Rawls

Lecture 2:
Justice as Fairness II
The plan for today…

1. Reflective equilibrium

2. Hypothetical contracts

3. Liberal egalitarianism

4. The basic structure of society
§1. Reflective equilibrium
The argument from the Original Position…

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 accept P1?

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*. 
Why accept P2?

If we are rational, mutually disinterested, and behind the veil of ignorance…

…we should plump for an equal distribution…

…unless moving to an unequal distribution would make nobody worse off, and somebody better off.
Conception 1:

Moral philosophy is like Euclidean geometry.

We start from plausible general principles and deduce more specific principles, which we can then apply to particular cases.
Conception 2:

Moral philosophy is like (very crude) empirical science.

We take our considered judgments about particular cases as our data, and then try to come up with general principles to fit them.
Conception 3:

We are prepared to reject a moral principle if it conflicts with our considered judgments about particular cases…

…but we are also prepared to reject our considered judgments if they conflict with a moral principle that we can defend on the basis of plausible general principles.
We have achieved narrow reflective equilibrium…

…when we have adopted the conception of justice that achieves consistency among our considered judgments about particular cases and also our more general principles…

…while also requiring the fewest possible revisions.
We have achieved wide reflective equilibrium…

…when we have also considered all of the main arguments for alternative conceptions of justice.

So the argument from the Original Position is not the whole of Rawls’ argument for his conception of justice…
Why should we accept Rawls’ conception of justice?

...because it provides a really good fit with both our considered judgments about particular cases and our more general principles...

...and because the argument for it – namely, the argument from the Original Position – is more compelling than the arguments for competing conceptions of justice.
§2. Hypothetical contracts
‘What I have attempted to do is to generalize and carry to a higher order of abstraction the traditional theory of the social contract as represented by Locke, Rousseau and Kant.’ (TJ viii)
But this is not an *actual* contract; it is purely hypothetical.

Nobody has ever been in the Original Position…
But who cares about a merely hypothetical contract?

‘A hypothetical contract, one might say, isn’t worth the paper it’s not written on.’

The bad interpretation…

P1 We ought to accept any PSJs that we have agreed to accept.

P2 In the Original Position, we would have agreed to accept the PEL and the DP.

C We ought to accept the PEL and the DP.
The good interpretation…

P1 The PSJs that we would have agreed to accept in the Original Position are the *fair* PSJs.

P2 In the Original Position, we would have agreed to accept the PEL and the DP.

P3 We ought to accept the fair PSJs.

C We ought to accept the PEL and the DP.
§3. Liberal egalitarianism
What sort of *egalitarian* is Rawls…?

Is he a resource egalitarian or a welfare egalitarian…?

Is he a telic egalitarian or a deontic egalitarian…?

Is he a proto luck egalitarian…?
Welfare egalitarianism…

We should arrange things so that people have equal quantities of *happiness*.

Resource egalitarianism…

We should arrange things so that people have equal quantities of (predictably) *resources*.
Inter-personal comparisons of well-being…

‘For questions of social justice we should try to find some objective grounds for these comparisons, ones that men can recognize and agree to. At the present time, there appears to be no satisfactory answer to these difficulties from a utilitarian point of view.’ (TJ 90-91)
In the Original Position...

P1 We would not choose a PSJ if there were no objective way of deciding whether or not it was satisfied.

P2 There is no objective way of deciding whether or not the welfare egalitarian principle of justice is satisfied.

C We would not choose the welfare egalitarian principle of justice.
Primary social goods…

‘…comparisons are made in terms of expectations of primary social goods…

…primary goods are things which it is supposed a rational man wants whatever else he wants…

…the primary social goods, to give them in broad categories, are rights and liberties, opportunities and powers, income and wealth…’ (TJ 92)
Suppose Hermione and Neville are given equal quantities of primary social goods…

Hermione is a *pleasure witch*…

She gets a huge quantity of happiness from her primary social goods…
Neville is a *pleasure squib*…

He gets a small quantity of happiness from the same quantity of primary social goods…

Isn’t this *unfair* on Neville?
Welfare egalitarianism and offensive tastes...

The only thing that makes Lord Voldemort truly happy is depriving other people of their lives and liberty...

A welfare egalitarian thinks we should take this into account when we are deciding how things should be arranged...
‘In justice as fairness… persons… implicitly agree to conform their conceptions of their good to what the principles of justice require…

…We can express this by saying that in justice as fairness the concept of right is prior to that of good.’ (TJ 31)
Telic egalitarianism…

We should aim for equality because a more equal state of affairs is a *better* state of affairs.

Deontic egalitarianism…

We should aim for equality, but *not* because a more equal state of affairs is a *better* state of affairs.
Formal equality of opportunity…

We should arrange things so as to eliminate inequalities that are due to laws preventing e.g. people of a particular race or sex from having particular jobs.

Fair equality of opportunity…

We should also arrange things so as to eliminate any inequalities that are due to people’s socio-economic circumstances.
‘Intuitively, the most obvious injustice of [formal equality of opportunity] is that it permits distributive shares to be improperly influenced by… factors… arbitrary from a moral point of view.’ (TJ 72)

Similarly, if we have fair equality of opportunity…

‘…distributive shares are decided by the outcome of the natural lottery; and this outcome is arbitrary from a moral perspective.’ (TJ 74)
The bad interpretation…

P1 Both formal and fair equality of opportunity permit people’s shares to be influenced by morally arbitrary factors.

P2 We should not permit people’s shares to be influenced by morally arbitrary factors.

C We should reject both formal and fair equality of opportunity.
Luck egalitarianism…

We should arrange things so as to eliminate inequalities that are due to _brute luck_…

…shares should be _ambition-sensitive_…

…but _endowment-insensitive_.

‘Rawls seems not to have realized the full implications of his own argument against the prevailing view of equality of opportunity.’

(Will Kymlicka, *Contemporary Political Philosophy*, p.72)
Rawls denies that the fact that a person is clever and talented is *by itself* a reason to permit this person to have a bigger share...

So what reason do we have to permit clever and talented people to have bigger shares...?

The fact that, by doing so, we make the least well off people better off.

Rawls thinks that shares can be *properly* influenced by morally arbitrary factors.
§4. The basic structure of society
Our actions, attitudes, dispositions affect the distribution of the benefits and burdens of social cooperation...

…so do the principles of social justice tell us which actions we should perform, which attitudes and dispositions we should adopt?

No!
‘...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)
Next week…

…objections!