

# Rawls' Theory of Justice

## 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 Non-Patterned Historical Conception?* Benefits and burdens should not be distributed on the basis of arbitrary, morally irrelevant features. But a Non-Patterned Historical Conception won't guarantee this.

### Idea Behind Justice As Fairness:

"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*." [14]

## Rawls' Two Principles of Justice

### JUSTICE AS FAIRNESS

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 principles apply to **the basic structure of society**: it contains the various social positions that determine one's expectations in life.

Examples of **Equal Basic Liberties**: Political liberty (right to vote, right to hold public office); Freedom of Speech & Assembly; Liberty of Conscience & Freedom of Thought; Freedom of Person; Right to Property; Freedom from Arbitrary Arrest and Seizure; ...

The Second Principle applies to the distribution of **primary goods** and the organization of the institutions that determine it.

"The basic structure is the primary subject of justice because its effects are so profound and present from the start." [7]

**Primary goods** are things that every rational person, no matter their particular aims, is presumed to want. *Examples*: rights, liberties, opportunities, and income & wealth. [54]

### 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".

Is there some set of principles that we would agree to unanimously? 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.

**Claim 2:** Rawls thinks that his two principles of justice are the ones that we would all agree 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	11	13	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?* (1) You don't "know the probabilities," and (2) because you a person with a particular conception of your good, you don't "know the utilities," so expected value isn't well-defined.
- o *MaxiMin?* Select the option whose worst outcome is better than every other options' worst outcome. [e.g., Select **Society B**]

### Questions ...

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. Are differences arising from the "natural lottery" really a matter of justice?

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 (e.g., the particulars of his rational plan of life).
4. No one knows anything about the special features of one's psychology (e.g., one's aversion to risk, whether one is an optimist or a pessimist).
5. No one knows the particular circumstances of their own society (e.g., its economic or political situation, the level of civilization and culture).

What is known behind the Veil of Ignorance: society is subject to the circumstances of justice, general facts about human society (economics, political science, psychology, etc.)

Furthermore, the effects of the decision are so profound that it's not reasonable to take any undue risks.

*Understanding Rawls' Second Principle of Justice*

**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*." [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

Liberal Equality & Natural Aristocracy are *unstable*: the reasons that favor them over the System of Natural Liberty also favor Democratic Equality.

**What Do the Two Principles Say:** "The two principles are equivalent ... to an undertaking to regard the distribution of natural abilities in some respects as a *collective asset* so that the more fortunate are to benefit only in ways that help those who have lost out." [155]