Rawls

Lecture 1:
Justice as Fairness
The text...
The plan for today…

1. The question of social justice

2. Utilitarianism and intuitionism

3. The argument from the Original Position

4. Reflective equilibrium
§1. The question of social justice
Justice Island
The *concept* of social justice...

‘…the proper distribution of the benefits and burdens of social cooperation…’ (TJ 5)

Society is just if and only if...

…the benefits and burdens of social cooperation are properly distributed.

This raises the question…
What is the proper distribution of the benefits and burdens of social cooperation?

An answer to this question is a conception of social justice…

…which may consist of a set of principles of social justice.

Some examples…
§2. Utilitarianism and intuitionism
Classical utilitarianism…

The proper distribution of the benefits and burdens of social cooperation is the one that maximizes total utility.

Society is just if and only if the benefits and burdens of social cooperation are distributed so as to maximize total utility.
The proper distribution of the benefits and burdens of social cooperation…

…is the one that maximizes the total utility of men.

…is the one that maximizes beauty.

…is the one that equalizes utility.
Does the utilitarian conception have crazy consequences…?

P1 If the utilitarian conception is correct, it could be just for one person to be enslaved by everyone else.

P2 It could not be just for one person to be enslaved by everyone else.

C The utilitarian conception is not correct.
‘Utilitarianism does not take seriously the distinction between persons.’ (TJ 24)

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Intuitionism…

The proper distribution of the benefits and burdens of social cooperation is the one that achieves the right balance amongst a set of principles…

…e.g. total utility and equal utility.
The Priority Problem…

‘An intuitionist conception of justice is, one might say, but half a conception.’ (Revised TJ 37)
§3. The argument from the Original Position
So which conception of justice does Rawls think we should choose…?

We should choose whichever conception of justice we would all agree to if we were in the *Original Position*.

So what is the Original Position?
We are behind a *veil of ignorance*.

‘…no one knows his place in society, his class position or social status; nor does he know his fortune in the distribution of natural assets and abilities, his intelligence and strength, and the like. Nor, again, does anyone know his conception of the good…’ (TJ 137)
We are *rational* and *mutually disinterested*…

Our sole aim is to pursue our conception of the good.

If a conception of justice promotes our aim, we will be favourably disposed towards it.

We recognize no pre-existing obligations to other people.
We should choose whichever conception of justice we would all agree to if we were in the Original Position…

…and, that is to say, we were rational, mutually disinterested, behind a veil of ignorance etc.

So which conception of justice would we all agree to if we were in the Original Position…?
Two principles – the first having lexical priority over the second…

The Principle of Equal Liberty

‘Each person is to have an equal right to the most extensive total system of equal basic liberties compatible with a similar system of liberty for all.’

(TJ 302)
The Difference Principle

‘Social and economic inequalities are to be arranged so that they are…

…to the greatest benefit of the least advantaged…

…and attached to offices and positions open to all under conditions of fair equality of opportunity.’

(TJ 302)
Maximin...

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What’s the best distribution…?

If we want to maximize…?

If we want to minimize…?

If we want to maximize the maximum…?

If we want to maximize the minimum…?
The Rawlsian Argument…

P1  We should choose whichever PSJs we would choose in the OP.

P2  The PSJs we would choose in the OP are the PEL and the DP (with the PEL taking lexical priority).

C   We should choose the PEL and the DP (with the PEL taking lexical priority).
Why should we accept P1?

‘…the principles of justice [chosen in the OP] are the result of a fair agreement or bargain.’ (TJ 12)

P1a  We should choose whichever PSJs would be the result of a fair agreement.

P1b  The PSJs that would be chosen in the OP are the PSJs that would be the result of a fair agreement.
Suppose we came out from behind the veil of ignorance before we chose the PSJs…

…why wouldn’t the PSJs we chose be the result of a fair agreement?

Because some people would be able to use their more favourable position to screw over everyone else.

They would have a better hand to play in the negotiations…
A Rawlsian Brexit…?

Suppose you had to come up with a deal between the UK and the EU…

…but you didn’t know whether you were on the UK or the EU side of the table…
Why accept P2?

Since we are behind the Veil of Ignorance…

…it would be sensible to go for an equal distribution of the benefits and burdens of social cooperation…

…unless an unequal distribution would make everybody better off…
Why accept P2?

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Why wouldn’t we go for *equality unless there is a Pareto improvement*…

NB. A Pareto improvement makes somebody better off and nobody worse off.

Actually, this is what Rawls thinks we should go for (see TJ 82-83).
Why wouldn’t we go for maximize expected net benefits?

We’re not in a position to do this…

…because we don’t know the probabilities of ending up in each group…

….nor do we know our utility function over benefits.