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Notes #20: Rawls' Theory of Distributive Justice

I. Important Concepts

- **Distributive Justice:** Justice in the distribution of goods/wealth.
- **End-state conceptions of distributive justice:** Say there is some overall pattern of distribution we should aim at. Justice is a matter of closeness to the desired pattern. Examples:
 - Perfect equality
 - Distribution in accordance with need
 - Distribution in accordance with desert/merit
- **Historical conceptions of distributive justice:** Say that whether a person is entitled to some bit of wealth depends on the process by which he got it. Justice is a matter of following the right rules in acquiring property.

II. Important Ideas in Rawls' Theory

- **The Original Position:** A hypothetical situation in which the future members of a society meet to agree upon the general political principles to govern their society. Features of the OP:
 - The "*Veil of Ignorance*": no one knows what their position in the society will be. In fact, they know no personal information about themselves (including the life plans/values they are going to have).
 - They have access to all relevant information about the society. Also, they are intelligent and make no errors in reasoning.
 - They will choose political principles on the basis of self-interest.
- **Rawls' Two Principles of Justice:**
 - First principle:* "Each person is to have an equal right to the most extensive basic liberty compatible with a similar liberty for others."
 - Second principle (the "Difference Principle"):* Social and economic inequalities are allowed only to the extent that they benefit those who are worst-off.
 - How might that happen? Perhaps if more productive people are rewarded with more wealth, then the society as a whole will be richer, so much so that even the (relatively) poor will be better off.

III. Rawls' Overall Argument

1. What would be chosen in the Original Position is just.
Why? Because the OP is set up in such a way as to guarantee a fair outcome. The parties start in a position of equality, and no one can unfairly privilege himself, since no one knows their position in the society.
2. Rawls' Two Principles of justice would be chosen in the Original Position.
3. Therefore, Rawls' Two Principles are just (and so should be adopted).

IV. Why Choose the Two Principles?

- a) The first principle would be chosen because the parties don't know what their plans and values

will be; therefore, it makes sense to secure the most liberty possible, to allow for pursuing whatever goals they will have.

b) Why would the second principle be chosen? Two lines of reasoning:

First:

- First, there would be a natural default assumption of equality. Unless there was some special reason for privileging someone, people would accept an even division of the wealth.
- But obviously, it would be acceptable to allow some inequality *if* doing so benefitted everyone. (It would not be acceptable otherwise, since those *not* benefitted would not agree to the distribution.)
- Inequalities obviously benefit the people who get more. They benefit *everyone* only if they benefit those who get *less*.
- Therefore, the parties would agree to allow economic inequalities (only) to the extent that they benefitted those worst off.

Second:

- For very poor people, money means a lot. Some minimum level of income is necessary for anyone to have a decent life.
- For the wealthy, money has less importance; if they lose some of their money, it won't prevent them from having a good life.
- The parties in the Original Position would be more afraid of winding up poor, than they would be eager to wind up rich. They would want to minimize their risk of winding up very badly off. (Rawls has them put an absolute priority on this, i.e., they *only* look at what the worst possible outcome is, and try to improve that.)
- Therefore, they would choose the system that maximizes the position of the poorest people.

V. Objections

- Is premise (1) true?
 - What if people have rights to their property? The OP gives the 'society' a right to decide how to redistribute people's property.
 - Nozick's example: what if grades in a class were distributed according to a similar procedure? Is there reason to think that the resulting distribution would be correct?
- Is premise (2) true?

Some people say that the parties should choose *utilitarianism*: that everything should be arranged to maximize overall social welfare (no special attention given to the worst off).

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Notes #21: Nozick, the Entitlement Theory

I. The Entitlement Theory of Distributive Justice

The entitlement theory needs three rules (or kinds of rule):

1) *A principle of acquisition.*

One may claim previously-unowned items provided one is using them and there is enough left over for others.

2) *A principle of transfer.*

Property can be transferred from one person to another by mutual consent.

3) *A principle of rectification of injustices.*

What to do when someone violates one of these rules. Generally, the offender has to pay back the victim.

• Entitlement theory is *historical*.

II. Nozick's Arguments Against End-State Theories

A. *The Forced-Labor Argument*

1. Forced labor is wrong.
2. End-state theories sanction forced labor.
 - a. People get money through labor.
 - b. Hence, forcing them to give their money to others is like forcing them to labor for the benefit of those others.
3. So end-state theories are wrong.

B. *The Ownership-of-Persons Argument*

1. No one should be allowed to own another person, even partially.
2. End-state theories institute (partial) ownership of people.
 - a. Ownership of x = the right to decide how x is used.
 - b. End-state theories give you a right to the fruits of others' labor.
 - c. This is a right to decide what use other people are put to.
3. Therefore, we should not adopt an end-state theory.

C. *The Coercion Argument*

1. People have a right to be free from (unprovoked) coercion.
2. End-state theories require violations of this right.
 - a. Redistribution must be imposed forcibly.
 - b. Taxpayers have not violated anyone's rights just by being around and having money.
 - c. So, such redistribution is unprovoked coercion.
3. Therefore, end-state theories are wrong.

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Notes #22: The Social Contract Theory

To Discuss Today:

- The problem of political obligation
- The social contract theory
- Criticisms of the social contract theory

I. Basic Idea of the Social Contract Theory

- A response to the ‘problem of political obligation’
 - Why have a state?
 - Why obey it?
- Problems with the ‘state of nature’.
- Solution: A ‘contract’ between citizens & state. Terms:
 - State: provides protection
 - Citizens: pay taxes, obey laws

II. The Theory of the Declaration of Independence

Important principles:

- “All men are created equal”
- People have natural rights.
- Purpose of government: to protect these rights.
- Source of authority: “consent of the governed.”
- The ‘right of revolution’
- Further reading: Jefferson’s original version:
<http://www.wsu.edu:8080/~dee/AMERICA/DECLAR.HTM>

III. Hobbes’ Theory

A. *On human nature & morality*

- People are selfish
- Selfishness is good, or at least ok
- No natural law. Morality dependent on government

“The notions of right and wrong, justice and injustice, have there no place. Where there is no common power, there is no law; where no law, no injustice. Force and fraud are in war the two cardinal virtues.”
(Hobbes, 3)

- In the state of nature, “every man has a right to every thing, even to one another’s body.”

B. *The State of Nature (chapter XIII)*

- Three causes of conflict:
 - Competition (over scarce resources)
 - Diffidence (fear of what others may do)
 - Glory (desire for power over others, respect, &c.)
- Result:
 - A war of all against all

“There is no place for industry, because the fruit thereof is uncertain”, etc.

“And the life of man, solitary, poor, nasty, brutish, and short.”

- Empirical evidence:

“The savage people in many places of America ... have no government at all, and live at this day in that brutish manner, as I said before.”

“When taking a journey, [a person] arms himself and seeks to go well accompanied; when going to sleep, he locks his doors; when even in his house he locks his chests; and this when he knows there be laws and public officers, armed, to revenge all injuries shall be done him Does he not there as much accuse mankind by his actions as I do by my words?”

- Rulers are in a ‘state of nature’ with respect to each other, and it is a constant state of war. But this is not as bad as the war of individuals against each other.

C. Of Natural Laws (chapter XIV)

- Laws of self-preservation:

- a) To seek peace. b) To defend ourselves.
- To be willing to lay down our right to all things, to achieve peace

- Origin of ‘injustice’:

People can renounce/transfer a right, by word or deed.

Injustice: One renounces/transfers a right, then goes back on it.

But: there must first be a government to enforce contracts.

- But some rights are inalienable:

All voluntary acts aim at some benefit to self

No one can be understood to voluntarily give up a right, if there is no benefit to him from doing so.

One cannot give up the right of self-defense against those who aim to kill, injure, or imprison oneself.

D. Why you should keep agreements (chapter XV)

- You should keep agreements. Objection:

It is sometimes in your interest to break covenants.

It is rational to do whatever is in your interests.

So, it is irrational (“against reason”) to keep such covenants.

- Response:

It is not in your interests to break covenants: Other people will kick you out of society. Then you will die.

Also, don’t rebel against the king:

(a) you cannot know if you will succeed,

(b) if you do, others may try to overthrow you.

E. The origin of government (chapter XVII)

The ‘sovereign’: Everyone gives up all their rights to one person or group.

Advantages:

Prevents them from fighting among themselves.

Defense against foreign governments.

The government should have absolute power. The state is god:

“This is the generation of that great LEVIATHAN, or rather, to speak more reverently, of that mortal

god to which we owe, under the immortal God, our peace and defence.”

F. Objection: The government could abuse its power (chapter XX)

Replies:

1. Couldn't be as bad as the state of nature.
2. All problems are the subjects' fault:
“There happeneth in no Commonwealth any great inconvenience but what proceeds from the subjects' disobedience and breach of those covenants from which the Commonwealth hath its being.”
3. Can't limit the power of a government, without having some more powerful agency.

My Comments:

- About his replies #1 and #2:
 - More than six times as many people were murdered by *their own* governments in the 20th century than were killed by private murderers. (See <home.sprynet.com/~owl1/statistics.htm>.) That's not even counting governments killing citizens of other governments.
 - If people are inherently warlike and selfish, a person with absolute power is going to be far *more* dangerous than a private citizen.
- About the state of nature (see B above):
 - If people are self-interested, and all of about equal power, why would they attack each other?
 - Pace Hobbes, war is far worse than private murder. Why:
 - Politicians deciding to go to war don't typically have to go to the front lines.
 - Greater killing technology & resources of government.
 - His remark about the American Indians is false.
 - How did human society evolve?
- About his reply #3:
 - Actually a good point. See next lecture.

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Notes #23: Anarchism

To Discuss Today:

- What are “government” and “anarchy”?
- Police, courts, & laws without government?
- Government & the public goods problem

I. ‘Government’ & ‘Anarchy’

Important concepts: (Friedman’s def’s)

- *Coercion:* Violation of what people generally regard as the rights of individuals with respect to other individuals.
- *Legitimized:* Generally accepted as legitimate in a given society.
- *Government:* An agency of legitimized coercion. Examples:

Action	What it’s called if you do it	What it’s called if the state does it
Seizing someone’s property without their permission	Robbery / extortion	Taxation
Forcing people to work for you	Kidnaping / slavery	Conscription, jury duty, national service
Killing lots of people (For a political goal)	Mass murder (Terrorism)	War

- *Anarcho-capitalism:* Society with no government, but with private property; provides ‘governmental’ services by alternative institutions

II. Police, Courts, & Laws under Anarchy

- How would these presently governmental institutions be replaced?
- ‘Police’:
Private security guard companies protect people from criminals. There are multiple competing companies in the same area.
- Courts:
Private arbitration firms are used to resolve disputes. There are multiple competing arbitration companies.
Private contracts specify arbitration agreements.
Protection agencies sign arbitration agreements with each other.
- Law:
Laws are made by judges/arbitrators. *Note:* compare the British common law.

III. Advantages of Anarchy

A. Non-coercive:

Governmental system: you are forced to accept a government, and have little control over what

kind of government you have.

Anarcho-capitalism: You choose whether to hire a protection agency, and which one.

B. Less risk of abuse of power:

Governmental system: Government has a monopoly → There is no one to stop the government from abusing its powers.

Anarcho-capitalism: Competition among many protection agencies → Customers can leave a bad agency.

C. More efficient:

Governmental system: Police have no incentive to reduce crime. If crime rates go up, they get more money & more police are hired.

Anarcho-capitalism: Protection agencies have an incentive to reduce crime. If crime goes up, they may be fired.

Empirical observation: The free market is more efficient at producing food, shoes, computers, automobiles, etc., than the government is.

D. Removes public goods problem:

Governmental system: Informed voting is a public good. Laws & protection are public goods.

Anarcho-capitalism: Good laws & protection are private goods.

IV. The Problem of Monopolies

- “*Natural monopoly*”:

Occurs when the optimum size for a firm is so large that there is room for only one such firm on the market.

This situation is very rare.

Even natural monopolies are restrained by “potential competition.”

All products compete with all other products.

- *Artificial monopoly: the strategy of ‘predatory pricing’*:

Problems:

Larger firm loses more total money.

Larger firm may be less efficient.

The monopolist must sell to everyone, at a loss; small firm need not sell anything at a loss.

Also forced to increase production, losing even more money.

- *Cartels*:

Have all the problems of monopolies.

Additional problem: ‘chiseling’

Compare: why don’t all the farmers refuse to feed anyone unless everyone agrees to give them everything?

- *State Monopoly*:

Almost all actual monopolies are government-enforced. Government agencies get taken over by the industry & used to the industry’s advantage. Why:

They are the ones who know most about the industry.

They have the most incentive to try to influence the agency. Influencing policy is costly, time-consuming.

Examples:

The Civil Aeronautics Board

The American Medical Association

Could this problem be solved in a better government?

The pattern is not an accident. It is built into the logic of the system.

V. Further Questions

1. *Wouldn't the security agencies fight with each other?*

- They would take disputes to the arbitration firms, because this is economically rational.
- *Contrast:* what happens when governments decide to fight each other?

2. *Why would agencies obey an arbitrator's decision?*

- Companies abide by arbitrators' decisions; otherwise their reputations would be ruined.
- Violating decision defeats the point of going to arbitration.

3. *How could you know the arbitrator was fair?*

- There is competition among arbitration agencies → you can choose a reputable firm.
- *Contrast:* What do you do when the government's courts are unfair, irrational, inefficient, etc.?

4. *What if one security agency decides to defend murderers, thieves, etc.?*

- Their clients would constantly be costing them money. (Compare: "The Arsonists' Fire Insurance Agency.")
- They fight a constant war against the rest of society.
- They must pay higher wages to their employees.
- The "Thief Protection Agency": They must charge their clients more money than the stolen goods are worth.
- *Contrast:* What happens if you get corrupt people in the government?

5. *Why would security agencies protect the poor?*

- Why would this be different from any other good or service? Why do food companies feed the poor?
- They're already paying for protection (from the state). Private protection would be cheaper and more effective.
- *Contrast:* Why would the government protect the poor? How well do they in fact protect the poor?

6. *Wouldn't other countries attack the anarchists? Possible answers:*

- Ideally, the whole world would be anarchist.
- Almost all wars are due to (i) disagreements between governments, (ii) racial and/or religious hatred, and/or (iii) perceived historical injustices. (Compare: Why don't other countries attack Switzerland?)
- It is harder to take over a territory with no government, than one with a government. Attacking countries use the governmental structure already in place to control the populace.
- The security agencies & the general population would be armed. (Compare: U.S. experience in Vietnam.)

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Notes #24: Review of Unit 4

For the test:

Know these concepts & distinctions:

Distributive justice
End-state vs. historical conceptions
The Original Position
The Problem of Political Obligation
The Social Contract, including:
 Terms of the contract
 Explicit, Implicit, & Hypothetical theories
 Conditions for implicit contracts
The State of Nature
Government, Friedman's definition, including:
 Legitimized coercion
Monopoly, including:
 "natural," "artificial," and "state monopoly"
Public goods

Know these arguments, what they assume & what they conclude:

Rawls' argument for his Two Principles
Nozick's arguments:
 Why taxation is like forced labor
 How end-state principles are like ownership of people
 How wealth redistribution is coercive

Know these people's theories:

Rawls:

 Two Principles of justice, esp. the Difference Principle

Nozick:

 The Entitlement Theory

Hobbes:

 His view of how people are and should be motivated
 The problem with the state of nature
 His solution to the problem (social contract)
 the terms of the contract, & the powers of the state
 What are justice/injustice?
 The main objection to his theory

Jefferson:

 purpose of government
 source of government's authority
 the right of revolution

Friedman:

 How police services should be provided
 How security companies resolve disputes (& why they don't fight each other)
 How law should be provided
 How monopolies usually get established
 How government creates a 'public goods' problem
 Why government serves special interests