

# 1 Preliminaries

**Key assumptions:** Starting points in Rawls' pursuit of a theory of justice

- We can use **rational reflection** to determine principles for action:
  - At the **individual** level, we choose a *system of ends* to pursue
  - At the **societal** level, we choose a *system of justice* that guides our interpersonal actions
- **Pluralism:** There is a multitude of **conceptions of the good** that are compatible with the primary goods
- **Mutual disinterest:** Individuals in the social structure are guided primarily by the goal of assuring their own advantage
- **Inherent inequality:** Both natural and social factors result in inequalities amongst the members of society
  - Equality of assets: everyone has all the same things
  - Equality of opportunity: no one is restricted from pursuing anything that anyone else can.

**Key concepts:** Theoretical notions Rawls' employs in his discussion

- Rationality: means-end reasoning
  - If you want  $\phi$  and you believe that by doing  $\psi$  you will achieve  $\phi$ , then you ought to  $\psi$
- Social structure:
  1. Assignment of rights and duties to individual members
  2. Distribution of social and economic advantages
- Primary goods: those things that everyone wants no matter what they want
  1. Liberties: political (voting and holding public office), speech & assembly, conscience & thought, person & property, against arbitrary arrest & seizure
  2. Social advantages: income & wealth, authority & responsibility
- Social contract: an agreement among individuals to pursue a social structure
  1. Not usually explicit
  2. Public: the outcomes of the contract are subject to asking for and giving of reasons

# 2 The original position

This is Rawls' formulation of the *state of nature*. It is a purely hypothetical situation.

**The veil of ignorance:** Participants in the original position are restricted in what they know about their natural abilities and their position in the social structure. They do not know their own:

- place in society
- class or social status
- natural assets & abilities (such as intelligence & strength)
- conception of good

**The goal of the participants:** To agree upon a set of principles of justice

- They do not form a set of specific policies (such as universal health care or free post-secondary education)
- Instead, their goal is to determine a set of principles that the society will follow in establishing the social policies.

**Justice as fairness:** An operational definition of justice

- The purpose of the veil of ignorance is to ensure **fairness** in the original position
- Rawls' theory: justice is whatever the participants in the original position would agree upon

**Consequence for social structure:** A social system (set of policies) is just to the extent that it conforms to the principles decided upon in the original position.

### 3 The principles of justice

Rawls' argument for his theory of justice has two parts:

1. The operational theory of justice is the right view of the nature of justice
  - Contrast this with the theory that justice = *might makes right*
2. A specific proposal regarding the principles that the participants in the original position would agree upon.
  - (a) Contrast his proposal with the *principle of utility*
  - (b) Rawls thinks that people wouldn't agree to sacrifice their own advantage just for greater utility overall.<sup>1</sup>

Rawls' principles:

1. **Principle of liberty** Each person is to have an equal right to the most extensive basic liberty compatible with a similar liberty for others.
2. **The difference principle** Social and economic inequalities are to be arranged so that they are both:
  - (a) reasonably expected to be to everyone's advantage, and
  - (b) provide the greatest advantage to the least well off.

Important features of these principles:

- Serial ordering: Basic liberties must be assured first. They cannot be sacrificed for greater economic advantage.
- Cooperation: The reason individuals enter the original position is for the purpose of cooperative assurance of mutual advantage. Cooperation can only be expected if everyone, even the least well off, are given certain assurances that their interests will be protected.

---

<sup>1</sup>Take home exercise: Why does Rawls think this? Do you agree?

## 4 Reflective equilibrium

One important question for a normative theorist is to give an account of the justification for their theory. In trying to justify utilitarianism, John Stuart Mill worked with a **foundationalist** view of moral principles. That is, he viewed the Greatest Happiness Principle as being a foundational fact about morality from which all other moral truths follow. In this sense, his approach to normative theory is like Descartes' approach to justifying beliefs about the external world.

In contrast, Rawls' means of justifying his theory of justice is more similar to Russell's approach to justifying beliefs about the external world. Rawls' sees moral theorizing as a process of bringing one's moral beliefs into **coherence**.

Rawls' calls the result of this process *reflective equilibrium*. The process goes something like this:

1. We begin the task of moral theorizing with certain convictions, such as that slavery is wrong. But we may be less certain about certain actions, such as how wealth should be distributed.
2. We then construct a conception of the original position includes only weak and reasonably universal claims about humans. We hope that the conception produces principles that give the right result on our firm convictions, and provides guidance on the other questions.
3. But we may need to expand our conception of the original position in order to produce strong enough principles to guide us in the tough cases.
4. Such expansions may run into conflict with some of our more firmly held convictions.
5. At this point, we must choose whether to adjust our conception of the original position or to give up on our previously held convictions.
6. We go back and forth, weighing conceptions of the original position against our convictions, until we reach a stable position in which the principles produced by our conception of the original position match our judgments about particular cases.