Acta Scientiarum
http://periodicos.uem.br/ojs/acta
ISSN on-line: 1807-8656
Doi: 10.4025/actascihumansoc .v41i1.45292

John Rawls' 'justice as fairness' and the demandingness problem

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ABSTRACT. John Rawls (1921-2002) was a liberal philosopher whose theory was, in the mid-twentieth century, the default mainstream political philosophy. His main theoretical construct is called *justice as fairness*. This study departs from the perception that there is an unexplored internal ethical tension within Rawls' justice as fairness. We argue that Rawls' deontological compass jeopardizes his reconciliation of liberalism and egalitarianism. Our objective is, accordingly, to elucidate the demandingness problem related to deontological ethics and how this affects Rawls' ideal endeavors. This so-called demandingness problem was originally conceived in reference to consequentialist ethics. Accordingly, the alleged tension within Rawls' system will be briefly contrasted with the controversy regarding John Stuart Mill's (1806-1873) system of political economy usually noticed by the literature, in which the demandingness beams from the necessarily consequentialist nature of utilitarianism. Our conclusion is that, whereas utilitarianism is necessarily consequentialist, and, therefore, demanding, Rawls' system does not integrate inevitably demanding rules of behavior. It is Rawls' deontological background that promotes the tension between liberalism and egalitarianism in his reasoning.

Keywords: deontological ethics; utilitarianism; John Stuart Mill; liberalism; egalitarianism.

A 'justiça como equidade' de Rawls e o problema da exigência

RESUMO. John Rawls (1921-2002) foi um filósofo liberal cuja teoria tornou-se, em meados do século XX, o pensamento padrão dominante na filosofia política. Sua principal elaboração teórica chama-se *justiça como equidade*. Esse estudo parte da percepção que existe uma tensão ética inexplorada interna à justiça como equidade de Rawls. Argumentamos que a bússola deontológica de Rawls prejudica a harmonia entre liberalismo e igualitarismo em seu pensamento. Destarte, nosso objetivo é elucidar o problema da exigência relacionado à ética deontológica e como isso afeta os esforços ideias de Rawls. O chamado problema da exigência foi originalmente concebido em referência à ética consequencialista. Dessa forma, a suposta tensão no sistema de Rawls será brevemente contrastada à controvérsia usualmente identificada pela literatura no sistema de economia política de John Stuart Mill (1806-1873), no qual a exigência irradia da natureza necessariamente consequencialista do utilitarismo. A conclusão desse artigo é que, ao passo que o utilitarismo é necessariamente consequencialista, e, portanto, exigente, o sistema de Rawls não integra regras de comportamento inevitavelmente exigentes. É a perspectiva deontológica de Rawls que promove a tensão entre liberalismo e igualitarismo em sua obra.

Palavras-chave: ética deontológica; utilitarismo; John Stuart Mill; liberalismo; igualitarismo.

Received on November 9, 2018.
Accepted on March 18, 2019.

Introduction

John Rawls was a liberal American political philosopher whose theory was, for a considerable part of the twentieth century, dominant in political philosophy. His most celebrated theoretical construct, 'justice as fairness', conceives a society in which free individuals holding equal basic rights cooperate to achieve an egalitarian economic system. It addresses what might be called 'basic social justice', which concerns the fair resolution of conflicts and the reconciliation of diverse worldviews allowed by free institutions (Mandle, 2009; Oenen, 2012; Wenar, 2012).

Rawls' *magnum opus* is the book *A Theory of Justice* (henceforth TJ), published in 1971. The oeuvre is usually credited with the rescue of political philosophy from its positivism-inflicted lethargic condition. TJ

charged the project of justifying moral principles with philosophical respectability (Mandle, 2009). For this reason, "[...] it would be hard to overstate the importance of *A Theory of Justice* to political and ethical philosophy" (Mandle, 2009, p. 3).

Given its significance to political philosophy, Rawls' *justice as fairness* has been the target of many inquiries throughout the years. Some books, such as Daniels' (1989), Lovett's (2011), and Mandle's (2009)[1], are aimed solely at the discussion of Rawls' social contract and its practical repercussions. Our intention here is to add a new topic to the overall discussion.

Among the existing appraisals of Rawls' thought, a great deal of criticism towards his conceptions may be identified. Brennan (2007), Choptiany (1973), and Pollock (1971) are some examples. The most famous debate regarding Rawls' theory, however, is the one Robert Nozick inaugurated. Sandel (2007) qualifies both Rawls and Nozick as anti-utilitarianism philosophers within the classical liberalism tradition. Nozick (1974), nonetheless, regards Rawls' liberalism as incomplete. For him, roughly speaking, Rawls' search for equality deviates his political philosophy from an actual advocacy of freedom. Nozick believed people must be responsible for the choices they make and defended that not every individual capability is arbitrary from a moral point of view. Therefore, Nozick (1974) goes against the very central assumptions Rawls makes in his book.

Our objective here is to perform an exercise somewhat similar to Nozick's (1974). Like Nozick, we believe Rawls' defense of equality jeopardizes the inalienability of liberty in his thought. Unlike Nozick, however, we will not necessarily disagree with Rawls' assumptions. *Au contraire*, we will take them for granted and try to point up to an 'internal' tension within Rawls' framework. More specifically, we believe there may exist a tension between Rawls' 'principle of greatest equal liberty' and his championed interpretation for the difference principle, the so-called 'democratic equality'.

Despite this proposed exercise, however, "Rawls is the foremost representative of modern egalitarian liberalism" (Brennan, 2007, p. 289) and this paper by no means aims at diminishing Rawls' role in the history of philosophy or at criticizing him just for the sake of his exegesis. Despite our claims about the openendedness and tensions within Rawls' system, he actually succeeded in conveying his message. We simply want to highlight something we identify as a potential theoretical tension.

Our claim is not grounded on the belief that liberalism and egalitarianism are necessarily incompatible. They are not. A given framework may actually allow for their coexistence. In fact, we must keep in mind that liberty and equality answered for two thirds of the French revolution motto. Bobbio (1995), for instance, defining left- and right-wings in politics, establishes egalitarianism and liberalism as cornerstones of the moderate left-wing[2]. Despite this acknowledgment, we hold that this tension arises in Rawls' 'justice as fairness' because of his deontological compass and the ensuing 'demandingness problem', to be elaborated below.

Accordingly, this paper is organized as follows. Section 2 will present the Donner-Driver demandingness problem, originally stated in relation to consequentialism and Mill's utilitarianism. Section 3, the center of the paper, will present Rawls' theory and advance in the tension we believe to exist between his first principle and the championed interpretation for his second principle. Section 4 is going to scrutinize Rawls' egalitarian-liberalism from the perspective of the demandingness problem, pointing out the ethical grounds on which the alleged tension occurs. Section 5, finally, will present the concluding remarks of this study.

The Donner-Driver demandingness problem and John Stuart Mill

Mill was a moral philosopher who chose to work with political economy (Mattos, 1998). The controversy regarding the tension within his system is a consolidated debate both within the literature on the history of economic thought and within the literature on the history of philosophy. This debate concerns whether Mill was primarily a liberal or a utilitarian (Berlin, 2002; Gray, 1983; Kurer, 1999; Ten, 1968). According to Gray (1983) and Mattos (1998), the usual criticism on Mill's intellectual project lies exactly on the notion that gathering utilitarianism and liberalism may not be coherently feasible from ethical grounds. Mill provides the rationale behind this controversy mainly on the works *On Liberty* (Mill, 1859-1977) and *Utilitarianism* (Mill, 1861-1985).

[1] The latter two books indicate that 40 years from the publication of TJ were not enough to obliterate the interest in Rawls' social philosophy.

[2] There are those who think otherwise. Barry (1986) defended that egalitarian vindications are destructive to free systems from the liberal standpoint. Mack and Gaus (2004), on the other hand, derived from the normative individualism of the liberal tradition the inexistence of a coherent explanation for the imposition of losses on some people on behalf of social goals.

Within these, the identification of Mill's ethical compass as utilitarian is straightforward on his introduction to *On Liberty*: "I regard utility as the ultimate appeal on ethical questions; but it must be utility in the largest sense, grounded on the permanent interests of man as a progressive being" (Mill, 1859-1977, p. 224). In the same essay, however, Mill also provides inputs that allow one to believe he had liberty as the ultimate priority. Mill (1859-1977, p. 229), for example, states that if all mankind minus one "[...] were of one opinion, and only one person were of the contrary opinion, mankind would be no more justified in silencing that one person, than he, if he had the power, would be justified in silencing mankind".

These statements suffice to indicate that there is enough material to discuss Mill's position and we do not intend to delve into this debate. It is not our purpose here to defend Mill primarily as a utilitarian or as a liberal. What matters is that the literature, given the room left for controversy, actually identifies a tension within Mill's system. This is represented by the aforementioned papers that discuss whether or not Mill's utilitarianism or liberalism had a lexical precedence over the other in his oeuvre.

Based on Donner (2011) and Driver (2014), we identify this tension arising from the necessarily teleological/consequentialist character of utilitarianism and the ensuing demandingness of its ethical agenda. Mill himself recognizes this issue, determining that there are those who "[...] sometimes find fault with its [utilitarianism's] standard as being too high for humanity" (Mill, 1861-1985, p. 219). It is true that the nature of Mill's utilitarian propositions was different from those of Jeremy Bentham and James Mill, his father. As Ten (1968, p. 33) defends, even though *On Liberty* clearly has a utilitarian inclination, "[...] there is still a world of difference between Mill's utilitarianism and Bentham's". Nevertheless, we see it as the root of the demandingness problem in Mill's political economy.

Accordingly, the expression 'demandingness problem' was coined by Julia Driver (2014) to summarize Wendy Donner's argument regarding utilitarianism. For Donner (2011, p. 147), the "[...] air of fanaticism or at least of overzealousness to the supposed requirement always to maximize the good [...]" renders utilitarianism unreliably demanding. This is an argument John Stuart Mill himself used against Jeremy Bentham and Auguste Comte.

Donner (2011), in fact, adds that Mill solved this problem for utilitarianism through the separation, in *A System of Logic* (Mill, 1843-1974a, 1843-1974b), between the sphere of Morality and the sphere of Virtue/Aesthetics. Again, it is not our purpose here to judge this proposition. We simply believe that a watertight ethical doctrine such as utilitarianism 'may' indeed demand severe degrees of, in Donner's (2011, p. 147) words, "[...] moral sainthood [...]" from its supporters. Within this notion, it is implied that the need to 'always' maximize utility as a binding condition on personal behavior prevents the operation of divergent motivations. We understand the historical discussions about Mill's ultimate moral compass as a byproduct of this potential demandingness.

Furthermore, if the demandingness problem is applicable to consequentialist disquisitions such as Mill's, it is our contention that other ethical doctrines such as deontological ethics may also incur in the enforceability of moral sainthood. The brief presentation of the controversy regarding Mill's position aimed specifically at providing enough inputs to allow the extension of the Donner-Driver demandingness problem to Rawls' framework. We recognize that the nature of Mill's liberalism is actually different from Rawls'. Nevertheless, we believe this is not enough to prevent the promotion of the idea that the sacrifices imposed on human action by deontological constructs may also be too demanding to accommodate alternative competing rules of behavior.

It is therefore important to remark that this essay does 'not' necessarily equate the demandingness of Rawls' system with the Millian one regarded by the literature. The systems are not commensurable. We are simply stating that Rawls' approach, given its deontological flavor, may present itself as demanding as consequentialist ethics. Again, we root the rationale behind the controversy regarding Mill's dichotomy in the demandingness of utilitarianism, but this does not mean that we subscribe to the conflicting positions within the literature. Therefrom, we extend this rationale to analyze Rawls' allegedly paradoxical positions.

Rawls' principle of greatest equal liberty versus democratic equality

The reader will find more thorough analyses of Rawls' system in Hart (1989), Laden (2003), Lovett (2011), Mandle (2009), Sandel (2007), and Wenar (2012). The core of this section will regard specific elements of Rawls' thought. More specifically, in addition to an overall presentation of his framework, we will focus on

the aspects of his thought that are relevant to the establishment of the demandingness problem. The basic reference work is *A Theory of Justice*, which Rawls published in 1971.

Rawls conceives *justice as fairness* at variance with the utilitarian views of human nature (Lyons, 1972). In this theory, two are the guiding principles. These principles would be chosen by rational individuals in a setting Rawls called the 'original position', in which a 'veil of ignorance' prevails. In this 'ideal' social contract setting, people do not know what their natural assets and abilities are, and the social circumstances in which they are to live. There is no awareness about each person's particularities. People are, for example, familiar with the concept of intelligence, but they do not know which individuals are more endowed with it; they know the place of pecuniary forces, but they do not know which individuals are the wealthiest. Rawls proposes this exercise so that particular cases, which are arbitrary from a moral point of view, do not affect people's judgments in the original position. Allegedly, this would force people to evaluate generic principles solely based on general moral standards. Accordingly, people's rationality procedure is conformed to an abstract rational plan of life, in which individuals simply would rather have more primary social goods than less. These primary social goods are, roughly, rights, liberties, opportunities, and income and wealth (Rawls, 1971-1999). In economic terms, we could say the information regarding a person's indifference curve with the combinations of social goods that maximizes his/her utility is not available, but that his/her preferences are known to be monotonic.

That said, the principles Rawls defines as the ones people would choose in this original position are the 'principle of greatest equal liberty' and the 'difference principle'. In their most complete versions, Rawls establishes them as follows.

The first principle, the principle of greatest equal liberty, defines that "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" (Rawls, 1971-1999, p. 266). Rawls' basic liberties are: (I) political liberty; (II) freedom of speech and assembly; (III) liberty of conscience and freedom of thought; (IV) freedom of the person from psychological oppression and physical assault; and (V) right to hold personal property and freedom from arbitrary arrest and seizure (Rawls, 1971-1999).

The second principle, the difference principle, on the other hand, defines that "Social and economic inequalities are to be arranged so that they are both: (a) to the greatest benefit of the least advantaged [...]; and (b) attached to offices and positions open to all under conditions of fair equality of opportunity" (Rawls, 1971-1999, p. 266).

Just like Nozick (1974), one might question whether these principles would actually be the ones people agree on. We, on the other hand, assume they are true. Our inquiry is placed after the definition of the principles, that is, in the association of two further characteristics involving them.

First, a priority rule establishes a lexical primacy of the first principle over the second (Rawls, 1971-1999). Accordingly, a basic liberty "[...] can be limited only for the sake of liberty itself, that is, only to insure that the same liberty or a different basic liberty is properly protected and to adjust the one system of liberties in the best way" (Rawls, 1971-1999, p. 179). Basic liberties 'cannot', therefore, be jeopardized on behalf of economic and social gains (Rawls, 1971-1999). "[...] the rights secured by justice are not subject to political bargaining or to the calculus of social interests" (Rawls, 1971-1999, p. 4). The only two cases in which the restriction of liberty is justified are: "[...] (a) a less extensive liberty must strengthen the total system of liberties shared by all; and (b) a less than equal liberty must be acceptable to those with the lesser liberty" (Rawls, 1971-1999, p. 266).

Second, the ambiguity of the difference principle generates four possible interpretations, which Rawls classifies in the following terms: (a) system of natural liberty; (b) natural aristocracy; (c) liberal equality; and (d) democratic equality. The four interpretations assume the first principle and its primacy as given. Therefore, the understanding of the principle of the greatest equal liberty does not change throughout Rawls' proposed approaches to the difference principle. Rawls (1971-1999) defines the 'democratic equality' interpretation as the more appropriate one. Our next exercise is, then, to evaluate the compatibility between the primacy of the principle of greatest equal liberty and the democratic equality interpretation.

Democratic equality poses that "[...] the higher expectations of those better situated are just if and only if they work as part of a scheme, which improves the expectations of the least advantaged members of society" (Rawls, 1971-1999, p. 65). Accordingly, the prospects of the more advantaged individuals are not to be improved unless the prospects of the less fortunate ones are improved as well. Inequality in expectations is

only permissible in the case that the worse off individual finds his/her situation even worse in the event of more equal expectations (Rawls, 1971-1999).

In this interpretation, Rawls (1971-1999) argues, unlike the other three, pure procedural justice may be invoked, at least to some extent. Even though justice is consistent with efficiency, the former has priority over the latter. In the case of an unfair arrangement, changes are necessary to make the system more just, even to the expense of efficiency.

A pretensely equal society, therefore, in order to provide genuine equality of opportunity, must give extra care and attention to those whose natural endowments are scarcer and social positions are less favorable. The redressing of this inegalitarian bias is what truly represents treating people equally. There is no attempt to even out 'all' the social and natural handicaps, because this would be impossible. Social and natural handicaps are neither just nor unjust, but simply arbitrary natural facts. What is asked from society is that it deals with these facts. Justice lies in the effort towards the improvement of the long-term expectations of the least favored through coordinated and egalitarian actions (Rawls, 1971-1999).

Now, the question this essay poses is: 'is Rawls' egalitarian goal, noble and appealing as it is, compatible with his liberalism?' We believe it is *not* and that a tension between these two stances prevails.

The first step to answer this question is the characterization of Rawls' system as deontological. We agree with Sandel (1998) and Wight (2015) inasmuch as they put Rawls' 'justice as fairness' as developed upon Kantian deontological bases. More specifically, in the sense defined by Wight (2015), the sort of Kantian reasoning found in TJ is characterized as *duty-based* deontology. The distinguishing features of this sort of ethical compass are: (a) the notion that actions are charged as right or moral for their own features and not for assuring good foreseeable outcomes; and (b) the demandingness to do the right action regardless of its results (White, 2009a; Wight, 2015).

That said, we must recall that Rawls believes 'liberty can only be limited for the sake of liberty'. This is Rawls' primal right and primal social duty. It is our contention that, if these liberties cannot be restricted for any other reason, they also cannot be limited for the sake of a higher degree of social equality. In fact, Rawls himself, in a clear denial of the utilitarian doctrine, imposes that rights are not subject to social calculus (Rawls, 1971-1999). We believe Rawls' deontological inclination also does not allow the abdication of liberty on behalf of social interests.

It is true that, in a more egalitarian society, more liberties are granted to the less favored, whose social condition curtails 'potential' liberties. The restriction of liberties on those in a better condition has, however, an 'effective' repercussion (Bobbio, 1995). The imposition on the better off individuals that their actions can only, for example, favor them economically if they also favor the worse off persons is, we believe, a sharp denial of Rawls' basic liberty (V), the right to hold personal property.

Rawls (1971-1999) recognized that an argument of this sort might be used to question his theory. He answers this claim with a refusal that those better off 'deserve' their higher condition and, therefore, should not be restricted by egalitarian purposes. That *is not* what we defend here. Our claim is that 'within Rawls' deontological framework', and given the primacy of his principle of greatest equal liberty, the better off individuals 'should be allowed' to practice their basic liberties regardless of their social impacts. It is at this point that the 'primacy of the first principle' is decisive and generates, in our view, a tension in Rawls' system. Rawls (1971-1999, p. 89) denies that well-endowed individuals should be allowed "[...] to obtain even further benefits in ways that do not contribute to the advantages of others". Our position is, on the other hand, that this is something that should be granted by the inner primacy of his first principle.

It is also important to remark, nonetheless, that the right to hold personal property excludes the right to hold the property of means of production, for which Rawls has been often attacked. Tomasi (2012), for instance, highlights this and other shortcomings of Rawls' basic liberties, such as the absence of a specific freedom regarding economic contracts. Concerning this specific acknowledgment about productive property, Rawls (1993) is straightforward, stating that the liberty to hold the means of production escapes the principles of justice and depends upon the historically-defined, social institutions and traditions of a country. As such, this discussion does not concern Rawls' principles of justice. Given that, in order to look for an internal tension, we take his principles for granted, we believe this point in case – albeit worth highlighting – does not affect our argument.

Furthermore, let us reconsider the two cases in which Rawls recognizes liberties might be restricted. First, liberties can be restricted if this movement strengthens the system of liberties shared by all. We used

Bobbio's (1995) arguments to define that equality duties imposes 'effective' restrictions upon the better off individuals. The less favored people count with 'potential' liberties that might not develop into 'actual' liberties. Therefore, we pragmatically argue, the system of basic liberties would be weakened by the restriction on the practice of basic liberty (V).

Second, liberties can be restricted if unequal liberties are acceptable to those with lesser freedom. This is a more intricate subject than the previous one. The strongest example of the difficulty here is the imposition of higher taxes on wealthier people as a means to improve the liberties/social conditions of the less favored persons. Nevertheless, our criticism is again shaped to fit Rawls' system, which we believe accommodates the reasoning that follows.

We have already defined Rawls' basic liberties, which must be invariably respected and which cannot be disallowed. These liberties are deontological rights of each individual. The counterpart of these rights is that every person has the 'duty' of respecting the inalienable liberties of the third party.

Here, we must resume the assumption that individuals are 'rational' in the original position. The prohibition of actions that do not contribute to the advantage of others, especially the least advantaged, but that contribute uniquely to one's own advantage, is a direct insult to part of Rawls' fifth liberty, that is, the 'right to hold personal property'. Since liberty is deontologically granted as 'the' inalienable right, it would be everyone's duty to respect the liberties of others. In this setting, we claim, people would not agree on the restriction of any basic liberty on behalf of social equality.

As a result, the tension in Rawls' 'justice as fairness', as we identify it, is generated by Rawls' attempt to merge liberty and equality from a deontological perspective. The demandingness of deontological positions imposes upon Rawls' framework too much tightness.

The demandingness problem: Rawls' deontological position

It is our claim, then, that internal tensions might be pointed up in Rawls' system just as the literature points up in Mill's. We identify the roots of the tension in Rawls' system as Donner (2011) identified for Mill's: demandingness problems arise in purely deontological systems just as they do in consequentialist frameworks[3].

In Mill's case, whether one classifies Mill as a liberal or a utilitarian, there is an undeniable utilitarian flavor in his considerations. Utilitarianism is a version of consequentialism. Consequentialism, in its turn, is usually held to be the teleological approach to moral decisions in which the right action is simply the one that produces the highest net pleasure, that is, the most good (Driver, 2014; MacIntyre, 1981; Wight, 2015). This imposes on this ethical doctrine a high degree of demandingness, which the literature often uses to stain Mill's utilitarianism as well (Driver, 2014; Guidi, 2009; Hausman & McPherson, 2006).

Therefore, consequentialist ethics *stipulates* that the individual, if he is to take the 'morally right' action, must guide his actions by the generation of pleasure or enjoyment instead of pain or distaste to society as a whole. This gives every consequentialist action a distinctive excellence and condemns any other kind of non-consequentialist effort. As such, demandingness is an 'intrinsic' characteristic of utilitarianism, given its consequentialist nature. In Mill's framework, for example, taking utility to its last consequences, the aforementioned contrary opinion of the one vis-à-vis the opinion of the rest of mankind, not only 'could', but 'would' demand this opinion to be suppressed, if this were to maximize the overall utility.

The case of Rawls' system is quite different. Whereas a system that integrates utilitarianism with any alternative competing rule of behavior naturally incurs in a tension because of the demanding nature of utilitarianism, the tension in Rawls' system is a byproduct of the deontological style given to the addition of egalitarianism to liberalism. The latter two philosophical tenets are not necessarily incompatible, because they do not serve any specific ethical agenda, as utilitarianism does. The deontological way in which Rawls attempted to integrate these two ideas, however, creates a tension that might render liberalism and egalitarianism irreconcilable.

The reason for this is that deontology, given its watertight condition, is nearly as much demanding as consequentialism (White, 2009a, 2009b). Deontology advances "[...] the notion that some actions can be determined to be right or moral because the act has the proper characteristics and not because the

[3] Gaus (1981) compares Mill's and Rawls' frameworks. The author claims that the normative prescriptions of liberty in both authors have a common origin, that is, the developmental and progressive nature of the human being.

act produces the best foreseeable outcomes" (Wight, 2015, p. 38)[4]. It might get to the point of 'prohibiting' an act that could improve the overall good outcomes if the act presents an intrinsic moral defect (White, 2009a).

The question in Rawls' 'justice as fairness' is exactly the demand to respect individual freedom. It is true that Rawls defines some situations in which liberty can be neglected on behalf of equality, but we believe that his effort is not enough to reconcile his system. The argument for this has already been presented and regards the binding characters of his assumptions.

Rawls' lexical definition of liberty as 'the' inalienable right entrusts his framework with this deontological charge (Dworkin, 1989; Wight, 2015). Accordingly, the issue surrounding the tension in Rawls' system is not a characteristic of liberalism and egalitarianism. It is, rather, a distinguishing feature of the ethical program Rawls chose to use as the involucre of his 'justice as fairness'. Therefore, it is the deontological character of 'justice as fairness' that renders the tension between Rawls' liberal and egalitarian propositions.

Accordingly, the moral pitfalls involved both in consequentialist and in deontological decision-making have the same root, but may yield opposite results. It is interesting to illustrate this aknowledgment through the simpler version of Judith Thomson's (1976, 1985) Trolley Problem. This problem, simply put, establishes that a train will kill five people tied to its track, unless it is led into a spur leading off to the right, where only one person is tied to the track. A random person has the opportunity to spur the train off to the right and actively 'kill' the one person tied to the right-track, or let the train run its course and passively 'let those five people die'. How should he/she make this decision? From a purely consequentialist perspective, 'five lives are worthier than one', and one may find himself/herself bound to killing the one rather than letting the five die; this would yield a result of four net lives saved. From a deontological standpoint, on the other hand, one may believe that killing is unavoidably immoral, while letting five people die in a passive manner is not. This would make him/her compelled 'not to kill', and, ergo, not to interfere, letting the five people die; the final result would amount to four net deaths. Despite this net result, from a deontological perspective, this scenario would preserve the morality of the agent and no intrinsically immoral act would be undertaken.

Concluding remarks

The debate regarding the tension in Mill's system is very much encrusted in the literature on both the history of economics and the history of philosophy. We argued that the rationale behind the identification of this tension in the literature is fruit of his utilitarian compass, which is, by nature, consequentialist/teleological.

The debate regarding the tension within Rawls' system is, on the other hand, something we did not find in the literature. As defined in this essay, we believe this tension to be a product of the deontological ethics encompassing his integration of liberalism and egalitarianism. There is no *a priori* impediment to the reconciliation between liberalism and egalitarianism, which could be approached in several forms. Our conclusion is, however, that in Rawls' 'justice as fairness', the deontological approach employed prevents this from happening. The demandingness of Rawls' deontological claims, accordingly, renders his system too narrow to comprehend liberalism and egalitarianism in a mutually consistent form.

It is important to remark that this does not mean any deontological system is open-ended. Kant's philosophical system, for example, is a case of deontological framework whose internal consistency allows for a complete and closed philosophical project (Rohlf, 2016; White, 2009b; Wight, 2015).

Furthermore, this essay tried to point up to a tension in Rawls' deontological assessments. This tension, we defended, finds analogous ethical roots in utilitarian approaches, whose demandingness lies in the necessarily consequentialist bases they are built upon. We do not intend to remove Rawls from his honorary place in the histories of both philosophy and economics and we are not ambitious enough to think we are either able to do so or in a position to convince the scientific community that our conclusion is right. Rather, if we manage to bring the internal deontological gears of Rawls' 'justice as fairness' to the fore, we will feel this paper achieved its purpose.

[4] Mandle (2009) advances a negative definition of deontology, in which deontology is simply what is not teleology. In this case, deontological ethics would be much less demanding. However, we believe this definition does not make justice to the deontological efforts in which individuals such as Immanuel Kant and John Rawls endeavored. For this reason, we adopt Wight's positive definition.

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