

John Rawls' *A Theory of Justice*

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<http://www.angelfire.com/md2/timewarp/rawls.html>

John Rawls' *A Theory of Justice* (1971) explains how the logical ordering of principles of justice may answer such questions as how should society be structured, how should basic rights and duties be assigned to individuals, and how should social and economic advantages be distributed to all members of society. Rawls is primarily concerned with defining the principles of justice which would regulate an ideal society, rather than with describing how justice may be restored to an unjust society. Rawls argues that the principles of justice which would establish the basis of an ideal society are principles which would be chosen by every individual if every individual were in an 'original position' of equality with regard to rights and duties and if all individuals were acting rationally in a mutually disinterested manner. This 'original position' is a hypothetical situation in which every individual is acting behind a 'veil of ignorance' as to his or her own social position, class status, individual assets, and personal aptitudes or abilities.

Rawls discusses the applicability of utilitarianism and of social contract theory to the theory of justice, and he argues that social contract theory provides stronger support for equality of basic rights for all individuals. While utilitarianism may try to justify infringements upon the rights of some individuals if these infringements produce a greater happiness for a larger number of other individuals, the theory of justice as fairness (which is a social contract theory) denies that infringements upon the basic rights of individuals can ever be morally justified. The theory of justice as fairness argues for equal rights for all individuals, and denies that injustice toward any particular group of individuals is justifiable unless this injustice is necessary to prevent an even greater injustice.

Rawls explains that the theory of justice as fairness is a deontological theory, but that utilitarianism is a teleological theory.¹ In the theory of justice as fairness, the principle of equal rights for all citizens has priority over the goal of producing the greatest amount of happiness for the largest number of individuals, but in utilitarian theory the goal of producing the greatest amount of happiness for the largest number of individuals has priority over the principle of equal rights for all citizens.

Rawls argues that the term 'justice as fairness' does not imply that justice and fairness are identical, but that the principles of justice are agreed to under fair conditions by individuals who are in a situation of equality. 'Justice as fairness' also implies that the principles of justice apply equally to all individuals.² These principles must be decided upon in such a way as to benefit all individuals, and must not be merely designed to favor the interests of a particular group of individuals over another group of individuals.

According to Rawls, the two principles of justice which would be agreed to by rational and mutually disinterested individuals in the 'original position' of equality are that: 1) each individual should have an equal right to as much liberty as is compatible with the rights of others; and 2) any social or economic inequalities which occur between individuals should be designed to benefit every individual, and should belong to positions which are equally available to all individuals.³

The first principle of justice is referred to by Rawls as 'the principle of greatest equal liberty.' The two parts of the second principle are 'the difference principle' and 'the principle of fair equality of opportunity.'⁴ According to Rawls, the first principle of justice is logically (and lexically) prior to the second principle, in that for justice to be attained the first principle of justice must be satisfied before the second principle can be satisfied. The logical order of the second principle of justice is (a) the principle of fair equality of opportunity, and (b) the difference principle. Thus, for justice to be attained the principle of fair equality of opportunity must be satisfied before the difference principle is satisfied.

Rawls explains that the logical priority of the first principle of justice over the second principle implies that violations of basic rights cannot be justified by arguing that such violations may produce economic or social advantages.⁵ Furthermore, the logical priority of the first part of the second principle over the second part implies that infringements upon fair equality of opportunity cannot be justified by arguing that such infringements may produce economic or social advantages.

Rawls also explains that judgments about the principles of justice in the 'original position' of equality among individuals are most likely to be reasonable and impartial if they are made in conditions of 'reflective equilibrium' and are not distorted by temporary or changing circumstances.

Rawls argues that the principle of efficiency may be applied to the method by which basic rights and duties are assigned and to the method by which social or economic inequalities are structured. The method by which rights and duties are assigned may be described as efficient if there is no possible rearrangement which could be performed to make this assignment of rights and duties more advantageous to any particular individual without simultaneously making it less advantageous to another individual. Similarly, the method by which social or economic inequalities are structured may be described as efficient if there is no possible restructuring which could be performed to make this structuring more advantageous to any particular individual without simultaneously making it less advantageous to another individual.

Rawls also argues that the difference principle may be applied to the method by which rights and duties are assigned and to the method by which social or economic inequalities are structured. The method by which rights and duties are assigned may be described as fair and impartial if it cannot be made any more fair to any particular individual without simultaneously making it less fair to another individual. Similarly, the method by which social or economic inequalities are structured may be described as fair and impartial if it cannot be made any more fair to any particular individual without simultaneously making it less fair to another individual.

According to Rawls, the principle of efficiency and the difference principle are mutually compatible and are principles of justice for social institutions. Principles of justice for individuals include fairness, benevolence, generosity, the duty to keep promises, the duty to offer mutual aid, the duty to show mutual respect, the duty not to cause unnecessary suffering, the duty not to harm or injure others, and the duty to uphold justice.

Rawls describes three types of teleological theories of justice: 1) the classical principle of utility, 2) the average principle of utility, and 3) perfectionism. According to the classical principle of utility, the best actions produce the greatest amount of utility for the greatest number of individuals. According to the average principle of utility, the best actions maximize the average utility which may be enjoyed by each individual. According to perfectionism, the best actions maximize human achievement (e.g. in the arts and sciences) or maximize the attainment of some desired goal.

Rawls argues that a major defect of utilitarianism is that the principle of utility may require that individuals who are disadvantaged in relation to others in their ability to attain primary social goods (e.g. rights, opportunities, income, and wealth) may have to suffer even greater disadvantages if this redistribution of rights and opportunities produces greater happiness for a larger number of individuals. Moreover, individuals who already have advantages over others in their ability to attain primary social goods may gain even greater advantages if this redistribution of rights and opportunities produces greater happiness for a larger number of individuals.

Rawls also argues that perfectionism is not a fair and equitable method of distributing primary social goods. While the values of human achievements in the arts and sciences are to be appreciated, the theory of justice as fairness denies that individuals should receive a greater or lesser share of basic rights and duties because of their personal achievements or because of their personal contributions to society.

According to Rawls, the principles of justice (including the principle of greatest equal liberty, the principle of fair equality of opportunity, and the difference principle) may be fulfilled by a constitutional democracy. However, a frequently-seen defect of constitutional democracy is that it may allow a greater disparity in the distribution of wealth and property than is compatible with equality of economic, social, and political opportunity for all individuals. Another frequently-seen defect of constitutional democracy is that it may allow political power to accumulate in the hands of a particular group or party who may use the institutions of government to gain greater advantage. Rawls concludes that in order to correct these defects, it is necessary for political equality of opportunity (i.e. equal rights of participation in the political process) to be constitutionally guaranteed.

Rawls emphasizes that the theory of justice as fairness is a deontological and not a teleological theory. In the theory of justice as fairness, equal liberty for all individuals is not merely a means to an end but is a principle of justice which must be satisfied before other political interests are satisfied. Rawls argues that equal liberty for all individuals may become insecure and vulnerable to infringement if utilitarian or perfectionist principles are applied as principles of justice, and if it is argued that the basic rights of individuals can be adjusted to achieve a greater net balance of satisfaction or a higher sum of intrinsic value. The theory of justice as fairness is thus an

egalitarian theory of moral conduct which applies to all the obligations which individuals have toward each other.

FOOTNOTES

¹John Rawls, *A Theory of Justice* (Cambridge: Harvard University Press, 1971), p. 26.

²*Ibid.*, p. 11.

³*Ibid.*, p. 53.

⁴*Ibid.* p. 107.

⁵*Ibid.*, p. 132.

BIBLIOGRAPHY

Rawls, John. *A Theory of Justice*. Cambridge: Harvard University Press, 1971.

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