Rawls and Nozick on Fairness by John Wilkerson

Two American philosophers capture important, competing perspectives in American Society about the role of government and responsibilities of individuals.

Public debates about the proper role of government with respect to health care, the economy, taxation or civil rights tend to center on "what's fair" instead of "what's in it for me?" Although many of us are tempted to attribute selfish motivations to those who disagree with us, often these disagreements can also be explained by different conceptions of what it means to be fair.

Rawls and Nozick, both important political philosophers, offer two general perspectives on fairness that should sound seem familiar to you (if you can get past the jargon). Their views are important because each seems logically sound, yet implies a very different response.

John Rawls

Suppose that we will have a running race in this class, and only the top ten finishers will get perfect scores, while everyone else fails the class. Now, suppose that we first have to decide on a set of rules for this race. In addition, let's assume that each of us is selfish – we want the rule that gives us the best chance of being in the top ten. If I am really speedy, I'll probably favor a rule that has everyone line up and start at the same time. If I'm slow, I'll probably favor a different rule.

But what if each of us doesn't know if we are among the fast or slow? For example, suppose that each of us races for another student (including ourself) and do not know which one? Rawls calls this thought experiment the "veil of ignorance." As self interested individuals, what rule would we think was fair in this situation?

According to Rawls, we would want a rule that eliminated any "arbitrary distinctions" among us that would give someone an initial advantage. For example, if a student with a broken leg is as likely to run for me as the student track star, I might favor a rule that gives the injured student a substantial head start.

Rawls argues that "arbitrary distinctions" among individuals (differences that are not a matter of choice) restrict liberty. Fairness requires rules that eliminate "arbitrary distinctions" that provide certain individuals with advantages (such as race, gender or health) and a redistribution of resources from those who have historically benefited from such distinctions to those who have historically been harmed. There is no end to the arbitrary distinctions we might want to address through public policy, but that does not make Rawls' general point any less relevant.

Arbitrary distinctions can only be justified if society is collectively better off as a consequence. And if you think about it, this is what opponents of national health insurance (for example) argue. They never say that the uninsured do not matter. They say that a national health insurance system will make everyone worse off.

Robert Nozick

Nozick starts from a different point and ends up drawing a very different conclusion about fairness. Instead of asking how a society might allocate resources if asked to write the rules for the first time (as Rawls' does), Nozick asks – if we start from where we are today, is it ever fair to take something from one individual and give it to another?

Suppose that we already live in a "just" society (e.g. where there are no arbitrary distinctions). By definition, everyone is entitled to what they possess. Therefore, it would be "unjust" to take something from someone and give it to another.

Although certain kinds of discrimination ("arbitrary distinctions") are largely a thing of the past, people today continue to benefit. Imagine, for example, that your father did not get a good paying job because of his race. My father got the job instead, and could afford to pay for me to go to college.

Nozick does not deny that these types of legacies are a reality in our society. The question he raises is – how do we address the harms of the past without creating new harms? According to Nozick, a society cannot "unfold history" to address such harms (particularly distant harms) without creating new injustices. The best that we can do today is distribute resources "in accordance with …. the perceived value of a person's actions and services to others" today.

Nozick recognizes that his approach inevitably rewards (for example) the offspring of thieves, but he cannot think of a just alternative. It is much easier to force someone to give back a car that they stole than to estimate how differently someone's life would have been today if her mother had received that bank loan in 1961. If we deal with current injustices, the effects of past injustices will eventually disappear.

Interestingly, Nozick concedes that one way to address the lingering effects of past injustices would be to have a one time redistribution of society's wealth. Sound good?

Relevance to politics in the U.S.

The legacy of slavery and racial discrimination continue to be defining features of American politics. Whites are far more likely to subscribe to Nozick's view than African-Americans, to question whether past discrimination really explains differences in economic and social circumstances today, and to challenge programs designed (in Rawlsian fashion) to address the effects of past discrimination. African-Americans, in general, see things very differently, which helps to explain why fewer than 1 out of 10 African Americans support Republican candidates.

Other kinds of "arbitrary distinctions" besides racism are also important factors in American politics. For example, one of the central themes of the Tea Party movement is that the federal government has become a big piggy bank for those with access. In other words, rather than promoting fairness, or even addressing past wrongs, the federal government is in the business of fostering arbitrary distinctions based on lobbying influence. Tea Partiers would note, for example, the government contracts disproportionately benefit companies with political connections to the party in power. Both Rawls and Nozick would agree that such practices are inherently unfair. They would, however, disagree about the proper response!

Another contemporary example of where notions of fairness enter American politics in the current debate over taxes. President Obama would like to see taxes increase for the wealthy. He questions whether wealth is an indicator of the "value of a person's service or actions to others" by alternately noting that businesses benefit from all of the things governments provide – such as education and infrastructure, and that the problems in the current economy stem in large part from the predatory behavior of capitalists.

Nozick does not say that wealth is a perfect indicator of one's value in society, but it is hard to understate the power of this narrative in American life. Opponents of tax increases for a small proportion of wealthy Americans seem to be remarkably influential in arguing that Obama wants to "punish success." In other words, by raising taxes on the rich, Obama is making an "arbitrary distinction" that is inherently unfair.

Bibliography

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