Distributive Justice – Rawls

1. Justice as Fairness: Imagine that you have a cake to divide among several people, including yourself. How do you divide it among them in a just manner? If you cut a larger slice for yourself, people may complain. A way to avoid anyone thinking that they did not get a fair share is to elect one person to cut the cake into several slices, and then have everyone else pick their slice first. How do you think the elected person will divide the cake?

Very likely, they will cut the cake into equal slices, so that the distribution is FAIR.

Equal slices seems to be the “just” distribution of cake. But, what is the “just” distribution of societal goods and services? Ross answered this situation in much the same way as we answered the question about the cake.

2. The Original Position: Rawls considers a hypothetical situation, in which:

no one knows his place in society, his class position or social status, nor does anyone know his fortune in the distribution of natural assets and abilities, his intelligence, strength, and the like. I shall even assume that the parties do not know their conceptions of the good or their special psychological propensities. The principles of justice are chosen behind a veil of ignorance. (pg. 1, Rawls)

Imagine that you are trying to decide what society should be like, and what is just and unjust. You know that, once you make these decisions, you will be placed somewhere within this society as a member of it—but that is ALL you know. You do not know your race, or gender, or intelligence, or religious or moral beliefs, or social status, position, etc. What sort of society would you design from behind this “veil of ignorance”?

Rawls states that the only way to achieve a fair result would be if the agreement were made from behind such a veil. You may think of this as a sort of hypothetical contract to which everyone “WOULD agree if they were free and equal persons whose relations with respect to one another were fair.” (we never find ourselves in this situation, however, because everyone is born into a certain nation, gender, race, set of natural abilities, economic status, etc.)

Rawls proposes that what people would agree to from behind this veil is a situation where no one group was advantaged more than another; i.e., their initial proposal would probably be one of EQUALITY.
3. The Value of Equality: Consider the following 3 scenarios:

<table>
<thead>
<tr>
<th>Scenario 1</th>
<th>Scenario 2</th>
<th>Scenario 3</th>
</tr>
</thead>
<tbody>
<tr>
<td>95</td>
<td>50</td>
<td>49</td>
</tr>
<tr>
<td>5</td>
<td>50</td>
<td>49</td>
</tr>
<tr>
<td>5</td>
<td>50</td>
<td>49</td>
</tr>
</tbody>
</table>

The numbers above represent the amount of happiness that each group has.

Choosing between 1 and 2: If given a choice between making a society either like scenario 1 or like scenario 2 (from behind the veil of ignorance), most people would choose 2, where both of the two groups have equal amounts of happiness.

Choosing between 1 and 3: If given a choice between 1 and 3 from behind the veil, most people would choose 3 over 1 EVEN THOUGH scenario 3 has LESS total happiness than 1 (98 rather than 100 units). This may be an indication that we value equality more than the total amount of happiness.

Maximin: We might prefer 2 and 3 to 1 because we think equality is valuable. But, Rawls proposes that the real reason we would prefer 3 to 1 from behind the veil of ignorance is this: **People tend to want to MAXIMIZE the worst possible outcome.** So, they will prefer scenarios 2 and 3 to 1 because they maximize the worst possible outcomes (50 is better than 1; and 49 is better than 1). No one wants to risk the chance that, once they are taken from the original position and placed into the world, THEY will be one of the people with only 1 unit of happiness.

Anti-utilitarianism: Preferring 3 to 1 gives us an anti-utilitarian result (since utilitarianism, concerned only with maximizing the TOTAL utility, would say that we clearly should prefer 1 to 3, since it has a higher TOTAL amount of happiness—100 vs. 98).

Furthermore, Rawls explicitly denies that those behind the veil of ignorance would endorse a utilitarian principle (since, e.g., utilitarianism would recommend that we kill one innocent person and harvest their organs to save the lives of 3 others, for instance. No one wants to have their organs harvested for the sake of saving others).
3. The Fair Proposal: Rawls proposes that the people behind the veil of ignorance will agree on 2 things:

1. **Equal Rights:** Everyone will be equally free (freedom of conscience, religion, speech, the right to vote, own property, etc.).

2. **Fair Inequalities:**
   - (a) **The Difference Principle:** All inequalities must be to the advantage of EVERYONE, and
   - (b) **Equal Opportunity:** These inequalities must all be the result of positions and opportunities that are open/available to all.

Rawls states that the first principle takes priority over the second. That is, any inequalities chosen from behind the veil must not cause (or result from) the loss of anyone’s freedom, or rights.

*Note that this is why he thinks that no one behind the veil of ignorance would propose a utilitarian moral system; because killing one healthy person for their organs would be a violation of their FREEDOM, or their RIGHT TO LIFE*.

The Difference Principle: Principle (2a) is known as **The Difference Principle**. This states that any inequalities must always be to the benefit of everyone. So, “Injustice, then, is simply inequalities that are not to the benefit of all.”

For instance, the people behind the veil might agree to let doctors make more money than fast food employees (EVEN THOUGH this would result in an inequality), with the rationale as follows: If doctors are paid higher wages, EVERYONE is likely to be better off (including those who earn very little), because everyone is more likely to receive better medical care in that case (since doctor’s positions will be more competitive).

This point is represented in the pie charts below. Let each slice represent one person. In the first pie chart, all 8 individuals have exactly equal shares. In the SECOND pie chart, the person represented by the BLUE slice has a GREATER share than everyone else. However, this causes the ENTIRE PIE to become larger such that EVERYONE has more. In other words, even though the blue share is bigger than all the others, EVERYONE has a larger share than they did in the first place.
Two interpretations of Rawls?: The Difference Principle is given in 2 different ways:

1. All inequalities must be to the advantage of EVERYONE.

2. All inequalities must be to the advantage of THE WORST OFF.

It may seem that these are two distinct principles. But, these are really saying the same thing. Consider the choice between scenarios 4 and 5a, below. Is it permissible to choose the inequality?

<table>
<thead>
<tr>
<th>Scenario 4</th>
<th>Scenario 5a</th>
</tr>
</thead>
<tbody>
<tr>
<td>5</td>
<td>100</td>
</tr>
<tr>
<td>5</td>
<td>6</td>
</tr>
</tbody>
</table>

Rawls would say choosing 5a instead of 4 is just. Producing this inequality is permissible because it improves the lives of EVERYONE. But, in order for the inequality to improve the lives of everyone, it must also improve the lives of the worst off.

For contrast, here is a scenario where choosing the inequality would NOT be just:
Choosing 5b over 4 would NOT be just in this case because it only improves the lives of one group, but not EVERYONE—but this is the same as saying that it does not improve the lives of the worst off.

4. Objections: Here are a few objections to Rawls' view.

1. The source of justice is mis-placed: It seems like Rawls is grounding morality (what is just is a moral issue) in SELF-INTEREST.

2. The difference principle is too permissive: As noted above, if The Difference Principle is true, then choosing scenario 5a over 4 is permissible. But, some would be averse to choosing 5a over 4, claiming that it is unjust to create such a radical inequality—even if it DOES improve the lives of the worst off just a little.

3. The difference principle is too strict: On the other hand, consider the diagram below. Rawls would say that we ought NOT choose scenario 6 over scenario 4. This is because the inequality does NOT result in an increase for everyone—so, in that case, the inequality is UNJUST. Do you agree? Would moving from 4 to 6 be an injustice?
3. Rawls' Theory in Practice: Rawls does not explicitly address this issue, but, what happens when we put a society into the “fair” state endorsed by those in the original position and push “play”? That is, what happens when time moves forward and society begins to STRAY from the fair state? As we’ll see, Robert Nozick argues that the fair state can’t be maintained unless we either (a) Enforce strict rules that prevent the society from changing, or else (b) Constantly restore the fair state by taking wealth/goods from some and re-distributing it to others. Enforcing EITHER of these options, he argues, would be unjust.