ground; (d) that the difference principle is a principle of justice and not an appeal to the self-interest of any particular group; and of course, finally, (e) that relevant social positions must be specified correctly (and not, for example, by rigid designators). If we apply the principle as a single principle by itself, ignoring these points, we get nonsense.

§20. Legitimate Expectations, Entitlement, and Desert

20.1. Recall from §14 that in justice as fairness distribution takes place in accordance with legitimate claims and earned entitlements. These expectations and entitlements are specified by the public rules of the scheme of social cooperation. Suppose, for example, that these rules include provisions for agreements about wages and salaries, or for workers' compensation based on an index of the firm's market performance, as in a share economy.[40] Then those who make and honor these agreements have, by definition, a legitimate expectation of receiving the agreed amounts at the agreed times. They are entitled to these amounts. What individuals do depends on what the rules and agreements say they would be entitled to; what individuals are entitled to depends on what they do (*Theory,* §14: 74, 76).

Once more I stress that there is no criterion of a legitimate expectation, or of an entitlement, apart from the public rules that specify the scheme of cooperation. Legitimate expectations and entitlements are always (in justice as fairness) based on these rules. Here we assume, of course, that these rules are compatible with the two principles of justice. Given that these principles are satisfied by the basic structure, and given that all legitimate expectations and entitlements are honored, the resulting distribution is just, whatever it is. Apart from existing institutions, there is no prior and independent idea of what we may legitimately expect, or of what we are entitled to, that the basic structure is designed to fulfill. All these claims arise within the background system of fair social cooperation; they are based on its public rules and on what individuals and associations do in the light of those rules.

20.2. Now this statement is easily misunderstood. Within our comprehensive view we have a concept of moral desert specified independently of the rules of existing institutions. To say justice as fairness rejects such a

40. See Martin Weitzman, *The Share Economy* (Cambridge, Mass.: Harvard University Press, 1984).

concept is incorrect. It recognizes at least three ideas that in ordinary life are viewed as ideas of moral desert.

First, the idea of moral desert in the strict sense, that is, the moral worth of a person's character as a whole (and of a person's several virtues) as given by a comprehensive moral doctrine; as well as the moral worth of particular actions;

Second, the idea of legitimate expectations (and its companion idea of entitlements), which is the other side of the principle of fairness (*Theory,* §48); and

Third, the idea of deservingness as specified by a scheme of public rules designed to achieve certain purposes.

The concept of moral desert is not questioned. Rather, the thought is that a conception of moral desert as moral worth of character and actions cannot be incorporated into a political conception of justice in view of the fact of reasonable pluralism. Having conflicting conceptions of the good, citizens cannot agree on a comprehensive doctrine to specify an idea of moral desert for political purposes. In any case, moral worth would be utterly impracticable as a criterion when applied to questions of distributive justice. We might say: Only God could make those judgments. In public life we need to avoid the idea of moral desert and to find a replacement that belongs to a reasonable political conception.

20.3. The idea of a legitimate expectation is suggested as precisely such a replacement: it belongs to a political conception of justice and is framed to apply to that domain. While the political conception as a whole does apply to the family as an institution belonging to the basic structure (§50), its several principles are not intended to apply directly to the relations between members of the family, or to personal relationships between individuals, nor again to relations between members of small groups, or associations.[41] For example, the political conception of justice does not require parents to treat their children according to the difference principle, any more than friends are required so to treat one another. Each of these cases presumably requires its own distinctive criteria. How far the idea of legitimate expectations holds must be considered separately in each case.

Finally, the idea of deservingness as specified by a scheme of public rules is illustrated at *Theory,* §48: 276, by games, as when we say that the losing

41. This is not to deny that in general the principles of justice restrict the form these arrangements can take (cf. §4.2 and §50).

team deserved to win. Here it is not denied that to the winners go the victory and the honors; what is meant is that the losers exhibited to a higher degree the qualities and skills the game is designed to encourage, the display of which makes the game enjoyable both to play and to watch. Yet chance and luck, or other mishaps, denied the losers what they deserved. This usage also fits the case where, after a particularly well played game, we say that both teams deserved to win; and while better a victory than a tie, it is too bad either had to lose.

20.4. Justice as fairness uses only the second and third ideas of desert. The second we have already covered in discussing legitimate expectations and entitlements. The third is mentioned only at *Theory,* §48: 276, but it is generally implied, as it holds for public rules effectively designed to achieve social purposes. Schemes of cooperation satisfying the difference principle are such rules; they serve to encourage individuals to educate their endowments and to use them for the general good.

Thus when individuals, moved by the public rules of social arrangements, try conscientiously to act accordingly, they may become deserving. But, as in games, there are competitors, and even when the competition is fair, one's success is not assured. Although well-designed arrangements may help to avoid large discrepancies between deservingness and success, this is not always possible. The relevant point here is that there are many ways to specify deservingness depending on the public rules in question together with the ends and purposes they are meant to serve. Yet none of those ways specifies an idea of moral desert, properly understood.

§21. On Viewing Native Endowments as a Common Asset

21.1. In *Theory,* §17, it is said that we do not deserve (in the sense of moral desert) our place in the distribution of native endowments. This statement is meant as a moral truism.[42] Who would deny it? Do people really think that they (morally) deserved to be born more gifted than others?

42. This remark is not made from within justice as fairness, since this conception contains no idea of moral desert in the sense meant. On the other hand, the remark is not made from within any particular comprehensive philosophical or moral doctrine. Rather, I assume that all reasonable such doctrines would endorse this remark and hold that moral desert always involves some conscientious effort of will, or something intentionally or willingly done, none of which can apply to our place in the distribution of native endowments, or to our social class of origin.

Do they think that they (morally) deserved to be born a man rather than a woman, or vice versa? Do they think that they deserved to be born into a wealthier rather than into a poorer family? No.

The second and third ideas of desert do not depend on whether we morally deserve our place in the distribution of native endowments. A basic structure satisfying the difference principle rewards people, not for their place in that distribution, but for training and educating their endowments, and for putting them to work so as to contribute to others' good as well as their own. When people act in this way they are deserving, as the idea of legitimate expectations requires. The idea of entitlement presupposes, as do ideas of (moral) desert, a deliberate effort of will, or acts intentionally done. As such they provide the basis of legitimate expectations.

21.2. In *Theory* it is said (§17: 101, 1st ed.) that the difference principle represents an agreement to regard the distribution of native endowments as a common asset and to share in the benefits of this distribution whatever it turns out to be. It is not said that this distribution is a common asset: to say that would presuppose a (normative) principle of ownership that is not available in the fundamental ideas from which we begin the exposition. Certainly the difference principle is not to be derived from such a principle as an independent premise.

The text of *Theory* mentioned above is commenting on what is involved in the parties' agreeing to the difference principle: namely, by agreeing to that principle, it is as if they agree to regard the distribution of endowments as a common asset. What this regarding consists in is expressed by the difference principle itself. The remark about the distribution of endowments as a common asset elucidates its meaning.

21.3. Note that what is regarded as a common asset is the distribution of native endowments and not our native endowments per se. It is not as if society owned individuals' endowments taken separately, looking at individuals one by one. To the contrary, the question of the ownership of our endowments does not arise; and should it arise, it is persons themselves who own their endowments: the psychological and physical integrity of persons is already guaranteed by the basic rights and liberties that fall under the first principle of justice (§13.1).

What is to be regarded as a common asset, then, is the distribution of native endowments, that is, the differences among persons. These differences consist not only in the variation of talents of the same kind (variation in

strength and imagination, and so on) but in the variety of talents of different kinds. This variety can be regarded as a common asset because it makes possible numerous complementarities between talents when organized in appropriate ways to take advantage of these differences. Consider how these talents are organized and coordinated in games and in performances of musical compositions. For example, consider a group of musicians every one of whom could have trained himself to play equally well as the others any instrument in the orchestra, but who each have by a kind of tacit agreement set out to perfect their skills on the one they have chosen so as to realize the powers of all in their joint performances (*Theory,* §79: 459n4). Variations of talent of the same kind (as in degrees of strength and endurance) also allow for mutually beneficial complementarities, as economists have long known and formulated in the principle of comparative advantage.

21.4. We use the phrase "common asset" to express a certain attitude, or point of view, toward the natural fact of the distribution of endowments. Consider the question: Is it possible for persons as free and equal not to view it a misfortune (though not an injustice) that some are by nature better endowed than others? Is there any political principle mutually acceptable to citizens as free and equal to guide society in its use of the distribution of native endowments? Is it possible for the more and the less advantaged to be reconciled to a common principle? Should there be no such principle, the structure of social worlds and the general facts of nature would be to this extent hostile to the very idea of democratic equality.

To resolve the question, we try to show in Part III that the original position is a point of view from which the representatives of citizens as free and equal would agree to the difference principle, and so to the use of the distribution of endowments as, so to speak, a common asset. If we can show this, then that principle offers a way of seeing nature and the social world as no longer hostile to democratic equality; and in formulating such a principle justice as fairness does the work of political philosophy as reconciliation.

Here it is crucial that the difference principle includes an idea of reciprocity: the better endowed (who have a more fortunate place in the distribution of native endowments they do not morally deserve) are encouraged to acquire still further benefits—they are already benefited by their fortunate place in that distribution—on condition that they train their native endowments and use them in ways that contribute to the good of the less endowed (whose less fortunate place in the distribution they also do not

morally deserve). Reciprocity is a moral idea situated between impartiality, which is altruistic, on the one side and mutual advantage on the other.[43]

§22. Summary Comments on Distributive Justice and Desert

22.1. Looking back on our discussion, I add a few summary comments. Justice as fairness does not reject the concept of moral desert as given by a fully or partially comprehensive religious, philosophical, or moral doctrine. Rather, in view of the fact of reasonable pluralism, it holds that no such doctrine can serve as a political conception of distributive justice. Moreover, it would not be workable, or practicable, for the purposes of political life.

The problem, then, is to find a replacement—a conception that does the kind of work needed for a political view that we might naturally, though incorrectly, suppose could only be done by a concept of moral desert belonging to a comprehensive view. To this end justice as fairness introduces a conception of legitimate expectations and its companion conception of entitlements.

22.2. For this replacement to be satisfactory, it must not only be workable, and answer the needs of a political conception of justice, but also:

(a) It should authorize the social and economic inequalities necessary, or else highly effective, in running an industrial economy in a modern state. Such inequalities (as already noted) cover the costs of training and education, act as incentives, and the like.

(b) It should express a principle of reciprocity, since society is viewed as a fair system of cooperation from one generation to the next between free and equal citizens, and since the political conception is to apply to the basic structure which regulates background justice.

(c) It should appropriately handle the most serious inequalities from the point of view of political justice: inequalities in citizens' prospects as given by their reasonable expectations over a complete life. These inequalities are those likely to arise between different income levels in society as these are affected by the social position into which individuals are born and spend the early years of life up to the age of reason, as well as by their place in the distribution of native endowments. We are concerned with the long-lasting

43. See *Political Liberalism,* pp. 16–17.

effects of these contingencies, together with the consequences of accident and luck throughout life.

In addition to these desiderata, there are two others that deserve notice:

(d) Principles specifying fair distribution must, so far as possible, be stated in terms that allow us publicly to verify whether they are satisfied.[44]

(e) We should look for principles that are reasonably simple and whose basis can be explained in ways citizens may be assumed to understand in the light of ideas available in the public political culture.

22.3. The question, then, is whether the difference principle (working in tandem with the prior principles of the basic liberties and fair opportunity, and understood in the light of the ideas of entitlement and legitimate expectation) meets these desiderata as well as if not better than other available political principles. Justice as fairness holds that it may do so, and that it is worth considering, once we recognize that the role of commonsense precepts of justice, and of inequalities in distributive shares in modern societies, is not to reward moral desert as distinguished from deservingness. Their role is rather to attract people to positions where they are most needed from a social point of view, to cover the costs of acquiring skills and educating abilities, to encourage them to accept the burdens of particular responsibilities, and to do all this in ways consistent with free choice of occupation and fair equality of opportunity (*Theory*, §47). Of course, we are only beginning to explore this question (we will say more later) and can never provide a conclusive answer.

In considering the merits of the difference principle, keep in mind what we have already said: when justice as fairness says we do not morally deserve either our initial place in society or our place in the distribution of native endowments, it views this as a truism. It does not say that we never deserve in an appropriate way the social position or the offices we may hold in later life, or the realized skills and educated abilities we may have after we have reached the age of reason. In a well-ordered society we usually do deserve these things, when desert is understood as entitlement earned under fair conditions. Justice as fairness holds that the idea of desert as entitlement is fully adequate for a political conception of justice; and this is a moral idea (though not the idea of moral desert defined by a comprehensive doctrine) because the political conception to which it belongs is itself a moral conception.

44. This feature has been emphasized in connection with primary goods in §17.

The substantive question, then, is whether we need, or should want, more than this in a political conception. Doesn't it suffice to cooperate on fair terms that all of us as free and equal can publicly endorse before one another? Wouldn't this be reasonably close to the practicable, political best? Certainly some will insist that they do morally deserve certain things in ways a political conception does not account for. This people may do from within their comprehensive doctrines, and indeed, if the doctrine is sound, they may be correct in doing so. Justice as fairness does not deny this. Why should it? It only says that since these conflicting doctrines say that we morally deserve different things in different ways for different reasons, they cannot all be correct; and in any case, none of them is politically feasible. To find a public basis of justification, we must look for a workable political conception of justice.

22.4. Recall that we started in §12.1 by asking: what are the principles most appropriate to specify the fair terms of social cooperation between citizens regarded as free and equal? We are concerned with principles that take seriously the idea of citizens as free and equal, and so with principles suited to shape political and social institutions so that they may effectively realize this idea. But, of course, this raises the question of whether there may not be a number of principles that take the idea seriously. What could these alternatives be? How can we select among them? The answer that justice as fairness proposes is that the most appropriate principles taking this idea seriously are those that would be selected by citizens themselves when fairly represented as free and equal. To carry out this suggestion leads to the original position as a device of representation (§6). The argument from that position is presented in Part III.

The background worry present in asking these questions is that we may not know of any principles that take seriously the idea of citizens as free and equal; or that if we do, we know of several conflicting ones. They impose very different requirements and there is endless dispute about them influenced by which favors us most. Or it may be that we know of at least one family of principles that takes the idea seriously but we are not willing to act from it, for whatever variety of reasons. Should any of these things be the case, the question arises whether our speaking of citizens as free and equal is seriously meant. Is it simply talk? Does it serve other than an ideological purpose, understanding this term in Marx's sense? Plainly the integrity of constitutional democratic thought depends on the answers to these questions.