Some people are multi-billionaires; others die because they are too poor to afford food or medications. In many countries, people are denied rights to free speech, to participate in political life, or to pursue a career, because of their gender, religion, race or other factors, while their fellow citizens enjoy these rights. In many societies, what best predicts your future income, or whether you will attend college, is your parents' income.

To many, these facts seem *unjust*. Others disagree: even if these facts are *regrettable*, they aren't issues of justice.[1] A successful theory of justice must explain why clear injustices are unjust and help us resolve current disputes.[2] John Rawls (1921-2002) was a Harvard philosopher best known for his *A Theory of Justice* (1971), which attempted to define a just society. Nearly every contemporary scholarly discussion of justice references *A Theory of Justice*. This essay reviews its main themes.[3]

1. The 'Original Position' and 'Veil of Ignorance'

Reasonable people often disagree about how to live, but we need to structure society in a way that reasonable members of that society can accept.[4] Citizens could try to collectively agree on basic rules. We needn't decide every detail: we might only worry about rules concerning major political and social institutions, like the legal system and economy, which form the 'basic structure' of society.

A collective agreement on the basic structure of society is an attractive ideal. But some people are more powerful than others: some may be wealthier, or part of a social majority. If people can dominate negotiations because of qualities that are, as Rawls (72-75) puts it, *morally arbitrary*, that is

---

[1] For instance, some think that if someone's money is fairly earned, it is not unjust that she does what she wants with it, such as spending it to increase her children's opportunities (e.g., Nozick, 1974; Narveson, 2001). Others will say that there are no genuine 'rights', and a society should permit or restrict various activities depending on what will promote the 'common good': this charge has been made with considerable force against utilitarianism, though it is not one that all utilitarians accept (see Glover (1990), Section 3).

[2] Rawls' basic view has been importantly extended to several areas which he either did not explicitly comment on: e.g., Daniels' (2007) extension of the view to healthcare justice, and Rowlands' (1997) extension to animal rights; or in ways with which he would have himself explicitly disagreed: compare Beitz's (1979) 'Rawlsian' approach to global justice with Rawls' (1999a) own published views.

[3] *A Theory of Justice* is a work of considerable length and detail, and this essay omits many elements of interest. For instance, this essay does not review Rawls' discussion of his intellectual debt to the work of Immanuel Kant, e.g., in his criticism of utilitarian theory as failing to respect the 'separateness of persons' (191), and his reliance on the idea of grounding justice in a contract that is understood not as an historical event, but as a theoretical constraint (see Kant, 1793).

[4] *A Theory of Justice* focuses on 'domestic' justice, i.e., justice within a particular society. Rawls (1999a) addresses the distinct question of global or international justice. Rawls suggests that justice at the global level exists between *peoples* (groups bound by, e.g. a common culture, language, or history) not individuals, since there is no common global structure equivalent to the 'basic structure' of a society. While international justice is also developed by reference to a veil of ignorance, the deliberators are representatives of societies. As such, Rawls believes that their concerns would be very different, including a strong emphasis on respect for national sovereignty, with exceptions only in cases of severe human rights violations. In addition, so long as all peoples or nations have institutions that enable their members to live decent lives, any remaining inequality is not morally troubling. As outlined below, this is in stark contrast to his theory of domestic justice.

wrong. People don't earn these advantages: they get them by luck. For anyone to use these unearned advantages to their own benefit is unfair, and the source of many injustices.

This inspires Rawls' central claim that we should conceive of justice 'as fairness.' To identify fairness, Rawls (120) develops two important concepts: the *original position* and the *veil of ignorance*:

The original position is a hypothetical situation: Rawls asks what social rules and institutions people would agree to, not in an *actual* discussion, but under *fair* conditions,[5] where nobody knows whether they are advantaged by luck. Fairness is achieved through the *veil of ignorance*, an imagined device where the people choosing the basic structure of society ('deliberators') have morally arbitrary features hidden from them: since they have no knowledge of these features, any decision they make can't be biased in their own favour.

Deliberators aren't ignorant about everything though. They know they are self-interested, i.e., want as much as possible of what Rawls calls *primary goods* (things we want, no matter what our ideal life looks like). They are also motivated by a minimal 'sense of justice': they will abide by rules that seem fair, if others do too. They also know basic facts about science and human nature.[6]

2. Rawls's Principles of Justice

Rawls thinks a *just* society will conform to rules that everyone would agree to in the original position. Since they are deliberating behind the veil of ignorance, people don't know their personal circumstances, or even their view of the good life. This affects the kinds of outcomes they will endorse: e.g., it would be irrational for deliberators to agree to a society where only Christians have property rights since if, when the veil is 'lifted,' they turn out not to be Christian, that will negatively affect their life prospects. Similarly, deliberators presumably won't choose a society with racist, sexist, or other unfairly discriminatory practices, since beyond the veil, they might end up on the wrong side of these policies.[7]

This gives rise to Rawls' *first principle* of justice:

---

[5] Rawls' view is therefore a 'hypothetical contract' theory (i.e. it rests on what would be agreed under certain idealised assumptions), as opposed to the 'actual contract' view (e.g. Gauthier, 1986; Gilbert, 2006).

[6] One further condition that deliberators know, which Rawls borrows from David Hume (1738: Book 3, Part 2, Section 2), is that they exist in a condition of 'moderate scarcity', which according to both authors is a 'circumstance' of justice. The basic idea is that justice is only necessary where there are potential conflicts (i.e., when we do not have an abundance of goods), but if there is not enough even to meet everyone's basic needs (i.e., 'extreme scarcity'), those who lose out cannot be expected to abide by the rules. So society – and with it our system of justice – will break down.

[7] In fact, though, Rawls' is remarkably silent on racial injustice, and there has been considerable debate about whether his system of thought has the space to properly address such issues. See e.g., Mills (2009); Shelby (2013). Related critiques have also been made with respect to other forms of injustice, such as gender-related injustice (e.g. Okin, 1989) and injustice against people with disabilities (e.g. Sen (1980); Nussbaum (2006)).

all people have equal claims to as much freedom as is consistent with everyone else having the same level of freedom.[8]

Rawls further claims that, because their ignorance includes an ignorance of probabilities, deliberators would be extremely *cautious*, and apply what he calls a 'maximin' principle: they will aim to ensure that the *worst possible* position they could end up in is *as good as possible* in terms of primary goods.

If we imagine ourselves as deliberators, we might be tempted by the idea of *total equality* in primary goods. This ensures, at least, that nobody will be better off than you for arbitrary reasons. However, some inequality *might* be useful: the possibility of earning more might incentivize people to work harder, growing the economy and so increasing the total amount of available wealth.

This isn't a wholehearted endorsement of capitalism, as Rawls' *second principle*, which addresses social and economic inequalities, makes clear. The second principle has two parts:

First, people in the original position will tolerate inequalities only if the jobs that pay more aren't assigned unfairly. This gives us the ideal of *fair equality of opportunity*: inequalities are allowed *only if* they arise through jobs that equally talented people have equal opportunity to get. This requires, for instance, that young people receive roughly equal educational opportunities; otherwise, a talented individual might be held back by a lack of basic knowledge, either about their own talents, or about the world.

Second, since their reasoning is governed by the 'maximin' principle, deliberators will only tolerate inequalities that benefit the worst off:[9] since, as far as they know, *they* might be the worst off, this maximizes the quality of their worst possible outcome. This is called the *difference principle*.

These principles are ordered, which tells us what to do if they clash: *equal liberty* is most important, then *fair opportunity*, and finally the *difference principle*. So, neither freedoms nor opportunity are governed by the difference principle.[10]

3. Conclusion

We can now see how Rawls' theory might evaluate the issues raised earlier. At least within specific societies, each seems to violate his basic principles of justice, and so would be condemned as unjust. So, even if we ultimately reject Rawls' approach, it at least seems to offer intuitively correct answers in several important cases, and for plausible reasons. '

---

[8] This was later revised to a weaker requirement: that people have access to a "fully adequate" set of basic rights and liberties (2001: 42-3): these rights cannot be overridden by appeals to the common good.

[9] However, the 'worst off' here are to be understood only in reference to "social and economic inequalities" (Rawls, 1999b: 53). Inequalities of 'natural' goods (which includes health) are not included because they are not things we can directly redistribute between people, unlike social goods such as money and opportunity.

[10] However, there is some apparent inconsistency across Rawls' work here. Later (2001: 266), he seems to suggest that some inequalities of opportunity are inevitable, and that they must therefore be turned to the benefit of those with the least opportunity: this view looks remarkably like a difference principle for opportunity.

References

Daniels, Norman (2007), *Just Health: Meeting Health Needs Fairly* Cambridge University Press

Gauthier, David (1986) *Morals by Agreement* Oxford University Press

Gilbert, Margaret (2006) 'Reconsidering Actual Contract Theory' in *A Theory of Political Obligation: Membership, Commitment, and the Bonds of Society.* Oxford University Press. 215-238

Glover, Jonathan (1990) *Utilitarianism and its Critics* Macmillan Publishing

Hume, David (1738) *A Treatise of Human Nature*

Mills, Charles (2009) 'Rawls on Race/Race in Rawls' *The Southern Journal of Philosophy* (2009): 161-184

Moller Okin, Susan (1989) *Justice, Gender and the Family* New York: Basic Books

Narveson, Jan (2001) *The Libertarian Idea* Broadview Press

Nozick, Robert (1974) *Anarchy, State and Utopia* Wiley-Blackwell

Nussbaum, Martha, (2006), *Frontiers of Justice: Disability, Nationality, Species Membership*, Cambridge: Harvard University Press.

Rawls, John (1971) *A Theory of Justice* Cambridge, MA: Harvard University Press

Rawls, John (1999a) *The Law of Peoples* Cambridge, MA: Harvard University Press

Rawls, John (1999b) *A Theory of Justice: Revised Edition* Cambridge, MA: Harvard University Press

Rawls, John (2001) *Justice as Fairness: A Restatement* Erin Kelly ed. Cambridge, MA: Harvard University Press

Rowlands, Mark (1997) 'Contractarianism and Animal Rights' *Journal of Applied Philosophy* 14 (3):235–247

Shelby, Tommie (2013) 'Racial Realities and Corrective Justice: A Reply to Charles Mills' *Critical Philosophy of Race* 1(2): 145-162.

Sen, Amartya, (1980), 'Equality of What?' in *Tanner Lectures on Human Values*, S. MacMurrin (ed.), Cambridge: Cambridge University Press.

For Further Reading

Beitz, Charles (1979) 'Bounded Morality: Justice and the State in World Politics' *International Organization*, 33: 405–424.

Harsanyi, John (1975) 'Can the Maximin Principle Serve as a Basis for Morality? A Critique of John Rawls' Theory' *America Political Science Review* 69(2): 594-606

Kant, Immanuel (1793) 'On the common saying: this may be true in theory but it does not apply in practice' in *Kant's Political Writings* (1970), edited by Hans Reiss, translated by H. B. Nisbet. Cambridge University Press (61-93)

Rawls, John (2002) *The Cambridge Companion to Rawls* edited by Samuel Freeman. Cambridge: Cambridge University Press

Rawls, John (2005) *Political Liberalism: Expanded Edition* Columbia University Press

Sandel, Michael (1998) *Liberalism and the Limits of Justice* Cambridge: Cambridge University Press

Sen, Amartya (1992) *Inequality Re-examined* Cambridge, MA: Harvard University Press

Taylor, Charles (1985). 'The nature and scope of distributive justice' in *Philosophy and the Human Sciences: Philosophical Papers 2* Cambridge: Cambridge University Press: 289-317

Wenar, Leif, (2017) 'John Rawls', *The Stanford Encyclopedia of Philosophy* (Spring 2017 Edition), Edward N. Zalta (ed.)