

senator is more conspicuously visible. He is constantly under pressure from every sort of vocative group and interest, badgered by the media from poll to poll, whereas a member of the House can usually manage to keep his ideology to himself because many people in his own district do not even know his name. This is surely one reason why common sense often gets a better reception in the House than in the Senate.

Therefore if the President is to be impeached for "high crimes and misdemean-

ors," as appears to me unlikely, his senatorial judges will be a group quite different from the incorruptible patricians envisioned by the Founding Fathers. Few pre-1913 senators lived up to the billing of a senator in the 1787 convention, but they were at least free of the problems which beset their post-1913 successors. A popularly elected senator is likely to consult the most recent Gallup Poll or the bumper-sticker count before making up his mind on anything, and in a matter so certain to tilt the polls off balance as a trial of Nixon, sticking to the evidence would be difficult.

A senator of the variety decreed in 1787 could vote for or against conviction, unmoved by cries of "Sell-Out!" on the one hand or "Toady to the media!" on the other. But a post-1913 senator—I don't know. Indeed, if the wise men of 1787 had foreseen what was to happen to the Senate, they might well have thought up some other machinery for the impeachment of public officials, including presidents, because direct election of senators has brought about the very conditions which they took such pains to prevent. □

Special Book Review

Rawls and Redistribution

JOHN RAWLS' *A Theory of Justice** is a book about political justice written by a professor of philosophy, but it is not a work of political philosophy. The political philosopher seeks to discover what true principles of justice may lie behind men's conflicting opinions of what is just and unjust. Professor Rawls, by his own testimony, is engaged in a very different kind of enterprise—the attempt to formulate a set of principles that will support and systematize a given body of moral and political opinions. The crucial test of a theory of justice for Professor Rawls is the "capacity of its principles to accommodate our firmest convictions. . . ." Not surprisingly, his own theory meets this test—that is, it very nicely accommodates Professor Rawls' firmest convictions. But this, of course, only begs some more important questions: whether his opinions about the just and the unjust are sound ones; and whether his theory of justice provides, as he claims, "the most appropriate moral basis for a democratic society."

Professor Rawls purports to follow the tradition of thinkers who rested the foundation of political society on a social contract. His own conception of justice is based upon "principles that free and rational persons concerned to further their own interest would accept in an initial position of equality as defining the fundamental terms of their association." What Rawls calls the "initial [or original] position" appears to be equivalent to the "state of nature" in older theories of the social contract, but there is an important difference. For he does not attempt to deduce the features of the original position from any historical or metaphysical reflections upon the nature of man and his place in the universe. The Rawlsian original position is simply a construct tailored to fit the view of justice he wishes to affirm: "The first task of a theory of justice is to define the initial situation so that the principles that result express the correct conception of justice from a philosophical point of view." If Professor Rawls is engaged in a kind of intellectual sleight of hand, at least he accompanies it with a candid admission of exactly what he is up to.

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The device that Rawls employs to insure that human beings in the equal conditions of the original position will arrive at the "correct" conception of justice is the "veil of ignorance." This stipulates that, although "knowledge of the general facts about human society" is available, "no one knows his place in society, his class position or social status; nor does he know his fortune in the distribution of natural assets and abilities, his intelligence and strength, and the like. Nor, again, does anyone know his conception of the good. . . ." This last condition, which turns out to be crucial for Rawls' whole enterprise, at first appears quite puzzling. The principles of justice, according to Rawls, are those that would be chosen in the original position by rational persons concerned to further their own interests. But if the veil of ignorance conceals from men any knowledge of their own conception of the good, how can they have any basis for choosing which principles would best further their interests?

Rawls attempts to meet this difficulty by means of the notion of "primary social goods," or what he later calls (perhaps more aptly than he intends) the "thin" theory of the good. These primary goods which encompass rights and liberties, opportunities and powers, income and wealth are defined as "things which it is supposed a rational man wants whatever else he wants." That is, they are considered to be desirable regardless of an individual's particular conception of the good, for they serve as necessary means to the achievement of almost any end. Therefore, it is assumed that persons in the original position will prefer more rather than less of these goods—and it is this preference that will guide their choice among potential principles of justice.

Now Rawls appears to regard this "thin" theory of the good as essentially noncontroversial and hence unexceptionable, but this is by no means the case. For it is not true that all conceptions of the good are furthered by the possession of a greater amount of the so-called primary goods. One need only think of the many moral and religious teachings which have stressed the harmful effects of wealth. It is simply not possible to define the goodness of anything as a means without reference to the ends

for which it is to be used. To argue that the maximization of individual wealth is desirable is implicitly to argue for a certain conception of the good (if only that the good is whatever the passions of an individual lead him to desire) and to reject other conceptions of the good (those that proclaim a natural or supernatural end for man in terms of which a "minimal" or a "moderate" amount of wealth might be preferable to an "excessive" amount).

Thus, by making persons in the original position ignorant of their own conception of the good, but eager to "win for themselves the highest index of primary social goods," Rawls does not succeed in constructing a doctrine of justice that is prior to or impartial with respect to conceptions of the good. He merely postulates in a roundabout manner a conception of the good that calls for the maximization of individual liberty and wealth.

These two traditional aims of liberalism—the maximization of individual liberty and wealth—are at the core of Rawls' now famous two principles of justice:

- 1) "Each person is to have an equal right to the most extensive basic liberty compatible with a similar liberty for others."
- 2) "Social and economic inequalities are to be arranged so that they are both (a) to the greatest benefit of the least advantaged, and (b) attached to offices and positions open to all under conditions of fair equality of opportunity."

The first principle follows rather obviously from the equal conditions prevailing in the original position and the desire of each individual to maximize his own liberty. Since the total sum of possible liberty cannot be increased by distributing it unequally, there is no reason for the parties to consent to anything but an equal distribution. In regard to wealth, however, the situation is different. A purely equal distribution of wealth would reduce the incentive of individuals to engage in economically productive activity, and thus would result in a lesser total amount of economic goods than would be secured by "permitting" an unequal distribution. Therefore, Rawls argues, persons in the original position would consent to inequalities in the distribution of wealth provided they improved the economic position of the

least advantaged—that is, made the poorest members of the society richer than they would be if wealth were more equally distributed.

It is this second principle of justice (which Rawls labels the "difference principle") that is largely responsible for the excitement that has been generated by *A Theory of Justice* beyond the halls of academic departments of philosophy. The reasons for this excitement may briefly be explained as follows: During this century various government policies that alter the distribution of income (the graduated income tax, transfer payments, etc.) have come to be accepted as a matter of course. The original justification for these policies may have had nothing to do with the aim of redistribution as such, but their very existence seemed to show that the verdict of the economic market was not final, and that the distribution of income could legitimately be altered by political decisions. Once the market had thus lost its sanctity, it was but a short step to conclude that for the government to refrain from altering the distribution of income is no less a political decision than for it actively to engage in redistribution. In short, the whole issue of income distribution came to be regarded by some as an entirely political question. And for those with egalitarian inclinations, the question became: How can income inequality be justified at all? The greater total wealth produced by "allowing" an unequal distribution appeared to provide some such justification, but there was no clear standard available to balance off the good of greater total wealth against the evil—for the egalitarian—of greater income inequality. At this point, enter Professor Rawls and his "difference principle," which provides just such a standard.

The first point to be made here is that Professor Rawls and his fellow devotees of redistribution are far from being really committed to egalitarianism. For them the imperative to maximize individual wealth is clearly prior to the imperative of equal distribution. One can easily see this by considering that according to the "difference principle" a situation in which the poorest members of society had an annual income of \$5,000 and the richest members an annual income of \$1,000,000 would be preferable to a situation in which the poorest had \$4,500 and the richest \$10,000; for the former situation represents an improvement in the absolute income position of the least advantaged (from \$4,500 to \$5,000).

Rawls is simply unwilling to lower the general level of wealth for the sake of eliminating inequality. His attitude may be contrasted with that of Jean Jacques Rousseau, who believed that inequality was the chief source of misery for civilized men, and who thus unambiguously preferred a poor egalitarian society to a rich inegalitarian one. For this reason Rousseau favored an agrarian rather than a commercial society—but he never advocated a redistributive principle, and argued that "the right of property is the most sacred of all the rights of citizens."

The change in orientation that has taken place from Rousseau's thought to the egalitarianism of our contemporary redistributionists is in no way more strikingly illustrated than by Rawls almost total si-

lence about the right of property. Rawls' refusal to acknowledge any right of property whose justification is anterior to the positive laws of a particular society follows from his more general refusal to admit the legitimacy of any principle of moral desert that makes distinctions among men.

The original source of the varying amounts of property acquired by men is their different talents, capacities, and characters. Those who are more skilled or who work harder will, other things being equal, earn more income than their fellows. The traditional liberal view held that these more productive individuals *deserve* the greater fruits of their labors. Rawls answers this traditional view by asserting that the man of superior talent or character does not deserve superior recompense because he did not deserve his superior talent or character in the first place. He argues as follows: "It seems to be one of the fixed points of our considered judgments that no one deserves his place in the distribution of native endowments, any more than one deserves one's initial starting place in society. The assertion that a man deserves the superior character that enables him to make the effort to cultivate his abilities is equally problematic; for his character depends in large part upon fortunate family and society circumstances for which he can claim no credit. The notion of desert seems not to apply to these cases."

The understanding, which lies at the heart of Rawls' entire moral orientation, completely severs any *moral* connection between work or excellence and reward. Talent and character come to be viewed simply as collective goods, not as individual goods. Indeed, Rawls characterizes the difference principle as an "agreement to regard the distribution of natural talents as a common asset and to share in the benefits of this distribution whatever it turns out to be." These "benefits" are, of course, the economic output of the society, which is thus to be distributed entirely without regard to the contributions made by individuals—except insofar as this will bring a collective benefit by making everyone better off. Differential rewards for individuals are justified only on practical grounds, never on moral grounds of individual desert.

Now it is no doubt true that most of us would share Rawls' "considered judgment" that "no one deserves his place in the distribution of native endowments" (though I believe few would be willing to agree that no man deserves his own character). The natural allotment of qualities that each of us receives is a dispensation of fate, and not of justice. But this does not mean that all the consequences that flow from this dispensation can simply be disregarded in formulating the principles of justice. After all, the very fact that we are born human beings (endowed with the "capacity for moral personality" that Rawls cites as the condition for being entitled to equal justice), rather than animals of a lower species, is also a dispensation of fate. A consideration of human justice must accept certain facts of nature as its starting point, and it must then seek principles that are in harmony with these facts.

It is Rawls' refusal to accept these natural facts as the starting point of moral philosophy that leads him to construct as

the basis for his doctrine a wholly artificial "original position," which could never possibly exist among real human beings. He himself describes his procedure by saying, "The *arbitrariness of the world* [emphasis added] must be corrected for by adjusting the circumstances of the initial contractual situation." But the attempt to repeal or to "redress" the "arbitrariness of the world" in the name of some purely abstract conception of justice will only lead to concrete injustice toward actual living men.

This inevitable consequence is beautifully illustrated in Aristophanes' comedy, *The Assembly of Women* (*Ecclesiazusae*). In this play, a female government takes over in Athens and sets out to institute a regime of complete communism, including a community of women and children. But a telling objection is raised to this egalitarian proposal: All the men will wish to have sexual relations only with the most beautiful women. To obviate this difficulty an ingenious law is proposed, which nicely anticipates Professor Rawls' difference principle. Men will be allowed to sleep with a beautiful woman only after they have first satisfied an ugly woman. Thus the beautiful women can gain what they desire only if the least advantaged—the ugly—benefit as well.* The effects of this law are dramatized in a later scene, as a lovely young girl awaits the arrival of her lover, only to have him successively intercepted by three old hags, each uglier than the last, who importune him to fulfill his legal obligation.

The unnatural and unjust character of this law is brought home to all who view or read this play. It is unjust for the young man to be compelled to perform for the benefit of those who have no natural claim to his services. And though the young girl may not deserve her pleasing appearance, nevertheless, being beautiful, she is unjustly deprived of the full benefits that her beauty would have fairly won. What applies to beauty applies to other natural endowments as well. A champion athlete may not deserve the outstanding physique and agility that enable him to excel—but if he does possess these qualities, does he not deserve the victories and honor that they help him to earn? Or let us take an example that relates more directly to the connection between talent and the wealth that it brings. Certain "undeserved" natural endowments may make one farmer more skillful than another, but if as a result he raises more and better crops than his neighbor, he surely has some title to the additional wealth that this procures him.

Even clearer than the claim of talent to enjoy its natural rewards, is the claim of effort. If one farmer works for twice as many hours per day as his neighbor, he manifestly deserves the extra wealth that he gains by his double labor. Indeed, it is principally because of the efforts of individuals that the wealth of any society exists at all. It cannot simply be regarded as a kind of preexisting pie to be sliced up

*Since "sexual fulfillment" would surely be considered a primary good these days, I am surprised that Rawls did not have persons in the original position agree on a "fair" scheme for the distribution of sexual partners.

and allotted according to some abstract scheme. (If persons in the original position conclude an agreement for distributing wealth, one would think they would also want to reach an agreement for distributing work.)

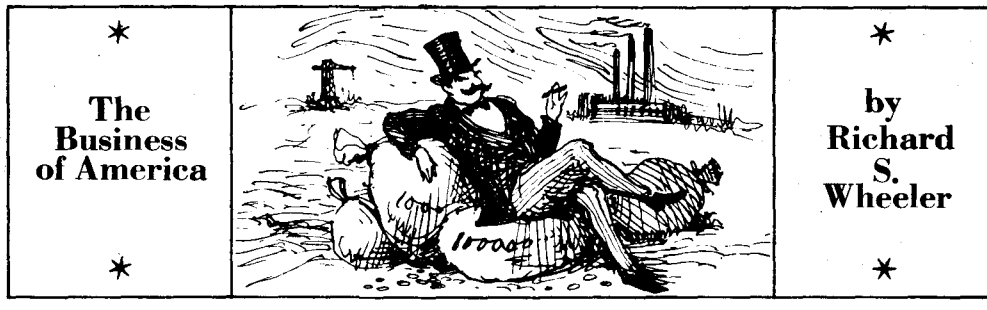
Rawls is remarkably reticent about effort. Apparently he subsumes it under the category of character: The amount of effort that a man is willing to expend, like other aspects of his character, is a product of his upbringing, and hence the result of chance. This argument not only fails to accord with the "considered judgments" of most men, but is destructive of all decent morality. If men lack all responsibility for their characters, they lack all responsibility for their actions, and it becomes impossible to distinguish between good men and evil. In

seeking to correct for the "arbitrariness of the world" Rawls obliterates the most fundamental moral distinctions among men. In this respect, at least, he carries the principle of egalitarianism to its most extreme and perverse degree.

Rawls' principle for distributing wealth is unjust. More than that, *any* principle for the distribution of wealth that totally disregards the moral claims of individual talent and effort is unjust. But this does not mean that individual talent and effort are the *only* claims that may validly determine the distribution of income, or that the verdict of the market must reign supreme. The realm of property and of economics does not exist in a vacuum; it can never be wholly autonomous from the political realm. And there are invariably legitimate and com-

pellent political reasons for pursuing policies that have the effect of altering the "natural" distribution of income. Government must necessarily concern itself with the welfare of its citizens, the maintenance of social order, and the perpetuation of its political institutions. It must therefore seek to alleviate poverty and to prevent excessive concentrations of wealth where these might prove dangerous to liberty. The economic claims of individual talent and effort must be modified by the imperatives of the public good. But to deny these claims completely and to redistribute income merely for the sake of satisfying some abstract egalitarian principle is to endanger the moral foundations of a free society.

Marc F. Plattner



Packard Fords the Rubicon

Lindley H. Clark Jr., the economic news editor of the Wall Street Journal, initiated this column with four essays discussing the practice of business in America. The series attempted to bring to our readers' attention some of the problems inherent in doing business in America today. We are continuing this series now by publishing essays discussing the American condition from the perspective of individual businessmen.

LAST FALL, David Packard administered a dose of castor oil to the Establishment, and the Establishment has been passing unseemly amounts of gas ever since. Mr. Packard, Chairman of the Board of the Hewlett-Packard Company, simply asserted in a speech to corporate donors that it is time to end no-strings gifts to higher education: too much of that hard-earned money was being used to oppose corporations and the free-market economy. The urbane Mr. Packard put more of a gloss on it, but his point was clear: Business should stop subsidizing its enemies.

The academic community was shocked, if not outraged, at this insolent challenge to its imperial power from a mere money-grubbing citizen. A pained response was not long in forthcoming. About two weeks after Packard's *lèse majesté*, the Establishment retorted, in the papal person of McGeorge Bundy, president-*rex* of the Ford Foundation, liberal blue blood, moderate, earnest, and terribly enlightened.

Goodness, said Bundy, that's a frightening notion that Packard had conceived. "But unless I misunderstand Mr. Packard, I must conclude that he is more wrong than right," intoned Mr. Bundy before San

Francisco's Commonwealth Club, "simply because he suggests a dangerously narrow view of what is good for free enterprise. He seems to be saying that the schools . . . should be supported only to the degree that they themselves support the free-enterprise system, and I find no mention in his analysis of the kind of support that includes criticism and even opposition."

Mr. Bundy did not extend his observation to any group other than businessmen. That is, he did not elevate his beatific vision to the status of a general principle. He did not, that is, suggest that George Meany and his colleagues supply no-strings subsidies to the National Right to Work Committee on the ground that its researches would undoubtedly support unionism by helping to purge it of its follies and oppressions. Nor did he propose that political liberals settle no-strings gifts on William F. Buckley and his staff, with the hope that Mr. Buckley's researches would thereby support liberalism by purging it of its offenses against intelligence and morals. On the contrary, Mr. Bundy's prophylaxis was reserved for one group alone, the businessmen who will profit from the slings and arrows of the academy.

One suspects that Mr. Bundy's homily on the value of academic criticism is a bit disingenuous. Actual *criticism* of corporations and the market economy was, after all, the mildest and most innocuous of the activities that had mushroomed on campuses. Corporate moneys were underwriting more than criticism; they were supporting radical activism, the destruction of property, the blockage of transportation, the researches of supercharged ecological

and consumerist militants, legal suits, political action against the interests of business, demagogues, and a whole army of academic housewreckers and revolutionaries. The wonder is that it took until 1973 for any corporate executive to conclude that maybe businessmen ought to be more selective with their donations.

For business to subsidize every Nadermanque on the campuses is simply masochistic. Mr. Packard had indeed suggested that a certain selectivity in gift-giving might enable business to breathe a bit more easily. Henceforth, he proposed, such freely given munificence should be directed toward research that would directly benefit the corporate giver, or schools of business from which corporations draw managerial talent, or carefully defined scholarships. Or at least not to those humanities, economics, or religion departments that would only bite the hand that feeds them. All in all, that is a position that business should have adopted years ago. The amazing thing is that corporate givers have been so forbearing for so long in the face of such provocations. The only difficulty with Mr. Packard's view is that he didn't go far enough: corporations ought to withdraw all subsidies to higher education immediately, and concentrate exclusively on scholarships.

But Mr. Bundy was grieved. He feared that Mr. Packard's "narrow" view of what is good for free enterprise would actually cause *hostility* on campus toward business, and generate a "lack of understanding" about business, and goodness sakes alive, even cause mediocrity because business would be subsidizing only its own. One can only describe the argument as quaint. But Mr. Bundy acknowledged that his very own Ford Foundation carefully controls the terms of its grants—although he hastened to add that the foundation never monitors the opinions of its grantees, of course, of course. Not that it would have to: none of its grantees has ever threatened to tear down its house or render the foundation into lard. And, we might add, it has rarely been heard of throughout Christendom that the foundation made grants fostering *laissez-faire* or other rightist heresies. One suspects, again, that Mr. Bundy was being a bit disingenuous. We can, however, praise him for his forbearance. He did not attack Mr. Packard for destroying academ-