DISCUSSION

A NOTE ON RAWLS' 'DECISION-THEORETIC'
ARGUMENT FOR THE DIFFERENCE PRINCIPLE

I think it fair to claim that the central argument Rawls gives for his Difference Principle is what may be called his 'decision-theoretic' argument. It appears in germinal form in his early papers on distributive justice. Other arguments appear in *A Theory of Justice*, but they strike me as of doubtful merit, relying often on questionable empirical assumptions. That the decision-theoretic argument should be central is only to be expected, of course: a theory which assigns a primary role to a hypothetical agreement under conditions of ignorance must use such arguments.

In schematic outline the argument is as follows:

1. The correct principle of distributive justice is that which would be chosen by rational agents under certain conditions. (The conditions filled in by Rawls define his familiar 'original position': unanimity is required before a choice is operative; once chosen, principles are binding on all; agents choose from behind a 'veil of ignorance' which conceals from them their interests, talents, role in society, and so on.)

2. There are only two rules of rational choice (the expectation rule and the maximum rule) which have a *prima facie* claim to applicability in the given case.

3. Examination of the conditions of appropriateness for application of the two rules, together with one plausible empirical assumption, reveals that the second of the two rules is the correct one to apply.

4. The second rule would mandate choice of the Difference Principle, which is thus shown to be the correct principle of distributive justice.

The ideas of the two rules of choice are familiar. If $R$ is an $N$ by $M$ matrix where $R_{ij}$ represents a payoff if action $A_i$ is performed and circumstance $C_j$ eventuates (assume for simplicity the $A$'s and $C$'s independent of each other), and $S$ is a vector of probabilities of the $C$'s, the expectation for $A_i$ is the $i$-th element of the inner product of $R$ with $S$. The expectation rule counsels doing the $A$ with highest expectation; the maximin rule that with highest minimum payoff.

Step three, of course, is the crucial one. The empirical assumption Rawls
wants is represented by Figure 1, where, for simplicity, there are assumed to be only two persons involved. The axes represent payoffs to each of the two persons. Rawls believes that egalitarian societies will be inefficient and that permitting unequal distributions of goods will increase (up to a point) the quantity of goods to be distributed. In particular, he believes that the relationship between distribution and quantity will take the form represented by the solid line in Figure 1 (the 'contribution curve'). If we let the dashed line represent average payoff to $X$ and $Y$, the salient features of the assumption are: both curves are continuous, and have maxima, say at $X_m$ and $X_u$, and $|Y(X_m) - Y(X_u)|$ is greater than $|A(X_m) - A(X_u)|$.

(Prima facie, if the expectation rule is appropriate Rawls' agents will choose a principle something like 'maximize average payoff', and aim at $(X_u, Y(X_u))$; if the maximin rule is appropriate they will choose the Difference Principle, and aim at $(X_m, Y(X_m))$.)

Clearly there must be something special about the type of choice to be made in the original position to motivate opting for the maximin rule. It cannot be claimed superior to the expectation rule for all choices. As I read Rawls, among the features which have a bearing are: (i) the choice is made...