

**Phil 115, May 23, 2007**  
**Two interpretations of Rawls's project**

What is *justice*?

- “Justice is the first virtue of social institutions, as truth is of systems of thought” (3). Social institutions can be efficient and stable. But these attributes count for naught if those institutions are unjust.
- The role of justice is to define “the appropriate distribution of the benefits and burdens of cooperation” (4).
- The primary subject of justice, according to Rawls, is the “basic structure” of society: “the way in which major social institutions distribute fundamental rights and duties and determine the division of advantages from social cooperation” (6).

What is a *conception* of justice?

- A *conception* of justice needs to be distinguished from *the concept* of justice. Everyone who knows what the word “justice” means, and hence who can participate in a discussion of what justice is, shares *one and the same concept* of justice.
- But we may still have differing views about what justice is, and we may argue about what is and what isn't just. When we put forward these concrete, fleshed-out views about what justice is, we are putting forward *conceptions* of justice.

What is *Rawls's* conception of justice?

Roughly: the basic structure of society is just when it meets two conditions.

- The first condition is that the basic structure secures equal liberty for all, so that everyone has the same rights (say) to practice her own religion, to associate with whomever she wants, to vote, and so on.
- The second condition is that if there are any inequalities in other goods—such as money and political office—those inequalities must maximize the position of the worst-off.
- Even more roughly put: First, inequalities in freedom are never OK. Second, inequalities in other goods are sometimes OK, but only when they give those with the least of these goods as much of these goods as possible.

What *justifies* this conception?

- The justification is that people in a certain hypothetical situation, who face a choice among principles of justice to regulate the society within which they will then have to live, would choose Rawls's two principles.
- This hypothetical situation, which Rawls calls the “original position,” is designed to be fair. It is designed so that no one can intimidate, manipulate, or otherwise lead others into choosing principles of justice that are biased in his favor.
- To ensure this, Rawls stipulates that parties are to make their choice under a “veil of ignorance.” They do not know what their society is like, and, moreover, they do not know their own class, gender, race, religion, abilities, goals, or values.

What is Rawls's *aim*?

The "*alchemy interpretation*":

*Aim:*

- to convince everyone, on the basis of uncontroversial assumptions that he expects everyone to accept, that his conception of justice is correct.

*Method:*

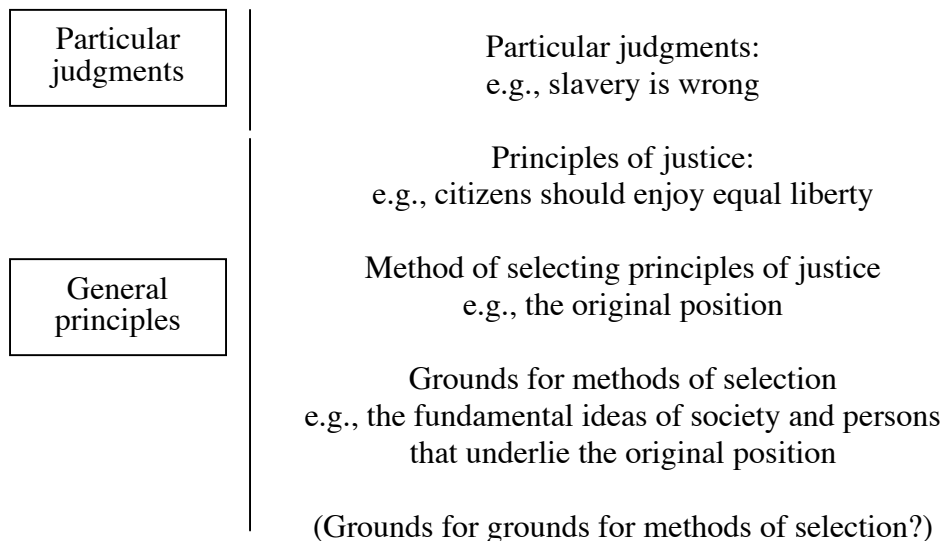
- First, convince everyone, on the basis of uncontroversial assumptions, that whatever conception of justice would be chosen in the original position is the correct conception.
- Second, show that Rawls's conception of justice, his two principles, would be chosen in the original position.

*Objections:*

- Why accept the first step? Even if whatever conception of justice would be chosen in *some* hypothetical situation is the correct conception, the relevant hypothetical situation may not be the original position.
- Worse, Rawls rigs the original position precisely to favor his own conception of justice.
- Indeed, Rawls does this blatantly. What's the test of whether the original position has been defined correctly? In part, the test is whether "the principles of justice which would be chosen match our considered convictions of justice" (17)— whether it produces a conception of justice that, well, seems right to Rawls!

*The system interpretation:*

Distinguish between *particular judgments* about the justice of certain institutions and *general principles* that give the grounds for those particular judgments.



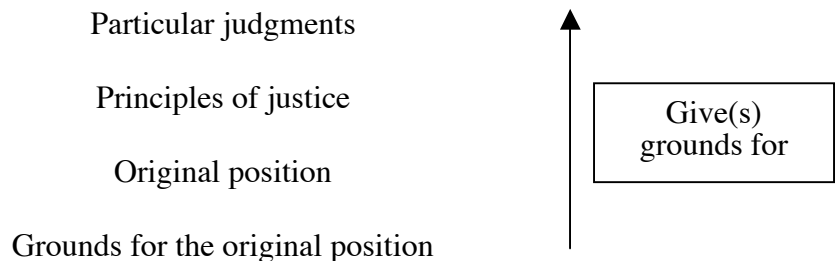
Rawls's intended audience:

- shares broadly liberal and democratic particular judgments about justice,
- but its thinking about justice is not systematic.

Ways in which our thinking about justice is not systematic:

- First, often we don't have any clear, explicit, confident, shared understanding of what general principles *ground* particular judgments about which we all clearly, explicitly, confidently agree.
- Second, often our general principles give conflicting directives in certain cases. We don't have any clear, explicit, confident, shared understanding of how these "intuitionist" principles should be *prioritized*.
- Third, often *our particular judgments differ, or are less confident, or are unclear*. (While we may all confidently agree that everyone should be free to practice her own religion, we are less sure about how progressive the tax code should be.)
- Fourth, we have not checked to see whether our beliefs about justice, even those about which we all clearly, explicitly, confidently agree, are correct.

The aim, then, is to construct a system with the following structure, with the aim of "reflective equilibrium."



When we propose a general principle, we may find that that principle conflicts with our particular judgments.

- Sometimes, when this happens, the appropriate response is to reject *the proposed general principles* and to try to formulate new ones that better cohere with our judgments.
- Sometimes the appropriate response is to revise the *particular judgments with which we started*. *This is what allows us to remedy the third and fourth defects*.
- In other words, when a proposed general principle conflicts with a particular judgment, two responses are open to us, and either may be reasonable, depending on the case.
- The goal of this process is to reach what Rawls calls "reflective equilibrium."

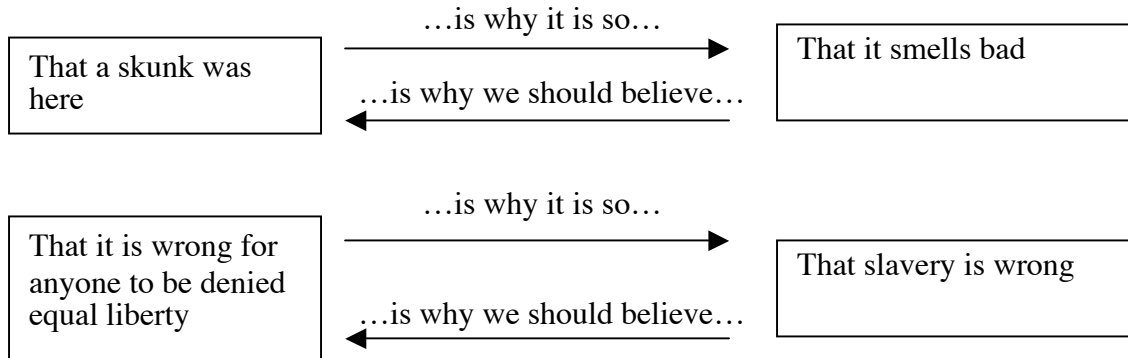
A paradox about reflective equilibrium: How can a particular judgment justify a general principle, when that general principle is what is supposed to justify that particular judgment?

To resolve this paradox, we distinguish two kinds of justification.

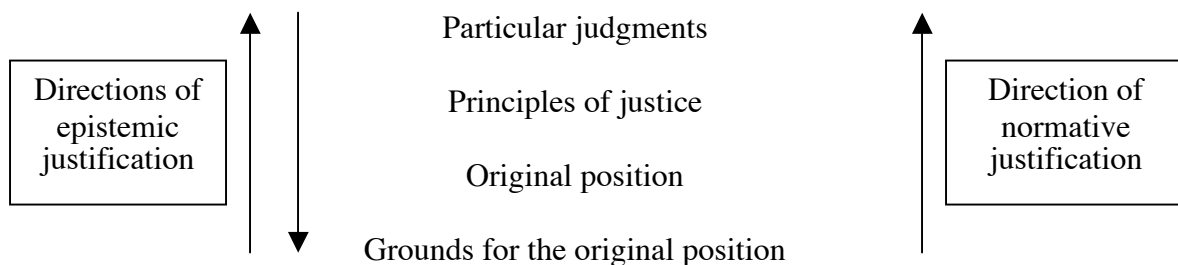
- First, there is "moral" or "normative" justification. In giving a moral or normative justification of some fact, we cite some fundamental value or principle that explains it, that gives grounds for it, that answers the "Why is it so?" question about it. If we ask: "Why is slavery wrong?" the answer is: "*Because* it is wrong for citizens not to enjoy equal liberty."
- Second, there is "epistemic" justification. In giving an epistemic justification of some claim, we try to show why someone should *believe* that claim. We try to provide evidence for the claim; we try to answer the "Why should we believe it?" question.

Q: “Why should we *believe* that it is wrong for people to be denied equal liberty?”

A: “We should believe that it is wrong for people to be denied equal liberty, because we know that slavery is wrong, and the fact that it is wrong for people to be denied equal liberty plausibly explains why slavery is wrong.”



So again, while particular judgments of justice are always normatively justified by general principles of justice, general principles are sometimes epistemically justified by particular judgments.



*Summary of the interpretations:*

*Alchemy interpretation:*

*The intended audience:* Everyone who has a view about justice, including the aristocrat, the fundamentalist, the libertarian, the utilitarian, and so on.

*The aim:* To convince everyone, on the basis of weak assumptions that everyone can be expected to accept, that Rawls’s conception of justice is correct.

*The method:* To design the original position on the basis of weak assumptions that everyone can be expected to accept, and then to show that Rawls’s conception would be chosen in the original position.

*System interpretation:*

*The intended audience:* People who confidently share certain substantive, controversial judgments about justice, but whose thinking about justice is unsystematic and hence suffers from the four defects. (Roughly: you, me, and John Rawls before writing *Theory*.)

*The aim:* To systematize our thinking about justice in such a way as to remedy the four defects.

*The method:* To formulate general principles that match our particular judgments, mutually adjusting both principles and judgments until they cohere in reflective equilibrium.