

Lecture Notes 3 : Inequality and the Basic Structure

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According to Rawls:

Justice is the first virtue of social institutions, as truth is of systems of thought. A theory however elegant and economical must be rejected or revised if it is untrue; likewise laws and institutions no matter how efficient and well arranged must be reformed or abolished if they are unjust. (Rawls 1971, p. 3)

The basic structure restriction

Rawls claims that the basic structure of society (BS) constitutes the 'primary subject' of justice. The BS refers to:

the way in which the major social institutions distribute fundamental rights and duties and determine the division of advantages from social cooperation. (Rawls 1971, p. 7)

This formulation is vague. Does the BS include the family, for example? Consider the following argument:

(1) The purview of social justice extends only within the BS.

(2) The BS does not include the family.

∴ (3) The family does not come under the purview of social justice.

Premise (1) is sometimes called the 'basic structure restriction'.

The feminist objection

Numerous feminists, such as Susan Moller Okin, object to premise (2). Indeed, they charge non-inclusion of the family as leading to *inconsistency* on Rawls' part.

To put things right, should the family be abolished? Or simply reformed?

(4) The BS includes the family.

∴ (5) The family does come under the purview of social justice. (from (1) and (4))

Rawls eventually accepted the feminist criticism that the 'personal is political', by siding with those feminists who defend (5).

The form of the feminist objection generalized

For G. A. Cohen, the feminist slogan tells us something very general (more general than feminists tend to think) about Rawlsian political philosophy. Rawls must think that:

EITHER

(6) Sexist *behaviour* does not come under the purview of the basic structure

OR

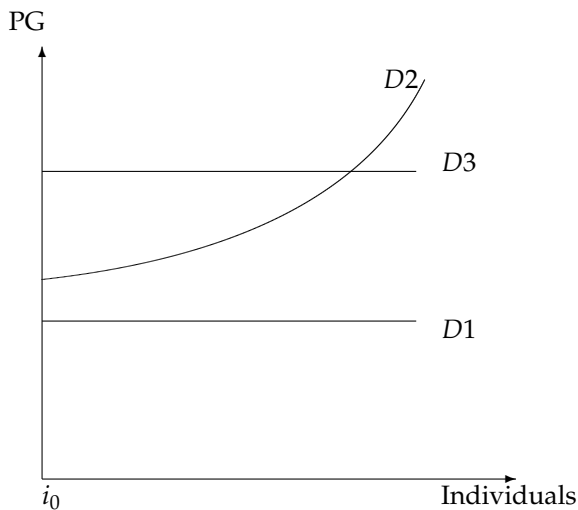
(7) it does not.

Rawls might defend (6) with recourse to the view that justice only judges formal *coercive* institutions. But, if so, then Rawls ends up with a purely arbitrary delineation of his subject matter.

If, on the other hand, Rawls accepts (7), then he cannot exclude what he explicitly purports to exclude from the specification of the basic structure, namely individual actions and behaviour.

The egalitarian ethos

If personal behaviour actually does come under the purview of justice, says Cohen, then the just society requires something like an egalitarian ethos.



$D2$ is deemed more just than (\succ) $D1$ by Rawls, because $D2$ makes i_0 better off. $D2$ is supposed to induce the talented to produce more, thus making the less well-off better off than under $D1$.

Cohen says: true that $D2 \succ D1$. But there is yet another distribution, $D3$, which would normally be feasible, *if* people were less egoistically motivated (e.g. happy to be taxed at heavier rates without reducing their labour contribution). Rawls *must*, on pain of inconsistency, think $D3 \succ D2$.

Study questions

Is the institution of the family inherently unjust?
Does justice require an egalitarian ethos in citizens?

Further Reading

Cohen, G.A. (2000), *If you're an egalitarian, how come you're so rich?*, Harvard UP, ch. 8-9.
Okin, S.M. (1989), *Justice, Gender, and the Family*, Basic Books, ch. 2.