

John Rawls' 1971 masterpiece, *A Theory of Justice*, redefined how we think about fairness, equality, and the social contract.

At its heart, Rawls' project is an attempt to solve a fundamental human dilemma: how can we live together in a way that is fair to everyone, despite our differences in wealth, talent, and social status?

The Foundation: Justice as Fairness

Rawls begins with the premise that "Justice is the first virtue of social institutions, as truth is of systems of thought." For Rawls, a society isn't just a collection of individuals, but a "cooperative venture for mutual advantage." However, this cooperation is marked by both identity of interests (we all do better together) and conflict (we all want a bigger share of the benefits).

To resolve this, Rawls introduces two famous conceptual tools: the **Original Position** and the **Veil of Ignorance**.

The Original Position and the Veil of Ignorance

Imagine you are part of a committee tasked with designing the fundamental rules of a brand-new society. You are deciding on the laws, the distribution of wealth, and the protection of rights.

However, there is a catch: you are behind a **Veil of Ignorance**.⁴ You do not know who you will be in this society. You don't know your race, gender, religion, or sexual orientation. Crucially, you don't know your "natural assets"—your intelligence, strength, or health—nor do you know your social class or wealth.

Rawls argues that if we were truly behind this veil, we would not choose a system that favors any specific group.⁶ We wouldn't choose slavery (because we might be the slave) or extreme wealth inequality (because we might be the poorest). Instead, Rawls suggests we would adopt a "Maximin" strategy—maximizing the position of those at the minimum.

The Two Principles of Justice

From this thought experiment, Rawls derives two primary principles that he believes any rational person would agree to:

1. The Liberty Principle

"Each person is to have an equal right to the most extensive basic liberty compatible with a similar liberty for others."

This is the first and most important principle. It covers basic political liberties (voting, speech, assembly) and freedom of thought.⁷ Rawls insists that these liberties cannot be traded away for economic gains. You cannot "sell" your right to vote for a higher salary.

2. The Social and Economic Principle

This principle is divided into two parts, dealing with how we handle inevitable inequalities:

- **Fair Equality of Opportunity:** Positions of power and wealth must be open to everyone under conditions of fair equality of opportunity.⁸ It isn't enough that there are "no laws" stopping you; society must ensure that people with the same talents and ambitions have the same chances, regardless of their starting point in life.⁹
- **The Difference Principle:** This is Rawls' most radical idea. He argues that social and economic inequalities are permissible *only* if they result in compensating benefits for everyone, and in particular for the least advantaged members of society.

As Rawls puts it:

"The intuitive idea is that the social order is not to establish and secure the more attractive prospects of those better off unless doing so is to the advantage of those less fortunate."

The Critique: The Limits of the Veil

While Rawls' theory is elegant, it has faced significant criticism.¹¹ A primary critique, which you touched upon, is whether a society—even under the Veil of Ignorance—could ever actually reach a consensus on what a "just society" looks and feels like.

1. The "Empty" Self and the Communitarian Critique

Philosophers like **Michael Sandel** argue that Rawls' "Original Position" assumes a version of the human self that doesn't actually exist. In *Liberalism and the Limits of Justice*, Sandel argues that we are "encumbered selves."¹² Our identities, values, and conceptions of the "Good Life" are tied to our communities, families, and histories.

Behind the Veil of Ignorance, Rawls asks us to strip away everything that makes us *us*.¹³ Critics argue that once you strip away a person's history, religion, and community, there is no "person" left to make a choice. If we don't know what we value, how can we decide what a just society looks like? A devoutly religious person and a staunch secularist might "feel" a just society very differently, and the Veil cannot bridge that fundamental gap in worldview.

2. The Problem of Risk and Psychology

Rawls assumes that everyone behind the Veil is "risk-averse." He assumes we would all choose the "Maximin" strategy (protecting the bottom).¹⁴ But critics, including economists, argue that some people are natural gamblers.

Some might prefer a society with a 10% chance of being a billionaire and a 90% chance of being "just okay," rather than a Rawlsian society where everyone is "equally mediocre." The Veil of Ignorance doesn't account for the diversity of human psychology regarding risk.

3. The "Inability to Decide" (Indeterminacy)

This is a core challenge: Does the Veil actually lead to one specific answer? **Amartya Sen**, in *The Idea of Justice*, uses the example of three children and a flute to illustrate that "justice" can be viewed through multiple, equally valid lenses:¹⁵

- One child should have the flute because they are the only one who can play it (Utilitarianism/Efficiency).
- One child should have it because they are the poorest and have no other toys (Rawlsian/Difference Principle).
- One child should have it because they actually made the flute (Libertarianism/Entitlement).

Sen argues that even behind a Veil, we might never agree on which of these claims is "most" just. The Veil of Ignorance provides a process, but it doesn't necessarily provide a definitive destination.

4. The Feminist and Global Critiques

Susan Moller Okin pointed out that Rawls largely ignored the family unit.¹⁶ If the "head of the household" is the one behind the Veil, the injustices within the private sphere (gender-based labor, domestic inequality) might remain unaddressed.

Furthermore, **Charles Mills** argued in *The Racial Contract* that Rawls' "ideal theory" ignores the reality of historical injustices like white supremacy and colonialism.¹⁷ By focusing on a "perfect" starting point, Rawls avoids the messy work of how to fix a society that is already deeply, structurally broken by history.

Comparison of Perspectives on Justice

| Philosopher | Key Concept | Focus |
|-----------------------|---------------------|---|
| John Rawls | Justice as Fairness | Protecting the "least advantaged" via the Difference Principle. |
| Robert Nozick | Entitlement Theory | Individual property rights; "justice in acquisition and transfer." |
| Michael Sandel | Communitarianism | The "common good" and the importance of social bonds over abstract rights. |
| Amartya Sen | Capability Approach | What people are actually <i>able to do and be</i> , rather than just resource distribution. |

The "Feeling" of Justice

Perhaps the most poignant critique is the one regarding the "feel" of a society. Rawls' theory is highly procedural and institutional.¹⁸ It treats justice like a math problem to be solved through the distribution of "Primary Goods" (wealth, rights, opportunities).¹⁹

However, as many critics note, a society can be "just" on paper while feeling cold, alienated, or meaningless. A society that perfectly follows the Difference Principle might still be one where people feel no sense of solidarity or shared purpose.

Iris Marion Young argued that justice should be about "the elimination of institutionalized domination and oppression," which involves looking at culture, social habits, and "the feel" of power dynamics—things that a dry, distributive model like Rawls' often overlooks.

Conclusion: A Living Legacy

Despite these critiques, John Rawls remains the titan of modern political thought. Even if the Veil of Ignorance cannot provide a perfect blueprint, it remains a powerful moral "gut check." It forces us to confront our own biases and asks us the most challenging question in politics: **"If you didn't know who you would be, would you be okay with the world as it is today?"**

While the "Original Position" might not tell us exactly what a just society looks like, it provides a universal language for arguing that the current distribution of luck—the "natural lottery" of birth—should not determine a person's life prospects.