Inequality, Gender and the Self

§1. Incentives and inequality

T1 ‘Social and economic inequalities are to be arranged so that they are to the greatest benefit of the least advantaged…’ (TJ 302)

Is the current unequal distribution of the benefits and burdens of social cooperation just?

According to the libertarian conception of justice…?

According to the luck egalitarian conception of justice…?

According to justice as fairness…?

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The idea is that allowing “incentives to the talented” (and, therefore, substantial inequality) makes it possible to produce a bigger social pie.

But if we can pick D2, why can’t we pick D5 instead?

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Perhaps justice as fairness doesn’t imply that we should pick D2 after all.

How is this an objection to justice as fairness…?

P1 If justice as fairness is the correct conception of justice then deep socio-economic inequalities arising from “incentives to the talented” are unjust.

C Justice as fairness is not the correct conception of justice.

P2 Deep socio-economic inequalities arising from “incentives to the talented” are not unjust.
Couldn’t Rawls reject P2? Couldn’t he reject P1, on the grounds that D5 is not available?

§2. The basic structure of society

T2 ‘…the primary subject of justice is the basic structure of society… the way in which the major social institutions… determine the division of advantages from social cooperation… By major institutions I understand the political constitution and the principal economic and social arrangements.’ (TJ 6)

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If we can pick D2, why can’t we pick D5? Because we aren’t picking what people are like. We are only picking a basic structure.

The family objection…

P1 The family is one of the ‘major social institutions’, with profound effects upon the distribution of the benefits and burdens of social cooperation.

P2 Any major social institution with profound effects upon the distribution of the benefits and burdens of social cooperation is part of the basic structure.

C The family is part of the basic structure.

P3 The family also has a profound effect on what people are like.

C2 We cannot pick a basic structure without also picking what people are like.

§3. Gender and the family

P1 The way that the benefits and burdens of social cooperation are typically distributed among the male and female members of a family is unjust.

P2 If justice as fairness is the correct conception of justice, the family is not a part of the basic structure of society.

P3 If the family is not a part of the basic structure of society, the PEL and the DP do not apply to the family.

P4 If the PEL and the DP do not apply to the family, the way that the benefits and burdens of social cooperation are typically distributed among the male and female members of a family is not unjust.

C Justice as fairness is not the correct conception of justice.
Against P4, Rawls thinks that there are principles of justice other than principles of social justice, e.g. principles of global justice, principles of justice governing the actions of individuals.

Perhaps there are special principles of justice that apply to the family…

T3 ‘…in [TJ], Rawls not only almost completely ignores gender, but he almost completely ignores women. He omits sex from the list of personal characteristics that are veiled from those in the original position and… (ominously) specifies that those who reason in the original position are the “heads of families”.’ (Susan Moller Okin, Gender, Justice and Gender, p.1548)

Is the Original Position ‘gendered’…?

Is it a good thing about justice as fairness that it respects the separateness of persons.

T4 ‘Women have every often been treated as parts of a larger unit, especially the family, and valued primarily for their contribution as reproducers and caregivers…’ (Martha Nussbaum, Feminist Critique of Liberalism, p.11)

§4. Community and the self

The constitutive conception of community and the self…

T5 ‘…to say that the members of a society are bound by a sense of community is… to say that… they conceive their identity… as defined to some extent by the community of which they are a part.’ (Michael Sandel, Liberalism and the Limits of Justice, p.150)

Objection 1…

Rawls falsely believes that we are unembedded/unencumbered selves…

But Rawls is just interested in the conception of justice we would choose if we didn’t know which community we were embedded in, or which conception of the good we were encumbered with.

Objection 2…

Rawls falsely believes that our capacity to reflect on and affirm a conception of the good, and ties to a community, is a more basic aspect of our selves than our conception of the good and our ties to a particular community.

T6 ‘…the self is prior to the ends which are affirmed by it…’ (TJ, p.560)
‘What is at stake… is… whether rights can be identified and justified in a way that does not presuppose any particular conception of the good life… The fundamental question, in other words, is whether the right is prior to the good.’ (Michael Sandel, *Liberalism and the Limits of Justice*, p.x)

If you want to persuade me to accept a particular conception of justice, you need to give me reasons grounded in my conception of the good.

Rawls wants to persuade us to accept a particular conception of justice, by asking us to consider which conception of justice we would choose if we didn’t know our conception of the good.

He thinks we would still have reason to choose a particular conception of justice – the fact that it would help us to pursue our conception of the good, whatever that turned out to be…

A residual concern…

Doesn’t this mean that we would have reason to choose a particular conception of justice if we had a different conception of the good…?

‘The [OP] seems to presuppose not just a neutral theory of the good, but a liberal, individualistic conception according to which the best that be wished for someone is the unimpeded pursuit of his own path…’ (Thomas Nagel, *Rawls on Justice*, p.10)

But you can’t persuade me to accept a particular conception of justice by asking me to consider which conception of justice I would choose if I had a different conception of the good…

References