

The *Original Position* (OP) is a thought experiment where every individual decides which principles they believe ought to govern the basic structures of society. It is motivated by Rawls' interest in determining the principles of a just society. In the OP, each individual is held behind the *Veil of Ignorance*, preventing one from knowing any personal characteristics about themselves—their born socioeconomic position, class, and natural abilities are all a mystery. In this state of symmetrical ignorance, no individual can possibly advantage themselves. Rather, they must consider the wellbeing of each member of that society, as they may become any member of that society.

The *Difference Principle* (DP) is a societally governing principle which states: socioeconomic inequalities can be just if they stem from positions open to all and promote each person's wellbeing, especially that of the worst off. For instance—some new societal structure that creates inequalities in terms of power, income, or wealth may be just so long as that structure improves each individual's position, especially that of the worst-off, when compared to an equal position. Any rational individual would favor this new, but unequal, socioeconomic structure, as their new position would, with certainty, be better than or equal to their previous one. Thus, as Rawls' individuals are rational, the DP follows from the OP.

Rawls argues that if individuals in the OP chose from the set of all societal structures, they first would choose the subset governed by Equal Basic Liberty, and from that subset they would choose ones satisfying the DP. He argues that in the OP, with no information about who one might become, every individual's first goal would be ensuring a set of rights (freedom of conscience and person, political rights) safeguarding a meaningful life from injury, intellectual constraints, governmental abuse, and the like. Once these liberal rights have been established, the next greatest threat to a meaningful life is that of crushing socioeconomic disparities. If the average individual's status was blissful (along utilitarian lines), but there existed some portion of the population in destitute misery and suffering, then a reasonable individual would not agree to this socioeconomic structure. Without

information about what one's position would be, one would be more averse to a state of suffering than they would be inclined towards a state of bliss. It would be an unreasonable gamble to accept this sort of socioeconomic structure. Choosing the DP provides every individual in the OP certainty that their life prospects won't be crushed by any disastrous socioeconomic position—that even if they were the worst-off, they would be better than in any other scenario.

Consider the following example as an objection to the DP. Imagine a family with two identical twins, Romulus and Remus. As their lives progress, Romulus chooses to be diligent, hard-working, and dutiful—thus his life becomes very pleasing. Remus, on the other hand, chooses to be negligent and foolish, and his life becomes miserable. Their parents choose to support Remus as he is in more need. Romulus feels great dismay at his parents' choice. He feels entitled to some reward for his positive choices, and that his brother is entitled to the squalor resulting from his. Fundamentally, Romulus feels that an injustice has been done to him, that this is not fair.

This example attacks the DP by questioning what Rawls portrays as “fairness”. In the OP, these actors seek to secure the best possible lives for themselves, and Rawls argues they agree to the DP as a way of protecting against the threat of horrid socioeconomic conditions—this they see as fair. However, in one's actual life, with knowledge of the implications of everyone's choices, fairness changes completely. Fairness is no longer always helping the worst-off irrespective of their choices, but becomes dependent on those choices. The primary aim of the OP is creating a procedure that produces a societal structure free of personal bias, a just society. However, in some sense, the OP fails to do this in selecting the DP, as the definition of fairness arrived at in the OP creates a bias towards self-preservation that eliminates one's sense of justice—a sense which often overrides self-interest in real life. Thus, the personal bias that Rawls hoped to eliminate with the Veil of Ignorance may be stronger in the OP than in real life, as each actor in the OP seeks to optimize their own prospects, irrespective of whether justice demands it in real life.

I agree that if one only ever lived in the OP, then the DP would follow as a prescriptive policy to govern society. However, if one is informed by the context of an actual human life, the DP wouldn't create a just guiding principle for society, which is the OP's goal.

Rawls may respond that this example dismisses the extent to which miniscule differences in environment, nurture, and many other uncontrollable factors affect the outcomes in individuals' lives. He may further add, even the difference in effort between Romulus and Remus is largely accounted for by nurture and societal pressures. Why would Remus deserve to be held absolutely accountable and to not be helped for actions that may be largely explained by uncontrollable circumstances outside of his moral character? And why would Romulus be completely entitled to the benefits of his merits when they can be largely accounted for by factors outside of his control, outside of his character? Rawls may hold that regardless of one's choices, to refuse help to those in need is unfair. As, when one recognizes their own chance of being that downtrodden person, which they would recognize in the OP, then they would seek to help that person with something like the DP, regardless of whether they would be entitled to it.

The objection holds in at least one respect: if those in the OP select the DP they would fail to fully recognize entitlement as a legitimate aspect of fairness, as in their lives outside of the veil, their definition of fairness would include entitlement. Thus, those in the OP would be partially mistaken in choosing the DP, as within Rawls' argument of "justice as fairness", they would be choosing a principle that does not fully embody their own definition of fairness—a more complete definition informed by a human life. Each individual's self-preservation instinct in the OP leads them to hold their own life prospects above what they would actually see as just or fair outside the veil. This line of argument may force the DP to make the concession that entitlement must be considered in the calculations of fairness and justice.