

JUSTICE

Lecture 16 – Rawls on Markets and Moral Desert

1. Recall from last time: Rawls' principles of justice and the arguments for them
2. Can Rawls' Difference Principle be defended against the objection from moral desert?
3. Consider Rawls' account of how principles of justice are justified
 - a. The Method of Reflective Equilibrium
 - i. Identify "considered judgments" of justice
 - ii. Look for principles that would account for and explain these judgments
 - iii. If the principles do not fit with all of our considered judgments, then consider whether to revise the principles or modify some of the judgments
 - iv. Continue in this way until "equilibrium" is reached
 - b. The Original Position as an instance of the Method of Reflective Equilibrium
 - i. The Original Position and its special features are supposed to model our "considered judgments" concerning reasonable constraints on arguments for principles of justice
 1. The hypothetical "contract": principles of justice must be justifiable to each person (compare Utilitarianism, which may require large individual sacrifices)
 2. The "veil of ignorance": the mere fact that a principle would assign greater benefits to someone with your class origins or natural talents or aims in life is not, by itself, a reason for society to adopt that principle
 - ii. The Original Position is supposed to yield principles of justice that account for our considered judgments in particular cases and which extend these judgments to other cases in ways that on reflection seem correct
 1. The first principle requiring Equal Basic Liberties accounts for (e.g.) the considered judgments that slavery and religious intolerance are unjust
 2. Fair Equality of Opportunity accounts for (e.g.) the judgment that racial and sexual discrimination are unjust and that unequal life chances deriving from inherited class positions are unjust
 3. The Difference Principle reflects (e.g.) the judgments that no one deserves greater rewards *merely* because he was born with a scarce talent but that there is no reasonable objection to inequalities that make everyone better off
4. Does Rawls' theory move us closer to reflective equilibrium?
 - a. What about the common sense precepts of justice?
 - i. "To each according to his contribution"
 - ii. "To each according to his effort"
 - iii. "To each according to his need"

- b. Rawls holds that his theory can properly account of these precepts (§47)
 - i. Taken together, the precepts are contradictory
 - ii. At the same time, none can plausibly be elevated into a first principle
 - iii. Thus, they must be given a subordinate role and assigned appropriate weights
 - iv. Rawls claims that his theory does this by calling for (§43):
 - 1. Competitive markets give weight to the precept “to each according to his contribution”
 - 2. A “social minimum” (set to accord with the Difference Principle, at the highest sustainable level) gives weight to the precept “to each according to his need”
 - 3. Inheritance and other taxes—which (i) establish and maintain Fair Equality of Opportunity, and (ii) allow greater income to those who make the effort to develop and use their talents in ways that benefit the least advantaged—give weight to the precept “to each according to his effort”
5. Does Rawls’ Difference Principle really give the right weight to the precepts of “contribution” and “effort”?
- a. Why can’t those who are more talented complain that they *morally deserve* greater rewards than what the Difference Principle allows them? (§17, §48)
 - i. Why don’t people with scarce talents deserve to be rewarded for their *unique contributions* even more generously than the Difference Principle would allow?
 - ii. Why don’t the more talented deserve even greater rewards than the Difference Principle would allow if they are willing to put in *more effort* than less talented people?
 - b. Rawls’ answer:
 - i. Under the Difference Principle, the more talented will *already* be benefited more than the less talented. “Why should they be benefited twice over”?
 - ii. After all...
 - 1. The more talented cannot claim to deserve greater rewards for the unique contributions their scarce talents enable them to make: no one is more deserving merely because he was born more talented. “The notion of desert does not apply here.”
 - 2. But doesn’t greater *effort* make one more deserving?
 - 3. Perhaps—but “the effort a person is willing to make is influenced by his natural abilities and skills and the alternatives open to him,” as well as his more or less fortunate “family and social circumstances.” Since there is no way to “discount” the greater good fortune of those favored by nature and social background, “the idea of rewarding desert is impracticable.” (§17, §48)

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