



## The Bane of Fairness

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It is much to the credit of John Rawls that his refined theory “Justice as Fairness” has helped to renew faith in democracy in the Western world by focusing on treating people fairly within just institutions and procedures. As it is with any genius of significance, Rawls has inspired his fair share of objectors arguing from positions concerning problems like cultural neutrality and a lack of communal values. It is very disheartening, however, to see such inadequate criticism uttered about the capitalism in particular that Rawls so methodically attempts to legitimate. It is almost as if it is taken for granted that the capitalistic model Rawls tolerates poses no great threat to the very principles he is presenting as essential; namely, that people ought to be considered free and equal within a sustainable society.

This toleration of capitalist principles is also no great surprise. It seems as if the radical objections of the great communist visionary, Karl Marx, have withered away to near, if not outright, irrelevance in the public realm. Especially since the collapse of Stalinism in Eastern Europe, so widely promulgated have the principles of capitalism become that Marx’s once-towering voice of defiance now seems to be little more than a stubborn, pesky whisper. This can be attributed to a multitude of factors, the complexity of which I will not even attempt to

address adequately over the course of this argument. What is pertinent for the purposes of this paper is to confront the very issue of how, in my estimation, capitalism betrays Rawls' mission to establish a conception of an equal and sustainable political society. An important component of Rawls' vision is a society in which people are given the capacity to meaningfully participate together; provided with real opportunities to enter privileged and influential institutions and alter the course of their political lives. Beyond each person being able to pursue their individual vision of a good life, Rawls also recognizes the importance of a society that maintains its cohesion. By drawing one's attention first and foremost to Marx's theory of the forms of alienation, I shall reveal the extent to which capitalism compromises the capacity of each person to be equal in the way Rawls defines. Furthermore, while remaining indebted to the genius of Marx, I will also draw upon the important work of Charles Taylor's communitarian argument to articulate the manner in which Rawls' conception of a political society is not stable long-term. Thus, it will be shown that Rawls' conception of fairness as it pertains to equality and sustainability is incompatible with the capitalism his theory allows.

Rawls sets out ambitiously to establish what he considers would be fair conditions for people living together. Before dealing with the issue of equality in Rawls' theory, it is first essential to avoid any confusion over his use of the term. As Rawls himself says, persons in a society are to be regarded as equal on the basis of them each possessing, "...to the essential minimum degree the moral powers necessary to engage in social cooperation over a complete life and to take part in society as equal

citizens.”<sup>1</sup> Rawls goes on to argue in his description of the two principles of justice for what is now commonly known as “the difference principle.”<sup>2</sup> It is not only that each person in his theory is described as having inalienable rights here, as it is the case with the first principle of justice. Rather, with the difference principle the attempt is made to rectify the problem of poverty that has so consistently plagued human history. At first glance, there is nary a problem to be found with Rawls’ exact formulation of the difference principle. It states perspicuously that the least-advantaged members of society (a rather innocuous way of describing society’s legions of poor and miserable) must under no uncertain terms be benefited by any social and economic inequalities. To Rawls’ great credit, this establishes a sort of symbolic safety net that prevents people from reaching the kind of interminable levels of poverty that could prevent them from leading meaningful lives.

This relates to the second principle of justice where Rawls goes out of his way to mention that all people must have conditions of mutually shared equal opportunities to what Rawls specifies as “offices and positions.”<sup>3</sup> What Rawls means by offices and positions are various important political and authoritative positions within a society that can shape the society itself. It is here, however, that the argument will begin to be haunted by the problems capitalism engenders. This is so because Rawls fails to recognize the importance of the exact conditions of one’s available opportunities in a more meaningful, qualitative sense. He instead chooses to ground this idea of

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<sup>1</sup> Rawls, p. 20

<sup>2</sup> Ibid, p. 43

<sup>3</sup> Ibid, p. 43

opportunity in the same capitalist framework where society is separated into differing classes of wealth and power that betray the *quality* of one's opportunities. Can one whose family only has enough money to send him to a merely decent-ranked university realistically expect to have as likely and meaningful a chance to enter a powerful political institution as another whose family has hired the best private tutors available and sent him to the most prestigious school in all the country? The same dilemma arises on what some might consider comparatively lower scales. Rawls believes freedom is based on one's ability to have a vision of what is valuable.<sup>4</sup> Even more importantly, he states that people feel they are entitled to make claims on their institutions to help them achieve these goods.<sup>5</sup> Indeed, that is a large part of what fairness is about. Consider two people who highly value a life as a musical artist. Will the musician who is bestowed with enough money in his trust fund to never have to work a day in his life not possess a clear and decisive advantage in creating works of brilliance over the far more talented musician who must struggle to maintain his gift while contending with the demands of a forty-hour work week? The sad and obvious answers to such questions demand the question, "Where is the fairness?" The immediate point is simply that there really is no such thing as equal citizens where there is this specific form of equal opportunity in place, and so nor is there fairness.

With Rawls' theory, people are provided with a baseline to prevent them from sinking to the deepest levels of poverty. One might wonder if that is enough. Quite

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<sup>4</sup> Ibid, p. 21

<sup>5</sup> Ibid, p. 23

simply, the morally acceptable answer is that it is not. There is nothing fair about an upper echelon of society retaining a far superior ensemble of advantages at their disposal. To further clarify the problem, we can think of a metaphorical example with two different scenarios. Let us imagine a 100 meter race between the rich and poor with each runner representing the rich and poor classes, respectively of a liberal society and dashing toward the finish line of what would be both opportunities to pursue the good and entrance into offices and positions. With the first scenario being our current neo-liberal society, we can imagine the “poor” runner as having his ankles tied at the initial starting line while the “rich” runner is both physically unencumbered and given a five-second head-start once the race begins. The poor runner in the Rawlsian scenario, on the other hand, has had his ankles untied with the difference principle in place, and so we are mistaken into crying out in celebration that justice has been served to him. However, this is deceptive, for the socioeconomic inequality of capitalism ensures that the rich runner in the Rawlsian scenario will still retain his five-second head-start. True, the situation is still now less *unjust* for the poor runner than it ever was before, but it is also still far from being just overall. The old capitalist idea of competition to the point of superior advantages has reared its ugly head again to undermine fairness.

Rawls makes two important claims in his attempt to legitimate inequalities. Rawls first argues that inequalities are necessary to ensure that a modern society remains effective.<sup>6</sup> I find this to be a dubious claim in itself. First and foremost, I vehemently disagree that inequality

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<sup>6</sup> Ibid, p. 55

should be thought of as unavoidable in the way Rawls does. Being that we are creative thinkers, I hold firm that we ought never to cease in our attempts to bring to fruition the kind of social utopia we believe is due to all. Even if that utopia (in this case, I would imagine that it includes a condition of financial equality) *seems* nearly impossible, it is still morally cowardly to put one's hands up in an acquiescent fashion and whisper, "C'est la vie" under one's breath. I also strongly object to Rawls' assumption that inequality is necessary to incentivize production. This seemingly presupposes that currency is the only thing of significant enough value to motivate one in carrying out their labour with the utmost effort. Imagine a society where, for example, a brilliant inventor no longer has the opportunity to become excessively wealthy by creating things and then rushing to patent and distribute them. It is not at all unrealistic to imagine that he would still be motivated to bring his inventions out into the world regardless. Perhaps the proud inventor would do so purely out of the joy of witnessing his labour express his creativity without constraint, even if not for a reverence he would enjoy in his community as a result of his ingenuity. The more odious of Rawls' two claims defending capitalism is the one in which the allocation of goods (otherwise understood as the full distribution of wealth) is said to be incongruent with the procedures of a fair society.<sup>7</sup> Having seen now how the inequalities that Rawls allows leads to an inadequate distribution of opportunities for all, it is paradoxical to speak of fairness and inequality in the same sentence.

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<sup>7</sup> Ibid, p. 50

Rawls is obviously concerned that the means by which a society could decide to infringe on one's ability to make as much as their abilities allow would have to come from an unjust enforcement of a "comprehensive doctrine"<sup>8</sup> (or all-encompassing worldview). Rawls likes to keep his theory within purely political boundaries, but the idea that one should be allowed to accumulate wealth freely affirms the ideality of wealth's value. In turn, this acts as a comprehensive doctrine *within* a political doctrine, though it is concealed from behind the veil of a purely political value. Rawls is obviously concerned with an allocation of goods damaging the freedom of each citizen, but the late Karl Marx will reveal why capitalism itself already ensures this fate and also seriously wounds Rawls' principle of fair equality.

As Marx so famously theorized, the labour process we are subjected to in capitalism estranges and separates, or "alienates" us<sup>9</sup> in four distinct ways. For this portion of the argument concerning Rawlsian equality, I am focusing for now only on the first three ways. As it relates to the issue of social prestige and the psychology of the proletariat, we would be left with an embarrassingly facile understanding of equality if we were to ignore the importance of one's social capital and corresponding self-concept and the way in which they impact one's status as an equal citizen. Rawls acknowledges that people must have a healthy conception of their self-worth grounded in social bases of respect if they are to be able to meaningfully participate in their society.<sup>10</sup> Where he fails then is the extent to which he underestimates the debilitating power

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<sup>8</sup> Ibid, p. 9

<sup>9</sup> Marx, p. 108

<sup>10</sup> Ibid, p. 59

of the labour process itself in a capitalist system where only a select few have control over the means of production. Perhaps still the most glaring form of alienation is alienation from the product of labour. No one can reasonably be expected to create a fully adequate conception of self-worth if they toil for hours at a job, the final product of which, they possess no ownership of. There is no dignity to be had here, and so fairness stands miles away from the worker's reach. From the onset, the worker's potential self-worth is unfairly placed under a ceiling that barely reaches past the floor. With every product the worker must make that is not his own, he is mercilessly reminded at some level of his social inferiority relative to the one he works beneath. However, the predicament is yet worsened as Marx continues with a second form of alienation concerning the process of labour. If a worker feels as if he is losing an essential part of himself while performing tasks that he has no inward passion for but must do in order to survive, he will not even be able to conjure the psychological energy to contemplate, let alone attain a healthy conception of his self-worth. He will instead often seek to distract himself with superfluous hobbies, deaden his mind with television, perhaps even disappear inside the fleeting comforts of recreational drugs, and feel that he has little to no reason to care one way or the other. As Marx himself writes with brutal explicitness: "...that he therefore does not confirm himself in his work, but denies himself, feels miserable and not happy, does not develop free mental and physical energy, but mortifies his flesh and ruins his mind."<sup>11</sup> In other words, the paradox we are confronted

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<sup>11</sup> Ibid, p. 326



with is one in which a worker is to be expected to have an adequate conception of self-worth (grounded in social respect amongst one's peers) when the worker himself, as well as his fellow men and women, is reduced to an undignified commodity.

As Marx reminds us, we are social beings. What one is as a person is contingent on his social environment and the terms of his relation to others. It would follow that the self-worth Rawls believes is critical would be inextricably tied to the activity that consumes such a large portion of one's time day-to-day. If that activity happens to be self-diminishing and animalizing, the person's self-worth will necessarily be impoverished. Furthermore, I do believe this renders the difference principle all the more inadequate. To be provided with a minimum level of financial support and access to opportunities while still trapped in a political machine that not only separates me from the process and end products I strain to effect but also makes me feel mechanized is then just to make me a victim with better amenities. As Marx understands it, one's species-being refers to the way in which people regard themselves as members of a universal species; a group which they rationally apprehend themselves as being an individual manifestation of.<sup>12</sup> To be separated from the essence of this in one's mind is no less than a tragedy.

One might see good reason to claim that Marx's theory no longer applies in quite the same fashion. It may not be sufficient to still conclude that all workers are miserable creatures. It is certainly true that many people now work jobs they enjoy in spite of the fact that they do not own the product or control the process. The Professor

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<sup>12</sup> Ibid, p. 112

who gives passionate lectures and happily fields questions in class cannot be said to be taking no pleasure in the process of his work. The musician who records songs that are invaluable to him but does not own the masters cannot necessarily be said to be unhappy in his arrangement. Even workers in factories that seemingly value their input may not feel de-humanized. However, this still does not mean that the people in these examples are not alienated. As Marx makes clear, one can easily be trapped in false consciousness; that tendency to misunderstand one's proper relation to the labour force.<sup>13</sup> One need not realize they are being treated unfairly for the reality of it to be just the same. In any event, the fact also remains that the vast majority of people *are* unhappy at their place of work, and this alone is where the injustice lies. The pain of one caused by capitalism deserves the attention of all.

Up until now, we have only discussed three of the four forms of alienation Marx insists we suffer through in a capitalist system. In addition, we have also seen the nature of their connection to Rawlsian equality and fairness. Now let us turn to the final form of alienation: alienation from each other. It is this type of alienation that strikes me as most damaging to Rawls' conception of a sustainable society. If Marx is as correct as I believe he is in suggesting that capitalism also alienates us from each other<sup>14</sup>, this means that even the most advantaged and powerful members of a capitalist society are unable to take part in a community in the most meaningful sense possible. The private owners of the means of production can be understood as being victims themselves of the

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<sup>13</sup> Ibid, p. 147

<sup>14</sup> Ibid, p. 115

capitalist tendency to view objects one-dimensionally. This view is understood as one-dimensional because those who regard objects in the capitalist way merely create them for the sole purposes of transforming their previous value into one of profit; they do not much care for any deep relation to others when thinking in this way. Commodities that are created most often do not benefit humankind as a species in some meaningful way; they merely inflate the greed and wealth of individual persons. As such, even though they are much more advantaged and powerful than their exploited labour force, the wealthy owners are still deprived of a full capacity to engage in the sort of meaningful lifelong social cooperation that Rawls talks about. This social cooperation is now doomed to be less meaningfully human, as each person is merely thinking egoistically rather than species-wide. As Marx argues, capitalism more or less poisons us against each other by reducing each of us to units of competition in each other's eyes.<sup>15</sup> I believe this problem of alienation from each other directly undermines the contention that citizens of a political society will feel committed to the state as long as they feel they are being treated fairly by it.<sup>16</sup> Citizens must understand themselves as being connected to each other at a far more significant level than just having shared political rights and geographical proximity; this is no longer really possible if the capitalist system in which they carry out their labour estranges them from each other to begin with.

I would even go so far as to claim that Rawls' vision of sustainability is constrained by principles of

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<sup>15</sup> Ibid, p. 116

<sup>16</sup> Rawls, p. 194

individualism the moment capitalism is a part of it, for individualism and capitalism are but two separate heads of the same Hydra monster. Following then in this capitalism-induced individualist line of thought, Rawls almost has no choice but to give precedence in his overall argument to the right over the good. This precedence is clear right away in his argument with the initial focus he places on what he terms the “basic structure” of a society.<sup>17</sup> Focusing on the basic structure places an emphasis on establishing a fair background of procedures that can ensure everyone’s individual set of basic liberties are never violated. This is all well and good, but this still does not seem to speak much for the need of a sustainable social community. Although he does not reference Marx’s theory of alienation to express it, Charles Taylor shares this concern. Taylor recognizes that Rawls’ individual-obsessed theory of justice leads to what Taylor terms “the primacy of rights.”<sup>18</sup> A primacy of rights theory like that of Rawls’ makes secondary people’s obligation to belong to each other. In favour of the independence that is so valued (it having been made the central focus by the capitalist system we are in), the obligation to belong is made to be in subjection to it. Much like Taylor, I am not at all anti-rights. Rather, this is to recognize, as Taylor asserts, that individual rights themselves do nothing to actively nourish the potentiality of a person; one which we recognize as a moral good in its own right.<sup>19</sup>

By referring to Marx’s claim that we are social beings in every way, we find there is symmetry between his and Taylor’s argument in this regard. Marx makes clear

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<sup>17</sup> Ibid, p. 10

<sup>18</sup> Taylor, p. 188

<sup>19</sup> Ibid, p. 193

that we are social beings in the sense that the experience and status of a human being is contingent on the social context they grow up with.<sup>20</sup> Taylor is sensitive to this, as he expresses concern that one of the ways in which the theory of Rawls (and similar others) conceptualizes human beings is as “self-sufficient outside of society”.<sup>21</sup> The key word in this phrase is *outside* of society, as it outlines the kind of impoverished status one is left with in liberalism. If I am correct that the original source of this sort of harmful form of individualism is the capitalism Rawls allows, in which the right of the individual is nourished while the good of the community lies in near-starvation, then it would follow that capitalism itself becomes a danger to our freedom.

Ultimately, if a system begins as exploitative, debilitating, and unfair, there is only so much any theory can reasonably accomplish to rectify the ills such a system will invariably punish its victims with. Rawls does not set out to do away with the liberalism Locke revolutionized the world with, and this leaves his theory to fall sadly short of its aim of ensuring a fair and dignified existence for all. If people are guaranteed to be helped in order to avoid the worst possible fate of destitution, what does this then do for the way in which they are alienated in their work? What does assistance mean if it acts only to lessen a suffering that it cannot, by virtue of its nature as a system, erase? Similarly, if people are guaranteed the opportunity to enter influential positions within institutions of power, what does this then do for the way in which others still possess more than enough of an advantage to eclipse them

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<sup>20</sup> Marx, p. 148

<sup>21</sup> Taylor, p. 200

finally? The evils of capitalism are great enough that even a genius like John Rawls cannot theorize an adequate escape from them.

My argument has not been about a specific way that we ought to replace capitalism, but merely about revealing its problems further in lieu of Rawls' eminent theory. As such, one does not need to interpret from my critique a desire for a Marxist-Leninist society. I recognize and appreciate the reluctance of nearly everyone to never again consider a classic form of Communism with its historically discredited features of central planning and whatnot. What could come next to replace capitalism then is a question which I must leave to be answered by others in the future. However, oppressive systems that once included tyrannical monarchs were once thought of as permanent and necessary, and yet history has proved otherwise. Thus, there is no reason to abandon hope that something greater than capitalism is still at least possible. For now, we must be aware that operating from within the capitalist model, Rawls' theory can only make the fires of hell less hot; one way or another will the worker still burn.

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