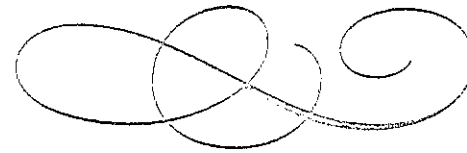


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RAWLS LEXICON



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other social values; and it ensures that each citizen has the material means necessary to make effective use of their basic liberties (*PL* 223). A conception of justice is *political* if it applies only to the basic structure of society, and is not proposed to govern all of life; it does not presuppose the truth of any particular comprehensive doctrine; and it is developed as an interpretation of political ideas implicit in the public culture of a modern, democratic society (*PL* 223). A public reason, then, is one that is identified as sufficient to justify a government policy by some conception of justice of this kind, when its principles are applied by using valid methods of factual inquiry. Because the validity of a public reason does not depend upon the truth of any particular comprehensive doctrine, public reasons are, in this sense, neutral reasons, and the duty of civility is, in this sense, a principle of neutrality. However, the duty of civility does not require strict government neutrality as this is ordinarily understood. Consider, for the sake of illustration, the inscription of "In God We Trust" on US currency. Suppose, for the sake of argument, that this policy does not restrict any basic liberty. Then it is possible to construct a liberal, political conception of justice – one that satisfies Rawls's six criteria – that identifies the fact that most people find this inscription inspiring and comforting as a sufficient reason for it. This policy is clearly nonneutral, however, in favoring belief in God over nonbelief.

Peter de Marneffe

SEE ALSO:

Communitarianism
Duty of civility
Dworkin, Ronald
Liberal conception of justice
Moral person
Political liberalisms, family of
Primary goods, social
Public reason
Reasonable pluralism

NOZICK, ROBERT

IN MANY WAYS Robert Nozick's (1938–2002) objections to Rawls revisit a classical issue in liberal theory, namely the reconciliation of exclusive private property rights with redistribution in response to poverty. Before focusing on their disagreement about redistributive justice, it is useful to note a couple of important agreements between the two. Both Rawls (in *A Theory of Justice*) and Nozick (*State, Anarchy, and Utopia*) considered utilitarian theories to be the dominant political theories of their day, and both thought that, nevertheless, utilitarianism fails as a liberal theory of justice. Rawls expresses this point by saying that utilitarianism does not "take seriously the distinction between persons" (*TJ* 24), whereas Nozick expresses it by saying that utilitarianism fails to take the liberal principle of "self-ownership" seriously. The main problem, they agree, issues from utilitarianism's focus on the aggregate sum of values as well as how these values are distributed in a society at any given time. This focus, Rawls and Nozick argue, makes utilitarianism incapable of protecting each person's right to be free (not enslaved) or to be the one who has sole, exclusive coercive authority with regard to herself and her own powers and means. Both thinkers also explicitly view the contract tradition, especially Lockean and Kantian approaches, as more suited to developing contemporary liberal theories of justice (see *TJ* 10 n.4; Nozick 1974, 3–20). Nozick's various objections to Rawls may be summarized as a charge that Rawls fails to stay true to their shared liberal aspirations. Nozick argues that although Rawls's theory of justice as fairness is "undeniably [a] great advance over utilitarianism," it still encounters the same types of problems (Nozick 1974, 230, cf. 172). Also Rawls's theory, Nozick argues at length, fails to take seriously enough the distinction between persons or each person's right to self-ownership. The main culprit is seen to be Rawls's "difference

principle" and the way in which it involves giving some (the least advantaged) coercive access to or "(partial) ownership" of others (the less disadvantaged), ownership of their persons, powers, and means (Nozick 1974, 172). In what follows, I outline the core elements in Nozick's criticism of Rawls before indicating some possible Rawlsian responses to Nozick, including Rawls's own responses in *Political Liberalism*.

A central thesis defended by Nozick in his 1974 *Anarchy, State, and Utopia* is that there is no coercive right – no right of justice – to material goods beyond what one can create through one's labor on a fair share of the world's resources. This fair share is identifiable by means of a version of a Lockean "enough-and-as-good proviso." Nozick's version of the proviso uses the original value of material goods (their value in their natural state or before anyone had created value from them) as the baseline for calculating each person's fair share of resources. Hence, each person has a right or is entitled to access $1/n$ th of the original value of all the natural resources in the world, where "n" refers to the sum of persons in the world. Such access may be provided directly to natural goods or through compensation for the lack of direct access, such as through employment within the context of money-based economies (Nozick 1974, 174–182). Each person is entitled to all the values or means she creates with her fair share of resources and to all the values she can obtain through trade with other persons. Nozick thinks that liberalism requires such a theory of acquisition since exclusive property rights are necessary to secure a person's freedom to set and pursue ends of their own. Consequently, a liberal theory of justice cannot justify anything beyond a fair starting point with regard to material resources. Any attempt to do more is inconsistent with liberal theory's commitment to individuals' right to self-ownership or freedom – to have sole, exclusive coercive authority over their own persons, powers, and means. It follows, Nozick also argues, that we cannot predict or require a particular pattern or distribution of resources in a just society. Any distribution of resources beyond an original fair share of resources ("justice in acquisition") will depend on the actual or historical facts describing how persons have created more values, including by trade, from their original fair share ("justice in transfer") (Nozick 1974, 150–174). Resulting is a conception of justice often called "right-wing libertarian," according to which the state must be "minimal." Because the state is seen as a voluntary enterprise that simply does better (more prudent and efficient) what individuals have a right to do on their own, and because individuals only have a right to access the value of an original fair share of resources, it is impossible to justify any more extensive state redistribution to alleviate inequality as such.

The above reasoning, Nozick argues, can be applied to show the incorrectness of most so-called "left-wing" theories, including liberal and libertarian versions thereof. These theories seek to justify the redistribution of goods in response to need as such or simply to decrease inequality or poverty in society. Such moves seek, Nozick argues, to enforce a certain "pattern" or "end-result" as determined by some "nonhistorical" principle of distribution, which is seen as a fundamentally illiberal move. Any theory that defends coercive redistribution beyond giving everyone a fair starting point with regard to material resources ends up defending principles of slavery, not freedom. Likewise, Nozick argues, because Rawls defends the difference principle – and especially its demand that "social and economic inequalities are to be arranged so that they are . . . reasonably expected to be to everyone's advantage" (TJ 53) – his theory fails as a liberal theory of justice. The difference principle is inconsistent with the parameters set by a theory of freedom; it fails to take the distinction between persons sufficiently seriously, since it entails that there will be continuous coercive redistribution insofar as it is necessary to ensure that the distribution of goods is advantageous to all. Nozick maintains that Rawls's notion of redistribution is to take from those who have more in order to give to those who have less, which disrespects the distinction between persons by using the rich as a mere means for the poor, or by enslaving the rich to the poor, or by giving the poor (partial) ownership in the rich. According to Nozick, the only way to justify the coercive redistribution the difference principle involves requires thinking of it as a very different kind of principle altogether. Instead of a general principle of justice for all liberal societies, it must be seen as a principle of rectification to address great historical wrongdoings in a particular society's past (Nozick 1974, 231).

Rawlsian and Rawls's own responses to Nozick's criticisms (and others similar) naturally attack some of Nozick's needed assumptions for the success of the arguments. A possible line of defense is to argue within libertarian (including Lockean) parameters. For example, one may simply maintain that Rawls's difference principle can be seen as a better solution to the problem of acquisition than Nozick's version of the "enough-and-as-good" principle, at least under historical conditions of modern, property-owning democracies. (Whether or not Rawls's later version of the difference principle, which requires maximization of the prospective benefit for the least advantaged, also can be seen as such a Lockean-type principle of acquisition is an open question.) Another, possibly complementary defense involves appealing to how Rawls's basic, procedural approach to justice implies that the difference principle is neither an "end-result" nor a "non-historical" principle, but a dynamic principle that is sensitive to

particular histories of societies. In *Political Liberalism*, Rawls himself employs a different strategy by appealing to "Kantian social contract theory" (PL 265), rather than taking the libertarian route. Rawls challenges Nozick's libertarian assumptions that the state is a voluntary enterprise (simply a more prudent and efficient way to realize individuals' rights). His account of justice, rather, is not an account of individuals' rights, but of the liberal state's rights ("public law") or the citizens' fundamental rights in relation to the basic structure of their public legal-political institutions (PL 265; cf. PL 262–274).

Helga Varden

SEE ALSO:

Cohen, G. A.
Difference principle
Distributive justice
Kant, Immanuel
Libertarianism
Locke, John
Procedural justice
Property-owning democracy
Social minimum
Socialism

NUSSBAUM, MARTHA

MARTHA NUSSBAUM (b. 1947) is an American philosopher and public intellectual. Having received a Ph.D. in Classical Philology at Harvard University, her academic positions have included posts at Harvard, where she was a colleague of John Rawls; Brown University; and the University of Chicago. Nussbaum is both an ardent defender of Rawls's work and a searching critic of his theories.

Much of Nussbaum's work centers on the articulation of an approach to moral and political questions known as the "capabilities approach." Originally developed as an alternative to the use of Gross Domestic Product as a comparative index of the quality of life in developing countries, this approach sets forth a list of functional capabilities the development of which to at least a minimal threshold level is central to living a life worthy of human dignity. This list, which Nussbaum emphasizes is open to revision, includes life; bodily health; bodily integrity; senses, imagination, and thought; emotions; practical reason; affiliation; concern for and living with other species; play; and control over one's environment (both political and material) (Nussbaum 2011, 33–34).

Nussbaum also employs the capabilities approach as a partial theory of social justice. Like Rawls, she locates her approach squarely within the liberal tradition. The approach emphasizes that each individual is to be regarded as an end. Nussbaum also categorizes the capabilities approach as a form of political liberalism, and this entails the promotion and empowerment of all of the capabilities as a matter of political justice. She holds that it must at least be plausible to regard the list of capabilities and the associated political