

0001 MICHEAL SANDEL: Today, we turn to the question of distributive justice.
0002 How should income and wealth and power and opportunities be distributed,
0003 according to what principles?
0004 John Rawls offers a detailed answer to that question, and we're going to
0005 examine and assess his answer to that question today.
0006 We put ourselves in a position to do so last time by trying to make sense
0007 of why he thinks that principles of justice are best derived from a
0008 hypothetical contract.
0009 And what matters is that the hypothetical contract be carried out
0010 in an original position of equality behind what Rawls
0011 calls the veil of ignorance.
0012 So that much is clear?
0013 All right, then let's turn to the principles that Rawls says would be
0014 chosen behind the veil of ignorance.
0015 First, he considers some of the major alternatives.
0016 What about utilitarianism?
0017 Would the people in the original position choose to govern their
0018 collective lives by utilitarian principles, the greatest good for the
0019 greatest number?
0020 No, they wouldn't Rawls says.
0021 And the reason is that behind the veil of ignorance, everyone knows that once
0022 the veil goes up and real life begins, we will each want to be respected,
0023 with dignity.
0024 Even if we turn out to be a member of a minority, we don't want to be
0025 oppressed, and so we would agree to reject utilitarianism and instead to
0026 adopt, as our first principle, equal basic liberties.
0027 Fundamental rights to freedom of speech, freedom of assembly, religious
0028 liberty, freedom of conscience, and the like.
0029 We wouldn't want to take the chance that we would wind up as members of an
0030 oppressed or despised minority with the majority tyrannizing over us.
0031 And so Rawls says utilitarianism would be rejected.
0032 Utilitarianism makes the mistake, Rawls writes, of forgetting, or at
0033 least not taking seriously, the distinction between persons.
0034 And in the original position behind the veil of ignorance, we would
0035 recognize that and reject utilitarianism.

0036 We wouldn't trade off our fundamental rights and liberties for any economic
0037 advantages.

0038 That's the first principle.

0039 Second principle has to do with social and economic inequalities.

0040 What would we agree to?

0041 Remember, we don't know whether we're going to wind up being rich or poor,
0042 healthy or unhealthy.

0043 We don't know what kind of family we're going to come from, whether
0044 we're going to inherit millions or whether we will come from an
0045 impoverished family.

0046 So we might, at first thought, say, well, let's require an equal
0047 distribution of income and wealth.

0048 Just to be on the safe side.

0049 But then we would realize that we could do better than that, even if
0050 we're unlucky and wind up at the bottom.

0051 We could do better if we agree to a qualified principle of equality.

0052 Rawls calls it the difference principle.

0053 A principle that says only those social and economic inequalities will
0054 be permitted that work to the benefit of the least well off.

0055 So we wouldn't reject all inequality of income and wealth, we would allow
0056 some, but the test would be, do they work to the benefit of everyone,
0057 including those--

0058 or as he specifies the principle--

0059 especially those at the bottom.

0060 Only those inequalities would be accepted behind the veil of ignorance,
0061 and so Rawls argues, only those inequalities that work to the benefit
0062 of the least well off are just.

0063 We talked about the examples of Michael Jordan making \$31 million a
0064 year, of Bill Gates having a fortune in the 10s of billions, would those
0065 inequalities be permitted under the difference principle?

0066 Only if they were part of a system, those wage differentials, that
0067 actually work to the advantage of the least well off.

0068 Well, what would that system be?

0069 Maybe it turns out that as a practical matter, you have to provide incentives
0070 to attract the right people to certain jobs, and when you do, having those
0071 people in those jobs will actually help those at the bottom.

0072 Strictly speaking, Rawls' argument for the difference principle is that it

0073 would be chosen behind the veil of ignorance.

0074 Let me hear what you think about Rawls' claim that these two principles

0075 would be chosen behind the veil of ignorance.

0076 Is there anyone who disagrees that they would be chosen?

0077 Let's start up in the balcony, if that's all right.

0078 Go ahead.

0079 MIKE: OK, your argument depends upon us believing that we would argue and

0080 set policy or justice from a bottom, for the disadvantaged, and I just

0081 don't see from a proof standpoint where we've proven that.

0082 Why not from the top?

0083 MICHEAL SANDEL: Right, and what's your name?

0084 MIKE: Mike.

0085 MICHEAL SANDEL: Mike, all right.

0086 Good question.

0087 Put yourself behind the veil of ignorance.

0088 Enter into the thought experiment.

0089 What principles would you choose?

0090 How would you think it through?

0091 MIKE: Well, I would say things like even Harvard's existence is an example

0092 of preaching toward the top, because Harvard takes the top academics.

0093 And I didn't know, when I was born, how smart I would be, but I worked my

0094 life to get to a place of this caliber.

0095 Now, if you'd said Harvard's going to randomly take 1,600 people of

0096 absolutely no qualification, we'd all be saying, well, there's not

0097 much to work for.

0098 MICHEAL SANDEL: And so what principle would you choose?

0099 MIKE: In that situation, I would say a merit based one, where I don't

0100 necessarily know, but I'd rather have a system that more awards me based on

0101 my efforts.

0102 MICHEAL SANDEL: So you, Mike, behind the veil of ignorance would choose a

0103 merit based system where people are rewarded according to their efforts.

0104 All right, fair enough.

0105 What would you say?

0106 Go ahead.

0107 KATE: My question is if the merit based argument is based on when

0108 everyone is at a level of equality, where from that position you're

0109 rewarded to where you get, or is it regardless of what advantages you may

0110 have when you began your education to get where you are here?

0111 MIKE: I think the question you're asking, if you want to look at
0112 whatever, utilitarianism, policy, whatever it is, do we want to maximize
0113 world wealth?

0114 And I think that a system that rewards merit is the one that we pretty much
0115 all established is what is best for all of us.

0116 Despite the fact that some of us may be in the 2nd percentile and some may
0117 be in the 98th percentile, at the end of the day, it lifts that lowest based
0118 level, a community, that rewards effort as opposed to innate
0119 differences.

0120 KATE: I don't understand how you're rewarding someone's effort, who
0121 clearly has had--
0122 not you, but maybe myself--
0123 advantages throughout to get where I am here.

0124 I mean, I can't say that somebody else who maybe worked as hard as I did,
0125 would have had the same opportunity to come to a school like this.

0126 MICHEAL SANDEL: Let's look at that point.

0127 What's your name?

0128 KATE: Kate.

0129 MICHEAL SANDEL: Kate, you suspect that the ability to get into top schools
0130 may largely depend on coming from an affluent family, having a favorable
0131 family background, social, cultural, economic, advantages, and so on?

0132 KATE: I mean economic, but yes, social, cultural, all of those
0133 advantages for sure.

0134 MICHEAL SANDEL: Someone did a study of the 146 selective colleges and
0135 universities in the United States, and they looked at the students in those
0136 colleges and universities to try to find out what their background was,
0137 their economic background.

0138 What percentage do think come from the bottom quarter of the income scale?
0139 You know what the figure is?

0140 Only 3% of students at the most selective colleges and universities
0141 come from poor backgrounds.

0142 Over 70% come from affluent families.

0143 Let's go one step further then and try to address Mike's challenge.

0144 Rawls actually has two arguments, not one, in favor of his principles of
0145 justice, and in particular, of the difference principle.

0146 One argument is the official argument, what would be chosen behind the veil

0147 of ignorance?

0148 Some people challenge that argument saying, maybe people would want to
0149 take their chances.

0150 Maybe people would be gamblers behind the veil of ignorance hoping that they
0151 would wind up on top.

0152 That's one challenge that has been put to Rawls.

0153 But backing up the argument from the original
0154 position is a second argument.

0155 And that is a straightforwardly moral argument, and it goes like this.

0156 It says the distribution of income and wealth and opportunities should not be
0157 based on factors for which people can claim no credit, it shouldn't be based
0158 on factors that are arbitrary from a moral point of view.

0159 Rawls illustrates this by considering several rival theories of justice.

0160 He begins with a theory of justice that most everyone these days would
0161 reject, a feudal aristocracy.

0162 What's wrong with the allocation of life prospects in a feudal
0163 aristocracy?

0164 Rawls says, well, the thing that's obviously wrong about it is that
0165 people's life prospects are determined by the accident of birth.

0166 Are you born to a noble family or to the family of peasants and
0167 serfs, and that's it.

0168 You can't rise.

0169 It's not your doing where you wind up or what opportunities you have.

0170 But that's arbitrary from a moral point of view.

0171 And so that objection to a feudal aristocracy leads--
0172 and historically has led people to say, careers
0173 should be open to talents.

0174 There should be formal equality of opportunity, regardless of the
0175 accident of birth.

0176 Every person should be free to strive, to work, to apply for
0177 any job in the society.

0178 And then, if you open up jobs and you allow people to apply and to work as
0179 hard as they can, then the results are just.

0180 So it's more or less the libertarian system that we've
0181 discussed in earlier weeks.

0182 What does Rawls think about this?

0183 He says it's an improvement.

0184 It's an improvement because it doesn't take as fixed the accident of birth,
0185 but even with formal equality of opportunity, the libertarian
0186 conception doesn't extend its insight far enough.

0187 Because if you let everybody run the race, everybody can enter the race,
0188 but some people start at different starting points, that race isn't going
0189 to be fair.

0190 Intuitively, he says, the most obvious injustice of this system is that it
0191 permits distributive shares to be improperly influenced by factors
0192 arbitrary from a moral point of view, such as whether you've got a good
0193 education or not, whether you grew up in a family that supported you and
0194 developed in you a work ethic and gave you the opportunities.

0195 So that suggests moving to a system of fair equality of opportunity, and
0196 that's really the system that Mike was advocating earlier on.

0197 What we might call a merit based system, a meritocratic system.

0198 In a fair meritocracy, the society sets up institutions to bring everyone
0199 to the same starting point before the race begins.

0200 Equal educational opportunities, head start programs, for example, support
0201 for schools in impoverished neighborhoods, so that everyone,
0202 regardless of their family background, has a genuinely fair opportunity.

0203 Everyone starts from the same starting line.

0204 Well, what does Rawls think about the meritocratic system.

0205 Even that, he says, doesn't go far enough in remedying or addressing the
0206 moral arbitrariness of the natural lottery.

0207 Because if you bring everyone at the same starting point and begin the
0208 race, who's going to win the race?

0209 Who would win?

0210 To use the runner's example.

0211 The fastest runners would win, but is it their doing that they happen to be
0212 blessed with the athletic prowess to run fast?

0213 So Rawls says, even the principle of meritocracy, where you bring everyone
0214 to the same starting point, may eliminate the influence of social
0215 contingencies and upbringing, but it still permits the distribution of
0216 wealth and income to be determined by the natural distribution of abilities
0217 and talents.

0218 And so he thinks that the principle of eliminating morally arbitrary
0219 influences in the distribution of income and wealth requires going
0220 beyond what Mike favors, the meritocratic system.

0221 Now, how do you go beyond?

0222 If you bring everyone to the same starting point, and you're still

0223 bothered by the fact that some are fast runners and some are not fast

0224 runners, what can you do?

0225 Well, some critics of a more egalitarian conception say, the only

0226 thing you can do is handicap the fast runners.

0227 Make them wear lead shoes, but who wants to do that?

0228 That would defeat the whole point of running the race.

0229 But Rawls says, you don't have to have a kind of leveling equality if you

0230 want to go beyond a meritocratic conception, you permit, you even

0231 encourage, those who may be gifted to exercise their talents, but what you

0232 do is you change the terms on which people are entitled to the fruits of

0233 the exercise of those talents.

0234 And that really is what the difference principle is.

0235 You establish a principle that says people may benefit from their good

0236 fortune, from their luck in the genetic lottery, but only on terms

0237 that work to the advantage of the least well off.

0238 And so, for example, Michael Jordan can make \$31 million, but only under a

0239 system that taxes away a chunk of that to help those who lack the basketball

0240 skills that he's blessed with.

0241 Likewise, Bill Gates.

0242 He can make his billions, but he can't think he somehow morally deserves

0243 those billions.

0244 "Those who have been favored by nature may gain from their good

0245 fortune but only on terms that improve the situation of those who have lost

0246 out." That's the difference principle, and it's an argument from moral

0247 arbitrariness.

0248 Rawls claims that if you're bothered by basing distributive shares on

0249 factors arbitrary from the moral point of view, you don't just reject a

0250 feudal aristocracy for a free market.

0251 You don't even rest content with a meritocratic system that brings

0252 everyone to the same starting point, you set up a system where everyone,

0253 including those at the bottom, benefit from the exercise of the talents held

0254 by those who happen to be lucky.

0255 What do you think?

0256 Is that persuasive?

0257 Who finds that argument unpersuasive, the argument for moral arbitrariness?

0258 Yes?

0259 CATE: I think that in the egalitarian proposition, the more talented people,
0260 I think it's very optimistic to think that they would still work really
0261 hard, even if they knew that part of what they made would be given away, so
0262 I think that the only way for more talented people to exercise their
0263 talents to the best of their ability is in the meritocracy.

0264 MICHEAL SANDEL: And in a meritocracy--

0265 What's your name?

0266 CATE: Cate.

0267 MICHEAL SANDEL: Cate, does it bother you, and, Mike, does it bother you
0268 that in a meritocratic system, even with fair equality of opportunity,
0269 people get ahead, people get rewards that they don't deserve simply because
0270 they happen to be naturally gifted?

0271 What about that?

0272 CATE: I think that it is arbitrary.

0273 And obviously, it is arbitrary, but I think that correcting for it would be
0274 detrimental.

0275 And unlike--

0276 MICHEAL SANDEL: Because it would reduce incentives, is that why?

0277 CATE: --it would reduce incentives, yeah.

0278 MICHEAL SANDEL: Mike, what do you say?

0279 MIKE: That we're all sitting in this room, and we have undeserved glory of
0280 some sort, so you should not be satisfied with the process of your
0281 life because you have not created any of this.

0282 And I think from a standpoint of not just this room being upset, but from a
0283 societal standpoint, we should have some kind of a gut reaction to that
0284 feeling that the guy who runs the race, he actually harms us as opposed
0285 to maybe makes me run that last 10 yards faster, and that makes the guy
0286 behind me run 10 yards faster, and the guy behind him 10
0287 yards faster, and so--

0288 MICHEAL SANDEL: All right, so, Mike, let me ask you, you talked about
0289 effort before.

0290 Effort.

0291 You think when people work hard to get ahead and succeed that they deserve
0292 the rewards that go with effort.

0293 Isn't that the idea behind your defense?

0294 MIKE: Of course.

0295 Bring Michael Jordan here.

0296 I'm sure you can get him, and have him come and defend himself about why he

0297 makes \$31 million, and I think what you're going to realize is his life

0298 was a very, very tough one to get to the top.

0299 And that we are basically being the majority oppressing the minority in a

0300 different light.

0301 It's very easy to pick on him.

0302 MICHEAL SANDEL: All right, effort.

0303 You've got--

0304 You've persuaded--

0305 MIKE: I've got a few but that's about it.

0306 MICHEAL SANDEL: Effort.

0307 You know what Rawls answer to that is?

0308 Even the effort that some people expend, conscientious driving, the

0309 work ethic, even effort depends a lot on fortunate family circumstances

0310 through which you, we, can claim no credit.

0311 Now, let's do the test.

0312 Let's do a test here.

0313 Never mind economic class.

0314 Those differences are very significant.

0315 Put those aside.

0316 Psychologists say that birth order makes a lot of difference in work

0317 ethic, striving, effort.

0318 How many here--

0319 raise your hand-- those of you here, who are first in birth order.

0320 I am too, by the way.

0321 Mike, I noticed you raised your hand.

0322 If the case for the meritocratic conception is that effort should be

0323 rewarded, doesn't Rawls have a point that even effort, striving, work

0324 ethic, is largely shaped even by birth order.

0325 Is it your doing?

0326 Mike, is it your doing that you were first in birth order?

0327 Then why, Rawls says--

0328 of course not.

0329 So why should income and wealth and opportunities in life be based on

0330 factors arbitrary from a moral point of view?

0331 That's a challenge that he puts to market societies, but also to those of

0332 us at places like this.

0333 A question to think about for next time.
