

A MODIFIED RAWLSIAN THEORY OF SOCIAL JUSTICE: “JUSTICE AS FAIR RIGHTS”

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Introduction

This essay presents my modified Rawlsian theory of justice that I call Justice as Fair Rights because it attempts to combine and synthesize Rawls's theory of Justice as Fairness with the 20th and 21st Century international human rights perspective as formulated in the United Nation's 1948 seminal document "Universal Declaration of Human Rights" and subsequent international covenants, as well as philosophical and legal works that further develop and defend this perspective. It traces the evolution of Justice as Fair Rights, including Rawls's reaction to it which was to approve of and officially adopt three of the four major modifications of his theory that I argued for in my 1990 work *Marxism, Morality, and Social Justice*. I then propound its latest more greatly elaborated, five principle version along with comments concerning its application, both nationally and internationally (or globally). I argue that one major advantage of my Justice as Fair Rights theory over Rawls's theory is that it combines his famous "two principles of justice" (which is actually better interpreted as three principles) with other important parts of his overall theory that are often ignored; namely, his theory of natural duties and his distinction between the special conception of justice as fairness and the general conception of justice as fairness. I contend that it is the failure to take these parts of Rawls's theory into consideration that often lead to important misinterpretations of his theory, and, further, that only by combining all of these components of Rawls's theory, as my theory does, can an overall adequate theory of social justice be attained.

As to the first point, Rawls's theory of natural duties is incorporated into my theory of Justice as Fair Rights in that his natural duty to not harm others (that is, the duty to not unjustifiably cause other people significant harm) becomes the security rights component of the Basic Rights Principle in my theory, while his natural duty of mutual aid (that is, the duty to aid those in dire necessity if we can do so without great risk of substantial harm to ourselves, regardless of whether we are members of the same nation or society) becomes the subsistence rights components of the Basic Rights Principle. It is further argued that since these moral considerations are the most important ones, the Basic Rights Principle must be taken as the first and foremost principle of any adequate theory of social justice. (And Rawls's makes clear in his later works that he agrees with this assessment.)

As to the second point, Rawls's distinction between the special conception of justice (which applies to well-developed societies and which institutes the strict priority of the Maximum Equal Basic Liberties Principle over both the Fair Equality of Opportunity Principle and the Difference Principle) and the general conceptions of

social justice (which applies to less developed societies and which allows for trade-offs between Rawls's three principles for purposes of raising people out of extreme poverty and allowing a society to development to a level at which the special conception kicks in) is incorporated into Justice as Fair Rights in that it specifies that the Basic Rights Principle takes place over all other principles of social justice and thus obviates the necessity of the distinction between a special and general conception of social justice. In these ways, my theory of Justice as Fair Rights is more comprehensive than Rawls's theory (as a set of principles of social justice) and, I would argue, more clear and more clearly applicable to real world (as well as hypothetical) societies and social, economic, and political institutions, policies, and practices.

In addition, my theory of Justice as Fair Rights contains important distinctions that are not to be found in Rawls's theory; or at least not in his principles of social justice per se. For example, my theory distinguishes between civil liberties, civil rights, family rights, and political rights.

John Rawl's "Two Principles" of Social Justice (1971)

In his monumental 1971 work *A Theory of Justice* John Rawls put forward his famous "two principles" of social justice (which are actually better interpreted as three principles, taking 2a and 2b as separate principles):

First Principle:

Each person is to have an equal right to the most extensive total system of equal basic liberties compatible with a similar system of liberty for all.

Second Principle:

Social and economic inequalities are to be arranged so that they are both:

- a. to the greatest benefit of the least advantaged, consistent with the just savings principle; and
- b. attached to offices and positions open to all under conditions of fair equality of opportunity.¹

These principles have come to be called: (1) the Maximum Equal Basic Liberties Principle, (2a) the Difference Principle, and (2b) the Fair Equality of Opportunity Principle. Somewhat confusingly, they are ranked by Rawls in the lexical (inviolable) order of: (1), (2b), (2a). That is, the Fair Equality of Opportunity Principle is ranked as more important than the Difference Principle (which prescribes the allowable differences in the material goods of income, wealth, and leisure time in particular societies.

In my 1990 work *Marxism, Morality, and Social Justice* I proposed four modifications of John Rawls's principles of justice:

1. There must be a minimum floor of well-being below which persons are not allowed to fall, and this principle must take precedence over any other principle of social justice.
2. There must be at least approximate equality in the *worth of liberty* as well as strict equality of liberty per se.
3. The Difference Principle must take the social bases of self-respect – as well as material wealth – as a good to be maximized for the least advantaged.
4. Democracy must not be limited to the political realms but must be implemented in the social and economic realms as well, most especially in the workplace.²

¹ John Rawls, *A Theory of Justice*, Belknap Press or Harvard University Press, Cambridge, MA, 1971

² R.G. Peffer, *Marxism, Morality, and Social Justice*, Princeton University Press, 1990, p. 404.

Peffer’s First Version of “Justice as Fair Rights”: The Original Four Principle Version (1990)

On the basis of these four suggested modifications, I offered a reconstructed version of Rawls’s “two principles of justice” rendered in four principles (in order of lexical priority), as follows:

- (1) Everyone's basic security and subsistence rights are to be met: that is, everyone's physical integrity is to be respected and everyone is to be guaranteed a minimum level of material well-being including basic needs, i.e., those needs that must be met in order to remain a normally functioning human being.
- (2) There is to be a maximum system of equal basic liberties, including freedom of speech and assembly, liberty of conscience and freedom of thought, freedom of the person along with the right to hold (personal) property, and freedom from arbitrary arrest and seizure as defined by the concept of the rule of law.
- (3) There is to be (a) equal opportunity to attain social positions and offices, and (b) an equal right to participate in all social decision-making processes within institutions of which one is a part.
- (4) Social and economic inequalities are justified if and only if they benefit the least advantaged, consistent with the just savings principle, but are not to exceed levels that will seriously undermine equal worth of liberty or the good of self-respect.³

John Rawls’s Response to Peffer’s Suggested Modifications (1993; 2001)

In his next major work after my book was published – *Political Liberalism* (1993) – Rawls clearly accepted my proposed modifications (except for my Social and Economic Democracy Principle, which he rejected) when he wrote “the first principle covering the equal basic rights and liberties may easily be preceded by a lexically prior principle requiring that citizens’ basic needs be met,”⁴ which he follows with a footnote concerning my work:

For the statement of such a [Basic Rights] principle, as well as an instructive fuller statement in four parts of the two principles, with important revisions, see Rodney Peffer’s *Marxism, Morality, and Social Justice*....⁵

Moreover, in his 2001 work, *Justice as Fairness*, Rawls reiterates this point when, speaking of his principle of Maximum Equal Basic Liberties, he writes:

This principle may be preceded by a lexically prior principle that basic needs be met, as least insofar as their being met is a necessary condition for citizens to understand and to be able fruitfully to exercise the basic rights and liberties. For a statement of such a principle with further discussion see R.G. Peffer, *Marxism, Morality, and Social Justice*, Princeton University Press, 1990.⁶

³ Ibid., p. 14.

⁴ John Rawls, *Political Liberalism*, Columbia University Press, 1993, p. 7

⁵ Ibid. p. 7, fn. 7.

⁶ John Rawls, *Justice as Fairness: A Restatement*, Harvard University Press, 2001, p.44.

Peffer’s Second Version of “Justice as Fair Rights”: The Five Fundamental Principles (1995)

However, after considering some of Rawls’s later works – particularly, *Political Liberalism* – and his rejection of my Social and Economic Democracy Principle, I came to the conclusion that I should slightly modify my principles of social justice. Most significantly, although I did not reject social and economic democracy I came to agree with Rawls that political democracy is the most significant kind of democracy in modern societies and deserves to be placed above both the Fair Equality of Liberty Principle and the Difference Principle. Therefore, in 1995 I put forward what I believed to be a more adequate Rawlsian theory of social justice. This version was composed of the following five principles, listed in order of lexical priority (or if not lexical priority, at least in an extraordinarily strong order of priority):

- (1) Everyone’s basic security and subsistence rights are to be met; that is, everyone’s physical integrity is to be respected and everyone is to be guaranteed a minimum level of material well-being including basic needs, i.e., those needs that must be met in order to remain a normally functioning human being and citizen.
- (2) There is to be a fully adequate scheme of equal basic liberties, including:
 - (a) freedom of speech and assembly, liberty of conscience and freedom of thought, freedom of movement and free choice of occupation, freedom of the person along with the right to hold (personal) property, and freedom from arbitrary arrest and seizure as defined by the concepts of due process and the rule of law, and
 - (b) the political liberties such as the right to vote and to run for (and hold) political office.
And these political liberties – including the rights to free political speech and assembly – are to be guaranteed their (approximate) equal worth.
- (3) There is to be fair equality of opportunity in the competition for social positions and offices.
- (4) Social and economic inequalities are justified if and only if they benefit the least advantaged, consistent with the just savings principle, but are not to exceed levels that will (a) undermine (approximately) equal worth of the liberties required by due process and/or (b) the good of self-respect.
- (5) There is to be an equal right to participate in decision-making processes within social and economic institutions of which one is a member.⁷

These principles can be called: (1) the Basic Rights Principle, (2) the Maximum Equal Basic Liberties Principle, (3) the Fair Equality of Opportunity Principle, (4) the Modified Difference Principle, and (5) the Social and Economic Democracy Principle.

Peffer’s Fourth Version of “Justice as Fair Rights”: The Six Fundamental Principles Elaborated (2017)

⁷ Rodney G. Peffer, "Towards a More Adequate Rawlsian Theory of Social Justice," *Pacific Philosophical Quarterly*, Special Issue on John Rawls' *Political Liberalism*, 75, nos. 3 & 4 (Sept.-Dec. 1994), pp. 264-265.

The third version of my theory was presented in 2008 at the World Congress of Philosophy, and was composed of five principles. However, now – as of 2015 – I have developed a fourth version of Justice as Fair Rights which expands the theory from five to six principles by separating the Political Liberties (and Democracy) component of the second (Maximum Equal Basic Liberties Principle) principle and making it into its own (modified) third principle; namely the Fair Political Representation Principle. In addition, I have added to the previous Maximum Equal Basic Liberties Principle a Civil Rights component since I think that, at least the way these terms are used in the United States, the Civil Liberties component of that principle does not completely cover the Civil Rights that people have (and which should be instantiated in any just society); that is, the sort of rights to non-discrimination that Martin Luther King and the American Civil Rights movement and similar movements advocated and still advocate.

Just as I said about the third version of the theory, this current (fourth) version of my theory – offered below – expands the principles of my second version but is much more detailed since it attempts to clear up some vagaries of the previous versions and to answer all of the plausible criticisms that I have thought of, and that others have brought to my attention, in the intervening years. It could be objected that by making the principles so much more detailed I have opened the theory up to many new objections. Perhaps this is true. But my answer to this is threefold. First, for those who think that there is some decisive advantage to having such principles pitched at a more general level, I refer them to my 1995 Five Fundamental Principles.

Second, I have not made the principles so specific that they answer such extremely controversial issues as the moral legitimacy of capital punishment (even under “ideal” circumstances of fair trials and no discrimination against racial, ethnic, religious, or sexual groups in its application) or even the moral justifiability of school voucher programs (which many people oppose on grounds of their empirical belief that such programs would destroy or at least severely degrade public school systems and their normative view that, all things considered, this would be bad, not good). There is nothing in the Security Rights part of the Basic Rights Principle that decides the capital punishment question one way or the other; and there is nothing in the Maximum Equal Basic Liberties Principle or the Fair Equality of Opportunity Principle (or any other principle) that decides the school voucher issue. Both of these issues – and many others – either involve moral principles of a different sort than covered by a theory of social justice or involve very controversial empirical claims (or both). And it is not the purpose of a theory of *social* justice to answer every moral question at every level of social organization at every level of analysis or to take a position on every controversial empirical issue.

Third, the issues I confront in this much more detailed version of Justice as Fair Rights are bound to occur to any reasonably intelligent, reasonably well-informed person interested in interrogating and/or applying this theory (or any other theory of social justice). One reason I know this is that they regularly occur to my political philosophy students when we examine Rawls’s theory and my version of it. So why not take these issues head on? Clarity and precision are virtues in philosophy (and any other kind of useful thinking); not vices ... although, of course, we must always keep in mind Aristotle’s maxim that one can get only so much precision in a field of study as it will permit. (Thus, the need for *phronesis* or practical wisdom in the application of such principles.)

However, this theory is not a complete moral theory for making decisions at the social level in that it does not (yet) tackle the issues of minority rights, the treatment of non-human life, or the moral status of the natural environment (at least in any amount of detail) in their relation to a purely human oriented set of principles. (I am presently working to develop these relevant additions to this theory.) But it is my intent that this theory, applied to modern large-scale mass societies (whether modernized or not in terms of dominant values and social mores), be adequate for decisions concerning human social justice with regard to the primary social goods of liberties; opportunities; the material goods of income, wealth, and leisure time; and the good of a healthful environment (in terms of an environment’s impact on people’s health). Under favorable conditions, as Rawls often put it, there is no reason to suppose that

there will be any major incompatibilities between these principles but to the extent that there are such incompatibilities – especially under less than favorable conditions – these principles are listed in lexical order of priority ... or if not lexical order then an extraordinarily strong order of priority that only truly extraordinary conditions could negate. Moreover, let us agree with Rawls that only the first two principles – the Basic Rights Principle and the Maximum Equal Basic Liberties Principle – and the first part of the third principle (i.e. the non-discrimination or “formal equality” part of the Fair Equality of Opportunity Principle) are constitutional essentials that must be in any nation’s or society’s (written or unwritten) constitution in order for that nation or society to even be classified as minimally just. Even though the remaining principles are not absolute constitutional essentials they are principles that a society must meet in order to be just in a more robust sense and, thus, ones we should strive to implement and concerning which we cannot be morally satisfied with anything less. In any event, the Elaborated Version of the Five Fundamental Principles of “Justice as Fair Rights” are, in order of extraordinarily strong priority:

JUSTICE AS FAIR RIGHTS

(1) BASIC RIGHTS PRINCIPLE

Everyone’s Security and Subsistence Rights are to be respected and protected.

- (a) Security Rights: everyone’s physical integrity is to be respected, and is to be protected by the state and/or society instituting standard measures against standard threats – such as murder, torture (both physical and psychological, including unjustly being confined in small spaces), rape, and brutal assault – and, most especially, by states and societal groups themselves not engaging in (extra-judicial) murder, torture, mass rape campaigns, etc., and
- (b) Subsistence Rights: everyone is to be guaranteed the standard range of resources needed for becoming and remaining a normally functioning human being and citizen, including standard – at least basic – health care (and assistance) and basic education (at least functional literacy in any society that requires this for effective participation or citizenship) as well as adequate nutrition, potable water, adequate clothing, minimally decent shelter, and a livable environment; and every able adult is expected – or at least strongly encouraged – to exert their effort towards meeting these goals.

However, if a particular society at a particular point in time cannot provide these resources to its residents then the international community – especially wealthy nations and/or societies – must provide such resources by means of emergency and developmental aid (delivered directly and/or through international organizations and/or NGOs) until the society being aided can provide them, except in such highly unusual cases as:

- (i) doing so will strengthen a regime which is intentionally involved in widespread basic rights violations and, thus, significantly lengthen its time in power, and not sending aid can be expected to result in the coming to power (in a reasonable amount of time) of a regime that will not engage in such basic rights violations; or
- (ii) doing so will substantially increase the probability of large-scale external or internal aggression – i.e. military or terrorist actions – by an “outlaw” state or political movement whose citizens or territorial residents are being aided, and this “outlaw” state or political movement stands a good chance of losing power or influence without such aid being given, with the result that the probability of such large-scale external or internal aggression will not substantially increase (and may well substantially decrease).

Moreover, restructurings of international law and institutions, foreign and domestic political policies, and economic arrangements (at both the national/societal and international levels) that

are necessary (and jointly sufficient) to meet people's basic rights are morally justified, although there is also a strong normative presumption against military intervention by one state or society (that has not been attacked) into another except under a properly formulated and very limited principle of armed humanitarian intervention which allows such interventions only in cases where this is necessary (and sufficient) to stop wide scale violations of people's basic (security and/or subsistence) rights in the society and which – in almost all cases – is to be applied by an authoritative international organization).

And the earth's resources (and social and economic infrastructures) must be preserved such that future generations can also meet their basic needs

(2) MAXIMUM EQUAL BASIC LIBERTIES PRINCIPLE

There is to be a fully adequate scheme of Equal Basic Liberties (for mentally competent adults), including:

- (a) Civil Liberties such as freedom of speech and assembly, liberty of conscience and freedom of thought, freedom of religion and worship, freedom of movement and free choice of occupation, freedom from arbitrary arrest and seizure as defined by the concepts of due process and the rule of law, including the right to a fair trial in criminal and civil legal cases; and freedom of the person along with the right to hold personal property (including one's own home) as well as small-scale productive property (such as small owner-operated or family-operated businesses) with the question of public versus private ownership of different types of large-scale infrastructural and productive property being settled by applying all the principles of justice to the social facts of particular societies;
- (b) Family Rights such as the right to raise one's children and conduct family business – however families may be structured in particular societies and cultures, including traditional and non-traditional forms of families – as its adult members see fit, so long as this is within the limits of (legitimate) systems of criminal, civil, and family law which include laws against child neglect, child abuse (physical, psychological, or sexual), overly cruel punishments of children, domestic and spousal abuse, elder abuse, etc., as well as such government regulations as mandatory basic education (as needed to become a functioning citizen and/or member of society) which, however, may be accomplished by home schooling or in private schools as well as in public school systems; and
- (c) Civil Rights such as the right to not be harmed or harassed on the basis of one's race, ethnicity, national origin, sex, gender, sexual orientation, or religion, and the right not to be discriminated against on these bases in the public and semi-public realms (that is, within institutions, establishments, and economic realms that serve the general public and/or which directly benefit from state funding), but this prohibition of discrimination does not extend to purely private associations or organizations (such as churches and private clubs) that do not receive state funds and serve only their own members.

(3) FAIR POLITICAL REPRESENTATION PRINCIPLE

There is to be a system ensuring the fair political representation of all citizens or, if this is not possible under the historical conditions of particular societies, there is to be a system ensuring the fair representation of the political interests and concerns of all citizens to the greatest degree possible under the actual historical circumstances of particular societies.

- (a) For Societies That Have Fulfilled the Preconditions for Complete Political Democracy and are characterized by social, economic, and cultural conditions that make political democracy possible, this principle requires Political Liberties such as the rights to campaign, vote, and run for (and hold) political office; and these political liberties – including the rights to free political speech and assembly

– are to be guaranteed their (approximate) equal worth by such means as fair campaign finance laws, fair access to mass media for political parties and movements, and – if necessary – limitations on large differentials in income and wealth that may make even approximate equal worth of political liberties impossible within societies.

- (b) For Societies That Have Not Fulfilled the Preconditions for Complete Political Democracy – that is, societies that are not characterized by social, economic, and cultural conditions that make full-fledged political democracy possible – this principle requires that partial political democracy be instantiated wherever possible and that, in any case, there exist effective consultation mechanisms that can (effectively) convey the will (political views and desires) of the people (and of various factions of the people) to the state and government, and that the state/government give these political views and desires adequate and fair consideration. And such societies must strive to fulfill the social, economic, and cultural conditions that make partial or full-fledged political democracy possible, and must implement institutions and practices of political democracy as rapidly as possible to the greatest extent possible (without compromising or undermining the fulfillment of even more basic principles of social justice).

(4) FAIR EQUALITY OF OPPORTUNITY PRINCIPLE

There is to be Fair Equality of Opportunity in the competition for social positions and offices (including jobs and careers), meaning that persons of approximately equal natural talents and abilities relevant to specific kinds of educational opportunities, jobs, careers, positions, and offices (in the public and quasi-public realms) must have approximately equal chances of acquiring those educational opportunities, positions, offices, jobs, and careers they wish to pursue. But this principle does not apply to purely private associations and organizations (such as churches and private clubs) that do not receive any government support and are only open to their private members.

In modern large-scale, mass societies this requires:

- (a) no overt discrimination against anyone based on such factors as race, ethnicity, religion, sex, gender, and sexual orientation – including no job or career discrimination against women due to potential or actual pregnancy and maternity leaves of absence;
- (b) universal access to (approximately) equal high-quality education made available to all children from a very early (pre-school) age through secondary (high) school, as well as equal access to high quality college and university education for all who academically qualify (regardless of their income or wealth or that of their families), and equal access to technical and job training and retraining for adults (with the assumption that such measures will prevent significant statistical discrimination against members of such groups that are not based on bona fide requirements for the positions); and
- (c) that, to the extent feasible, those making decisions concerning filling such social positions (outside of, for example, small family-owned and run enterprises and also private associations such as churches and private clubs) not be influenced by any (direct or indirect) personal connections they may have with applicants for such positions and, if this is not possible, that such decision-makers must be recused from making such decisions in such cases.

(5) MODIFIED DIFFERENCE PRINCIPLE (concerning Economic/Material Inequalities)

In large-scale, mass societies some degree of inequality in the (related) material goods of income, wealth, and leisure time are inevitable and – insofar as they provide incentives for people to more efficiently pursue educational, productive, and creative activities – may be desirable. However,

such **economic inequalities are justified if and only if they maximally benefit the least materially advantaged (poorest) persons** (as measured by income, wealth, and leisure time as well as by the healthfulness of their environments), consistent with the Just Savings Principle (assessed in both economic and ecological terms), but are not to exceed levels that will undermine:

- (a) the (approximate) equal worth of liberties required by due process in civil and criminal law and/or
- (b) the good of persons' self-respect (if this is impacted by substantial differentials in material goods).

And this principle:

- (a') applies directly to non-able persons in that, by direct provision of goods and services and/or cash payments (as well as general expenditures to provide health care and to maintain a healthful environment), the state and/or society (through charitable organizations) must provide such persons the material standard of living set by the principle, but
- (b') applies only indirectly to able adults (i.e. adults who are able-bodied, able-minded, and below retirement age) in that, by means of creating and maintaining appropriate background institutions, policies, and programs – including policies and programs to provide health care and maintain a healthful environment – the state and/or society must guarantee (only) that such adults have (genuine) opportunities to secure this material standard of living (for themselves and their dependents) by their own efforts. However, if such (genuine) opportunities do not exist then the state and/or society must directly aid those able individuals who lack such opportunities (as well as their dependents) to achieve the material standard of living set by the principle.

However, this principle is not meant to reward less financially responsible people over more financially responsible people, or spenders over savers, or – for example – gamblers over those who do not gamble. Therefore, background institutions, policies, and programs are to take such factors into account by, for example, not compensating people for their gambling losses (as some current tax systems do by allowing gambling losses to count as income tax deductions).

Moreover, this principle applies only to people's gross (i.e. pre-tax) incomes; it does not apply to people's net (i.e. post-tax) incomes or directly to people's savings. However, in addition to income taxes, legitimate taxes may include such taxes as value added (or sales) taxes as well as taxes on real estate, earned interest, stock dividends, capital gains, inheritances, large gifts, and gambling winnings (including lottery winnings). But assuming that just background institutions, policies, and programs – including just tax policies – are in place, people are entitled to keep the total amount of their post-tax incomes (and accumulated wealth) that they can legally garner, and to use it as they see fit (within the limits of the law and legitimate government regulations and policies).

And this principle is to be applied lexically to one major economically distinguishable group after another such that if it is not possible to make any more headway in maximally benefiting a less materially advantaged segment of the population (by altering background institutions, policies, and programs, consistent with the higher principles of justice) then the principle is to be applied to the next major economically distinguishable (poorest) group and so on.

And this principle is to be applied, at least gradually, between societies that have significant economic interconnections, with the long-term goal being approximate equal per capita use of natural resources by such societies – or at least approximately equal effective access to such resources – although the average amount of effort put forward by the residents of a particular society is a relevant consideration in the inter-societal or international application of this principle, as is the prudence and reasonableness of a society's economic, fiscal, and environmental policies and decisions, and whether or not economic transfers that may be

required strengthen and/or prolong a regime that systematically engages in violations of basic rights and/or (unjustified) violations of basic liberties, either internally or externally.

And the application of this principle is to be consistent with the Just Savings Principle such that each generation leaves to following generations a natural environment that is indefinitely sustainable (both in the sense of sustaining itself in a generally healthy state and of sustaining human life at a minimally decent level of consumption), as well as a productive capacity (economic infrastructure and human capital) that is capable of supporting following generations at the same level of consumption set by the Difference Principle for the current generation. As a motivational device we can think of this requirement as demanding that we leave the next few generations (“our” children and grandchildren) a natural environment and productive capacity that is as good as the natural environment and productive capacity that the previous few generations (our parents and grandparents) left us.

(6) SOCIAL AND ECONOMIC DEMOCRACY PRINCIPLE

For adults, there is to be an Equal Right to Participate in Decision-making Processes within large-scale public and quasi-public social and economic institutions of which one is a member; especially within work places (firms), educational institutions, and local communities; however:

- (a) this principle does not apply directly to private clubs or associations (e.g. churches), small owner- operated or family-operated businesses, or families;
- (b) not everyone is guaranteed equal power and authority in the specified large-scale public and quasi- public institutions since, at least in some cases, administrative hierarchies may be necessary; and
- (c) this principle does not automatically entail that all large-scale productive property must be socially owned or that employees of large-scale economic enterprises must have (individually) equal and (jointly) determinate control over all decisions concerning such enterprises to the exclusion of all other stake-holders. Decisions on such issues (including property relations) involve all principles of social justice being applied to the relevant social facts of particular societies at particular points in time.

I propose that these principles must be applied to all relevant basic social, economic, and political institutions, laws, policies, and programs. Moreover, these principles can then be made more specific in their application at the constitutional, legislative, and judicial stages of Rawls’s decision-making structure, as the need arises.