

Rawls on Justice and Fairness

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The Role of Principles of Justice

1. “A **society** is a more or less self-sufficient association of persons who in their relations to one another *recognize certain rules of conduct as binding* and who for the most part *act in accordance with them.*”
2. “[T]hese rules specify a system of cooperation designed to advance the good of those taking part in it.”
3. A society is marked by, both, *conflict of interest* and an *identity of interest.*
4. **The Principles of Social Justice**
Provide a way of assigning *rights and duties* in the basic institutions of society and they define the appropriate *distribution of the benefits and burdens* of social cooperation.
5. What are “basic institutions”? Why are they important?
 - Major institutions include the political constitution, and the principle economic and social arrangements.
 - Basic institutions are important because their effects are “so profound and present from the start.”

These basic institutions affect one’s initial chances in life. Differences in these initial chances can lead to deep inequalities — inequalities that “cannot possibly be justified by an appeal to the notions of merit or desert.”

“There is an **identity of interest** since social cooperation makes possible a better life for all than any would have if each were to live solely by his own efforts. There is a **conflict of interests** since persons are not indifferent as to how the greater benefits produced by their collaboration are distributed, for in order to pursue their ends they each prefer a larger to a lesser share.”

“The intuitive notion here is that this structure contains various *social positions* and that men born into different positions have different expectations of life determined, in part, by the political system as well as by economic and social circumstances.”

The Main Idea of Rawls’ Theory of Justice

1. **Social Contract in the Original Position.** Imagine the following hypothetical situation: We all get together to decide what principles of justice to adopt. Is there some set of principles that we would all agree to? If so, what?

The Principles of Justice are “the principles that free and rational persons concerned to further their own interests would accept in an initial position of equality as defining the fundamental terms of their association.”
2. **The Original Position: Actual or Hypothetical?** Of course, people did not *actually* ever gather to decide once and for all what principles of justice to adopt. Rather, the Original Position is a

hypothetical situation that is supposed to help lead us to a certain conception of justice.

3. **The Original Position: Its Essential Features.** We are to imagine that the principle of justice are chosen behind a *veil of ignorance*.

- No one knows his place in society, his class position or social status.
- No one knows his fortune in the distribution of natural assets and abilities (e.g., his intelligence, his strength)
- No one knows his conception of the good, or his special psychological propensities.

4. **The Original Position: Why?** Coming to an agreement behind a veil of ignorance “ensures that no one is advantaged or disadvantaged in the choice of principles by the outcome of natural chance or the contingency of social circumstances.”

Which Principles of Justice Would Be Chosen in the Original Position?

1. **Rawls’ Two Principles of Justice**

- **Equal Rights:** Each person is to be granted an equal right to the most extensive basic liberty compatible with a similar liberty for everyone else.
- **The Difference Principle:** Social and economic inequalities are just *only if* those inequalities serve to benefit everyone (and, in particular, those who are the worst-off in society).

2. **Why Would These Two Principles be Chosen in the Original Position?**

Why Equal Rights? Imagine that we all are deciding what principles of justice to adopt from the Original Position. Behind a veil of ignorance, no one knows what his or her lot in life will be. It would be unreasonable for any of us to agree to a principle that doesn’t grant equal rights to everyone. Why? Consider the group of people who wouldn’t be granted equal rights were we to adopt that principle. For all any of us know, we might be among that group. But it would be irrational to choose a principle that would deprive *me* of my rights.

Why Difference Principle? The principles of justice help determine how the social good should be distributed. Behind the veil of ignorance, it would unreasonable for me to prefer distributions that are radically inegalitarian. Why? Because for all any of us knows, we will be among those who receive very little of the social good. Given that we are behind a veil of ignorance, the rational thing to do is to choose the distribution whose worst-off members are best off. (In other words, we should aim to *maximin*.)

One problem with *Social Contract* views of justice is that, given that *we* never actually agreed to the contract, why should any of us feel bound to it? If I enter into a contract voluntarily, I should abide by it. But otherwise, what reason do I have to follow a contract I never agreed to?

Rawlsian Response: “[A] society satisfying the principles of justices as fairness comes as close as a society can to being a voluntary scheme, for it meets the principles which free and equal persons would assent to under circumstances that are fair.”