

A THEORY OF JUSTICE

REVISED EDITION

JOHN RAWLS

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Revised Edition

JOHN RAWLS

THE BELKNAP PRESS OF
HARVARD UNIVERSITY PRESS
CAMBRIDGE, MASSACHUSETTS

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Printed in the United States of America

This book is a revised edition of *A Theory of Justice*,
published in 1971 by Harvard University Press.

Sixth printing, 2003

Library of Congress Cataloging-in-Publication Data

Rawls, John, 1921–

A theory of justice / John Rawls. — Rev. ed.

p. cm.

Includes bibliographical references and index.

ISBN 0-674-00077-3 (cloth : alk. paper). —

ISBN 0-674-00078-1 (paper : alk. paper)

1. Justice. I. Title.

JC578.R38 1999

320'.01'1—dc21 99-29110

PREFACE FOR THE REVISED EDITION

It gives me great pleasure to provide this preface to the revised edition of *A Theory of Justice*. Despite many criticisms of the original work, I still accept its main outlines and defend its central doctrines. Of course, I wish, as one might expect, that I had done certain things differently, and I would now make a number of important revisions. But if I were writing *A Theory of Justice* over again, I would not write, as authors sometimes say, a completely different book.

In February and March of 1975 the original English text was considerably revised for the German edition of that year. To the best of my knowledge these revisions have been included in all subsequent translations and no further ones have been added since that time. All translations have, therefore, been made from the same revised text. Since this revised text includes what I believe are significant improvements, the translated editions (provided accuracy is preserved) until now have been superior to the original. This revised edition incorporates these improvements.

Before commenting on the more important revisions and why they were made, I will comment on the conception of justice presented in *A Theory of Justice*, a conception I call “justice as fairness.” The central ideas and aims of this conception I see as those of a philosophical conception for a constitutional democracy. My hope is that justice as fairness will seem reasonable and useful, even if not fully convincing, to a wide range of thoughtful political opinions and thereby express an essential part of the common core of the democratic tradition.

The central aims and ideas of that conception I refer to in the preface to the first edition. As I explain in the second and third paragraphs of that preface, I wanted to work out a conception of justice that provides a reasonably systematic alternative to utilitarianism, which in one form or another has long dominated the Anglo-Saxon tradition of political thought. The primary reason for wanting to find such an alternative is the weakness, so I think, of utilitarian doctrine as a basis for the institutions

of constitutional democracy. In particular, I do not believe that utilitarianism can provide a satisfactory account of the basic rights and liberties of citizens as free and equal persons, a requirement of absolutely first importance for an account of democratic institutions. I used a more general and abstract rendering of the idea of the social contract by means of the idea of the original position as a way to do that. A convincing account of basic rights and liberties, and of their priority, was the first objective of justice as fairness. A second objective was to integrate that account with an understanding of democratic equality, which led to the principle of fair equality of opportunity and the difference principle.¹

In the revisions I made in 1975 I removed certain weaknesses in the original edition. These I shall now try to indicate, although I am afraid much of what I say will not be intelligible without some prior knowledge of the text. Leaving this concern aside, one of the most serious weaknesses was in the account of liberty, the defects of which were pointed out by H. L. A. Hart in his critical discussion of 1973.² Beginning with §11, I made revisions to clear up several of the difficulties Hart noted. It must be said, however, that the account in the revised text, although considerably improved, is still not fully satisfactory. A better version is found in a later essay of 1982 entitled “The Basic Liberties and Their Priority.”³ This essay attempts to answer what I came to regard as Hart’s most important objections. The basic rights and liberties and their priority are there said to guarantee equally for all citizens the social conditions essential for the adequate development and the full and informed exercise of their two moral powers—their capacity for a sense of justice and their capacity for a conception of the good—in what I call the two fundamental cases. Very briefly, the first fundamental case is the application of the principles of justice to the basic structure of society by the exercise of citizens’ sense of justice. The second fundamental case is the application of citizens’ powers of practical reason and thought in forming, revising, and rationally pursuing their conception of the good. The equal political liberties, including their fair value (an idea introduced in §36), and freedom of thought, liberty of conscience, and freedom of association, are to insure

1. For these two principles see §§12–14 of Chapter II. It is these two principles, and particularly the difference principle, which give justice as fairness its liberal, or social democratic, character.

2. See his “Rawls on Liberty and Its Priority,” *University of Chicago Law Review*, 40 (1973), pp. 534–555.

3. See *Tanner Lectures on Human Values* (Salt Lake City: University of Utah Press, 1982), vol. III, pp. 3–87, republished as Lecture VIII in John Rawls, *Political Liberalism* (New York: Columbia University Press, 1993).

that the exercise of the moral powers can be free, informed, and effective in these two cases. These changes in the account of liberty can, I think, fit comfortably within the framework of justice as fairness as found in the revised text.

A second serious weakness of the original edition was its account of primary goods. These were said to be things that rational persons want whatever else they want, and what these were and why was to be explained by the account of goodness in Chapter VII. Unhappily that account left it ambiguous whether something's being a primary good depends solely on the natural facts of human psychology or whether it also depends on a moral conception of the person that embodies a certain ideal. This ambiguity is to be resolved in favor of the latter: persons are to be viewed as having two moral powers (those mentioned above) and as having higher-order interests in developing and exercising those powers. Primary goods are now characterized as what persons need in their status as free and equal citizens, and as normal and fully cooperating members of society over a complete life. Interpersonal comparisons for purposes of political justice are to be made in terms of citizens' index of primary goods and these goods are seen as answering to their needs as citizens as opposed to their preferences and desires. Beginning with §15, I made revisions to convey this change of view, but these revisions fall short of the fuller statement I have given since in an essay, published in 1982, entitled "Social Unity and Primary Goods."⁴ As with the changes in the account of the basic liberties, I think the changes required by that statement can be incorporated within the framework of the revised text.

Many other revisions were made, especially in Chapter III and again, though fewer, in Chapter IV. In Chapter III I simply tried to make the reasoning clearer and less open to misunderstanding. The revisions are too numerous to note here, but they do not, I think, depart in any important way from the view of the original edition. After Chapter IV there are few changes. I revised §44 in Chapter V on just savings, again trying to make it clearer; and I rewrote the first six paragraphs of §82 of Chapter IX to correct a serious mistake in the argument for the priority of liberty;⁵ and there are further changes in the rest of that section. Perhaps having identified what I regard as the two important changes, those in the ac-

4. This essay appears in *Utilitarianism and Beyond*, edited by Amartya Sen and Bernard Williams (Cambridge: Cambridge University Press, 1982), pp. 159–185; also in John Rawls, *Collected Papers*, edited by Samuel Freeman (Cambridge, Mass.: Harvard University Press, 1999, chap. 17, pp. 359–387.

5. For this mistake see "Basic Liberties and Their Priority," *ibid.*, n. 83, p. 87, or *Political Liberalism*, n. 84, p. 371.

counts of the basic liberties and of primary goods, these indications suffice to convey the nature and extent of the revisions.

If I were writing *A Theory of Justice* now, there are two things I would handle differently. One concerns how to present the argument from the original position (see Chapter III) for the two principles of justice (see Chapter II). It would have been better to present it in terms of two comparisons. In the first parties would decide between the two principles of justice, taken as a unit, and the principle of (average) utility as the sole principle of justice. In the second comparison, the parties would decide between the two principles of justice and those same principles but for one important change: the principle of (average) utility is substituted for the difference principle. (The two principles after this substitution I called a mixed conception, and here it is understood that the principle of utility is to be applied subject to the constraints of the prior principles: the principle of the equal liberties and the principle of fair equality of opportunity.) Using these two comparisons has the merit of separating the arguments for the equal basic liberties and their priority from the arguments for the difference principle itself. The arguments for the equal basic liberties are at first glance much stronger, as those for the difference principle involve a more delicate balance of considerations. The primary aim of justice as fairness is achieved once it is clear that the two principles would be adopted in the first comparison, or even in a third comparison in which the mixed conception of the second comparison is adopted rather than the principle of utility. I continue to think the difference principle important and would still make the case for it, taking for granted (as in the second comparison) an institutional background that satisfies the two preceding principles. But it is better to recognize that this case is less evident and is unlikely ever to have the force of the argument for the two prior principles.

Another revision I would now make is to distinguish more sharply the idea of a property-owning democracy (introduced in Chapter V) from the idea of a welfare state.⁶ These ideas are quite different, but since they both allow private property in productive assets, we may be misled into thinking them essentially the same. One major difference is that the background institutions of property-owning democracy, with its system of (workably) competitive markets, tries to disperse the ownership of wealth and capital, and thus to prevent a small part of society from

6. The term "property-owning democracy," as well as some features of the idea, I borrowed from J. E. Meade, *Efficiency, Equality, and the Ownership of Property* (London: G. Allen & Unwin, 1964); see esp. Chapter V.

controlling the economy and indirectly political life itself. Property-owning democracy avoids this, not by redistributing income to those with less at the end of each period, so to speak, but rather by ensuring the widespread ownership of productive assets and human capital (educated abilities and trained skills) at the beginning of each period; all this against a background of equal basic liberties and fair equality of opportunity. The idea is not simply to assist those who lose out through accident or misfortune (although this must be done), but instead to put all citizens in a position to manage their own affairs and to take part in social cooperation on a footing of mutual respect under appropriately equal conditions.

Note here two different conceptions of the aim of political institutions over time. In a welfare state the aim is that none should fall below a decent standard of life, and that all should receive certain protections against accident and misfortune—for example, unemployment compensation and medical care. The redistribution of income serves this purpose when, at the end of each period, those who need assistance can be identified. Such a system may allow large and inheritable inequities of wealth incompatible with the fair value of the political liberties (introduced in §36), as well as large disparities of income that violate the difference principle. While some effort is made to secure fair equality of opportunity, it is either insufficient or else ineffective given the disparities of wealth and the political influence they permit.

By contrast, in a property-owning democracy the aim is to carry out the idea of society as a fair system of cooperation over time among citizens as free and equal persons. Thus, basic institutions must from the outset put in the hands of citizens generally, and not only of a few, the productive means to be fully cooperating members of a society. The emphasis falls on the steady dispersal over time of the ownership of capital and resources by the laws of inheritance and bequest, on fair equality of opportunity secured by provisions for education and training, and the like, as well as on institutions that support the fair value of the political liberties. To see the full force of the difference principle it should be taken in the context of property-owning democracy (or of a liberal socialist regime) and not a welfare state: it is a principle of reciprocity, or mutuality, for society seen as a fair system of cooperation among free and equal citizens from one generation to the next.

The mention (a few lines back) of a liberal socialist regime prompts me to add that justice as fairness leaves open the question whether its principles are best realized by some form of property-owning democracy or by a liberal socialist regime. This question is left to be settled by

historical conditions and the traditions, institutions, and social forces of each country.⁷ As a political conception, then, justice, as fairness includes no natural right of private property in the means of production (although it does include a right to personal property as necessary for citizens' independence and integrity), nor a natural right to worker-owned and -managed firms. It offers instead a conception of justice in the light of which, given the particular circumstances of a country, those questions can be reasonably decided.

John Rawls
November 1990

7. See the last two paragraphs of §42, Chapter V.

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 vari-

ant 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 ideas 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 interpretation, 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; even so 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 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

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.

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.

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 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, J. C. Harsanyi, and W. G. Runciman for illuminating correspondence.

During the writing of the third 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 criticisms received, 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 complete my work. I should like to express my deep apprecia-

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.

Preface

tion for its support 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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