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JUSTICE BETWEEN GENERATIONS

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Where traditional contract theories in ethics have used an initial agreement between individuals to answer questions about justice, John Rawls takes the parties making the agreement to be families or heads of families rather than individuals. Rawls turns to this construction to overcome problems with finding a just saving principle which holds between generations.¹ But the upshot of the construction is that serious problems arise with Rawls' account of justice within the family.

In this paper I first examine the saving problem that led Rawls to switch from viewing the parties as individuals to viewing them as family lines. The nature of these 'families' requires some clarification, but the various interpretations are found to lead to a choice of moral principles that conflict sharply with our considered judgments. Next I list several premises that underlie Rawls' reasoning that self-interested individuals in the original position would choose not to save. I argue that they do not lead to that conclusion. Finally I suggest a general simplification in Rawls' approach. If we abandon the 'present time of entry interpretation', then his own difference principle in its lexical form leads to saving between generations without construing the parties as families and so without leading to injustices within the family.

I

John Rawls' fundamental insight is that just principles are the ones self-interested, rational agents would choose to govern the basic structure of society from behind a 'veil of ignorance'. If you did not know your own height, race and conception of the good, you could not choose principles that favor people of your height and race or that provide everyone with the things you like. General facts such as the laws of psychology, sociology and economics are available, however, to aid in the designing of just institutions. This 'original position' is Rawls' adaptation of the classical notion of a social contract.

But unlike his predecessors, Rawls characterizes the parties in the original position not as individuals but variously as “continuing persons (family heads, or genetic lines)” (146), “representatives of families,” “heads of families,” “representing continuing lines of claims,” and “deputies for a kind of everlasting moral agent.” (128) Rawls reasons that our considered judgments dictate that earlier generations should save for later ones, even if the earlier generations are worse off, but that self-interested individuals in the original position would choose not to save for future generations.

The reasoning leading to this conclusion goes like this: any saving principle will have a cumulative effect which may improve the position of later generations substantially, but cannot help the first generation, since they are asked to sacrifice for the future without gaining from the past (288). From behind a veil of ignorance, the choosers do not know which generation they are in, but they do know that they are all contemporaries (137, 140). This ‘present time of entry’ interpretation makes the choosers in effect the first generation to which the saving principle applies (140). Their choice of moral principles cannot change the past: previous generations have either saved or not (292, 140). So they can only lose by acknowledging any saving principle. Unless we stipulate that they already, in the original position, have affections for their offspring, no saving will result. Contrary to other applications of the difference principle (291), a saving principle asks the worst-off to sacrifice for the benefit of later persons who may be better off (292). Hence Rawls must, he thinks, devise a way to make the parties not self-interested in this respect. It is to incorporate this “motivational assumption” that he construes the parties as family lines rather than individuals (128).

Elsewhere, however, Rawls argues against introducing any motivational assumptions in the original position (§ 25). Consider the familiar case of generating a fair division of a pie by asking one person to cut it under the constraint that the others shall choose their pieces first.² This technique can be expected to yield a fair distribution only if it is assumed that all the parties try to maximize the amount of pie they receive. If the divider exercises altruistic principles by intentionally cutting a smaller piece for himself, the division is not a fair one. Of course, the others may or may not be benevolent enough to choose the smaller slices, leaving the divider with the largest piece anyway. The method is a better model of fairness if the parties are purely self-interested.

Rawls reasons in a similar way that

the combination of mutual disinterest and the veil of ignorance achieves the same purpose as benevolence. ... Furthermore, this pair of assumptions has enormous advantages over that of benevolence plus knowledge. (148)

Namely,

the latter is so complex that [1] no definite theory at all can be worked out. Not only [2] are the complications caused by so much information insurmountable, but [3] the motivational assumption requires clarification. For example, what is the relative strength of benevolent desires? ... Moreover, [4] it would defeat the purpose of grounding the theory of justice on weak stipulations. (148–9)

These arguments against assuming a certain degree of benevolence in the parties are equally arguments against the assumption that they care for their descendants. Point [3] is especially telling in this regard. We are not told how strong the motivation to help one's children is. But argument [4] is perhaps the strongest objection. Rawls seeks to derive rather than presuppose moral principles (129). Optimally, "a conception of justice should not presuppose, then, extensive ties of natural sentiment." But the saving principle is, in effect, being built into the premises of the theory in the form of a motivational assumption rather than being justified by the theory.

Elsewhere Rawls says it is 'more realistic' to assume parents are not disinterested in the welfare of their offspring.³ But the assumption of mutual disinterest is artificial and unrealistic in other cases, too, since we often care about others. Such artifice is acceptable, because it in no way implies a lack of caring once the veil lifts. Thus, being realistic is no more reason to suppose familial ties than it is to assume benevolence.

Rawls' motivational assumption takes two forms, which he treats as if they are equivalent. Either the parties could be mutually disinterested individuals who are motivated to care about the welfare of some third parties, namely their immediate descendants (128, 147). Or the parties could be taken to be continuing persons or family heads instead of human individuals (146). It is the latter formulation which he incorporates in the official statement of the original position (146). Unfortunately, Rawls' various descriptions of the parties are not all the same, and the ones most prominently used ('heads of families' and 'continuing persons') are open to a number of interpretations. In the absence of a single, clear specification of the nature of the parties, it is necessary to explore the outcome of several plausible interpretations.

Obviously, Rawls does not intend us to take the parties simply to be the self-interested individuals who happen to be heads of families. In furthering their self-interest, these parties would choose principles favoring heads of

families; for example, they might decide that only heads of families can vote.

More plausibly, suppose the parties are heads of families who care about the welfare of the other family members, though they are disinterested with respect to the members of other families. But as with benevolence, this assumption of 'caring' requires clarification. Unless we know how strongly they care, we do not know which principles will be chosen. Are heads willing to starve to death to send their children to college, or are they only willing to drive a Datsun instead of a Buick to achieve that end? Since the interests of family members conflict (as the very need for a just saving principle shows), some technique for measuring and balancing these interests is required.

One technique for balancing conflicting interests is the utilitarians' 'ideal observer', who identifies with the interests of all, makes them his own and then chooses a balanced outcome much as an individual strikes a balance among his own conflicting interests over time. If one needed to represent all the interests of a family as one unit in the original position, some such utilitarian scheme seems a reasonable approach. But Rawls does not tell us which such technique to use; indeed, the whole project of measuring and balancing interests runs counter to his major theme.

Moreover, if the parties are taken to be some such ideal observer or other balanced aggregate of the interests of family members, some undesirable principles might be chosen in the original position. For instance, the facts of biology tell the parties that every family in the sense of genetic line contains members of both sexes. Not all families are split exactly 50 : 50, of course, but each contains some men and some women. So, special provisions based on sex could be acceptable. For example, suppose that due to efficiency, all families gain significantly if the natural child bearers are universally appointed as child rearers. Each family knows that it will have to do some child rearing, and that this work will be divided among its members in some fashion. No doubt vast sums could be saved if this were not left as a matter of individual choice, since boys would not have to be educated in child rearing techniques or girls taught higher mathematics. If benefits to each family as a whole accrued from legislating such a division of labor, it would be irrational for self-interested families to reject this principle. In short, sexist principles might be accepted in the original position.⁴

Similarly, efficiency might dictate other inequalities. Perhaps destructive and costly in-fighting could be avoided if it was decided in advance that the first-born inherits all the family land while the later-born must go into trades.

Primogeniture was justified by appeal to how the family as a whole would suffer if the property were divided and subdivided with each generation. But these inequalities conflict with our considered judgments. Nor is this surprising in the light of Rawls' own criticism of utilitarianism. A serious defect of utilitarianism, he argues, is that it calls for sacrifices from those who are worse off in exchange for greater benefits for others who are already better off, when this increases the total or average welfare (23–4). If the families in the original position are somehow aggregates of the interests of their members, similar injustices within the family can be expected. Which injustices they might be depends of course upon (1) empirical facts (e.g., which divisions of labor are efficient), (2) the technique employed for measuring and balancing conflicting interests, and (3) which groups are taken to count as families.

In this respect Rawls' theory is reminiscent of Hegel. His theory of right was said not to apply within the family, since this is a sphere of love rather than right.⁵ Hegel does not tell us, however, what 'rights' one can claim within a sphere of love. Apparently affection, intuitions and identification with the interests of others are supposed to obviate clearly defined principles for balancing conflicting interests within a sphere of love. By making the parties in the original position heads of families rather than individuals, Rawls makes the family opaque to claims of justice.⁶

Perhaps this interpretation of the intended nature of Rawls' parties seems unfairly utilitarian. An alternative way to adjudicate conflicting interests within the family would be to hold a mini-convention of family members behind a second veil of ignorance, before the family proceeds as a unit to the original position. This 'veil within the veil' interpretation seems to conflict with Rawls' intentions, though, since the reason for adopting the family construction in the first place was because future generations were not represented in the original position at all; on this reading, the two generations would be represented equally. And if, as Rawls claims, rational choice under uncertainty calls for maximizing the expectations of the worst-off, then the same choice would be the rational one behind this inner 'veil', too. Self-interested, rational family members would not choose to have the worst-off sacrifice simply to raise the welfare of the whole family, by Rawls' own reasoning. So saving would not result from the 'veil within the veil' construction.

The same dilemma faces Rawls under any interpretation. Either the original position will result in different principles being chosen, depending upon

whether the choosers are self-interested individuals or families; or it will result in the same choice of principles. If the result is the same (namely, if the worse-off in one generation do not sacrifice for the benefit of the better-off in another), then there is no reason to use the family construction. If the result is different, it must be because some worse-off individuals are sacrificing for the greater welfare of the family as a whole. But then Rawls needs an argument to show that this is a superior outcome, since it conflicts with his own reasoning in defense of the difference principle.

Another possible way out is to apply the term 'family' more broadly to any group that contains members of two or more generations, such that the older members care about the welfare of the younger. For example, small religious communities, homosexual adoptive lines and communal groups could be classified as 'families'. If this were the case, the family heads in the original position would not have enough information about distributions of sex, age, etc., within a 'family' to make a choice in favor of sexist or age-ist principles on grounds of efficiency. However, some generally utilitarian principles, or other principles that require some worse-off family members to sacrifice for the benefit of the aggregate welfare could still be chosen or permitted at the legislative stage.

These alternative groupings highlight another difficulty with the use of the family to generate saving between generations. Rawls says that for saving to result, what is required is that (1) everyone in the present generation care about someone in the next and (2) everyone in the next generation be cared about by someone in the present generation (128f). (In other words, it's an 'onto' function.) Unless every adult and every child belonged to some such 'family' group, these conditions would not be satisfied. Even the biological grouping faces this problem, however, since not everyone has offspring of their own. We do and should still care about, e.g., saving the environment for future generations, even when there are no specific individuals in the generation immediately following with whom we have such strong ties.

II

We have seen that the interpretation of the parties as families is Rawls' response to his conclusion, from certain premises, that otherwise no saving would result. Having found difficulty with the family approach, I now seek a more palatable way out of the saving problem by examining some of his premises:

- (i) Saving only transfers goods from older to younger. (290)
- (ii) Past generations cannot be assumed to have saved. (292)
- (iii) Only presently living persons are represented in the original position. (140)
- (iv) Society is close-knit, i.e., any change in the basic structure is reflected in either benefits or harms to the worst-off class. (80)

First, consider the premise (i) that savings exchanges only take place in one direction, from older to younger. Just as parents can save to put their children through college, however, children can save to pay their parents' medical expenses in old age. Or if the first generation lived well and left their children with heavy debts to pay, the younger would be financing the extravagances of the older.⁷ Governmental deficit spending is a similar form of temporally reversed 'saving' which can extend over many generations. Here we should note a further fact about human nature to which Rawls does not appeal: children tend to care about their parents' welfare, too. But if saving can take place from younger to older, then the conclusion that self-interested individuals (rather than families) in the original position would choose not to save is blocked. They do not know that they will sacrifice and not gain by acknowledging a saving principle, because they may be the beneficiaries of saving which it requires their descendants to make.

Premise (ii) is central to Rawls' reasoning that the parties are the first generation to whom the saving principle applies. Since "past generations have either saved or they have not," (292) the parties have nothing to gain from the past by selecting a saving principle, he reasons. Of course, it is tautologous that past generations have either saved or not, but it is equally tautologous that present and future generations will either save or not. It is where causes or causal laws are concerned that past and future are asymmetrical. But the choosers in the original position are not selecting causal laws. The original position is a device for unpacking our considered judgments in reflective equilibrium (20–1). Their choice is not causally efficacious but a way of discovering, improving and justifying what we (and presumably our ancestors) already believe to be just.

What should the parties assume about the past? Our choice of moral principles is often going to be affected by whether we assume others can be counted on to follow them. For instance, you would not select a strong duty of mutual aid from the original position if you had reason to expect that

others would fail to conform to it when you were the one in need of aid. Similarly, our choice of a saving principle will be affected by whether we can assume that our predecessors followed it.

Rawls says he is working within ideal theory, an account of what is right or just under the assumption that people will generally conform, or try to conform, to the principles selected (8, 245). Non-ideal theory has also to consider preferential treatment, civil disobedience and the role of punishment. Ideal theory decides only a narrow range of cases: what you should do, given that others also do or try to do what they should.

Since Rawls' account of saving is part of ideal theory, the choosers in the original position should assume that other generations save according to just principles, too. Then selecting a saving principle would not be contrary to their self-interest. Since Rawls' original position is not described as a historical event, this temporal asymmetry does not create a problem for a saving principle. The original position is supposed to be a point of view or basis for moral reasoning which anyone can adopt at any time. Our simulating it today is compatible with our predecessors' having done likewise. From behind the veil of ignorance, we are in the dark as to our period in history and as to what our predecessors have done. Ideal theory tells us to assume the best, namely that they reasoned much as we are doing today and saved for us according to a just saving principle.

Once we leave the realm of ideal theory and attempt to cope with the jungle of non-ideal theory, however, this assumption about the past becomes unavailable. Like a strong duty of mutual aid, saving might be one of the first principles to go once the assumption of compliance is dropped. For this reason, it seems wiser to base our solution to the saving problem on considerations other than those of ideal theory.

Another premise, (iii), crucial to Rawls' argument is his 'present time of entry' interpretation. He mistakenly reasons that this would lead to the decision not to save, unless we add a motivational assumption. For suppose we transport, as he suggests, 'all living persons' behind the veil of ignorance. We should note that, if only for biological reasons, this includes members of at least two generations; typically three or four generations coexist. Each individual is concerned to maximize his or her prospects over a lifetime. But they do not know their age or generation, then, though at least two generations are included in this group. So they do not know whether, as youngsters, they will benefit by adopting a saving principle, or, as oldsters, they will pay

without benefiting. Thus even the present time of entry interpretation does not entirely remove the veil of ignorance as to whether the parties benefit or sacrifice from a saving principle. So some saving would be chosen, even without a motivational assumption.

For example, the parties may find it in their self-interest to select a saving principle which called for investment on the part of the wealthy in medical research which would benefit the poor in the next fifty years. However, there is a problem here. Since the parties are informed, they know that none of them will be alive in, say, 150 years, so they would not find it in their interest to invest in any programs which would not pay off within their lifetimes. For instance, they would presumably not acknowledge principles which prevented them from exploiting natural resources or destroying the environment in a way that would have disastrous consequences only after they could all expect to be dead.⁸

So although short-term saving results from the present time of entry interpretation applied to individuals (not families) without the motivational assumption, it still conflicts with some of our considered judgments. But the same conflicts arise if we use Rawls' individuals who care about the welfare of their immediate offspring. If their caring only extends one generation, they, too, would choose that resources last only through the expectable lifetimes of their children. Again only short-term saving would be generated. Alternatively, we could assume that the individuals know their children will care about their offspring in turn, and that the parties seek to save for three generations in order to satisfy this second-order interest of theirs, and so on for all generations of their descendants.

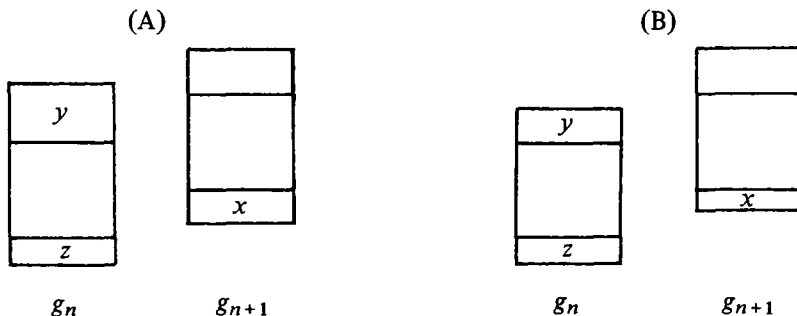
It is not entirely clear why Rawls prefers to use this present time of entry interpretation. Apparently he feels it will allow us to simulate the original position in philosophical debate more readily. He wants the original position to be a point of view we can adopt by appealing only to general facts to justify our moral theories (138). This does not seem to be a compelling reason to adopt this interpretation, though, because to step behind the veil of ignorance we must forget such fundamental things as our own conception of the good and our era in history. Surely it would be no more difficult to ignore the fact that we are contemporaries.

Suppose we abandon (iii), the present time of entry interpretation, and assume that individuals from throughout history are present in the original position, then I claim long-term as well as short-term saving would be chosen.

For if, as Rawls argues, the two principles of justice would be chosen, then saving would already have been legislated – without a motivational assumption, without a special saving principle, and without construing the parties as family lines.

There are two possible situations to consider. If the welfare level of society is declining, that is, if the minimum levels of later generations are lower than those of their ancestors, then saving is obviously mandated by the difference principle. The difference principle in its simple form states that inequalities are just only if they improve the position or prospects of the worst-off class or representative individual. So it would require saving by those better off in the earlier generations for the benefit of those worse off in the later generations. If, on the other hand, society is progressing, so that the minimum levels of later generations are higher than those of earlier ones, saving would not result from the simple difference principle, as Rawls correctly reasons. However, he also says the parties would choose the ‘lexical form’ of the difference principle, which in effect generalizes the difference principle to apply to all levels in society: an inequality that benefits one representative individual x is just only if it does not lower the prospects of any representative individual worse off than x .⁹

For, notice that typically not all those living in any generation g_n are worse off than everyone in the next generation, g_{n+1} , even when society is progressing; that is, there is usually someone in the later generation worse off than the best-off in the earlier generation. Now if by some technique the best-off in g_n could be required to save for the benefit of those worse off in g_{n+1} – without lowering the prospects of the worst-off in g_n – then this would be a saving prescribed by the lexical form of the difference principle. Schematically, arrangement (B) below would be preferred to (A) from the original position:



In these diagrams à la Rescher,¹⁰ adjacent generations are represented by the two blocks. Horizontal segments of the blocks designate classes or representative individuals. The farther a class is above the baseline, the better their prospects over a lifetime. Thus, in arrangement (B), the worst-off (x) in the later generation, g_{n+1} , have improved prospects over their position in (A), and this has come about only at the expense of someone better off, namely (y) those best off in the earlier generation, g_n . The lowest class in the earlier generation (z) has not been affected at all by this exchange. Here, saving is generated without the use of any assumptions beyond the lexical difference principle itself, given that the worst-off (z) in the earlier generation have already been helped as much as possible. By the same token, the better-off in both g_n and g_{n+1} could be required to save for those worse off than they are in g_{n+2} , and so on.

This situation might arise if, for example, the best-off in the present generation have reached the point where further taxation to aid those worse off in their own generation would destroy incentive and so operate to the disadvantage of everyone in this generation. But it might be the case that incentive would not be harmed if the best-off in the present were asked to invest some of their capital in medical research or anti-pollution gear which will not pay off until the next generation. This is possible because in the real world, people do tend to care about the welfare of future persons. (Note the crucial difference between reasoning from the original position citing this fact about human nature, and the assumption that the choosers are themselves so motivated.)

The rate of saving called for by the lexical difference principle would be a relatively slow one, of course. Under some adverse empirical circumstances, namely when the worst-off in the first generation absorb so many goods that the worst-off in the second are no better off than their predecessors, no progress at all would result. Typically, however, progress is generated from several sources. First, innovation, invention and the accumulation of knowledge alone contribute to making later generations better off. Second, the co-existence of several generations produces short-term saving, as I have argued above. Third, the amount of sacrifice required to preserve and pass on knowledge or machines is small compared to the expense required to produce them anew. This means that relatively small sacrifices on the part of the better off in the first generation (such as oiling the machines and recording the knowledge) will tend to improve the lot of their successors significantly.

But another of Rawls' premises, (iv), is that the lexical form of the

difference principle need not come into play. This is his assumption that society is 'close knit', that is, that any exchanges affect the prospects of the worst-off (80). If close knittedness holds, the situation I described above cannot arise. Any sacrifice on the part of the best-off in g_n would either benefit the worst-off in g_n (in which case it would already have been required by the simple difference principle), or it would harm the worst-off in g_n (which would violate the difference principle).

Close knittedness seems to be a questionable and unnecessary empirical assumption, however. How is it assured that, for example, an equalization of the salaries of typists and telephone linemen must be reflected in either benefits or burdens for unskilled workers? More important, it is an unnecessary assumption because the lexical difference principle takes care of any cases in which close knittedness fails. Originally introduced as a simplifying assumption, close knittedness fails to simplify if it leads to the need for a motivational assumption and a separate treatment of saving problems.

Finally we must question whether Rawls has captured our considered judgments about saving. According to his reasoning elsewhere (§ 26), it would be unjust to ask the worse-off to sacrifice so that their well-off descendants could be even better off. Apparently he is worried about the possibility that unless an initial sacrifice is made, a long process of gradual progress will not begin, and all generations may be left at a subsistence level rather than eventually attaining a high level of welfare, civilization and culture. This seems to reflect a quasi-perfectionism contrary to the kind of intuitions that support the difference principle. Or perhaps without initial saving, society would not even progress to the level of 'moderate scarcity'. But without moderate scarcity, Rawls' 'circumstances of justice' do not obtain (126f). His theory claims not to deal with such cases, rather than to label them unjust.

This raises the question of what it is that is being saved. At first Rawls discusses saving the gains of culture, civilization and technology along with 'real capital' such as 'factories and machines' (288). It seems clear that if early generations sacrifice some of these primary goods, later generations could enjoy substantially higher levels of primary goods than otherwise. But shortly Rawls says that

Justice does not require that early generations save so that later ones are simply more wealthy. ... Beyond some point [wealth] is more likely to be a positive hindrance, a meaningless distraction at best if not a temptation to indulgence and emptiness. (290)

Rather, what is saved are just institutions, he says. Previously, Rawls has taken primary goods, the things that everyone wants whatever else they want, as the items that are to be justly distributed, once equal liberty and fair equality of opportunity are assured. Wealth is a prominent primary good. The parties in the original position would not be indifferent as to how primary goods are distributed among generations. Surely they would not view wealth as a 'positive hindrance' in this case while they seek to maximize it in others. Suddenly, between generations, we are told that it is just institutions rather than primary goods that are the subject of the distribution. It is unclear to me how a just government and just social practices of one time are the sort of thing that can be saved for future generations.¹¹

Indeed, there seem to be two different senses in which a society could be said to be 'just'. Rawls calls for saving because the institutions of an ideally 'just' society, such as free education, elaborate court procedures and adequate health care, require substantial expenditures and a moderately high level of civilization. This is a sense in which justice is a feature of the good society. Even the 'moderate scarcity' requisite to the circumstances of justice is somewhat demanding. In another sense, however, even impoverished societies can be 'just'. If a low level of food is taken as a given, for example, we can still assess whether its distribution is just or unjust. Poverty is an evil but not itself an injustice.

In conclusion, I have argued that even if we take self-interested individuals to be the parties in the original position, a small amount of short-term saving is required as a matter of justice. If we further abandon the present time of entry interpretation, the lexical form of the difference principle calls for additional saving from the better-off in earlier generations for the benefit of those who are worse off later on. It also calls for temporally reversed 'saving', e.g., through deficit spending, from those who are better off in later generations to aid those worse off in earlier ones. Thus, a modest rate of saving can be generated without construing the parties as family lines and so without leading to injustices within the family.

This is somewhat different from the grand process of accumulation which Rawls appears to advocate. It might be the case, on my account, that a society starting out at a subsistence level, under adverse empirical circumstances, would never be required by justice to begin the accumulation necessary to lead to centuries of progress and culture. But this seems to be correct. Of course, progress and culture are also goods, but generating them does not seem to be entirely a question of justice. We might want this progress for perfectionistic or other reasons, especially if the sacrifice on the part of the

worst-off was small. Then this would be a saving chosen for reasons that override considerations of justice between generations.

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NOTES

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¹ *A Theory of Justice* (Cambridge, Mass., 1971), §44. Parenthetical references hereinafter are to pages of this book.

² Or, more accurately, that a random device will be used to assign the pieces.

³ 'Justice as Fairness', *Philosophical Review* LXVII (1958), 170.

⁴ By 'sexist', I mean that principles making distinctions based on irrelevant differences in sex could be chosen. Men are as likely as women to be the ones placed at an unfair disadvantage.

⁵ *Philosophy of Right*, §§ 158–181.

⁶ John Kenneth Galbraith points out that by taking the household as the 'individual', economics has similarly ignored part of the economic role of women (and men) as individuals. Households are taken to have preferences rather than the individuals comprising them, so that the balancing of preferences and economic interchanges within this unit, including the cost and productivity of housework and child rearing, are not studied or counted by that science. 'The Economics of the American Housewife', *Atlantic Monthly*, August, 1973.

⁷ This is not strictly speaking 'saving' but it is a case of the later generation sacrificing for the welfare of the earlier one. Rawls is concerned in general with the justice of such exchanges, whether or not they would in ordinary language be called saving.

⁸ This problem was raised by Lawrence Crocker.

⁹ P. 83. To put it another way, the lexical difference principle tells us first to raise the position of the worst-off representative individual as far as possible. If, once this is done, several alternative arrangements remain, we are to choose the one that gives the highest level to the group that is the second worst-off. We maximize the minimum level in the sub-society obtained by ignoring the worst-off group, so to speak. If alternatives still remain, we raise the third worst-off group as far as possible, and so on through all levels of society.

¹⁰ Nicholas Rescher, *Distributive Justice* (Indianapolis, 1966). A drawback of these diagrams is that they do not reflect the number of persons in each class.

¹¹ Though in a sense they can be squandered, as when institutions based on trust or cooperation are violated for present profit. This was pointed out to me by Stephen Darwall.