

# Criticisms of Rawls' Principles of Justice

Ryan Doody

April 9, 2015

## Recap of Rawls

### RAWLS' PRINCIPLES OF JUSTICE

1. **Equal Rights:** Each person is to be granted an equal right to the most extensive basic liberty compatible with a similar liberty for everyone else.
2. **Social Inequality:** Social and economic inequalities are to be arranged so that they are ...
  - (a) ... attached to positions and offices open to all under conditions of fair equality of opportunity (*Equal Opportunity*);
  - (b) ... to the greatest expected benefit of the least advantaged (*The Difference Principle*).

Rawls' Principles of Justice apply to *the basic institutions of society*.

"They provide a way of assigning *rights and duties* in the basic institutions of society and they define the appropriate *distribution of the benefits and burdens* of social cooperation." [T], 4]

## Criticisms from the Left: Okin & Cohen

1. **Okin: Justice in Family & Gender.** Inequalities between men and women reflect the different gender roles in the Traditional Family. Rawls neglects to properly account for justice within the family.

OKIN'S MAIN CLAIM: We should understand Rawls' Principles of Justice to be "inconsistent with a gender-structured society and traditional family roles."

2. **Cohen: Justice in the Market.** Rawls' Theory of Justice isn't compatible with Incentive-Based Arguments for inequality. Rawls is actually committed to being more *egalitarian* than he thinks he is.

Gender = the social assignment of different roles to people based on sex.

**Incentive-Based Argument for Inequality.** Rawls' Difference Principle allows for there to be inequality so long as it is "to the greatest expected benefit of the least advantaged." The "talented" within the market require *incentives* (more money) in order to be productive. The least advantaged would, then, be made worse-off by removing these incentives because the "talented" would be less productive, resulting in fewer social benefits to go around.

### COHEN AGAINST THE INCENTIVE-BASED ARGUMENT

- P1** A society is just only if its citizens adhere to, and affirm, its principles of justice.
  - P2** The "talented" Maximizers, by requiring incentives to be productive, do not adhere to the Difference Principle.
- 
- C** In a society that is governed by the Difference Principle, citizens don't require the sort of incentives that the Incentive-Based Argument attributes to them.

Rawls' principles of justice apply only to the *basic structures of society*:

(1) Only legally coercive institutions? (2) All major social institutions, whose effects are "profound and present from the start"?

**Criticisms from the Right: Nozick**

Nozick's view is that the following inductive definition exhaustively covers the subject of justice in holdings:\*

- (1) A person who acquires X in accordance with *The Principle of Just Acquisition* is entitled to X.
- (2) A person who acquires X in accordance with *The Principle of Justice in Transfer* from someone who is entitled to X is entitled to X.
- (3) No one is entitled to X except by repeated applications of the above.

The Entitlement Theory is **Historical** and **Non-Patterned**.

- o **Historical vs Time-Slice Principles.** Whether a distribution is just depends on how that distribution came about?
- o **Patterned vs Non-Patterned Principles.** A principle is *patterned* if it specifies that a distribution is to vary along with some natural dimension, weighted sum of natural dimensions, or lexicographic ordering of natural dimensions.

Nozick disagrees with Rawls about the "natural lottery": the distribution of natural abilities might be morally arbitrary, but people are entitled to their natural assets nonetheless.

NOZICK'S "ACCEPTABLE" ARGUMENT G

<p><b>P1</b> People are entitled to their natural assets.</p> <p><b>P2</b> If people are entitled to something, they are entitled to whatever flows from it (via specified types of processes).</p> <p><b>P3</b> People's holdings flow from their natural assets.</p> <hr style="width: 30%; margin-left: 0;"/> <p><b>C</b> People are entitled to their holdings.</p>
---

"Whether or not people's natural assets are arbitrary from a moral point of view, they are entitled to them, and to what flows from them." [226]

The "talented" Maximizers "... could not claim, in *self-justification*, ..., that their high rewards are necessary to enhance the position of the worst off, since, in the standard case, it is they themselves who *make* those rewards necessary, through their own unwillingness to work for ordinary rewards as productively as they do for exceptionally high ones, an unwillingness which ensures that the untalented get less than they otherwise would." [9]

\*This is bracketing the concern about righting past injustices. Nozick thinks that when holdings have been acquired unjustly, we must appeal to a *Principle of Rectification of Injustice*. This might involve redistribution.

Examples of Just Principles, Classified

	Historical	End-Result
<b>Patterned</b>	Moral Merit	I.Q.
<b>Non-Patterned</b>	Entitlement Theory	?

You can think of a principle as *patterned* if it can be naturally put into the following form:

"to each according to his/her \_\_\_\_\_."

(Examples: 'height', 'I.Q.', 'usefulness to society', 'moral merit', 'need', 'effort', etc.)