

wells of democracy which were dug deep by the founding fathers in their formulation of the Constitution and the Declaration of Independence.

### [VII. CONCLUSION]

Never before have I written so long a letter. I'm afraid it is much too long to take your precious time. I can assure you that it would have been much shorter if I had been writing from a comfortable desk, but what else can one do when he is alone in a narrow jail cell, other than write long letters, think long thoughts, and pray long prayers?

If I have said anything in this letter that overstates the truth and indicates an unreasonable impatience, I beg you to forgive me. If I have said anything that underestimates the truth and indicates my having a patience that allows me to settle for anything less than brotherhood, I beg God to forgive me.

I hope this letter finds you strong in the faith. I also hope that circumstances will soon make it possible for me to meet each of you, not as an integrationist or a civil rights leader but as a fellow clergyman and a Christian brother. Let us all hope that the dark clouds of racial prejudice will soon pass away and the deep fog of misunderstanding will be lifted from our fear-drenched communities, and in some not too distant tomorrow the radiant stars of love and brotherhood will shine over our great nation with all their scintillating beauty.

Yours for the cause of Peace and Brotherhood,  
MARTIN LUTHER KING, JR.

### QUESTIONS FOR REFLECTION AND DISCUSSION

1. Is it morally permissible to disobey an unjust law? Is it morally *obligatory*?
2. What is the proper criterion for determining whether a law is unjust?
3. Are those who commit civil disobedience morally obligated to accept the legal penalties?
4. Is nonviolence a more effective strategy than violence for changing unjust social conditions?
5. In what circumstances (if any) is it morally permissible to use violence to protest unjust social conditions?

### FOR FURTHER READING

Ansbro, John J. *Martin Luther King, Jr.: The Making of a Mind*. Maryknoll, N.Y.: Orbis Books, 1982. 352 pp.

See Chapter 4, "The Moral Obligation to Resist Collective Evil" (pp. 110–62), which examines the thinkers who influenced King, and Chapter 5, "King's Rejection of Violent Resistance" (pp. 231–65).

Bass, S. Jonathan. *Blessed Are the Peacemakers: Martin Luther King Jr., Eight White Religious Leaders, and the "Letter from Birmingham Jail"*. Baton Rouge: Louisiana State University Press, 2001. 322 pp.

Chapter 6, "The Prison Epistle" (pp. 110–30), describes the arrest and jailing of King in Birmingham, explains how his "Letter from Birmingham Jail" was produced, and analyzes the content of the letter.

King, Martin Luther, Jr. *I Have a Dream: Writings and Speeches That Changed the World*. Edited by James Melvin Washington. San Francisco: HarperSanFrancisco, 1992. 210 pp.

This is a collection of twenty works by King, including "Pilgrimage to Nonviolence" (1960; pp. 54–62); "Letter from Birmingham Jail" (1963; pp. 84–100); "I Have a Dream," a speech delivered to over 200,000 participants in a civil rights demonstration in Washington, D.C. (1963; pp. 101–6); and his article "Nonviolence: The Only Road to Freedom" (1966; pp. 126–34).

King, Martin Luther, Jr. *Why We Can't Wait*. New York: Harper & Row, 1964. 178 pp.

King discusses the origins of the civil rights movement, his nonviolent campaign to end racial segregation and discrimination in Birmingham, and the work still to be done. The book includes King's "Letter from Birmingham Jail."

McWorter, Diane. *Carry Me Home: Birmingham, Alabama: The Climactic Battle of the Civil Rights Revolution*. New York: Simon & Schuster, 2001. 719 pp.

This is a detailed, Pulitzer Prize-winning account of the historic civil rights events in Birmingham, with the focus on 1963, the year that King led nonviolent demonstrations and the Ku Klux Klan bombed the Sixteenth Street Baptist Church.

### ON THE INTERNET

The text of King's "I Have a Dream" speech (cited in the section "For Further Reading") is available at <http://usinfo.state.gov/usa/infousa/facts/democrac/38.htm>.

### READING 50

## A Theory of Justice

John Rawls

John Rawls was born in 1921 in Baltimore, Maryland. He received his undergraduate education at Cornell University and then served in the U.S. Army during World War II. After the war he enrolled in the doctoral program in philosophy at Princeton University, receiving his degree in 1950. He then taught at Princeton for two years. During the following academic year, Rawls was a Fulbright Fellow at Oxford University. In 1953 he accepted a position at Cornell, where he taught for six years. Rawls taught at Harvard University from 1959 to 1960 and at the Massachusetts Institute of Technology for the following two years. In 1962 he returned to Harvard. He was named James Bryan Conant University Professor at Harvard in 1979—a position he held until his retirement in 1997. He died in 2002 in Lexington, Massachusetts.

Rawls's principal works are *A Theory of Justice* (1971), *Political Liberalism* (1993), *The Law of Peoples; with, The Idea of Public Reason Revisited* (1999), *Collected Papers* (1999), and *Lectures on the History of Moral Philosophy* (2000).

Our selection is from *A Theory of Justice*, the work in which Rawls sets forth his theory about how to assign basic rights and duties to members of a society and how to distribute benefits. Rawls contends that the specific laws and practices in a society will be just if they result from basic principles that are themselves just. To determine which basic principles

are just, Rawls uses the device of a hypothetical "original position." In the original position, individuals who are prevented by a "veil of ignorance" from knowing their personal status in their society (for example, whether they are rich or poor, talented or untalented) rationally deliberate about what principles of justice should govern the society in which they will live. Rawls argues that the impartiality and objectivity of the people in the original position would lead them to adopt two basic principles of justice.

The first principle states that each person is to have the maximum basic liberty compatible with a similar liberty for others. (Basic liberties include such things as the freedom of speech, the right to vote, and freedom from arbitrary arrest.) The second principle is that social and economic inequalities be arranged in a way likely to work to everyone's advantage and that there be equality of opportunity to attain the higher social and economic positions. (An example of a social inequality is some people having authority and others being subject to them.) Rawls stipulates, however, that this second principle cannot be employed if it violates the first. In other words, social or economic advantages do not justify the violation of anyone's basic liberties, even if the very people whose liberties are curtailed would share in those advantages. A society whose subsequent laws and practices conformed to these two basic principles would, according to Rawls, be a just society.

## OUTLINE WITH STUDY QUESTIONS

### I. Chapter I, Section 1: The Role of Justice

What inquiry will Rawls undertake with our regard to our "intuitive convictions about the primacy of justice?"

Why is society typically marked by both an identity of interests and a conflict of interests?

In a society, what is the role of principles of social justice?

When is a society well ordered?

What is the difference between a *concept* of justice and a *conception* of justice?

### II. Chapter I, Section 2: The Subject of Justice

What is the primary subject of social justice?

What kinds of social inequalities do the principles of social justice mainly address?

On what does the justice of a social scheme depend?

### III. Chapter I, Section 3: The Main Idea of the Theory of Justice

In Rawls's version of the social contract theory, what is the object of the original agreement?

In the social contract, what determines the principles of justice?

What are the essential features of the "original position" in which the social contract is made?

Why are the principles of justice chosen in the original position *fair*?

After choosing a conception of justice, what do the persons in the original position choose next?

Why can members of a society that satisfies the principles of justice as fairness view their obligations as self-imposed, even though they did not voluntarily join the society?

What two principles of justice would persons in the original position choose?

### IV. Chapter I, Section 4: The Original Position and Justification

How is the theory of justice connected with the theory of rational choice?

Why is the "veil of ignorance" an essential feature of the original position?

How can our considered convictions of justice and injustice help justify a particular description of the original position?

How does one arrive at a state of "reflective equilibrium" with regard to the proper description of the original position?

### V. Chapter II, Section 11: Two Principles of Justice

What specific liberties are included in the "basic liberty" to which the first principle of justice refers?

What are the social and economic inequalities to which the second principle of justice refers?

What kind of exchange is ruled out by the "serial ordering" of the two principles of justice?

## CHAPTER I. JUSTICE AS FAIRNESS

### 1. The Role of Justice

Justice is the first virtue of social institutions, as truth is of systems of thought. A theory however elegant and economical must be rejected or revised if it is untrue; likewise laws and institutions no matter how efficient and well-arranged must be reformed or abolished if they are unjust. Each person possesses an inviolability founded on justice that even the welfare of society as a whole cannot override. For this reason justice denies that the loss of freedom for some is made right by a greater good shared by others. It does not allow that the sacrifices imposed on a few are outweighed by the larger sum of advantages enjoyed by many. Therefore in a just society the liberties of equal citizenship are taken as settled; the rights secured by justice are not subject to political bargaining or to the calculus of social interests. The only thing that permits us to acquiesce in an erroneous theory is the lack of a better one; analogously, an injustice is tolerable only when it is necessary to avoid an even greater injustice. Being first virtues of human activities, truth and justice are uncompromising.

These propositions seem to express our intuitive conviction of the primacy of justice. No doubt they are expressed too strongly. In any event I wish to inquire whether these contentions or others similar to them are sound, and if so how they can be accounted for. To this end it is necessary to work out a theory of justice in the light of which these assertions can be interpreted and assessed. I shall begin by considering the role of the principles of justice. Let us assume, to fix ideas, that a society is a more or less self-sufficient association of persons who for the most part act in accordance with them. Suppose further that these rules specify a system of cooperation designed to advance the good of those tak-

ing part in it. Then, although a society is a cooperative venture for mutual advantage, it is typically marked by a conflict as well as by an identity of interests. There is an identity of interests 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<sup>1</sup> they each prefer a larger to a lesser share. A set of principles is required for choosing among the various social arrangements which determine thus division of advantages and for underwriting an agreement on the proper distributive shares. These principles are the 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.

Now let us say that a society is well-ordered when it is not only designed to advance the good of its members but when it is also effectively regulated by a public conception of justice. That is, it is a society in which (1) everyone accepts and knows that the others accept the same principles of justice, and (2) the basic social institutions generally satisfy and are generally known to satisfy these principles. In this case, while men may put forth excessive demands on one another, they nevertheless acknowledge a common point of view from which their claims may be adjudicated. If men's inclination to self-interest makes their vigilance against one another necessary, their public sense of justice makes their secure association together possible. Among individuals with disparate aims and purposes, a shared conception of justice establishes the bonds of civic friendship; the general desire for justice limits the pursuit of other ends. One may think of a public conception of justice as constituting the fundamental charter of a well-ordered human association.

Existing societies are of course seldom well-ordered in this sense, for what is just and unjust is usually in dispute. Men disagree about which principles should define the basic terms of their association. Yet we may still say, despite this disagreement, that they each have a conception of justice. That is, they understand the need for, and they are prepared to affirm, a characteristic set of principles for assigning basic rights and duties and for determining what they take to be the proper distribution of the benefits and burdens of social cooperation. Thus it seems natural to think of the concept of justice as distinct from the various conceptions of justice and as being specified by the role which these different sets of principles, these different conceptions, have in common. Those who hold different conceptions of justice can, then, still agree that institutions are just when no arbitrary distinctions are made between persons in the assignment of basic rights and duties and when the rules determine a proper balance between competing claims to the advantages of social life. Men can agree to thus describe just institutions since the notions of an arbitrary distinction and of a proper balance, which are included in the concept of justice, are left open for each to interpret according to the principles of justice that he accepts. These

principles single out which similarities and differences among persons are relevant in determining rights and duties, and they specify which division of advantages is appropriate. Clearly this distinction between the concept and the various conceptions of justice settles no important questions. It simply helps to identify the role of the principles of social justice. . . .

## 2. The Subject of Justice

Many different kinds of things are said to be just and unjust—not only laws, institutions, and social systems, but also particular actions of many kinds, including decisions, judgments, and imputations. We also call the attitudes and dispositions of persons, and persons themselves, just and unjust. Our topic, however, is that of social justice. For us the primary subject of justice is the basic structure of society, or more exactly, the way in which the major social institutions distribute fundamental rights and duties and determine the division of advantages from social cooperation. By major institutions I understand the political constitution and the principal economic and social arrangements. Thus the legal protection of freedom of thought and liberty of conscience, competitive markets, private property in the means of production, and the monogamous family are examples of major social institutions. Taken together as one scheme, the major institutions define men's rights and duties and influence their life prospects, what they can expect to be, and how well they can hope to do. The basic structure is the primary subject of justice because its effects are so profound and present from the start. 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. In this way the institutions of society favor certain starting places over others. These are especially deep inequalities. Not only are they pervasive, but they affect men's initial chances in life; yet they cannot possibly be justified by an appeal to the notions of merit or desert. It is these inequalities, presumably inevitable in the basic structure of any society, to which the principles of social justice must in the first instance apply. These principles, then, regulate the choice of a political constitution and the main elements of the economic and social system. The justice of a social scheme depends essentially on how fundamental rights and duties are assigned and on the economic opportunities and social conditions in the various sectors of society. . . .

## 3. The Main Idea of the Theory of Justice

My aim is to present a conception of justice which generalizes and carries to a higher level of abstraction the familiar theory of the social contract as found, say, in Locke, Rousseau, and Kant.<sup>2</sup> In order to do this, we are not to think of the

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<sup>1</sup>ends: goals. [D. C. ABEL]

<sup>2</sup>Social contract theories explain the origin of organized society in terms of an agreement (actual or hypothetical) among individuals. The social contract theorists include English philosopher John Locke (1632–1704), French (Swiss-born) philosopher Jean-Jacques Rousseau (1712–1778), and German philosopher Immanuel Kant (1724–1804). Locke's and Kant's biographies appear, respectively, on p. 146 and pp. 185–86. [D. C. ABEL]

original contract as one to enter a particular society or to set up a particular form of government. Rather, the guiding idea is that the principles of justice for the basic structure of society are the object of the original agreement. They 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. These principles are to regulate all further agreements; they specify the kinds of social cooperation that can be entered into and the forms of government that can be established. This way of regarding the principles of justice I shall call justice as fairness.

Thus we are to imagine that those who engage in social cooperation choose together, in one joint act, the principles which are to assign basic rights and duties and to determine the division of social benefits. Men are to decide in advance how they are to regulate their claims against one another and what is to be the foundation charter of their society. Just as each person must decide by rational reflection what constitutes his good—that is, the system of ends which it is rational for him to pursue—so a group of persons must decide once and for all what is to count among them as just and unjust. The choice which rational men would make in this hypothetical situation of equal liberty, assuming for the present that this choice problem has a solution, determines the principles of justice.

In justice as fairness the original position of equality corresponds to the state of nature in the traditional theory of the social contract. This original position is not, of course, thought of as an actual historical state of affairs, much less as a primitive condition of culture. It is understood as a purely hypothetical situation characterized so as to lead to a certain conception of justice. Among the essential features of this situation is that no one knows his place in society, his class position or social status; nor does anyone know his fortune in the distribution of natural assets and abilities, his intelligence, strength, and the like. I shall even assume that the parties do not know their conceptions of the good or their special psychological propensities. The principles of justice are chosen behind a veil of ignorance. This 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. Since all are similarly situated and no one is able to design principles to favor his particular condition, the principles of justice are the result of a fair agreement or bargain. For given the circumstances of the original position, the symmetry of everyone's relations to each other, this initial situation is fair between individuals as moral persons, that is, as rational beings with their own ends and capable, I shall assume, of a sense of justice. The original position is, one might say, the appropriate initial status quo, and thus the fundamental agreements reached in it are fair. This explains the propriety of the name "justice as fairness". It conveys the idea that the principles of justice are agreed to in an initial situation that is fair. The name does not mean that the concepts of justice and fairness are the same, any more than the phrase "poetry as metaphor" means that the concepts of poetry and metaphor are the same.

Justice as fairness begins, as I have said, with one of the most general of all choices which persons might make together, namely, with the choice of the first principles of a conception of justice which is to regulate all subsequent criticism

and reform of institutions. Then, having chosen a conception of justice, we can suppose that they are to choose a constitution and a legislature to enact laws, and so on, all in accordance with the principles of justice initially agreed upon. Our social situation is just if it is such that by this sequence of hypothetical agreements we would have contracted into the general system of rules which defines it. Moreover, assuming that the original position does determine a set of principles (that is, that a particular conception of justice would be chosen), it will then be true that whenever social institutions satisfy these principles those engaged in them can say to one another that they are cooperating on terms to which they would agree if they were free and equal persons whose relations with respect to one another were fair. They could all view their arrangements as meeting the stipulations which they would acknowledge in an initial situation that embodies widely accepted and reasonable constraints on the choice of principles. The general recognition of this fact would provide the basis for a public acceptance of the corresponding principles of justice. No society can, of course, be a scheme of cooperation which men enter voluntarily in a literal sense; each person finds himself placed at birth in some particular position in some particular society, and the nature of this position materially affects his life prospects. Yet 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. In this sense its members are autonomous and the obligations they recognize self-imposed.

One feature of justice as fairness is to think of the parties in the initial situation as rational and mutually disinterested. This does not mean that the parties are egoists—that is, individuals with only certain kinds of interests, say in wealth, prestige, and domination. But they are conceived as not taking an interest in one another's interests. They are to presume that even their spiritual aims may be opposed, in the way that the aims of those of different religions may be opposed. Moreover, the concept of rationality must be interpreted as far as possible in the narrow sense, standard in economic theory, of taking the most effective means to given ends. . . .

I shall maintain . . . that the persons in the initial situation would choose two rather different principles: The first requires equality in the assignment of basic rights and duties, while the second holds that social and economic inequalities, for example, inequalities of wealth and authority, are just only if they result in compensating benefits for everyone, and in particular for the least advantaged members of society. These principles rule out justifying institutions on the grounds that the hardships of some are offset by a greater good in the aggregate. It may be expedient but it is not just that some should have less in order that others may prosper. But there is no injustice in the greater benefits earned by a few provided that the situation of persons not so fortunate is thereby improved. The intuitive idea is that since everyone's well-being depends upon a scheme of cooperation without which no one could have a satisfactory life, the division of advantages should be such as to draw forth the willing cooperation of everyone taking part in it, including those less well situated. Yet this can be expected only if reasonable terms are proposed. The two principles mentioned seem to be a

fair agreement on the basis of which those better endowed, or more fortunate in their social position, neither of which we can be said to deserve, could expect the willing cooperation of others when some workable scheme is a necessary condition of the welfare of all. Once we decide to look for a conception of justice that nullifies the accidents of natural endowment and the contingencies of social circumstance as counters in quest for political and economic advantage, we are led to these principles. They express the result of leaving aside those aspects of the social world that seem arbitrary from a moral point of view. . . .

#### 4. The Original Position and Justification

I have said that the original position is the appropriate initial status quo which ensures that the fundamental agreements reached in it are fair. This fact yields the name "justice as fairness." It is clear, then, that I want to say that one conception of justice is more reasonable than another, or justifiable with respect to it, if rational persons in the initial situation would choose its principles over those of the other for the role of justice. Conceptions of justice are to be ranked by their acceptability to persons so circumstanced. Understood in this way, the question of justification is settled by working out a problem of deliberation: We have to ascertain which principles it would be rational to adopt given the contractual situation. This connects the theory of justice with the theory of rational choice.

If this view of the problem of justification is to succeed, we must, of course, describe in some detail the nature of this choice problem. A problem of rational decision has a definite answer only if we know the beliefs and interests of the parties, their relations with respect to one another, the alternatives between which they are to choose, the procedure whereby they make up their minds, and so on. As the circumstances are presented in different ways, correspondingly different principles are accepted. The concept of the original position, as I shall refer to it, is that of the most philosophically favored interpretation of this initial choice situation for the purposes of a theory of justice. . . .

One should not be misled, then, by the somewhat unusual conditions which characterize the original position. The idea here is simply to make vivid to ourselves the restrictions that it seems reasonable to impose on arguments for principles of justice, and therefore on these principles themselves. Thus it seems reasonable and generally acceptable that no one should be advantaged or disadvantaged by natural fortune or social circumstances in the choice of principles. It also seems widely agreed that it should be impossible to tailor principles to the circumstances of one's own case. We should ensure further that particular inclinations and aspirations, and persons' conceptions of their good, do not affect the principles adopted. The aim is to rule out those principles that it would be rational to propose for acceptance, however little the chance of success, only if one knew certain things that are irrelevant from the standpoint of justice. For example, if a man knew that he was wealthy, he might find it rational to advance the principle that various taxes for welfare measures be counted unjust; if he knew that he was poor, he would most likely propose the contrary principle. To represent the desired restrictions, one imagines a situation in which everyone

is deprived of this sort of information. One excludes the knowledge of those contingencies which sets men at odds and allows them to be guided by their prejudices. In this manner the veil of ignorance is arrived at in a natural way. This concept should cause no difficulty if we keep in mind the constraints on arguments that it is meant to express. At any time we can enter the original position, so to speak, simply by following a certain procedure—namely, by arguing for principles of justice in accordance with these restrictions.

It seems reasonable to suppose that the parties in the original position are equal. That is, all have the same rights in the procedure for choosing principles; each can make proposals, submit reasons for their acceptance, and so on. Obviously the purpose of these conditions is to represent equality between human beings as moral persons, as creatures having a conception of their good and capable of a sense of justice. The basis of equality is taken to be similarity in these two respects. Systems of ends are not ranked in value; and each man is presumed to have the requisite ability to understand and to act upon whatever principles are adopted. Together with the veil of ignorance, these conditions define the principles of justice as those which rational persons concerned to advance their interests would consent to as equals when none are known to be advantaged or disadvantaged by social and natural contingencies.

There is, however, another side to justifying a particular description of the original position. This is to see if the principles which would be chosen match our considered convictions of justice or extend them in an acceptable way. We can note whether applying these principles would lead us to make the same judgments about the basic structure of society which we now make intuitively and in which we have the greatest confidence; or whether, in cases where our present judgments are in doubt and given with hesitation, these principles offer a resolution which we can affirm on reflection. There are questions which we feel sure must be answered in a certain way. For example, we are confident that religious intolerance and racial discrimination are unjust. We think that we have examined these things with care and have reached what we believe is an impartial judgment not likely to be distorted by an excessive attention to our own interests. These convictions are provisional fixed points which we presume any conception of justice must fit. But we have much less assurance as to what is the correct distribution of wealth and authority. Here we may be looking for a way to remove our doubts. We can check an interpretation of the initial situation, then, by the capacity of its principles to accommodate our firmest convictions and to provide guidance where guidance is needed.

In searching for the most favored description of this situation we work from both ends. We begin by describing it so that it represents generally shared and preferably weak conditions. We then see if these conditions are strong enough to yield a significant set of principles. If not, we look for further premises equally reasonable. But if so, and these principles match our considered convictions of justice, then so far well and good. But presumably there will be discrepancies. In this case we have a choice. We can either modify the account of the initial situation or we can revise our existing judgments, for even the judgments we take provisionally as fixed points are liable to revision. By going back and forth,

sometimes altering the conditions of the contractual circumstances, at others withdrawing our judgments and conforming them to principle, I assume that eventually we shall find a description of the initial situation that both expresses reasonable conditions and yields principles which match our considered judgments duly pruned and adjusted. This state of affairs I refer to as reflective equilibrium. It is an equilibrium because at last our principles and judgments coincide; and it is reflective since we know to what principles our judgments conform and the premises of their derivation. At the moment everything is in order. But this equilibrium is not necessarily stable. It is liable to be upset by further examination of the conditions which should be imposed on the contractual situation and by particular cases which may lead us to revise our judgments. Yet, for the time being, we have done what we can to render coherent and to justify our convictions of social justice. We have reached a conception of the original position....

## CHAPTER II. THE PRINCIPLES OF JUSTICE

### 11. Two Principles of Justice

I shall now state in a provisional form the two principles of justice that I believe would be chosen in the original position....

First, each person is to have an equal right to the most extensive basic liberty compatible with a similar liberty for others.

Second, social and economic inequalities are to be arranged so that they are both (a) reasonably expected to be to everyone's advantage, and (b) attached to positions and offices open to all....

By way of general comment, these principles primarily apply, as I have said, to the basic structure of society. They are to govern the assignment of rights and duties and to regulate the distribution of social and economic advantages. As their formulation suggests, these principles presuppose that the social structure can be divided into two more or less distinct parts, the first principle applying to the one, the second to the other. They distinguish between those aspects of the social system that define and secure the equal liberties of citizenship and those that specify and establish social and economic inequalities. The basic liberties of citizens are, roughly speaking, political liberty (the right to vote and to be eligible for public office) together with freedom of speech and assembly; liberty of conscience and freedom of thought; freedom of the person along with the right to hold (personal) property; and freedom from arbitrary arrest and seizure as defined by the concept of the rule of law. These liberties are all required to be equal by the first principle, since citizens of a just society are to have the same basic rights.

The second principle applies, in the first approximation, to the distribution of income and wealth and to the design of organizations that make use of differences in authority and responsibility, or chains of command. While the distribution of wealth and income need not be equal, it must be to everyone's

advantage, and at the same time, positions of authority and offices of command must be accessible to all. One applies the second principle by holding positions open, and then, subject to this constraint, arranges social and economic inequalities so that everyone benefits.

These principles are to be arranged in a serial order with the first principle prior to the second. This ordering means that a departure from the institutions of equal liberty required by the first principle cannot be justified by, or compensated for, by greater social and economic advantages. The distribution of wealth and income, and the hierarchies of authority, must be consistent with both the liberties of equal citizenship and equality of opportunity....

The two principles.... are a special case of a more general conception of justice that can be expressed as follows:

All social values—liberty and opportunity, income and wealth, and the bases of self-respect—are to be distributed equally unless an unequal distribution of any, or all, of these values is to everyone's advantage.

Injustice, then, is simply inequalities that are not to the benefit of all. Of course, this conception is extremely vague and requires interpretation.

As a first step, suppose that the basic structure of society distributes certain primary goods, that is, things that every rational man is presumed to want. These goods normally have a use whatever a person's rational plan of life. For simplicity, assume that the chief primary goods at the disposition of society are rights and liberties, powers and opportunities, income and wealth. .... These are the social primary goods. Other primary goods such as health and vigor, intelligence and imagination, are natural goods; although their possession is influenced by the basic structure, they are not so directly under its control. Imagine, then, a hypothetical initial arrangement in which all the social primary goods are equally distributed: Everyone has similar rights and duties, and income and wealth are evenly shared. This state of affairs provides a benchmark for judging improvements. If certain inequalities of wealth and organizational powers would make everyone better off than in this hypothetical starting situation, then they accord with the general conception.

Now it is possible, at least theoretically, that by giving up some of their fundamental liberties men are sufficiently compensated by the resulting social and economic gains. The general conception of justice imposes no restrictions on what sort of inequalities are permissible; it only requires that everyone's position be improved. We need not suppose anything so drastic as consenting to a condition of slavery. Imagine instead that men forgo certain political rights when the economic returns are significant and their capacity to influence the course of policy by the exercise of these rights would be marginal in any case. If this kind of exchange which the two principles as stated rule out; being arranged in serial order, they do not permit exchanges between basic liberties and economic and social gains. The serial ordering of principles expresses an underlying preference among primary social goods. When this preference is rational so likewise is the choice of these principles in this order.

were created rather to feel than reason, and that all the power they obtain must be obtained by their charms and weakness:

Fine by defect, and amiably weak!<sup>12</sup>

And made by this amiable weakness entirely dependent—excepting what they gain by illicit sway—on man, not only for protection but advice, is it surprising that, neglecting the duties that reason alone points out and shrinking from trials calculated to strengthen their minds, they only exert themselves to give their defects a graceful covering, which may serve to heighten their charms in the eye of the voluptuary, though it sink them below the scale of moral excellence?

Fragile in every sense of the word, they are obliged to look up to man for every comfort. In the most trifling dangers they cling to their support with parasitical tenacity, piteously demanding succor; and their *natural* protector extends his arm or lifts up his voice to guard the lovely trembler—from what? Perhaps the frown of an old cow or the jump of a mouse; a rat would be a serious danger. In the name of reason, and even common sense, what can save such beings from contempt, even though they be soft and fair? . . .

In the regulation of a family, in the education of children, understanding in an unsophisticated sense is particularly required—strength both of body and mind. Yet the men who, by their writings, have most earnestly labored to domesticate women, have endeavored, by arguments dictated by a gross appetite which satiety had rendered fastidious, to weaken their bodies and cramp their minds; But if even by these sinister methods they really *persuaded* women, by working on their feelings, to stay at home and fulfil the duties of a mother and mistress of a family, I should cautiously oppose opinions that led women to right conduct by prevailing on them to make the discharge of such important duties the main business of life, though reason were insulted. Yet—and I appeal to experience—if by neglecting the understanding they be as much, may, *more* detached from these domestic employments than they could be by the most serious intellectual pursuit (though it may be observed that the mass of mankind will never vigorously pursue an intellectual object), I may be allowed to infer that reason is absolutely necessary to enable a woman to perform any duty properly. And I must again repeat that sensibility is not reason.

The comparison with the rich still occurs to me. For when men neglect the duties of humanity, women will follow their example; a common stream hurries them both along with thoughtless celerity. Riches and honors prevent a man from enlarging his understanding and enervate all his powers by reversing the order of nature, which has ever made true pleasure the reward of labor. Pleasure—enervating pleasure—is, likewise, within women's reach without earning it. But till hereditary possessions are spread abroad, how can we expect men to be proud of virtue? And till they are, women will govern them by the most direct means, neglecting their dull domestic duties to catch the pleasure that sits lightly on the wing of time.

#### QUESTIONS FOR REFLECTION AND DISCUSSION

1. Is educational reform the key to establishing the social equality of men and women?
2. Should men and women receive the same education?
3. Is the cultivation of reason the foundation of virtue?
4. Is the emotional dimension of human nature inferior to the intellectual dimension?
5. Are special acts of courtesy shown by men to women condescending to women?

#### FOR FURTHER READING

Ferguson, Moira, and Janet Todd. *Mary Wollstonecraft*. Boston: Twayne, 1984. 158 pp. Chapter 5, "A Vindication of the Rights of Woman" (pp. 59–74), discusses the background and content of this work and the reactions of Wollstonecraft's contemporaries.

Flexner, Eleanor. *Mary Wollstonecraft: A Biography*. New York: Coward, McCann & Geoghegan, 1972. 307 pp.

Chapter 10, "A Vindication of the Rights of Women (1792)" (pp. 147–66), gives the biographical and philosophical context of the work and analyzes its content.

Gunther-Canada, Wendy. *Rebel Writer: Mary Wollstonecraft and Enlightenment Politics*. DeKalb: Northern Illinois University Press, 2001. 203 pp.

Chapter 4, "The Feminist Author and Women's Rights" (pp. 97–125), examines the content and historical context of *A Vindication of the Rights of Woman*.

Kelly, Gary. *Revolutionary Feminism: The Mind and Career of Mary Wollstonecraft*. New York: St. Martin's Press, 1992. 249 pp.

*A Vindication of the Rights of Woman* is examined in Chapter 5, "'A Revolution in Female Manners'" (pp. 107–39). The chapter title is a quotation from Wollstonecraft's description of the aim of her book.

Kramnick, Miriam. Introduction to *Vindication of the Rights of Woman*, by Mary Wollstonecraft, 7–72. Harmondsworth, England: Penguin Books, 1975.

See Section 4, "The Feminist Manifesto"—the Argument of the *Vindication*" (pp. 40–63).

#### ON THE INTERNET

The complete text of Wollstonecraft's *Vindication of the Rights of Woman* is available at <http://eserver.org/feminism/history/wollstonecraft-vindication.txt>.

READING 49

### Letter from Birmingham Jail

Martin Luther King, Jr.

<sup>12</sup>A nearly verbatim quotation of Alexander Pope, *Moral Essays*, Epistle II, "To a Lady: Of the Characters of Women," line 44 (Pope writes "delicately" instead of "amiably"). [D. C. ABEL]