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PROBLEMS IN THE MOTIVATIONAL BASIS OF RAWLS' PRINCIPLES OF JUSTICE

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Abstract

The paper explores the logical structure of Rawlsian justice principles in order to see whether their justificatory or explanatory conditions are unproblematic. To facilitate this purpose, drawing on readers of Rawls, the author shows that the Aristotelian principle is used to explain the principles of rational choice, particularly the principle of inclusiveness. Then, on the basis of the Aristotelian principle, Rawls justifies his conclusion, via the principles of rational choice and the theory of primary goods. After figuring out the logical structure of justice as fairness, the author deals with the central objective of the paper, where he exposes some problems suffered by the motivational basis of the principles of justice. The foundation on which Rawls grounds his principles of justice is problematic, and consequently, they remain as matters of contention as of today.

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1. Introduction

The central aim of this paper is to understand the logical structure of John Rawls' principles of justice in order to show that grounding them on the Aristotelian principle is not unproblematic. Consequently, the two principles of justice offered by Rawls (1999) become matters of contention. In order to serve the purpose, the paper is divided into several sections. The second section fleshes out the logical structure of the principles of justice which will show that Rawls infers them from the Aristotelian principle. The third section deals with the problems in the motivational basis of Rawlsian principles of justice to show that the principles are not free of weaknesses.

2. The Logical Structure of Rawls' Principles of Justice

Interestingly, the first part of Rawls' *A Theory of Justice* deals mainly with his two principles of justice, and the third part of the book explains why individuals choose these principles. That is, after revealing his concluding step, he focuses on the explanatory premises. Shue (1975a,p. 89; 1975b,pp. 196-7) refers to four stages of Rawls' justification of the principles that involve the Rawlsian first principle of justice. He mentions the following are the most important propositions at each stage as regards the first principle of justice:

Aristotelian Principle - → Principle of Inclusiveness - → Priority of Self-respect - → Priority of Equal Liberty.¹

According to Shue (1975a,p. 89), the main propositions at each stage belong to the following categories as regards the general theory of justice:

Principles of Motivation - → Principles of Rational Choice - → Theory of Primary Goods - → Principles of Justice.

In this section, I will briefly show the three inferences involved in this projected deduction: 1) the inference of the principle of inclusiveness from the Aristotelian principle (or, more generally, the principles of rational choice from the principles of motivation), 2) the inference of the priority of self-respect from the principle of inclusiveness (or, more generally, primary goods from the principles of rational choice), 3) the inference of the priority of equal liberty from the priority of self-respect (or, more generally, the principles of justice from the theory of primary goods). So, if we can show that Rawls uses this long train of argument to infer his principles of justice, we can also show that his principles of justice are inferred from the principles of motivation.

2.1. Inference of the Principles of Rational Choice from the Principles of Motivation

The argument for the principles of justice begins with the assumption about the correctness of psychological law what Rawls calls “the Aristotelian Principle.”²According to the

¹Shue (1975a) uses broken arrows to indicate that the gaps in the arrows represent projected implications, not fully constructed implications.

²Rawls (1999 p. 376) believes that the Aristotelian principle is supported by empirical study available in evolutionary and psychoanalytic studies for which he accepts the principle as a “natural fact.”

Rawlsian understanding, the Aristotelian principle is a principle of motivation that “accounts for many of our major desires, and explains why we prefer to do some things and not others by constantly exerting an influence over the flow of our activity” (Rawls, 1999, p. 375). The principle also offers us a psychological law regarding the changing patterns of our desires. Thus, the principle explains why a person prefers the more complex activities as his capacities increase over time due to psycho-physiological maturation, and training and exercise.

Rawls (1999, p. 364) first states the Aristotelian principle in his discussion about three principles of rational choice. Rawls’ three principles of rational choice are as follows:

a) The Principle of Effective Means: “[Given] the objective, one is to achieve it with the least expenditure of means (whatever they are); or given the means, one is to fulfill the objective to the fullest possible extent” (Rawls, 1999, p. 361).

b) The Principle of Inclusiveness: “[One] (short-term) plan is to be preferred to another if its execution would achieve all of the desired aims of the other plan and one or more further aims in addition” (Rawls, 1999, p. 362).

c) The Principle of the Greater Likelihood: “[It] may happen that some [roughly the same] objectives have a greater chance of being realized by one plan than the other, yet at the same time none of the remaining aims are less likely to be attained” (Rawls, 1999, p. 362).

The logical structure to deduce the principles of rational choice (or particularly, the principle of inclusiveness) from the principles of motivation (or particularly, the Aristotelian

principle) is as follows: The Aristotelian principle states that human beings have higher-order desire. According to the principle of inclusiveness, human beings prefer the plan that would achieve more desired aims than the other plans, other things equal. Thus, the Aristotelian principle “contains a variant of the principle of inclusiveness” (Rawls, 1999, p. 375). However, Shue (1975a, pp. 93-6) argues that Rawls is not aiming at a deductive justification of the principle of inclusiveness. He is rather aiming at a deductive explanation of the principle. To bolster his claim, Shue (1975a, p. 95) refers to the following statement of Rawls (1999, p. 380): “by assuming the [Aristotelian] principle we seem able to account for what things are recognized as good for human beings taking them as they are.” Shue (1975a, p. 95) believes that if Rawls is correct in saying “taking them as they are,” then he is endeavoring “only to construct an explanation which will connect, deductively, psychological hypotheses about the motivation, such as [the Aristotelian principle], to psychological hypotheses about judgment, such as [the principle of inclusiveness].” Rawls, thus, derives his central principle of rational choice (i.e., the principle of inclusiveness) from the Aristotelian principle (i.e., the generalisation about higher-order desire).³As Rawls points out as before :

I assume that human beings have a higher-order desire to follow the principle of inclusiveness. They prefer the more comprehensive long-term plan because its execution presumably involves a more complex combination of abilities.

³ This is the point that many readers of Rawls fail to grasp as a result of which they think that Rawlsian account is “too rationalistic” because he justifies the principles of justice merely by the rational choice principles. A recent example of such a failure is Cholakov (2013). An earlier example of the failure is Nielsen (1978).

The Aristotelian Principle states that, other things equal, human beings enjoy the exercise of their realized capacities (their innate or trained abilities), and that this enjoyment increases the more the capacity is realized, or the greater its complexity. A person takes pleasure in doing something as he becomes more proficient at it, and of two activities which he performs equally well, he prefers the one that calls upon the greater number of more subtle and intricate discriminations. Thus the desire to carry out the larger pattern of ends which brings into play the more finely developed talents is an aspect of the Aristotelian Principle. And this desire, along with the higher-order desires to act upon other principles of rational choice, is one of the regulative ends that moves us to engage in rational deliberation and to follow its outcome. (1999,p. 364)

This is the point that many readers of Rawls fail to grasp⁴as a result of which they think that Rawlsian account is “too rationalistic” because it justifies moral principles merely by the rational choice principles.

2.2. Inference of the Theory of Primary Goods from the Principles of Rational Choice

Primary goods, according to Rawls (1999,p. 348), are things that rational individuals desire to carry out their life-plans. They include self-respect, rights, liberties, opportunities, and income and wealth (Rawls, 1999,p. 79). However, the enumeration of primary goods is not arbitrary. It is constrained by the ‘thin’ theory of the good. That is, Rawls’ conclusions about primary goods are deduced from the thin theory of the good (Shue,

⁴ A recent example of such a failure is Cholakov (2013). An earlier example of the failure is Nielsen (1978).

1975a,p. 91). The core elements of the thin theory of the good are the three mutually compatible principles of rational choice along with the Aristotelian principle as mentioned above.

The thin theory of the good aims at securing “the premises about primary goods required to arrive at the principles of justice” (Rawls, 1999,p. 348). Rawls calls this theory ‘thin’ because “the principles of rational choice on which it is based do not include any controversial moral principles” (Buchanan, 1975,p. 396). Employment of the thin theory helps avoid circularity in deriving the theory of primary goods. If the theory of primary goods – which is used to derive the principles of justice (that is, the ‘full’ theory of the good) – is derived from the sentiments of justice, then we commit the fallacy of circularity (Rawls, 1999,pp. 349-50). The selection of primary goods of parties in the original position is rational because their life-plan is rational. Their life-plan is rational because “(1) it is one of the plans that is consistent with the principles of rational choice when these are applied to all the relevant features of his situation, and (2) it is that plan among those meeting this condition which would be chosen by him with full deliberative rationality, that is, with full awareness of the relevant facts and after a careful consideration of the consequences.” (Rawls, 1999,pp. 358-9)

2.3. Inference of the Principles of Justice from the Theory of Primary Goods

Rawls (1999,p. 386) argues that self-respect (or self-esteem) is “perhaps the most important primary good.” It has two aspects: a) “it includes a person’s sense of his own value, his secure conviction that his conception of his good, his plan of life, is worth carrying out” (Rawls, 1999,p. 386); and b) it “implies a

confidence in one's ability, so far as it is within one's power, to fulfill one's intentions." (Rawls, 1999,p. 386) The account of self-respect as the most important primary good, according to Rawls, stresses the value of self-respect to others in a well-ordered society⁵.

Any assumption that supports the supremacy of self-respect as a primary good logically works as a premise of an argument which concludes that "liberty is to take priority over other goods, because an establishment of the priority of liberty would serve, causally, as *the most effective social basis* available for self-respect" (Shue, 1975b,p. 197; emphasis mine). The equal distribution of liberty ensures that "everyone has a similar and secure status when they meet to conduct the common affairs of the wider society" (Rawls, 1999,p. 477). However, Rawls doesn't make explicit the assumption about the equality of self-respect because "the requirement of an equality of self-respect may be thought to follow from the supreme importance of self-respect" (Shue, 1975b,p. 198). Thus, Shue (1975b,pp. 198-9) contends, "Rawls's assumption evidently is that since self-respect is to be equal whatever serves as the social basis for self-respect must also be equal." Only equality of liberty works as the social basis for the equality of self-respect, not any other primary goods including equality of wealth. Why? According to Rawls, if one's self-esteem depends on his income and wealth, he may pursue more wealth to ensure his self-esteem. There then prevails the

⁵ A well-ordered society "is a society in which (1) everyone accepts and knows that the others accept the same principles of justice, and (2) the basic social institutions generally satisfy and are generally known to satisfy these principles." (Rawls, 1999,p. 4).

inequality of self-respect as some people may enjoy a higher status of self-respect. Thus, Rawls posits, “The best solution is to support the primary good of self-respect as far as possible by the assignment of the basic liberties that can indeed be made equal, defining the same status for all. At the same time, relative shares of material means are relegated to a subordinate place.” (1999, p. 478)

However, in order to ensure the end of social justice, Rawls justifies the unequal distribution of primary goods, even including liberty. As Rawls points out,

I have supposed that if the persons in the original position know that their basic liberties can be effectively exercised, they will not exchange a lesser liberty for greater economic advantages. It is only when social conditions do not allow the full establishment of these rights that *one can acknowledge their restriction. The equal liberties can be denied* only when it is necessary to change the quality of civilization so that in due course everyone can enjoy these freedoms. (1999, pp. 474-5; emphasis mine)

Rawls justifies such an arrangement because he thinks that “the enjoyment of any primary good is dependent on the possession of an adequate amount of other primary goods” (Shue, 1975b,p. 201). So, accepting less (still adequate) liberty by one is reasonable in Rawls’ eyes if it helps maximize the economically worst-off to attain minimum adequacy of wealth.

In this way, Rawls’ first principle of justice – the greatest equal liberty principle – is derived from various basic liberties. The second principle – which is consisted of the difference principle and the principle of fair equality of opportunity – is derived from the assumption about the necessity of attainment

of an adequate minimum of all primary goods. Rawls' two principles of justice⁶ are as follows:

First Principle: “each person is to have an equal right to the most extensive scheme of equal basic liberties compatible with a similar scheme of liberties for others.” (Rawls, 1999, p. 53)

Second Principle: “social and economic inequalities are to be arranged so that they are both (a) reasonably expected to be to everyone's advantage, and (b) attached to positions and offices open to all.” (Rawls, 1999, p. 53)

3. Problems in the Justification Condition of Rawlsian Principles of Justice

In the previous section, we have shown that the argument for the principles of justice runs in the following logical order: 1) it begins with the assumption that the Aristotelian principle as a psychological law is correct; 2) it shows that the principle of inclusiveness (a principle of rational choice) is contained in the Aristotelian principle (or, the principles of rational choice are deductively explained by the Aristotelian principle); and 3) it concludes that the principles of justice can be inferred from the Aristotelian principle via the principles of rational choice, and the theory of primary goods. As Shue states,

The first premise in the Rawlsian moral geometry contains hypotheses about human motivation at its deepest levels. It contains an account of the motive springs for all the

⁶ The presentation of the two principles of justice is also found in Rawls (1993, pp. 5-6). There the difference principle and the principle of fair equality of opportunity are presented in a different order.

other steps in the deduction. If we have desires of the kind described by the Aristotelian Principle, then we will want to act upon the principles of rational choice, and the ranked list of primary goods, and, indeed, the two principles of justice themselves. Rawls's argument, which at points seems doggedly preoccupied with the rational, is in fact founded on a rich, if by no means obviously correct, theory of human motivation. (1975a, p. 96)

I, therefore, am willing to say that the Aristotelian principle is used to justify the Rawlsian theory of justice. As a contractarian theory, Rawlsian principles of justice are ratified by rational, self-interested, and well-informed people in the *original position* where they remain walled-off by a *veil of ignorance*. These persons know nothing about their social position, class or status, natural assets and abilities, intelligence, strengths and weaknesses, special psychological features, and the like. The only things they know are political affairs, principles of economic theory, the basis of social organization, and the general laws of human psychology. They are motivated by the higher-order desires. If it can, therefore, be showed that the issues of the principles of motivation is problematic, then the basis of the principles of justice becomes weak. I will be dealing with this issue in this section.

When Rawls says that rational persons agree to two principles of justice in the original position, he may have on his mind that they agree to act on them. Though not all knowledge requires the satisfaction of such a condition of acting on it, it seems very intuitive that the knowledge attained in the original position requires it. Otherwise, this knowledge would be of no practical value. The principles become principles for principles'

sake having no connection with the real world. They are not formulated to serve a mere theoretical purpose; rather they are formulated to serve a practical purpose, which is to show the real world people that *originally* they all have right to equal liberty (first principle of justice), and they should act in the way that helps attain the equality of liberty (second principle of justice). Rawlsian contractors' agreeing to the principles of justice, therefore, implies that they know what these principles are, and they agree to act on them. Moreover, it is true that persons in the original position choose the principles of justice because they will be best-off under the principles. It is also true that mere knowledge of knowing that they will be best-off if they choose these principles doesn't work as the justification of them. The motivation to see them as best-off if these principles are chosen (that is, a higher-order desire) justifies the principles.

However, disinterested persons in the original position are self-interested because of which, by hypothesis, they are not motivated to give up their liberties for the worst-off. That is to say, contractors *beyond* the original position don't fulfill all required conditions of knowledge acquired in the original position. The phrase "beyond the original position" may raise one's eyebrows. He may argue whether Rawls is much concerned with what happens *after* the original position, and whether there is any 'after' in his account. Rawls may not have any direct reference to "contractors beyond the original position." But his principles are guidelines for persons in the *unoriginal position* (i.e., in the real world). The hypothetical situation like the original position is intended to show the real world people that they have equal liberty and they need to act to materialize the equality of liberty. My point is that in his account, Rawls envisions "beyond the

original position” when he formulates the principles in the original position. Otherwise, there is no point to talk about the original position.

For being self-interested, persons in the original position cannot be, by hypothesis, motivated by altruistic considerations. If they could recognize other’s distress and act accordingly to alleviate the distress, they might do so to get a reward. But, according to Thomas (1975), “they cannot see the distress of another as being *by itself* a reason to render assistance.” (p. 358; emphasis mine) Relevantly, it can be said that the rational men seem to value the principles of justice, not for their own sake of acting justly, but because they have *instrumental value* for adjudicating competing claims. Following Nielsen (1978,p. 179), we may then say that Rawlsian contractors value principles of justice because it will reward them by showing to others, if they act on them, that they are not unfair and they value *principled behavior of society*. That’s why Thomas (1975,p. 359) contends that as disinterested egoists, Rawlsian contractors have prudential reasons of self-interest for which they, in the original position, are concerned with maximizing their own share of primary goods. So, it seems that self-interested persons in the original position have higher-order desire (principle of motivation) to be guided by the prudential reasons (the principles of rational choice)⁷for which they act in accordance with the principles of

⁷ Note that no danger of infinite regress is involved in claiming that self-interested persons in the original position have higher-order desire (principle of motivation) to be guided by the prudential reasons (the principles of rational choice) as long as the Aristotelian principle of motivation “contains a variant of the principle of inclusiveness” (Rawls, 1999,p. 375). For details, see Section 2.1, above.

justice because it will maximize their share of primary goods. Like the rationalistic approach of the principles of justice, the attempt of deriving the principles of justice from the motivation principles, therefore, suffers from the same problem of giving instrumental value to the principles of justice.

Moreover, there is a problem at the level of intuition. Understanding one's action requires understanding reasons and values for the action. Persons in the original position are motivated to arrive at the unanimous decision that they will sacrifice their basic liberties⁸ when the society is not well-ordered. That is, they will leave their basic liberties after touching upon the minimum adequate level in order to help the worst-off touch upon their economic adequacy. In this case, we can clearly understand the motivation behind sacrificing one's liberties. But what I cannot understand is that if a person doesn't share the same motivations but still fulfilling other conditions of the original position, how can they agree to the principles of justice? It seems that basing one's sacrifice only on the principles of motivation doesn't do much service here. The principles of motivation, on their own, don't make self-interested persons act on the principles of justice. They need to be accompanied by the rule of law, as Rawls envisaged. The necessity of the rule of law beyond the veil of ignorance shows that we don't have the same level of motivation once we get out of the original position. So, it seems that persons in the original position as a model situation of choosing principles of justice can be compared to persons who had taken a pill or hypnotized persons because of which they felt motivated to show such model attitudes that allow them

⁸ I have already argued in Section 2.3. that Rawls allows unequal distribution of liberty, especially when the society is not well-ordered.

to agree to the principles of justice. But once they get beyond it, many of them are no longer motivated to do so.

Additionally, if persons in the original position are motivated by higher-order desire to follow the principle of inclusiveness and at the same time, are allowed to remain self-interested, they may select different principles based on their varied motivations or varied levels of understanding of the same motivation. On the other hand, since they can write off all particulars of understandings and psychology in the original position, there remains a danger to come up with a super-abstract or super-idealised decision as these contractors then have no mundane connection. Hence, the principles of justice can easily be said to be devoid of any mundane reality as many Rawlsian scholars object.⁹

4. Conclusion

The paper aimed at understanding the logical structure of Rawlsian justice principles in order to explore whether their justificatory or explanatory conditions are unproblematic. To this end, with the help of a few readers of Rawls, I showed that the Aristotelian principle is used to explain the principles of rational choice, particularly the principle of inclusiveness. Then, on the basis of the Aristotelian principle, Rawls justifies his conclusion, via the principles of rational choice and the theory of primary goods. After figuring out the logical structure of justice as fairness, I dealt with the central objective of the paper, where I exposed some problems suffered by the motivational basis of the principles of justice. The foundation on which Rawls grounds

⁹ For example, see Wolff (1977), and Young (1999).

his principles of justice is problematic, and consequently, they remain as matters of contention as of today.

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