LECTURES AT FUDAN UNIVERSITY

RAWLS AND MARX:

DISTRIBUTIVE PRINCIPLES AND CONCEPTIONS OF THE PERSON

LECTURE ONE

RAWLS ON JUSTICE:

DISTRIBUTVE PRINCIPLES AND FRATERNAL RELATIONSHIPS

I. Introductory Remarks

1. In this set of lectures I attempt to generate a conversation between two of the greatest modern political philosophers, Karl Marx and John Rawls.[[1]](#endnote-1) Each of these writers is profoundly critical of the social arrangements of his times, each writer has an interesting and appealing view of the nature of human beings, and each writer has a demanding view of the proper distributive structure of a good society. I will argue that, in ways that may seem surprising, the two writers overlap – they are more alike than has often been recognized. But of course they are also different. It is this interplay between what is similar and what is different that I wish to explore in these lectures.

My goal in these lectures is mostly scholarly. I believe that Marx and Rawls are closer than has been thought, and I hope to show this through readings of their texts. However, to some extent my goal is also constructive. Political philosophy seems to me to be at a point where we need to think creatively partly about substantive political philosophical content, but especially about our methods. I hope that my reflections on Marx and Rawls can point us toward this latter issue.

2. Now, political philosophy has many goals. One central goal is to assess our existing political institutions. We should know whether our current political arrangements are morally acceptable. And one part of assessing our political institutions is to see how far they satisfy the proper standards for the distribution of various kinds of good things. The basic idea is straightforward. In any society there are many things that people need. There are many things that go into creating the conditions under which people will be able to lead flourishing human lives -- such things as goods and services, opportunities to hold offices and to participate in self-government; and many other things. In any society these things will be spread around among the citizens. The question is whether, for a given society at a given time, the way that they are spread around is morally acceptable.

To take an example, at present, in the United States, income distribution is skewed toward the very wealthy, and in this regard things are likely to get worse. To look at a recent time slice, in 2011 a study by the Congressional Budget Office, a non-partisan group, said that “the top earning 1 percent of [American] households gained about 275% after federal taxes and income transfers over a period between 1979 and 2007, compared to a gain of just under 40% for the 60 percent in the middle of America's income distribution.”[[2]](#endnote-2) I regard this as morally unacceptable. However, since I do find this income distribution to be morally unacceptable, I ought to propose some standard by reference to which I can assert and defend the proposition that current American income distribution is in fact morally unacceptable. And of course once I have proposed this standard, I have to provide a compelling justification for it.

In 1971, in his book *A Theory of Justice*, Rawls proposes a standard for morally just distribution, namely, his two principles of justice. In today’s lecture I will go through those two principles in some detail. What I want to note in these introductory remarks is that the basic goal behind these principles is not specific to Rawls. Indeed, it is shared by a wide range of thinkers in both the nineteenth and twentieth centuries. In the nineteenth century, these include the young Marx, John Stuart Mill, Matthew Arnold, even Oscar Wilde. All of these thinkers agree that good social arrangements do two things: they facilitate the possibility for individuals to make their own choices and decisions, and they provide each individual with sufficient means to have a genuine opportunity to pursue his or her own vision of what a good life would be. In *The German Ideology* Marx and Engels famously say that in a communist society I would be able to hunt, fish, rear cattle and so forth and that I would be able to do so “just as I have a mind” to do such things. Marx and Engels go on to insist that only communism can make possible the “all-around realization of the individual.”[[3]](#endnote-3) I take these and other remarks in Marx’s works of the 1840s to amount to the thesis that a good society is one in which individuals are in a position to develop their capacities and to do so as they themselves think is best.

In English-language academic philosophy there used to be a debate – it occurred mostly in the 1980s and 1990s – about whether Marx has a conception of “justice” and so about whether he condemns capitalism as “unjust.” This has always seemed to me to be a misguided debate. Marx, especially the young Marx, clearly has normative standards by reference to which he believes that capitalism is a bad society, that capitalism is a society that undermines human flourishing. That is abundantly clear in his 1844 discussion of alienated labor. Alienation is a normative notion – to point out that capitalism entails the alienation of labor is to say that, at least in this respect, capitalism is a bad social system.

Moreover, Marx also, believes that a different society – what he calls a “true communist” society -- would be a good society. Determining the content of the normative standards that Marx is applying here has always seemed to me to be more important than determining whether Marx would think of those standards as what we now call principles of “justice.”

It is important to see that in terms of his normative views the young Marx – the Marx of the 1840s – is very much in line with the dominant strand of western thought of the last two centuries. An example that shows this link is John Stuart Mill. Mill is often seen as a writer whose views are at odds with Marx’s radicalism – but I think this is a mistake both about Mill and about Marx. Mill’s views are more radical than is sometimes realized, but here I want simply to note that, like Marx, Mill is in favor of individual self-development and that, like Marx, he is in favor of making such self-development possible for all people. Mill’s book *On Liberty* is an argument for the value of individual development and an argument for the need to transform Victorian English society to make individual development possible. His book *Utilitarianism* is an argument in favor of political institutions that improve the well-being of all people. But of course, in light of Mill’s remarks about liberty, the well-being of a person is tightly tied to her opportunity to develop herself as she sees fit. One can bring Mill’s two books together by thinking of his overall view as one in which institutions maximize social well-being by creating the conditions for individuals to develop and to exercise their capacities in the ways that they, themselves, would choose. This has clear affinities to the idea of creating the conditions under which all individuals can hunt or fish or rear cattle or be critical critics (as Marx and Engels put it) and so forth – and do these things “just as they have a mind” to do them. Of course, I don’t want to ignore the differences between Mill and Marx. Mill’s utilitarianism is, after all, an aggregative view. I think that the young Marx would have found such a view unacceptable. My point is merely that this is a disagreement more within a family than between strangers.

As I say, ideas of a certain kind were held by many writers in the nineteenth and twentieth centuries. Rawls’s work is also part of this tradition. Indeed, I will argue that *A Theory of Justice* is part of this tradition to a greater extent than has generally been seen. Rawls’s distinctiveness within this tradition seems to me to involve three things. First, while many writers lament the inequalities of wealth under capitalism, Rawls provides a specific criterion for a morally permissible structure of material inequality, namely, his Difference Principle; second, while many writers advocate liberty, economic expansion and economic redistribution, Rawls insists that, at least in a well-developed economy, liberty has moral priority over both economic expansion and economic redistribution; and third, Rawls has a challenging account of how a political theory is to be justified.

3. Before launching into my discussion of Rawls, let me note a bit about this last point, his view of justification in political philosophy. In the period beginning with 1971, Rawls has three concepts that function as part of his method of justification. The first is his famous idea of the *original position*, the idea that principles of distributive justice should be chosen from a standpoint in which those doing the choosing know nothing of their own personal characteristics or circumstances. The second is his concept of *reflective equilibrium*, the idea that justification ultimately consists in subjecting our beliefs at various levels to a wide range of scrutiny designed to generate a broad and coherent set of beliefs. Now, Rawls never abandons either the original position or reflective equilibrium. Each plays an important role in his work from *A Theory of Justice* to the end of his life. However, in the course of his development in the 1970s and 1980s, another idea comes to play an increasing large role and to provide a basic feature of the justification of his substantive theory. This is what Rawls calls *a conception of the person*. In the next lecture I will go into some detail about one part of Rawls’s evolution in the 1970s and 1980s, as well as about the role that a conception of the person ultimately plays in Rawls’s thought. Now, the young Marx subscribes to nothing that is analogous to the original position or to reflective equilibrium. However, a conception of the person does play a basic role for Marx in his writings of 1844. Indeed, I will argue that one way to think of Marx’s 1844 picture is in terms of specifying the conditions under which persons, as Marx understands them, can flourish.

4. I am attempting to bring into conversation two writers who are critical of existing institutions. Each writer thinks that the world can be very different from and very much better than the way that it is. In 1844, Marx presents a sketch of what he calls “true communism.” And Rawls, to the very end of his life, sees the central task of political philosophy to be to sketch what he calls a “realistic utopia” -- a state of affairs that fits with the possibilities of our nature but that goes well beyond current social arrangements.[[4]](#endnote-4)

This very commitment to criticizing the present in the name of a possible better future imposes a major responsibility on a political philosopher. We must never forget how awful human beings have been to one another. In his book *The Peloponnesian War*, Thucydides gives us a set piece, the “Melian Dialogue.” Thucydides presents this as an account of what politics is like in the real world among real human beings. In the “Melian Dialogue” the Athenians besiege a city, Melos, and demand that its inhabitants surrender. The inhabitants send a delegation to talk with the besiegers. The Athenians are willing to talk but they insist that moral concepts not be part of the discussion. Such things, the Athenians say, have no force in real human life. As the world is, the Athenians say, “the strong do what they can and the weak suffer what they must.”[[5]](#endnote-5) Thucydides tells us that the two sides could not agree and that eventually the Athenians overwhelmed Melos, sold all the women and children for slaves and killed all the men.

When Plato wrote his account of an ideal city in his book *The Republic*, I suspect that he knew of Thucydides’ work. Plato definitely knew what the Peloponnesian Wars had been like. They were happening as he grew up. I take Plato’s book to be an attempt to show what human society and human life could be like, even taking into account the ways in which we can be cruel and brutal to one another. Perhaps Plato was excessively optimistic. My point is that any political philosophy that has a view about how human society and human life *ought* to be must keep in mind how human life *is* and *has* been. We people, living in the twenty-first century, should remember what human beings did to one another during the twentieth century. Rawls and Marx are extremely hopeful writers. In this way, they are both descendants of Rousseau. Still, we – that is, you and I living in our world today – need to find a defensible balance between hope and realism – between Plato’s *Republic* and Thucydides’ *History of the Peloponnesian Wars*. I will say a few words about this at the very end of my last lecture.

5. In these lectures I present Rawls and Marx in reverse chronological order. I start with Rawls and I then move back to Marx. I proceed in this way because I think that Rawls’s work can provide us with categories that will be useful when we turn to Marx.

In the remainder of today’s lecture I will present the view that we find in *A Theory of Justice*. In the first half of my next lecture I will talk about Rawls and the idea of a moral conception of the person. In the second half of that lecture I will turn to the content of Marx’s views in 1844. Then in Lecture Three I will argue that if Marx were to accept the fact of material scarcity and so accept the need for some form of distributive principles, he would actually endorse something more or less along the lines of Rawls’s two principles. Finally, in Lecture Four I will turn to the problem of justification. I will argue that both Rawls’s view and Marx’s view rest on moral conceptions of the person, and I will argue that both writers have difficulty in justifying the authority of their moral conceptions of the person. The focus at the very end of the final lecture will be on how we might think that a moral conception of the person could be justified.

II. Rawls’s Biography

1. I will begin my discussion of Rawls with some biographical details. John Rawls was born in 1921, and he grew up in Baltimore, Maryland, a city on the east coast of the United States, just north of Washington, D.C. His father was an important local lawyer, and in general Rawls’s background was upper middle class. He went to a private high school and then to college at Princeton University, from which he graduated in 1943.

After graduation, Rawls joined the United States Army as an infantryman, as a private. I find this interesting because at that time American college graduates would normally have been trained to be officers. However, Rawls chose to be an enlisted man. He was stationed in New Guinea and the Philippine Islands and briefly, when the war ended, he was stationed in Japan. He saw combat in New Guinea where it is said that a bullet went through the top of his helmet without hitting him. In Japan he saw the devastation that had been wrought by the bombing of Hiroshima.

Before the war Rawls had been a religious Christian. He had even considered becoming an Episcopalian priest. However, the war affected him deeply. What he saw in combat in New Guinea as well as what he saw of the aftermath of the bombing of Japan and what he learned of the murder of the Jews in Europe all undermined his religious faith. After the war, Rawls returned to Princeton where he received his doctorate in philosophy. He taught at Princeton briefly and then spent a year at Oxford, where he worked with the English philosophers H. L. A. Hart, Isaiah Berlin, and Stuart Hampshire. His first professorial appointments were at Cornell University and the Massachusetts Institute of Technology. In 1962 Rawls became a professor at Harvard University, where he taught for the rest of his academic career. He died in 2002.

2. During the 1950s Rawls wrote several important essays in moral and political philosophy, including “Outline of a Decision Procedure for Ethics,” “Two Concepts of Rules” and “Justice as Fairness.” The last of these is the initial sketch of what eventually became Rawls’s view of the same name. His book, *A Theory of Justice*, was circulated in manuscript during the 1960s and was finally published to great acclaim in 1971.

For a proper historical perspective on *A Theory of Justice* we must keep in mind both the academic scene in 1971 and the state of American political life during this period. Academically at that time, utilitarianism had been, for several generations, the dominant view in English language political philosophy. In its classical form – that is, in the writings of Jeremy Bentham, John Stuart Mill, and Henry Sidgwick -- utilitarianism is, as you know, the view that the only thing that is good is a certain psychological condition, namely, the presence of a pleasurable feeling. Many extremely sophisticated variants of utilitarianism have been produced since Sidgwick, some of which eliminate the reference to pleasurable feelings, but most retain the idea that the ultimate good is something valuable that ought to be maximized across the entire set of individuals at issue, where, at the limit, that will be humanity as a whole. For the utilitarian, the test of whether existing social institutions are just amounts to determining whether those institutions tend to produce more utility (however that is defined) than would be produced by any other feasible set of institutions.

Now in 1971 not only was utilitarianism ascendant; in addition, the political philosophical tradition descended from the great social contract theorists was thoroughly moribund. No major work in that vein had been done since Kant, and in general that line of philosophical thought was not seen as fruitful. This was largely because the social contract tradition had not been understood in a sufficiently sophisticated way. And it had not been understood in a sufficiently sophisticated way at least in part because there had been no modern attempt to develop a social contract theory with the depth and breadth that over time had been acquired by the utilitarian tradition. Rawls’s view, justice as fairness, as developed in *A Theory of Justice*, is an attempt at precisely such a theory.

It is important to keep this in mind when reading the text. Rawls sees his primary competitor as the utilitarian.[[6]](#endnote-6) The utilitarian has a general account of justice. Rawls remarks that we all know that there are many problems with the utilitarian account, but he says that utilitarianism retains its hold because the available alternative views lack comparable depth and breadth. Rawls’s response is to develop a general account with what he hopes will be sufficient depth and breadth. But I want to stress that what he develops is a *general* account and it needs to be assessed as such. Rawls’s particular claims should of course be challenged along the way, but the final assessment of his view should be of his view as a whole.

In thinking about *A Theory of Justice* it is also useful to keep in mind the political context in which the book was written. This was the era of the American war in Vietnam and the American civil rights movement. Something of the impact of the times can be seen in the fact that Rawls devotes five sections of *A Theory of Justice* to the issue of civil disobedience. Beyond such specific moments, the Rawlsian theory can plausibly be seen as an attempt to bring into proper balance the two central themes of left-wing liberals during this period – on the one hand, the defense of a large scope for individual liberty and individual opportunity, and, on the other hand, the defense of major social redistribution from the wealthier to the less wealthy.

III. Rawls’s Two Principles of Justice

1. In presenting Rawls’s view, it makes sense to begin with his two principles of justice. Before I do that, however, it is worth addressing a possible question about the need for his entire project. This question concerns his assumption that we need to find proper principles of justice or something like them – proper rules for distributing things. But why not simply assume that human beings have surmounted material scarcity and that there is no need to worry about distributing things? Why not assume that in a proper society everyone can have whatever she wants?

Rawls’s answer is that human society will simply never reach such a condition. Indeed, it will never reach anything close to that condition. Rawls believes that as our productive capacities increase, our desires will also increase. It may be that there are limits to the material resources available to humanity, and so it may be that we will reach a limit to our productive possibilities. But Rawls does not assume such a limit. Rather, he assumes that we are creatures whose desires for goods and services will not automatically lessen. He does believe that given the proper social institutions our desires will not increase without end but, as we will see, this hopeful thought is tightly tied to the existence of proper social institutions, that is, of social institutions that satisfy proper principles of justice.

To put this point differently, Rawls believes that at least under the institutions that existed in America at his time and that certainly still exist there and elsewhere, there will be a very strong tendency for human desires to outstrip human productivity. Therefore, we need a principled way to deal with distribution that concedes that not everyone will be able to have everything that he or she desires.

Rawls also believes that the human capacity for altruism is limited. He does not at all deny that we have a tendency to care about one another’s well-being. However, he believes that we cannot simply rely on the possibility that we will care about one another’s well-being in order to figure out how to distribute material goods. Again, Rawls is hopeful that social institutions that instantiate proper principles will foster our possibilities for caring about one another’s well-being. But again that requires us first to discover and to instantiate proper principles of justice.

Rawls calls the human situation that requires us to find principles of justice the “circumstances of justice.”[[7]](#endnote-7) These circumstances seem to me to point to another feature of modern human life that is worth registering. I call this *the fact of our reciprocal dependence*. Of course this fact has been obvious ever since the beginnings of society, that is, ever since the beginnings of even a rudimentary division of labor. For instance, we find such reciprocal dependence noted at the beginning of book 2 of Plato’s *Republic* when Socrates and his interlocutors list the various types of craftsmen who would be needed in even a primitive city. But the degree of our interdependence grew mightily in the early modern period. After all, in a moderately technologically advanced society almost any object embodies the labor of thousands. John Locke famously makes this point in 1690 in his *Second Treatise of Government*:

It would be a strange *catalogue of things, that industry provided and made use of, about every loaf of bread*, before it came to our use, if we could trace them; iron, wood, leather, bark, timber, stone, bricks, coals, lime, cloth, dying drugs, pitch, tar, masts, ropes, and all the materials made use of in the ship, that brought any of the commodities made use of by any of the workmen, to any part of the work; all which it would be almost impossible, at least too long, to reckon up.[[8]](#endnote-8)

A bit less than a century later Adam Smith would make the same point in *The Wealth of Nations*:

Observe the accommodation of the most common artificer or day-labourer in a civilized and thriving country, and you will perceive that the number of people of whose industry a part, though but a small part, has been employed in procuring him this accommodation, exceeds all computation . . . without the assistance and cooperation of many thousands, the very meanest person in a civilized country could not be provided, even according to, what we very falsely imagine, the easy and simple manner in which he is commonly accommodated.[[9]](#endnote-9)

As we see, the fact of our immense and extensive reciprocal dependence has long been emphasized. Rawls’s thought is that if we accept the fact of such interdependence, and if we also accept that we are in the circumstances of justice, then we need some account of the morally acceptable form of our interdependence. That is what Rawls proposes to provide with his two principles.

It is worth noting that we could think of our interdependence and in general of the circumstances of justice as something unfortunate, as an unavoidable evil that human beings must somehow come to terms with and accommodate. Alternatively, we could think of our dependence as a feature of our lives that provides the opportunity for attaining an important and intrinsic good. We could focus on the fact that our reciprocal dependence makes possible the exercise of certain valuable human capacities. Rawls and Marx will disagree about which valuable capacity interdependence enables us to exercise. For Rawls, it is the capacity to act justly. I will argue that for Marx it is the capacity to act from concern for others’ well-being. Either way – and in contrast to other writers, for instance, in contrast to libertarian writers – both Rawls and Marx provide secular variations of the religious idea of the *felix culpa*, the fortunate fall. This is the religious view that only by leaving the Garden of Eden and existing in a world in which there is scarcity and evil could crucial human capacities be developed.[[10]](#endnote-10) On this view, our dependence on one another enables us to exercise capacities and to have relationships that are good in themselves. If manna fell from heaven and we had no need of one another, we would be worse off. As I say, in their different ways, Rawls and Marx are both in this line of thought.

Finally, I should note that I will not be discussing Rawls’s important second book, *Political Liberalism*. The issues about justification that I will develop in the fourth lecture will bring us right up to the issues that motivated Rawls to write *Political Liberalism*, but I will not provide any discussion of that text itself. Even in four lectures, there is only so much that we can cover.

2. As stated in *A Theory of Justice*, Rawls’s two principles of justice are as follows:

(1) Each person is to have an equal right to the most extensive basic liberty compatible with a similar liberty for others.

(2) Social and economic inequalities are to be arranged so that they are both (a) to the greatest benefit of the least advantaged and (b) attached to offices and positions open to all under conditions of fair equality of opportunity.[[11]](#endnote-11)

I want to note a number of things about these two principles:

 (i) The two principles concern the distribution of good things. To be able to talk with reasonable precision here, we need a metric, some specification of what things are good, or at least of what things both are good and are the subject of production and distribution by social institutions. For Rawls, this metric is provided by what he calls *primary goods*. The guiding thought is that there are some kinds of things that human beings generally desire, regardless of what use we will make of them. “For simplicity,” Rawls says, “assume that the chief primary goods at the disposition of society are rights and liberties, powers and opportunities, income and wealth.”[[12]](#endnote-12) These are things that go into the construction of a good human life, indeed, that go into the construction of a very wide variety of good human lives. Different people will use them in different ways depending on individual preferences, but in general people want to have more rather than fewer primary goods. After all, if your view of a good life does not require a lot of income, it is still useful to have more rather than less income in case you change your mind, in case unexpected accidents occur, and so forth. So Rawls assumes that the distributive question that should be addressed is the fair or just distribution of primary goods.

Note that Rawls does not say that primary goods are The Good. Rather, he thinks of them as things that everyone can be presumed to want, whatever their own view of The Good is, and indeed whatever The Good in fact turns out to be.

Note also that, by using the concept of primary goods, Rawls is *not* prejudging the case against the utilitarian. Rawls thinks that, as a metric, primary goods do have some technical advantages over utility. This is a topic I cannot go into. What we should note is that, at this stage of the argument, the utilitarian could accept primary goods as the metric to be used, and still choose the principle of utility over Rawls’s two principles. For suppose that what is good in the world is simply some psychological state that we call “pleasure.” It may then turn out that the best way to distribute primary goods is not through Rawls’s two principles but in some other way that would maximize the total or per capita amount of pleasure in the world (depending on whether one is subscribing to classical or average utility). The introduction of primary goods at this stage allows -- and does not already determine -- a choice between justice as fairness and its major competitor.

 (ii) Rawls asks us to imagine a society that is an *ideal* in the sense that it is *in fact* regulated by a conception of justice. This is what Rawls calls *a well-ordered society*. As he defines a well-ordered society, “it is a society in which (1) everyone accepts and knows that the others accept the same principles of justice, and (2) the basic social institutions generally satisfy and are generally known to satisfy these principles.”[[13]](#endnote-13)

Now strictly speaking, a well-ordered society is *any* society that satisfies these conditions, regardless of how terrible is the content of the particular principles of justice. “All wealth and power to the left-handed” is a possible principle of justice. People, including right-handed people, might come to accept this principle, and social institutions might satisfy it. We would then have a well-ordered society based on that principle. So a well-ordered society is, strictly speaking, not the best possible society. Rather, for any principle of justice *P*, it is the *perfected* form of a society regulated by *P*.

On the other hand, Rawls is concerned to describe and to argue for the principles regulating a very specific well-ordered society. And he thinks of *that* society as *also* just. As a result he tends to refer to “*the* well-ordered society” by which he means the well-ordered society that is regulated by his two principles of justice. For the sake of brevity, I, too, will often refer simply to *the* well-ordered society, meaning the one that is regulated by Rawls’s two principles. Nevertheless, it is worth acknowledging that the concept of a well-ordered society has a broader scope.

(iii) By dividing his view of justice into two principles, Rawls divides his concerns into two parts. On the one hand, he says, there are “those aspects of the social system that define and secure the equal liberties of citizenship”; on the other hand, he says, there are those aspects “that specify and establish social and economic inequalities.”[[14]](#endnote-14) Rawls’s underlying idea here seems to be that there are some areas in which equality ought to be non-negotiable. Such things as individual liberty – say, freedom of speech – and the right to political participation are supposed to be completely equal. This is bedrock. It is not to be compromised. By contrast, Rawls is not committed to economic equality. He does begin with economic equality as what he calls the initial “benchmark” for distribution. However, he is willing to depart from that benchmark if there are good reasons to do so. Indeed, the whole point of the Difference Principle is to specify the conditions under which departure from the benchmark of equality is morally permitted.

(iv) The first principle of justice is given priority over the second. This means that under normal circumstances we are not permitted to violate the first principle in order to instantiate the second principle. If in some circumstances the only way or the most effective way to maximize benefits to the least advantaged is by violating liberty, then Rawls would say No. He would say that such a violation is *not* permitted.

Here, I think that Rawls has in mind events that could be either large or small. As an illustration, let’s take a small one. When unpopular groups or groups whose views are opposed to those of a local government wish to hold a public demonstration, the local government sometimes says that it will not give a permit for the demonstration because it would be too costly to maintain safety during the demonstration. This happened, for instance, when a suburb of the city of Chicago, the small town of Skokie, wanted to deny a fascist group permission to march in its town. Or perhaps the local government will say that permitting the demonstration would create a bad climate for business and so would hurt economic development. In each case the claim would be that permitting the demonstration would, in one way or another, cost the community too much money. Rawls’s idea of the priority of liberty says that saving money is not a good enough reason to deny people permission to hold the demonstration. In general, even if liberty imposes some form of serious cost, Rawls thinks that liberty must still be protected.

(v) There are two phrases in Rawls’s second principle of justice that need explication: the phrase, “conditions of fair equality of opportunity” and the phrase, “to the greatest benefit of the least advantaged.” Let us start with the phrase “conditions of fair equality of opportunity.” When we think of equality of opportunity, we might mean merely that there are no formal barriers that prevent a person from competing for positions of wealth or power or authority. This would mean prohibiting discrimination on the basis of such things as race or gender or religion. But there is also a broader way to take the phrase and Rawls endorses this broader way. This way focuses on the fact that genuine equal opportunity requires that individuals all have an adequate and more or less equal education as well as other things, such as adequate childhood health care or adequate nutrition. The idea is that if we are to talk seriously about a fair competition, we need to be sophisticated about the factors that can prevent some people from reaching the starting line of the race encumbered by major handicaps that could have been avoided.

To give an example, where I live in Chicago, my own neighborhood is surrounded by an extremely poor neighborhood. The schools in this poor neighborhood are terrible. The children who go to those schools and who are raised in those neighborhoods have very little chance to develop their talents and to break out of poverty. From the beginning, they are more or less condemned to lead worse lives than other Americans. Rawls’s principle of fair equality of opportunity says that this is deeply wrong. His principle says that a just society must find some way to make it the case that every child is able to get an adequate education and, in general, every child must have a real opportunity to develop his or her abilities. The existing condition of opportunity in the United States falls far below the level that is required by Rawls’s principle of fair equality of opportunity.

The second phrase that needs to be unpacked is “to the greatest benefit of the least advantaged.” This is what Rawls calls the “Difference Principle.” The idea is that equalities are permissible if and only if they are the only or perhaps merely the most effective way to raise the social floor as high as possible. On this view, our focus is, initially, on that social group whose condition is the worst. Once we have raised the condition of that group to its highest feasible level, we are to focus on the group that is the next worst off group, and so on. The underlying thesis is that inequalities that are *necessary* to raise the condition of the worst off – and do not violate liberty -- are morally justified.

Here, there are two elements at stake. One is what has come to be called “prioritarianism” – the thought that improving the condition of the worst off group has moral priority over other distributive considerations. This has become a basic assumption of much English-language political philosophy. We will see this theme again in my discussion of Marx in the third lecture.

Rawls’s second thought here is that human beings respond to incentives, and that it might be that the best way to elicit risk taking, capital investment, hard work, and so forth is to permit inequalities whose net result will be to increase the overall social pie – that is, to permit inequalities that will provide the circumstances under which the condition of the worst off can be most improved.[[15]](#endnote-15)

If providing people with the incentive of acquiring more primary goods will generate more social wealth that will benefit the worst-off, then it is justified to provide such an incentive – although *only* to the extent that doing so is *necessary* to maximize the condition of the worst-off.

This is the place to stress, incidentally, that the Difference Principle is not an *allocative principle*. An allocative principle assumes that there is a fixed set of goods and then asks about the proper distribution of that fixed set of goods. In effect, an allocative principle separates distribution from production. Rawls, however, sees distribution as closely tied to production. Different distributive principles will elicit different forms of investment and other activities, and these will generate different sets of goods. The whole point of the Difference Principle is to provide appropriate incentives to individuals to engage in those activities that will increase the overall stock of primary goods. It is in this sense that Rawls denies that a theory of social justice should pick out an allocative principle.[[16]](#endnote-16) Instead, it should pick out a distributive principle, that is, a principle that is connect to an account of social production.

(vi) Rawls’s view is an instance of what he calls “pure procedural justice.” The idea is that if we can specify the structure of just institutions, we need not worry about whether any individual person’s situation is just. As long as the overall structure of the institutions is fair -- that is, as long as *the process* by which citizens end up in this or that social condition is fair -- then the overall situation is fair regardless of whether this person or that person ends up in a higher or a lower condition. The fairness of the social process guarantees the fairness of the specific arrangements.

The point here is that, on Rawls’s view, *there is no antecedent standard that determines what an individual person should get*. In some purely allocative contexts we might think that there is such an antecedent standard. Thus if we are dividing a cake among ten people, it looks as if we know beforehand that each person should get an equal share of the cake. We can say antecedently that Jack and Jill should each get an equal share. With justice as fairness, however, we cannot say in advance whether Jack should get more primary goods than Jill or the other way around. We have to await the workings out of a fair procedure to see what each actually gets. The example that Rawls uses to illustrate pure procedural justice is gambling.[[17]](#endnote-17) Imagine that we flip an evenly weighted coin a hundred times. Suppose that Jack and Jill flip this coin. For each flip of the coin, if it comes up heads, Jack gets a dollar; for each flip of the coin, if it comes up tails, Jill gets a dollar. Now suppose that the coin is flipped a hundred times. In this case, since each flip is fair, Rawls’s point is that any outcome of the hundred flips is fair. The fairness of the process transfers to the outcome so that any outcome of the fair process is fair. It will be a fair outcome if Jill gets eighty dollars and Jack gets twenty dollars or if Jack gets eighty and Jill gets twenty. Moreover, in this example we cannot know what Jack and Jill will get until they actually flip the coin a hundred times. Similarly, we cannot know what individual people will get in the well-ordered society of Rawls’s justice as fairness until a social system regulated by Rawls’s two principles is actually set up and allowed to operate. “In order, therefore, to apply the notion of pure procedural justice to distributive shares it is necessary to set up and to administer impartially a just system of institutions.”[[18]](#endnote-18)

3. Offhand, the Difference Principle has some intuitive appeal, but many objections have been made to it. It will be useful to examine two rather common objections.

The first objection is that in practice the Difference Principle might turn out to be *not egalitarian enough*. Assume that Jack is in the worst off group. Strictly speaking, it is logically possible for the Difference Principle to permit Jack to gain merely one dollar while Jill, who is already better off than Jack, gains one million dollars. If Jack is in the worst off group our goal is supposed to be to improve his condition as much as possible. If the only way to do this is to give Jill a million dollar incentive to engage in some productive activity – call it, activity Alpha -- which will in fact increase the overall social pie, the Difference Principle seems to say that we should give Jill the one million dollars. Many people have found this scenario intuitively problematic.

This scenario is indeed a logical possibility, but for two reasons it is *extremely* unlikely to occur. First, remember that Rawls’s view focuses on a well-ordered society. In such a society, citizens have what he calls a sense of justice and this sense of justice motivates them to comply with the two principles of justice. Now, in Rawls’s well-ordered society, part of acting in accordance with one’s sense of justice is being honest about the level of incentives that are required to induce one to engage in socially productive activities. Those people who wish to gain extra income from providing a good or a service must be sincere about where they put the price point for providing that good or that service, for instance, engaging in productive activity Alpha. They cannot be *bluffing*; in effect, they cannot be *lying* about what it would take to get them to engage in activity Alpha. They cannot be merely hoping to extract an extra subsidy from the public purse. To do that would be to fail to act in accordance with one’s sense of justice. By hypothesis, each citizen believes that the Difference Principle *is* the just principle of distribution and so each citizen would *not* be motivated to thwart its workings. The result is that Jill will get one million dollars *only* if there is really no less expensive way to raise Jack’s income by one dollar, and *only* if Jill is really the only available provider of some highly valuable good or service – here, activity Alpha – and *only* if Jill really and truly would prefer *not* to provide that good or service – not to engage in activity Alpha -- were she to be paid any less than one million dollars.

Clearly, this set of circumstances is *very* unlikely to occur. But suppose that it does occur. Suppose that, bizarrely enough, the one and only way to get Jack an extra dollar is by arranging things so that Jill gets an extra one million dollars. Why would it then be wrong to give Jill the one million dollars? By hypothesis, this is the most efficient way to benefit Jack without violating anyone’s liberty. By hypothesis, Jill has a very odd set of preference orderings such that her preference is to engage in activity Alpha for one million dollars but *not* to engage in activity Alpha for even a dollar less than one million dollars. That is odd and unlikely -- but it is Jill’s choice. The only reason not to give Jill the one million dollars would be that we dislike economic inequality *per se*. But why should we do so? Shouldn’t our concern be to get the most for the least well off people, consistent with not violating anyone’s liberty? Keep in mind that, by hypothesis, Jack and Jill are completely equal in the liberty that each has. Moreover, each has the status of equal citizen. Rawls is insistent that economic inequality must not be permitted to undermine equality of liberty or equality of status. This may seem unrealistic. But here keep in mind two things: first, that urging that we should not give Jill the one million dollars because doing so would undermine equal liberty would be to give *a new and different reason* not to give her the money; and second, *under those circumstances*, Rawls would agree because, for Rawls, liberty has priority over the Difference Principle.

4. We have just discussed the claim that the Difference Principle permits inequalities that are problematic – that the Difference Principle is not egalitarian enough. But it is has also been asserted that the Difference Principle is *too* *egalitarian*. The argument that the difference principle is too egalitarian goes like this. Suppose it were possible to give Betty, who is already somewhat better off than Bob, one million dollars, but to do so requires taking one dollar from Bob. The Difference Principle would forbid this. For the point of the Difference Principle is to maximize Bob’s condition, the condition of those who are worse off, and taking one dollar from Bob would make his condition worse. The objection here is that it seems wrong not to give Betty an enormous benefit just because doing so takes a very small amount from Bob. Even though Bob is worse off than Betty to begin with, still, it seems odd to say that Betty is not permitted to get an enormous benefit just because Bob would lose a tiny amount. But this does seem to be an implication of the Difference Principle.

The response to this kind of example is to point to the possibility of a transfer system that would take at least two dollars from Betty’s new and additional one million dollars and give that money to Bob. That way Bob, who is already worse off, would not be made even worse off by Betty’s new one million dollars. Rather, he would gain. But suppose now that Betty says, quite sincerely, that she will not provide the relevant good or service for less than one million dollars – that for less than one million dollars she will *not* engage in productive activity Alpha. Here is where Rawls believes that fairness dictates that our focus should be on Bob, not on Betty. The Difference Principle does not prevent Betty from gaining. It does prevent her from gaining in a way that does not benefit Bob. There seems nothing unfair about that. If Betty will not share any of her gains with Bob, why should we believe that she has been treated unfairly?

5. This example is very important for seeing the overall thrust of Rawls’s picture. For as I have glossed the example, Betty does not *deserve* her one million dollars apart from her participation in a system that is geared toward maximizing the condition of the worst off. Rawls puts this point in terms of the difference between *natural desert* and *legitimate expectations*. The distinction is not hard to see. If you live in a reasonably just society, and that society offers certain rewards for certain kinds of conduct, then if you perform that kind of conduct, for instance, if you get an extremely high score on a civil service exam, then you can legitimately expect to gain the reward, namely, a civil service job. You have grounds for complaint if you do not get the reward – by hypothesis, society has a rule that says, if you do X you will get Y, and in fact you did X. This creates a legitimate claim to receive Y. The contrast that Rawls wants to draw is with the idea that someone might *naturally* have a moral claim that social institutions provide him or her with rewards of some kind. Rawls’s claim is that this is never the case.

Rawls’s claim here has its greatest force if we focus on the ways in which different societies give payoffs to different physical and mental capacities. Many examples are possible here. For instance, in the United States, athletes with the skills to be professional baseball or basketball players make more money than athletes with the skills to be professional soccer players. In many other countries things are reversed – soccer players make more money. But no American soccer player can say that he *deserves* to make as much money as an American baseball player. No one deserves to have his or her society organized so that one’s particular set of talents is highly paid.

We can see the same point in other fields. These days, many surgeons are women. A hundred years ago there would not have been women surgeons not only because of sexism but because a hundred years ago we had no power tools for surgery – back then a surgeon had to have very strong arms and shoulders to saw through bones. Times have changed and this is no longer the case. These days it would be absurd if a man were to say that because he is extremely strong he deserves preference in the competition to become a surgeon. The concept of desert as something with antecedent moral force has no place here. For a given profession, we have criteria for admission, for instance, we have criteria for admission to medical school, and if one meets those criteria, then one is entitled to go to medical school. However, the content of those criteria shift over time. Rawls’s view is that – at least for the purposes of political philosophy, for the purpose of finding acceptable principles of distributive justice -- the concept of desert as something independent of such shifting criteria makes no sense.

Most people would agree at least in part with claims along these lines, but in one area Rawls’s view has run into considerable controversy. Here, I think that his view does have a problem. Many people believe that there is a trait which is often important to success in the world and which seems sufficiently tightly tied to who one is and to what one is responsible for that its exercise, at least under certain conditions, does in fact generate an independent claim of moral desert. This trait is *the ability to make an effort*, the ability to work hard.

In *A Theory of Justice* Rawls asserts that, like one’s other capacities, one’s ability to make an effort may be a function of social circumstances.[[19]](#endnote-19) It is important to see what Rawls is saying and what he is not saying when he makes this claim. Rawls has sometimes been taken to be making a large metaphysical claim, namely, to be making the claim that all aspects of human character are socially determined. In fact, such a claim would be completely at odds with Rawls’s constant attempt to avoid commitment to large metaphysical theses. In any event, it is unnecessary for him to make such a claim. I think that Rawls should be taken as making the modest claim – a kind of common sense sociological claim -- that there is *some* non-trivial impact on an individual’s willingness to make an effort of such things as the likelihood of success, the nature of the individual’s local culture, family circumstances, and so on. People who grow up in dire poverty may see little hope of gaining anything by working hard. The available opportunities may be so small and undesirable that, in general, even if not in every case, it will not seem to make a great deal of sense to make much of an effort. This is compatible with the fact that two different people who grow up within the same background circumstances may differ greatly in terms of the effort that they do actually make. Rawls’s claim, as I understand it, is merely a tendency claim.

Nevertheless, I think that there is still a problem for Rawls. For I think that most of us have a strong belief that to a considerable extent effort is simply effort, and that effort does generate some claim of desert. Moreover, and crucially, at places Rawls himself seems to say something like this. For instance, he insists that agents are responsible for their ends. That is, he insists that the fact that I have expensive tastes gives me no extra claim on social resources. Suppose that I will be unhappy unless I can own a large, elegant apartment, a Rolls Royce and a vacation home in Bermuda. Most people can be happy with far less. Rawls’s point is that my expensive tastes do not provide a reason to give me more resources – and that is because I do not *have to have* those expensive tastes. I could come to like less expensive things. I am not metaphysically fixed and determined. Nor am I sociologically fixed and determined. Even if I have been brought up to like expensive things, my taste for such things is still my own responsibility. In addition, Rawls admits that in his well-ordered society there may have to be a criminal law, with the apparatus of police, courts, jail, and so on. But if it is morally permissible to impose criminal sanctions on people, we must presume that people can control their actions. And if we presume that people can control their actions, shouldn’t we also be able to presume that people can control how far they make an effort? And so shouldn’t we reward those who do make an effort and not reward those who don’t?

The issue of one’s willingness to make an effort presents Rawls with a problem. This is easy to see. Imagine two people who begin with identical talents and circumstances, but one opts to spend his time sleeping and lazing about, while the other works hard. Assuming that the first ends up in a lower group in terms of primary goods, he will benefit from transfer payments from the second. But that seems unfair. It is one thing to say that inequalities should be structured so as to compensate for disadvantages over which I have had no control. It is quite another thing to say that inequalities should be structured so as to compensate for disadvantages over which I have had considerable control.

I think that Rawls is stuck here. Indeed, as he himself eventually admits – in a footnote in *Political Liberalism* -- the administration of the Difference Principle must prune out such cases.[[20]](#endnote-20) Still, if we keep in mind the difference between our society and the well-ordered society, then the different things that Rawls says can be made to be reasonably consistent. One might think of the well-ordered society as a condition in which there is a relatively modest inhibition of one’s ability to make an effort. The claim – and this would be an empirical claim, a sociological claim – would be that our current society (for instance, the United States) inhibits the ability to make an effort to a considerably greater extent, at least for some large number of people, than would be the case in the well-ordered society of justice as fairness. Rawls’s claims then would be:

(i) Some social circumstances – say, those in the poor areas of the United States -- can inhibit one’s ability to make an effort.

(ii) It is difficult in practice to disentangle the impact of such circumstances from any particular individual’s own failure to make an effort.

So (iii) we cannot, in general, use the idea of making an effort to say that a particular individual’s current impoverished condition is justified.

These claims remain compatible with the idea that under proper social circumstances people could be expected to make an effort, and could be held responsible for doing so. It remains compatible with the idea that sometimes we have sufficient reason to think that some agents are not doing what they are capable of doing. In such circumstances, it seems permissible to limit their social benefits accordingly.

6. I should make a point here about the degree of inequality that is likely to obtain in Rawls’s well-ordered society. Rawls believes that in such a society “both the absolute and the relative differences allowed . . . are probably less than those that have often prevailed.”[[21]](#endnote-21) This belief relies on two premises. The first premise is that in a society that has free movement across jobs as well as some sort of price system, the highest salaries will tend to be bid down. This is because jobs that pay high salaries tend to involve authority and power as well as the exercise of complex abilities. They tend not to be dull and stultifying. As a result, most people with the relevant capacities would prefer to do those jobs than to do other things. Under conditions of free competition, the salaries needed to induce people to engage in those jobs will, therefore, tend to be far less than at present. Rawls’s hypothesis is that the non-monetary benefits that people receive in such jobs are sufficient that, in a genuinely competitive context, large salaries will not be needed. Rawls’s second premise is that, at some -- not forbiddingly high -- level of economic well-being, the importance to individuals of further economic well-being diminishes relative to the importance of various non-work activities. In particular, Rawls thinks that at some point it becomes more important to individuals to engage in cultural and spiritual activities and to participate in associations of various kinds.[[22]](#endnote-22) Moreover, at this level of economic well-being people tend to want to participate in the activities of self-government at various levels. If we accept these premises about human psychology, then in Rawls’s well-ordered society there will be less of a drive than at present to earn larger and larger incomes.

There is yet one more point to make about the tendency to equality in Rawls’s well-ordered society. It is that Rawls believes that what sustains citizens psychologically, what sustains their sense of their own worth – their self-respect – will *not* ultimately be how much income and wealth they have compared to other people but, rather, their status as an equal citizen. This is a key claim. I will return to it at the very end of today’s lecture.

7. It should be remembered that we are thinking of how to provide a defensible moral framework for the basic structure of society – for society’s central institutions -- and that this may require the redistribution of current assets. That is, those who are rich might have to give up some of their riches. For it is highly unlikely that the current distribution of assets in, say, the United States, corresponds to what Rawlsian justice requires. Agents who have received large assets under *that* structure – under what is, by hypothesis, an unjust American structure -- do not thereby gain an absolute entitlement to their wealth, for, by hypothesis, their wealth was acquired in a morally tainted context. In *The Communist Manifesto* Marx and Engels imagine themselves saying to the capitalists that “You reproach us . . . with intending to do away with a form of property, the necessary condition for whose existence is the non-existence of any property for the immense majority of society. In one word, you reproach us with intending to do away with your property. Precisely so; that is just what we intend.”[[23]](#endnote-23) The Rawlsian program does not, *ab initio*, intend to do away with anyone’s property. It intends to find out what the conditions are under which the possession of property is morally legitimate. However, those conditions – the conditions of a genuinely just society -- are likely to be very different from current conditions, say, in the United States. Suppose, as is likely, that current conditions in the United States are found to be unjust, that is, suppose that current conditions do not accord with what is required by the principles of justice that we come to accept. Then those in the United States who at present are very rich cannot claim that the current distribution of assets is just -- and so they cannot claim that redistribution would be unjust. And so they cannot, morally speaking, oppose redistribution. And so in a sense Rawls’s view does intend to do away with their property.

IV. Relationships in Rawls’s Well-Ordered Society

1. In this last part of this first lecture I want to talk about what citizen-citizen relationships would be like in a Rawlsian well-ordered society. It is sometimes assumed that a Rawlsian society would be atomized and deeply individualistic, and that citizens would not have shared ends or be concerned for one another’s well-being. There is enough force to this thought that I will eventually distinguish Rawls and Marx by reference to the difference between the political attitudes of respect and concern, things that I will discuss in Lecture Three. Nevertheless, Rawlsian society is in some ways very much a society of shared ends and commitments. This is a feature of Rawls’s view that has not been sufficiently understood and appreciated.

In *A Theory of Justice* Rawls is explicitly worried that his view will seem to endorse what he calls “private society.” He defines private society as follows:

Its chief features are first that the persons comprising it, whether they are human individuals or associations, have their own private ends which are either competing or independent, but not in any case complementary. And second, institutions are not thought to have any value in themselves, the activity of engaging in them not being counted as a good but if anything as a burden. Thus each person assesses social arrangements solely as a means to his private aims.[[24]](#endnote-24)

I will discuss – all too briefly -- three ways in which Rawls’s well-ordered society differs from a mere private society: first, in Rawls’s society citizens have a form of shared final ends; second, Rawls’s society is characterized by a form of social union; third, Rawls’s society instantiates what he calls “reciprocity.” Let’s go through these in turn.

2. I begin with shared ends.[[25]](#endnote-25) Here, two distinctions are needed. To begin with, there could be *internally-oriented* or *externally-oriented* shared ends. With the first, the content of agents’ shared end is simply to live in a society structured in a certain way. By contrast, an externally-oriented shared end involves attaining some goal held by the society as a whole, for instance, attaining God's kingdom on earth or, to take another example, engaging in the attainment of national empire and greatness. In these examples, agents wish to promote something beyond the maintenance of a certain structure of living together. By contrast, Rawls’s citizens, at least qua citizens, wish simply to live in a society whose basic structure is regulated by the two principles of justice. For Rawls, this shared end is *very* important. He even goes so far as to call the maintenance of a just society “the preeminent form of human flourishing” and he says that “persons best express their nature” by maintaining just institutions.[[26]](#endnote-26) Yet this involves no end external to the well-ordered society of justice as fairness, no end beyond maintaining such a society, that is, no end beyond simply maintaining a society that is just.[[27]](#endnote-27) For Rawlsian citizens, maintaining just institutions is a shared, internally-oriented final end.

The second distinction is between *overlapping* and *intertwined* shared ends. Ends overlap when agents have the same end but they need not attain that end with and through others. The donors to a fund drive to eradicate a disease, for instance, diabetes, share an end, but they need one another only because a joint effort is required to raise sufficient money to eradicate the disease. It would not defeat their shared end if one donor gave enough money to support all the research or if fortunate circumstances made diabetes disappear completely. By contrast, for Rawls, his citizens need one another to realize the good of living in a just society. This good involves giving one another justice, that is, giving justice *to* one another. It involves acting toward one’s fellow citizens *from* one’s sense of justice and being (at least implicitly) recognized as doing so.

Communities formed via overlapping, external shared ends are structurally different from those formed via internal, intertwined shared ends. In a community characterized by external, overlapping ends agents are not bound to each other *through* their shared final end. That my actions contribute to attaining your end is a contingent consequence of the nature of my end. It is not part of the *content* of my end. We do not do things *for* one another. By contrast, with Rawls, citizens give and receive justice from one another; they intend to give and to receive justice; and all this is generally recognized and appreciated. And it is through this giving-and-receiving process that citizens individually – and so, granted the structure of the activities, also jointly – realize (at least some of) their final ends.

3. Now to what Rawls calls *social unions*. Rawls’s thought is that each of us takes part in various groups with others. These might be reading groups where we read novels together; they might be weekly soccer games or charitable organizations – there are many possibilities. The basic thought is that in a modern society there are organizations that are neither directly economic nor directly political, and that one can find participation in such organizations to be intrinsically satisfying.

Rawls says that to qualify as a social union an organization must involve “an agreed scheme of conduct in which the excellences and enjoyments of each are complementary to the good of all. Each can then take pleasure in the actions of the others as they jointly execute a plan acceptable to everyone.”[[28]](#endnote-28) Rawls’s example is a well-played game. If we are playing a game together we will appreciate the excellences that each of us shows in the game, for instance, your skill at shooting the basketball, someone else’s skill at passing or playing defense. Moreover, we all have the shared goal of a good play of the game. It is true that each of us wants to be on the winning team, but it is boring if one team is too much better than the other. A good game is one that is close and exciting, and that is something that the players on both teams can enjoy. There is a story about a famous major league baseball player in the deciding moments of a championship game. The game had been exciting and now, at the very end, the game was tied. This player turned to another famous player on the opposing team and simply said, “Can you believe this game?” Each player appreciated the game itself. It was something that they shared.

Now, Rawls’s thought is that each of us belongs to one or more of these social unions. Further – and this is the important point – Rawls urges that we should think of society itself as a social union of social unions. He writes: “In much the same way that players have the shared end to execute a good and fair play of the game, so the members of a well-ordered society have the common aim of co-operating together to realize their own and another’s nature in ways allowed by the principles of justice. This collective intention is the consequence of everyone’s having an effective sense of justice.”[[29]](#endnote-29)

This way of thinking of society puts Rawls within an interesting philosophical tradition. The sort of thing that he has in mind goes back to Goethe and was a common thread in the Hegelian tradition. Rawls explicitly cites Wilhelm von Humboldt and writes: “Thus we may say following Humboldt that it is through social union founded upon the needs and potentialities of its members that each person can participate in the total sum of the realized natural assets of other.”[[30]](#endnote-30)

This is a remarkable thought. The idea is that in a social union of social unions I will be able to appreciate what others do and they will be able to appreciate what I do. In this process, I will, in a sense, share in others’ accomplishments. I will see others’ accomplishments, as in a sense, my own accomplishments.

This is very far indeed from private society. Moreover, it is actually reminiscent of some remarks by Marx’s mentor Bruno Bauer, who wrote that, through proper identification with society as a whole – what Bauer called “universal self-consciousness” -- I could see everything, including, as Bauer puts it, the products of “geniuses” as my own.[[31]](#endnote-31) Marx, too, has something like this view. Through the idea of a social union of social unions, Rawls is urging that the citizens of his well-ordered society can be strongly tied to one another. Rawls goes on to write:

We are led to the notion of the community of humankind the members of which enjoy one another’s excellences and individuality elicited by free institutions, and they recognize the good of each as an element in the complete activity the whole scheme of which is consented to and gives pleasure to all. This community may also be imagined to extend over time, and therefore in the history of a society the joint contributions of successive generations can be similarly conceived.[[32]](#endnote-32)

This, too, is a remarkable passage. In his well-ordered society, Rawls believes that there could be a set of connections across citizens at a given time as well as across generations – and not only within a society but, at the limit, extending to humanity as a whole. This does not reach quite as far as John Stuart Mill reaches with his idea, derived from Auguste Comte, of the “religion of humanity” whose devotees receive a satisfying substitute for immortality.[[33]](#endnote-33) Nevertheless, Rawls is enormously expansive in his picture of how far each individual can be tied to other individuals across space and time. This is not at all a vision of society as composed of isolated atoms, each pursuing merely his own selfish interest. On the contrary, in Rawls’s picture, citizens are broadly and deeply connected to one another.

4. The final thing that I want to discuss about citizen-citizen relationships in Rawls’s well-ordered society is his claim that justice as fairness “expresses a conception of reciprocity,”[[34]](#endnote-34) something that he calls “a principle of *mutual* benefit.”[[35]](#endnote-35) There are several things to note about this:

(a) Reciprocity is not egoism. In a reciprocal arrangement, both parties benefit. With the Difference Principle, both the better off and the worse off improve their situations relative to a benchmark of equality. By contrast, egoism permits one person to benefit while the other does not.

(b) Reciprocity is also not altruism. An altruist ends up in a *worse* condition by sacrificing for the other person. Again, remember that we are starting from a benchmark of equality. Relative to that benchmark, with the Difference Principle all parties improve their situations.

(c) To think that the Difference Principle is the right principle for distributive justice is to think that it would be wrong to benefit when one’s fellow citizens do not. It is to be unwilling to be made better off unless others can be made better off as well.

I want to expand on this last thought. In *A Theory of Justice* Rawls asserts that the Difference Principle is “an interpretation of the principle of fraternity.”[[36]](#endnote-36) His connection of the Difference Principle to the idea of fraternity is by making an analogy to an idealized family.

Members of a family commonly do not wish to gain unless they can do so in ways that further the interests of the rest. Now wanting to act on the difference principle has precisely this consequence. Those better circumstanced are willing to have their greater advantages only under a scheme in which this works out for the benefit of the less fortunate.[[37]](#endnote-37)

Commitment to the Difference Principle thus instantiates what it is like to have family relationships, relationships in which I accept greater advantages only if doing so benefits the less fortunate. The Difference Principle instantiates distributive relationships that *would be* instantiated by people motivated as family members would be motivated.

Rawls goes on to make a further remark: “[T]he difference principle represents, in effect, an agreement to regard the distribution of natural talents as a common asset and to share in the benefits of this distribution whatever it turns out to be.”[[38]](#endnote-38) In its most straightforward interpretation this should be taken to mean that citizens in the well-ordered society regard their society as a place in which all affirm the belief that our various talents are to be used for the common good, and where the nature of the common good is specified by the Difference Principle. In Rawls’s well-ordered society all citizens have well-functioning senses of justice and they have a common goal, a conception of the common good, that is based upon the principles of justice – Rawls’s two principles -- that all affirm.

But we can take this idea a little further. Each of us has his or her individual plans and individual characteristics. Nevertheless, we recognize that to a considerable extent what counts as a “talent” is itself a function of our shared social institutions and our shared social attitudes. Many of my “valuable” traits are not valuable apart from their social context. They are constituted as valuable in part by that context. In this sense I do not bring them to society from the outside and “lend” or “give” them to society. They exist as talents only *within* a given society. That fact does not ground a moral argument in favor of the Difference Principle. However, it does suggest that we should be extremely wary of thinking of ourselves as altogether apart from society. What we *are* is in large part what is possible for us to be in society, that is, in a given society at a given time. Rawls’s claim is that it makes sense to think of ourselves as having talents that are, in a sense, constituted *as* talents by the structure of our society. Committing oneself to the Difference Principle is a way to commit oneself to the thought that what has been socially constituted as a “talent” is to be used – at least in part -- for the common good.

V. Self-Respect, Self-Esteem and Equal Status

1. I will close today’s lecture by talking about self-respect or, as Rawls sometimes says, self-esteem. These concepts are in fact not quite the same, but in *A Theory of Justice* Rawls uses the phrases – self-respect, self-esteem -- interchangeably, so for today’s purposes I will do so as well.

Rawls thinks of self-respect or self-esteem as a crucial primary good. He provides the following definition:

We may define self-respect (or self-esteem) as having two aspects. First of all . . . it includes a person’s sense of his own value his secure conviction that his conception of his good, his plan of life, is worth carrying out. And second, self-respect implies confidence in one’s ability, so far as it is within one’s power, to fulfill one’s intentions.”[[39]](#endnote-39)

I should note that having adequate self-respect is not the same as being happy. Perhaps persons who have inadequate self-respect cannot be happy. Perhaps adequate self-respect is a necessary condition for happiness. However, it is certainly not a sufficient condition. Nevertheless, self-respect is of immense importance. Rawls says that in its absence, “nothing may seem worth doing, or if some things have value for us, we lack the will to strive for them. All desire and activity becomes empty and vain, and we sink into apathy and cynicism.”[[40]](#endnote-40) What Rawls describes here seems to be something very much akin to clinical depression. Rawls’s point is that social institutions have to be arranged in such a way that they are more rather than less likely to sustain each citizen’s self-respect.

2. Let’s look first at a non-Rawlsian view of the basis of self-respect. According to Robert Nozick’s view, my self-respect requires that I score higher than other people on some set of important axes. Nozick thinks that a person comes to have self-respect through comparing himself to others and finding that he does well in the comparison, that he turns out to be superior. For Nozick, self-respect is all about believing that one is better than others.

Note that if Nozick's account is correct, then self-respect will be a scarce good. On Nozick’s account, not everyone can have adequate self-respect. For it is impossible for each of us to count as superior and no one to count as inferior.

3. Rawls has two ways that he could respond to Nozick. Rawls stresses that each citizen needs to be part of at least one group – one social union -- within which the person’s contributions are appreciated and, as Rawls puts it, “confirmed by his associates.”[[41]](#endnote-41) Each citizen needs at least one group, Rawls says, in which we find “our person and deeds appreciated and confirmed by others who are likewise esteemed and their association enjoyed.”[[42]](#endnote-42) The idea is that if we belong to social unions we will find that others appreciate what we do within those social unions, and so we will find that others appreciate *us* – that is, think well of us. Rawls believes that this will help to sustain our self-respect.

Rawls also makes a second and fundamental claim about self-respect. He believes that in the well-ordered society of justice as fairness, as time goes on, the basis of self-respect will increasingly come to be something other than one’s comparative wealth and income. As I mentioned earlier, one will find satisfaction in all sorts of non-economic activities. Moreover, and crucially, Rawls believes that one’s status as an equal citizen will sustain one’s self-respect or self-esteem. About this, Rawls is quite explicit:

The basis for self-esteem in a just society is not then one’s income share but the publicly affirmed distribution of fundamental rights and liberties. And this distribution being equal, everyone has a similar and secure status when they meet to conduct the common affairs of the wider society.[[43]](#endnote-43)

Suppose now that Rawls is correct that it is a possibility of human psychology to have one’s self-respect adequately sustained by one’s equal status as a citizen who possesses equal fundamental rights and liberties. Several things follows:

First, adequate self-respect or self-esteem is then *not* a scarce good. Despite what Nozick claims, self-respect would turn out to be something that all citizens could have to an adequate degree. For my status as an equal citizen does not take away from anyone’s else’s status as an equal citizen. The status of equal citizen is a non-comparative status.

Second, we have an answer to the worry that the existence of inequality in Rawls’s well-ordered society – something that follows from using the Difference Principle – would generate a great deal of envy. For we are only envious of other people who have valuable things that we do not have. But suppose now that what is seen as most valuable is the status of being an equal citizen in possession of equal fundamental rights and liberty; and suppose that we *all* have that status. In that case, there will be less reason for citizens to feel envious of one another.

Finally, we have another and important argument for the priority of liberty over the Difference Principle. Such a priority of liberty affirms the value of the status of equal citizen. To give priority to the principle of equal liberty is to say that the most important thing is the status of a being that is entitled to equal liberty – and that is the status that each of us has a citizen. To accord priority to liberty is thus a way to help to sustain all citizens’ self-respect.

VI. Recap

Let me go back over what I have done today. In this lecture, I have tried to do two things. First, I have tried to present Rawls’s two principles of justice, to explain what they say, and to defend them against some common criticisms and misconceptions. Second, I have tried to show that Rawls’s view of a just society not only gives priority to individual liberty, but that it also provides a central way in which citizens have shared ends, and so it has a central place for the theme of fraternity and a joint commitment to the common good. It has long been clear that Rawls fits within the philosophical tradition that puts great emphasis on individual liberty. In the last third of today’s lecture I have tried to present a picture of Rawls that emphasizes other things, namely, a focus on shared ends, a commitment to the common good, and the importance of being an equal citizen.

Rawls is often taken to represent the liberal tradition, and there is surely truth in that thought. But if Rawls represents liberalism, his form of liberalism is quite complex; moreover, it does its best to incorporate themes from other traditions, notably the communitarian and the civic republican traditions. Like any philosophical view, Rawls’s view is probably wrong. Still, I have tried to present his view in a way that makes it worthy and powerful and, as I hope we will see in the subsequent lectures, an interesting alternative to Marx.

1. Citations to *A Theory of Justice* are to John Rawls, *A Theory of Justice* (Cambridge, MA: Harvard University Press, 1971; revised edition, 1999). The first page numbers to *A Theory of Justice* refer to the original 1971 edition, the second page numbers refer to the revised 1999 edition. Citations to Karl Marx’s works are given by the English title and then by the volume and page number, first in Karl Marx and Friedrich Engels, *Marx-Engels Werke (*MEW*)*, Berlin: Dietz Verlag, first volume published 1956 (“E, i” stands for Ergänzungsband, volume one); and then in *Marx-Engels Collected Works* (MECW) New York: International Publishers, first volume published 1975. [↑](#endnote-ref-1)
2. Cited in *Wikopedia*. See http://en.wikipedia.org/wiki/Income\_inequality\_in\_the\_United\_States#cite\_note-cbo-16 The figures come from [*Congressional Budget Office: Trends in the Distribution of Household Income Between 1979 and 2007*](http://www.cbo.gov/doc.cfm?index=12485)*.* October 2011. [↑](#endnote-ref-2)
3. See Marx and Engels, *The German Ideology*, MEW, vol. 3, p. 33/MECW, vol. 5, p. 47 and p. 273/292. [↑](#endnote-ref-3)
4. See John Rawls, *The Law of Peoples* (Cambridge, MA: Harvard University Press, 1999), p. 7. [↑](#endnote-ref-4)
5. Thucydides, *The Peloponnesian War* (New York: Modern Library, 1951), p. 331. [↑](#endnote-ref-5)
6. To a lesser extent, Rawls also deals with the intuitionist. The latter – the intuitionist – holds that human beings have an intellectual capacity to apprehend a wide range of discrete moral requirements and to balance these against one another in case there is conflict. Common sense is often intuitionist, but intuitionism has a hard time justifying its particular claims. It seems merely to appeal to particular intuitions, things which might be distorted by individual and social prejudice. On this issue, see Rawls, *A Theory of Justice*, §7. [↑](#endnote-ref-6)
7. See Rawls, *A Theory of Justice*, §22. [↑](#endnote-ref-7)
8. John Locke, *Second Treatise of Government* (Indianapolis: Hackett Publishing Company, 1980), §43, pp. 26-27. [↑](#endnote-ref-8)
9. Adam Smith, *An Inquiry into the Nature and Causes of the Wealth of Nations* (Indianapolis, IN: Liberty Fund, 1981), I.i.11, pp. 22-23. [↑](#endnote-ref-9)
10. See A.O. Lovejoy, “Milton and the Paradox of the Fortunate Fall,” in *English Literary History*, vol. 4, no. 3, 1937. [↑](#endnote-ref-10)
11. The statement of the first principle is from Rawls, *A Theory of Justice*, p. 60/53; the statement of the second principle is from Rawls, *A Theory of Justice*, p. 83/72. Rawls’s final statement of the two principles, at least in *A Theory of Justice*, is at pp. 302-303/266-267. [↑](#endnote-ref-11)
12. Rawls, *A Theory of Justice*, p. 62/54. [↑](#endnote-ref-12)
13. Rawls, *A Theory of Justice*, p. 5/4. [↑](#endnote-ref-13)
14. Rawls, *A Theory of Justice*, p. 61/53. [↑](#endnote-ref-14)
15. The two principles are a special case of a more general principle. See *A Theory of Justice*, p. 62/54. Using the general conception it would be permissible to trade off rights and liberties to increase income and wealth. This the two principles rules out. With the general conception there is no priority given to one class of goods. With the two principles, there is such a priority. [↑](#endnote-ref-15)
16. See Rawls, *A Theory of Justice*, p. 88/76-77. [↑](#endnote-ref-16)
17. On pure procedural justice, see *A Theory of Justice*, pp. 85-87/pp. 74-76. [↑](#endnote-ref-17)
18. Rawls, *A Theory of Justice*, pp. 86-87/76. [↑](#endnote-ref-18)
19. Rawls, *A Theory of Justice*, p. 74/64. [↑](#endnote-ref-19)
20. See John Rawls, *Political Liberalism* (New York: Columbia University Press, 1996), pp. 181-182, note #9. [↑](#endnote-ref-20)
21. Rawls, *A Theory of Justice*, p. 536/470. [↑](#endnote-ref-21)
22. Rawls, *A Theory of Justice*, p. 542-543. In the revised edition, the argument for the priority of liberty is somewhat different. [↑](#endnote-ref-22)
23. Karl Marx and Friedrich Engels, *Die deutsche Ideologie. Kritik der neuesten deutschen Philosophie in ihren Repräsentanten Feuerbach, B. Bauer und Stirner, und des deutschen Sozialismus in seinen verschiedenen Propheten* (1845-46), *MEW*, vol. 3, p. 33/*The German Ideology. Critique of Modern German Philosophy According to Its Representatives Feuerbach, B. Bauer and Stirner, and of German Socialism According to Its Various Prophets*, *MECW*, vol. 5, p. 47. [↑](#endnote-ref-23)
24. Rawls, *A Theory of Justice,* p. 521/457. [↑](#endnote-ref-24)
25. I discuss this topic at length in my “Community and Completion,” in A. Reath, B. Herman, C. Korsgaard eds., *Reclaiming the History of Ethics: Essays for John Rawls*, (Cambridge: Cambridge University Press, 1997). [↑](#endnote-ref-25)
26. Rawls, *A Theory of Justice,* p. 529/463. [↑](#endnote-ref-26)
27. Rawls, *A Theory of Justice*, p. 528/463. [↑](#endnote-ref-27)
28. Rawls, *A Theory of Justice*, p. 526/461. [↑](#endnote-ref-28)
29. Rawls, *A Theory of Justice*, p. 527/462. [↑](#endnote-ref-29)
30. Rawls, *A Theory of Justice*, p. 523/459. [↑](#endnote-ref-30)
31. See Bruno Bauer, “Leiden und Freuden des theologischen Bewußtseins” (1843), in Hans-Martin Sass ed., *Feldzüge der reinen Kritik* (Frankfurt am Main: Suhrkamp Verlag, 1968), p. 173. [↑](#endnote-ref-31)
32. Rawls, *A Theory of Justice*, p. 523/459. [↑](#endnote-ref-32)
33. See John Stuart Mill, “Utility of Religion,” in John Stuart Mill, *Collected Works* (Toronto: University of Toronto Press, 1963-1991), vol. x, 426: “[I]f the Religion of Humanity were as sedulously cultivated as the supernatural religions are . . . all who had received the customary amount of moral cultivation would up to the hour of death live ideally in the life of those who are to follow them.” This essay was written between 1850 and 1858. [↑](#endnote-ref-33)
34. Rawls, *A Theory of Justice*, p. 102/88. [↑](#endnote-ref-34)
35. Rawls, *A Theory of Justice*, p. 102/88, my emphasis. [↑](#endnote-ref-35)
36. Rawls, *A Theory of Justice*, p. 105/90. [↑](#endnote-ref-36)
37. Rawls, *A Theory of Justice*, p. 105/90. [↑](#endnote-ref-37)
38. Rawls, *A Theory of Justice*, p. 101/87. In the revised edition the wording is changed to, “as in some respects a common asset and to share in the greater social and economic benefits made possible by the complementarities of this distribution.” Later in *A Theory of Justice*, Rawls talks of the distribution of “natural abilities” as a “collective asset.” The revised addition again adds “in some respects.” See Rawls, *A Theory of Justice*, p. 179/156. [↑](#endnote-ref-38)
39. Rawls, *A Theory of Justice*, p. 440/386. [↑](#endnote-ref-39)
40. Rawls, *A Theory of Justice*, p. 440/386. [↑](#endnote-ref-40)
41. Rawls, *A Theory of Justice*, p. 442/388. [↑](#endnote-ref-41)
42. Rawls, *A Theory of Justice*, p. 440/386. [↑](#endnote-ref-42)
43. Rawls, *A Theory of Justice*, p. 544/477. [↑](#endnote-ref-43)