

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 any of the slices are too small, someone may complain: 'That's not fair!' One solution: 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 most just or fair distribution of goods in SOCIETY? Rawls 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 ([here](#)), in which:

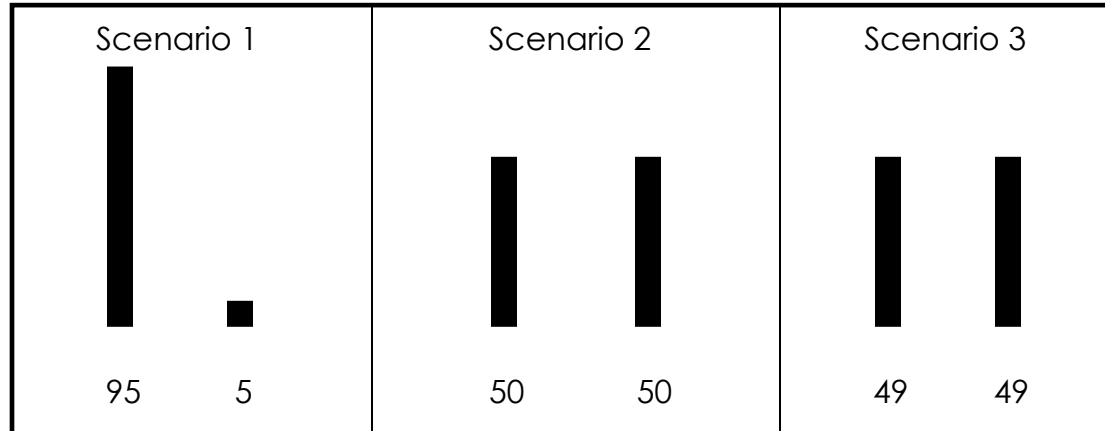
"no one knows his place in society, his class position or social status, nor does anyone know his fortune in the distribution of natural assets and abilities, his intelligence, strength, and the like. I shall even assume that the parties do not know their conceptions of the good or their special psychological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

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, gender, age, or location, or religious or moral beliefs, or economic status, etc. Knowing nothing other than that you will be SOMEONE OR OTHER in this society—but you have no idea WHO—how would you want society to be structured? What sort of society would you design from behind this "**veil of ignorance**"?

Rawls believes that answering this question behind the veil is the ONLY way to ensure that the result is fair. In real life, our preferences are inevitably biased because we DO know who we are. We DO know our race, our gender, our degree of wealth and so on—and this knowledge makes us more likely to prefer policies that favor ourselves (i.e., we'll prefer a system where WE get the bigger slice, even if this means that others will have smaller slices.

As with the cake example, our initial preference from behind the veil would perhaps be one of EQUALITY; i.e., where no one group was advantaged more than another. Let's explore further whether this would be our final verdict from behind the veil.

3. The Value of Equality: Consider the following 3 scenarios:



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

Scenario 2 > Scenario 1: If given a choice between a society like scenario 1 or a society 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

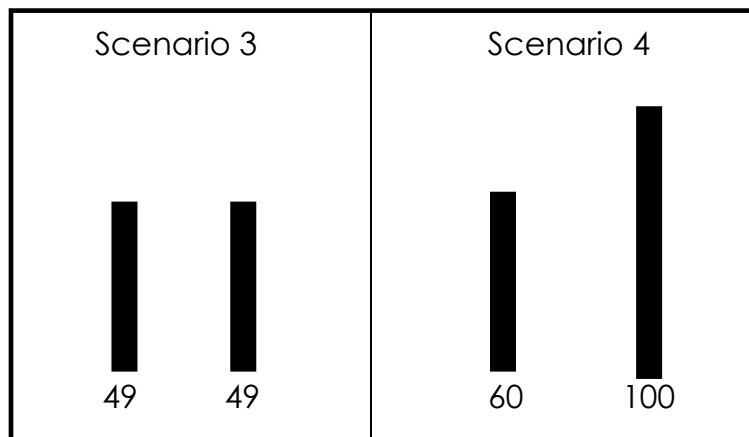
Scenario 3 > Scenario 1: But, they would ALSO prefer scenario 3 to scenario 1, EVEN THOUGH scenario 3 has LESS total happiness than 1 (98 rather than 100 units).

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).

[Is this right? What do you think? Consider the Organ Harvest scenario. If you're behind the veil of ignorance, how do you know that YOU won't be one of those dying people in need of an organ once placed into society? Would YOU reject the utilitarian principle from behind the veil of ignorance? Why or why not?]

Is Equality Valuable? But WHY would we prefer scenario 3 to scenario 1? Is it because we value EQUALITY over total utility? Not so fast. Before answering, consider one more comparison:



Which scenario would you prefer from behind the veil of ignorance: 3 or 4? Rawls believes that you would prefer scenario 4. [*Is he right?*] If that is correct, then it cannot be that we prefer equality—at least not always.

Maximin: So, what DO we prefer? What motive explains our preferences in each of the above comparisons? Answer: **We want to MAXIMIZE the worst possible outcome.**

Compare 1 and 2 again: In 1, the worst case scenario for you would be to end up in the group that only has 5 units of well-being. The worst (and best) you could do in scenario 2 is 50 units of well being.

Compare 3 and 4: In 3, the least you could end up with is 49 units (of goods). But, in 4, the least you could up with is 60. In short, the WORST OFF are BETTER OFF in scenario 4. And according to Rawls, THAT is what we would care about from behind the veil.

3. The Fair Proposal: Rawls proposes that the people behind the veil of ignorance will agree on 2 things:

1. Equal Rights/Freedoms: Everyone has the same basic rights and liberties, (e.g., rights to life, liberty, and property; freedom of religion, speech, and so on).
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 any violation of their rights.

[Note 1: This is why Rawls thinks that no one behind the veil of ignorance would propose a utilitarian moral system. Consider: killing one healthy person for their organs would be a violation of their FREEDOM, or their RIGHT TO LIFE.

Note 2: Social contract theorists sometimes appeal to these principles of justice, which would be chosen in the Original Position, as forming the basis of a sort of hypothetical contract; i.e., they are principles to which everyone "WOULD agree if they were free and equal persons whose relations with respect to one another were fair."]

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:

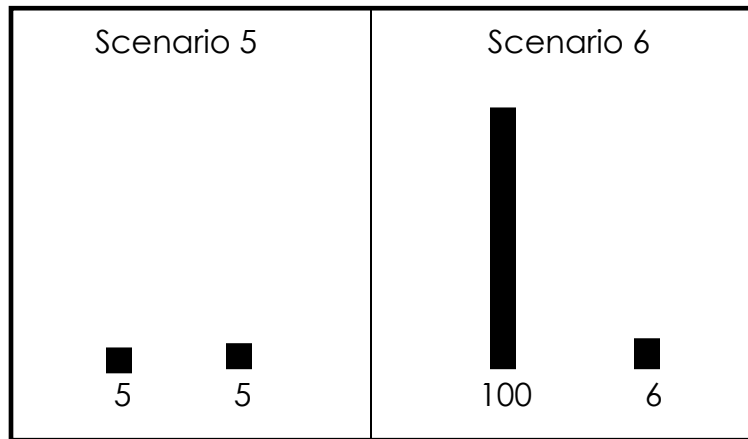
- (1) All inequalities must be to the advantage of EVERYONE.
- (2) All inequalities must be to the advantage of THE WORST OFF.

In general, (1) and (2) will amount to the same thing. For instance, compare scenarios 3 and 4 once more. A move from 3 to 4 would generate an inequality—but EVERYONE is benefitted by it, INCLUDING the worst off (i.e., those who have only +60 in scenario 4).

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

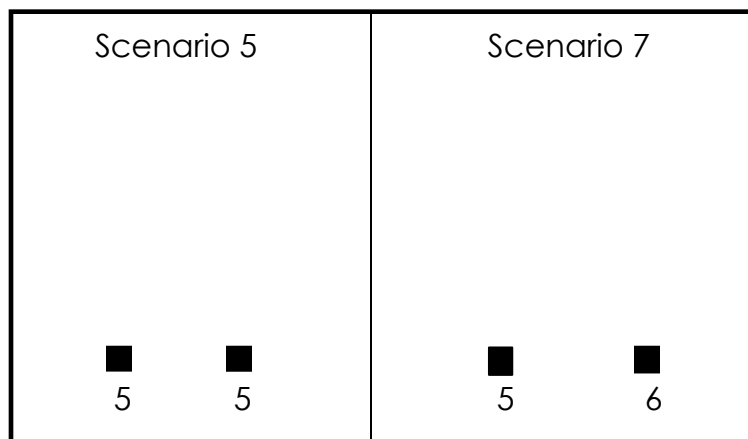
1. The source of justice is mis-placed: It seems like Rawls is grounding morality (what is just is a moral issue) in SELF-INTEREST. *(But, compare with The Golden Rule)*

2. The difference principle is too permissive: Compare these two scenarios:



According to Rawls' principles, choosing 6 over 5 WOULD be just. There is a radical inequality in scenario 6. However, it is one that does benefit EVERYONE, including the worst off—if only a little bit. However, some may see this as a flaw in Rawls' proposal, claiming that scenario 6 is unjust because the benefit to the worst off is TOO SMALL.

3. The difference principle is too strict: On the other hand, consider the diagram below.



Rawls' principles entail that it would be UNJUST to select scenario 7 over 5. For, 7 introduces an inequality that does NOT benefit everyone. Some may see this as a flaw, claiming that inequalities are never unjust when they are very, very small—even if they don't benefit everyone.

4. 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? How should we rectify injustices when they occur?

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.