
An Original Omission? Property in Rawls's Political Thought

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John Rawls has been hailed recently as “the most distinguished political philosopher” of the twentieth century (Nussbaum 1999, 424). In large part, this accolade is based on the Harvard philosopher’s *originality* as a political thinker. Rawls’s *Theory of Justice* ([1971] 1999) single-handedly revived the tradition of “grand theory” at a time when political philosophy as a constructive, creative enterprise was widely viewed as “dead in the water.” Moreover, Rawls provided a sophisticated and novel account of *justice* that captured the imagination of an entire generation of scholars and students. Indeed, no single work has had a wider impact or greater influence on formal political thinking over the past thirty years than *A Theory of Justice*. As a result, Rawls’s leading tenets—“justice as fairness,” “the difference principle,” “fair equality of opportunity,” “equal basic liberties,” “the original position,” “the veil of ignorance”—have become permanent fixtures in the lexicon of academic political discourse. Like many of his famous predecessors in the field of political speculation, Rawls owes his notoriety as much to his critics as to his admirers. On sheer volume alone, the critical responses to *A Theory of Justice* suggest that its author had something important, provocative, and original to say. An inventory of these responses confirms this suspicion because no thinker of common metal could have generated the heated, voluminous, and sustained outpouring of debate that has surrounded Rawls’s chief work. Agree or disagree with its teaching, *A Theory of Justice* has attained the status of a political classic, an honor that rests in large part on the originality of its author’s philosophical achievement.

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Although studies of Rawls continue apace, the leading tenets of *Theory* have received serious, sustained, and comprehensive examination. I am not claiming that nothing remains to be said, for by definition a classic provides an inexhaustible supply of grist for the mill. On the whole, however, it is questionable that another critique of the “original position,” the “difference principle,” and so forth will yield much of scholarly interest or value. In fact, the better-known and more original of Rawls’s doctrines have been scrutinized ad nauseam, and further inquiry along conventional lines runs the risk of irrelevance and redundancy.

One original feature of *Theory*, however, has escaped the notice of readers for the most part—namely, that Rawls’s theory of justice “leaves open the question whether its principles are best realized by some form of property-owning democracy or by a liberal socialist regime” ([1971] 1999, xv). “Justice as fairness” theory does not entail the determination of specific economic arrangements or even take up the matter of ownership of the means of production (242).

At first glance, this omission may appear unimportant. Why should the status of property relations necessarily be part of a theory of justice? Is it not possible—indeed, reasonable—to assume that justice is compatible with either a capitalist economy or a socialist economy? This position, which Rawls takes, deserves more scrutiny than it has received. Perhaps he is perfectly justified in excluding property relations from his account of “justice as fairness,” but given the importance of property in the history of political philosophy, the exclusion cries out for an explanation. At the least, it would seem apposite to provide a rationale for leaving this important question open-ended. We may then consider whether this rationale is internally consistent with Rawls’s principles of justice. Finally, we may ask if a theory of justice that fails to deal with the vital issue of property relations qualifies as a political philosophy in the comprehensive sense.

Rawls’s Basic View of Property Relations

In the first chapter of *Theory*, Rawls asserts that the topic of his book “is . . . social justice.” He then provides a summary of that subject:

For us the primary subject of justice is the basic structure of society, or more exactly, the way in which the major social institutions distribute fundamental rights and duties and determine the division of advantages from social cooperation. By major institutions I understand the political constitution and the principal economic and social arrangements. Thus the legal protection of freedom of thought and liberty of conscience, competitive markets, private property in the means of production, and the monogamous family are examples of major social institutions. Taken together as one scheme, the major institutions define men’s rights and duties and influence their life prospects. . . . The basic structure is the

primary subject of justice because its effects are so profound and present from the start. ([1971] 1999, 6–7)

From Rawls's summary we learn that "justice" involves political *as well as* economic arrangements and that "private property in the means of production" exemplifies a major social institution. We learn also that economic arrangements are part of the "basic structure" of society and fall under the subject of justice owing to their "profound" impact on people's lives. The notion that "[t]he primary subject of the principles of justice is the basic structure of society" (47) is repeated throughout *Theory*, therefore creating the impression that the determination of economic arrangements (including property relations) constitutes a vital and necessary component of justice. This impression is strengthened by the fact that Rawls invariably links "the arrangement of major social institutions" to the basic structure, or the "primary subject of justice." "Our concern," he writes, "is solely with the basic structure of society and its major institutions and therefore with the standard cases of social justice" (50).

Such statements appear to indicate clearly that "justice as fairness" will include, at the very least, a consideration of the merits of basic economic arrangements. Insofar as the principles of justice will "regulate the choice of a political constitution *and* the main elements of the economic and social system" (7, emphasis added), we may reasonably expect Rawls to specify the relation between justice and the "main elements" (that is, the property relations) of economic arrangements. The expectation is piqued by the first formulation of Rawls's "two principles of justice." The first principle states that "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" (53). Among the basic liberties, Rawls includes "the right to hold personal property," a right he justifies on the basis of individual autonomy and integrity. The second principle pertains to economic issues more directly: "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" (53). Implicit in this principle is the toleration of economic *inequality*, the condition in which some persons possess more wealth and income than others. As long as such inequalities are mutually advantageous and do not involve exclusion from any remunerative position, they are consistent with "justice as fairness."

At this point in the argument, one may suspect that Rawls is providing a rationale for the inequalities that exist in capitalist democracies. His critics on the left often read him in this way. The reader need only turn the page, however, to discover that Rawls, though unequivocally committed to democracy, is by no means committed to capitalism. As noted earlier, he includes "the right to hold personal property" under the basic liberties but excludes "the right to own certain kinds of property (e.g., means of production) and freedom of contract as understood by the doctrine of *laissez-faire*" (54). For Rawls, such rights "are not basic; and so they are not protected by the priority of the first principle [of justice]" (54). The exclusion of property rights

beyond personal items from the list of basic liberties raises a number of important questions. If such rights are not basic to liberty, what *is* their relation to liberty, if any? Is there *any* right to property beyond personal holdings? If so, what is the basis of this right, and how may it be justified? If no such right exists, does this lack imply that justice requires public ownership of the means of production? If so, how far may the right of *personal* ownership extend before it encroaches on the right of *public* ownership? Furthermore, on what basis does the “right” of public ownership stand? Rawls does provide something like answers to these questions in the form of the “difference principle” (the second principle of justice), but for the moment let us defer consideration of this controversial aspect of his thought.

Property Relations and Economic Equality

The assertion that private ownership beyond personal property is not a basic liberty is a red flag for readers who suspect Rawls is “privileging” capitalism. Indeed, any hopes (or fears) that Rawls aims to defend private ownership *tout court* are immediately dashed by his “general conception of justice,” which states that “[a]ll social values,” including “income and wealth,” “are to be distributed equally,” but he completes the sentence with a caveat: “unless an unequal distribution . . . is to everyone’s advantage” (54). As we shall see, this qualification is a crucial (perhaps *the* crucial) element in his theory of justice. Significant in the present context, however, is that the initial presumption rests on the side of an *equal* distribution of wealth and income. Only the *inequality* thereof (however slight) requires justification, a position that places Rawls firmly in the *socialist* camp of political thinkers. This characterization is confirmed later in *Theory*, where he argues that an equal distribution of “primary goods” (including wealth and income) is not only “reasonable,” but self-evident: “Since it is not reasonable for him [the hypothetical person or an unbiased person] to expect more than an equal share in the division of social primary goods, and since it is not rational for him to agree to less, the sensible thing is to acknowledge as the first step a principle of justice requiring an equal distribution. Indeed, this principle is so obvious given the symmetry of the parties that it would occur to everyone immediately” (130).

Here Rawls is describing the reasoning process that takes place in the “original position,” a hypothetical scenario in which the parties aim to reach a consensus on the first principles of justice. To ensure that the choice of principles is not influenced by bias or morally irrelevant factors, persons in the “initial situation” have no knowledge of their social circumstances, natural endowments, or life chances. Rawls argues that it would be *rational* for the parties operating behind this “veil of ignorance” to agree to an equal distribution of everything of basic value, including material goods. Such a distribution presumably would constitute justice par excellence, for the veil of ignorance eliminates all those “factors which are so arbitrary from a moral point of view” (63) and permits the parties to choose those (egalitarian) principles most consistent with the principle of fairness. Why, then, does Rawls reject this solution to the prob-

lem of distributive justice? What could possibly justify a deviation from an unbiased, rational, and unanimous decision to divide shares equally?

As noted earlier, Rawls states that inequalities of wealth and income are defensible only when they are to everyone's advantage. This condition is the famous "difference principle" that has attracted so much attention among students of *Theory*. The difference principle is based on three basic assumptions. First, the leading principle of justice (equal basic liberties) is prior in that it is never justifiable to sacrifice basic liberties in exchange for greater economic advantages. Second, parties in the original position "normally prefer more primary social goods rather than less," and "it is rational" to do so (123). Finally, the difference principle assumes that everyone (including the least fortunate) will be better off if economic institutions are arranged on the basis of "efficiency" (57), including "a division of a labor" (244). With these assumptions in place, Rawls can abandon the economic equality that seems so "reasonable" to parties in the original position because it is presumably *more* reasonable to procure additional social goods even when those goods are divided unequally. The special conditions attached to economic inequality make the difference principle even more "attractive" to the least fortunate because inequalities are justified only when they are "to everyone's advantage" and where no formal barriers obstruct positions of monetary gain ("fair equality of opportunity"). Given these assumptions and safeguards, Rawls argues that parties in the original position would opt unanimously for the difference principle as a pillar of justice.

Whatever the merit of this argument, Rawls makes clear that the integrity of the difference principle does not depend on specific economic arrangements or property relations. He does assume, however, "that the economy is roughly a free market system, although the means of production may or may not be privately owned" (57). Although the notion that a "free market system" is equally compatible with either capitalist or socialist property relations may sound odd, it presents no real difficulty for Rawls. In fact, he takes far greater pains to defend against egalitarian attacks on the difference principle than to justify his glib neutrality with respect to the issue of private versus public ownership. After outlining the difference principle, Rawls observes that although his "liberal conception seems clearly preferable to the system of natural liberty, intuitively it still appears defective" (63–64) because "it still permits the distribution of wealth and income to be determined by the natural distribution of abilities and talents. . . . [D]istributive shares are decided by the outcome of the natural lottery; and this outcome is arbitrary from a moral perspective" (64).

The idea that injustice exists if persons of greater abilities and talents procure a greater share of wealth and income will appear peculiar to many. May we accurately or reasonably characterize this state of affairs as "arbitrary from a moral perspective," even with the difference principle in place? Strictly speaking, according to Rawls we may, for "[t]here is no more reason to permit the distribution of income and wealth to be settled by the distribution of natural assets than by historical and social fortune" (64). Unfortunately, it is impossible to secure equal chances for the acquisition of

equal goods, “at least as long as some form of the family exists.” In lieu of perfect “fair equality of opportunity,” Rawls looks to the difference principle as the “best choice” among the alternatives he considers. In this sense, the difference principle represents a “second-best” solution to the problem of justice (247), an imperfect approximation of the ideal, similar in spirit to Plato’s “second-best” state in *The Laws*. And just as Plato clung to the ideal of the *Republic*, Rawls remains attached to the justice of economic equality because “unless there is a distribution that makes both persons [i.e., the less and more fortunate] better off . . . an equal distribution is to be preferred” (65–66).

The foregoing discussion suggests that economic equality has a *moral priority* for Rawls. He never attempts to defend it, but he assumes that on the whole it is more just to distribute wealth and income equally than to permit inequalities that do not benefit the least advantaged. As we have seen, Rawls goes to notable lengths to defend inequality—one might fairly describe his efforts as an apologia. Still, for him, inequality is regrettable and unfair insofar as it results from life’s “natural lottery.” By implication, then, *nature itself* is unfair because it distributes talents and abilities unevenly, thus giving some persons an undue advantage that is totally “undeserved” (86). Even so, Rawls hopes to show how inequality can be made legitimate, much in the manner that Rousseau believed he could show the legitimacy of man’s social “chains.” Yet not even Rousseau (or for that matter any of the classical political philosophers) believed that doing so required overturning “the arbitrariness found in nature” (88).

Capitalist Versus Socialist Property Relations

For the first half of *Theory*, Rawls ignores almost completely the question of property relations. He does assume the presence of a free market or “competitive economy” (137), but he expresses no concern as to whether the ownership of the means of production is public or private. Only near the middle of *Theory* does he consider this question in a sustained manner. At the beginning of the chapter titled “Distributive Shares,” Rawls reiterates that “the choice between a private-property owning economy and socialism is left open; from the standpoint of justice alone, various basic structures would appear to satisfy its principles” (228). In itself, Rawls’s neutrality on economic systems seems consistent with his difference principle. Difficulties would arise, however, if one system can produce greater economic advantages than another for all persons. Moreover, what if inequalities in the more prosperous society are not to everyone’s benefit, but the least fortunate are still better off than in the society where the difference principle prevails? Rawls considers neither question directly, but his theory of distributive justice would seem to require an answer. Instead, he simply leaves the determination of economic arrangements to individual circumstances; it is a matter “best left to the course of events to decide” (230).

Those committed to a market or a socialist or a mixed economy will find Rawls’s lack of interest in this question alarming. If “justice as fairness” establishes equal basic

liberties once and for all, regardless of social or cultural conditions, should it not establish something more definitive about the economic institutions that have such a “profound” impact on people’s lives? Rawls repeatedly observes that economic arrangements are part of the basic structure, which is the “primary subject of justice” (82). Why then should the decision be left to “circumstances, institutions, and historical traditions” (248)? Might not the same be said with regard to *political* rights and liberties? Why, for example, are political rights noncontingent and absolute, on the one hand, but property relations contingent and relative, on the other?

Rawls appears to have a fourfold response. First, he claims *agnosticism*: “There is presumably no answer to this question” of private versus public ownership of the economy (242). Second, he pleads *ignorance*: “The theory of justice does not include these matters” (242). Third, he invokes *historicism*: the choice of economic arrangements “depends in large part upon the traditions, institutions, and social forces of each country, and its particular historical circumstances” (242). Finally, Rawls argues that a socialist economy is *consistent* with free-market principles and is potentially as productive as a capitalist system. As for the last of these points, the philosopher-cum-economist assures his readers that “there is no essential tie between the use of free markets and private ownership of the instruments of production” (239); on the contrary, he maintains, there is a basic “consistency of market arrangements with socialist institutions” (241). Moreover, inasmuch as “socialist systems normally allow for the free choice of occupation and of one’s place of work” (239), they do not violate the first principles of justice. Indeed, “it is clear that, in theory anyway, a liberal socialist regime can also answer to the two principles of justice. We have only to suppose that the means of production are publicly owned and that firms are managed by workers’ councils say, or by agents appointed by them” (248). (Just how worker-managed firms meet the requirements of equal basic liberties and the difference principle is unclear, however.) Accordingly, because a socialist regime can embody “justice as fairness” as well as a capitalist system, “[t]he theory of justice does not by itself favor either form of regime” (248). The question of private, public, or mixed ownership of land, farms, businesses, industry, and natural resources is not one of principle, but one of practice. It is a matter for “political judgment,” a question of “which variation is most likely to work out best in practice” (242).

On the surface, Rawls’s “response” to the proponents of market, socialist, or mixed economic systems appears reasonable and complete. As long as the two principles of justice are satisfied, each society should be free to work out its economic destiny in accordance with its particular circumstances. Considerations of justice will play a “necessary part” in the process, but “justice as fairness” does not provide a “sufficient” basis for selecting any particular set of economic arrangements (242). Of course, Rawls can define justice or limit its scope in any manner he chooses. Still, in taking the question of economic arrangements off the table, does he not truncate his conception of justice, which takes the “basic structure” (including economic arrangements) as the “primary subject of justice”? His answer to this objection is that eco-

conomic policy (including property relations) is a second-order question left to the determination of the “constitutional” or “legislative” stages of social formation. Here (and not at the initial stage of deliberation) is where persons “ascertain how the principles of justice apply” to economic arrangements (229). Yet by Rawls’s own account, such principles will be largely *relative* insofar as they depend on the “traditions, institutions, and social forces of each country” (242). And what if these traditions do not honor the difference principle, or if the existing institutions exhibit pervasive inequalities yet enjoy widespread support, or if existing social forces oppose Rawlsian policies of economic justice? Is a society then simply “unjust” in spite of itself? One further caveat: If in the “original position” Rawls is willing to settle the matter of distributive justice (equal shares), why should he be unwilling to do so once the “veil of ignorance” is removed? He is not necessarily required to give a *definitive* answer to the question of public, private, or mixed ownership, of course, but ignoring it altogether leaves a curious gap in his political philosophy.

That Rawls himself was not entirely satisfied with this lacuna is suggested in the preface he added to *Theory* in 1999, where he observes that in hindsight he would have “distinguish[ed] more sharply the idea of a property-owning democracy . . . from the idea of a welfare state” (xiv). The need to underscore this distinction presumably stems from the common (mis)conception that Rawls was advancing an argument for the modern welfare state. Given his call for a “social minimum,” progressive taxation, reallocation of resources, and other features commonly associated with welfarism, it is not difficult to see how readers arrived at this conclusion. Yet Rawls insists that the model he advanced in *Theory* was not the welfare state, which permits unjustifiable inequalities in exchange for a social minimum, but an “ideal property-owning system” (242), which satisfies the two principles of justice. A careful reading of sections 41–43 makes this distinction apparent if not entirely clear (hence the proposed “revision” mentioned in the preface). First, Rawls eschews the phrase “welfare economics” because of its association with utilitarianism (228–29), which he explicitly rejects as a philosophical framework for working out his theory of justice. Next, he argues that neither a capitalist nor a socialist system is, *ceteris paribus*, more consistent with the principles of justice than the other. (He does go to great lengths, however, to prove that, “theoretically at least, a socialist regime can avail itself of the advantages of this [free-market] system” [240].) Finally, he provides a sketch of an “ideal scheme” of economic arrangements for a “property-owning democracy” (242). Again, lest it be thought that he is “privileging” capitalism in selecting this model, he hastens to add that his choice of schemes springs simply from the fact that “this case is likely to be better known”: it is not, however, “intended to prejudice the choice of regimes in particular cases” (242).

Although this disclaimer would appear sufficient, Rawls seeks to distance himself further from capitalist societies and their “grave injustices.” Just because we can imagine “an ideal property-owning system that would be just does not imply that historical forms are just, or even tolerable” (242). Rawls admits that “the same is true of

socialism" (242), but he is far more concerned (here and elsewhere) with disavowing any preference for capitalism than with distancing himself from socialism. As we have seen, Rawls provides a spirited defense of socialism as a viable economic system. In his originalist defense of "equal shares," his a priori belief that political liberty is fully consistent with public ownership of the means of production, and his implicit attack on the "grave injustices" of capitalist societies, he seems to express a tacit preference for socialism, "in theory anyway."

Rawls's "Ideal" Economic Democracy

The principal difference between a welfare state and a property-owning democracy is that the latter ensures "the widespread ownership of productive assets and human capital (educated abilities and trained skills)" (xv). More specifically,

basic institutions must from the outset put in the hands of citizens generally, and not only of a few, the productive means to be fully cooperating members of a society. The emphasis falls on the steady dispersal over time of the ownership of capital and resources by the laws of inheritance and bequest, on fair equality of opportunity secured by provisions for education and training, and the like, as well as on institutions that support the fair value of the political liberties. . . . [The purpose of such arrangements is to] put all citizens in a position to manage their own affairs and to take part in social cooperation on a footing of mutual respect and under appropriately equal conditions. (xv)

Whatever else may be said of Rawls's "ideal" democracy, he is certainly correct in distinguishing it from the welfare state. In *Theory*, Rawls provides a few details regarding property rights, the regulation of business, taxation, education, and welfare. Here, too, the aims are to "prevent concentrations of power" and to "encourage the wide dispersal of property" (245). Indeed, only by "gradually and continually . . . correct[ing] the distribution of wealth" is it possible to ensure "the fair value of political liberty and fair equality of opportunity" (245). I have yet to discuss these terms, but they are central to Rawls's theory of justice and contribute substantially to its novelty. By adding *fair* to these familiar concepts, Rawls aims to give political liberty and equality of opportunity a greater substantive (as opposed to a merely formal) value. Although he is characteristically short on specifics, by *fair* he means something more than the mere absence of legal discrimination or arbitrary barriers to positions and offices. Just what this condition would mean in practice, however, is unclear.

What is clear is that Rawls believes that "fairness" is not possible in a society that fails to institute the widespread (re)distribution of wealth and income. He might well have specified (if only approximately) how wide the "dispersal" of capital and resources must be in order to qualify as *fair* or *just*. His failure to do so raises an

important question. Would considerations of efficiency limit the degree of economic decentralization, or would “fairness” considerations trump efficiency? The same might be asked with regard to taxation-cum-redistribution policies. In any event, Rawls clearly suggests that the concentration of economic power would be a perennial problem *even under ideal arrangements*. As noted earlier, policymakers would be required “gradually and *continually* to correct the distribution of wealth and to prevent concentrations of power” (245, emphasis added). The implication is that the concentration of wealth is “natural” in a capitalist economy, even when the means of production are widely dispersed. A further implication is that the widespread dispersal of the means of production would be notably inefficient. If so, would it be necessary for the Rawlsian state to subsidize inefficient or noncompetitive firms in the interest of maintaining economic pluralism and the “fairness” it serves?

Just how the economic arrangements of Rawls’s “ideal” democracy would affect the principles of efficiency, productivity, innovation, and incentive is not immediately clear, but one need not be an economist to suspect a negative result for each. More important, Rawls shows no signs of recognizing this prospect, which perhaps is not surprising in light of his faith in the efficacy of market socialism. Perhaps he simply is willing to sacrifice efficiency, productivity, and so forth in the interest of his “strongly egalitarian” (65) conception of justice. This reading would be consistent with Rawls’s belief that in choosing between economic systems, “[c]onsiderations of efficiency are but one basis of decision and often relatively minor at that” (229). Because the decision “involves some view of the human good,” it “must . . . be made on moral and political as well as on economic grounds” (229). This position is certainly reasonable and fully consistent with his view that justice has a priority over efficiency, just as liberties have a privilege above economic advantages. Nevertheless, it is reasonable to ask: To what degree should efficiency be sacrificed in the name of justice? Is there not a point at which a disregard for efficiency in the name of fairness encroaches on justice itself? Rawls does not consider this possibility, but it is curious that although minimizing the importance of efficiency when raising the question of choice of economic systems, he proceeds to defend the market system on the basis of its “efficiency” (240).

The reader concerned about the status of property rights in *Theory* may presume that in Rawls’s “property-owning democracy”—where “private ownership of capital and natural resources” is admitted (243)—individual property rights are secure. Such, however, does not appear to be the case. In discussing the “allocation branch” (one of five proposed governmental “background institutions”—the others are the “stabilization,” “transfer,” “distribution,” and “exchange” branches), Rawls notes that one of its chief functions is to effect “changes in the definition of property rights” (244). Ironically, the purpose of such changes (along with affecting “reasonably full employment,” the task of the “stabilization” branch) is “to maintain the efficiency of the market economy generally” (244). Similarly, Rawls proposes “necessary adjustments in the rights of property” in order to “preserve an approximate justice in distributive shares” (245), the task of the “distribution” branch. (The “transfer” branch is

charged with maintaining a “social minimum,” and the “exchange” branch considers measures outside the scope of justice.)

Even in Rawls's “property-owning democracy,” then, private-property rights (outside of “personal property”) clearly are *not* secure. The heavy tax rates Rawls proposes on inheritance and income apparently suffice to ensure a distribution of wealth consistent with the “fair value” of liberty and opportunity demanded by “justice” (246–47). Property itself is made subject to redistribution whenever its accumulation is perceived to violate the canons of “fairness,” but Rawls (conveniently) leaves unstated precisely how such a determination would be made. More to the point, the prospect that property rights in the means of production will be subject to continual “adjustments” strongly suggests that they are not “rights” at all—at least not in the conventional sense. Furthermore, the practical consequences of this conception of property appear disturbing at best and disastrous at worst. A government authorized to “redefine” and “readjust” property relations in the ways Rawls suggests (for example, through redistribution of privately owned capital and natural resources) is ill-suited to gain the confidence of those whose fortunes are tied to private enterprise (owners *and* workers), much less to encourage an entrepreneurial spirit. The insecurity of property rights and the shadowy nature of property relations under Rawls's scheme would more likely create a climate of uncertainty, distrust, and complacency. In lieu of clearly defined property rights and stable relations in property, individuals would have little incentive to behave in a manner consistent with the principles of efficiency, productivity, and innovation. Unless Rawls envisages a relatively stagnant economy in which productive capacities are held in check by heavy taxes and the threat of expropriation, his provisions for a “property-owning democracy” are likely to be self-defeating. Indeed, given these provisions, is he not misleading readers in calling his scheme a *property-owning* democracy? Insofar as Rawls's model aspires to a condition of economic equality through the “steady dispersal” of collective assets over time, should it not be more accurately characterized as a species of *socialism*?

A Complete Political Theory?

Having surveyed Rawls's remarks on property and economic systems, we are now in a position to consider whether the teaching in *Theory* constitutes a political philosophy in the comprehensive sense. Before doing so, however, it may be advisable to consult Rawls's other major treatise, *Political Liberalism* (1993). Because this book restricts itself to a “political conception of justice” (as opposed to the comprehensive moral doctrine articulated in *Theory*), we might expect that property relations (and economic arrangements generally) will receive more substantial and definitive treatment there. This expectation is disappointed, however. We find only a restatement of the position taken in *Theory*: that private ownership beyond “personal property” is not a “basic right” (1993, 338); that “the question of private property in the means of production or their social ownership . . . [is] not settled at the level of the first principles of justice,

but depend[s] upon the traditions and social institutions of a country and its particular problems and historical circumstances” (338); and that the determination of property relations is left to the “legislative stage” of social formation (339). Rawls’s rationale for taking this position is based on the limits of “[p]hilosophical argument” to persuade others of the “correct” view of ownership of the means of production (338, 339). (He does not consider, however, the notion that empirical considerations might be relevant to the question.) He does add that the two principles of justice provide “a possible common court of appeal for settling the question of property” (339), but (as in *Theory*) the relation between the imperative of “justice as fairness” and the reality of historical contingency remains unexplored. In fine, the question of “private-property democracy versus liberal socialism” is left “on all fours” (416).

Inasmuch as *Political Liberalism* (or the subsequent *Justice as Fairness: A Restatement* [2001]) adds nothing new to Rawls’s view of property relations, we may proceed to our final query. To rephrase the question: Does “justice as fairness” qualify as a complete political theory even though it fails to specify the nature of property relations or economic arrangements? More specifically, can Rawls’s theory qualify as comprehensive when it remains totally *agnostic* on matters widely acknowledged as central to considerations of prudence, efficiency, and justice? Given the mass of available evidence from the work of economists and economic historians, is it acceptable for a political philosophy that aspires to completeness to express *no preference whatsoever* for a particular economic system or to abjure a consideration of the *merits* of various economic systems? Is it sufficient simply to stipulate, as Rawls does in *Theory*, that “justice as fairness includes no natural right of private property in the means of production . . . nor a natural right to worker-owned and -managed firms” ([1971] 1999, xvi) and leave the matter there?

The answer to these questions hinges on two considerations. First, property relations are arguably as vital a concern to citizens and as critical to the well-being of a society as political rights and civil liberties. As Rousseau wrote in his *Discourse on Political Economy*, “the right to property is the most sacred of all the citizens’ rights, and more important in certain respects than liberty itself. . . . [P]roperty is the true foundation of civil society and the true guarantee of the citizens’ commitments” (qtd. in Cress 1987, 127). Like Rawls, Rousseau denied a “natural right” to private property and grounds its legitimacy in convention and positive title. Yet Rousseau (who was no less an egalitarian than Rawls) clearly recognized that property rights are *foundational* in a sense that Rawls apparently fails to appreciate. By this statement, I mean that the right of ownership is not something simply to be juxtaposed with liberty (as Rawls does); it lies at the very heart of liberty. This observation is hardly new; political philosophers and philosophical economists have voiced it for centuries. The belief that private ownership is central to liberty per se does not imply, however, that it is a “natural” right or justify a right to unlimited accumulation. It does create, nonetheless, a presumption that property constitutes a *species* of liberty and should not be sequestered from political rights as Rawls has done.

Reference to the history of political thought provides a second standard for assessing the status of Rawls's political philosophy. Those familiar with the canon of political classics (and with the history of political theory generally) know that questions of property relations have figured importantly (and sometimes prominently) in the works of nearly all the major political philosophers. Plato, Aristotle, Cicero, Aquinas, Machiavelli, Hobbes, Locke, Montesquieu, Hume, Rousseau, Publius, Kant, Burke, Hegel, Marx, and Mill had something significant (and often something definite) to say about property in one form or another. As Howard Williams, a Kant scholar, writes: "That the concept of property has been a central concern of political philosophy from classical times onward is not surprising in view of the fact that the way in which wealth and goods are held determines a great deal of the structure and make-up of a community. Property relations go to the root of any social system" (1983, 77).

The main point is that no major political thinker (nor a host of lesser figures) believed that the determination of basic property relations lies beyond the fundamental concerns of political speculation. To leave such a profound question—whether a society is to be capitalist or socialist—"on all fours" would have struck most of them as a fatal omission. Similarly, to say that considerations of justice alone can tell us *nothing* about the desirability of radically different economic systems would have elicited perplexity, and perhaps disdain. That Rawls does provide a characterization of society that includes a discussion of economic arrangements (his "property-owning democracy") might mitigate such responses, yet, as we have seen, his ideal makes no claim to priority or privilege over a "liberal socialist regime." If either system is privileged, it is *socialism*, for the reasons given earlier. This position creates an interesting (and largely unobserved) tension in Rawls's political thought. It also speaks to what is perhaps the greatest frustration surrounding his philosophy: his sphinxlike silence on the relation of his theory of justice to existing societies and on the matter of his political commitments. On the basis of the foregoing analysis, one is tempted to implore: "Professor Rawls, come out of your ivory closet, check your fancy philosophy at the door, and confirm that you are, indeed, a 'bourgeois socialist'" (Bayer 1990, 574)! Such a revelation would be the first step in elevating Rawls's status as the creator of a comprehensive political philosophy. It would not only comport with the principles outlined in *Theory*, but free Rawls to commit himself on the matter of property. In doing so, he then might justifiably claim his place among the titans of political thought. Short of this confession, however, John Rawls must remain in the second tier of political authors who, notwithstanding their fame and influence, articulate only a partial philosophy of politics.

Of course, we might read Rawls's "original omission" on the subject of property in other ways. It is possible to represent the exclusion of property relations as an *advance* in political speculation that, on one hand, serves to direct the focus of political philosophy toward (formal) questions of justice "transcending" specific economic arrangements and that, on the other hand, subordinates economics to the require-

ments of justice, thus providing a rational-cum-moral basis for assessing a whole range of economic arrangements. Although justice *tout court* cannot settle the matter of property relations, we might argue that it can “set out in a schematic way the outlines of a just economic system that admits of several variations” (Rawls [1971] 1999, 242).

Whether Rawls’s (admittedly “limited”) construction of justice constitutes an advance over the tradition of political philosophy (or merely a valid alternative) must be left ultimately to each observer. Yet even if we grant the legitimacy of Rawls’s “omission,” there remains the matter of his “ideal” scheme, which entails widespread distribution of (nonpersonal) property, progressive rates of taxation, marked restrictions of the right of bequest, ongoing “adjustments” in property rights, and the redistribution of income, capital, and natural resources. As suggested earlier, this scheme—along with other facets of his theory of justice—suggests that his putative neutrality on economic systems actually veils a discernable preference for principles, policies, and outcomes closely associated with the socialist tradition. He even defends his adoption of free-market principles (in part) on the basis of its consistency with *public* ownership of the means of production. In fine, Rawls’s *capitalist* model of democracy looks suspiciously like a species of *socialism* insofar as it truncates property rights, widely redistributes wealth and income, and aims to place the means of production in the hands of “the people.” If his “property-owning democracy” represents capitalism under “justice as fairness,” one can only conclude that his “liberal socialist regime” would impose further restrictions on property rights and intensify redistributivist policies. In light of these considerations, we may conclude that perhaps Rawls has not omitted the question of property after all and that “justice as fairness” naturally leads to a society of a distinctively socialist caste, “theoretically at least.”

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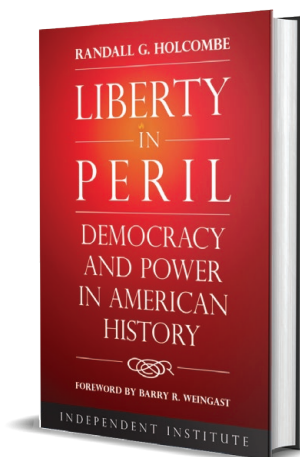
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