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RESCUING JUSTICE FROM EQUALITY*

By Steven Wall

This essay discusses Rawlsian justice in general and the difference principle[1] in particular. It does so in the light of G. A. Cohen's masterful critique of Rawls in *Rescuing Justice and Equality*,[2] a work that not only inspires the present paper, but also serves as a point of contrast for much within it.[3] Like Cohen, I argue that the difference principle and the justifications given for it pull us in opposing directions. Specifically, I argue that Rawlsian arguments for the difference principle present a puzzle and that to respond adequately to the puzzle we must engage in rational reconstruction. To respond to the puzzle we must go beyond asking whether or not a proposed interpretation is one that Rawls himself would have endorsed, and start asking whether it is one that puts Rawlsian justice in its best light.[4]

This much, I believe, is common ground between Cohen and myself. However, in stark contrast to Cohen, I present an interpretation—a rational reconstruction—of Rawlsian justice that shows it to be less intolerant

* Earlier versions of this essay were presented to audiences at a number of venues: the philosophy department at the University of Connecticut, the first annual NOISE conference in New Orleans, the political philosophy colloquium series at Brown University, and the philosophy department at the University of Arizona. Thanks to all participants at these events for their comments and criticisms. Special thanks go to Jeff Moriarity, who served as a discussant for the paper at the NOISE conference. I am grateful to my fellow conference participants for their responses to the essay, and I am especially grateful to Ellen Frankel Paul for her expert editorial interventions. Finally, while it no doubt falls short of his high standards, this essay is a tribute to G. A. Cohen, who sadly is no longer with us. Jerry was one of my teachers in graduate school. He not only helped me to come to a better understanding of Rawlsian justice, but also renewed my excitement and interest in the kind of political philosophy at which he excelled.

[1] The difference principle, in its simple form, holds that social and economic inequalities are to be arranged so that they are to the greatest benefit to the representative man of the least advantaged class in society. This simple statement of the principle leaves many issues open. A full understanding of the difference principle requires close attention to these issues.

[2] G. A. Cohen, *Rescuing Justice and Equality* (Cambridge, MA: Harvard University Press, 2008).

[3] Cohen's penetrating critique of Rawls is wide ranging and multifaceted. Its general thrust is that Rawlsian justice is underlaid with strong egalitarian commitments and that Rawls's own defense of economic inequalities betrays these commitments.

[4] To be sure, any proposed interpretation of Rawlsian justice must be one that fits what Rawls wrote to a sufficient extent to count as an interpretation of his account of justice. But a good account of Rawlsian justice will need to play up some elements in his work and downplay others.

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of economic inequality than it is commonly taken to be. My aim, in short, is to rescue Rawlsian justice from its commitment to equality.[5] A key motivation behind this reconstructive effort is the following simple thought. A signal attraction of the difference principle—understood as a principle of justice and not as a mere guideline for sensible policy in this or that circumstance—is that it saved, or at least seemed to save, broadly egalitarian justice[6] from the so-called "leveling down objection." This objection is that insisting on simple equality as a matter of justice is perverse, for there can be cases in which doing so means insisting on making everyone worse-off. Or, less perverse, but still problematic, it can mean insisting on making some individual worse-off without thereby making anyone else better-off. As students of Rawls standardly have been taught, the difference principle, and in particular a staggered version[7] of it, avoid this problem. That is what I mean when I say that the difference principle saves broadly egalitarian justice from the leveling down objection. A good interpretation of the difference principle must stay true to this underlying motivation.

The argument of the essay unfolds as follows. Section I warns against two distractions. Section II introduces and explains the puzzle. With the puzzle in clear focus, Section III then considers and rejects a number of responses to it. As will emerge, the puzzle invites rational reconstruction, for no response to it captures all of Rawls's commitments. My reconstruction of Rawlsian justice begins in Section IV, where I present the case for viewing the difference principle as a maximizing prioritarian[8] principle of justice, one that contains no trace of commitment to equality as a distributive norm. The final two sections, V and VI, bring out some of the implications of viewing Rawlsian justice in this light.

[5] By equality I mean equality in the distribution of socioeconomic goods. I do not mean equality in a deeper, and less contentful, sense, such as the sense of equality in play when, for example, it is claimed that all persons are equal from the moral point of view.

[6] "Broadly egalitarian justice" is a term of art. It refers to views of distributive justice commonly characterized as egalitarian. Prioritarian views of distributive justice—views that do not assign intrinsic value to how well off people are relative to others—are often characterized as broadly egalitarian.

[7] A staggered version of the difference principle is what Rawls terms a "lexical" version of the principle. It directs a society first to maximize the position of the representative man of the worst-off group. Then, subject to that constraint, it directs a society to maximize the position of the representative man of the next worst-off group, and so on, until it has maximized the position of the representative man of the best-off group. See John Rawls, *A Theory of Justice* (Cambridge, MA: Harvard University Press, 1971), 83. Rev. ed., 72. [Page numbers refer first to the 1971 edition and second to the 1999 edition.]

[8] Prioritarianism refers to a family of maximizing principles that give priority to those who are worse off. Different prioritarian principles assign different weights to this priority. Common to all prioritarian views is the rejection of the view that inequality, as such, is unjust. Prioritarians reject the claim, advanced by strict egalitarians, that it is unjust if some are worse off than others through no fault or choice of their own. For the classic discussion of prioritarianism see Derek Parfit, "Equality or Priority?" Lindley Lecture, 1991, Dept. of Philosophy, University of Kansas, reprinted in Matthew Clayton and Andrew Williams, eds., *The Ideal of Equality* (London: Macmillan, 2000), 81–125.

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I. Two Distractions

As I noted, the difference principle and the justifications offered for it present a puzzle that resists easy resolution. I will explain exactly what I mean by this shortly. First, I want to mention, and then put to one side, two potential distractions. In this essay, I propose to take the difference principle seriously as a principle of distributive justice. I am aware that the difference principle is just one component of Rawlsian justice. It is lexically subordinate to both the principle of equal liberty (and its attendant fair value guarantee of the political liberties) and to the principle of fair equality of opportunity. This has led some commentators to claim that the difference principle is not all that important to Rawlsian justice. Not much economic inequality can pass through these lexically prior filters. For this reason, the difference principle has a quite limited scope of application.[9]

I think this claim is incorrect; and I think Rawls also thought it was incorrect. Rawls certainly wrote as if it were, in principle, possible for the difference principle to justify very substantial economic inequality. That is why he thought it necessary to consider the possibility of "excusable envy." Excusable envy would be present if the economic inequality justified by the difference principle were so great that it understandably damaged the self-respect of those on the bottom. If this were to occur, then, Rawls claims, we might need to rethink the permissibility of the inequality justified by the difference principle.[10] All of this assumes that such inequality would not be ruled out by the lexically prior principles. To be sure, this is not decisive. Perhaps Rawls misapplied his own principles. But I will assume here that he did not. I acknowledge that a full rational reconstruction of Rawlsian justice would need to address these principles as well as the difference principle.[11]

That was the first potential distraction. The second one concerns the goods to which the difference principle applies. Following Rawls, I will

[9] See, for example, the discussion of David Brink's view from private correspondence in Cohen, *Rescuing Justice and Equality,* 381–87.

[10] Rawls, *A Theory of Justice,* 534–41. Rev. ed. 468–74.

[11] There is a strong case for thinking that the parties in the original position would *not* choose to constrain the difference principle by the fair equality of opportunity principle. See the discussion in Thomas Pogge, *John Rawls: His Life and Theory of Justice* (Oxford: Oxford University Press, 2007), 126–33 and Richard Arneson, "Against Fair Equality of Opportunity," *Philosophical Studies* 93 (1999): 77–112. Perhaps moved by considerations of this kind Rawls himself came to have doubts about the lexical priority assigned to the fair equality of opportunity principle. See *Justice as Fairness: A Restatement* (Cambridge, MA: Harvard University Press, 2001), 163 n. 44. As for the fair value guarantee of the political liberties, this can be achieved not by sharply restricting the scope of the difference principle, but rather by insulating the political process from economic interests. On this point see Rawls's discussion of the American Supreme Court case *Buckley v. Valeo* in *Political Liberalism* (New York: Columbia University Press, 1993), 359–63. The plausibility of the fair value guarantee of the political liberties itself also can be challenged. I do so in my "Rawls and the Status of Political Liberty," *Pacific Philosophical Quarterly* 87, no. 2 (2006): 245–70.

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assume that, by and large, the difference principle regulates the distribution of income and wealth—money, for short. In a more complete statement of the principle, however, we would need to consider adding other goods to the mix. Several goods, in particular, warrant mention. These are the goods of leisure time, the goods associated with the powers and prerogatives of office, and the good picked out by the Rawlsian phrase "the social bases of self-respect." Including these latter goods in the bundle of goods to which the difference principle applies will complicate the story I want to tell, but it will not fundamentally change it. So, with this qualification noted, I will assume that the difference principle is a principle that regulates the distribution of income and wealth in a society. And I will discuss leisure time, the powers and prerogatives of office, and the social bases of self-respect only when doing so may reasonably be thought to bear on the claims that I am advancing.

II. The Puzzle Expounded

The puzzle I want to discuss concerns whether "justice as fairness" in general, and the difference principle in particular, require the economic arrangements of a modern democratic society to satisfy a minimal standard of economic efficiency—the standard of Pareto-efficiency. (The Pareto standard requires that, of two distributions D^1 and D^2, if some are better off and none are worse off in D^2 when compared to D^1, then D^2 must be ranked above D^1.) By economic arrangements, I will mean both regime-types—such as welfare-state capitalism or property-owning democracy—and political initiatives that can be pursued within these regimes-types—such as pro-growth or no-growth economic policies.

To introduce the puzzle, I call attention to an important ambiguity in Rawls's statement of the difference principle. To my knowledge, the ambiguity was first detected by Nozick, but it has been noted by a number of commentators on Rawls's work.[12] Here is what Nozick observed.

> [T]he difference principle is inefficient in that it sometimes will favor a status quo against a Pareto-better but more equal distribution. The inefficiency could be removed by shifting from the simple difference principle to a staggered difference principle, which recommends the maximization of the position of the least well-off group, and *subject to that constraint* the maximization of the position of the next least well-off group. . . . But such a staggered principle does not embody a presumption in favor of equality of the sort used by Rawls.[13]

[12] See, for example, Derek Parfit, "Equality or Priority?" 116–21; Philippe Van Parijs, "Difference Principles," in Samuel Freeman, ed., *The Cambridge Companion to Rawls* (Cambridge: Cambridge University Press, 2003), 200–40 and G. A. Cohen, *Rescuing Justice and Equality*, 157–59.

[13] Robert Nozick, *Anarchy, State and Utopia* (New York: Basic Books, 1974), 229–30.

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TABLE 1. *The Difference Principle and Pareto Efficiency*

	State 1	State 2
Better-Off	100	120
Worse-Off	60	60

What Nozick calls the "simple difference principle" is the principle that economic inequality is unjust unless it benefits the worst-off group; and what he terms the "staggered difference principle" is the principle that economic inequality is unjust only if it comes at the expense of the worst-off group *and* economic equality that comes at the expense of better-off groups, without thereby benefiting worst-off groups, is also unjust. The two principles thus exhibit a different commitment to equality. The simple principle mandates Pareto-inefficient equality promoting policies that the staggered principle condemns. Table 1 illustrates the situation.

The extra inequality generated by a transition from State 1 to State 2 does not benefit the worse-off group. It therefore is unjust if it is true that, as the simple difference principle states, inequalities are unjust unless they improve the prospects of the worse-off group. But a transition from State 2 to State 1 worsens the position of the better-off group without thereby improving the position of the worse-off group. It therefore is unjust if is true that, as the staggered difference principle states, economic equality is unjust if it comes at the expense of the better-off group without thereby benefiting the worse-off group.

So the question is, does Rawlsian justice favor the simple or the staggered difference principle? Some may respond by saying that we do not need to answer this question. Table 1 illustrates a situation in which what Rawls terms "close-knitness" does not obtain, but this situation is not appropriately realistic.[14] The difference principle was not meant to apply to "abstract possibilities," but rather to the functioning of a realistic modern economy of a modern society, an economy for which "close-knitness" obtains. But this response is not satisfying, for we want to know the content of the difference principle, and to determine its content we will need to consider unrealistic as well as realistic situations. Rawls must have thought as much himself, since he does contemplate the possibility

[14] Rawls uses contribution curves to illustrate the difference principle. Close-knitness obtains when the contribution curves of the representative men from each group from the least advantaged to the most advantaged contain no flat stretches. (See John Rawls, *A Theory of Justice*, 81–82/71–72.) More colloquially put, close-knitness rules out situations in which gains to one group, such as the most advantaged, do not impact the position of the other groups in any way.

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that close-knitness will not obtain and he does affirm the staggered difference principle in that contemplated possibility.[15]

Many may think that it is obvious that State 2 is preferable to State 1. What possible considerations, they will ask, would favor opting for the Pareto-inefficient state? But considerations of this kind can be identified. One of them is what I shall term "reciprocity." This value or ideal can be characterized in different ways, but in one form or another it is undeniably an element of Rawlsian justice. Rawls sometimes identifies reciprocity with the good of fraternity:

> The family, in its ideal conception and often in practice, is one place where the principle of maximizing the sum of advantages is rejected. Members of a family commonly do not wish to gain unless they can do so in ways that further the interests of the rest. Now wanting to act on the difference principle has precisely this consequence.[16]

Notice that, if the difference principle is a principle of reciprocity, and if reciprocity is understood in terms of fraternity, then the difference principle will favor State 1 over State 2 in our example.[17] The simple difference principle expresses reciprocity (understood in terms of the good of fraternity) whereas the staggered difference principle repudiates reciprocity (so understood) and endorses Pareto-efficient maximizing transitions. Table 1 thus illustrates a pivotal choice between two rival interpretations of the difference principle.

Next, consider a second case. This case concerns the choice between two possible regime-types for a given modern democratic society. Call them R^1 and R^2.[18] Assume that the efficient operation of each regime-type for the society in question secures a reasonably high social minimum and yields the distributions depicted in Table 2.[19] Assume further that the individual members of the better-off and worse-off classes remain the same under both R^1 and R^2.[20]

[15] Rawls calls the staggered difference principle "the lexical difference principle." See his brief discussion of it in *A Theory of Justice,* 82–83/72.

[16] Rawls, *A Theory of Justice,* 105/90.

[17] For perceptive discussion of this point see Cohen, *Rescuing Justice and Equality,* 76–80.

[18] For the purposes of the example, I assume that these two regime-types are the only feasible options for the society in question.

[19] To simplify the discussion, I assume that there are only two socioeconomic classes. I also assume that the increased inequality in R^2 is not so great so as to threaten the stability of the regime by engendering "excusable envy." Finally, I assume that both R^1 and R^2 can be justified in a manner that does not violate the full publicity condition.

[20] This further assumption is necessary to ensure that the Pareto-standard strictly applies in the present case. By contrast, if the individual members of the better-off and worse-off groups switched places in R^1 and R^2, then the Pareto-standard would favor a transition from R^1 to R^2 only when it was supplemented with additional conditions. For discussion of this point see Pogge, *John Rawls: His Life and Theory of Justice,* 48–53.

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TABLE 2. *The Difference Principle and Regime Choice*

	R^1	R^2
Better-Off	100	125
Worse-Off	70	75

Does the difference principle, in accord with the Pareto-standard, require the society to adopt R^2 over R^1, or does it permit the society to choose either regime-type?[21] Rawls does not speak unequivocally on this matter. He claims that the difference principle is consistent with the Pareto principle of efficiency and he often asserts that the difference principle "is, strictly speaking, a maximizing principle."[22] These claims imply that the difference principle not only favors economic arrangements that engender only inequalities that raise (or at least do not lower) the economic prospects of the worse-off, but also that it favors the economic arrangements that maximize the economic prospects of the worse-off compared with all feasible alternatives. R^1 satisfies the first, but not the second, of these conditions, whereas R^2 satisfies them both.[23] So the difference principle—on what I shall term its *maximizing interpretation*—requires the society in Table 2 to adopt R^2.

It is possible that the difference principle does not require the society to adopt R^2, however. The maximin feature of the difference principle may apply only within regime-types, but not across them. The difference principle, Rawls writes, "presupposes a rough continuum of practicable basic structures." The difference principle selects the system of social cooperation that, in relation to all "reasonably close and available alternatives," maximizes the position of the worse-off, whomever they may be.[24] The maximin feature of the difference principle thus appears to be indexed to systems of social cooperation that are reasonably close to one another. So, if R^1 and R^2 are not reasonably close alternatives, then the difference principle may not favor R^2 over R^1. It may permit the society to adopt either regime.[25]

[21] A third possibility is that the difference principle requires the society to adopt R^1. Such a view would hold that the difference principle favors the most egalitarian regime among the regimes that permit inequalities that benefit the worse-off.

[22] Rawls, *A Theory of Justice*, 79/69.

[23] In the terminology used in *A Theory of Justice*, R^1 is "just throughout, but not the best just arrangement." R^2, by contrast, is "a perfectly just" arrangement. (See 78–79/68).

[24] Rawls, *Justice as Fairness: A Restatement*, 70.

[25] Commenting on the choice between a capitalist and a socialist regime, Thomas Pogge suggests that this is a decision that each political society is free to make in light of its circumstances and traditions. The decision should be treated as a matter of pure procedural justice. See Thomas Pogge, *Realizing Rawls* (Ithaca: Cornell University Press, 1989), 202–203.

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There are, in fact, considerations that support this latitudinarian reading of the difference principle. The difference principle can be construed as a principle that articulates a general condition for justified inequality. As such, it does not require maximizing the economic prospects of the worse-off group. It requires only that inequality benefit, or at least not come at the expense of, the worse-off group. This requirement itself can be understood as a requirement of reciprocity. Let us distinguish strong from weak reciprocity. Strong reciprocity is the sense of reciprocity mentioned earlier, a sense of reciprocity that expresses the good of fraternity. By contrast, weak reciprocity is consistent with economic inequalities that do not benefit the worse-off group so long as these inequalities do not come at their expense. One who affirms weak over strong reciprocity can favor State 2 over State 1 in Table 1, while also holding that the society in Table 2 can opt for either regime, since both regimes (we are assuming) satisfy weak reciprocity.

Is it possible that the difference principle really is a principle of weak reciprocity and not a maximin principle? In an intriguing passage in *A Theory of Justice,* Rawls distinguishes an economic arrangement that is "perfectly just" from one that is merely "just throughout." The former maximizes the economic position of the worse-off, whereas the latter merely satisfies the condition that the better off do not gain at the expense of the worse-off. An arrangement that is just throughout is one that satisfies weak reciprocity. It is not the "best" just arrangement since it fails to maximize the position of the worst-off group. In discussing this distinction, Rawls insists that the difference principle favors the "perfectly just" arrangement. This is exactly what one would expect him to say if he were committed to the maximizing interpretation of the difference principle. The problem is that a proponent of the difference principle, on the maximizing interpretation, should hold that an arrangement that is not perfectly just, such as the one that Rawls refers to as merely "just throughout," is not, in reality, *just throughout,* since it falls short of what the difference principle prescribes and the difference principle articulates the content of distributive justice.[26]

One way to make sense of what Rawls is claiming in this passage is that the difference principle expresses two fundamental ideas. It expresses an ideal of reciprocity between citizens (namely, that the better-off are not to gain unless doing so either improves the position of the worse-off or at least does not come at the expense of the worse-off) and it expresses a maximizing injunction (namely, the position of the worse-off is to be maximized in comparison with other possible alternative arrangements). Injustice is present when the ideal of reciprocity is violated. But, even when neither of two arrangements violates the ideal of reciprocity, one

[26] Bear in mind that we are assuming that the other, lexically prior, principles of justice have been satisfied. Given this assumption, the difference principle articulates the content of (Rawlsian) distributive justice.

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arrangement can be judged to be better than the other with respect to distributive justice if it, but not the other, satisfies the maximizing injunction.

The notion that the difference principle gives voice to an ideal of reciprocity is one that Rawls came to emphasize in his late work.[27] Somewhat surprisingly, he stressed that the argument for the difference principle does not, in general, rest on the maximin decision rule. And, he claimed, that the failure to make this point clear was "a serious fault" of *A Theory of Justice.*[28] Instead, the difference principle "is essentially a principle of reciprocity." What it requires is that, "however great the general level of wealth—whether high or low—the existing inequalities are to fulfill the condition of benefiting others as well as ourselves."[29] Call this the "reciprocity-centered" interpretation of the difference principle.

Return now to the choice presented in Table 2. The maximizing injunction clearly favors R^2 over R^1. But if the difference principle is understood as a principle of reciprocity, then it may not require a society to select the regime-type that maximizes the position of the worse-off. On its reciprocity-centered interpretation, the difference principle does not favor either regime-type in Table 1. It is silent on the issue, leaving the matter to be determined by the political process of a democratic society.[30]

Rawls's explicit remarks do not settle the issue of whether the difference principle requires a society to adopt a regime that maximizes the economic position of the worse-off. There is a case both for construing the difference principle on its maximizing interpretation and for construing it on its reciprocity-centered interpretation. And, depending on which interpretation is favored, the difference principle supports different judgments in cases of the sort presented by Table 2. It is natural to suspect, however, that the issue can be resolved by considering it from the standpoint of the parties in the original position. As Rawls characterizes them, the parties are motivated to secure the highest index of social primary goods for those they represent. Limiting the focus to income and wealth, the parties aim to secure the maximum level for those they represent. This yields a powerful and straightforward argument for the view that the parties in the original position would select R^2 over R^1. Yet, as I hinted at a moment ago, Rawls came to reject the notion that the difference principle rests on the maximin decision rule. The parties in the original position, he stresses, do not, at least not in general, appeal to it in justifying the difference principle over alternative principles. This point emerges most clearly in Rawls's discussion of the case for the difference principle over the principle of restricted utility. The principle of restricted utility directs citizens to design a basic structure that maximizes average utility (or average

[27] See especially the discussion in Rawls, *Justice as Fairness: A Restatement,* 76–77.
[28] Rawls, *Justice as Fairness: A Restatement,* 95.
[29] Ibid., 64.
[30] See, for example, Pogge, *Realizing Rawls,* 202–204. But compare these claims with the more recent discussion in Pogge, *John Rawls: His Life and Theory of Justice,* 114–115.

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TABLE 3. *The Difference Principle and Restricted Utilitarianism*

	Option 1 (O^1)	Option 2 (O^2)
Better-off	90	105
Worse-off	60	55
Suitable Social Minimum	50	50

shares of income/wealth) subject to the constraint that a suitable social minimum is guaranteed for all.[31] Table 3 illustrates the difference between the two principles.

Assuming that the number of people in both the better-off and worse-off classes remains the same under both options, then the difference principle favors O^1 and the principle of restricted utility favors O^2. But Rawls's argument for why the parties in the original position would select O^1 over O^2 does not appeal to the maximin decision rule. The fact that the worse-off fare better under O^1 compared to O^2 does not provide the reason for favoring it. This is the case since both basic structures secure a suitably high social minimum, thereby undercutting one of the conditions that make it rational to be guided by the maximin decision rule.[32]

What considerations then favor the adoption of O^1? The main reason that Rawls offers for why the parties in the original position would favor it over O^2 is that O^2 yields a distribution that violates the ideal of reciprocity expressed by the difference principle.[33] As we have seen, the ideal of reciprocity is subject to competing interpretations; but, at a minimum, it holds that the better-off should not gain at the expense of the worse-off. And this is precisely what is permitted by the principle of restricted utility and what is forbidden by the difference principle.[34]

[31] Rawls, *Justice as Fairness: A Restatement*, 120.

[32] As Rawls explains, one of the conditions for the application of the maximin decision rule is that "the worse outcomes of all the other alternatives are significantly below the guaranteeable level." (*Justice as Fairness: A Restatement*, 98) This condition does not obtain in the present case. Nor does it obtain in the comparison case of R^1 and R^2 depicted in Table 1.

[33] Rawls also mentions that the principle of restricted utility is subject to indeterminacy, given the difficulties of making public interpersonal comparisons of utility. But this is not a central problem, since the principle could be construed to require that the share of income and wealth be maximized rather than some utility function. See *Justice as Fairness: A Restatement*, 126–27.

[34] Presumably, the parties in the original position will not appeal to the value of reciprocity. They are motivated to look out for the good of those they represent, not the good of those they represent relative to the good of others. But Rawls stresses that the parties must take an interest in whether "those they represent can reasonably be expected to honor the principles agreed to in the manner required by the idea of an agreement." (*Justice as Fairness: A Restatement*, 103) And he claims further that if the ideal of reciprocity is flouted, then the worst-off may not be disposed to honor the agreement. Thus, or so it appears, from the standpoint of the original position, stability considerations favor selecting a principle of justice that realizes the ideal of reciprocity. (*Justice as Fairness: A Restatement*, 127).

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TABLE 4. *The Difference Principle and Economic Growth*

	T^1	T^2
P^1	(100, 80)	(100, 80)
P^2	(100, 80)	(120, 90)

Notice, however, that if the case for the difference principle rests on an ideal of reciprocity rather than on the maximin decision rule, then it will not help to resolve the issue raised by Table 2. Assuming that both regimes provide a suitably high social minimum, the difference principle will not tell us whether a society must adopt R^2 over R^1. For suppose a society with R^2 decided to undertake a transition to R^1. The transition would not violate the ideal of reciprocity expressed by the difference principle, even though it would result in a state of affairs under which the worse-off's economic prospects declined. This view of the difference principle, accordingly, supports the judgment that the principle does not rule out Pareto-inefficient distributive outcomes—at least under conditions depicted in Table 2.

The difference principle is presented as a maximizing principle. Yet when it is viewed from the standpoint of the original position, it is not supported by the maximin rule. (As we have seen, the maximin rule does not apply in comparison cases of the sort depicted in Tables 2 and 3.) This makes it mysterious why the difference principle is characterized by Rawls as a maximizing principle. For if it is truly a maximizing principle, then its maximizing feature is inadequately grounded by the ideal of reciprocity that the principle purportedly expresses.

The puzzle in Rawlsian justice that I have been exposing can be expressed in terms of permissions and requirements. The difference principle, on the maximizing interpretation, requires Pareto-efficient transitions that are merely permissible on its reciprocity-centered interpretation. That it is an inconsistency, since if something is required, then it is not permissible to not do it.

The same inconsistency is manifest in another example, one that Rawls himself did speak to directly. It concerns a choice between policies that can be pursued within the same regime-type. Consider Table 4. P^1 and P^2 refer respectively to no-growth and pro-growth economic policies. Differences in time are represented by T^1 and T^2 and the economic positions of the better-off and worse-off are represented in the parentheses.[35]

[35] All the same stipulations remain in place; e.g., both policies secure a suitably high social minimum, neither policy conflicts with other requirements of Rawlsian justice, etc.

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Does Rawlsian justice require the society in this example to adopt P^2 over P^1? Rawls's discussion of the just savings principle suggests that societies have some leeway in deciding how much to save for future generations. But he stresses that justice does not require continual economic growth across time. The difference principle, Rawls insists, does not rule out a society in which real capital accumulation reduces to zero, even if conditions were such that continued economic growth remained a possibility.[36] If this is right, however, then it is natural to wonder why the difference principle requires that the economic prospects of the worse-off be maximized over *each* interval of time to which it applies.

Let me now stipulate that the distributive profiles represented in Table 4 do not represent intergenerational distributions. That is, the time interval between T^1 and T^2 is not so great as to shift the case from one of intragenerational to intergenerational justice. (Assume, if you like, that it is less than a twenty-year time interval.) The example Table 4 depicts, we now assume, is not that one that implicates the just savings principle.

The same reasoning rehearsed above now applies to this case. The difference principle, on its maximizing interpretation, supports the judgment that justice requires the society to enact P^2. (Over every 20 year period the society should pursue pro-growth policies.) But the claim that the difference principle does not require economic growth across time, as well as the claim that the maximin decision rule does not apply once a suitably high social minimum has been attained, tell against this judgment. These claims support the conclusion that Rawlsian justice permits the society in Table 4 to enact P^1—the more egalitarian, but Pareto-inefficient policy. This, in turn, makes sense on the reciprocity-centered, but not on the maximizing, interpretation of the difference principle.

So the puzzle manifests itself both with respect to choices between regime-types and to policy choices that can be made within regime-types. Indeed, since the cases illustrated in Tables 2 and 4 exhibit a similar structure, they mutually illuminate each other. For if one holds that Rawlsian justice permits the choice of P^1 in Table 4, then, other things being equal, one should be inclined to allow that Rawlsian justice permits the choice of R^1 in Table 2. By contrast, if one holds that Rawlsian justice requires the maximizing option in Table 2, then, other things being equal, one should be inclined to hold that Rawlsian justice requires selecting P^2 in Table 4. I now offer a diagnosis of the puzzle. Rawls was committed (simultaneously) to two rival understandings of the difference principle and these rival understandings pull in different directions in the cases that we have been considering.

[36] Rawls, *Justice as Fairness: A Restatement*, 64.

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III. Responses to the Puzzle

If I am right in my diagnosis of the puzzle, then to make good sense of Rawlsian justice, we will need to engage in some reconstructive surgery. Specifically, we will need to choose between the maximizing and the reciprocity-centered interpretation of the difference principle; and we will need, as a consequence, to discount some Rawlsian claims and play up others. However, before turning to this constructive task, I want to consider some promising, but ultimately unsuccessful, attempts to resolve the puzzle. While not conclusive, the failure of these attempts will strengthen the overall case for thinking that the puzzle is genuine and deep—one that merits the reconstructive efforts that will ensue.

A. Cohen's critique

The first attempt at resolution that I shall consider is suggested by G. A. Cohen's penetrating critique of Rawls. The proposed resolution that I have in mind is not one advanced by Cohen himself, since he did not consider the puzzle I have been expounding. Still, more than any other recent commentator, Cohen exposed tensions in Rawlsian justice. And his critical analysis may point the way toward a solution to our puzzle. Specifically, Cohen maintains that Rawlsian justice, under proper interrogation, is revealed to be not committed to the difference principle, but rather to a more egalitarian principle of distributive justice. If this conclusion were correct, then we would have an explanation of sorts for the puzzle I have been discussing. The explanation is that Rawls failed to identify his most fundamental normative commitments and that the inconsistency expressed by the puzzle is merely a consequence of this failure.

In pressing his case, Cohen seizes on Rawls's statement that the difference principle "relies on the idea that in a competitive economy (with or without private ownership) with an open class system excessive inequalities will not be the rule." Cohen then infers from this statement that Rawls must be committed to "an unarticulated background principle of equality;" for otherwise, Cohen asks, how could Rawls condemn the envisioned inequalities as excessive? In short, as Cohen sees it, "in a more perspicuous presentation of what Rawls really thinks" the injunction to advance the position of the worse-off must be balanced against the injunction to promote equality. The resulting standard of justice is perforce more egalitarian than Rawls's official statement of the difference principle. Put in terms of the distinction I have introduced, a person—who was sympathetic to Cohen's reading of Rawls—could claim that the maximizing interpretation of the difference principle expresses the first of these injunctions whereas the

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Table 5.

Row (1):	O	N
Row (2):	1/N	1

reciprocity-centered interpretation expresses the second. The difference principle, in turn, represents a balancing of the two demands. The puzzle I have been highlighting, then, is a manifestation of the fact that the difference principle is a compromise between competing injunctions.

The statement that Cohen seizes on, however, reveals only one side of what Rawls is trying to say. The statement is part, but only part, of Rawls's response to a general objection that can be pressed against the difference principle. "The objection is," in Rawls's words, "that since we are to maximize (subject to the usual constraints) the long-term prospects of the least advantaged, it seems that the justice of large increases or decreases in the expectations of the more advantaged may depend upon small changes in the prospects of those worst off."[37] Rawls illustrates the objection with the following table of gains and losses, where N refers to a natural number. The maximin rule directs us to always select row (2), since maximizing the minimum requires one to opt for 1/N over 0. But, as Rawls points out, even "if for some smallish number it is reasonable to select the second row, surely there is another point in the sequence when it is irrational not to choose the first row contrary to the [maximin] rule."[38] Notice here that the envisioned irrational choice (if we assume that the columns represent the gains and losses of two different individuals, for example) is not one of excessive inequality, *but rather one that irrationally favors the more egalitarian option.* The objection to the maximin rule, and by extension to the difference principle, is that it makes the justice of very large gains to the better-off turn on very small changes to the position of the worst-off. This objection can come both from the lips of the egalitarian who worries that the difference principle will justify excessive inequality and from the lips of the anti-egalitarian who worries that the difference principle will rule out too much inequality. Put differently, instances of the objection can take the form either of examples that suggest that the difference principle is insufficiently egalitarian or of examples that suggest that it is excessively egalitarian.[39] The statement that Cohen makes much of is an instance of the former, but since there are also instances of

[37] Rawls, *A Theory of Justice,* 157/135–36.

[38] Ibid., 157/136.

[39] The point I am pressing here is confirmed in Rawls's later discussion of the same objection in *Justice as Fairness: A Restatement* (see 66–68). Here Rawls explicitly allows that the difference principle, with respect to some possible counterexamples, can look to be unjust to the more advantaged.

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the latter, we should not infer, as Cohen invites us to do, that Rawls is really committed to a deeper, unarticulated and more egalitarian principle of justice. For, with equal warrant, we could infer from other instances of the objection that Rawls is really committed to a deeper, unarticulated and less egalitarian principle of justice.[40]

Now, it is true that Cohen also contends that Rawls's arguments to the effect that the generators or sources of inequality are arbitrary from a moral point of view commit Rawls to a standard of justice that is more egalitarian than the difference principle. This is an important line of critique, one that I shall respond to toward the end of this paper. For now, it is important to note that if Cohen were right in his contention, then Rawlsian justice is, as Cohen himself urges, not committed to the difference principle, but rather to the principle of distributive equality. And this result, striking as it may be, does nothing to explain the puzzle that I have been discussing in this paper. Even if one were tempted to follow Cohen (as I am not) in downgrading the difference principle from a principle of justice to a rule of social regulation, one would still not have an explanation for why the principle so understood both seems to require Pareto-efficient transitions and to permit Pareto-inefficient transitions. This line of argument, in short, merely relocates the puzzle. The puzzle is no longer a puzzle about Rawlsian justice, but rather a puzzle about what sound Rawlsian economic policy requires.

One might propose, as Cohen himself intriguingly contemplates at one point, that Rawlsian justice reflects or gives expression to two separable aspects of justice, one comparative and the other noncomparative. The comparative aspect is egalitarian, whereas the noncomparative aspect is Pareto-maximizing.[41] And one might then add that these two aspects of justice are not rationally comparable under a wide range of circumstances. Reason allows different outcomes when the two aspects pull in opposed directions. Construing the difference principle in these terms would show it to be a permissive or latitudinarian principle. Such a construal would explain why a society would have the option to choose either way in the cases we considered in the previous section. But this is a reading of the difference principle that straightforwardly contradicts its maximizing interpretation. For this reason, one

[40] Rawls's own response to the envisioned counterexamples is to argue that they are mere "abstract possibilities" and, as such, that they do not qualify as genuine counterexamples to the difference principle. (See *A Theory of Justice,* 157–58/136 and *Justice as Fairness: A Restatement,* 68–71) For forceful criticism of this response see Cohen, *Rescuing Justice and Equality,* 263–68. With Cohen, and against Rawls, I think consideration of unrealistic examples can be important in helping one identify the content of one's normative commitments. A full consideration of this issue, however, cannot be pursued here. (I return to this point at the end of this essay.)

[41] See *Rescuing Justice and Equality,* 315–23, especially 322–23.

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who was inclined to press for it would need to engage in the same exercise of rational reconstruction that I shall be pursuing.

B. Index good trade-offs

Consider next a second effort to resolve the puzzle, one that invites us to revisit one of the distractions that I noted at the beginning of the paper. The index of goods to which the difference principle applies may include more than income and wealth. It may include leisure time, the power and prerogatives of office, and other determinants of the social bases of self-respect. Rawls is not at all clear on how these different goods are to be weighed against each other in determining how well off citizens are for the purposes of distributive justice; but if trade-offs between goods are brought into the picture, then the cases I have reviewed may mislead.

Let me use the good of leisure time to illustrate the point. Suppose the pro-growth policies envisioned in Table 4 come at the expense of leisure time. They require an extension of the working day, for example. On this supposition, the position of the worst-off group may not be improved by the adoption of these policies, for the loss in leisure time may not offset the gain in income and wealth. The difference principle, on its maximizing interpretation, would then require the society to adopt the no-growth policies. But now suppose, as seems reasonable, that there is no rationally mandated method for combining income/wealth and leisure time into a single precise index of economic goods. Here we could allow that each society is free from the standpoint of justice to balance these different goods in different ways. This allowance would explain Rawls's insistence that justice does not require continual economic growth across time. It permits policies that do not raise the economic position of those at the bottom so long as these policies provide them with a sufficiently large gain in leisure time. This permissive stance on economic growth, moreover, would not be inconsistent with the difference principle on its maximizing interpretation; for the worst-off's index of economic goods, depending on the specification of that index, could be maximized with or without economic growth. A similar story could be told about the choice between regime-types in Table 2.

There is some textual evidence in Rawls's works for this proposed resolution. In response to an objection first pressed by Richard Musgrave, Rawls allowed that it might be necessary to add leisure time to the index of economic goods regulated by the difference principle. Musgrave had pointed out that individuals often substitute leisure time for economic goods. This means that the difference principle, if restricted to regulating the distribution of income and wealth, will arbitrarily favor those with a high preference for leisure.

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> [The difference principle] is to the advantage of recluses, saints, and (nonconsulting) scholars who earn little and hence will not have to contribute greatly to redistribution.[42]

In a similar fashion, the difference principle so restricted, will arbitrarily favor those members of the worse-off group who choose not to work so that they can enjoy more leisure. They get a full share of economic goods without the burden of work. Rawls replied:

> Those who were unwilling to work under conditions where there is much work that needs to be done (I assume that positions and jobs are not scarce or rationed) would have extra leisure stipulated as equal to the index of the least advantaged. So those who surf all day off Malibu must find a way to support themselves and would not be entitled to public funds.[43]

Rawls also called attention to the fact that the general level of wealth in a society depends on the labor decisions of its members.

> The general level of wealth in a society, including the well-being of the least advantaged, depends on people's decisions as to how to lead their lives. The priority of liberty means that we cannot be forced to engage in work that is highly productive in terms of material goods. What kind of work people do, and how hard they do it, is up to them to decide in light of the various incentives society offers.[44]

The proposal before us, then, is that a society in a Table 4 case could favor no-growth economic policies over pro-growth economic policies because it valued leisure time over material goods. This would not be inconsistent with maximin policy, so long as leisure time is given its proper due in determining the economic prospects of the worst-off. (For parallel reasons, a society in a Table 2 case could favor a less economically productive regime that was more leisure friendly over a more productive regime that was less leisure friendly.)

The proposal brings out the difficulty of measuring economic productivity. A simple measure is in terms of the aggregate production of material goods, but this simple measure is plainly *too* simple. Suppose two (otherwise similar) societies produce the same level of material goods, but that one does so with one-fourth less labor time than the other. The two

[42] Richard Musgrave, "Maximin, Uncertainty, and Leisure Trade-off," *Quarterly Journal of Economics* 88 (1974): 625–32, at 632.
[43] Rawls, *Political Liberalism,* 182 n. 9.
[44] Rawls, *Justice as Fairness: A Restatement,* 64.

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societies are not equally economically productive. The point expressed by this example, albeit overly simplified, is this: increases in the economic productive power of a society can be used either to increase the aggregate level of material goods or to maintain the level of these goods while cutting back on the time the society spends on working to produce them.[45] Suppose now that the difference principle takes this point into account. It then would require a society, other things being equal, to pursue policies that maximize its economic productivity. Pro-growth policies, so understood, would be policies that promote economic productivity, rather than simply policies that do best in terms of increasing the aggregate level of material goods.

An appeal to the good of leisure time, in this way, could reconcile what Rawls says about the case illustrated by Table 4 with the maximizing interpretation of the difference principle. However, it remains unclear, to say the least, whether Rawls himself would have accepted this proposal. Doing so would imply that Rawlsian justice, other things being equal, does require a society to maximize economic productivity across time. And this requirement does not sit well with a Millian steady-state economy in which real capital accumulation reduces to zero.[46]

A similar account could be given of the good associated with the powers and prerogatives of office. Here is a suggestion from one commentator on Rawls.

> A market economy with worker-owned firms may conceivably outperform conventional capitalism in terms of the powers and prerogatives associated with the worst position while doing worse income-wise for everyone.[47]

For the sake of argument, suppose that this were true. With this supposition in place, we can reconsider a Table 2 case. Does Rawlsian justice permit a society collectively to decide on an income and wealth versus powers and prerogatives trade-off? If so, then a society could opt for a less productive, but more prerogatives friendly, economic regime. R^1 in

[45] For a good discussion of this point see G. A. Cohen, *Karl Marx's Theory of History: A Defence* (Oxford: Oxford University Press, 1978), 302–21.

[46] Mill discusses the steady state or stationary condition of economic productivity in his *Principles of Political Economy* (Oxford: Oxford University Press, 1994). The stationary state occurs when real capital accumulation falls to zero and economic growth stops. This could occur because economic growth is no longer possible. As Mill observes, political economists have seen that "the increase in wealth is not boundless: that at the end of what they term the progressive state lies the stationary state, that all progress in wealth is but a postponement of this." (124) But the stationary state also could occur because economic growth is no longer pursued. Mill argues, for example, that there are circumstances in which the quality of human life would be improved if economic growth were not pursued (128–130). When Rawls claims that justice as fairness does not rule out the steady-state economy, he must have this latter understanding in mind.

[47] Van Parijs, "Difference Principles," 212.

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Table 2 could then be construed to be a regime that sacrifices wealth for better powers and prerogatives in comparison to R^2. A choice for R^1 would not then contradict the maximizing interpretation of the difference principle. But, we need to ask, is it legitimate for a Rawlsian society to make this kind of collective decision? Should it attempt to prescribe index good trade-offs for all its members? We need an answer to this question if we are to know whether the resolution proposed here can really help us to resolve the puzzle we have been investigating.

C. Perfectionism

This brings us to a third response. Start by noting that in all of the cases that we have considered it was stipulated that the social minimum guaranteed under the different options is suitably high. Perhaps, then, when this condition is not met, the difference principle requires a society to maximize the position of the worst-off class. In this respect, the difference principle is a maximizing principle. However, when the condition is met, the difference principle may cease to be a maximizing principle. Here, or so it may be said, it permits a society to adopt economic arrangements and enact policies that are not designed to maximize the economic prospects of the worst-off class. In this domain, the difference principle rules out inequalities that do not benefit the worst-off class, thereby expressing reciprocity; but it does not mandate continued improvements in the position of the worst-off class.

This understanding of the difference principle appears to resolve the puzzle, but it does so only if we have an adequate account for why the difference principle ceases to be a maximizing principle once the guaranteed social minimum is sufficiently high. We need to know why at this point the least advantaged cannot object (with force) that their position is worse off than anyone's position need be under alternative feasible economic arrangements. Intriguingly, Rawls provides an explanation of just this sort in *A Theory of Justice.* A high level of wealth, he suggests, is not important to leading a good human life.

> What men want is meaningful work in free association with others, these associations regulating their relations to one another within a framework of just basic institutions. To achieve this state of things great wealth is not necessary. In fact, beyond some point it is more likely to be a positive hindrance, a meaningless distraction at best if not a temptation to indulgence and emptiness.[48]

If these claims were correct (and if they were known to be correct in the original position), then the parties in the original position presumably

[48] Rawls, *A Theory of Justice,* 290/257–58.

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would not, in general, strive to maximize the income and wealth of those that they represent. They would do so only up to the point where an adequately high material standard of life was available for all. Beyond that point, the continued pursuit of higher wealth would not help, and might hinder, the pursuit of rational plans of life.[49]

This argumentative maneuver neatly addresses the puzzle, and it may capture what Rawls himself had in mind; but it does so by appealing to a contentious premise; namely, it appeals to the claim that a good human life, or perhaps what men conceive to be a good human life, does not require a great deal of wealth and that the pursuit of further wealth beyond a suitable minimum level is an error—"a meaningless distraction at best."[50] Note that the premise is ambiguous between two readings. It expresses either a psychological generalization or a perfectionist claim. If it expresses a psychological generalization, then it certainly looks to be false. Different people with different conceptions of the good, in all likelihood, value additional increments of wealth differently.[51] But if it is understood to express a perfectionist claim, then, while it might be true, it is not a premise that Rawlsians, or so I now claim, are entitled to invoke. For it is a central feature of Rawls's account of justice that there should be no political evaluations of conceptions of the good life.[52] As long as citizens comply with the requirements of justice, they should be free to pursue plans of life of their own choosing, however meaningless these plans may appear to others. And, in formulating principles of justice, we—as citizens—must not presume that some conceptions of the good life are more meaningful or valuable than others.

It might be objected that proponents of Rawlsian justice do not need to appeal to a perfectionist reading of the premise to make the point that

[49] These claims also provide an explanation of sorts for why the parties in the original position, as stipulated by Rawls, do not care much about gains above the minimum that is secured by the difference principle.

[50] But can the argumentative maneuver account for the permissive character of the difference principle in Table 2 and 4 cases? If additional wealth is indeed a distraction, then would not the parties in the original position be *required* to select the less productive option, at least in some variants of the cases? Call the point at which additional wealth becomes a burden rather than a benefit the satiation point. We can imagine that societies have some leeway, from the standpoint of justice, in determining where this point lies. The permissive character of the difference principle reflects the fact that the satiation point is not sharp, but (within a certain range) vague or indeterminate.

[51] Perhaps at some extraordinarily high level of wealth everyone would cease to value more of it. But, if so, then, once this level was reached, people would not make conflicting claims on additional wealth. Here the circumstances of justice would not apply. For further criticism of Rawls on this point see Brian Barry, *The Liberal Theory of Justice* (Oxford: Oxford University Press, 1972), 97–99.

[52] Compare the present claim with R. Arneson's critical remarks on Rawls's subordination of the difference principle to the principle of fair equality of opportunity ("Within Rawls' theory, which eschews any social evaluation of people's conceptions of the good, there does not seem to be a basis for affirming that the goods of job satisfaction and meaningful work trump the goods that money and other resources distributed by the Difference Principle can obtain.") "Against Rawlsian Equality of Opportunity," *Philosophical Studies*, 98.

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they wish to make here. They can say—consistent with the justificatory strictures imposed by anti-perfectionism—that great wealth is not necessary for the adequate development and the full and informed exercise of the two moral powers of free and equal persons. These two moral powers ground two higher-order interests, one associated with the capacity to form, pursue and revise a conception of the good, the other associated with the capacity to understand and act from a sense of justice. Compactly expressed, the present objection holds that (i) the two moral powers and the higher-order interests associated with them are not perfectionist, but rather key components of the political conception of the person; (ii) that the social and economic conditions necessary for the adequate development and exercise of the two moral powers does not require great wealth; and (iii) the content of justice as fairness is to be identified by reference to the social and economic conditions that are necessary for the full and adequate development of these moral powers and the adequate satisfaction of the associated higher-order interests.

The objection is interesting; but, whatever the truth of (i) and (ii) may be, it cannot rescue the contemplated resolution to the puzzle from the critique pressed above. It cannot do so since (iii) cannot be correct. As Rawls stressed, citizens not only have an interest in the full development and exercise of the two moral powers, but also they have a third higher-order interest in the successful pursuit of a determinate conception of the good. This is "a conception specified by certain definite final ends, attachments, and loyalties to particular persons and institutions, and interpreted in the light of some comprehensive religious, philosophical, or moral doctrine."[53] Primary social goods, such as income and wealth, are not valuable merely because they are related to the development of the two moral powers, but also because they are all-purpose means for the pursuit and advancement of determinate conceptions of the good. That is why the parties in the original position seek to secure the highest index of primary social goods for those they represent rather than some basic minimum necessary for the full and adequate development and exercise of the two moral powers. Thus, to explain why the difference principle ceases to be a maximizing principle once an adequately high minimum has been secured for all, we must do more than point to the fact that great wealth is not necessary to satisfy the higher-order interests of citizens that are associated with the two moral powers. We must hold, in addition, that great wealth is not necessary for the successful pursuit of a rewarding or worthwhile determinate conception of the good. But this claim just is the perfectionist premise that runs afoul of the justificatory strictures imposed by Rawlsian justice.

So much the worse for Rawlsian anti-perfectionism, one might respond. If one rejects the strong resistance to perfectionism, then one can help

[53] Rawls, *Political Liberalism*, 74.

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oneself to this resolution of the puzzle. Since I myself shall be recommending rational reconstruction in response to the puzzle, I would not want to rule this gambit out of court. But there is good reason to think that this is not an especially promising route to take; for the perfectionist claim in question is not very plausible as a perfectionist claim. At least, it is not very plausible if one assumes the truth of modest value pluralism—roughly, the claim that there is a wide range of different ways of leading a good human life. For, if modest value pluralism is correct, then it is reasonable to think that different people will not unreasonably value additional increments of wealth differently. The gambit in question thus conflicts not only with anti-perfectionism, but also with a modest form of value pluralism.

This same point explains why a Rawlsian society should not prescribe a leisure/wealth trade-off or a prerogatives/wealth trade-off for its members. It should not opt for less productive, but leisure-friendly, regimes on the grounds that additional leisure is more valuable than additional wealth. Likewise, it should not opt for less productive, but prerogatives-enhancing regimes, on the grounds that exercising the prerogatives of office is more valuable than the goods that come with additional wealth. Instead, it should leave its members free to make these trade-offs in ways that fit their own conception of the good.[54] Thus, the very reasons that support a rejection of the perfectionist response to the puzzle also explain why the index good trade-off response (considered in the previous subsection) will not work. With no promising resolution in sight, our puzzle persists. Rawlsian justice both requires Pareto-efficient improvements that redound to the economic benefit of the worst-off and permits economic arrangements and policies that fail to maximize the material prospects of the worst-off.

IV. Reciprocity and the Leveling Down Objection

If the foregoing discussion is on the right track, then there is a serious tension in Rawlsian justice. The tension is expressed by the puzzle and the puzzle is illustrated by the examples I have presented. I now want to suggest that the tension has its source in a more fundamental divide in egalitarian political thought. This is the divide, very nicely introduced by

[54] A Rawlsian society should favor an index of goods that is more rather than less fungible. (This may explain why Rawls put the emphasis on income and wealth when discussing the difference principle.) In other words, a Rawlsian society should allow its members to make their own trade-offs between leisure, wealth and the goods that come with the prerogatives of office. To facilitate this, we might imagine a Rawlsian society that regulates the conditions of work so that workers have sufficient options to make these trade-offs. Such regulations might be inconsistent with a maximally economically productive regime, but they would capture the spirit of the point pressed here. In any event, it should be plain that, for Rawlsians, index good trade-offs should not be collectively prescribed for all by appealing to perfectionist considerations about "what men really want."

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Derek Parfit, between prioritarianism and egalitarianism.[55] Does egalitarian concern mandate that we give priority to the worse-off, or does it require that we value equal distributions intrinsically?

My view is that the difference principle should be understood to be a prioritarian principle. As such, it is a maximizing principle; and it will mandate Pareto-efficient transitions. But I also think—and my examples have illustrated—that Rawls often makes claims about the difference principle that only make sense if we view the principle as expressing reciprocity. And reciprocity is an egalitarian value.

A rational reconstruction of Rawlsian justice, then, must decide which competing elements to emphasize and which to downplay. As the title of this paper indicates, my view is that we should downplay the egalitarian elements. We need to rescue Rawlsian justice *from* equality.

But why should we go down this path? Why not aim instead to rescue Rawlsian justice from its maximizing feature? To answer this question, we will need to address a number of considerations that bear on the relationship between reciprocity and justice. I shall begin by calling attention to a common worry about egalitarian justice; namely that it is rooted in, and gives expression to, the vice of envy. Rawls himself was keenly aware of this worry. Many conceptions of equality, he acknowledged, may spring from this tendency; but the equality recommended by justice as fairness, he insisted, does not. For to show that a conception of equality is rooted in envy one must show that it is "unjust and bound in the end to make everyone including the less advantaged worse off."[56] Let us call this the envy-test. The maximizing feature of the difference principle guarantees that it will pass the envy-test. It is the feature that ensures that the difference principle will not countenance any transition that makes all parties worse off for the sake of greater equality. The same cannot be said of the difference principle on its reciprocity-centered interpretation. For, as we have seen, on this interpretation the difference principle permits, even if it does not mandate, transitions that worsen the prospects of both the best-off and worst-off groups. By so doing, it becomes vulnerable to a version of the leveling down objection.

Strict egalitarians, of course, hold that justice requires leveling down. Such a view, Rawls claims, would be favored in the original position only if the parties were sufficiently envious.[57] But the value of reciprocity can require leveling down as well; for if the staggered difference principle flouts strong reciprocity (as Nozick and Cohen insist), then strong reciprocity favors leveling down in circumstances in which close-knitness does not obtain. For this reason, the staggered difference principle would be rejected in the original position only if the parties were sufficiently

[55] Parfit, "Equality or Priority?"
[56] Rawls, *A Theory of Justice,* 538/471.
[57] Ibid., 538–39/472.

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envious. Likewise, while weak reciprocity does not require leveling down, it permits it in a range of circumstances, such as those illustrated in Tables 2 and 4. Only by appealing to the maximizing feature of the difference principle can the leveling down objection be avoided and with it the suspicion that the difference principle expresses the vice of envy.

Now it is true that, in response to the leveling down objection, some writers do not blink. They say that justice requires leveling down because justice requires strict equality, but they then go on to say that other moral considerations can trump the claims of justice. Once one accepts value pluralism, they argue, one need not fear the leveling down objection.[58] This is a fair point. But it is not a point that is available to Rawlsians. Rawlsians hold that justice is the first virtue of social institutions, not merely one virtue among many. The defender of the reciprocity-centered interpretation of the difference principle, if he invoked this line of response to the leveling down worry, would need to reject the idea that the difference principle is a principle of justice. That is a high price to pay; and it is one that should be paid only if there is no other way to make good sense of Rawlsian justice.[59]

A different response to the leveling down objection may seem to be close at hand. There is a sense in which Rawlsian justice requires leveling down. Leveling down is justified when doing so is necessary to avoid social conditions that predictably will generate excusable envy.

> A person's lesser position as measured by the index of objective primary goods may be so great as to wound his self-respect; and given his situation, we may sympathize with his sense of loss . . . For those suffering this hurt, envious feelings are not irrational; the satisfaction of their rancor would make them better off.[60]

As the last sentence of this passage makes plain, the leveling down contemplated here is not genuine leveling down. The reduction of inequality in income and wealth *benefits* the worse-off by increasing their self-respect. The response to the leveling down objection, at least when it is directed at the reciprocity-centered difference principle, is that it misdescribes the situation. Leveling down is objectionable only when all factors have been taken into account.

[58] See, for example, L. Temkin, "Equality, Priority, and the Leveling Down Objection," in M. Clayton and A. Williams, eds., *The Ideal of Equality,* 126–61.

[59] Cohen can be understood to be arguing that this price must be paid. Only by downgrading the difference principle from a principle of justice to a rule of regulation can we make good sense of Rawls's moral commitments. The present reconstruction of Rawlsian justice seeks to vindicate the difference principle's claim to be a principle of justice.

[60] Rawls, *A Theory of Justice,* 534/468. Assume here that the person's lesser position in this passage refers to the position of the worst-off under the difference principle on its maximizing interpretation.

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As I noted at the beginning of this paper, the difference principle regulates the distribution of income and wealth. But it must do so in a way that is sensitive to the good of self-respect, since this is, as Rawls maintains, a central social primary good. One is tempted to reply, then, that the good of self-respect already has been taken into account in the examples we have discussed (Tables 2 and 4). These examples included all relevant information; and so the response to the leveling down objection that we are now considering is no response at all. But this reply, tempting as it may be, is too quick. It is too quick since the value of reciprocity may be the very consideration that explains the importance that Rawls attributes to the good of self-respect.

I have been construing reciprocity as if it were a distributive norm, or at least a consideration that informs a distributive norm, but reciprocity also can be viewed as a general ideal of human relationships. On this view, its value lies in the kind of political and social relationships it makes possible. Rather than being committed to either some form of prioritarian or some form of egalitarian distributive justice, Rawlsian justice can be viewed as an ideal of reciprocity in this ideal human-relations sense. Here is how one commentator on Rawls expresses the thought.

> For Rawls, people are conceived of as free and equal citizens, and the aim is to determine which principles of distributive justice are most appropriate for a modern democratic society whose members are so understood. . . . Equality is understood as a social and political ideal that governs the relations in which people stand to one another. The core of the value of equality does not, according to this understanding, consist in the idea that there is something that must be distributed or allocated equally, and so the interpretation of the value does not consist primarily in seeking to ascertain what that *something* is. Instead, the core of the value is a normative conception of human relations, and the relevant question, when interpreting the value, is what social, political, and economic arrangements are compatible with that conception.[61]

With this understanding of Rawlsian justice in mind, imagine now a situation in which the difference principle justifies economic inequality that is inconsistent with the specified ideal of human relations. This inequality could then be judged to be "excessive" and it could be viewed as unjust at the bar of Rawlsian justice. Nor would taking this line leave Rawlsian justice vulnerable to the leveling down objection; for, or so it might be argued, damage to the ideal of human relations that Rawlsian justice makes possible, sets back the interests of all citizens.

[61] S. Scheffler, "What is Egalitarianism," *Philosophy and Public Affairs* 31 (2003): 5–39, at 31. (italics in original)

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Now, for present purposes, it is not necessary to examine this interpretation of Rawlsian justice in detail. The ideal of human relations envisioned does not specify economic distributions. It merely rules out distributions that are inconsistent with its realization. There is no reason to suppose, however, that the cases we have been considering in this essay fall under its purview. The inequalities depicted in Tables 1–4 need not be such that they run afoul of the ideal of human relations specified by Rawlsian justice. So the appeal to reciprocity (in the ideal human-relations sense) does not help us think about our puzzle. Moreover, it also does not explain either of the rival interpretations of the difference principle that we have been considering. It does not explain the reciprocity-centered interpretation of the difference principle; for, as we have seen, this view of the difference principle includes a commitment to equality as a distributive norm; and this understanding of reciprocity is precisely what is rejected by the view we are now considering.[62] And it does not explain the maximizing interpretation of the difference principle, since it is very hard to see why an ideal of human relations would require maximization of income and wealth.

The problem here no doubt lies, in part, in the vagueness of the ideal of human relations being considered. Even if one holds that reciprocity (in the ideal human-relations sense) gives us "compelling reasons to avoid excessive variations in people's share of income and wealth,"[63] one still needs an account of what does and does not count as "excessive variations," and it is natural to view the difference principle as providing us with that account. But if we say this, then we must acknowledge that the difference principle informs the ideal of reciprocity rather than being derived from it. And we will then need to ask all the questions about the difference principle that I have been raising in this essay.

V. Further Issues

Proponents of the view that Rawlsian justice expresses reciprocity (in the ideal human-relations sense) often contrast their view with the so-called luck egalitarian[64] reading of Rawlsian justice.[65] They do so for good reason. To the extent that Rawlsian justice expresses luck egalitarian intuitions, the idea that Rawlsian justice is fundamentally a matter of securing

[62] Cohen presses this point against Scheffler's reading of Rawls. See *Rescuing Justice and Equality,* 166–68.

[63] S. Scheffler, "What is Egalitarianism?" 23.

[64] There are different versions of luck egalitiarianism. The core idea behind the view is that "inequalities in the advantages that people enjoy are acceptable if they derive from the choices that people have voluntarily made, but that inequalities deriving from unchosen features of people's circumstances are unjust." Ibid., 5.

[65] See Scheffler, "What is Egalitarianism?" and Elizabeth Anderson, "What is the Point of Equality?" *Ethics* 109 (1999): 287–337.

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an ideal of human relations will look less compelling. Having just cast some doubt on this reading of Rawlsian justice myself, I now want to consider briefly the case for viewing Rawlsian justice in terms of luck egalitarian moral commitments. Doing so is important for my argumentative purposes, since luck egalitarianism clearly speaks against the maximizing interpretation of the difference principle.

There is some textual support for luck egalitarianism in Rawls's presentation of his theory. Rawls distinguishes a democratic from a liberal conception of the two principles of justice. The liberal conception combines fair equality of opportunity with a commitment to the principle of efficiency, whereas the democratic conception combines fair equality of opportunity with a commitment to the difference principle.[66] Discussing the superiority of the democratic over the liberal conception, Rawls writes:

> While the liberal conception seems clearly preferable to the system of natural liberty, intuitively it still appears defective. For one thing, even if it works to perfection in eliminating the influence of social contingencies, it still permits the distribution of wealth and income to be determined by the natural distribution of abilities and talents.[67]

Cohen cites this very passage. He then comments: "This implies that the income distribution should *not* be determined by the talent distribution. . . ."[68] Cohen is right, as far as it goes. The question is how seriously we should take these remarks from Rawls.

Luck egalitarian commitments favor the democratic over the liberal interpretation of the two principles of justice, but they also favor the principle of redress over the difference principle. The principle of redress holds that "undeserved inequalities call for redress; and since inequalities of birth and natural endowment are undeserved, these inequalities are to be somehow compensated for." Consider now the following construction, which parallels the remarks quoted above.

> While the difference principle seems clearly preferable to the system of natural liberty, intuitively it still appears defective. For one thing, even if it works to perfection in eliminating the influence of social contingencies, it still permits the distribution of wealth and income to be determined by the natural distribution of abilities and talents.

[66] The contrast between these rival interpretations of the two principles of justice is discussed more fully in *A Theory of Justice,* 65–75/57–65.

[67] Ibid., 73–74/63–64.

[68] G. A. Cohen, *Rescuing Justice and Equality,* 166. (italics added) See also Nozick's discussion in *Anarchy, State and Utopia,* 216–19, esp. 219.

These claims naturally come off the lips of the luck egalitarian, for the difference principle permits, and indeed it may require, the talented to benefit from their talents, even though they cannot claim to deserve their talents. This will look objectionable if one is committed to luck egalitarianism.

Since Rawls affirms the difference principle and rejects the principle of redress, it may seem clear as day that he is not a proponent of luck egalitarianism. But matters are not this straightforward. Rawls goes on to say that the principle of redress may "represent one of the elements in our conception of justice,"[69] to be weighted against others. This claim can provide support for the reciprocity-centered interpretation of the difference principle, and it can help make sense of some of the anti-maximizing claims about the difference principle reviewed in our discussion of the cases in Section II. We do well then to consider whether the principle of redress is indeed an element of a sound understanding of Rawlsian justice.

I believe that it is not. The principle of redress is well supported by luck egalitarian intuitions, but I believe that luck egalitarianism is a false view. This is not something that I shall try to demonstrate here.[70] Instead, I will argue that the primary Rawlsian appeal to the moral arbitrariness of the distribution, natural or otherwise, of talents and abilities does not support the principle of redress. Since Rawls's claim that the distribution of talents and abilities is morally arbitrary is the key claim that has led many to view him as a luck egalitarian, its failure to support the principle of redress will remove the grounds for viewing Rawlsian justice as giving voice, even partial voice, to luck egalitarian commitments.

The claim that the distribution of talent is morally arbitrary, on its face, does nothing to justify equality. As a number of commentators have pointed out, the claim (if true) just defeats a reason for objecting to an economic distribution favored by the difference prinicple.[71] It shows that one cannot object to a difference principle distribution on the grounds that it does not give the talented what they deserve as a result of their talents. But it can be said, in reply, that the claim functions as a key premise in the Rawlsian argument for the difference principle. It does so if one begins by attributing to Rawls a strong presumption in favor of equality. The argument then maintains that inequality is unjust unless there is a compelling reason to depart from equality. A compelling reason, in turn, cannot appeal to a morally arbitrary factor. And, given the strength of the initial presumption in favor of equality, the only reason of sufficient strength that could overturn the presumption is the fact that an inequality would benefit the worst-off group.

[69] Rawls, *A Theory of Justice,* 101/86.

[70] Perhaps it is not something that can be demonstrated. Luck egalitarian commitments may be bedrock normative commitments.

[71] See, for example, S. Scheffler, "What is Egalitarianism?" 25–26.

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Let us call this "Barry's Argument" for the difference principle, since it was first advanced by Brian Barry.[72] It was later endorsed by Parfit and Cohen. The proponents of the argument concede that it does not fit with much of what Rawls claims. The official Rawlsian argument for the difference principle from the original position not only does not mention a strong presumption in favor of equality, but it is inconsistent with it. As Rawls himself explained,

> It has been taken for granted that if the [difference] principle is satisfied, everyone is benefited. One obvious sense in which this is so is that each man's position is improved with respect to the initial agreement of equality. But it is clear that nothing depends upon being able to identify this initial arrangement; how well off men are in this situation plays no essential role in applying the difference principle.[73]

The official argument for the difference principle supports the staggered version of the principle and the staggered difference principle is inconsistent with the strong presumption in favor of equality assumed by the argument. Be this as it may, Barry's Argument is consistent with the simple difference principle.[74] This principle disallows all inequalities except those that redound to the benefit of the worst-off group. By so doing, it permits, and indeed requires, leveling down policies. Thus, to the extent that there is textual evidence for Barry's Argument, it provides support for the reciprocity-centered interpretation of the difference principle.

I have been arguing that there is indeed textual support for both the reciprocity-centered and the maximizing interpretations of the difference principle. That is why a good account of Rawlsian justice must engage in rational reconstruction. For this reason, we need to consider Barry's Argument on its merits. Rawlsian exegesis aside, is the argument any good? I think not. As we have seen, the argument simply assumes the strong presumption in favor of equality. If it is directed against those who are not already convinced egalitarians, then it is a toothless argument. However, it does not fare much better when it is directed against those who are already convinced egalitarians. For, as Barry himself worried, if the initial

[72] This is B. Barry's interpretation of (what he takes to be) the best Rawlsian argument for the difference principle. See B. Barry, *Theories of Justice* (Berkeley: University of California Press, 1989), 226–34. It is taken over by Cohen in *Rescuing Justice and Equality*, 166–68.

[73] Rawls, *A Theory of Justice*, 80/69.

[74] Rawls's diagrams illustrating the difference principle may encourage the thought that the difference principle is premised on a strong presumption in favor of equality. For the diagrams depict an original point in which all social primary goods are equally distributed. See, for example, *Justice as Fairness: A Restatement*, 62. But the diagrams illustrate the simple difference principle. They do not depict the staggered version of the principle, which, as both Nozick and Cohen correctly pointed out, is inconsistent with a strong presumption in favor of equality.

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moral case for equality is very strong, then difference principle departures from it start to look like compromises with justice rather than realizations of it. Barry's worry is powerfully exploited by Cohen in his critique of the difference principle, and Barry's own response to the worry is not convincing.[75]

Seen with clear vision, Barry's Argument should appeal to neither egalitarians nor anti-egalitarians. But it might be thought that it captures an insight that I have so far overlooked. I have been writing as if Barry's Argument simply assumes a strong case for equality and then appeals to claims about morally arbitrary factors to block proposed departures from equality. Against this, it might be said that the need to insulate distributions from morally arbitrary factors is what grounds the presumption in favor of equality in the first place. This response makes Barry's Argument look more interesting, but it rests on a mistake. There is no reason to think that equal distributions are morally nonarbitrary. From the fact that an unequal distribution would be influenced by morally arbitrary factors one cannot infer that an equal distribution would not be. That fallacious inference stands behind the effort to make Barry's Argument look better than it is. In reality, the appeal to moral arbitrariness establishes neither a presumption in favor of equality nor against it. The presumption in favor of equality must be grounded in some other way.[76]

To be sure, proponents of equality may want to reject the suggestion that the presumption in favor of equality needs deeper justification. They can say that equality should be viewed as a bedrock normative commitment. If it is viewed in these terms, then it will be difficult to show that it is mistaken. But egalitarian commitment opens the door to leveling down policies; and, as I have been arguing, a signal attraction of the difference principle is that, at least on its maximizing interpretation, it saves Rawlsian justice from that objection.[77]

[75] See Barry, *Theories of Justice,* 393–400. For the reasons why this response is inept see Cohen, *Rescuing Justice and Equality,* 113–114.

[76] The points in this paragraph owe much to the discussion in S. Hurley, *Justice, Luck and Knowledge* (Cambridge, MA: Harvard University Press, 2003), 146–80. See also Richard Arneson, "Justice is Not Equality," *Ratio* 21 no. 4 (2008): 385–91.

[77] Two points about the leveling down objection can be registered here. First, it is true that one can acknowledge that Rawlsian justice requires leveling down, but insist that sensible all things considered policy does not. Such a response has the upshot that the difference principle does not express justice, but compromises it. This is Cohen's considered view. Second, the leveling down objection can be challenged by attacking an assumption behind it; namely, that a distribution cannot be worse than another distribution if it is not worse for anyone. This assumption looks suspect when we consider cases of moral desert. If in one distribution the sinners fare better than the saints, then is not a distribution in which the sinners fare a little less well and the saints remain the same a little better? This challenge is pressed by Temkin. My sense is that if the challenge succeeds, then it shows that moral desert, not equality, has intrinsic moral value. This is not the place to consider these issues fully, however. Suffice it to say that, in my view, a successful interpretation of the difference principle will show it be a principle of justice, and not merely good policy in this or that circumstance, and a principle that is desert-insensitive. It may be true that desert is more

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VI. Beyond the Difference Principle

Rawls's writings contain a battery of arguments for the difference principle. Some of these arguments support the maximizing interpretation of the principle, others support the reciprocity-centered interpretation. Taken together, the lines of argument that support the two rival interpretations of the difference principle generate the puzzle introduced in Section II. To overcome the puzzle, Rawlsian justice must be reconstructed. I have argued that the best reconstruction downplays the egalitarian elements that support the reciprocity-centered interpretation of the difference principle. The difference principle is best viewed as a maximizing prioritarian principle of distributive justice. As such, it avoids the leveling down objection, but it remains an egalitarian principle in one sense—the priority it assigns to the worst-off group is absolute. The issue we must now confront is whether this residual egalitarianism is defensible.

The difference principle is an extreme member of the family of prioritarian principles. And, on inspection, it looks to be too extreme. Recall Table 5, the table of gains and losses Rawls provided. As I pointed out in Section III(a), Rawls allows that even "if for some smallish number it is reasonable to select the second row, surely there is another point in the sequence when it is irrational not to choose the first row contrary to the [maximin] rule."[78] This is Rawls's own concession that the absolute priority that the difference principle assigns to the worst-off group is too extreme.

Rawls does not step back from his endorsement of the difference principle, however. This requires explanation. Parfit asks, "if we are not concerned with relative levels, why should the smallest benefit to the representative worst-off person count for infinitely more than much greater benefits to other representative people?"[79] He answers that the absolute priority assigned to benefiting the worst-off only makes sense if we bring the value of equality back into the picture. On this reading, Rawls's difference principle reflects both prioritarian and egalitarian commitment. However, on the understanding of the difference principle that I am proposing, egalitarian reciprocity has been purged from its content.

Does this mean that the difference principle, on the rational reconstruction of it defended here, must be abandoned in favor of a less extreme, and perhaps much less determinate, prioritarian principle of justice? My own view is "yes." The maximizing interpretation of the difference principle ultimately pulls us beyond the difference principle. But following Rawls's own lead, another response is available. The difference principle

relevant to justice than Rawlsian justice allows, but there are limits to rational reconstruction. Desert-sensitivity is too alien to the spirit of Rawlsian justice to be included within it.

[78] Rawls, *A Theory of Justice,* 157/136.

[79] Parfit, "Equality or Priority?" 121.

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does not apply in situations in which we confront a choice between benefiting the worst-off group by a very small amount or benefiting better-off groups by a very large amount. The difference principle is not meant to apply to such abstract possibilities. In the situations in which it is meant to apply, the absolute priority assigned to the worst-off group is not intuitively unreasonable, even on the maximizing interpretation of the principle.

Building on this response, it can be said that the difference principle is a domain-specific principle that instantiates a more general prioritarian principle of justice—one that, outside of that domain, may permit (or require) economic distributions in which the better-off gain at the expense of the worse-off.[80] That more general prioritarian principle of justice is free of all egalitarian commitment. On the present rational reconstruction of Rawlsian justice, it represents the truth about justice that the difference principle expresses in the limited domain in which it applies.

With Cohen, some will protest that the difference principle, so construed, is not really a principle of justice. They will say that to identify the content of justice we must be prepared to consider the full array of abstract, counterfactual, possibilities. And, when we do so, we will see that the difference principle is excessively egalitarian. But this Cohen-inspired objection is not one we need to assess here.[81] If Rawls is right that in thinking about distributive justice we must hold certain facts fixed, then the difference principle escapes the objection. If Rawls is wrong about this, then the difference principle may not be a fundamental principle of justice, but it may still be a principle that realizes justice in the domain in which it was intended to apply.

VII. Conclusion

Cohen was right. Justice, or Rawlsian justice at least, needs to be rescued. But he was wrong to think that the rescue effort must pull Rawlsians toward strict equality. The puzzle expounded in this essay exposes a fault line in Rawlsian justice. The difference principle both requires Pareto-efficient improvements that redound to the economic benefit of the worst-off and permits economic arrangements and policies that fail to maximize the material prospects of the worst-off. Appreciating the puzzle thus forces a choice between two rival conceptions of the difference principle, one that sacrifices efficiency for egalitarian reciprocity and one that stays faithful to the maximin demand commonly associated with the principle.

[80] Such a view also coheres well with Rawls's discussion of the relationship between the difference principle and the just savings principle. See my "Just Savings and the Difference Principle," *Philosophical Studies* 116 (2003): 79–102.

[81] In calling this a Cohen-inspired objection, I mean to say that its form is inspired by Cohen's critique of Rawls. Its substance is plainly alien to Cohen's strongly egalitarian sympathies.

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In response to the puzzle, Rawlsians can embrace strong equality or maximizing prioritarianism. I have made the case for the latter option. The difference principle is best viewed as a maximizing principle, one that assigns strong priority to the worst-off group. The maximizing injunction behind the difference principle, however, does not sit well with a number of Rawls's egalitarian commitments and claims. Purifying Rawlsian justice of these egalitarian commitments puts it in a better light by allowing it to retain its integrity as an account of justice (and not a mere compromise with justice) and by safeguarding it from the leveling down objection.

Philosophy, University of Arizona

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