

Introduction to Philosophy (PHIL104)

Handout 16

Rawls

THE CONCEPT OF JUSTICE. There are many ways to use the word ‘justice’. When Plato talked about ‘justice’, he in effect was talking about the whole body of morality. When Aristotle talked about ‘justice’, he talked about the ways to prevent *pleonexia*, such as seizing one’s property and generally anything that belongs to him. Rawls here is talking about justice of major institutions—that is, of major social practices prevalent in the given society.

ORIGINAL POSITION. Rawls identifies the framework in which he develops his theory as originating the contractarian view developed by Locke, Rousseau, and Kant. (Though Kant’s influence is far more evident in the general moral approach, rather than in the specifics of the contract theory.) The principles of justice are determined in the ‘original agreement’. Rawls describes the conditions where this agreement is made as the *original position*. It corresponds to the state of nature in the earlier theories of contract.

VEIL OF IGNORANCE. In the original position (1) no one knows his place in society, (2) no one knows the level of his material wealth, (3) no one knows the level of his intellectual or physical power. The principles of justice are discovered under the veil of ignorance. Why should Rawls insist on this assumption? The state of the original position is a thought experiment, an imaginary scenario. We imagine what people would consider ‘just’ if they were not partial to their own condition (611-II/16-17).

Question 1. Does the device of the veil of ignorance, in some form, also play a role in the moral theories of Mill and Kant?

ASSUMPTIONS ABOUT THE AGENTS. The parties in the original position are rational and mutually disinterested. They are not narrowly egoistic in the sense of being exclusively concerned with wealth and prestige. All the same, they do not interest in the other people’s lives. Their rationality is purely instrumental, sufficient for taking effective steps towards one’s goals.

Question 2. Why does Rawls claim that the notion of the original position is incompatible with the principle of utility?

CRITIQUE OF UTILITARIANISM. One complaint Rawls voices is that the right in the utilitarian theory is in effect posterior to the good (possibly even reduced to the good). What is right is determined by what is good, and what is good is determined by happiness. The same criticism applies to widely different theories, such as those of Aristotle and Nietzsche. There, too, what is good determines what is right, even though the conception of good is different.

The second complaint is that the principle of utility assimilates different people to different stages in one individual’s life. In rationally planning my life I should be concerned with maximising my happiness in the long-term. So I can rationally consent to current suffering in order to gain greater advantage at a later time. That my current self-slice suffers is, by itself, immaterial. The slice has significance only as a contributor to the value of my whole life. But the situation should be very different when we consider individuals, rather than slices. These individuals can legitimately claim their happiness and rights regardless of the distribution of happiness elsewhere.

Question 3. How can Rawls’ second objection be paraphrased in Kantian terms?