soldier remove his helmet and take a bullet to the head, rather than continue with the war. There, he lost his Christian faith.

Following the surrender of Japan, Rawls became part of General MacArthur's occupying army and was promoted to sergeant. But he became disillusioned with the military when he saw the aftermath of the atomic blast in Hiroshima. Rawls then disobeyed an order to discipline a fellow soldier, believing no punishment was justified, and was demoted back to private. Disenchanted, he left the military in January 1946. After his military service, Rawls became an atheist.

#### The Idea of the Veil of Ignorance and his Two Principles of Justice

As citizens in a democracy, our lives are shaped by a thing called the social contract. John Locke argued that we live in a society through a tacit contract of consent. Even as we travel on a highway, we implicitly consent to the law that refers to road rules and we are bound by them. Immanuel Kant, when talking of the way we live through social contract, talks of hypothetical consent: a law is just if it could have been agreed to by the public as a whole. From tacit consent to hypothetical consent, we come to Rawls' idea, which is a little Kantian, but which goes further. Rawls suggests that this hypothetical contract between us as citizens, for it to be fair, can only be framed from a position where we are unaware of our respective interests and power: what he calls a 'veil ignorance'. If it were not so, the social contract between us as citizens, would always fraught, as we fight for our own well-being at the expense of others. Rawls argues that it is only behind this veil of ignorance, where we are oblivious to our respective interests, and our social and economic place in the scheme of things, that fairness can have any hope of realization. So, let us imagine a contract among parties who were equal in power and knowledge, who were identically situated and who come together to consider the principles that should govern or frame their lives together.

It is behind this veil of ignorance, where we are unaware of our competing interests that Rawls arrives at two principles for justice.

**Principle of Equal Liberty:** Because we do not know where we are in society or where we may end up, prudence would tell us that we will want two things: the freedom to pursue our lives and ends unencumbered, and in the process, to be treated with respect. Once the veil of ignorance is raised and we return to real life and find ourselves as minorities, always at risk of discrimination and oppression, we would not want to find ourselves as victims. Nor would we be prepared to sacrifice our fundamental rights (civic rights) for mere economic benefits.

**The Difference Principle:** What would we do from behind the veil of ignorance to govern social and economic inequalities? First thoughts might lead to the conclusion to ensure an equal distribution of income and wealth. But Rawls entertains an alternative: suppose that we could do better, even for those on the bottom by permitting certain inequalities such as higher pay for surgeons than for bus drivers, so insuring increased access to health care for the poor. In short, only those social and economic inequalities are permitted that work to the benefit of the least advantaged in society. If such wage differentials only led to a concentration of cosmetic surgeons in Beverly Hills CA, then it would be impossible to justify such a difference.

Rawls' thought along these lines of equality, do not solely rely upon the two principles just mentioned. He also buys into the question of the arbitrary nature of the distribution of income and equality., when considered from a moral point of view.

## Mitigating the Arbitrary

Rawls sees in much of social theory and practice arbitrary factors which cannot be justified. He begins by criticizing a range of models that have characterized western society. First, he criticizes feudal societies as unfair because they distribute wealth, income, opportunity and power on the basis of an accident of birth. The point is that where you are born in the hierarchy of things is no doing of yours.

He continues, to offer a critique of free market societies on a similar basis. Of course, they open careers to people with requisite talents and provide equality before the law. However, this system with formal equality of opportunity, is really just libertarian when considered in terms of justice. It is an improvement over feudal systems because it rejects fixed hierarchies and legally it allows everyone to strive and compete, but in practice opportunities are far from equal. Those who have supportive families and a good education, have clear advantages. Allowing everyone to run the race is a good thing, but they all start from different starting points. The problem with free market libertarianism is that it permits the distributive shares to be determined by these arbitrary factors.

A way of dealing with this is to ensure as far as possible a meritocracy, which moves beyond formal equality of opportunity, by providing equal educational opportunities. It institutes, high standard early childhood education, nutrition and health care programs, education and job training – whatever is needed to bring everyone, regardless of class or family background, to the same starting point.

Rawls agrees that this sort of approach, building meritocracy corrects for particular arbitrary advantages, but still falls short of justice. Even if you bring everyone up to the same starting point, there are still some inbuilt advantages and it is predictable who will win: those who can run fastest. So, even in a free market society with equal educational opportunities there will not be produced a just distribution of wealth and income.

In the light of the failure of libertarian and meritocratic models, Rawls goes further and suggests an alternative, which cuts through as much as possible, the problem of arbitrariness. Levelling equality so it is accessible to all is important, but can only go so far to correct unequal distribution of talents and endowments, without handicapping the talented. Rawls then argues that there needs to be change in psychology of the talented themselves: to encourage them to develop and exercise their talents, *understanding that the rewards reaped in the market, belong to the community as a whole*. The idea is not to handicap the best runners, but to let them run, doing their best, understanding that the winnings do not belong to them alone. This *difference principle* then represents an agreement to regard the distribution of natural talents as a common asset, and to share the benefits of this distribution whatever it turns out to be. Those who have been favoured by nature, whoever they are, may gain from their good fortune only on terms that improve the situation of those who have lost out.

So, Rawls contends that each of the theories of distributive justice: feudal based on birth; libertarian, based on a free market with formal equality of opportunity; and meritocratic, based on a free market with fair equality of opportunity, all fail in moral terms. The feudal because of the accident of birth, the libertarian because of social and economic advantage, and the meritocratic because of inbuilt natural talents and abilities. Only the Difference Principle avoids basing the distribution of income and wealth on these arbitrary contingencies.

## Objections - A Final Word

Michael Sandel, takes up a number of objections to Rawls' idea of the Difference Principle. Of course, these include the problem of *incentive* and *effort*. With regard to the first, if the talented are penalized for their talent, they will not be motivated to apply themselves. Rawls replies that the Difference Principle permits income inequality for the sake of incentives, provided the incentives are needed to improve the lot of the disadvantaged. Paying CEOs more or cutting taxes on the wealthy simply to grow the cake of the Gross Domestic Product (GDP) is not reason enough. But, if the incentives generate economic growth that makes those at the bottom better off than they otherwise would be with a more equal arrangement, then this would agree with the Difference Principle.

The second objection argues that Rawls' idea does not reward effort and is more difficult, because it deals with what people put into a role or function, not just their natural talent. Bill Gates put in masses of effort to develop Microsoft. Why should he not reap the full reward? Rawls, point out that even effort may be the result of a favourable upbringing. Like other factors in our success, effort is influenced by arbitrary contingencies for which we can claim no credit. He writes, "It seems clear that the effort a person is willing to make is influenced by his natural abilities and skills and the alternatives open to him. The better endowed are more likely, other things being equal, to strive conscientiously".

Both the above objections of incentive and effort, refer to a sort of moral deservedness or merit as the basis for distributive justice: "I deserve it therefore it is mine". Rawls, as we have seen rejects these claims, but also adds another which is important. He suggests that the qualities that a given society happens to value at any time is also arbitrary. Even if I had a claim to my talents, the rewards they reap depend largely upon the contingencies of supply and demand. In medieval Tuscany, fresco painters were highly valued, but in California, 2018, IT people are. Whether my skills yield a lot or little, depends upon what society happens to want.

Rawls writes,

*“We should reject the contention that the ordering of institutions is always defective because the distribution of natural talents and the contingencies of social circumstances are unjust; and that this arrangement must inevitably carry over to human social arrangements. The natural distribution is neither just nor unjust; nor is it unjust that people are born into society at some particular position. These are simply natural facts. What is just and unjust is the way that institutions deal with these facts.”*

## Questions

1. What do you think of the value of Rawls’ idea of the “veil of ignorance” as a way of establishing what is just?
2. Rawls’ “Difference Principle” seems to imply the idea of the common good. Would you agree? Do you think it serves a purpose of ‘reigning in’ today’s preoccupation with the individual and individualism?
3. There is something about human beings and the sort of moral claim they make to “being deserving” of something. Rawls questions this sort of logic and argues that distributive justice is not about rewarding virtue or moral ‘deservedness’ (desert is the term he uses). Rather, it is about meeting the legitimate expectations that arise within the rules of social cooperation. What do you think?
4. In Christian theology – in particular Protestant theology – there stands front and centre the principle of *sola gratia* or only by grace. God’s grace is a great leveller in that who we are and what we are is the product of God working on us and within us. In this sense, all our gifts are just that, gifts to be shared. Does this fit well with Rawls’ way of thinking when he speaks of the Difference Principle as that psychology that regards the distribution of natural talents as a common asset, and that shares the benefits of this distribution whatever it turns out to be?