Great Philosophers: John Rawls (1921-2002)

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Structure:

• Biography
• *A Theory of Justice* (1971)
• *Political Liberalism* (1993)
• *The Law of Peoples* (1999)
• Legacy
Biography:

- Born in Baltimore, Maryland in 1921
- B.A. (Princeton) 1943
- US Army 1943-46
- PhD (Princeton) 1950
- Professor (Harvard) 1962-2002
Biography:

• Two incidents are thought to have had a profound impact on Rawls’ sense of justice and morality:

• Death of his younger brothers Bobby (1928) and Tommy (1929)

• Experiences as a US Infantryman in the Pacific during WWII.
Biography:

- Notoriously shy:

  · “An exceptionally modest and retiring man, with a bat-like horror of the limelight, he consistently refused the honours he was offered, and declined to pursue the career as public commentator or media guru opened to him by his achievements” – Ben Rogers (Obituary)
A Theory of Justice (1971)

- Originally published 1971, Revised 1999

- A challenge to orthodox views (Intuitionism and especially Utilitarianism)

- Comes to represent the dominant form of liberal egalitarianism

- An inspiration (and target) for subsequent theories of justice (Libertarianism, Communitarianism, Socialism, Feminism)
A Theory of Justice (1971)

• What is a theory of justice?

• A theory about ‘who should get what, and why?’

• Distinction between the ‘concept’ of justice and a ‘conception’ of justice

• Rawls’ conception of justice: “justice as fairness”
A Theory of Justice (1971)

• How do we discover and apply principles of justice?

• Intuitionism: We examine our intuitions

• Utilitarianism: We maximize the good
A Theory of Justice (1971)

• Rawls rejects intuitionism because it is not systematic.

• Rawls rejects utilitarianism because it is unstable.

• Instead, Rawls offers a contractualist, proceduralist account of justice.
A Theory of Justice (1971)

- **Contractualist approaches to justice** explain our duty to co-operate in terms of a (usually hypothetical) contract that we (or reasonable, rational people) would agree to.

- **Proceduralist approaches to justice** say that whatever principles emerge from the right procedure are necessarily just.

- So what procedure does Rawls think we should use to decide upon principles of justice?
A Theory of Justice (1971)

The Original Position

• Imagine that you are one of a group of people who have to decide on which principles should govern the distribution of benefits and burdens in your society.

• However, you must make this decision from behind a ‘veil of ignorance’.

• Once the veil is lifted, you will be subject to whatever rules you have decided upon in the Original Position. So you’d better choose wisely!
A Theory of Justice (1971)

• Rawls thinks that under these conditions we would settle upon two principles of justice:

• 1. 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.

• 2. Social and economic inequalities are to satisfy two conditions: (i) They are to be attached to offices and positions open to all under conditions of fair equality of opportunity; (ii) They are to be to the greatest benefit of the least-advantaged members of society (the difference principle)
A Theory of Justice (1971)
Much of Rawls’ view depends on claims about what ‘reasonable people’ would agree to in the Original Position.

In his later work, Rawls became concerned that his theory of justice did not properly take into account the fact of reasonable disagreement.
Political Liberalism (1993)

- Reasonable, rational people who are engaged in good-faith attempts to discover the correct principles of justice, may nevertheless come to disagree.

- Rawls says this is because we are all affected by ‘the burdens of judgment’
In Political Liberalism, Rawls argues that the only way to respect one another as reasonable people is to ensure that we base our arguments on **public reasons**.

Public reasons are those that come from our **shared values** as people committed to certain core values: freedom, equality, respect, etc.

Offering **justifications based on public reasons** allows our laws to be **legitimate**.
The Law of Peoples (1999)

• An extension of Rawls’ Theory of Justice to the global context.

• Distinction between:
  • Liberal peoples
  • Decent peoples
  • Burdened societies
  • Outlaw states
The Law of Peoples (1999)

• Rawls formulates **eight principles of international justice**:

  1. Peoples are free and independent, and their freedom and independence are to be respected by other peoples.

  2. Peoples are to observe treaties and undertakings.

  3. Peoples are equal and are parties to the agreements that bind them.

  4. Peoples are to observe the duty of non-intervention (except to address grave violations of human rights).
The Law of Peoples (1999)

Rawls formulates eight principles of international justice:

5. Peoples have a right of self-defense, but no right to instigate war for reasons other than self-defense.

6. Peoples are to honour human rights.

7. Peoples are to observe certain specified restrictions in the conduct of war.

8. Peoples have a duty to assist other peoples living under unfavorable conditions that prevent their having a just or decent political and social regime.
**The Law of Peoples (1999)**

- Rawls international theory was generally seen as disappointing by Rawlsians who regarded it as overly conservative.

- Rawls does not argue for significant levels redistribution across borders.

- *Rawlsians*, in contrast, tend to think that we should apply a ‘global difference principle’. 
Rawls’ Legacy

• “perhaps the greatest political philosopher of the twentieth century” who “helped a whole generation of learned Americans revive their faith in democracy.” – Bill Clinton (1999)

• Modern Anglo-American political philosophy dominated by a Rawlsian paradigm.

• Inspired the development of important rival views, such as communitarianism, libertarianism, and the capabilities approach.
Rawls’ Legacy

• Bibliography

• John Rawls:

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  • Daniels, N. (ed.) (1975), Reading Rawls, Stanford University Press
  • Freeman, S. (2007), Rawls, Routledge

• Rawls’ Rivals:
  • Nozick, R. (1974), Anarchy, State, and Utopia, Basic Books