

JOHN RAWLS 80 YEARS

by

Andreas Follesdal*

John Rawls, the most influential political philosopher of the 20th century, turned 80 on February 21, 2001. Rawls was Professor of Philosophy at Harvard University from 1962 until he retired in 1991. At the time of his appointment at Harvard he had only published three articles. However, the ideas presented in these early articles became central in the book *A Theory of Justice*, a book that set the agenda both among philosophers and elsewhere when it appeared in 1971 (Harvard University Press). Ethicists and political theorists soon understood that one would now either have to work within Rawls' theory, or explain why one chose not to.

Rawls has had a great impact on the intellectual and political discussions in the West, within philosophy, law, psychology, political science and economics.

A just society

Rawls' main question is what should be required for a society to be just. In brief, Rawls' idea is that the decisive criterion for a just society is the position of the worst off. He introduces some principles regarding the distribution of goods and benefits among citizens. First, all must be secured equal political and civil rights. Fair equality of opportunity must be provided: individuals with the same talents and preparedness to use the talents should enjoy equal access to the different offices and positions in society.

Regarding the economic distribution, Rawls rejects both complete freedom in the form of pure market liberalism and complete equality in the form of equal pay. Instead he claims that the social institutions should secure equal life earnings regardless of social position, unless the situation of worst off can be improved by giving inducements to the people who can increase the size of the total pie that is available. Higher income for some

* Professor of practical philosophy at the University of Oslo, Norway, and at ARENA, a research program on the Europeanisation of the Nation-State. He has his Ph.D. in political philosophy from Harvard University, USA, with John Rawls as adviser.

Follesdal works on domestic and international justice, and democracy and legitimacy in the European Union. E-mail: andreas.follesdal@filosofi.uio.no

groups can thus be justified, but only if such incentives are necessary to increase the size of the smallest share of the economic pie. This principle is called the Difference Principle.

Veil of Ignorance

These principles of distribution express much of what is common among many religious and philosophical world views, and are found in many party platforms both among Social democrats and Christian democrats. Rawls offers a new justification for these principles, seeking to avoid contested religious and philosophical premises.

To bring order to our thoughts about distributive justice, Rawls suggests the following thought experiment: Imagine that people try to select principles for a society from behind a Veil of Ignorance. No one knows which talents and world view they have, nor do they know which place they will end up in in society. Which principles would they then choose?

Utilitarianism, a tradition that had dominated moral philosophy for 150 years, would permit a small, permanently oppressed minority if this maximised the total utility in a society. But Rawls claims that behind the veil of ignorance, no one would risk joining such a society which disregards the distribution among individuals of benefits and burdens. No one would risk being among the worst off in such a society if they could instead secure for themselves equal political rights and life time earnings in accordance with the Difference Principle. Behind the Veil of Ignorance the parties would thus choose Rawls' principles rather than Utilitarianism.

Rawls also claims that the parties would reject suggestions that the distribution of benefits should favour particular talents or a particular view about the good life, since the parties would not know whether they had such talents or shared that conception of the good.

Justifying Morality

In addition to arguing for these principles of distributive justice from a hypothetical contracting situation, *A Theory of Justice* also provides insights concerning another important question, concerning whether moral judgments can be justified. Our views about what is right and wrong in concrete situations often draws on more general moral principles about right and wrong, about relevant considerations, and so forth. But how can these principles be justified in turn?

Rawls suggests that our moral judgments justify each other in *reflective equilibrium*. We adjust both our principles and our concrete moral judgments in light of each other, so that they end up as premises and conclusions in a normative theory. They then provide mutual justification for each other. Our assessment of concrete situations are justified «from above», while our general principles are justified «from below», by showing that these principles are those that provide the best fit with our various concrete moral judgments. Rawls thus justifies his principles in two stages. First he shows that the principles are preferred in an Original Position behind the Veil of Ignorance. This veil gives expression to what considerations we regard as appropriate concerning the issue of distributive justice among citizens of equal worth. Thereafter this social contract is justified by showing that

the conclusions match our adjusted and considered moral judgments concerning equal dignity, fair differences in income, the distribution of political power, and equality of opportunity.

The need for a shared theory of justice

In later articles and in the book *Political Liberalism* (1993), Rawls has been particularly concerned with the importance for a society of a shared conception of justice. A society marked by a plurality of conceptions of the good must have some such common conception to secure trust and compliance with the social institutions over time. Rawls claims that his justification for distributive principles draws on assumptions about the value of individuals and the role of society that can command *overlapping consensus* across a variety of world views. The theory can be a common factor in many religious and philosophical views that for instance disagree about *why* individuals should be treated as equals by the social institutions.

A Theory of Justice appeared in the USA while the Civil Rights movement, the Vietnam War and conflicts between conceptions about the good life challenged the legitimacy of political leaders. Also today, societies need such philosophical contribution to the public debate. The population needs a shared justification for criteria for a just society. The future of pensions and other welfare arrangements, the use of market mechanisms in public sector, shifting conceptions of sovereignty and democracy wrought by the European Union, and the grounds and limits of tolerance are examples of topics that must be handled in ways that respect the equal dignity of all.

Rawls' theory is a thorough and systematic answer to a fundamental and important political question: how our common social institutions can treat all as free and equal human beings while respecting our differences. This is not to say that his contributions are uncontroversial. He belongs to the analytical tradition in philosophy that seeks to present premises and chains of reasoning as clearly as possible. That makes it easier to identify controversial premises, weaknesses and faults. *A Theory of Justice* has been criticised on many counts, even though many critics have not interpreted him quite as charitably as he always seeks to interpret others.

Rawls' kind, constructive but critical reading of others is a model to be followed. He always gives credit to others, and often insists that he stands on the shoulders of giants, both in formulating important questions for our time, and when seeking well-reasoned answers. The criticism of his views have led Rawls to expand, revise and improve on his theory. He has written about international justice in the book *Law of Peoples* (1993), and revised *A Theory of Justice* in 1999. A briefer book, *Justice as Fairness*, will appear later this year at Harvard University Press.

The challenges we face require that we ask how society can respect the equal worth of all, regardless of our differences. Independent of how we assess Rawls' principles of distributive justice, it is often fruitful to argue as if we are behind a veil of ignorance. Reflective equilibrium and overlapping consensus shows how values and normative judgments can be justified, even in a society with a plurality of religious and philosophical views.