

**Phil 115, June 15, 2007**  
**The argument from the original position:**  
**the difference principle over a social minimum;**  
**and a summary of the stability and congruence arguments**

*Why the difference principle, instead of a basic minimum?*

So far, we have been considering arguments for Rawls's first principle.

- It provides a satisfactory minimum, as far as the good of liberty is concerned.
- Alternatives to Rawls's two principles, such as average utilitarianism, have outcomes that the parties cannot accept.

Do these arguments support Rawls's *second* principle, esp. the difference principle?

Why would the parties choose Rawls two principles over a *mixed* conception:

- (i) Rawls's principle, then average utilitarianism,
- (ii) Rawls's principle, then a basic minimum, then average utilitarianism,
- (iii) Rawls's principle, then a basic minimum, then some limit on the degree of inequality, then average utilitarianism.

The maximin principle of choice does not seem to argue any more strongly for choosing the difference principle than for choosing (i) or (ii).

*An intuitive argument for the difference principle:*

- Given: The basic liberties should be regulated by the first principle.
- The question: What principle should be adopted for distributing other goods?
- Method for answering it: Find what conception of society supports the first principle. Then use this conception of society to determine how to distribute other goods.
- Answer: The conception of society that supports the first principle is a conception of equal citizenship. This conception suggests, to a first approximation, that other goods should be equally distributed.
- But this is irrational. If certain inequalities are allowed, then all may benefit.
- So these inequalities are permitted, so long as they improve everyone's situation, as measured from a benchmark of equality. This is just the difference principle.

The difference principle, in effect, embodies an ideal of reciprocity. Starting from a benchmark of equality, the more fortunate are allowed to enjoy further advantages, but only on the condition that these advantages work to the benefit of the less fortunate. Each person's gain is also every other person's gain. Everybody wins.

The problem is that this intuitive argument is addressed to us, as moral philosophers. We can appeal to, and be moved by, values such as equality and reciprocity. But the parties in the original position don't care about these values themselves. The parties are after only one thing: a larger share of primary goods.

*Self-respect:*

One reason for choosing certain principles over others is that their public recognition would give greater support to individuals' self-respect.

The reciprocity of the difference principle supports individuals' self-respect better than mixed conceptions' second principles. The difference principle affirms that every individual's life is important. As measured from a benchmark of equality, no one is to benefit at the expense of anyone else.

*Stability:*

A conception of justice is stable "when the public recognition of its realization by the social system tends to bring about the corresponding sense of justice" (154). In other words, a conception of justice is stable if knowing that your society satisfies that conception leads you to want to abide by that conception yourself. A stable conception of justice, as Rawls sometimes says, "generates its own support."

Rawls argues that his two principles are more likely to be stable than average utilitarianism. Why would someone who has grown up in a society governed by the two principles be likely to acquire an inclination to abide by those two principles? As we have seen, the two principles embody an ideal of reciprocity. People who grow up in a society regulated by the two principles will tend to acquire the corresponding sense of justice, if they will, because of their natural sense of reciprocity: the inclination to do good to those who have done good to one. Since they have benefited from institutions, they are inclined to do their part within them.

By contrast, consider someone who has grown up in a society governed by average utilitarianism. Why should he have acquired an inclination to abide by average utilitarianism? Suppose he is the person whose interests were sacrificed for others' gain. What natural motivations would lead him to care about principles that did this to him? The answer seems to be sympathy: the tendency to take pleasure in the good of others *period*, regardless of what they have done for you.

Rawls believes that reciprocity is a much stronger and more resilient source of motivation than sympathy. This is a straightforwardly empirical claim about human psychological development, which he describes in great detail in Part III. Since the two principles tap into reciprocity and average utilitarianism taps into sympathy, a society regulated by the two principles is likely to be more stable than one regulated by average utilitarianism.

This has been framed as an argument for the two principles over average utilitarianism. But a similar argument would favor, although perhaps less decisively, the two principles over mixed conceptions. Insofar as the difference principle more fully embodies the ideal of reciprocity than the mixed conceptions' second principles, Rawls will contend that it is more likely to be stable.