

# Justice as Fairness

John Rawls

# Society

- “...is a cooperative venture for mutual advantage, it is typically marked by a conflict as well as by an identity of interests. There is an identity of interests since social cooperation makes possible a better life for all than any would have if each were to live socially by his own efforts.”
  - “...everyone’s well-being depends upon a scheme of cooperation without which no one could have a satisfactory life.”

# The Original Position

- “Principle of justice for the basic structure of society are the objects of the original agreement chosen together in one joint act that assign *basic rights and duties* and to determine the division of social benefits.” (paraphrased)

# Veil of Ignorance

- While in the original position no one knows his/her accidents of circumstance:
  - Place in society
  - Social status
  - SES
  - Natural assets and abilities (athleticism, intelligence, race, gender)
  - Religion
  - Etc.
- Veil of ignorance ensures that no one is favored by his/her particular situation.

# Moral persons

- Are rational agents with their own ends (autonomous) and capable of a sense of justice.
  - Assumes people are *minimally* self-interested but are also at least *minimally* altruistic.

# “Justice as fairness”

- ...means principles of equality agreed to by everyone in an initial situation that is fair (unbiased).

# First Choice

- System of governance:
  - Democracy? (representative or direct?)
  - Divine right or birth-right of monarchs?
  - Theocracy?
  - Plutocracy?
  - Corporate Oligarchy?
  - Dictatorship?

# Second Choice

- Principles of justice
  - Would you accept the Principle of utility (while simultaneously rejecting Reciprocity)?
  - Answer: No
    - Rational agents would not accept the Principle of utility and simultaneously reject Principle of reciprocity.

# Principles of Justice

- 1: Equality in the assignment of *basic* rights and duties.
  - “Each person is to have an equal right to the most extensive scheme of equal basic liberties compatible with a similar scheme of liberties for others.”
- 2. Social and economic inequalities are just only if they result in compensating benefits for everyone.
  - “Social and economic inequalities are to be arranged so that they are both (a) reasonably expected to be to everyone’s advantage, and (b) attached to positions and offices open to all.”

# Ordering

- First principle is a perfect duty
  - Although the basic liberties themselves may at times come into conflict
- Second principle is an imperfect duty overridden by the first principle only.
- Both principles “apply to the *basic structure* of society and regulate the distribution of social and economic advantages.”

# Difference Principle

- All social and economic inequalities are to be to everyone's advantage, including the people at the bottom.
- Inequalities in distribution of goods and services must result in “compensating” (off-setting) benefits to those negatively effected.
  - No free riders! The scheme requires “the willing cooperation of everyone taking part in it, including those less well situated.”

# Distributive Justice

Outcome	Laissez Faire	Difference Principle
3	15	8
3	10	7
3	10	6
3	9	5
3	4	4
3	2	4
3	1	3
3	1	2
<b>24</b>	<b>52</b>	<b>39</b>

# Benefiting from inequality

- How can everyone benefit from inequality?
  - Greater productivity provided by incentives that increase productivity and greater rewards but requires equal access and
  - Equal acquisition in *basic social structures*.

# Basic social structures

- “Life, liberty, and the pursuit of happiness”
  - Compulsory Education
  - Housing
  - Food

# Distributive Social Programs

- In the original position would you agree to the following programs?
  - Minimum wage laws
  - Unemployment compensation
  - Student grants and loans (with subsidized interest)
  - Welfare programs
  - Social security
  - Tax supported disaster relief (FEMA)
  - Medicaid and Medicare
  - Price supports for food production
  - OSHA regulations

# Real Life

- People are born into a particular place and time; so, no one, *literally*, enters into a social contract voluntarily.
- A society satisfying the principle of justice “comes as close as a society can to being a voluntary scheme”.
- Would people in an original position assent to the current scheme?

# Case Study

- Scheme: Education
  - Would people in the original position behind the veil of ignorance assent to the current compulsory educational scheme?