Briefest Summary of Rawls

Rawls’s project is to propose and to defend a public criterion of social justice, that is, a public criterion for judging feasible institutional (“basic”) structures for a society in moral terms. His central claim is that we should morally endorse that public criterion of social justice which parties in the original position would endorse prudentially. He imagines these parties to deliberate in behalf of prospective members — but behind a veil of ignorance, so that they know nothing specific about the particular persons they are supposed to represent. The parties are made to assume, however, that every prospective member has three fundamental interests, which Rawls sees as closely connected to their role as citizens in a democratic society (and hence as not being partisan to any particular religious, philosophical, or ethical world view or way of life). Rawls calls these the three higher-order interests, suggesting both that they are interests in the content and fulfillment of other interests (like second-order desires are desires about desires) and also that they are deep, stable, and normally decisive. The first two higher-order interests are interests in developing and exercising two moral powers (PL 74, cf. JFR 192), namely “a capacity for a sense of justice and a capacity for a conception of the good. A sense of justice is the capacity to understand, to apply, and to act from the public conception of justice which characterizes the fair terms of cooperation. Given the nature of the political conception as specifying a public basis of justification, a sense of justice also expresses a willingness, if not the desire, to act in relation to others on terms that they also can publicly endorse.... The capacity for a conception of the good is the capacity to form, to revise, and rationally to pursue a conception of one’s rational advantage or good” (PL 19, cf. JF 18f). The third higher-order interest is “to protect and advance some determinate (but unspecified) conceptions of the good over a complete life” (PL 74, cf. JFR 192), that is, the interest to be successful in the pursuit of one’s major projects and ambitions.

Concerned especially to avoid basic structures under which some or all higher-order interests of their clients could be poorly fulfilled or unfulfilled, the parties would — Rawls claims — endorse the following public criterion of social justice:

**First principle:** “Each person has an equal claim to a fully adequate scheme of equal basic rights and liberties, which scheme is compatible with the same scheme for all; and in this scheme the equal political liberties, and only those liberties, are to be guaranteed their fair value” (PL 5, cf. JFR 42).

**Second principle:** “Social and economic inequalities are to satisfy two conditions: first, they are to be attached to positions and offices open to all under conditions of fair equality of opportunity [the opportunity principle]; and second, they are to be to the greatest benefit of the least advantaged members of society [the difference principle]” (PL 6, cf. JFR 42f).

The first principle is to take precedence over the second and, within the second principle, the opportunity principle is to take precedence over the difference principle (TJ 266-67). The precedence of the first principle means that any of the basic liberties can be restricted only for the sake of basic liberties themselves. Restrictions of some basic liberties are called for if and insofar as they are expected to enhance the security of the same or other basic liberties so that the worst-case scenario faced by prospective members is improved.


Task Description:

Formulate and justify a public criterion for society’s basic structure

1. **Society** — large, fixed geographical area, indefinitely many future generations, self-contained and closed (TJ 4, 7, 401).
2. **Members** — fully cooperating citizens over a complete life, no severe handicaps.
3. **Full Compliance** — Rawls “primarily” assumes this but relaxes the assumption in TJ Chapter 4.
4. **Circumstances of Justice** — objective and subjective (TJ Section 22).
5. **Basic Structure** — the fundamental ground rules or institutions of a social system which have a profound influence on all members of society (PL Chapter 7).
6. **Public Criterion** — the sought criterion must not only, when correctly applied, yield plausible moral judgments about actual and proposed basic structures, but it must also, when known and applied by citizens themselves, help to preserve a just basic structure and to guide reform toward one. Rawls is wary of any criterion of social justice that, like the principle of utility, is too difficult to apply and hence too easily abused.
7. **Ideal Theory** — Rawls is leaving aside how to rank deficient public criteria of social justice vis-à-vis one another and also how to approach the ideal in a just way (TJ 215, 308).
8. **Overlapping Consensus** — the winning public criterion should be able to engender a moral allegiance to itself, and to any basic structure it justifies, from citizens who differ widely in their moral, religious, and philosophical world views and lifestyles.

The Original Position

1. **Task Description**, ##1-7 above.
2. **List of Candidate Public Criteria of Social justice**, mainly (a) Rawls’s two principles (2P), (b) the principle of utility (PU), (c) the hybrid consisting of the first principle with the PU instead of Rawls’s second.
3. **Parties** (representers) have narrow means-end rationality (TJ 124-5).
4. **Clients** (representeds) have the three higher-order interests (HOIs — cf. TJ xiii).
5. **Veil of Ignorance**: The parties know the preceding ##1-4 and the general facts about human psychology and the social sciences. They do not know the specifics about their particular client (esp. the client’s conception of the good), nor specifics about the particular context (history, traditions, climate, natural environment, level of economic and technological development) of their society.
6. **THEREFORE**: The parties reason according to the maximin rule, i.e. choose the candidate public criterion of social justice that offers the best worst outcome for their clients.

Note the levels in Rawls’s argument, and in particular the distinction between his public criterion of social justice (2P), by which the “least advantaged” are identified, and his meta-criterion (maximin higher-order interest fulfillment — HOIF), which selects the winning public criterion of social justice by reference to the “worst off” in terms of HOIF.