

1. Evaluate Rawls' **arguments for his conception of Democratic Equality**. You may focus either on the informal argument (and the contrasts with Natural Liberty and Liberal Equality) or the **original position argument**. Be sure to address at least the following issues: (i) What does Rawls mean when he says that **natural abilities and social background are morally irrelevant**? (ii) How is that irrelevance **reflected in the difference principle**; (iii) Is the difference principle a **reasonable standard of fair distribution**? (You may want to discuss the GA Cohen argument about incentive inequalities in addressing this question.)

At a time when political philosophy seemed nearly stagnant, John Rawls introduced a new position on justice and equality that criticized and built off of existing theories. The idea of democratic equality was founded on two basic principles: justice as fairness, or basic equal rights for all, and fair equality of opportunity, or establishment of basic social and natural equality. The difference principle, which is included in the second principle derived, provides a solution to natural and social inherited positions by ensuring that any decision benefits the least well off in society. These principles arose through a careful examination of a thought experiment performed under the so-called 'veil of ignorance', in which the members of society know practically nothing about themselves or one another and are forced to agree upon basic rules for society. In discussing Rawls' arguments for democratic equality, I will focus on the use of this experiment and the establishment of the original position. From there I will proceed to a general discussion of how the two principles of democratic equality, justice as fairness and fair equality of opportunity (focusing on the difference principle), were justified through Rawls' arguments. I will then conclude by evaluating Rawls' argument for democratic equality and use of the difference principle.

The original position that Rawls developed under the 'veil of ignorance' established the moral irrelevance of natural and social inheritances in designing a society through the argument that neither can be controlled by the individual, and argued that

individuals would choose his two principles of justice over others for this reason. The individuals creating rules for society were put under the veil of ignorance, an initial condition in which “...no one knows his place in society, his class position or social status.”¹ I believe, as Rawls argues, that the reasoning behind this makes a sort of intuitive sense despite the popular focus on such details. Firstly, focusing on individual differences often makes it extremely difficult to decide on the way in which a society should be molded. Majority groups could decide to persecute minorities, and risk takers could establish a system with very drastic economic consequences for poor and wealthy alike. In both of these cases, the idea of justice is skewed to advantage particular groups, and therefore becomes injustice. Secondly, individuals cannot control what worth their talents will have in society or into which financial status they will be born. It would be unjust in the common understanding of the term if these individuals were unduly rewarded for what they cannot control. A common example of this would be the success of an artist relative to that of an engineer- society often values practical over artistic goals. These bases were meant to ensure that the principles guiding society would be “...the result of a fair agreement or bargain,” making them represent the best interest of all individuals in society.² Since the individuals who are picking the foundation of society do not know what position they will have, they are more likely to make it so that all positions are acceptable. The original position essentially gives individuals within society insurance against the worst outcome.

When starting this experiment, Rawls assumed three points of agreement between individuals: that certain practices are unjust, individual differences do not affect equality,

¹ John Rawls. A Theory of Justice. The Belknap Press of Harvard University Press: Cambridge, 1971. p. 12. (herein referred to as Rawls)

² Rawls, p. 12.

and individuals have an idea of justice.³ With these points in mind under the veil of ignorance, individuals would be able to establish rules for society that are built upon general agreement on the nature of justice rather than on the differences that Rawls considered morally irrelevant. Since most disagreements arise through social constructs of prejudice, most commonly racial or religious, it would not be rational or justifiable to base a society on these concepts. Similarly, it would not be rational to form society based on uncontrollable natural and social inheritances. I concur with this line of reasoning. By eliminating all such differences and disagreements, it is possible to establish a society that does not have arbitrary (or randomly unfair) rules. Individuals who have never experienced these differences or simply do not know about them would not consider them in making decisions, which itself would lead to more (if not complete) equality. The veil of ignorance establishes a clean slate from which individuals can establish rules for society that members would be able to unanimously agree upon, thus creating a social contract. This social contract establishes the basic tenets of justice within society.

Rawls' first principle included in justice as fairness is the more basic and universally accepted of the two, since it establishes equal basic liberties for all members within a society. Individuals in the original position, starting off the three basic assumptions, would be able to branch out from the basic conception of equality. Just as these individuals would want to provide insurance against their position in society, they would also want to establish "...an equal right to the most extensive total system of equal basic liberties compatible with a similar system of liberty for all."⁴ These rights would necessarily be equal, since individuals have a basic implied interest in themselves.

³ Professor Joshua Cohen. 26 April 2006.

⁴ Rawls, p. 250.

Without this interest, I do not think that Rawls' argument would be able to sustain itself. I think that very few people could deny that under any circumstance, they would choose what would benefit them the most. Without establishing rights as equal in the original position, the individuals would not know whether they would be the person lacking certain rights. It is through this line of thinking that the importance of primary goods (basic liberties) becomes clear. There must be some tangible realization of these rights that allows individuals to be free and equal despite their personal beliefs. Without basic liberties, individuals would not be able to pursue their own goals or fully explore their opportunities.

The second principle establishes that inequalities are just only if there is a fair equality of opportunity and inequalities work to the benefit of the least privileged in society (difference principle or maximin), which is slightly more difficult to achieve from the original position. This principle primarily has to do with the insurance established in the original position. Without knowing their place in society, members would attempt to make opportunities for individuals to succeed and move up within society by ensuring that inequalities are only "...attached to positions and offices open to all."⁵ This essentially means that the rules regulating society would attempt to make a cooperative system, allowing individuals to elevate themselves if they have talent and motivation, and to remain relatively successful if they lack either or both of these things. Without fair equality of opportunity, several other factors, such as religion or ethnicity, would affect success within society. This is not allowed within the original position, nor would members of society under the veil of ignorance want this to be the case for reasons previously discussed. Beyond this argument is a more practical argument that fair

⁵ Rawls, p. 60.

equality of opportunity creates fair economic resources. Individual success is highly dependent on the rules of society because these determine what individuals can and cannot do. Fair distribution of opportunity allows all individuals to make a living and succeed despite relative talents. Of course, not all individuals will have the same earning power, but establishing the best situation for the worst off would ensure a relatively stable economy.⁶ Similarly, this principle allows society to be more efficient because it allows certain inequalities that improve the situation of the lowest group "...without at the same time making other persons... worse off."⁷ Although I do not think that this is a morally satisfying concept, I think that it has practical merits in improving society without major infringements of rights or equality, which I will discuss later.

The difference principle is perhaps the most controversial area in Rawls' democratic equality because it attempts to establish a basic standard of living for all members of society regardless of natural talents and social position. The difference principle allows inequalities within society under the condition that these inequalities benefit the least well off in society. It is essentially "...an agreement to regard the distribution of natural talents as a common asset and to share in the benefits of this distribution."⁸ This indicates that it is just to have slight inequalities if it allows common assets to be better employed. It emphasizes the importance of a cooperative society, in which individuals are somewhat responsible for one another through their adoption of Rawls' two principles. The difference principle, again, provides basic insurance for individuals against the morally irrelevant details that usually influence society. Those who decide this principle have no knowledge of their own relative positions, but they do

⁶ Professor Joshua Cohen. 1 May 2006.

⁷ Rawls, p. 67.

⁸ Rawls, p. 101.

know that they want to be able to succeed however trivially within society. Once the veil of ignorance is removed and details regarding individual talents and beliefs become more important, the minimum position in society is at least acceptable. However, I think that the difference principle is the hardest to understand from a more practical standpoint. Although it makes perfect sense while under the veil of ignorance as a sort of insurance against adverse positions within society, in an actual application it would not seem quite that simple.

First, individuals outside of the original position and veil of ignorance (after the rules of society have already been established) will no longer ignore differences due to religion or race. Majority groups would begin to oppress minorities, take advantage of financial situations or talents, and eventually the system would become relatively unjust due to social pressure. As stated previously, individuals have a certain self interest; without this, the basic rules of society could never be agreed upon. However, in the real world this often results in prejudice and injustice as people vie to get ahead in society. Although this may seem rather cynical, I do not think that this view is impractical. The world is not ideal, and I think that because of this, the difference principle is where Rawls begins to lose his argument. While self interested individuals will maintain their support for basic liberties, since these will help them get ahead, and perhaps even support fair equality of opportunity for the same reason, they are less likely to support the difference principle, especially if they are not the least well off in society.

Second, several other political philosophies, including utilitarianism and libertarianism, oppose this principle (if not Rawls' others as well). Utilitarians would argue that any inequality is just as long as it increases the success of society as a whole.

The difference principle has the potential to trivially improve the situation of the least well off while hurting the rest of society, which according to utilitarian principles would represent a completely unjust distribution of resources. Libertarians, on the other hand, would argue that establishing a minimum standard of living violates individual rights by limiting the choices that individuals can make. For example, talented individuals living under the difference principle could only create inequalities as long as it helped the lowest tier of society, which potentially detracts from their own personal benefits. However, I do not think that these arguments are particularly compelling. The utilitarian argument ignores the role of the individual, while the libertarian argument ignores the importance of community. Cohen offers yet another criticism of the difference principle, arguing that it does not go far enough in the sense that it fails to establish equality. In his egalitarian assessment, Cohen argues that the difference principle should apply throughout society, not just within political institutions, which makes the inequalities that Rawls preserved with the difference principle unjust.⁹ However, this argument is even more idealistic than Rawls', and therefore seems even more impractical to me.

While equal basic liberties and fair equality of opportunity are very well justified through a somewhat idealistic position, they are still applicable to a real life situation. On the other hand, the difference principle does not seem like it could be successfully applied within a society. I do not think that Rawls' difference principle is a reasonable standard of fair distribution simply because it does not seem practical. Most individuals are willing to support equal basic liberties and equality of opportunity to further their own interests, if not to create a fair society. Many individuals are not willing, however, to

⁹ G.A. Cohen. *If You Are an Egalitarian, Then Why are You so Rich?* Harvard University Press: Cambridge, 2000. p. 124.

accept responsibility for the lowest group in society, particularly if they are not members of that group or have no fear of becoming members. Also, I do not think that individual choices should be limited in the way dictated by the difference principle. While I do believe that the lowest group in society should retain some measure of success, I think that a better way to do this would be for individuals in the higher strata to volunteer their own resources for this purpose. Perhaps this is just as idealistic as Rawls' arguments for the difference principle, but I think it better promotes equality because it allows more individual liberty and chance for success.

Works Cited

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