

Rawls on Justice

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Society and Principles of Justice

1. **What are Principles of Social Justice?** "They 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." [Theory of Justice, 4]
2. **Motivation for Rawls' Egalitarian Liberalism**

- (a) *Why not Utilitarianism?* Rights and Liberties should be protected. But Utilitarianism won't guarantee this.
- (b) *Why not a Purely Procedural Conception?* Benefits and burdens should be distributed fairly & not on the basis of arbitrary, morally irrelevant features. But a purely procedural conception of justice won't guarantee this.

"Once we decide to look for a conception of justice that prevents the use of the accidents of natural endowment and the contingencies of social circumstance as counters in a quest for political and economic advantage, we are led to [Rawls' Principles of Justice]. They express the result of leaving aside those aspects of the social world that seem arbitrary from a moral point of view." [Theory of Justice, 14]

Rawls' Two Principles of Justice

RAWLS' PRINCIPLES OF JUSTICE

1. **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.
2. **Social Inequality:** Social and economic inequalities are to be arranged so that they are ...
 - (a) ... attached to positions and offices open to all under conditions of fair equality of opportunity (*Equal Opportunity*);
 - (b) ... to the greatest expected benefit of the least advantaged (*The Difference Principle*).

1.>2.
2.(a)>2.(b)
(Where '>' means *lexically prior*)

The Social Contract & the Original Position

Rawls' argues that these two principles are what we would all agree to in the following hypothetical situation:

THE ORIGINAL POSITION. Imagine that we are tasked with deciding which principles of justice to adopt. Imagine that (1) we are all rational, and (2) we are behind the "**veil of ignorance**".

Behind the **Veil of Ignorance**...

1. No one knows one's place in society, one's class position, or one's social status;
2. No one knows his fortune in the distribution of natural assets and abilities (e.g., intelligence, strength, agility);
3. No one knows one's conception of the Good, or one's religious views.

Is there some set of principles that we would all agree to? If so, what are they?

Claim 1: Rawls thinks that those principles that we would all agree to in the Original Position are guaranteed to be just.

- o *Hypothetical Social Contract.* “[A] society satisfying the principles of justice 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.” [Theory of Justice, 13]
- o *No Irrelevant Factors.* Coming to an agreement behind the 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.” [Theory of Justice, 11]

Claim 2: Rawls thinks that *his* two principles of justice are the ones that we would all agree to in the Original Position.

Why Would Rawls’ Principles be Agreed to in the Original Position?

DECISION IN THE ORIGINAL POSITION			
	Person X	Person Y	Person Z
Society A	10	10	10
Society B	12	13	14
Society C	5	10	25
Society D	2	9	100

If you’re rational, and you don’t know who you are, which society should you choose?

- o *Maximize Expected Value?* You don’t “know the probabilities,” so expected value isn’t well-defined in this case.
- o *MaxiMin?* Select the option whose worst outcome is better than every other options’ worst outcome. [e.g., Select **Society B**]

Questions, Objections, . . .

1. Isn’t the Original Position set-up in such a way to make sure that we’d select Rawls’ principles?
2. Who cares what we *would* agree to in some hypothetical situation? A hypothetical “contract” is no contract at all!
3. Leveling-Down Objection against Egalitarianism.
4. Are differences arising from the “natural lottery” really a matter of justice?

Why Equal Rights? 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? Behind the veil of ignorance, it would be 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*.)

Rawls' Consistency Argument

The Second Principle of Justice: "social and economic inequalities are to be arranged so that they are both [2.(b)] reasonably expected to be to *everyone's advantage*, and [2.(a)] attached to positions and offices *open to all*." [Theory of Justice, 53]

What is the **Principle of Efficiency**?

PARETO OPTIMALITY: A distribution is *efficient* if and only if no one could be made any better off without making someone else worse off.

INTERPRETATIONS OF THE SECOND PRINCIPLE

"Equally Open"	"Everyone's Advantage"	
	Principle of Efficiency	Difference Principle
Careers Open to All Talents	System of Natural Liberty	Natural Aristocracy
Fair Opportunity	Liberal Equality	Democratic Equality

ARGUMENT FOR DEMOCRATIC EQUALITY

- P1 We are morally required to prevent discrimination on the grounds of gender, race, etc., for reasons of fairness.
 - P2 Reasons of fairness justify preventing one's class from affecting one's life chances.
 - P3 Reasons of fairness also justify preventing one's natural talents from affecting one's life chances.
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- C We are morally required to adopt Democratic Equality (i.e., Fair Opportunity + Difference Principle).