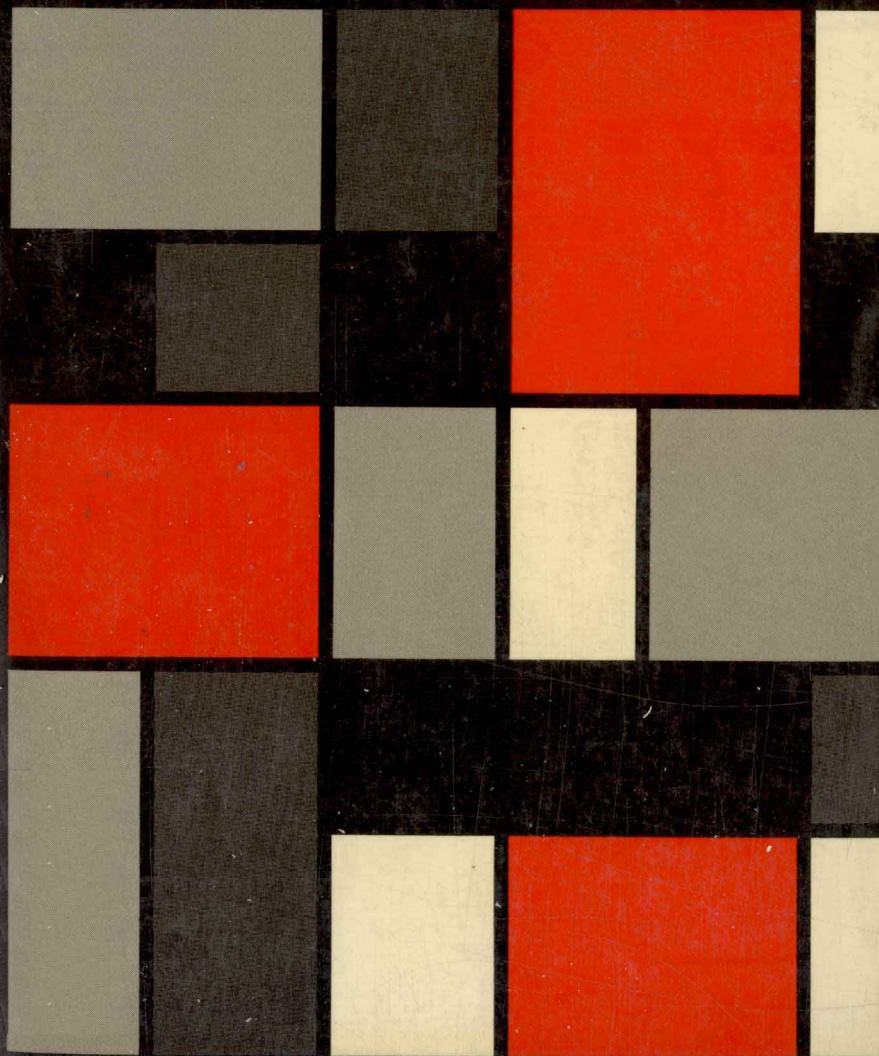


JOHN RAWLS
A THEORY
OF JUSTICE



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PREFACE

In presenting a theory of justice I have tried to bring together into one coherent view the ideas expressed in the papers I have written over the past dozen years or so. All of the central topics of these essays are taken up again, usually in considerably more detail. The further questions required to round out the theory are also discussed. The exposition falls into three parts. The first part covers with much greater elaboration the same ground as "Justice as Fairness" (1958) and "Distributive Justice: Some Addenda" (1968), while the three chapters of the second part correspond respectively, but with many additions, to the topics of "Constitutional Liberty" (1963), "Distributive Justice" (1967), and "Civil Disobedience" (1966). The second chapter of the last part covers the subjects of "The Sense of Justice" (1963). Except in a few places, the other chapters of this part do not parallel the published essays. Although the main ideas are much the same, I have tried to eliminate inconsistencies and to fill out and strengthen the argument at many points.

Perhaps I can best explain my aim in this book as follows. During much of modern moral philosophy the predominant systematic theory has been some form of utilitarianism. One reason for this is that it has been espoused by a long line of brilliant writers who have built up a body of thought truly impressive in its scope and refinement. We sometimes forget that the great utilitarians, Hume and Adam Smith, Bentham and Mill, were social theorists and economists of the first rank; and the moral doctrine they worked out was framed to meet the needs of their wider interests and to fit into a comprehensive scheme. Those who criticized them

often did so on a much narrower front. They pointed out the obscurities of the principle of utility and noted the apparent incongruities between many of its implications and our moral sentiments. But they failed, I believe, to construct a workable and systematic moral conception to oppose it. The outcome is that we often seem forced to choose between utilitarianism and intuitionism. Most likely we finally settle upon a variant of the utility principle circumscribed and restricted in certain ad hoc ways by intuitionistic constraints. Such a view is not irrational; and there is no assurance that we can do better. But this is no reason not to try.

What I have attempted to do is to generalize and carry to a higher order of abstraction the traditional theory of the social contract as represented by Locke, Rousseau, and Kant. In this way I hope that the theory can be developed so that it is no longer open to the more obvious objections often thought fatal to it. Moreover, this theory seems to offer an alternative systematic account of justice that is superior, or so I argue, to the dominant utilitarianism of the tradition. The theory that results is highly Kantian in nature. Indeed, I must disclaim any originality for the views I put forward. The leading ones are classical and well known. My intention has been to organize them into a general framework by using certain simplifying devices so that their full force can be appreciated. My ambitions for the book will be completely realized if it enables one to see more clearly the chief structural features of the alternative conception of justice that is implicit in the contract tradition and points the way to its further elaboration. Of the traditional views, it is this conception, I believe, which best approximates our considered judgments of justice and constitutes the most appropriate moral basis for a democratic society.

This is a long book, not only in pages. Therefore, to make things easier for the reader, a few remarks by way of guidance. The fundamental intuitive ideas of the theory of justice are presented in §§ 1–4 of Chapter I. From here it is possible to go directly to the discussion of the two principles of justice for institutions in §§ 11–17 of Chapter II, and then to the account of the original position in Chapter III, the whole chapter. A glance at § 8 on the priority problem may prove necessary if this notion is unfamiliar. Next, parts of Chapter IV, §§ 33–35 on equal liberty and §§ 39–40 on the meaning of the priority of liberty and the Kantian interpreta-

tion, give the best picture of the doctrine. So far this is about a third of the whole and comprises most of the essentials of the theory.

There is a danger, however, that without consideration of the argument of the last part, the theory of justice will be misunderstood. In particular, the following sections should be emphasized: §§ 66–67 of Chapter VII on moral worth, and self-respect and related notions; § 77 of Chapter VIII on the basis of equality; and §§ 78–79 on autonomy and social union, § 82 on the priority of liberty, and §§ 85–86 on the unity of the self and congruence, all in Chapter IX. Adding these sections to the others still comes to considerably less than half the text.

The section headings, the remarks that preface each chapter, and the index will guide the reader to the contents of the book. It seems superfluous to comment on this except to say that I have avoided extensive methodological discussions. There is a brief consideration of the nature of moral theory in § 9, and of justification in § 4 and § 87. A short digression on the meaning of “good” is found in § 62. Occasionally there are methodological comments and asides, but for the most part I try to work out a substantive theory of justice. Comparisons and contrasts with other theories, and criticisms thereof now and then, especially of utilitarianism, are viewed as means to this end.

By not including most of Chapters IV–VIII in the more basic parts of the book, I do not mean to suggest that these chapters are peripheral, or merely applications. Rather, I believe that an important test of a theory of justice is how well it introduces order and system into our considered judgments over a wide range of questions. Therefore the topics of these chapters need to be taken up, and the conclusions reached modify in turn the view proposed. But in this regard the reader is more free to follow his preferences and to look at the problems which most concern him.

In writing this book I have acquired many debts in addition to those indicated in the text. Some of these I should like to acknowledge here. Three different versions of the manuscript have passed among students and colleagues, and I have benefited beyond estimation from the innumerable suggestions and criticisms that I have

received. I am grateful to Allan Gibbard for his criticism of the first version (1964–1965). To meet his objections to the veil of ignorance as then presented it seemed necessary to include a theory of the good. The notion of primary goods based on the conception discussed in Chapter VII is the result. I also owe him thanks, along with Norman Daniels, for pointing out difficulties with my account of utilitarianism as a basis for individual duties and obligations. Their objections led me to eliminate much of this topic and to simplify the treatment of this part of the theory. David Diamond objected forcefully to my discussion of equality, particularly to its failure to consider the relevance of status. I eventually included an account of self-respect as a primary good to try to deal with this and other questions, including those of society as a social union of social unions and the priority of liberty. I had profitable discussions with David Richards on the problems of political duty and obligation. Although supererogation is not a central topic of the book, I have been helped in my comments on it by Barry Curtis and John Troyer, although they may still object to what I say. Thanks should also go to Michael Gardner and Jane English for several corrections which I managed to make in the final text.

I have been fortunate in receiving valuable criticisms from persons who have discussed the essays in print.¹ I am indebted to Brian Barry, Michael Lessnoff, and R. P. Wolff for their discussions of the formulation of and the argument for the two principles of justice.² Where I have not accepted their conclusions I have had to

1. In the order mentioned in the first paragraph, the references for the six essays are as follows: "Justice as Fairness," *The Philosophical Review*, vol. 57 (1958); "Distributive Justice: Some Addenda," *Natural Law Forum*, vol. 13 (1968); "Constitutional Liberty and the Concept of Justice," *Nomos VI: Justice*, ed. C. J. Friedrich and John Chapman (New York, Atherton Press, 1963); "Distributive Justice," *Philosophy, Politics, and Society*, Third Series, ed. Peter Laslett and W. G. Runciman (Oxford, Basil Blackwell, 1967); "The Justification of Civil Disobedience," *Civil Disobedience*, ed. H. A. Bedau (New York, Pegasus, 1969); "The Sense of Justice," *The Philosophical Review*, vol. 62 (1963).

2. See Brian Barry, "On Social Justice," *The Oxford Review* (Trinity Term, 1967), pp. 29–52; Michael Lessnoff, "John Rawls' Theory of Justice," *Political Studies*, vol. 19 (1971), pp. 65–80; and R. P. Wolff, "A Refutation of Rawls' Theorem on Justice," *Journal of Philosophy*, vol. 63 (1966), pp. 179–190. While "Distributive Justice" (1967) was completed and sent to the publisher before Wolff's article appeared, I regret that from oversight I failed to add a reference to it in proof.

amplify the argument to meet their objections. I hope the theory as now presented is no longer open to the difficulties they raised, nor to those urged by John Chapman.³ The relation between the two principles of justice and what I call the general conception of justice is similar to that proposed by S. I. Benn.⁴ I am grateful to him, and to Lawrence Stern and Scott Boorman, for suggestions in this direction. The substance of Norman Care's criticisms of the conception of moral theory found in the essays seems sound to me, and I have tried to develop the theory of justice so that it avoids his objections.⁵ In doing this, I have learned from Burton Dreben, who made W. V. Quine's view clear to me and persuaded me that the notions of meaning and analyticity play no essential role in moral theory as I conceive of it. Their relevance for other philosophical questions need not be disputed here one way or the other; but I have tried to make the theory of justice independent of them. Thus I have followed with some modifications the point of view of my "Outline for Ethics."⁶ I should also like to thank A. K. Sen for his searching discussion and criticisms of the theory of justice.⁷ These have enabled me to improve the presentation at various places. His book will prove indispensable to philosophers who wish to study the more formal theory of social choice as economists think of it. At the same time, the philosophical problems receive careful treatment.

Many persons have volunteered written comments on the several versions of the manuscript. Gilbert Harman's on the earliest one

3. See John Chapman, "Justice and Fairness," in *Nomos VI: Justice*.

4. See S. I. Benn, "Egalitarianism and the Equal Consideration of Interests," *Nomos IX: Equality*, ed. J. R. Pennock and John Chapman (New York, Atherton Press, 1967), pp. 72-78.

5. See Norman Care, "Contractualism and Moral Criticism," *The Review of Metaphysics*, vol. 23 (1969), pp. 85-101. I should also like to acknowledge here the criticisms of my work by R. L. Cunningham, "Justice: Efficiency or Fairness," *The Personalist*, vol. 52 (1971); Dorothy Emmett, "Justice," *Proceedings of the Aristotelian Society*, supp. vol. (1969); Charles Frankel, "Justice and Rationality," in *Philosophy, Science, and Method*, ed. Sidney Morgenbesser, Patrick Suppes, and Morton White (New York, St. Martin's Press, 1969); and Ch. Perelman, *Justice* (New York, Random House, 1967), esp. pp. 39-51.

6. *The Philosophical Review*, vol. 50 (1951).

7. See *Collective Choice and Social Welfare* (San Francisco, Holden-Day, 1970), esp. pp. 136-141, 156-160.

were fundamental and forced me to abandon a number of views and to make basic changes at many points. I received others while at the Philosophical Institute at Boulder (summer 1966), from Leonard Krimerman, Richard Lee, and Huntington Terrell; and from Terrell again later. I have tried to accommodate to these, and to the very extensive and instructive comments of Charles Fried, Robert Nozick, and J. N. Shklar, each of whom has been of great help throughout. In developing the account of the good I have gained much from J. M. Cooper, T. M. Scanlon, and A. T. Tymoczko, and from discussions over many years with Thomas Nagel, to whom I am also indebted for clarification about the relation between the theory of justice and utilitarianism. I must also thank R. B. Brandt and Joshua Rabinowitz for their many useful ideas for improvements in the second manuscript (1967–1968), and B. J. Diggs and J. C. Harsanyi for illuminating correspondence.

During the writing of the final version (1969–1970), Brandt, Tracy Kendler, E. S. Phelps, and Amélie Rorty were a constant source of advice, and their criticisms were of great assistance. On this manuscript I received many valuable comments and suggestions for changes from Herbert Morris, and from Lessnoff and Nozick; these have saved me from a number of lapses and have made the book much better. I am particularly grateful to Nozick for his unfailing help and encouragement during the last stages. Regrettably I have not been able to deal with all of their criticisms, and I am well aware of the faults that remain; but the measure of my debt is not the shortfall from what might be but the distance traveled from the beginnings.

The Center for Advanced Study at Stanford provided the ideal place for me to finish this book. I should like to express my deep appreciation for its support of my work in 1969–1970, and for that of the Guggenheim and Kendall foundations in 1964–1965. I am grateful to Anna Tower, and to Margaret Griffin for helping me with the final manuscript.

Without the good will of all these good people I never could have finished this book.

John Rawls

Cambridge, Massachusetts
August 1971

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PART ONE. THEORY

CHAPTER I. JUSTICE AS FAIRNESS

In this introductory chapter I sketch some of the main ideas of the theory of justice I wish to develop. The exposition is informal and intended to prepare the way for the more detailed arguments that follow. Unavoidably there is some overlap between this and later discussions. I begin by describing the role of justice in social cooperation and with a brief account of the primary subject of justice, the basic structure of society. I then present the main idea of justice as fairness, a theory of justice that generalizes and carries to a higher level of abstraction the traditional conception of the social contract. The compact of society is replaced by an initial situation that incorporates certain procedural constraints on arguments designed to lead to an original agreement on principles of justice. I also take up, for purposes of clarification and contrast, the classical utilitarian and intuitionist conceptions of justice and consider some of the differences between these views and justice as fairness. My guiding aim is to work out a theory of justice that is a viable alternative to these doctrines which have long dominated our philosophical tradition.

1. THE ROLE OF JUSTICE

Justice is the first virtue of social institutions, as truth is of systems of thought. A theory however elegant and economical must be rejected or revised if it is untrue; likewise laws and institutions no matter how efficient and well-arranged must be reformed or abolished if they are unjust. Each person possesses an inviolability founded on justice that even the welfare of society as a whole cannot override. For this reason justice denies that the loss of freedom for some is made right

by a greater good shared by others. It does not allow that the sacrifices imposed on a few are outweighed by the larger sum of advantages enjoyed by many. Therefore in a just society the liberties of equal citizenship are taken as settled; the rights secured by justice are not subject to political bargaining or to the calculus of social interests. The only thing that permits us to acquiesce in an erroneous theory is the lack of a better one; analogously, an injustice is tolerable only when it is necessary to avoid an even greater injustice. Being first virtues of human activities, truth and justice are uncompromising.

These propositions seem to express our intuitive conviction of the primacy of justice. No doubt they are expressed too strongly. In any event I wish to inquire whether these contentions or others similar to them are sound, and if so how they can be accounted for. To this end it is necessary to work out a theory of justice in the light of which these assertions can be interpreted and assessed. I shall begin by considering the role of the principles of justice. Let us assume, to fix ideas, that a society is a more or less self-sufficient association of persons who in their relations to one another recognize certain rules of conduct as binding and who for the most part act in accordance with them. Suppose further that these rules specify a system of cooperation designed to advance the good of those taking part in it. Then, although a 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 solely by his own efforts. There is a conflict of interests since persons are not indifferent as to how the greater benefits produced by their collaboration are distributed, for in order to pursue their ends they each prefer a larger to a lesser share. A set of principles is required for choosing among the various social arrangements which determine this division of advantages and for underwriting an agreement on the proper distributive shares. These principles are the principles of social justice: they provide a way of assigning rights and duties in the basic institutions of society and they define the appropriate distribution of the benefits and burdens of social cooperation.

Now let us say that a society is well-ordered when it is not only

designed to advance the good of its members but when it is also effectively regulated by a public conception of justice. That is, it is a society in which (1) everyone accepts and knows that the others accept the same principles of justice, and (2) the basic social institutions generally satisfy and are generally known to satisfy these principles. In this case while men may put forth excessive demands on one another, they nevertheless acknowledge a common point of view from which their claims may be adjudicated. If men's inclination to self-interest makes their vigilance against one another necessary, their public sense of justice makes their secure association together possible. Among individuals with disparate aims and purposes a shared conception of justice establishes the bonds of civic friendship; the general desire for justice limits the pursuit of other ends. One may think of a public conception of justice as constituting the fundamental charter of a well-ordered human association.

Existing societies are of course seldom well-ordered in this sense, for what is just and unjust is usually in dispute. Men disagree about which principles should define the basic terms of their association. Yet we may still say, despite this disagreement, that they each have a conception of justice. That is, they understand the need for, and they are prepared to affirm, a characteristic set of principles for assigning basic rights and duties and for determining what they take to be the proper distribution of the benefits and burdens of social cooperation. Thus it seems natural to think of the concept of justice as distinct from the various conceptions of justice and as being specified by the role which these different sets of principles, these different conceptions, have in common.¹ Those who hold different conceptions of justice can, then, still agree that institutions are just when no arbitrary distinctions are made between persons in the assigning of basic rights and duties and when the rules determine a proper balance between competing claims to the advantages of social life. Men can agree to this description of just institutions since the notions of an arbitrary distinction and of a proper balance, which are included in the concept of justice, are left open for each to interpret according to the principles of justice that he accepts. These principles single out which similarities and differences among per-

1. Here I follow H. L. A. Hart, *The Concept of Law* (Oxford, The Clarendon Press, 1961), pp. 155-159.