

The following is a reformatted and edited version of an outline written by Dr. Patrick Grim for the lecture series *Questions of Value*, published in 2005 by the teaching company

I. John Rawls's - *A Theory of Justice* (1971)

A. Rawls' theory is based on a thought experiment. This thought experiment involves three basic elements:

1. People are rational and self-interested agents
2. These agents meet in "the original position" in order to decide on the fundamental principles of a society. The original position is prior to all society (and therefore is strictly hypothetical).
3. Although well informed, these agents are under a "veil of ignorance" as to **their** position or social status in the society to be formed:

Among the essential features of this situation is that no one knows his place in society, his class or social status nor does any one know his fortune in the distribution of natural assets and abilities, his intelligence, strength, and the like. I shall even assume that the parties do not know their concepts of the good or their special psychological propensities. The principles of justice are chosen behind a veil of ignorance. (John Rawls, *A Theory of Justice*)

B. Rawls thinks two basic principles of justice would be chosen in the original position:

1. The first is a principle of liberty: Each person is to have an equal right to the most extensive basic liberty compatible with a similar liberty for others.
2. The second is a principle of economic distribution: Social and economic inequalities are to be arranged so that they are both reasonably expected to be to everyone's advantage and attached to positions and offices open to all.

C. Rawls emphasizes that the two principles are prioritized. Liberty is more important than economic distribution. Never is the first to be sacrificed for the second.

D. "To everyone's advantage" in the second principle is interpreted in terms of the difference principle. Inequalities can be justified, but only if they improve the condition of the least well off.

II. Objections to Rawls Theory

- A. Why should we think that people in the original position would be as risk-averse as Rawls assumes? Rawls discounts the potential for people behind the veil to "gamble" on the chance that they might end up in a privileged position
- B. Rawls' Theory bases assessments of justice on the state of a society at a given point in time. Other theorists argue that justice must be assessed based upon the process by which a given state is achieved. Their logic is that if a person gains great wealth through just means, how could having such wealth be unjust? This is the criticism made by Robert Nozick on the back of this page with his Wilt Chamberlain thought experiment.

What follows is an excerpt from *Anarchy, State and Utopia*, Nozick's book that includes the Chamberlain thought experiment:

1. The minimal state is the most extensive state that can be justified. Any state more extensive violates people's rights.
2. A distribution is just if it arises from another just distribution by legitimate means. The legitimate means of moving from one distribution to another are specified by the principle of justice in transfer. The legitimate first "moves" are specified by the principle of justice in acquisition. Whatever arises from a just situation by just steps is itself just.
3. The general outlines of the theory of justice in holdings are that the holdings of a person are just if he is entitled to them by the principles of justice in acquisition and transfer, or by the principle of rectification of injustice (as specified by the first two principles). If each person's holdings are just, then the total set (distribution) of holdings is just.
4. Not all actual situations are generated in accordance with the two principles of justice in holdings: the principle of justice in acquisition and the principle of justice in transfer. Some people steal from others, or defraud them, or enslave them, seizing their product and preventing them from living as they choose, or forcibly exclude others from competing in exchanges. None of these are permissible modes of transition from one situation to another. And some persons acquire holdings by means not sanctioned by the principle of justice in acquisition. The existence of past injustice (previous violations of the first two principles of justice in holdings) raises the third major topic under justice in holdings: the rectification of injustice in holdings. If past injustice has shaped present holdings in various ways, some identifiable and some not, what now, if anything, ought to be done to rectify these injustices? . . . Idealizing greatly, let us suppose theoretical investigation will produce a principle of rectification. This principle uses historical information about previous situations and injustices done in them (as defined by the first two principles of justice and rights against interference), and information about the actual course of events that flowed from these injustices, until the present, and it yields a description (or descriptions) of holdings in the society. The principle of rectification presumably will make use of its best estimate of subjunctive information about what would have occurred (or a probability distribution over what might have occurred, using the expected value) if the injustice had not taken place.
5. It is not clear how those holding alternative conceptions of distributive justice can reject the entitlement conception of justice in holdings. For suppose a distribution favored by one of these non-entitlement conceptions is realized. Let us suppose it is your favorite one and let us call this distribution D1; perhaps everyone has an equal share, perhaps shares vary in accordance with some dimension you treasure. Now suppose that Wilt Chamberlain is greatly in demand by basketball teams, being a great gate attraction. (Also suppose contracts run only for a year, with players being free agents.) He signs the following sort of contract with a team: In each home game, twenty-five cents from the price of each ticket of admission goes to him. (We ignore the question of whether he is "gouging" the owners, letting them look out for themselves.) The season starts, and people cheerfully attend his team's games; they buy their tickets, each time dropping a separate twenty-five cents of their admission price into a special box with Chamberlain's name on it. They are excited about seeing him play; it is worth the total admission price to them. Let us suppose that in one season one million persons attend his home games, and Wilt Chamberlain winds up with \$250,000, a much larger sum than the average income and larger even than anyone else has. Is he entitled to this income? Is this new distribution D2, unjust? If so, why? There is no question about whether each of the people was entitled to the control over the resources they held in D<sub>1</sub>, because that was the distribution (your favorite) that (for the purposes of argument) we assumed was acceptable. Each of these persons *chose* to give twenty-five cents of their money to Chamberlain. They could have spent it on going to the movies, or on candy bars, or on copies of *Dissent* magazine, or of *Monthly Review*. But they all, at least one million of them, converged on giving it to Wilt Chamberlain in exchange for watching him play basketball. If D<sub>1</sub> was a just distribution, and people voluntarily moved from it to D<sub>2</sub>, transferring parts of their shares they were given under D<sub>1</sub>, (what was it for if not to do something with?), isn't D<sub>2</sub> also just? If the people were entitled to dispose of the resources to which they were entitled (under D<sub>1</sub>), didn't this include their being entitled to give it to, or exchange it with, Wilt Chamberlain? Can anyone else complain on grounds of justice?
6. The general point illustrated by the Wilt Chamberlain example and the example of the entrepreneur in a socialist society is that no end-state principle of distributional patterned principle of justice can be continuously realized without continuous interference with people's lives. Any favored pattern would be transformed into one unfavored by the principle, by people choosing to act in various ways; for example, by people exchanging goods and services with other people, or giving things to other people, things the transferrers are entitled to under the favored distributional pattern. To maintain a pattern one must either continually interfere to stop people from transferring resources as they wish to, or continually (or periodically) interfere to take from some persons resources that others for some reason chose to transfer to them. (But if some time limit is to be set on how long people may keep resources others voluntarily transfer to them, why let them keep these resources for *any* period of time? Why not have immediate confiscation?)
7. Taxation of earnings from labor is on a par with forced labor. Some persons find this claim obviously true: taking the earnings of *n* hours labor is like taking *n* hours from the person; it is like forcing the person to work *n* hours for another's purpose.

Additional information on Nozick and Rawls can be found at the links below:

<http://www.iep.utm.edu/nozick/>

<http://www.iep.utm.edu/rawls/>