

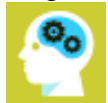
The New York Times

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The Veil of Opulence

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August 12, 2012 5:30 pm August 13, 2012 7:33 am



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More than 40 years ago the philosopher [John Rawls](#), in his influential political work “A Theory of Justice,” implored the people of the world to shed themselves of their selfish predispositions and to assume, for the sake of argument, that they were ignorant. He imposed this unwelcome constraint not so that his readers — mostly intellectuals, but also students, politicians and policy makers — would find themselves in a position of moribund stupidity but rather so they could get a grip on fairness.

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Rawls charged his readers to design a society from the ground up, from an [original position](#), and he imposed the ignorance constraint so that readers would abandon any foreknowledge of their particular social status — their wealth, their health, their natural talents, their opportunities or any other goodies that the cosmos may have thrown their way. In doing so, he hoped to identify principles of justice that would best help individuals maximize their potential, fulfill their objectives (whatever they may happen to be) and live a good life. He called this presumption the “veil of ignorance.”

The idea behind the veil of ignorance is relatively simple: to force us to think outside of our parochial personal concerns in order that we consider others. What Rawls saw clearly is that it is not easy for us to put ourselves in the position of others. We tend to think about others always from our own personal vantage; we tend to equate another person’s predicament with our own. Imagining what it must be like to be poor, for instance, we import presumptions about available resources, talents and opportunities — encouraging, say, the homeless to pull themselves up by their bootstraps and to just get a job, any job, as if getting a job is as simple as filling out an application. Meanwhile, we give little thought to how challenging this can be for those who suffer from chronic illnesses or disabling conditions. What Rawls also saw clearly was that other

classic principles of justice, like the golden rule or mutual benevolence, are subject to distortion precisely because we tend to do this.

Nowadays, the veil of ignorance is challenged by a powerful but ancient contender: the veil of opulence. While no serious political philosopher actually defends such a device — the term is my own — the veil of opulence runs thick in our political discourse. Where the veil of ignorance offers a test for fairness from an impersonal, universal point of view — “What system would I want if I had no idea who I was going to be, or what talents and resources I was going to have?” — the veil of opulence offers a test for fairness from the first-person, partial point of view: “What system would I want if I were so-and-so?” These [two doctrines of fairness](#) — the universal view and the first-person view — are both compelling in their own way, but only one of them offers moral clarity impartial enough to guide our policy decisions.

Those who don the veil of opulence may imagine themselves to be fantastically wealthy movie stars or extremely successful business entrepreneurs. They vote and set policies according to this fantasy. “If I were such and such a wealthy person,” they ask, “how would I feel about giving X percentage of my income, or Y real dollars per year, to pay for services that I will never see nor use?” We see this repeatedly in our tax policy discussions, and we have just seen the latest instance of it in the [Tax Policy Center](#)’s comparison of [President Obama’s tax plan](#) versus [Mitt Romney’s tax plan](#). “He’s asking you to pay more so that people like him can pay less,” Obama said [last week](#), “so that people like me pay less.” Last Monday he drove the point even harder, saying that Romney’s plan is like “[Robin Hood in reverse](#).” And certainly, [Romney’s selection on Saturday of Paul Ryan](#) as his running mate will keep this issue in the forefront of our political discourse.

Of course, the veil of opulence is not limited to tax policy. Supreme Court Justices Samuel Alito and Antonin Scalia advanced related logic in their [oral arguments on the Affordable Care Act](#) in March. “[T]he mandate is forcing these [young] people,” Justice Alito said, “to provide a huge subsidy to the insurance companies ... to subsidize services that will be received by somebody else.” By suggesting in this way that the policy was unfair, Alito encouraged the court to assess the injustice themselves. “If you were healthy and young,” Justice Alito implied, “why should you be made to bear the burden of the sick and old?”

The answer to these questions, when posed in this way, is clear. It seems unfair, unjust, to be forced to pay so much more than someone of lesser means. We should all be free to use our money and our resources however we see fit. And so, the opulence argument for fairness gets off the ground.

It is one thing for the very well off to make these arguments. What is curious is that frequently the same [people who pose these questions are not themselves wealthy](#), nor even particularly healthy. Instead, they ask these questions under the supposition that they are insisting upon fairness. But the veil of opulence operates only under the *guise* of fairness. It is rather a distortion of fairness, by virtue of the partiality that it smuggles in. It asks not whether a policy is fair given the huge range of advantages or hardships the universe might throw at a person but rather whether it is fair that a very fortunate person should shoulder the burdens of others. That is, the veil of opulence insists that people imagine that resources and opportunities and talents are

freely available to all, that such goods are widely abundant, that there is no element of randomness or chance that may negatively impact those who struggle to succeed but sadly fail through no fault of their own. It blankets off the obstacles that impede the road to success. It turns a blind eye to the adversity that some people, let's face it, are born into. By insisting that we consider public policy from the perspective of the most-advantaged, the veil of opulence obscures the vagaries of brute luck.

But wait, you may be thinking, what of merit? What of all those who have labored and toiled and pulled themselves up by their bootstraps to make their lives better for themselves and their families? This is an important question indeed. Many people work hard for their money and deserve to keep what they earn. An answer is offered by both doctrines of fairness.

The veil of opulence assumes that the playing field is level, that all gains are fairly gotten, that there is no cosmic adversity. In doing so, it is partial to the fortunate — for fortune here is entirely earned or deserved. The veil of ignorance, on the other hand, introduces the possibility that one might fall on hard luck or that one is not [born into luck](#). It never once closes out the possibility that that same person might take steps to overcome that bad luck. In this respect, it is not partial to the fortunate but impartial to all. Some will win by merit, some will win by lottery. Others will lose by laziness, while still others will lose because the world has thrown them some unfathomably awful disease or some catastrophically terrible car accident. [It is an illusion of prosperity](#) to believe that each of us deserves everything we get.

If there's one thing about fairness, it is fundamentally an [impartial](#) notion, an idea that restricts us from privileging one group over another. When asking about fairness, we cannot ask whether X policy is fair *for me*, or whether Y policy is fair for someone with a yacht and two vacation homes. We must ask whether Z policy is fair, full stop. What we must ask here is whether the policy could be applied to all; whether it is the sort of system with which we could live, if we were to end up in one of the many socioeconomic groupings that make up our diverse community, whether most-advantaged or least-advantaged, fortunate or unfortunate. This is why the veil of ignorance is a superior test for fairness over the veil of opulence. It tackles the universality of fairness without getting wrapped up in the particularities of personal interest. If you were to start this world anew, unaware of who you would turn out to be, what sort of die would you be willing to cast?

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We already employ this veil of ignorance logic in a wide range of areas, many of which are not limited to politics. An obvious case is in the game of football. During draft season, the N.F.L. gives the losingest team the opportunity to take first pick at their player of choice. Just recently, [the Indianapolis Colts, the worst team last year, selected as their new quarterback the aptly named Andrew Luck](#), arguably the most promising player in recent memory. In the interest of firming up the game, in the interest of being fair, the N.F.L. decided long ago to give the worst

teams in football the best shot at improving their game. At the beginning of the season, nobody knows who is going to be the worst off, but they all agree to the draft rules.

As a result, football is better for it. It is both more exciting, because the teams are better matched, and it is fairer, because there is no tyranny of one or two successful franchises over others. It's a game that even die-hard fans recognize as fair. It doesn't inspire the same sort of grumbling that has so many baseball fans [thumbing their noses at the New York Yankees](#). It is true that in some instances, such a policy may encourage [some to game the system](#), but on the whole it is an important policy, and most teams continue to play to win.

As this election season wears on, we will likely be hearing a lot about fairness. [Romney recently signaled as much](#). Obama has been [doing so](#) for [months](#). Far from a [mere rhetorical concern](#), our two presidential candidates are each representatives of one of these views.

The question of fairness has widespread application throughout our political discourse. It affects taxation, health care, education, social safety nets and so on. The veil of opulence would have us screen for fairness by asking what the most fortunate among us are willing to bear. The veil of ignorance would have us screen for fairness by asking what any of us would be willing to bear, if it were the case that we, or the ones we love, might be born into difficult circumstances or, despite our hard work, blindsided by misfortune. Society is in place to correct for the injustices of the universe, to ensure that our lives can run smoothly despite the stuff that is far out of our control: not to hand us what we need, but to give us the opportunity to pursue life, liberty and happiness. The veil of ignorance helps us see that. The veil of opulence keeps us in the dark.



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