§1. The question of social justice

The concept of social justice...

T1  ‘…the proper distribution of the benefits and burdens of social cooperation…’
(TJ 5)

Society is just if and only if the benefits and burdens of social cooperation are properly distributed.

But what is the proper distribution of the benefits and burdens of social cooperation? An answer to this question is a conception of social justice.

§2. Utilitarianism and intuitionism

The utilitarian conception of justice...

The proper distribution of the benefits and burdens of social cooperation is the one that maximizes total utility.

Does utilitarianism have crazy consequences...?

T2  ‘Utilitarianism does not take seriously the distinction between persons.’
(TJ 24)

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Intuitionist conceptions of justice...

The proper distribution of the benefits and burdens of social cooperation is the one that achieves the right balance amongst a set of principles, e.g. total utility and equal utility.
The Priority Problem...

Equality

Total utility

T3 ‘An intuitionist conception of justice is, one might say, but half a conception.’ (Revised TJ 37)

§3. The argument from the Original Position

According to Rawls, we should choose whichever conception of justice we would all agree to if we were in the Original Position.

In the Original Position, we are behind a veil of ignorance…

T4 ‘…no one knows his place in society, his class position or social status; nor does he know his fortune in the distribution of natural assets and abilities, his intelligence and strength, and the like. Nor, again, does anyone know his conception of the good…’ (TJ 137)

We are also rational and mutually disinterested.

So which conception of justice would we all agree to if we were in the Original Position…? Two principles – the first having lexical priority over the second…

The Principle of Equal Liberty

T5 ‘Each person is to have an equal right to the most extensive total system of equal basic liberties compatible with a similar system of liberty for all.’ (TJ 302)

The Difference Principle

T6 ‘Social and economic inequalities are to be arranged so that they are to the greatest benefit of the least advantaged… and attached to offices and positions open to all under conditions of fair equality of opportunity.’ (TJ 302)
The maximum is D2; the minimum is D3. The maximax is D1; the maximin is D4.

*The Rawlsian Argument…*

P1 We should choose whichever PSJs we would choose in the OP.
P2 The PSJs we would choose in the OP are the PEL and the DP (with the PEL taking lexical priority).
C We should choose the PEL and the DP (with the PEL taking lexical priority).

Why should we accept P1?

T7 ‘…the principles of justice [chosen in the OP] are the result of a fair agreement or bargain.’ (TJ 12)

P1a We should choose whichever PSJs would be the result of a fair agreement.
P1b The PSJs that would be chosen in the OP are the PSJs that would be the result of a fair agreement.
P1 We should choose whichever PSJs we would choose in the OP.

Suppose we came out from behind the veil of ignorance before we chose the PSJs. Why wouldn’t the PSJs we chose be the result of a fair agreement?

A topical example…

Why accept P2?

Since we are behind the Veil of Ignorance, it would be sensible to go for an equal distribution of the benefits and burdens of social cooperation unless an unequal distribution would make everybody better off.

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D1 is the baseline. It would clearly be rational to prefer D2 to D1.
Why wouldn’t it also be rational to prefer D3 to D1? Actually, Rawls thinks it would (cf. TJ 82-83).

Why wouldn’t it be rational to prefer D4 to all of the others? Because we don’t know the probability of ending up in each class, nor do we know our utility functions.

§4. Reflective equilibrium

What exactly is the justification for Rawls’ conception of justice? Is it just the Rawlsian argument that I sketched in this lecture? Not quite…

Three conceptions of moral philosophy…

Conception 1  We start from plausible general principles and then use them to defend more specific principles, which we can then apply to particular cases.

Conception 2  We take our considered judgments about particular cases as our data, and try to come up with general principles to fit them.

Conception 3  We compare all of the possible principles, looking for the ones that we can defend on the basis of more general principles, and that also fit our considered judgments about particular cases.

The last conception is reflective equilibrium.

Rawls thinks that justice as fairness is the conception we will end up accepting if we compare all of the various conceptions of justice, reflecting on how well they fit our considered judgments about particular cases, and how well we can defend them on the basis of more general principles.

References