‘Critiquing The Veil of ignorance’

The present work is to be a critique of Rawls’ Veil of Ignorance as well as putting forth an alternative analytical tool when constructing societies known as the L’echelle Naturelle. My paper hopes to argue that inequalities in a society are not only essential in society contrary to Rawls’ Egalitarian ideology, but do in fact contain equality so long as the autonomy of the citizen is fully exercisable. I contend that institutions such as government and their extensions namely the law, have debilitated the exercisability of autonomy. The consequence of that is an artificial hierarchy monopolized by a minority rather than a natural hierarchy where every citizen is a means unto themselves. The phenomenon of a natural hierarchy that is made possible by unchained autonomy is what the L’echelle Naturelle hopes to expound upon in the forthcoming work.

‘And Putting Forth the L’echelle Naturelle’

By John Altmann

How does one attain a society founded on equity? How does a society go about forming a conception of justice that has equal bearing on every citizen regardless of class, race, or ideology? Egalitarian philosopher John Rawls set about finding the answer to these very questions. The end result would be his most famous concept and one of the most notable contributions in the field of Philosophy; the veil of ignorance. To put it succinctly, the veil of ignorance is a type of social contract that sees citizens come together with the purpose of forming a new society and more significantly, principles of justice. Those who partake in the contract are ignorant of any knowledge pertaining to their person and are left only with information relevant in the construction of a society and its judicial ideology. When defining the veil Rawls states the following:

the veil permits them to know ‘the general facts of human society’ such as political affairs and the principles of economic theory… whatever general facts affect the choice of the principles of justice’. It prevents them from knowing any particular facts about themselves.[[1]](#footnote-1)

I would like to state for the record that Rawls emphasized throughout his work that the veil is to be treated merely as an analytical tool and not as a literal act to be engaged in due to the scope and complexities of an average society. Such facts saw him apply the veil in his work in a hypothetical scenario with conditions perfect for the veil’s implementation. Despite this safeguard the veil has provoked much discussion in the realm of Academia. There are academics that support Rawls & the veil, arguing that it is a great tool when deliberating the formulation of a Constitution or fighting against political tyranny. There are other academics however, that have raised contentions against Rawls & the veil stating that it is a refutation of individual liberty and that Rawls’ ideals such as that of ‘Social Justice’, make rights regress to becoming mere privileges. This work is being written under the banner of the latter, for I have noted three significant blind spots in the veil & Rawls’ ideology which I will expound upon in this work through the scholarly journals of Ephraim Taurai Gwaravanda, Adrian Vermeule, and Douglas B. Rasmussen as well as more direct quotes from Rawls’ *A Theory of Justice*.[[2]](#footnote-2) I would also like to note that I will be presenting two of my own original philosophical concepts in this work one of which is an analytical tool that I believe successfully counteracts Rawls’ veil and is the superior tool when engaging in the formation of a just society. These concepts are known as the Existential Contract and the *L’echelle Naturelle.[[3]](#footnote-3)* The arguments I shall raise against Rawls and the veil are that we are deserving of our inherited social positions at birth, allowing disparities in wealth and authority solely so that society and in particular, its least advantaged citizens can reap greater rewards creates the potentiality for egoism and intolerance, which could ultimately lead to violence, and lastly, the total negation of the individual in a Veil society in favor of social cooperation is an inefficient foundation for a social contract and in fact I will argue, it even nullifies it.

Rawls makes the contention in *A Theory of Justice* that we are undeserving of our social positions. Specifically, he cites those of affluence and privilege as having derived no real right to the positions they inherit upon birth. Rawls makes the assertion quote:

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.[[4]](#footnote-4)

I will address one of these two principles in particular as well as the workable scheme Rawls speaks of later on in the work. Rawls’ stance on social positions has drawn much criticism from Rasmussen’s journal *A CRITIQUE OF RAWLS' THEORY OF JUSTICE* where he argues that Rawls’ stance on social positions is comparable to that of a children’s fairy tale. He asserts:

[T]he egalitarians' view of man is literally the view of a children's fairy tale—the notion that man, before birth, is some sort of indeterminate thing, an entity without identity, something like a shapeless chunk of human clay, and that fairy godmothers proceed to grant or deny him various attributes ('favors'): intelligence, talent, beauty, rich parents, etc. These attributes are handed out 'arbitrarily' (this word is preposterously inapplicable to the processes of nature), it is a 'lottery' among pre-embryonic non-entities, and—the supposedly adult mentalities conclude—since a winner could not possibly have 'deserved' his 'good fortune,' a man does not deserve or earn anything after birth, as a human being, because he acts by means of 'undeserved,' 'unmerited,' 'unearned' attributes. Implication: to earn something means to choose and earn your personal attributes before you exist.[[5]](#footnote-5)

While this quote brilliantly encompasses the main folly of Rawls’ argument I am not going to delve into that specifically just yet. Rather, I want to examine the more subtle issues that arise upon closer examination of Rawls’ stance. Mainly, that a person as an individual has no power of volition within their social position according to Rawls nor do they have any exercisability of it either. Such constraints prove problematic as I will illustrate by way of my Existential Contract. By positing existence in more contractual terms I was able to ascertain where we derive our rights to our social positions. Here is how the contract is broken down:

* Two people come together with the intent to create/bring forth a new life. It should be clearly communicated that this condition of the contract encompasses scenarios such as adoption and unplanned pregnancies where the two people involved have made the consensual decision to keep the child.[[6]](#footnote-6)
* These two people create this third life with the knowledge that it will shrink the resources within their social position, but with the intent to direct those drained resources towards cultivating the child in that position.
* Though the third life starts out in life as the product of the Existential Contract due to not having the power of volition nor, having the full power of consciousness of their social position, when the third life is in full possession of these powers, they transgress from being the product of the Existential Contract, to an agent negotiating new terms & conditions. An illustration of this would be negotiating for more resources to get a new car to get to school rather than utilizing public transportation. Further, if the third life is not satisfied with the terms of the Existential Contract enforced by the other two lives, the third life may void that contract through emancipation. The third life emancipates itself by removing itself from its current social position and completely mobilizes to another social position.
* The two people that engaged in the creation of the third life may void the Existential Contract at any time between carriage and childhood either through abortion or forfeiting to adoption in which case that is an entirely new Existential Contract in itself. I did not specify adolescence or “young adulthood” because at that point the third life will have transgressed from being the product of the Existential contract to an agent actively engaging in construction/alterations.

As you can see, we derive the rights to our social position from the existence of the other. Only through the existence of the other may our own existence be conceptualized. This is Rawls’ greatest falter with his stance on social positions. By saying we do not deserve the social positions we inherit, as a consequence he is saying we do not deserve the benefits that we reap from those social positions as much as the consequences. Therefore, we may assert that Rawls contends that when two people by their own volition make the choice to shrink the resources of their social position by means of introducing another life, thereby deeming that third life worthy of that social position, we cannot exercise our positions that way because we never deserved them to begin with in Rawls’ eyes. Not only does Rawls nullify volition with this ideology, he has also exorcised existence in itself. On top of that to return to Rasmussen’s quote, Rawls’ assertion is nonsensical. Ultimately it comes across as Rawls trying to bring harmony between existence and nothingness. He claims only by being nothingness and constructing our existence from the outside of the initial position may we earn the right to claim it and all of its offerings. What we are left with, is a un-reconciliation between existence and nothingness for one cannot exist and be nothingness simultaneously. Now Rawls may pose the counter argument that he is not arguing against our right to exist rather, he is arguing against the characteristics that make our existence. For example, characteristics of wealth would be fine dining, luxury vehicles, an abundance of property, etc. while characteristics of poverty would be poor housing, economic instability, a dearth of possessions, etc. My retort to such an argument is what is the difference? For the totality of characteristics in a given social position makes up the sum of its very essence. When you negate the essence of a social position, you are refuting the social position in its entirety. Therefore when Rawls contends that we are not deserving of our social positions, he is indeed revoking our very right to existence.

Throughout his discussion of the veil of ignorance Rawls puts particular emphasis on the least advantaged. Being an Egalitarian, we can safely assert that their plight resonates with him more than any other group of people. So much so, that Rawls states that inequalities in wealth and authority are permissible solely if they benefit the society as a whole and in particular, the least advantaged. Rawls asserts:

I shall maintain instead 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.[[7]](#footnote-7)

My first contention against this ideal of distribution is that Rawls assumes that the environment in which these inequalities of wealth and authority are assigned is static. That is, that the conditions in which the assignment of these inequalities occurred and benefited everyone in the society would be consistent every time these inequalities were assigned. Now static environments would be the case if the people in the society were ignorant of personal facts as they are when they are behind the veil. However, I assert that this is not the case and therefore is the fallacy of Rawls’ system. When people are behind the veil forming a new society their consciousness has completely dispelled personal information and retained only that which is relevant to a society’s construction. However when Rawls discusses distribution of wealth and authority one may assume that a social contract has been forged and thus the new society has been enacted. In other words, the veil has fallen which means that all of the personal information that once was exorcised from the individual consciousness comes flooding back. It is this very act that creates a shift from the static environment where the conditions therein are ideal for Rawls system of distribution, to a dynamic environment that brings forth the variable of personal facts. How are we to know that the people assigned the inequalities in wealth and authority would choose to benefit society with those inequalities if they do not share in such motivations? How are we to know that they would not opt instead, to exercise their inequalities to oppress the rest of society and the least advantaged in particular? Until the human existence reaches an extraordinary level of transparency, where every motive and ambition lie vulnerable to sight by the human eye, one will never truly know the intentions of another.

The arguments I have raised in regards to personal facts and volition leads me to my next point of debate by way of Ephraim’s scholarly journal *BEYOND PARTISANSHIP: APPLICATION OF RAWLS’ VEIL OF IGNORANCE IN THE ZIMBABWEAN CONSTITUTION MAKING PROCESS* in which he asserts of the veil and its principles: “The significance of Rawls’ veil of ignorance is that it supplies principles that may be useful for the procedure of constitution making that exclude, among other vices, greediness, egoism, intolerance and violence.[[8]](#footnote-8)” I am in complete opposition with Ephraim on this viewpoint. It is the existence of both personal facts and volition that give these vices potentiality in the veil society. Let us return to Rawls’ ideal distribution system to illustrate how these two variables create the potentiality for these vices in the veil society. To articulate where the egoism would arise first, due to the fact that once egoism is present it creates a doorway for which all other vices may enter, let us look at those wielding the inequalities in the society. Now for the sake of argument let us say that all is going swimmingly at first in the veil society. The society as a collective is benefiting due to the select few who have been permitted inequalities in their wealth and authority. Now keep in mind, the social contract has already been forged and therefore we can assert that personal facts have reentered into the consciousness of the inequality wielders which means that relevant information is in conflict with personal ambition. One day this select group gets the idea that since they maintain the harmony and welfare of the society they deserve more. They then set out to enlarge their inequalities of wealth and authority at the expense of the people. This group institutes a gross tax for the citizens to pay which of course the least advantaged members cannot afford. The reaction of the group to this incapability is one of intolerance towards the least advantaged which finds these members jailed due to their dearth of wealth. Several citizens are appalled by these actions and try banning together to send their harmonizers turned oppressors into exile. In response the oppressors begin hosing down, tear gassing, and even shooting these citizens all in the name of retaining and expanding their inequalities in the veil society. Because Rawls does not acknowledge that human beings possess the power of volition and personal characteristics, his structuring of the veil society leaves this gaping chasm upon which these vices become prevalent. The powder keg of the egoism however, is capable of operating on a dual front. The first front dealt with those wielding the inequalities which we have examined at length already. The second front deals with the collective whom are dependent upon those wielding said inequalities. In particular, I will focus on the group whom Rawls resonates with the most; the least advantaged. Let’s assume that for a time Rawls’ system of distribution proves most beneficial to the society. Everyone is well off and the least advantaged members of society have seen their standard of living strengthened. They have great medical care, fresh food from which to eat and even stable housing. Upon further examination of all that has been made affordable to them, the least advantaged feel entitled to more. So much more in fact, that they wish to assume the position of those wielding the inequalities that made their standard of living possible. They have developed intolerance to those who possess more goods than they do. They act on this intolerant inclination by taking up arms with stones, guns, and farming equipment to storm those wielding the inequalities and to overtake them by force. The falter by Rawls ultimately lies in the fact that he is negligent of the power of volition but even more significantly, that the dispelling of personal facts lasts as long as the veil stays up. The only way that such a problem could be combated is if the human existence itself were completely transparent. In other words, every ambition, motivation, emotion, etc. a person possesses would all be easily recognizable upon being gazed at by another. Of course such a notion is an absurdity and thus we return to the root of the problem. Furthermore, Ephraim also proclaimed this in his journal as it pertains to the veil’s effectiveness: “Rawls requires suspension of prejudice so as to achieve impartiality of Judgment. This entails abstraction from self-interestedness to focus on an altruistic concern.[[9]](#footnote-9)” Ultimately, as seen by the contentions illustrated above, the altruistic concern is not the defining or dominant aspect of the society but rather, a temporal condition. For as long as personal facts pervade the human consciousness, and as long as human beings may choose how to organize and act upon these personal facts, it is the altruistic concern that will entail the abstraction and not the self-interestedness of the people.

One of the most interesting aspects of the veil society that Rawls put forth was the ideal of social cooperation. He deemed social cooperation as a workable scheme that draws forth the cooperation of everyone in the society including those less situated. Rawls makes the point:

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.[[10]](#footnote-10)

My first argument is that Rawls’ design of cooperation is flawed. The only reason that citizens would depend their well-being upon a system of cooperation is because the advantages they earned through their human capital are not theirs; those advantages are owned by the collective. If everything a person earned through their personal labor was truly theirs, than such a scheme of cooperation would be unnecessary. To illustrate, I have constructed three tables to show that this “scheme of cooperation” is only truly beneficial to the “least advantaged” or as the tables demonstrate, those who are below the amount of income that is received once the distribution of advantages has taken place. Here are the following results:

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| **Persons 1-5** | **Individual income** | **Collective income** | **Income after Distribution** | **Difference in Income** |
| 1 | $500 | $3000 | $600 | +$100 |
| 2 | $600 | $3000 | $600 | $0 |
| 3 | $400 | $3000 | $600 | +$200 |
| 4 | $700 | $3000 | $600 | -$100 |
| 5 | $800 | $3000 | $600 | -$200 |

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| **Persons 1-5** | **Individual Income** | **Collective Income** | **Income After Distribution** | **Difference** |
| 1 | $225 | $3822 | $764.40 | +$539.40 |
| 2 | $615 | $3822 | $764.40 | +$149.40 |
| 3 | $526 | $3822 | $764.40 | +$238.4 |
| 4 | $1,982 | $3822 | $764.40 | -$1217.60 |
| 5 | $474 | $3822 | $764.40 | +$290.4 |

**Results: Persons 1, 2, 3, and 5 all experienced gains after distribution of advantages took place and Person 4 experienced a steep loss of over $1000 after distribution of advantages.**

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| **Persons 1-5** | **Individual Income** | **Collective Income** | **Income After Distribution** | **Difference** |
| 1 | $500 | $3015 | $502.50 | +$2.50 |
| 2 | $501 | **$**3015 | $502.50 | +$1.50 |
| 3 | $502 | $3015 | $502.50 | +$0.50 |
| 4 | $503 | **$**3015 | $502.50 | -$0.50 |
| 5 | $504 | $3015 | $502.50 | -$1.50 |
| 6 | $505 | **$**3015 | $502.50 | -$2.50 |

**Results: Persons 1-3 all experienced greater income after distribution while Persons 4-6 experienced economic regression after the distribution of advantages took place.**

Now my following analysis focuses specifically on Table 1. Results: Persons 1 & 3 benefited from the cooperation, Persons 4 & 5 were doing better before the distribution of advantages, and person 3 was in the same economic position before and after distribution.As my results illustrate A.) Inequalities still arise even after distribution and B.) How can you argue that one cannot have a satisfactory life unless you give your willing cooperation, when two people were coming out ahead on their own personal labor and only regressed economically, after engaging in the distribution of advantages? Further, One individual was in the same economic position before and after distribution, so he is still maintaining the same standard of living with or without the cooperative scheme. As for drawing forth the cooperation of all involved, Vermeule disagrees in her journal *Veil of Ignorance Rules in Constitutional Law* arguing**: “**Veil rules not only dampen both information and bias; they also suppress decision makers’ activity. Removing the spur of self-interest threatens to reduce decision makers’ activity below acceptable levels.[[11]](#footnote-11)” Vermeule states this point when discussing the creation of Constitutions but I believe the contention still has merit here. When persons 1 & 2 were focused on their own economic self-interests, they were making a greater profit than when advantages were distributed. Therefore, why would they wish to willingly cooperate and forfeit their advantages for distribution when they are more than prosperous with their own labor? It should also be noted that persons 1 & 3 would be considered the “least advantaged.” This makes their gains after distribution acceptable in Rawls’ eyes. Ultimately, Rawls desires gaining the cooperation of everyone involved but his ideas of distributing advantages can only guarantee the cooperation of the least advantaged, for they have the weakest human capital and are reaping the greatest rewards from distribution.

Now on to my second argument against Rawls’ refutation of the human being as an individual and instead assimilating them with a greater collective lies in the very social contract itself. Rawls asserts that when forming the new social contract to dispel all personal facts and to retain only information that is pertinent to the formation and maintenance of a society. Furthermore, Rawls calls for the forfeiture of individual liberties and for people to opt for a system of social cooperation seeing as how we were never deserving of our social positions. Rasmussen phrased Rawls’ ideology in the following manner:

Rawls is not a completely "wild-eyed" egalitarian, for he does allow for inequalities in economic and social values if the least advantaged are aided by it. But the important point to realize is that his conception of justice does not recognize the right of a person to what he creates. Rawls makes the concept of "rights" conditional upon it aiding the rest of society, and if such a right is maintained only through the sanction of the rest of society, so to speak, then it is not something that a person possesses because he is a person but only a privilege given him.[[12]](#footnote-12)

When examining such terms from a legally philosophical point of view one will find that this is an unreasonable contract. I say this due to the theory known as the objective theory of contracts. This theory states that a binding agreement exists between two (or more) parties if a reasonable person would judge (from the outward and objective acts of the parties and the associated circumstances) that an offer has been made and accepted.[[13]](#footnote-13) Given the circumstances surrounding this social contract between dispelling personal facts (which is detrimental because how without knowing the person can we ascertain that an equal society is of sufficient value to them for the forfeiture of their individual liberties?) and then forfeiting individual rights to assimilate with a collective where you are ignorant of if you will be a welfare giver (possessing inequalities in wealth and authority), or a receiver, no reasonable person would uphold this contract. Thus to conclude, even though the veil in itself is an analytical tool, any physical implementation of it would lead to nullification by any legal institution that abided by this theory.

It should be noted before I put forth my alternative analytical system to counteract the veil system that Rawls and I were united on one particular issue. That issue was Utilitarianism. Rawls found Utilitarian principles to be incredibly flawed and unjust and frankly so do I. Under Utilitarian calculation, if the life of a man hung in the balance of one hundred people, he would die if fifty-one people voted it to be so while at the same time giving rejection to the ethical and moral quandaries of the forty-nine people who were opposed. Such a philosophy ultimately leads to barbarism and is a foundation ridden with instability for any society built upon it. However, the fact remains that Rawls and I are in opposition with each other over our differing conceptions of justice. Rawls’ conception deals with the refutation of individual rights and liberties while mine is the polar opposite. Rasmussen best communicates my conception in his journal when he claims:

But must not justice in turn, be embedded into the concept of basic human rights? If each man has a right to his life, the products of his labor, and his own free and independent judgment, one could argue justice will not be violated provided these rights are recognized in the legal system of the nation and no exceptions made. ... A just society is one that recognizes individual rights and so embeds them in its constitutional structure that no would-be tyrant or group of commissars . . . can take them away.[[14]](#footnote-14)

My conception of justice then, is the empowerment of the individual and their autonomy to the highest possible state without being fettered by an oppressive political or legal entity. A society attains this conception through the complete exorcism of all political and legal institutions. This is the core principle of the *L’echelle Naturelle*. When a political or legal instrument gains too much influence in a society, the end result is a civilization whose strength and resources is monopolized by a very powerful and affluent minority while everyone else within the society faces a perpetual struggle to achieve their desired standard of living and or quality of life. I do not need to recount the atrocities of Nazi Germany nor do I need to reflect upon the abhorrent period of Communist Russia under the iron fist of Joseph Stalin to make evident that my assertions are by no means radical in nature. However my contention holds true for any society no matter how democratic in their nature, which has political and legal instruments to uphold them. For once those instruments are implemented and enforced, the potentiality for oppression and conflict of all kinds takes siege in the roots of the society. Once all political and legal instruments have been abolished from the society, so too has the artificial hierarchy that these instruments forged and enforced. The citizen then in reaction to the abolishment of these instruments would find their natural place in society with the fullest exercisability of their autonomy to guide them. It should also be noted that the concept of power as it pertains to having dominion over others, has been negated. Nobody is knowledgeable of this conception of power and therefore, nobody will be able to use their place in society nor may they use their human capital to oppress or injure others for their own gains or mobility. By exorcising this conception of power from the human consciousness, we can ensure no crime in this society will take place nor, will the natural fits in society be disrupted by attempts to forge an artificial hierarchy monopolized by a powerful minority. So now that I have covered the two main aspects of applying the *L’echelle Naturelle* when creating a social contract, we may now proceed to see the mechanisms by which a *L’echelle Naturelle* society and its citizens operate.

Much of the ideology governing the *L’echelle Naturelle* is derived from Objectivist thought which was made famous by philosophical author Ayn Rand. Furthermore, the moral principles that would have governance in an *L’echelle Naturelle* society would be categorized as Objectivist. With the concept of power being exiled from the consciousness and no political or legal instruments in place, every man is truly a means to himself. He does not live for the sake of others nor are others expected to live for the sake of him.[[15]](#footnote-15) That is not to say that a citizen cannot engage in altruism, for if that is where there autonomy is most comfortably exercised let them. What this is to say is that unlike Rawls, a society under the banner of the *L’echelle Naturelle* is not dependent upon an altruistic concern or social cooperation. Altruism is just one of many avenues a citizen’s autonomy may travel. The conception of power noted in the preceding paragraph also draws inspiration from Objectivist thought. The Objectivist ethical philosophy states that:

No man has the right to seek values from others by means of physical force—i.e., no man or group has the right to initiate the use of physical force against others. Men have the right to use force only in self-defense and only against those who initiate its use. Men must deal with one another as traders, giving value for value, by free, mutual consent to mutual benefit.[[16]](#footnote-16)

This leads us to the economic structure of the L’echelle Naturelle. The L’echelle Naturelle is heavily influenced by Adam Smith’s concept of the invisible hand which is defined as: “The idea that consumers and producers will, in acting out of their own self-interest, make decisions that, considered collectively, are the best for the entire economy as long as there is little government interference.[[17]](#footnote-17)” Since there is no government to speak of, the economic system is open. What I mean by this is that the medium of exchange for goods and services is relative to the buyer and seller as well as the circumstances surrounding the marketplace. Say there is a person who wishes to buy a loaf of bread. He could pay for it by means of paper currency, he could pay for it through his own human capital (The seller gives the buyer bread and the buyer agrees to sweep the seller’s store for a week.), or he may even pay for the bread through trade (To give a very outlandish example, the buyer would give the seller fox fur for the loaf of bread.). By having an open economic system governed by Smith’s principle of the invisible hand, we have now also exiled poverty from the society for the medium of exchange in the marketplace is no longer uniform but rather, a consensual decision that arises from the interactions of the buyer and the seller. Such an economic system also makes Rawls’ system of cooperation unnecessary while at the same time preserving the retention of individual freedom and liberties.

Now that we have addressed the political, legal, and economic climates that would accompany an *L’echelle Naturelle* society, as well as the moral & ethical philosophies that govern it, the question then becomes that with an unfettered autonomy, how exactly does a citizen in an *L’echelle Naturelle* societyfind their position in the society and maximize the potential of said position? The citizen does this by exercising a *Tres Conscientiae[[18]](#footnote-18)*as I have deemed it, to determine the best possible position for their autonomy to be exercised as well as how to act accordingly in situations that are a consequence of the position. They first go through a stage of self-consciousness in which they ask themselves what position in society can their autonomy be maximized so as to achieve the desired standard of living and quality of life? It should be noted that the self-consciousness is in constant exercise even when the class consciousness or the collective consciousness are at the forefront. Even after a certain position has been attained the citizen will ask themselves if they truly feel content with where their autonomy resides and undergo an examination of the existing multitude of positions and possibilities. Then there is the class consciousness. The class consciousness is used when the citizen achieves their desired position and must work with others in the same position. An example of this would be a team of surgeons doing a heart transplant. Their personal ambitions (doing a successful surgery) are linked, and they therefore must cooperate to achieve that ambition. Then finally, there is the shift to the collective consciousness. This consciousness shift is undergone when a citizen contemplates how their position affects the rest of the *L’echelle Naturelle*. To return to the surgeon example given earlier, the surgeon may examine how the lives he saves or fails to save impact the rest of the society. Are the lives he saved actively exercising their autonomy? How are they using it? Or perhaps have the lives I lost been a detriment to the society? A citizen exercising a *Tres conscientiae* will constantly find themselves examining their personal autonomy and how it relates to others like them and society as a whole. It is because of this stream of consciousness that no matter how long a person is a fixture in a particular position in the *L’echelle Naturelle* it should always be treated as a temporal occupancy.

For the final discussion point of this work I wish to posit the *L’echelle Naturelle* in a more Sociological light so as to illustrate to everyone the most complete possible vision I have for this analytical tool. For starters, this device is a product of the Functionalist perspective or as defined in Sociology a sociological approach that emphasizes the way in which the parts of a society are structured to maintain its stability.[[19]](#footnote-19) This is significant because unlike Rawls I am not an Egalitarian. I understand that inequality is a natural product of any society for everyone possesses abilities and characteristics that others do not. However, when dealing with each other in mutually beneficial exchanges we see that inequalities are vital. A rudimentary example would be the bread baker and a prospective buyer. If the baker baked bread on par with his buyer, the buyer could not get bread of the quality he desired. Conversely, if the buyer could bake bread himself that would make the role of the baker utterly obsolete. It is inequalities both subtle and at times more pronounced that maintain the stability of the society. There is still a plethora of inequalities in the *L’echelle Naturelle* the only contingency is that those inequalities are promoted in acts of mutual exchange and interaction not oppression or monopolization. Furthermore, the *L’echelle Naturelle* would best be described as an open system, a social system in which the position of each individual is influenced by his or her achieved status.[[20]](#footnote-20) A person’s exercise of their autonomy and what they accomplish with it ultimately determines where they end up in the *L’echelle Naturelle* or The Natural Ladder, because where they end up is wholly dependent on their efforts. Since the nature of the *L’echelle Naturelle* puts a great deal of emphasis on a person achieving their way through the society, there is a great degree of social mobility. Social mobility is the movement of individuals or groups from one position of a society to another. [[21]](#footnote-21) This is the main reason why I instituted the *Tres conscientiae* for with every ascension or decline in position, the citizen will undergo the shifts in consciousness to see how they ultimately fit in the society and if it is on par with where they want their autonomy to be. In the end the *L’echelle Naturelle* is an analytical tool whose purpose is to make people put the puzzle of a society together without the use of legal or political instruments and figuring out what piece in particular they are. The great disparity though is that unlike a puzzle where the picture is a fixated design, there is movement in the *L’echelle Naturelle* and that is what maintains the harmony. By liberating the autonomy of the individual, whatever position they end up in is conditional on their own efforts, therefore it can never be an unnatural placement.

In summation, Rawls veil of ignorance system while a noble effort to equalize society leaves much to be desired. The assertion that we do not deserve our social positions is to say that we do not deserve to exist or to bring forth existence as illustrated by the Existential Contract. The allowance of disparities to better the collective does not take into account the power of volition nor does it take into account the reentry of personal facts upon solidifying a social contract. Such facts create the potential for egoism, intolerance and violence. Also, for the Veil to be implemented most effectively, the human existence from morality, right down to motivations and ambitions would have to be completely transparent and visible to the other at all times which is infeasible. Social Cooperation can only be expected from the least advantaged members of a society for they benefit the most from the distribution of advantages. Social Cooperation is dependent upon human beings not recognizing themselves as individuals but as a greater collective. This forfeiture of individual liberties only benefits the least advantaged of society. Under the Objective Theory of Contracts, we can conclude that no reasonable person would dispel personal facts upon entering a contract and moreover, they certainly would not forfeit their individual rights and liberties to assimilate with a collective under the banner of social cooperation, when they do not know the role they will play in this collective. Because of this, the social contract constructed behind the veil is an invalid one. The *L’echelle Naturelle* is an analytical tool that exorcises all political and legal institutions from a society and creates an open economy within which transactions adhere to the Invisible Hand. This tool is designed so as for a person to determine their natural place in a society when they have full exercisability of autonomy. It is my sincerest hope that the *L’echelle Naturelle* will be an analytical tool that changes the way in which we forge and view social contracts.[[22]](#footnote-22)

*Notes and References*

1. John Rawls, A Theory of Justice Cambridge, (Massachusetts: Harvard University Press, 1972), 15-137.
2. Douglas B Rasmussen, “A CRITIQUE OF RAWLS’ THEORY OF JUSTICE,” The School of Philosophy 55 (Summer 1974): 304-312. (http://new.stjohns.edu/media/3/dde83b9ae36848d8a7e6786eb17cd1b9.pdf ).
3. Ephraim Taurai Gwaravanda, “BEYOND PARTISANSHIP: APPLICATION OF RAWLS’ VEIL OF IGNORANCE IN THE ZIMBABWEAN CONSTITUTION MAKING PROCESS,” International Journal of Politics and Good Governance 3 (Quarter I 2012): 5-9. ([www.onlineresearchjournals.com/ijopagg/art/96.pdf](http://www.onlineresearchjournals.com/ijopagg/art/96.pdf)).
4. Adrian Vermeule, “Veil of Ignorance Rules in Constitutional Law,” The Yale Law Journal 111 (October 2001): 402. (http://www.yalelawjournal.org/the-yale-law-journal/essay/veil-of-ignorance-rules-in-constitutional-law/).
5. Business Dictionary, Objective Theory of Contract, http://www.businessdictionary.com/definition/objective-theory-of-contract.html (Jan. 16 2013).
6. Ayn Rand Institute, Essentials of Objectivism, http://www.aynrand.org/site/PageServer?pagename=objectivism\_essentials (Jan. 17th, 2013).
7. Ultimate Economics Glossary, Invisible Hand Definition, http://www.onlinemba.com/resources/econglossary.html (Jan. 17th, 2013).
8. McGraw Hill Online Learning Center, Student Edition Sociology Glossary, <http://highered.mcgraw-hill.com/sites/0072952997/student_view0/glossary.html>.

1. John Rawls, A *Theory of Justice* Cambridge, (Massachusetts: Harvard University Press, 1972), 137. [↑](#footnote-ref-1)
2. I just want to give full acknowledgement to these scholarly authors. I take no credit for the ideas presented in their journals as they have full unequivocal ownership. Their ideas are meant solely to supplement my contentions against the Veil of Ignorance as well as further discussion on the concept in itself. Ephraim, Vermeule, Rasmussen, and their journals have given my work a definitive shape in which to occupy reality. I give my deepest thanks to them all. [↑](#footnote-ref-2)
3. *L’echelle Naturelle* is French for Natural Ladder. [↑](#footnote-ref-3)
4. Rawls, 15. [↑](#footnote-ref-4)
5. Douglas B Rasmussen, “A CRITIQUE OF RAWLS’ THEORY OF JUSTICE,” *The School of Philosophy* 55 (Summer 1974): 312. (http://new.stjohns.edu/media/3/dde83b9ae36848d8a7e6786eb17cd1b9.pdf ). [↑](#footnote-ref-5)
6. It should be noted that this contract does not arm itself against all contingencies such as the parents being negligent or abusive however I feel the contract still succeeds in its chief aim of countering Rawls’ contentions on social positions. [↑](#footnote-ref-6)
7. Rawls, 15-16. [↑](#footnote-ref-7)
8. Ephraim Taurai Gwaravanda, “BEYOND PARTISANSHIP: APPLICATION OF RAWLS’ VEIL OF IGNORANCE IN THE ZIMBABWEAN CONSTITUTION MAKING PROCESS,” *International Journal of Politics and Good Governance* 3 (Quarter I 2012): 9. (www.onlineresearchjournals.com/ijopagg/art/96.pdf). [↑](#footnote-ref-8)
9. Gwaravanda, 5. [↑](#footnote-ref-9)
10. Rawls, 15. [↑](#footnote-ref-10)
11. Adrian Vermeule, “Veil of Ignorance Rules in Constitutional Law,” *The Yale Law Journal* 111 (October 2001): 402. (<http://www.yalelawjournal.org/the-yale-law-journal/essay/veil-of-ignorance-rules-in-constitutional-law/>). [↑](#footnote-ref-11)
12. Rasmussen, 304. [↑](#footnote-ref-12)
13. Business Dictionary, *Objective Theory of Contract*, <http://www.businessdictionary.com/definition/objective-theory-of-contract.html> (Jan. 16 2013). [↑](#footnote-ref-13)
14. Rasmussen, 308. [↑](#footnote-ref-14)
15. Ayn Rand Institute, *Essentials of Objectivism*, <http://www.aynrand.org/site/PageServer?pagename=objectivism_essentials> (Jan. 17th, 2013). [↑](#footnote-ref-15)
16. <http://www.aynrand.org/site/PageServer?pagename=objectivism_essentials>. [↑](#footnote-ref-16)
17. Ultimate Economics Glossary, *Invisible Hand Definition*, <http://www.onlinemba.com/resources/econglossary.html> (Jan. 17th, 2013). [↑](#footnote-ref-17)
18. Latin for Triple Consciousness [↑](#footnote-ref-18)
19. McGraw Hill Online Learning Center, *Student Edition Sociology Glossary,* [*http://highered.mcgraw-hill.com/sites/0072952997/student\_view0/glossary.html*](http://highered.mcgraw-hill.com/sites/0072952997/student_view0/glossary.html)*.*  [↑](#footnote-ref-19)
20. http://highered.mcgraw-hill.com/sites/0072952997/student\_view0/glossary.html. [↑](#footnote-ref-20)
21. http://highered.mcgraw-hill.com/sites/0072952997/student\_view0/glossary.html. [↑](#footnote-ref-21)
22. I just wanted this final footnote to be an acknowledgement of my loved ones. From my Grandmother, who is the greatest mother anybody in the world could ask for and who made possible the man who typed this work. To my sister, who is one of my best friends and has always been one of my biggest idols and inspirations. Then last but certainly not least, my personal coach who oversaw my personal progression of this work. You never stopped believing in me even when at times I doubted myself. I am honored that you undertook this journey with me and consider it a privilege in the utmost to call you a friend. I love you all more than could ever be put into words. Thank you for making this one dream become reality. [↑](#footnote-ref-22)