Justice and Stability

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**Abstract** 

Stability is sometimes seen as a precondition of justice, so that in order to be able to meet the standards of justice a society should be sufficiently stabile A different view is that justice should not be promoted at the cost of stability. In our presentation, we will evaluate two arguments in defense of the view that considerations of stability may override our claims to (distributive) justice and just reforms. The first argument says that the moral problem of certain political reforms, even if they were just, is that they disappoint people's honest and reasonable expectations. The second argument says that the moral problem of certain just reforms is that they do not allow people to form long-term plans. We will defend the second argument and argue that when there are no plans in the first place, the government certainly cannot spoil anyone's plans. A precondition of planning is not that the existent rules and practices will remain in place. Rather, a precondition is that there is evidence available regarding the content and timing of the possible forthcoming reforms.

Keywords: rational planning, expectations, predictability, stability, justice

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#### 1. Introduction

Political philosophers have traditionally conceived the *problem of stability* as a problem of how to make citizens comply with principles of justice or how to justify the demand that they should act according to principles of justice. Seen in these ways, the problem of stability originates from citizens, for it is citizens who are potential sources of instability, understood as incompliance. A completely different way to approach the problem of stability is to describe it as a problem of institutional *reforms*. Although incompliance can surely form a serious threat to the stability of the basic rules of the scheme of social cooperation, reforming those rules seems to be even more obvious threat to their stability (or credibility). The problem of institutional reforms is *when* they should be allowed. On the one hand, reforms can certainly be justified from the point of view of justice. But on the other hand, they tend to threaten social stability. This understanding of the problem of stability makes it clear that it is organizations and legal authorities – rather than citizens – that are the likely sources of social and political instability. A state can easily make social and political life very unstable, and it is far from clear that the value of justice that the reforms may bring about will always override the value of stability.

In what follows, we will consider two arguments in defense of the view that we should be cautious in changing the laws and other rules that guide our social and political life – even in cases when we know that the changes will further justice. We will criticize the first argument but defend the second one.

### 2. The Argument from Expectations

Here is the first argument. Call it the *Argument from Expectations*. The argument has two main premises. According to the first (value) premise, institutional reforms are morally problematic as far as they disappoint people's reasonable expectations. According to the second (empirical) premise, institutional reforms tend to disappointment people's reasonable expectations. The conclusion of the argument is that institutional reforms tend to be morally problematic, and that there is a *prima facie* moral reason not to make reforms. Described in this way, the Argument from Expectations is rather weak, as it is consistent with the idea that all reforms that further justice are morally permissible. However, this is not what the

defenders of the argument think. Henry Sidgwick (1838-1900), Joel Feinberg (1926-2004) and A. John Simmons who all have supported the argument say that the Argument from Expectations provides a ground not to allow even all of those reforms that would obviously further justice. Feinberg, for instance, argues that the moral acceptability of the reform in a given case depends, among other things, upon "the degree of unfairness of the old rules and the extent and degree of the reliance placed upon them". That is to say that if the existing arrangements are only mildly unjust or the reform improved the old rules only slightly, and reforming them would cause considerable harm to many people, then things should be left unchanged. Simmons writes that correcting "unjust institutional rules" is often morally impermissible because of the wrongness of "rug-pulling". In his view, a precondition of morally acceptable reforms is that they are made gradually and with ample prior warning, and that those who have "innocently relied" on the unjust rules are compensated.<sup>3</sup>

The Argument from Expectations is intuitively plausible. It seems clear that disappointing another person's reasonable expectations by breaking one's promise is morally problematic, and that things do not change much if one disappoints another person's reasonable expectations by other means, say, by making sudden and unexpected institutional reforms. Of course, in some circumstances one just *cannot* disappoint others' reasonable expectations simply by changing the rules of the game, as there are circumstances in which it is not reasonable to expect that the rules won't be changed. In such circumstances, making rational long-term plans is very difficult. But when rational planning is possible, so is their spoiling with unexpected reforms. Sidgwick, Feinberg, and Simmons are certainly right is saying that such action is morally costly, in some cases to the extent that it should not be allowed – whether or not it would further justice. Sudden institutional changes can be serious moral crimes

However, the empirical premise of the Argument from Expectations is questionable. The argument is based on the assumption that institutional reforms "tend to disappointment" people's reasonable expectations, but it is unclear whether reforms in fact have close relations to disappointment of a relevant kind. No doubt, those who benefit from social stagnation are almost always disappointed when practices are improved. However, they cannot really complain that the reform was *unexpected* – whether or not they in fact expected it – if they should have expected it. They cannot complain, if the sufficient evidence that the rules and practices will not remain in place was there a long ago, and they had a relatively easy access

to that evidence. The claim that it is somehow characteristic to institutional reforms that they come like a bolt from the blue is simply false. In the European Union, for instance, people know quite well that all kinds of changes (concerning taxation, administration in workplaces, schools, public transportation, etc.) are possible, or even likely, although they may not know the content and timing of those changes. (Surely things are similar in Russia and many other countries.) Therefore, those who would like to defend the general claim that we should be cautious in changing the laws and other rules that guide our social and political life do not get full support from the Argument from Expectations. Sometimes institutional reforms do disappoint people's reasonable expectations, in other times they do not, and the correlation between reforms and feelings of relevant disappointment may not be strong enough to warrant general skepticism towards institutional reforms.<sup>5</sup>

# 3. The Planning Argument

Consider the second argument. Let us call it the *Planning Argument*. Like the Argument from Expectations, the Planning Argument has two main premises. The first premise is the claim that we have a *prima facie* moral obligation not to complicate people's task too much when they try to make rational and detailed (long-term) plans. The second premise is the empirical statement that in certain circumstances institutional reforms – including reforms that may further justice – tend to complicate the making of rational and detailed plans for a considerable degree, and that those circumstances prevail today in most societies located in the northern hemisphere (e.g. in Russia and EU countries). They are rapidly changing circumstances where few things are predictable and reforms both within private sector and public institutions are so frequent that people face serious difficulties when they try to plan very basic things such as what to study in order to get a job and where to live so that one need not move next year again. The conclusion of the Planning Argument is that we have a prima facie obligation not to make more reforms, and that we should be cautious in changing the laws and other rules that guide our social and political life. Although the Planning Argument is consistent with the claim that all just reforms are morally permissible, the point of the argument is to say that even reforms that further justice need a special justification. The burden of proof is on the side of those who support reforms, be the reforms just or not.

The normative premise of the Planning Argument seems plausible. In *A Theory of Justice* (1971) John Rawls builds his whole argument on the assumption that individuals are morally

entitled to make rational long-term plans, and without this main premise his construction of the original position would not make any sense. However, we do not need Rawls' authority in order to see that the "right to plan" is of crucial importance and value. To attack against individuals' chance to make rational plans is to attack against their freedom and agency. Perhaps you have been in a situation where you have been annoyed because you are not told what will happen next, what things you will need, who is in charge, or when the situations changes. If you have, your annoyance was of moral kind, at least partly, and you were most probably justified to feel it. After all, those who kept you in the dark provided you with no appropriate chance to plan or anticipate, although they most probably could have provided it. If someone keeps you in the dark by the means of institutional reforms, the situation is similar in relevant respects. Although reformers tend to describe their reforms as "necessary", they are not necessary in any literal sense. Arguably, almost always, the reformers could decide not to reform, but they do not want to. An institutional reform can make rational planning very difficult for an individual, for it is often hard to say what the reform will imply, how many reforms will follow, and what will be their content and timing. <sup>7</sup> Uncertainty makes detailed plans irrational: when anticipating is made almost impossible, a rational person keeps doors open for all kinds of scenarions. Keeping all doors open is time-confusing and frustrating, and does not really allow us to strive for our personal ends wholeheartedly. (No doubt, even in "normal" circumstances, a rational person takes into account that she does not have *very specific* information about the future.)<sup>8</sup>

The empirical premise of the Planning Argument says that, actually, we live in circumstances where institutional reforms tend to complicate the making of rational and detailed plans for a considerable degree. Of course, that claim is hard to establish, but what we know is that (1) today people tend to make life plans that are of very "general kind" (having many university degrees, moving to big cities or abroad where labor markets are bigger) and that (2) global economic instability has forced governments and other institutions to radical reforms that seem to continue year after year everywhere. If someone thinks that we do *not* live in circumstances where institutional reforms tend to complicate the making of rational and detailed plans, it seems that she has the *burden of proof* to show that this is so. Notice that the empirical contention that institutional reforms tend to make rational planning overly complicated for individuals is consistent with the claim that the root cause of present uncertainty is, say, globalization rather than political and structural reforms (that are merely reactions to globalization). The empirical premise of the Planning Argument does not concern

"root causes" of uncertainty and unpredictability. It only says that the reforms, whatever their background, tend to complicate the making of rational and detailed plans to a considerable degree. (Of course, some reforms may not complicate planning, and there can even be reforms that actually simplify individual planning.) Notice also that the empirical premise is not the claim that institutional reforms are the only sources of social uncertainty. It only says that they affect considerably, and mainly to the negative direction, perhaps along with many other factors (such as social media that may affect to planning chances negatively). Seen in this way, the empirical premise of the Planning Arguments sounds quite plausible. <sup>10</sup>

The Planning Argument implies that, in general, we should be cautious in changing the laws and other rules and organizational structures that guide our social and political life. Reforms need to be justified, and it does not suffice to show that they further justice or improve things in some other ways a bit. Instead, the reformers should show either that the forthcoming reform won't complicate planning too much, perhaps because prior warning was given a long time ago, or they should show that although the reform will complicate things, there are morally overriding reasons that accept the reform in any case.

# 4. Conclusion

We have argued that, possibly, there are cases in which the value of stability is more important than the value of distributive justice. <sup>11</sup> Stability is important as it allows people to make rational plans and brings about feelings of security and continuity. Of course, as argued by Bob Goodin, the "value of promoting security and stability in people's lives is only one value among many that we would like our social arrangements to serve". <sup>12</sup> However, it is very important value, for having a chance to make rational and detailed plans is essential to our freedom and agency.

A high degree of predictability does not imply stagnation. Making just reforms and respecting people's "right to plan" are consistent, if the reforms are appropriately designed, their effects are canvassed and publicly explained, and people are sufficiently and early enough informed about the content and timing of the reforms. Thus, a cautious attitude towards reforms should not be confused with political conservatism.

#### References

- <sup>1</sup> Henry Sidgwick, *The Methods of Ethics* (Macmillan, London 1962), 293; Joel Feinberg, *Rights, Justice, and the Bounds of Liberty* (Princeton University Press, Princeton 1980), 257; A. John Simmons, "Ideal and Nonideal Theory", *Philosophy & Public Affairs* 38 (2010), 5-36, esp. 20.
- <sup>2</sup> Feinberg, Rights, Justice, and the Bounds of Liberty, 257.
- <sup>3</sup> Simmons, "Ideal and Nonideal Theory", 20-21.
- <sup>4</sup> Intuitively, it might matter whether one's own behavior has given someone else a reason to form certain expectations as well as to place reliance on one's future behavior, so that disappointment of those expectations carries a cost to the disappointed person.
- <sup>5</sup> Cf. Juha Räikkä, *Social Justice in Practice* (Springer, Heidelberg), 17-32.
- <sup>6</sup> John Rawls, *A Theory of Justice* (Clarendon Press, Oxford 1971), 92, 409-410. See also Lon Fuller, *The Morality of Law*.
- <sup>7</sup> One may add that when rules are changed frequently enough they cease to be proper rules at all.
- <sup>8</sup> Rawls, A Theory of Justice, 410.
- <sup>9</sup> Of course, someone who is interested in defending the idea that justice has priority over stability might argue that the reforms that tend to undercut planning, these days, are seldom undertaken to promote justice.
- <sup>10</sup> Cf. Räikkä, Social Justice in Practice, 25.
- <sup>11</sup> Of course, we have not proved that, actually, there *are* such cases in which the value of stability is more important than the value of justice.
- <sup>12</sup> Bob Goodin, "Stabilizing Expectations: The Role of Earning-Related Benefits in Social Welfare Policy". *Ethics* 100 (1990), 530-553, esp. 539.

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