

Rawls: Liberal Egalitarianism and Justice as Fairness

I. Justice

Recall our two questions:

- What is an individual entitled to in their pursuit of a good life among others, given that there are limited resources?
- How should a just society be organized? In particular, how can a society best enable its members to flourish, compatible with justice for all? What moral principles should constrain and guide the organization of society?

We saw last time that in answering these questions two considerations are the demands of *liberty* and *equality*: individuals should be granted the liberty to live in accordance with their own conception of the good and their own choices (compatible with others doing the same), and individuals should be viewed and treated as equals. Liberty and equality can seem to come into conflict, however. For example, liberty is about choice: some individuals will have scarce talents that they develop in ways that are valued, others will have few talents and little motivation. If we prioritize liberty, then inequalities that result from choice should be tolerated. Equality, in contrast, is about outcomes. If we prioritize equality, then inequalities of certain kinds, regardless of their provenance, are unacceptable. Can liberty be violated to establish equality? Can equality be violated to protect choice?

Efforts to resolve these questions have focused on the question: To what extent luck should be allowed to affect one's social position? More specifically, should the luck involved in one's initial distribution of natural and social goods be allowed to affect how well or poorly one does in life? (Note that this seems an apt question in part because both those concerned with liberty and with equality have reason to minimize the effects of luck.) There seem to be three sources of luck to consider: (i) luck in one's natural endowments, (ii) luck in the resources available to one by virtue of the socio-economic status of one's family, and (iii) luck in one's upbringing, especially its effects on motivation, aspiration, and the development of talent.

II. Choice and Luck

Rawls sketches four possible responses to this question: the system of natural liberty, the liberal conception, the system of natural aristocracy, and the conception of democratic equality. Let's start with the first two (we'll skip the third, then move to the fourth):

The system of natural liberty: on this view, a distribution of goods is just if it occurs in a society in which individuals have *formal equal opportunity*--"they have the same legal rights of access to all advantaged social positions" (*Rawls TJ, 72*), and there is a free market economy in which individuals can compete for these positions.

- Both natural endowments and social contingencies are allowed to make a difference.

The liberal conception: agrees with the system of natural liberty in requiring "formal" equal opportunity and a free market, but adds to it the *principle of fair equality of opportunity*: "positions are to be not only open in the formal sense, but that all should have a fair chance to attain them". (*Rawls TJ, 73*) Rawls takes this to mean that, "those with similar abilities and skills should have similar life chances". (*Rawls TJ, 73*) In other words, those "similarly motivated and endowed" should have the same life prospects.

- This adds to formal equal opportunity some effort to make up for differential social circumstances that might prevent one from attaining one's full potential. So, natural

endowments are allowed to make a difference, but the effects of social contingencies are controlled.

Although he clearly prefers the second of these to the first, Rawls argues against both. His strategy is to consider why we even care about formal equality of opportunity. Why not accept feudal arrangements that allow accidents of birth to determine one's lot in life? Answer: this is unfair because one's lot in life should not be determined by something so morally arbitrary. Society should organize things so that if some individuals do much better or worse than others, this is not the result of having been unlucky in the initial lottery. Instead, society should aim to structure our collective arrangements so that we all have a fair chance at a good life. On this understanding neither of the two options just described are adequate.

III. Rawls' Principles

Rawls account of justice, sometimes called "the conception of democratic equality" says that a distribution is just if it occurs in a society structured to conform to the following principles:

First Principle (Equal liberty principle): "Each person is to have an equal right to the most extensive basic liberty compatible with a similar liberty for others." (*Rawls TJ, 60*)

Second Principle: "Social and economic inequalities are to be arranged so that they are both (a) reasonably expected to be to everyone's advantage [this is the "Difference Principle"], and (b) attached to positions and offices open all. [this is the "Principle of Fair Equality of Opportunity]" (*Rawls TJ, 60*)

- The first principle guarantees freedom of speech, assembly, liberty of conscience and freedom of thought, political rights of the vote, freedom from arbitrary arrest, etc. including equality of opportunity, and guarantees that these cannot be overridden even for the good of all. The first principle is to take priority over the second principle.
- The second principle concerns the distribution of social and economic goods: we are entitled to benefit from our privileged starting points only insofar as it benefits everyone. The idea is that organizing society around strict egalitarian principles wouldn't obviously be the best way to go because allowing some differences might make everyone better off.

How does democratic equality address the problem of luck? It says that we can't distribute goods on the basis of social contingencies or natural endowments; instead, we have to structure society to overcome these, except when rewarding these can benefit the whole. He says:

No one deserves his greater natural capacity nor merits a more favorable starting place in society. But it does not follow that one should eliminate these distinctions. There is another way to deal with them. The basic structure can be arranged so that these contingencies work for the good of the least fortunate. (*Rawls TJ, 102*)

IV. Objections?

a) There is no way to avoid injustice because the effects of the initial circumstances inevitably carry over to the institutions of society. Reply: Suppose that we cannot eliminate injustice; is it also true that we can't make things somewhat more just by implementing democratic equality?

b) The scheme is biased towards the disadvantaged; those better off deserve their advantages and they shouldn't be taken away. In fact, "fairness" comes from the unrestricted working of market forces. Reply: If fairness requires that we level the playing field so that no one is disadvantaged by bad luck, then the successful don't deserve their advantages and the market will not yield fair results. Is there a better conception of fairness? What is it?

c) It is not the responsibility of society or government to make things "fair". Reply: What is the responsibility of society? Why isn't it to make things "fair"? Won't fair societies also be more stable? Won't fair societies be more democratic? Won't fair societies be more just?