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Document de Travail n° 2021 – 47

Novembre 2021

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Rawls and the economists: the (im)possible dialogue

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November 3, 2021

Abstract. Although falling within the scope of political and moral philosophy, it is well known that *A Theory of Justice* has also had a great impact on economists. As such, Rawls put great emphasis on his desire to combine economics and philosophy, and particularly to deal with rational choice theory, notably and famously claiming that "the theory of justice is a part, perhaps the most significant part, of the theory of rational choice" (1971, 15). After the publication of *A Theory of Justice*, aspects of it came in for criticism – often very vehement – by economists such as Arrow (1973), Musgrave (1974), Harsanyi (1975) and later by Sen (1980). Rawls's immediate answers (1974a,b in particular) showed that he first wanted to maintain a dialogue with the economists, but the later evolutions of his works (1993, 2001) clearly demonstrated that he had removed himself from the economic realm, returning to his initial philosophical territory in order to overcome the internal inconsistencies of *A Theory of Justice*. In this paper, by focusing extensively on the letter exchanges between Rawls and the economists before and after the publication of *A Theory of Justice*, I attempt to shed light on other (complementary) elements which can explain Rawls's retreat from the realm of economics, and his progressive disenchantment regarding the possibility of a dialogue on equal footing between economists and philosophers.

Keywords. Rawls, Sen, social justice, rational choice

JEL Codes. B21, B31, D63

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A first version of this paper has been notably presented at the workshop "Rawls et les économistes" (Strasbourg, March 2019) Philippe Mongin and I have co-organized. I would like to thank especially Constanze Binder, Ai-Thu Dang, Véronique Munoz-Dardé and of course Philippe Mongin for helpful comments.

> "The background of my feeling, I suppose, is that I often get overcome with a sense of despair in doing moral and political philosophy at all. There is so much misunderstanding which intellectually ought to be so easy to remove but it seems nearly impossible in practice to do so" (JRP, Rawls to Sen, July 28, 1981).[1]

Introduction

Consistently described by family, colleagues and students as a serious, insecure and modest man, John Rawls was no less than the most famous political philosopher of the 20th century. According to Thomas Pogge (2007, 4), Rawls was fundamentally devoted to proposing answers for two questions: "how it is possible for an institutional order to be just, and for a human life to be worthwhile? Rawls's profound aspiration to answer these questions, so apparent in his writings, sustained him during a lifetime of hard work." According to Samuel Freeman, in a speech delivered at Harvard on February 2003 on the occasion of a celebration of the life and work of John Rawls, Rawls held "that a just society which affirms the freedom, equality, and self-respect of all its citizens is within human reach." Although "often criticized for being utopian", "it was to avoid this sense of hopelessness about humanity that drove John Rawls's philosophy his entire career." Accordingly, Rawls was also a very careful writer, paying "great attention to his choice of terms and phrases, as well as to the clear exposition of his thoughts, often taking months or even years to produce thoroughly reworked drafts of a text before allowing a final version to be published" (Pogge 2007, 3). This explains why *A Theory of Justice*, his masterpiece published in 1971, is the result of 20 years of notes, reflections and pre-basic papers. Still, nobody could have foreseen the immense success of the book: around 400,000 copies have been sold in English, it has been translated into 28 languages and

[1] PASP—Paul A. Samuelson Papers, KJAP—Kenneth J. Arrow Papers, Rubenstein Rare Book and Manuscript Library, Duke University and JRP—John Rawls Papers, Harvard University Archives.

thousands of papers and books have been devoted to it and others of Rawls's works. It is now indubitably a classic, which will be taught and read for decades.

As we know, its main objective is "to generalize and carry to a higher order of abstraction the traditional theory of the social contract as represented by Locke, Rousseau and Kant" (1971, xviii). But Rawls also intends to develop "a systematic account of justice that is superior […] to the dominant utilitarianism of the tradition" (*ibid.,* 20). Although falling within the scope of political and moral philosophy, *A Theory of Justice* has also had a great impact on economists. Kenneth Arrow (1973, 245) stressed that "the specific postulates for justice that Rawls enunciates are quite novel, and yet, once stated, they clearly have strong claim on our attention as at least plausible candidates for the foundations of a theory of justice." More specifically, according to Claude d'Aspremont (1984, 83, our translation), this is partly "due to the fact that this theory integrates in a new way a set of concerns and ideas that are already expressed in a number of works in normative economics."[2] As such, Rawls put great emphasis on his desire to combine economics and philosophy, and particularly to deal with rational choice theory, notably and famously claiming that "the theory of justice is a part, perhaps the most significant part, of the theory of rational choice" (1971, 15). After the publication of *A Theory of Justice*, aspects of it came in for criticism – often very vehement – by economists such as Arrow (1973), Musgrave (1974), Harsanyi (1975) and later by Sen (1980). Rawls's immediate answers (1974a,b in particular) showed that he first wanted to maintain a dialogue with the economists, but the later evolutions of his works (1993, 2001) clearly demonstrated that he had removed himself from the economic realm, returning to his initial philosophical territory in order to overcome the internal inconsistencies of *A Theory of Justice*.

Both trends are well documented and deeply studied in the literature (on Rawls's relationships with economists, past or contemporaries, see d'Aspremont 1984, Edgren 1995, Duhamel 2006, 2012, Gharbi 2013, Gilardone 2015, Hawi 2015, 2016; on Rawls's evolution, see among others Ladrière and van Parijs 1984, Audard 1988, 1993, Höffe 1988, Daniels 1989, Guillarme 1999, Munoz-Dardé 2003, Ege and Igersheim 2008, 2010). But to the best of our knowledge there is no work devoted to a study of the relationships between Rawls and his contemporaries economists *beyond* their published documents.[3] As compared to the previous

[2] See also Hausman and MacPherson on the same idea (1996, 154-157).
[3] It has to be stated that Hawi (2015, 2016) has also relied on Rawls's papers, in particular his autobiography "Just Jack" and some books annotated by him, but not on his correspondence.

mentioned literature, my approach is thus different and my aim less ambitious: here, by focusing extensively on the letter exchanges between Rawls and the economists before and after the publication of *A Theory of Justice*, I attempt to shed light on other (complementary) elements which can explain Rawls's retreat from the realm of economics, and his progressive disenchantment regarding the possibility of a dialogue on equal footing between economists and philosophers.

1. The genesis of *A Theory of Justice*: Rawls's deep conviction on the need to combine economics and philosophy

Born in 1921 in Baltimore, John (Jack) Rawls was the second of five brothers. His father was a rather "successful and respected lawyer" in Baltimore, while his mother chaired Baltimore's newly founded League of Women Voters. According to Thomas Pogge, a former PhD student of Rawls who conducted a series of interviews with him in the summer of 1993, "Jack's parents both took a strong interest in politics" (Pogge, 2007, 5). During childhood, Rawls lost two of his closest brothers to diseases they had contracted from him. In his autobiography "Just Jack" one can find in his papers, Rawls writes: "my brother Bobby, a little over a year younger than I, and my great companion, died of diphtheria March 19 1929" (JRP; "Just Jack", 4). Next year, Tommy "two years and four months" younger than Jack died from pneumonia. These two deaths would profoundly affect Rawls for his whole life, and he developed a stutter (*ibid.,* 12). According to Pogge (2007, 7), "these childhood experiences made a lasting impression on Jack by awakening his sense of injustice. They also deepened his lifelong feeling of having been terribly lucky." Rawls completed his schooling in the Kent School, an austere private school in Connecticut, from 1935 to 1939, then followed the path of his older brother Bill to Princeton. In one of his rare interviews, conducted by three of his students in March 1991 and published in the *Harvard Review of Philosophy* the same year,[4] Rawls confided that at that time he "had not yet developed any well-formed intellectual interest and thought of several different majors, including chemistry and mathematics, but soon found they were beyond [him], and settled down finally in philosophy" (1991, 44). From 1943 to 1946, he served in the US infantry army. Sent to New Guinea then the Philippines, he eventually

[4] Note that this interview has been translated and published in French: see Foisneau and Munoz-Dardé (2014).

went to Japan for four months in September 1945 ("where his troop train went through the recently devastated city of Hiroshima"; Pogge 2007, 12). Before WWII, Rawls did not exclude studying for the priesthood, but the experience of war radically changed his religious beliefs: "I was myself for many years an orthodox, and somewhat conventional, Episcopalian, who attended a high church school. But during the course of the war […], I found myself no longer accepting it. What made it so difficult, among other things, was the fact of the great evil of the war, and particularly, the evil of the Holocaust. It came to seem to me impossible to pray to God to save me, or anything personal, when God would not save the Jews from Hitler" (JRP, Rawls to Alyssa, one his graduate students, March 8, 1997). Back to Princeton from 1946 with a year in Cornell (1947-48), he received his PhD in June 1950, a year after his wedding with Margaret (Mardy) Fox in June 1949.

After having completed his thesis, Rawls "began to collect notes [for *A Theory of Justice*] around the fall of 1950." He began also to be interested in economics, on the occasion of a seminar given by William Baumol in the fall 1950: "we read *Value and Capital* by J. R. Hicks, and I attempted to master that book, and also parts of Samuelson's *Foundations*, its chapter of welfare economics leading me to articles in the so-called new welfare economics […]. I also read some of Walras's *Elements* and studied a little bit of game theory. Von Neumann's book with Morgenstern had just come out in 1944; that was the big work on game theory that founded the subject […]. Several essays by Frank Knight in his *Ethics of Competition* I found highly instructive; he was much interested in social philosophy as in economics" (Rawls, 1991, 45). Rawls stressed that his readings in economics, added to what he wrote in his thesis on moral theory,[5] led him in 1950-51 to the idea "that eventually turned into the original position" (*ibid.,* 45). He had at first a much more complicated procedure in mind, involving a central referee, which aimed at formulating "a constitution of discussion among people that would make them agree – given their circumstances – to what we would think of as reasonable principles of justice" (*ibid*., 45-46).[6] After his PhD, Rawls pursued his academic career at Oxford in 1952-53 on a postdoctoral Fullbright Fellowship and became Assistant and then Associate Professor

[5] The title of his PhD thesis was "A Study in the Grounds of Ethical Knowledge: Considered with Reference to Judgments on the Moral Worth of Character." His first 1951 paper published in the *Philosophical Review* is a part of it (in Rawls 1999). According to Samuel Freeman who edited Rawls's *Collected Papers* in 1999, "it sets forth an account of moral justification that later informs his account of reflective equilibrium in *A Theory of Justice*" (Freeman in Rawls 1999, x).

[6] In 1967, the veil of ignorance would first be applied to the original position, formerly entitled "general position" in 1958, and then "original position" from 1963 onwards.

at Cornell from 1953-59. Having been invited to Harvard in 1959-60, he became professor of Philosophy at MIT in 1960-62 and then at Harvard from 1962 and for the rest of his academic career. According to Pogge ("the Turbulent Decade 1962-1971"; 2007, 18), "the following years were devoted mainly to the completion of *A Theory of Justice*."

In a 2003 paper, Serge-Christophe Kolm evoked "quelques souvenirs de John Rawls", whom he met in Harvard in 1963 after a seminar on social justice he gave at the request of Vassily Léontief, thus showing that Rawls regularly attended seminars organized by economists. As stressed by Amadae (2003), Rawls took also part in the activities of the "Committee for Non-Market Decision Making", which would become the Public Choice Society in 1967. In an October 1964 meeting notably attended by Buchanan, Tullock, Downs, and Harsanyi, Rawls read a paper then entitled "Justice and the Theory of Constitutional Choice," leading Amadae to observe "that Rawls presented his work before an audience comprising key members of the founding community of rational choice scholars is historically remarkable" and "demonstrates that Rawls's thinking about justice was driven by the same impetus motivating the rational choice inquiry into the founding principles of American constitutional democracy" (2003, 149). In this paper, Rawls's principles of justice were described as "those principles which rational persons would agree upon or consent to unanimously from an original position of equality." He notably explained that "the difference principle goes beyond the notion of (Pareto) efficiency to a principle of justice" (*ibid.*, 150). At that time, as Buchanan would underline in his 1972 review of *A Theory of Justice*, Buchanan, Tullock and Rawls were thus in agreement regarding "the operational starting point of the individual's 'uncertainty' or 'ignorance' concerning her precise status in society; they share as well the rational calculation of interests that the individual employs to evaluate constitutional principles," (*ibid.*, 150-151) though Rawls's focus on the difference principle raised questions for public choice theoreticians: "in essence you favor maximining, and this gives a relatively low anticipated income" (JRP, Tullock to Rawls, May 21, 1964). In a second letter, Gordon Tullock added that "perhaps, however, our difference arises less out of our criteria than out of our different images of what would come out. What I was thinking of basically, was a free market economy with mildly progressive taxes but a floor below which incomes cannot fall except for convicted criminals. Above a point, raising the floor will be very expensive, and, in particular, will sharply reduce the growth and thus reduce the floor for the next generation.

Perhaps you have a different institutional structure in mind. Anyway, your idea is obviously very attractive, but I still don't buy it" (JRP, Tullock to Rawls, June 8, 1964).[7] In any case, before 1971 a kind of agreement seemed to have been established between Rawls and the public choice theoreticians, strengthened by the way other economists saw Rawls's works in connection to Buchanan and Tullock's: "may I just as quickly raise a few questions with you that I now recall occurred to me when I read Buchanan and Tullock when it came out" (JRP, Schelling to Rawls, November 29, 1966).

But the same statement cannot hold regarding the relationship between Harsanyi and Rawls. Indeed, the vigorous and famous debate between these two great authors apparently began during the 1964 meeting of the "Committee for Non-Market Decision Making" (October 12-13, 1964) as demonstrated by a letter from Harsanyi to Rawls dated October 29, 1964. Harsanyi then attempted to show Rawls that his social welfare function, i.e., $W(x) = \min[U_1(x), U_2(x)]$, "very definitely does violate" Harnsayi's 1955 *Journal of Political Economy* theorem which states that "any social welfare function consistent with rationality postulates of the von Neumann-Morgenstern utility theory and what I now call the Principle of Ethical Individualism[8] must be of the form $W(x) = \sum_i a_i U_i(x)$" (JRP, Harsanyi to Rawls, October 29, 1964). Indeed, according to Harsanyi, his theorem requires the coefficients a_i to be constants and thus it cannot satisfy the maximin principle which would allow the coefficients to change from zero to non-zero (or vice versa) depending on "whether individual *i* is the poorest member of the society or not." In the light of this letter, one can better understand that Sections 27 and 28 of *A Theory of Justice* are indeed rather direct answers to Harsanyi's 1953 and 1955 results (reproduced in Harsanyi 1976).

In the following years, Rawls pursued his interactions with economists, notably through the joint seminar on social justice which Kenneth Arrow, just arrived from Stanford, Amartya Sen, then at the Delhi School of Economics, and himself conducted together at Harvard in the fall of 1969. In his biographical note for the Nobel Prize, Sen recalled an anecdote about it: "the work underlying *Collective Choice and Social Welfare* was mostly completed in Delhi, but I was much helped in giving it a final shape by a joint course on 'social justice' I taught at Harvard with Kenneth Arrow and John Rawls, both of whom were wonderfully helpful in giving me

[7] On this, see as well, Rawls 1963 in 1999, 74 fn 1.

[8] The Principle of Ethical Individualism is defined as follows: "the social welfare function *W* is a single-valued function of the utility levels of the individuals in the society and does not depend on any other variables." It corresponded to Postulate c in Harsanyi's 1955 *Journal of Political Economy* paper (Harsanyi 1976, 10).

their assessments and suggestions. The joint course was, in fact, quite a success both in getting many important issues discussed, and also in involving a remarkable circle of participants (who were sitting in as 'auditors'), drawn from the established economists and philosophers in the Harvard region. (It was also quite well-known outside the campus: I was asked by a neighbour in a plane journey to San Francisco whether, as a teacher at Harvard, I had heard of an 'apparently interesting' course taught by 'Kenneth Arrow, John Rawls, and some unknown guy')." According to his course notes found in his papers, Rawls opened the seminar by stressing that "there is a natural affinity between economics and moral philosophy. This shows in the tradition: Hume, Adam Smith, Bentham, Mill, Sidgwick all moral philosophers and economists. There is also a natural affinity between economics and utilitarianism: all these philosophers were utilitarians. And so were many leading economists: Marshall, Edgeworth, Pigou…" Of course, reading this passage, one cannot but think of the preface to *A Theory of Justice*: "Perhaps I can explain my aim in this book as follows. During much of modern moral philosophy in the predominant systematic theory has been some form of utilitarianism. One reason for this is that it has been espoused by a long line of brilliant writers who have built up a body of thought truly impressive in its scope and refinement. We sometimes forget that the great utilitarians, Human and Adam Smith, Bentham and Mill, were social theorists and economists of the first rank; and the moral doctrine they worked out was framed to meet the needs of their wider interests and to fit into a comprehensive scheme" (1971, xviii).

Anyhow, because of his life-long interest for these great authors, both philosophers and economists, and his conviction that economics "alone" can help to clarify some aspects relative to justice (JRP, Rawls to Mueller, October 16, 1972), his 1971 masterpiece attempted to combine both disciplines in order to propose a consistent and ambitious theory.

2. The aftermath of *A Theory of Justice*: the Rawlsian wave breaks on economics

At the age of 50, about 20 years after his Princeton PhD dissertation, Rawls eventually published his main work, *A Theory of Justice* in 1971. In the 1991 interview, Rawls made clear that he did not expect at all to gain the attention of a such huge audience "otherwise I wouldn't have been able to write [the book]. I mean you would feel people were looking over your shoulder, and you'd have to be too careful" (1991, 48). Rawls explained the success of his book

by the historical context: "it was during the Vietnam War and soon after the Civil Rights Movement. They dominated the politics of the day. And yet there was no recent book, no systematic treatise, you might say, on a conception of political justice" (*ibid*., 48). The broad interest economists showed in Rawls's theory was no exception to this rule. Very quickly *A Theory of Justice* became widely discussed among economists, as notably attested by the two following episodes. In 1973, Richard Musgrave, editor of *The Quarterly Journal of Economics*, invited Sidney Alexander from MIT to write a review of *A Theory of Justice*, then an exceptional practice for the academic journal: "while we do not as a rule run book reviews, we thought that a review article of your book would be in order, given the enormous interest it has created within the economics profession" (JRP, Musgrave to Rawls, September 25, 1973). The same year, Rawls took part in the AEA meeting in New York, invited by Buchanan in a joint session with the Public Choice Society. Initially, Buchanan even planned to name the session "Rawls on Redistribution Theory" and according to him, the reaction of Walter Heller, President-Elect of the Association in charge of the program, was enthusiastic: "please tell [Rawls] of my admiration for his work and strong conviction that he should keynote the session. One might almost say that he has an obligation to do so" (JRP, Buchanan to Rawls, January 2, 1973).[9]

As demonstrated by the abundant correspondence between Rawls and the numerous economists who exchanged with him and wrote reviews and papers about his theory during the years 1972-1975, Rawls was more than open to a fruitful dialogue and systematically tried to answer their concerns and clarified his view. As he wrote to Stephen Worland from the University of Notre Dame, who sent him a copy of his paper mostly devoted to the place of Pareto optimality in *A Theory of Justice* (Worland 1973), "it gives me great pleasure that economists should find my book of use to them. If it could help renew the discussion of normative questions by those in your field, I should be very gratified. […] I am moved by the interest economists are showing in my work; I hope it is really fruitful and that I'm not just muddling things up" (JRP, Rawls to Worland, April 9, 1973).

Actually, most economists, foremost among them giants such as Arrow, Harsanyi or Samuelson, were very critical of Rawls's theory, more or less all sharing Robert Cooter's concise but eloquent statement as a PhD student at Harvard: "I am among those economists

[9] Eventually, the title of the session was "Concepts of Distributional Equity", with Carl Kaysen as a Chairman. Along with Rawls's, papers by Denis Mueller and James Buchanan were included (AEA 1973 program, 150).

who believe that you have made a major contribution to the discipline, but I am not content with your treatment of risk aversion" (JRP, Cooter to Rawls, April 10, 1972). Already a fine connoisseur of Rawls's works as previously stressed, Buchanan was one of the first main economists to devote a review on his new book in a 1972 issue of *Public Choice*. Formerly rather enthusiastic regarding Rawls's conception of justice, he did not hide his disappointment at the last adjustments the philosopher had made to his theory: "when I first encountered John Rawls' conception of 'justice as fairness', I was wholly sympathetic. I interpreted his approach to be closely analogous, even if not identical, to that aimed at explaining the voluntary emergence of 'fair games' […]. Now that the book has appeared, I find myself less sympathetic with Rawls than I might have anticipated from my early reading of his basic papers." First, "Rawls has extended his allegedly contractarian conception" and second, Buchanan claimed that he himself had shifted to a less contractarian position (*ibid.,* 123). Though Buchanan admitted the plausibility of Rawls's first principle, "Rawls's second major principle seems on much weaker ground", stressing that "there may be many other distributional rules that qualify within the acceptable set" (*ibid.,* 124-125). In Buchanan's opinion, Rawls is thus a "bizarre contractarian" for he doesn't respect "the very essence of the contract" which "is the nonspecification of outcome by external observers" (*ibid.,* 125). All in all, Rawls agreed with Buchanan regarding the weakness of the second principle of justice: "your objections […] I recognize to have great force. One runs the risk of severely overextending the contract notion not only in applying it to the choice of ethical conceptions but also in seeking to make the outcome determinate. We agree, I think, that the principle of equal liberty is the more plausible of the two principles, and presumably acceptable […]. For this reason the second principle is placed after it and subject to it as a constraint; and moreover the second principle is to come into play only at the legislative stage (assuming here a constitutional regime regulated by the first principle). The second principle has considerable latitude of interpretation at this stage and allows for a large measure of pure procedural justice, which I believe you want" (JRP, Rawls to Buchanan, June 28, 1972). It seems fair to stress that Buchanan's tone was unable to prepare Rawls for the wave of lively and sometimes dismissive reactions his theory would generate.

In a 1973 review for *The Journal of Philsophy*, the 1972 Nobel laureate Arrow offered a systematic analysis of Rawls's book which harbored the seeds of doubt present in all subsequent criticisms. After their 1968 joint seminar with Sen, Arrow and Rawls remained colleagues at

Harvard during Arrow's Harvard years, from 1968 up to 1979.[10] Still, as attested by their papers, their exchanges did not seem to have been very abundant or regular. One year after the publication of *A Theory of Justice*, knowing that Arrow had been asked by the *Journal of Philosophy* to write a review of it, Rawls attempted to clarify his own position regarding risk aversion, anticipating that Arrow might rise some criticisms on this delicate issue: "in the book I try to argue for the principles of justice (and contra the several forms of utility) without making any particular assumptions about risk aversion. I took these propensities as unknown and attempted to show that the contractual situation should be interpreted as a special case one in which an analog of the maximin rule would clearly apply, even though no appeal was made to play-safe attitudes." Rawls continued by specifying that the introduction of risk aversion in the original position might actually reinforce his arguments against the average utility principle, for this is "a very large risky one-for-all bet and the global predominance of risk aversion would lead the contractees to hedge and to avoid this principle, if possible" (JRP, Rawls to Arrow, June 26, 1972). While Arrow did not seem to have taken Rawls's warning into account, he remained quite admiring of Rawls's construction, acknowledging from the outset Rawls's competent use of economic tools: "as an economist accustomed to much elementary misunderstanding of the nature of an economy on the part of philosophers and social scientists, I must express my gratitude for the sophistication and knowledge which Rawls displays here", adding that the criticisms and questions he would raise "are a tribute to the breadth and fruitfulness of Rawls's work" (Arrow 1973, 245-246). Arrow described Rawls's theory as "a statement of fundamental propositions about the nature of a just society, what may be thought of as a set of axioms […]. It is sought to justify these axioms as deriving from a contract make among rational potential members of society" (*ibid.*, 247), an assertion thus showing the continuity between the rational choice theoreticians agenda and Rawls's. Arrow then pursued his description of Rawls's framework, recalling that the original position assumption had been already devised notably by Vickrey in 1945 and Harsanyi in 1953 and 1955, though leading instead to the average utility principle, and not to the maximin for "it has, however, long been remarked that the maximin theory has some implications that seem hardly acceptable." He illustrated this idea with an example of costly medical procedures which would keep people alive but in very bad conditions, thus reducing the rest of the population to poverty (1973, 251).

[10] It might be worth noting that when Arrow left to return to Stanford, Rawls was given the James Bryant Conant University Professorship which Arrow chaired (Pogge 2007, 23).

According to Arrow, Rawls's opposite conclusion seemed to rest on two parts: on the one hand, the individuals under the veil of ignorance have an extreme form of risk aversion since their entire lives are at stake; on the other hand, the probabilities do not have to be used in such a process for they are not defined. From these, Arrow inferred that the differences between maximin and utilitarianism, contrary to Rawls's assertions, "are not great". First, following the Vickrey-Harsanyi argument, if an individual assumes he might be any member of the society with equal probability, "he indeed evaluates any policy by his expected utility, where the utility function is specifically that defined by the von Neumann-Morgenstern theorem" (*ibid.*, 256). Therefore, according to Arrow, "Rawls errs when he argues that average utilitarianism assumes risk neutrality […]. On the contrary, the degree of risk aversion of the individuals is already incorporated in the utility function."[11] The maximin is thus not opposed to utilitarianism, but corresponded to a limit case of it when risk aversion is very high, Arrow stated.[12] Arrow's other ingenious argument aiming at reconciling the utilitarian and the maximin logics is that Rawls's theory indeed uses individual talents and abilities (i.e., individuals) to increase the situation of the less favored. In this view, justice as fairness would share the same standard problem of utilitarianism: to see individuals as means and not as ends! Besides, even if Arrow acknowledged that Rawls's theory avoids the sacrificial principle of the sum-of-utilities criterion, it is subject to a kind of reverse problem: if an individual is unable to derive much pleasure from anything "whether because of psychological or physical limitations," he could be "the touchstone of distribution policy, even though he derives little satisfaction from the additional income" (*ibid.,* 253). And if one considers primary goods instead of individual utilities, which alleviate some issues encountered by the strong utilitarian assumptions regarding interpersonal comparisons, difficulties still remain: in particular, "there is an index-number problem in commensurating the different goods, which is in principle as difficult as the problem of interpersonal comparability" (*ibid.*, 254).

In addition to these strong criticisms, which wrecked the basic concepts of Rawls's theory, Arrow raised two extra problems regarding the economic implications of *A Theory of Justice*. First, Rawls says almost nothing regarding the tax rates, simply advocating for progressive income and inheritance taxes. This line of research would be studied especially by Atkinson

[11] "I assume also that utility is measured by some procedure that is independent of choices involving risk" (Rawls 1971, 139)

[12] Note that Rawls himself made a rather similar point when dealing with the von Neumann-Morgenstern utility function under the principle average utility (1971, 144).

(1973) and Phelps (1973). Second, the distribution of wealth over generations via the definition of a just rate of savings is not properly discussed by Rawls, who claimed that under the veil of ignorance, the parties make the decision in favor of a fixed fraction of income which will be transmitted from one generation to the next. To obtain this result, Rawls modified the motivations of the parties in the original position (the "motivation assumption"; cf. Rawls, 1971, 111) and introduced altruism: "we assume first, that the parties represent family lines, say, who care at least about their more immediate descendants; and second, that the principle adopted must be such that they wish all earlier generations to have followed it" (*ibid.*, 255). This modification is strongly questioned by Arrow and opened a path to the further critiques of Dasgupta (1974) and Solow (1974).

In a 1973 letter, Rawls attempted to answer some of Arrow's attacks, especially regarding the index problem for primary goods. After having stressed that he doesn't "have much of an answer for this", he pointed out that "one is […] supposing that basic and fundamental needs are pretty homogeneous and can be met by the income provided" and that "it's worth noting that many aspects of the index problem for primary goods are best considered from the standpoint of the legislative stage. We don't have to, and shouldn't try to, figure all these thinks out from the perspective of the original position", thus implying that in practice the index problem is not that difficult to cope with. However, he acknowledged at the end of the letter that "your worries are no doubt much deeper than those I've been able to mention. There probably many difficulties I have not seen" (JRP, Rawls to Arrow, February 23, 1973).

Shortly after, charged with writing a review on Rawls's theory for *The Quarterly Journal of Economics*, Alexander asked the philosopher to send him the main reviews already published on his book. The tone of Rawls's answer showed that he was bothered by some of Arrow's comments: "about Arrow's review, there is one misunderstanding in it that is caused by faulty exposition of my part. Arrow says […] I am in error in saying that average utilitarianism assumes risk neutrality […]. I said this because I assumed that in the average principle presented as an option […] utilities are measured (estimated) from the standpoint of individuals in society […]. However, in the footnotes on pages [118] and [144] I referred to Harsanyi's articles, and of course his utilities are measured in the von Neumann-Morgenstern fashion which is a risk adverse measurement. So if the estimation of utilities is made from the standpoint of the original position, then risk aversion as I discuss it is indeed, partly at least, taken into account. In putting

in the footnote references I carelessly forgot about this, and hence there is an unfortunate conflict between the references and the text […]. What I argue in effect, is that given a choice between the difference principle and average utilitarianism (interpreted as above in the classical sense), the parties in the original position would prefer the former […]. I confess it annoys me that I let this (and no doubt many worse muddles) gets by" (JRP, Rawls to Alexander, April 12, 1973). A few months later, three papers were devoted to *A Theory of Justice* in *The Quarterly Journal of Economics:* Alexander's, Musgrave's – apparently inspired by the former – and Rawls's reply to both of them. As did Arrow, both economists – especially Musgrave – acknowledged Rawls's impressive construction. Each of them then developed aspects already evoked by Arrow. On the one hand, Alexander attacked Rawls's theory on two main grounds: first, Rawls's theory is utilitarian "in that it takes the satisfaction of human wants as the criterion for the evaluation of social arrangements" (Alexander 1974, 598). More precisely, "Rawls's general theory can be regarded as a rational choice utilitarianism […] in that the interests to be advanced are not to be mere wants, but rational wants, the welfare to be rational welfare" (*ibid.,* 609). He contrasted it with Benthamite utilitarianism as focused on the satisfaction of actual wants, and Millian utilitarianism seen as an ideal utilitarianism, i.e., the satisfaction of ideal wants. Second, he discussed the maximin criterion and stressed that it can be seen "along with Arrow and Solow and I suspect just about everybody else but Rawls" "as just another, albeit limiting, mode of summation" (*ibid.,* 615). Perhaps in relation to Rawls's letter, he added that in his view "questions of probability and risk aversion are essentially extraneous to the conflation problem" (*ibid.,* 616-617). On the other hand, in a 8-page review, Musgrave questioned the use of risk and ignorance by Rawls, arguing that the Rawlsian assumption of the infinity of risk aversion – which leads to the maximin – is "unlikely", and put great emphasis on the leisure trade-off[13] saying that the implementation of maximin "leads to a redistributive system that, among individuals with equal earnings ability, favors those with a high preference for leisure" (Musgrave 1974, 632).

In his "Reply to Alexander and Musgrave", Rawls attempted to offer some answers to Alexander's and Musgrave's critiques. He notably claimed that he is "unable to accept Alexander's description of justice as fairness as a kind of rational interest utilitarianism" (Rawls 1974a, 643), implying that Alexander's account of his theory trivialized it: "in order to address

[13] Arrow in a sense evoked this via his discussion on the incentive effects in relation to the income tax (1973, 258-259).

maximin (within the context of the two principles) we need to know the conception […] that supports it" (*ibid.*, 645). Besides, he showed that the interpretation of maximin by the parties as a consequence of risk aversion is a "misapprehension": the maximin is "the criterion that would be adopted to regulate inequalities if the parties were moved by the principle that none should benefit from certain undeserved contingencies with deep and long-lasting effects, such as class origin and natural abilities, except in ways that also help others" (*ibid.*, 648). Thus, the characteristics of the original position lead the parties to choose "as if they were highly risk-averse" (*ibid.*, 649), but this aspect must be understood as a consequence of the features of the original position and not as an assumption. Finally, Rawls acknowledged following Musgrave that leisure could be included in the set of primary goods and in the index.[14]

The next main attack against Rawls's theory came shortly after from a 1975 *American Political Science Review* paper written in Harsanyi in May 1973. Anecdotally, publication's delays gave Rawls the opportunity to answer to it even before its publication in his 1974 *American Economic Review* piece, which led Harsanyi to add a postscript to his initial paper. As noted in the previous section, the debate with Harsanyi had started long before this set of papers, dating back to the mid-sixties. It had been pursued by Rawls in *A Theory of Justice* who devoted chapters 27 and 28 mainly to refuting Harsanyi's utilitarian philosophy and his use of expected utility theory. In particular, Rawls stressed that "it may be surprising that the meaning of probability should arise as a problem in moral philosophy, especially in the theory of justice. It is, however, the inevitable consequence of the contract doctrine which conceives of moral philosophy as part of the theory of rational choice. Considerations of probability are bound to enter in given the way in which the initial situation is defined. The veil of ignorance leads directly to the problem of choice under complete uncertainty" (1971, 149). After having quoted this passage as well, Amadae (2003, 265) emphasized that "it indicates that, despite Rawls's reservations about using probability theory in conditions of unknown probabilities, he was well aware of how close philosophically his veil-of-ignorance approach was to Harsanyi's theory of average utility." In his piece, Harsanyi thus wanted to show that "Rawls's attempt to suggest a

[14] "Musgrave observed (in QJE, November 1974) that some account needs to be given of leisure. The index of primary goods, as I stated it, did not include leisure as a good; I had just assumed everyone worked a standard amount of time. Once this assumption is dropped, the least advantages include the proverbial beachcomber who expects to be taken care of. We remedy this by putting in the index of primary goods a certain amount of leisure, which when exceeded by working less that the standard period of time, counts against one claim to other primary goods. So the beachcomber is not entitled to a handout and is no longer one of the least advantaged" (JRP, Rawls to Samuelson, September 14, 1985).

viable alternative to utilitarianism does not succeed" (1975, 594). Recalling first that two schools of thought dealt with the decision rule in the position of uncertainty – the maximin principle school on the one hand which had been shown since the mid-fifties to lead to serious paradoxes and the dominant Bayesian one on the other hand which proposed expected-utility maximization – Harsanyi claimed that the concept of original position "played an essential role in [his] own analysis of moral value judgements, prior to its first use by Rawls in 1957" (*ibid.,* 595). With a series of examples, Harsanyi then aimed at proving that the maximin criterion led to "highly irrational conclusion" and had "unacceptable moral implications," except in the situations where "the maximin principle is essentially equivalent to the expected-utilities maximization principle" (*ibid.,* 595). Harsanyi's major concern was then to show that his own use of probability and of the von Neumann-Morgenstern utility functions do have place in ethics, contrary to Rawls's assertions in *A Theory of Justice* and elsewhere.[15] First, the equiprobability assumption can be understood from the Laplace principle of insufficient reason, but can also be regarded as a moral principle that "we must give the same a priori weight to the interests of all members of the society" (*ibid.,* 598, fn 10). Second, "vNM utility functions have a completely legitimate place in ethics because they express the subjective importance people attach to their various needs and interests" (*ibid.,* 600). In a 5-page piece, Rawls answered some of Harsanyi's criticisms as well as Arrow's. He first recalled that the maximin is "a macro not a micro principle. I should add that the criterion is unsuitable for determining the just rate of savings; it is intended to hold within generations," adding explicitly in a footnote that "this affects the force of Harsanyi's counterexamples" (1974, 142 and fn 4). He then underlined the advantages of the maximin criterion as compared to the average utility principle ("normal risk-aversion – given the special features of the original position; less demanding information requirements") and further suggested that the maximin is able to fulfil "the aspirations of free and equal personality" (*ibid.,* 144). Indeed, it should be underlined that Rawls was aware of the problems encountered by the maximin since the very beginning as he wrote it to Samuelson 10 years later: "Beginning around 1950, when I first started to think about the questions of political

[15] For instance, in Rawls's correspondence, "Harsanyi doesn't discuss in enough detail what the effects of risk aversion from the moral standpoint are likely to be" (JRP, Rawls to Alexander, April 12, 1973);"on the utilitarian view of Harsanyi we really are thought of as taking on other's actual preferences. I find it hard to give a clear sense to doing for question of the justice of the basic structure, unless we use the device of primary goods, or something like it. Perhaps we only have a choice between nonsense and a cheat [you say on page 3 that basing interpersonal comparisons on primary goods is a bit of a cheat]" (JRP, Rawls to Dasgupta, July 17, 1973).

justice, the thought of using a principle like the difference principle seemed out of the question. There were too many ready to hand counter –examples; moreover, the psychology involved appears to be, as you say at one point, plain paranoia, lunacy. So I put it aside for a while; but as my views became more worked out, it occurred to me that there are ways of embedding the principle in a context in which other principles are priori to it and control its application" (JRP, Rawls to Samuelson, September 14, 1985). Anyhow, Rawls's answer to Harsanyi did not mean to cover the whole scope of his critique. And as shown by his rather contemptuous postscript, this move was clear for Harsanyi as well: "regretfully, I must say that this is a singularly inept defense […]. I am really astonished that a distinguished philosopher like Rawls should have overlooked the simple fact that the counterexamples I have adduced have nothing whatever to do with scale at all […]. I cannot see how anybody can propose the strange doctrine that scale is a fundamental variable in moral philosophy, without giving credible answers to these questions at the same time" (Harsanyi, 1975, 605). Invoking Arrow's criticisms of Rawls's theory as compared to the utilitarian one, he then pointed out that both their papers led to disqualifying "Rawls's theory as a serious competitor to utilitarian theory […]. For this reason, I find it rather unfortunate that Rawls's paper does not even try to answer this criticism at all" (*ibid.,* 606).[16]

Closely following Harsanyi's 1975 virulent postscript apparently provoked by Rawls's 1974 evasive answer, Samuelson's 1976 piece written for a Festschrift in honor of William Vickrey pursued Harsanyi's strong attack against the maximin: "I was shown a piece by Harsanyi and some of his criticisms I do share" (PASP, Samuelson to Rawls, August 5, 1974). In his colorful style, Samuelson explicitly disapproved of the use of this criterion in Rawls's theory: "*A Theory of Justice* by John Rawls (1971) has revived attention to concepts of 'fairness' in welfare economics. It has also, by so to speak unnecessary coincidence, brought back notions of minimaxing. I personally would consider it 'unfair' if, under some banner of 'fairness', people were forced into doing something none of them wants to do-such as acting in accordance with a minimax principle" (1976, 179). To illustrate his view, Samuelson then put into light the potential deadweight loss engendered by Rawls's criterion one can illustrate by a simple "leavy bucket" example he proposed in a later paper (Samuelson 1987, 167). Supposing that costless redistribution of 30 apples is not feasible and that Nature allocates always 15, 10

[16] Let us recall that Harsanyi came from Australia to visit Stanford in 1956/57 in order to work with Arrow and complete his PhD (Arrow in Harsanyi 1976, vii; see as well Arrow 2001).

and 5 to the three members of the society: "in a veil of ignorance each can believe to be operating under a symmetric probability distribution with the same respective chances of getting the best, worst, or middling prize as anyone else's chances. Suppose, because of deadweight loss involved in transferring, it is feasible to reallocate the unequal allocations not to (10,10,10) but only to (6,6,6). Wielding Rawls's bludgeon, we are forced to insist that the good society will opt to be egalitarian and to redistribute to this low equality. However, all three persons would disprefer '6 apples with certainty' to even chances of 15, 10 and 5 apples […]. Rawls's dictum, however, would force on every body as allegedly just and fair what no one would wish to suffer." He thus concluded his 1976 piece by stressing that "does all this sound silly? That is because minimaxing regret is a criterion that has only to be understood to be laughed at" (Samuelson 1976, 189).

More than a circumscribed attack against maximin, Samuelson in fact rejected Rawls's whole theory on the basis that "it is by such odd fruits that we learn how odd the tree is" (1976, 188). One cannot but consider the possibility that Samuelson's mood had been accentuated by the absence of Rawls's reaction after he had requested from him a comment on a preliminary version of his piece (PASP, Samuelson to Rawls, August 5, 1974). But one might guess as well that the aggressive tone he adopted in it must have partly discouraged the peaceable Rawls to answer it: "as you will have gathered, I personally do not find it philosophically (or economically or…) very interesting to work out the details of how you or I might feel if stead of being us we were schizophrenics or saints or hermaphrodites. But those who are interested in traditional concepts of 'justice' or 'fairness' are the kinds of people who do find such an exercise of interest. Such people instinctively feel that whether a person is Rh positive or negative should not influence his real income; and from this symmetry condition, they go by a vague process of confusion to thinking that they have definite notions on how sanitary pads should be allocated to men and women or to how many athletic supporters it is fair for a man to have to keep him from being unfairly treated in comparison with women who are allocated a certain number of sanitary pads" (PASP, Samuelson to Rawls, August 5, 1974). Rawls did not venture to answer this by a letter, even less by a published paper, simply confirming receipt and indicating that he might give his "considered reaction" at a later date (PASP and JRP, Samuelson to Rawls, July 24, 1985). But in spite of Rawls's silence, Samuelson did not abandon his vigorous criticism of Rawls's theory, and 10 years later he devoted a section of a paper

written in reaction to Arrow's 1985 Tanner Lectures to "Rawls Gratuitism" (Samuelson 1987, 166-168), published in one of the two Feiwel's 1987 volumes in honor of Arrow, specifying that "if something true by definition is a 'truism', then we may perhaps call something gratuitous a 'gratuitism'" (Samuelson, 1987, 166). Reiterating his deadweight loss argument regarding the Rawlsian redistributive tax system, he concluded that: "Rawls's minimax principle gains for his system an air of being humane and liberal. But it is a reputation dearly bought and spurious to those like Arrow and Harsanyi who make a sacred shibboleth of individualism and the Pareto principle. Wilde's dictum seems to apply to Rawls's principle: to be understood is to be found out" (*ibid.*, 167). He then mocked Rawls's notion of sympathy and interpersonal worth: "some writers find it as interesting questions to ask: 'if you don't know in advance whether you will be Peter with Peter's tastes or Paul with Paul's tastes, would you rather find out you are Peter in A that you are Paul in A? Perhaps they would even be willing to let us substitute for 'Peter' a 'certain kind of man' and for Paul 'a certain kind of cockroach'. Then they may feel that they are making progress towards defining what are 'fair' and 'just' socio-biological compacts for cockroaches and humans to enter into" (*ibid.*, 167). From all these previous quotations, it seems at first sight that Samuelson's strong rejection of Rawls's justice as fairness was only caused by the "silly" consequences of the maximin principle. But as shown in his letter to Rawls in 1974, Samuelson's move can also be explained by his disinterest in any philosophical theory that pretends to address issues of justice and fairness in such a way. This would be confirmed 10 years later in the 1987 Feiwel piece.[17]

Clearly enough, Samuelson's vindictive attack against *A Theory of Justice* was motivated not only by Rawls's borrowings from economic concepts, but by his core aim to propose a theory of justice which would lead to universal principles which might threaten individualism and the Pareto principle. Actually, this fear is present as well in the writings of all famous detractors of Rawls such as Arrow, Buchanan and Harsanyi. As stressed by Amadae (2003, 259), "rational choice theorists were jealously protective against what they perceived to be the encroachment of idealistic, collectivist, or authoritarian philosophical approaches." Indeed, one of Buchanan's criticisms discussed the hypothetical device of the original position: "what point is there in talking as if persons will 'think themselves' into some idealized version of an

[17] Actually, Samuelson's disinterest in philosophical issues might have stemmed from his professor of advanced mathematical and statistical economics, Edwin Wilson (on this issue, see especially Carvajalino 2018). In the same vein, the fact that Samuelson didn't wish to devote reflections to issues outside positivistic economics is notably apparent in his 1947 *Foundations of Economic Analysis*, notably in the chapter 8 on welfare economics.

'original position' behind a deliberately contrived 'veil of ignorance' when we now that, descriptively, the men who must make social choice are not likely to make such an effort?" (1972, 126), while Arrow (1973, 255) made the point that the original position may allow parties to impose any opinion over religion and politics: "I feel I know that Marxism (or laissez-faire) is the truth, therefore, in the original position, I would have supported suppression other positions. Even Rawls permits suppression of those who do not believe in freedom." And Harsanyi (1975, 605) concluded his postscript by saying that "one thing that all of us must have learned in the last fifty years is that we must never commit ourselves seriously to moral principles or political ideologies that are bound to lead to morally utterly wrong policies from time to time – however great the advantages of these principles or ideologies may be in terms of administrative convenience, easy of application, and readier understandability."[18] Thus, it seems that in spite of Rawls's (at least) initial commitment to rational choice theory and his careful specifications in reference to Arrow's criticism of Rousseau's general will, Kant's categorical imperative and Marx's motto (1951, 81-86), aiming at distinguishing idealism from unanimity,[19] rational choice economists were suspicious regarding the exact status of *A Theory of Justice*.

In a nutshell, Rawls's theory faced strong attacks by famous economists notably aiming at trivializing his theory as a special case of utilitarianism and questioning his philosophical bases which were seen as dangerously close to a kind of idealism. Rawls reacted promptly to almost all of them, attempting to clarify his position and the so-called misunderstandings, through letters and papers published in leading economic journals (*The Quarterly Journal of Economics, The American Economic Journal*). This shows quite convincingly that Rawls's desire to pursue his dialogue with economists on the main concepts of his theory was markedly present at least until the mid-seventies. Another clue to this desire can be found in his correspondence with economists who had raised criticisms falling somehow outside the main message of *A Theory of Justice*. In all these cases, Rawls systematically answered that he was not competent regarding these problems. To economists such as Atkinson, Dasgupta, Phelps or Solow, who

[18] It should be noted that Harsanyi maintained his strong rejection of Rawls's theory all his life (see especially Harsanyi 2008 and in d'Aspremont and Hammond 2001, 395: "I find the maximin simply absurd as a decision rule. And I much more, much more object to [Rawls's] basic moral views than to decision-theoretical view."

[19] "It may be thought that the assumption of unanimity is peculiar to the political philosophy of idealism. As it is used in the contract view, however, there is nothing characteristically idealist about the supposition of unanimity" (Rawls, 1971, 232-233).

studied the implications of maximin for intergenerational justice and/or taxation models, Rawls avoided the debate, still noting how amazed he was "by the speed and ingenuity that you and other economists display in working out the consequences of the maximin criterion in various models" (JRP, Rawls to Phelps, July 2, 1974). Regarding the mathematics, his position was clear: "unhappily I can't understand enough of the mathematics to follow the argument properly. But in any case, it seems clear that the maximin criterion is not ridiculous, which for a long time I was afraid it might be despite that fact that it seems plausible to me as I thought about it. When I wrote the book I hoped that economists might take an interest in the idea and spell out its consequences and compare it with other criterion, which I am unable to do. That hope has been amply realized in the papers you have written" (JRP, Rawls to Atkinson, September 13, 1973). Rawls addressed the same kind of answer to Solow, i.e., that he cannot "follow much of the math" (JRP, Rawls to Solow, February 15, 1973) and to Dasgupta: "I wish I was more proficient at it [mathematics]" (JRP, Rawls to Dasgupta, June 26, 1972); "I don't grasp the math very well" (JRP, Rawls to Dasgupta, March 21, 1973).

3. Rawls's progressive disenchantment regarding the possibility of the dialogue: the decisive conflict with Amartya Sen

Apart from these strong criticisms which attacked not only Rawls's economic ideas but his whole construction, other economists such as Sen devoted time to defending Rawls's theory. From the very beginning of the publication of *A Theory of Justice*, Rawls and Sen had exchanged views on the criticisms levelled at it by Arrow and Harsanyi (especially). Indeed, in response to a first version of Rawls's essay to be published by Sen and Bernard Williams in *Utilitarianim and beyond* (1982), Sen commented: "it reads beautifully well and the response to Harsanyi and Arrow is particularly apt" (JRP, Sen to Rawls, December 5, 1978). Furthermore, a whole section of Sen's 1974 *Journal of Public Economics* paper is devoted to the debate between Arrow and Rawls on the assimilation of Rawls's maximin to utilitarianism. More precisely, it aims at "answering Arrow's recent claim that Rawls is a special case of Bentham" (JRP, Sen to Rawls, Summer 1973).[20] Sen concluded this passage by advocating that it is "misleading to claim that the Rawlsian maximin rule is merely a limiting case of

[20] Actually, this is an undated letter, but Rawls's acknowledgement of it is dated September 13, 1973.

utilitarianism. This claim, while true in the context of a model that is quite restrictive, puts the Rawlsian approach in a narrower framework than is necessary, and blots out both (i) the Rawlsian model of 'original position' which is different from the Vickrey-Harsanyi model, and (ii) the fact that the Rawlsian rule can be considered even without reference to the 'original position', or any other kind of uncertainty" (1974, 398).[21]

Following Buchanan's notable observation regarding the kind of criticisms economists have addressed to Rawls's theory, it seems fair to stress that they "have concentrated attention almost exclusively on the extreme risk-averseness that is implied, and, indeed, the term 'maximin principle' has been widely substituted for Rawls's own preferred term 'difference principle'" (Buchanan 1976, 5-6). More recent similar comments have been raised by Edgren (1995, 332) or by Dupuy (2002, 120, our translation): "believing to be on familiar ground, economists reading Rawls concluded that this was a classic decision problem, that of the rational choice of an isolated individual in a situation of non-probabilisable uncertainty. The author of the *Theory of Justice*, whose sometimes imprecise or ambiguous formulations are not unrelated to this interpretation, has since had several opportunities to denounce it as a misinterpretation." The very same conclusion is shared by Duhamel who went so far as to claim the existence of an "apocryphal" Rawls: "alongside the theory of justice as fairness, there is an apocryphal Rawlsian program: to make social contract theory an exercise of rational choice" (2006, 40, our translation).

Let us stress that Sen himself seems to share the point of view that there is a distinction between Rawls's fundamental aim and the way economists have dealt with his theory, describing the latter as "Rawlsian": "an example of a moral theory that is welfarist (i.e. utility-based, in this sense), without being utilitarian, is the theory that has been much explored in welfare economics under the influence of Rawls's writings and which is called, by stretching a point, 'Rawlsian'. This takes the form of judging the goodness of a state of affairs in terms of the utility level of the worst-off individual in that society in that state, and economists such as Phelps and Atkinson, among others, have done much to explore the implications of such an approach" (Sen 1984, 318). In a 1978 letter to Rawls, Sen even assumed some responsibility

[21] In addition, other economists such as Partha Dasgupta from Cambridge were also very critical of Harsanyi's attacks on Rawls, arguing that the former totally misunderstood the latter and denouncing "unnecessary criticism of the kind Harsanyi has made in his review": "I felt so much that [Harsanyi] has misunderstood the way you have argued for the difference principle that I have retained in my paper the section on it" (JRP, Dasgupta to Rawls, June 30, 1973).

regarding this "Rawlsian" interpretation of Rawls's theory and offered a kind of mea culpa: "I cannot agree more with what you say in your letter about the difficulty of assessing the significance of results unless they are interpreted against a wider background. We economists are probably more guilty than anyone else of trivializing backgrounds by taking such 'unnatural' problems as division of a fixed cake, optimum taxes in a society without any other institution, etc., and I am also aware that I may have contributed to a gross over-simplification of the understanding of your approach by concentrating on the difference principle only (one over-simplification), defined on utilities rather than social primary goods (two), and applied to individuals (three). I hope to set things right in the new book" (JRP, Sen to Rawls, April 29, 1978). With this, Sen thus showed how well he was aware of the real content of Rawls's theory and thus why his subsequent criticism of the primary goods will have such an impact on Rawls as compared to the other attacks from economists somehow only focused on the "Rawlsian" interpretation.

Indeed, the influence Rawls's thought had on Sen's work is no mystery and has already been well documented in analytical way (see especially Gilardone 2015). In his biographical note for the Nobel Prize, Sen wrote: "if my work in social choice theory was initially motivated by a desire to overcome Arrow's pessimistic picture by going beyond his limited informational base, my work on social justice based on individual freedoms and capabilities was similarly motivated by an aspiration to learn from, but go beyond, John Rawls's elegant theory of justice, through a broader use of available information. My intellectual life has been much influenced by the contributions as well as the wonderful helpfulness of both Arrow and Rawls." Needless to say, the substantial correspondence between the two great authors confirms it. From Sen's 1970 *Collective Choice and Social Welfare* ("my 'Collective Choice' book benefited so immensely from your comments and suggestions"-JRP, Sen to Rawls, December 5, 1978) to *The Idea of Justice* Sen dedicated in 2009 to the memory of John Rawls ("there has been no one like him in shaping my thought. I wish I could tell Jack how my intellectual life has been 'porositic' on his"-JRP, Sen to Mardy Rawls, November 27, 2002), Sen's work has evolved in close confrontation with Rawls's main concepts: "I am trying to write a book now, provisionally called 'welfare and rights', which is – to a great extent – the result of my trying to rethink on some of the issues raised in your work. I have to warn you that you cannot be arriving at Oxford

at a more opportune moment for my work and I fear you may find yourself besieged!" (JRP, Sen to Rawls, April 29, 1978).

At the end of the seventies, Sen began to develop his own specific criticisms of *A Theory of Justice*, which would go far beyond his initial analyses mostly devoted to the maximin/difference principle applied to individual utilities (for instance, see Sen 1970, 1974b, 1976). Going deeper into the Rawlsian concepts, he was "bothered by several questions." First, he wondered if the appeal of the "difference principle" is "greater on primary goods interpretation than on the utility interpretation", specifying that if "it might seem to be so in some cases (e.g., dealing with allocation between a hungry, starving person and a well-fed mom of morose temperament)", it could be misleading in other cases "e.g., physically handicapped or the mentally demented." Second, on the basis of his famous liberal paradox (1970, chap. 6), he raised the question of the conflict between efficiency and liberty and consequently of the priority of the first principle ("I am interested in knowing whether you will give priority to the liberty principle in all cases of conflict with the Pareto principle"), specifying that "this deals with an aspect of the conflict different from what Hart discusses."[22] Third, he had doubts about the original position, wondering "whether choice as such in the original position plays any part in convincing us of the appropriateness of the two principles" (JRP, Sen to Rawls, April 29, 1978). As shown by the correspondence between Rawls and Sen, the Indian economist tried to overcome the Rawlsian concept of primary goods during the whole of 1978: "in May [1979] I have to give the Tanner Lectures at Stanford. I have been wondering whether I should try to develop the notion of 'primary powers' (or 'primary abilities' – can't decide which term captures better the notion of the ability to – or the power to – do the important things in a person's life). I am somewhat hesitant because I am not sure that is it sufficiently different from your notion of 'primary goods', I often feel it is, but wouldn't like to launch a whole new thing just on the basis of a minor redefinition (if that is what it is). When I have sorted this out a bit more, I may have to seek your advice again" (JRP, Sen to Rawls, December 5, 1978). Rawls's answer a few days later was no less than enthusiastic regarding the emergence of this new alternative notion: "the idea of primary powers (or abilities) does seem quite different and I

[22] In a famous paper, Hart (1975) attacked the first principle of justice especially on the basis that its application could lead to formal liberties only, not real ones. Rawls answered it in the Tanner Lectures he gave at the University of Michigan in April 1981, later published by Sterling McMurrin in 1987 (see Rawls 1999, chap. 21).

would expect the problems to be different also, and thus the question very well worth exploring" (JRP, Rawls to Sen, December 22, 1978).

But, as the story goes, Rawls would eventually be rather displeased by Sen's famous lectures. Indeed, Sen's doubts regarding Rawlsian primary goods led him to forge the now very famous capability approach. He mentioned this new concept for the first time on the occasion of the Tanner Lectures in May 1979, thus rejecting primary goods on the basis that they "take little note of the diversity of human beings" (Sen 1980, 215). The correspondence makes clear that this attack from one of his oldest allies in economics did not leave Rawls untouched: quite the contrary. He felt "dismayed" and "steamed" by the criticisms Sen made in his Tanner Lectures, even believing that Sen meant that his view of justice was "callous".[23] He finally reacted with a very long letter, but only after he saw a sentence written by Sen in a preliminary version of the introduction to *Utilitarianism and Beyond* edited by Sen and Williams, in which Rawls published his well-known "Social unity and primary goods" (1982): "until I saw the sentence in your introduction I wasn't going to say anything about this; but it called to life a sense of dismay I had and I decided not to let it pass without letting you know how I felt." The passage in question was the following: "while Rawls himself is reluctant to make explicit provision for handicaps etc.", which was rephrased at Rawls's request in the final version of Sen's and William's introduction as "while Rawls himself has postponed the problem of how to make explicit provision for handicaps" (JRP, Sen to Rawls, December 2, 1981 and Sen and Williams 1982, 19).

The conceptual problem at stake between the two great authors is the following: "I felt that you rather seriously misunderstood the assumptions I was making and failed to see the limited scope which I was claiming for the use of an index of primary goods […]. I am saying that I am dealing solely with the special case in which all citizens have similar enough needs and capacities […] and that the first problem of justice concerns the basic structure of society into which we are born to lead a complete life […]. This problem [of how to treat crippled and the physically handicapped, and the mentally deficient and emotionally disturbed] introduces prematurely difficult questions that may take us beyond a theory of justice construed as a theory of justice for the basic structure, that is, for the special case. In addition, it is premature because

[23] The following sentences were particularly hard for Rawls to accept (JRP, Rawls to Sen, July 28, 1981). Regarding the fact that his view of justice did not take into account people who cannot cooperate, Sen pointed out "this may seem hard, and I think it is. Rawls justifies this by pointing out that 'hard cases' can 'distract our moral perception by leading us to think of people distant from us whose fate arouses pity and anxiety" (Sen 1980, 215).

we are not yet ready to cope with it: we don't know how at this stage" (JRP, Rawls to Sen, July 28, 1941). A comparison with economists' methods then followed in order to make his point: "in practically everything I have written, I am concerned with this special case. I am proceeding like an economist concerned with the theory of general equilibrium: various assumptions are make, which everyone recognizes do not always hold, and then we see what follows. To reject the account of primary goods because it cannot, as stated, deal the hard cases mentioned is like rejecting general equilibrium theory because there are monopolies, oligopolies and the like. Primary goods were not intended for such cases." He then pursued his comparison with general equilibrium theory as follows: "one might think that his special case is of no particular interest. Here I would reply as an economic theorist would reply to criticism on general equilibrium theory […]. You seem concerned with something called 'morality.' Of course, the difference principle is a 'partially blind morality.' That's like saying general equilibrium theory is partially blind economics. This is something one might reasonably say about an economist but not about the theory, that is, about an economist who thinks general equilibrium theory is all there is to economics and a satisfactory theory of all of economic phenomena" (JRP, Rawls to Sen, July 28, 1981).[24] Sen's answer to Rawls's letter first apologized for the trouble his Tanner Lectures had caused his friend: "let me say that I have felt pretty miserable by the misunderstanding that you point out in my Tanner Lecture concerning your views regarding 'hard cases.' I did not, in fact, mean to imply at all that you were callous, or unsympathetic-quite the contrary, since I motivated the 'basic capabilities' approach on 'Rawlsian' grounds, using your arguments to justify it, treating that as an extension that you could possibly accept" (JRP, Sen to Rawls, December 2, 1981). Yet he stayed firmly on his former positions by denying the validity of any approach which would reject the so-called "hard cases" from the outset, as Rawls did, claiming that at least it gives something upon which we can try to improve: "this is where we disagree. My claim is that precisely the same arguments that led you to the primary-goods-focus lead one in fact to the basic-capabilities-focus." In reference to his work on poverty, starvation and malnutrition (his 1981 *Poverty and Famines* had just been published), he specified that "we aren't of course primarily concerned with food intake as such, nor the ability to buy food only,

[24] Interestingly, the same appeal to general equilibrium theory is present in a 1985 letter to Samuelson: "The two principles of justice apply to the basic structure regarded as a system of social cooperation between citizens over time, from one generation to the next. It is assumed that everyone is fully capable of taking part in cooperation over a complete life (this is an idealization, but economists who work in the theory of general equilibrium can't complain about this!)" (JRP, Rawls to Samuelson, September 14, 1985).

but with the ability to meet nutritional needs and be healthy; That focus is neither the same as that of primary goods, not that of utility. Your arguments against treating utility as the basis of advantage still apply. And so does your argument in favour of looking at what can or cannot do in pursuing their ends, except that this leads naturally to focusing on basic capabilities rather than on primary goods index […]. Our difference is an important one for me – not merely because your ideas have had such an influence on me, but also because the focus on primary goods as such I have found increasingly inadequate for my work on poverty, inequality and welfare" (JRP, Sen to Rawls, December 2, 1981).

A few years later Sen in fact revised his initial views that Rawls and he strongly disagreed on the primary goods versus capability debate, "issues on which I had thought that we disagreed substantially," adding that "I see more clearly now where I had misinterpreted your claims […]. I think there are still some differences but I must be more careful in spelling them out" (JRP, Sen to Rawls, October 22, 1984). Indeed, in many places subsequently, he tempered his difference with Rawls's approach. In the revised version of "Equality of What?" published in his 1982 *Choice, Welfare and Measurement*, Sen made concessions to Rawls's viewpoint: "my criticism of Rawls's argument gives a misleading impression of the content of that argument. Rawls is, in fact, justifying postponing the question rather than justifying ignoring it. For this misimpression, I must apologize to John Rawls. However, I should also add that I believe that a substantial theory of justice cannot sensibly postpone this question in developing the basic structure of the theory. Need differences – of which 'hard cases' are just extreme examples – are pervasive, and they deserve a more central place in a theory of justice such as Rawls's (Sen 1982, 366-367, fn 28). In his 1984 *Resources, Values and Development*, this kind of mea culpa is developed a bit further: "there are, however, good reasons to think that Rawls himself – contrary to what his own theory formally states, is really after something like capabilities. He motivates the focus on primary goods by discussing what the primary goods enable people to do. It is only because of his assumption – often implicit – that the same mapping of primary goods to capabilities holds for all, that he can sensibly concentrate on primary goods rather than on the corresponding capabilities. Once that untenable assumption about the same mapping is dropped, the natural response should be to come back to the motivating concern with capabilities" (Sen 1984, 320). In his 1982 piece for the Sen-Williams volume Rawls himself acknowledged that Sen's new concept might help to deal with the "hard cases" he did not want

to include in the original position: "when we attempt to deal with the problem of special medical and health needs a different or a more comprehensive notion than that of primary goods […] will, I believe, be necessary; for example, Sen's notion of an index which focuses on persons' basic capabilities may prove fruitful for this problem and serve as an essential complement to the use of primary goods" (Rawls 1982, 168, fn 8).

While this intellectual conflict between the two great authors did not seem to have undermined their amity and in spite of the fact that Sen's criticism goes well beyond his predecessors', it nevertheless reflected some of the main features which had marked Rawls's relationships with the economists over the years. First, we again see Rawls's rather typical way of avoiding as much as possible answering criticisms directly, for he himself admitted that at first he made the decision not to react after Sen's Tanner Lectures, and eventually decided to do something notably because of the "esteem and affection" he had for Sen (JRP, Rawls to Sen, July 28, 1981). Second, with the general equilibrium theory metaphor, he attempted to deal with economists on their own battlefield, at his own risk.

As a pre-conclusion of the paper, I briefly expand on these traits below. On the one hand, it is worth stressing that Rawls had a specific relationship with his critics as stressed in Foisneau and Munoz-Dardé (2014, 15). Rawls found it difficult to accept criticisms, as he himself acknowledged in the 1991 interview: "one has to learn to accept criticisms. Often they are not well founded and based on misunderstanding. Those I try to ignore. But there are criticisms that are very good. While I'm not overjoyed by those, I do appreciate them, eventually, and try to incorporate them into what I write later" (Rawls 1991, 49). Consequently, as has been noticed previously, Rawls carefully avoided taking part in "quarrels and fruitless wrangles" (*ibid.,* 47). The criticisms addressed at his theory allowed him to clarify his thought and to reinforce its internal consistency. Although some "people deserve to be answered if their objections make valuable points and can be dealt with reasonably" (*ibid.,* 47), he mainly used the criticisms to this final aim, explaining that: "I have responded to people, certainly, so there are responses; but what I am mainly doing in these articles, as I now understand, having written them, you don't always understand what you're doing until after it has happened, is to work out my view so that is no longer internally inconsistent" (*ibid.,* 46).

On the other hand, the very question of the possibility of a fruitful dialogue between two disciplines, which is what is at stake here, still remains. In *A Theory of Justice*, Rawls's aim

had been to devise a theory aiming at articulating philosophy and economics and thus to establish a dialogue capable of overriding the artificial frontiers between them. After the publication of his 1971 masterpiece and the first wave of criticisms, one observes that this aim remained intact: "it is very good indeed to learn that a number of economists are discussing questions of justice, etc. I have always thought that while economic theory may obscure some things about these topics, it alone can clarify certain aspects of them" (JRP, Rawls to Mueller, October 16, 1972), though he admitted in his rather regular and friendly correspondence with Dasgupta that "[he was] anxious that the book's ideas will only lead to dead ends" (JRP, Rawls to Dasgupta, July 13, 1973). In his 1974 review, Musgrave summarized this idea quite eloquently, shedding light on both the advantages and drawbacks of Rawls's aim to combine both disciplines into a single theory: "the magnificent edifice erected in Rawls's *A Theory of Justice* has been of great interest to economists, partly because a major wing of the structure is assigned to economic issues, but mostly because an economic way of thinking enters into much of its grand design. The economist can feel please to see the use of his tools thus extended, but I wonder whether this penetration has not been carried too far […]. Given [Rawls's] aversion to interpersonal utility comparison and fascination with risk, a view of the social contract as optimization under uncertainty offers an appealing approach to the design of a social welfare function. My question is how such emphasis on risk fits into a philosopher's theory of justice" (1974, 625).

In his correspondence, it seems that Rawls rapidly became aware of this problem, attempting to clarify his position again and again[25] and being progressively overwhelmed by the reactions of economists focused on the risk aversion and maximin issues.[26] In a 1974 letter to Alvin Klevorick from Yale University, he confessed that "in fact, it was not until I read Arrow's review in the *Journal of Philosophy* last spring that I realized that economists would assume that utilities were measured from the original position and took account of risk aversion. Whereas in the book I had the old fashioned utilitarians in mind, Edgeworth and Sidgwick especially, and I interpreted the utility principle (as it appears on the list from which the parties are to choose) in that way, that it, with equal weights (Bentham's 'each to count for one' being read to require this) and with utilities measured from the standpoint of individuals in society

[25] "I didn't mean to discuss practical policy questions for a rather imperfect (or very imperfect) society such as ours" (JRP, Rawls to Orr, June 15, 1973).
[26] "As you note, people focus on risk aversion and maximin far too much and seem unaware of the main features of the theory" (JRP, Rawls to Buchanan, February 25, 1975).

and in some fashion not calling upon choices involving risk. Philosophers still think of it in this way, except for those with some familiarity with recent utility theory and the N-M definition […]. Perhaps this was a mistake and the view of justice I sketch may not be defensible unless I face this question more fully" (JRP, Rawls to Klevorick, January 3, 1974). Indeed, this kind of move backwards – back to philosophy, his own territory – is rather typical of Rawls's answers to economists and shows at any rate that the reception of *A Theory of Justice* had overflowed his initial aims and, at the very least, cast doubt on his capacity to deal with two disciplines on an equal footing. In a response to Daniel Orr from the University of California at San Diego, who emphasized that "it seems increasingly clear to me that *Justice* is one of those books that has overflowed its author's intentions, has washed all manner of unforeseen issues, and sponged up and poured into a variety of unanticipated interpretations" (JRP, Orr to Rawls, June 20, 1973), he admitted that "perhaps you are right that the book has overflowed its author's intentions; and unhappily it does seem to lend itself to many interpretations. That is the fault, I think, of rather poor exposition at many places and a lack of clarity at others. Philosophers are often obscure and I guess I am no exception" (JRP, Rawls to Orr, July 16, 1973) – again retreating back to philosophical terrain.

Concluding remarks

As stressed in my introduction, the evolution of Rawls's thought in the eighties and subsequently is well known and well documented, and the present paper has no ambition to add anything new here. From 1985 onwards his approach to justice radically changed and he deliberately removed himself from the realm of rational choice, specifying notably that "it was an error in *Theory* (and a very misleading one) to describe a theory of justice as part of the theory of rational choice" (Rawls 1985, footnote 20). This strong retreat would be repeated in his later works again and again, so that no economist can raise any further doubt regarding his inclination towards rational choice and the way the "rational" interacts with the "reasonable" in his theory (for instance, Rawls, 1987, 173, fn 20; 1993, 81, fn 1 and 2001, 119, fn 2).

Without meaning to question Rawls's aim in his later works to make his theory more consistent, it seems that our material amounts to showing that other (complementary) elements explain the deep evolution of his work after *A Theory of Justice*: the severe attacks against *A*

Theory of Justice orchestrated by rational choice theoreticians concerned to protect their backyard closely followed by Sen's profound and incisive criticism of the primary goods progressively ejected Rawls out of the realm of economics and back to philosophy, thus leading him to the rather disappointing observation that combining philosophy and economics is a very complicated task, not to say impossible.

But the last word should of course be kept for Rawls himself. In his 10-year-delayed answer to Samuelson, he sadly admitted that: "my real hope is, *a hope that I have nearly given up by now*, is that those knowledgeable in economics would find the ideas of *A Theory of Justice* sufficiently attractive to want to try to deal with the kind of difficulty you raise. For such difficulties call for far more knowledge of economics that any student of philosophy is ever likely to have" (PASP and JRP, Rawls to Samuelson, September 14, 1985, emphasis added).

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