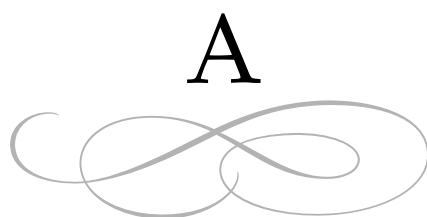


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1.

ABORTION

A MUCH DISCUSSED footnote to the first edition of *Political Liberalism* takes up the “troubled question of abortion” in order to illustrate how norms of reasonableness and public reasoning apply to comprehensive religious and philosophical doctrines (*PL* 243 n.32). Rawls suggests that because the equality of women is an “overriding” value in this case, “any reasonable balance” of the relevant political values – not only equality, but also respect for human life and the ordered reproduction of society and the family – is sufficient to establish at least “a duly qualified right” to first-trimester abortion. According to Rawls, comprehensive doctrines that would deny such a right are “to that extent unreasonable” and citizens who vote on doctrinal grounds to effect this denial thereby violate requirements of public reason (*PL* 243–244 n.32).

Even shortly after the publication of *Political Liberalism*, this analysis had become something of a focal point for a variety of critical challenges to Rawls’s idea of public reason. Critics argue that public reason unfairly excludes religious believers and convictions from politics and that it remains far too incomplete to resolve especially difficult moral-political controversies like abortion.

In both the “Introduction to the Paperback Edition” of *Political Liberalism* and “The Idea of Public Reason Revisited” Rawls clarifies and in some ways corrects the analysis of the earlier footnote, which is said to have aimed mainly at “illustration” and to have expressed an “opinion” rather than an “argument” (*PL* liii–liv n.31; *PL* 479 n.80). He repeats an earlier claim that comprehensive doctrines may be reasonable on the whole even though they yield an unreasonable conclusion with respect to a particular issue. Moreover, citizens should be able to respect abortion rights as part of legitimately enacted law even as they

continue to argue against them. Forceful resistance to a legitimate right to abortion would be unreasonable (*PL* lv).

More important, in this later analysis Rawls observes that political opposition to abortion rights does not necessarily violate requirements of public reason. Citizens who oppose abortion on religious or moral grounds may indeed advocate against abortion rights politically, but only if they satisfy the proviso and identify sufficient public reasons for their judgments. Citing an essay by Cardinal Joseph Bernardin, Rawls acknowledges that there are in fact arguments within the domain of public reason against legalizing abortion (*PL* liv n.32). Rawls does not attempt to evaluate the soundness or reasonableness of these arguments or of the constitutional arguments against *Roe v. Wade* (*CP* 618). Nor does he provide any indication that these arguments would ultimately be sufficiently compelling to justify the denial of abortion rights. Thus even this later discussion of the abortion issue suggests that in Rawls's considered view the stronger arguments are those that would support abortion rights on the basis of the political values listed in the original abortion footnote (*PL* liv n.31).

An earlier discussion of moral personality from *Theory* would also seem to be relevant to the question of abortion. Moral persons are defined in terms of their capacity for realizing the two moral powers, at least to a minimum degree, and this capacity for moral personality is sufficient for entitling one to equal justice (*TJ*, 442–443). This is why infants and children are owed duties of justice while animals are not. However, with his main goal of identifying principles of justice for the basic structure of a society into which persons are born, Rawls does not apply this account of moral personality to the ethics of abortion.

James Boettcher

SEE ALSO:

Catholicism
Duty of civility
Feminism
Public reason
Religion
Supreme Court and judicial review

2.

ADVANTAGE, MUTUAL VS. RECIPROCAL

RAWLS TREATS SOCIAL cooperation as voluntary activity between citizens of a common polity that generates benefits for cooperators. Fair social cooperation is regulated by public rules and procedures that all can freely accept as appropriate. Rawls's principles of justice apply to the basic institutional structures of society that define the fair terms of social cooperation. An accurate representation of the fundamental idea of society as a fair system of cooperation is thus essential to understanding the overall character of Rawls's theory. Rawls maintains that justice as fairness adopts an understanding of social cooperation that is animated by an idea of reciprocity or reciprocal advantage. He locates reciprocity between an idea of impartiality and an idea of mutual advantage. The contrast between these ideas lies in the different relation citizens engaged in cooperation can stand both to one another and to the benefits that cooperation generates.

Reciprocity assumes that citizens in a well-ordered society view each other as free and equal persons who are jointly committed to establishing fair terms of cooperation. Each citizen is concerned to advance her own good through cooperation but this concern is tempered by an acknowledgement of the reasonable claims of others. So each citizen need not extract the maximum benefit from a scheme of social cooperation that they can secure via rational bargaining in order for a scheme to be fair. Reciprocity requires both that all contribute to social cooperation and that social cooperation be beneficial to all. However, the benchmark for assessing whether cooperation benefits all is an equal division of social benefits.

Impartiality acknowledges the equal standing of persons engaged in social cooperation but treats the persons engaged in cooperation as altruistic and moved

by promotion of the general good. As such, impartiality does not require that all persons benefit from participation in cooperation: an acceptable cooperative scheme may leave some persons worse off than they would be under an equal division. Similarly, whereas impartiality may allow some to free ride on the cooperative efforts of others, reciprocity does not.

Mutual advantage, unlike both reciprocity and impartiality, assumes that persons approach cooperation as rational maximizers who are solely concerned with promotion of their own good. Mutual advantage does not demand that cooperators view one another as free and equal persons and it does not accept an equal division as the benchmark for gauging how cooperation yields benefits to persons. Instead, mutual advantage treats the prior distribution of benefits, even if it is highly unequal or the result of injustice, as the relevant benchmark. Whereas reciprocity allows that the transition from an unjust society to a just one can leave some less well off than they were under an unjust society, mutual advantage holds that persons must benefit relative to the prior division of benefits. Rawls claims that no reasonable conception of justice could satisfy such an idea of mutual advantage and he insists that the idea is alien to justice as fairness.

Colin Macleod

SEE ALSO:

Cooperation and coordination
Reciprocity

3.

ALLOCATIVE JUSTICE

JOHAN RAWLS INTRODUCES the concept of allocative justice in order to note the contrast with how justice as fairness treats distributive justice. Rawls says, “[A]llocative justice applies when a given collection of goods is to be divided among definite individuals with known desires and needs” (*TJ* 77). A wealthy person deciding which charities to include among her beneficiaries when drawing up her will, for example, faces a problem of allocative justice. No charity has a prior claim to any portion of the inheritance, so the person might consider the relative importance of the needs that each charity addresses, and how far her legacy would go to address these on the basis of different allocations.

Justice as fairness understands distributive justice differently. It applies its principles of justice to the institutions of the basic structure of society. Distributive justice concerns the distribution of various primary social goods already built into the basic structure of society, which is conceived of as a cooperative system for their production and distribution. If the distribution of these goods already built into the basic structure is just, then whatever particular allocation of them that results from the free activity of citizens within that structure, consistent with its rules, is a just allocation, or “distribution.” He says, “A distribution cannot be judged in isolation from the system of which it is the outcome or from what individuals have done in good faith in the light of established expectations” (*TJ* 76). Note that while Rawls distinguishes distributive from allocative justice, he often uses the terms “distribution” and “allocation” interchangeably, such as the use of “distribution” in the previous quote, where “allocation” would be the better term. A just allocation is, then, for Rawls, a matter of pure procedural justice. An allocation of primary social goods to particular individuals is just so long as

it follows from the just procedure of free, rule-governed activity within a basic social structure that is distributively just.

When the question is of the justice of the basic rules of society – those rules that are constitutive of the institutions of the basic structure – neither the stock of goods nor the desires of citizens are fixed. The design of the basic structure will impact the kind and amount of goods produced. Likewise, while it is possible to identify desires that are stable across different institutional designs – for example, some concern for the primary goods – citizens’ more particular sets of desires will be impacted by their institutional environment. These differences make the problem of distributive justice distinct from that of allocative justice, and Rawls goes on to interpret the problem of distributive justice as one of pure procedural justice.

Rawls notes two values that might be held central to a conception of allocative justice: efficiency and equality. If efficiency is the end of allocative justice, then we are led to endorse some form of utilitarianism. The idea is that utilitarianism will lead to an allocation that maximizes the aggregate level of utility (which can be understood in various ways). If we take allocative justice to be aimed at equality, then on one class of interpretations of equality we are led to some form of luck egalitarianism. Rawls rejects both utilitarianism and luck egalitarianism in favor of justice as fairness as the most reasonable conception of distributive justice. Apart from arguments from the original position, one way to understand Rawls’s rejection of these two is that for Rawls distributive justice is a matter of pure procedural justice, and so no account of allocative justice can serve also as an account of distributive justice.

Pete Murray

SEE ALSO:

Distributive justice
Primary goods, social
Procedural justice

4.

ALTRUISM

ALTRUISM IS THE sacrifice of one's own interests or good for the benefit of others. Egoism, concern for one's own good alone, is its opposite. In general, altruism does not require that one promote the interests of others equally, so an altruist may, for example, sacrifice her own interests for those of the members of an exclusive group such as family or community members. Rawls says that classical utilitarianism "is the ethic of perfect altruists" (*TJ* 165). The suggestion is that a "perfect" altruist would be a perfectly impartial altruist, although as a technical matter, utilitarianism allows one's own interests to count on equal terms with the interests of others.

Any moral doctrine that requires individuals to sacrifice their own interests for those of others will incorporate altruistic elements, although not necessarily raised to a first principle. Justice as fairness certainly may require individuals to make sacrifices, but it does so in accordance with an ideal of reciprocity. Reciprocity, Rawls holds, "lies between the ideal of impartiality, which is altruistic (being moved by the general good), and the idea of mutual advantage understood as everyone's being advantaged with respect to each person's present or expected future situation as things are" (*PL* 16–17). He also associates reciprocity with the idea of the reasonable: "Reasonable persons, we say, are not moved by the general good as such but desire for its own sake a social world in which they, as free and equal, can cooperate with others on terms all can accept" (*PL* 50).

Understood in terms of the satisfaction of desires (as opposed to interests or goods), altruism is a second-order desire, in that it aims at the satisfaction of the first-order desires of others. Thus Rawls notes the following "peculiar feature of perfect altruism": "A perfect altruist can fulfill his desire only if someone else has independent, or first-order desires" (*TJ* 165). This parallels a feature of Rawls's

understanding of justice. The virtue of justice (or fairness) is needed in conditions of moderate scarcity when the (reasonable or permissible) conceptions of the good of different individuals conflict. Justice (or fairness) is then a second-order good that aims at resolving the conflicting ground-level interests or goods fairly. This is why the parties in the original position are assumed to be mutually disinterested. It is not because actual persons are not or should not be concerned with one another. It is because the virtue of justice only arises when there are actual or potential conflicts among conceptions of the good.

Jon Mandle

SEE ALSO:

The reasonable and the rational

Reciprocity

Self-interest

Utilitarianism