

Forum Digest for Lectures 15 and 16 (lecture release date was April 30th)

Veil of Ignorance

Note that there are two different ways to object to Rawls' political philosophy. The first - much more fundamental - way to object to Rawls is to reject his methodology by denying that the appropriate way to determine principles of justice is to ask which principles would be chosen from behind the veil of ignorance. The second way to object is to accept Rawls' methodology but deny that people behind the veil of ignorance would choose the precise principles that he claims that they would.

Note that if you agree with Rawls that the content of justice is accurately determined by asking which principles of justice would be chosen behind the veil of ignorance but think, contrary to Rawls, that people would actually choose some kind of consequentialist (e.g. utilitarian) principles of justice, you are still making a radical departure from standard consequentialism or utilitarianism. This is because whereas the conventional consequentialist says that a society organized in such a way as to promote the best consequence is just because it promotes the best consequences, the 'Rawlsian consequentialist' says that the same society is just because people would choose to promote the best consequences from behind the veil of ignorance.

The place of self-interest

In discussing the kind of tax regime justified by justice as fairness, several people have argued that tax increases will decrease productivity. It is important to note that Rawls's principle of distributive justice -- the difference principle -- takes into

account (and justifies) unequalizing incentives. The difference principle permits departures from equality so long as they work to the benefit of the least advantaged.

However, it is also important to note that this requirement is more stringent than the mere requirement that incentives increase the overall GDP. If these gains in GDP only serve to benefit the middle and upper classes, then these departures from equality violate the difference principle. As stated above, for the incentives to be justified on Rawlsian grounds, the benefits must accrue to the least advantaged; in fact, in the final formulation of the difference principle Rawls clarifies that departures from equality are justified so long as they maximize the position of the worst-off.

Rawls and Incentives

Note that the extent to which the highly skilled will demand higher remuneration in order to deploy their skills may vary across time, space, and culture. This means that it is possible to have two societies, S1 and S2, both of which satisfy Rawls' principles of justice but one of which (S1) is much more unequal than the other (S2) because the highly skilled in S1 need higher remuneration in order to be incentivized to deploy their skills. Is Rawls right to think that these two societies are equally just or should he say that S2 is more just? Note that he can say that S2 is morally better because of the greater altruism of its people without saying that S1 is less just.

The question of realism

Several people have commented that while they find Rawls's vision of the just society attractive, they worry that it is unrealistic. For instance, they worry that the theory demands a degree of impartiality that most people will not accept.

The question of whether (or to what degree) a theory needs to be realistic is a complex matter. A theory of justice provides us standards by which we can judge whether our society is just, so the mere fact that our present society fails to meet these standards cannot count as a defect of that theory.

On the other hand, many have thought that a theory needs to be realistic in some sense. In the most minimal sense, it must be *possible* for individuals to meet the demands of justice. A theory of justice cannot, for example, demand that each individual works without sleeping. Others have thought that a theory of justice must take into account the basic tenets of human psychology in formulating principles of justice -- for example, a theory cannot demand that individuals be impartial between their family and the rest of society.

Rawls himself said that he was following Rousseau in taking "men as they are and laws as they might be," or as he later put it, putting forward a *realistic utopia*.