2017

The Veil of Ignorance in Rawlsian Theory

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have no knowledge about particular facts that could lead them to prefer principles of justice partial to those they represent. The veil of ignorance is thus an important part of Rawls's argument that his conception of justice—justice as fairness—is the best conception for a democratic society.

The Original Position

Taking a closer look at the terms of Rawls's question provides a number of clues to its answer. From a closer look at the idea of justice, we get ideas of the role, subject, circumstances, and formal constraints of justice. From a closer look at the idea of a democratic society, we get the ideas of social cooperation between free and equal citizens, reciprocity, and fairness. The best conception of justice for a democratic society is the conception of justice that best satisfies and expresses these many ideas.

Different conceptions of justice do better at satisfying different ideas; some better satisfy the formal constraints of justice—generality, publicity, and stability—while others do better at capturing the notions of fairness, reciprocity, and equality. How can we find a way to rank candidate conceptions of justice that allows us to say that one of these does better than the rest at satisfying and expressing these ideas?

Rawls's answer to the problem of how to rank conceptions of justice is the *original position*. The original position is constructed to turn the scatter of ideas about justice for a democratic society into a device that ranks conceptions of justice according to how well they satisfy and express them. In this manner, the original position models what we generally believe and hope for when we think about justice for a democratic society—in other words, our normative beliefs on this subject.

The original position is inspired by the social contract tradition. In this tradition, the legitimacy and obligating power of political authority stems from the wills of those who are subjected to it as their will either was or could be expressed in a social contract. The social contract tradition draws on two powerful strands in Western moral philosophy: first, the principle that no person has natural authority over another person and that interpersonal coercion, therefore, is permissible only when exercised according to reasons acceptable to the coerced; second, that consent and promises carry obligation: if I voluntarily consent to some agreement, then this consent creates new rights and obligations. If we bring these two ideas together, we get the idea that all political authority must be generated by the acts of those party to the authority

VEIL OF IGNORANCE IN RAWLSIAN THEORY

As part of his effort to answer the question "What is the best conception of justice for a democratic society?" philosopher John Rawls constructed a thought experiment called *the original position*. In the original position, representatives of members of society choose principles of justice for society in light of limited interests and with limited information. Situated behind the veil of ignorance, the parties in the original position

relation—in short, by people coming together in a social contract in which they agree to create and respect political authority that legislates and enforces laws on behalf of all.

Rawls draws on the social contract tradition, but the ranking of principles of justice that issue from the original position is *not a social contract*. The original position is a *thought experiment* that helps us think clearly about what justice requires. The hypothetical agreement of the original position is *not* the source of political authority or political obligation—it does not produce laws and institutions or any agreement to obey laws and institutions. Instead, Rawls's contractualism is found in his endorsement of the liberal principle of legitimacy, which says that the exercise of political authority must take place in accordance with principles that all those subjected to it could agree to in a situation that respects their status as free and equal moral persons. The original position helps us identify what these principles are and shows what we can agree to as free and equal moral persons. The aim of the original position is to answer the question: What is the best conception of justice for a democratic society? It does so by modeling what we already believe about justice and democratic society. The original position is not meant to introduce any additional materials into the argument but to take the materials we already have at hand and use them to construct a way to make clear what they imply. In a sense, the original position is simply a device that helps us think through our commitments and considered convictions about democratic society and be clear about what we already believe.

In the thought experiment that is the original position, we imagine that representatives of all members of society come together and choose a conception of justice that those they represent will live by. The parties are given a list of candidate conceptions and rank them by running a pairwise comparison—A is better than B, but C is better than A, and so on—until they have arrived at a definite order. The highest-ranking conception of justice is the best one for a democratic society. The original position, accordingly, plays an epistemic role in Rawls's argument for principles of justice: it helps us think about what justice requires. Further, the force of the original position argument is a function of the force of the assumptions that go into it. *If* Rawls has identified the right ideas about justice for a democratic society, *and if* these ideas are well expressed in the original position, *and if* the parties would prefer justice as fairness to any other candidate conception of justice, then we can confidently say that justice as fairness is the best conception of justice for a democratic society.

The Veil of Ignorance

The original position models our beliefs about justice for a democratic society by defining the knowledge and interests of the parties and by requiring that all candidate conceptions of justice satisfy the formal constraints of the concept of right. *The veil of ignorance* defines the knowledge of the parties; it shields them from knowledge of particular facts that they could use to favor particular members of society while at the same time allowing them knowledge of general facts that are helpful for thinking about justice in general. The veil of ignorance thus expresses a commitment to a sort of impartiality that is needed to ensure that the principles we select express our commitments to fairness and equal citizenship. To ensure this impartiality, the veil of ignorance shields the parties from knowledge about the people they represent: about their gender, race, religious beliefs, wealth, and similar facts. The parties are also ignorant of particular facts about the society those they represent live in, such as how religious beliefs are distributed, what natural resources their society has access to, and the distribution of wealth and opportunities.

While the veil of ignorance shields the parties from knowledge that could lead them to propose unfair terms of social cooperation, it lets them know enough about the general conditions of democratic societies to rank candidate conceptions of justice. So the parties know that those they represent have a conception of the good (but not what it is); they know general facts about human needs and psychology; that they are in circumstances of justice (where social cooperation is both necessary and possible); they know theories of sociology and economics and that their society contains a plurality of philosophical, religious, political, and social doctrines.

That the veil of ignorance leaves the parties without any knowledge about the interests of those they represent or even about the distribution of interests in society invites the question of how they can rank conceptions of justice—for what interests do they have that could lead them to have preferences between different candidate conceptions?

Interests of the Parties: Primary Goods

Rawls's answer is that the parties know that those they represent have some conception of the good, that circumstances of justice are present, and what the general needs of human beings are. In light of this knowledge, the parties will try to procure for those they represent certain all-purpose means that are generally needed by members of a democratic society. Rawls calls these all-purpose means *primary goods*.

The primary goods serve three general interests of democratic citizens: first, their interest in developing their capacity for a conception of the good (their first moral power); second, their interest in developing their capacity for a sense of justice (their second moral power); and, third, their interest in having adequate all-purpose means for pursuing their conception of the good—no matter what it is. This account of the three basic interests of democratic citizenship supports the following list of primary goods:

1. Basic rights and liberties

2. Freedom of movement and free choice of occupation

3. Power and prerogatives and opportunities for access to positions and offices

4. Income and wealth

5. The social bases of self-respect

The parties are interested in securing for those they represent basic rights and liberties necessary for the development of their moral powers; opportunities for access to offices and positions; and as large a share of income and wealth as they can get.

Note that the parties are "mutually disinterested": they care only to maximize the position of those they represent without regard for the position of others. This mutual disinterestedness expresses their equal claim to the fruits of cooperation and a rejection of envy as indicator of injustice. The fact that others have more than oneself is not a reason to suspect injustice in the system—what matters is whether the distribution wherein they have more (or less) arose from fair cooperation. If the system of rules (the basic structure) is just, then the fact that others have more than oneself offers no reason for complaint.

The parties also are interested in choosing a conception of justice that can be stable, meaning that it generates its own support over time. If, for example, a conception of justice tends to create distrust or resentment among citizens, this undermines its ability to support a stable system of institutions—in effect, making it harder to have a society that is ordered by this conception of justice—and this then counts as a reason against this conception.

The Limited Usefulness of the Veil of Ignorance

There is no actual situation like the original position. The original position is *not* some legislative assembly that might happen or could have happened. The veil of

ignorance is *not* something that we could create in the real world (and even if we could, it is not clear why we would do it). Again, the original position is a thought experiment with imaginary characters that think about justice using only knowledge and interests relevant for the question—this *could not happen*. It is better to think of the original position as a device that sorts conceptions of justice according to how well they fit the basic ideas of democratic society and democratic citizenship than as a bargaining situation in which parties negotiate for principles.

That the original position and the veil of ignorance it employs are hypothetical, imaginary, and impossible is *not* an objection to it. If it truly expresses the fundamental normative commitments of democratic society and helps us sort candidate conceptions of justice according to how well they satisfy these commitments, then it is useful for thinking clearly about justice for a democratic society.

Since the veil of ignorance models ideas about justice and not a particular view of human nature or human psychology, it is supposed to stand free of commitments to any particular metaphysics of personhood—for example, that people were or were not created by God—and particular theories of personal or collective psychology. Instead, the view of the person that informs the original position and the veil of ignorance is normative: the veil of ignorance is constructed from ideals of democratic citizenship and democratic society. These ideals do, of course, suppose certain facts about human nature, human society, and human psychology—that we have needs, that we are modestly rational, that we are social creatures, that we are in circumstances of justice and thus can cooperate with others on fair terms—but the original position and the veil of ignorance are not directly modeling these assumptions. Instead, the veil of ignorance models *only* the point of view relevant for thinking about justice for a democratic society, and the intent, at least, is that this can be done without assuming any controversial metaphysics of personhood or theory of individual or political psychology.

Rawls's veil of ignorance is designed to deal with a specific question: What is the best conception of justice for a democratic society? It is a mistake to think that the same veil would be helpful for answering other questions. If one wants to investigate justice in the workplace, or family, or environmental justice, one could construct an original position with a veil of ignorance suitable to these aims (just as Rawls designed another veil for the original position relevant to international justice), but the veil of ignorance that Rawls designed for the case of domestic justice should not be used for these questions. Again, in Rawlsian theory, the original position with its veil of ignorance and interests of the

parties are constructed from the particular question that it helps us answer—to use it for other questions is to misunderstand what it is and does.

Other Veils

By limiting the knowledge of the parties in the original position, the veil of ignorance expresses an ideal of impartiality. As such, it stands in a long tradition of similar notions and thought experiments such as Bishop Butler's court of conscience, Adam Smith's impartial spectator, David Hume's judicious spectator, and Immanuel Kant's standpoint of pure practical reason. The idea of taking an impartial perspective—and of limiting the first-personal preferences as a way of securing impartiality—has been perfected in utilitarian ethics, where the moral point of view is one that counts the subjective well-being of all persons equally. Though neither used the same name as Rawls, John Harsanyi developed a utilitarian version of a veil of ignorance in the 1950s, and Friedrich August von Hayek used a similar device in his derivation of principles of justice in the *Constitution of Liberty*, published in 1960. Rawls did not invent the veil of ignorance; rather, he appropriated and adapted an available idea.

A *utilitarian* veil of ignorance allows the parties complete information about their society, including the preferences of individual members of society, but deprives them of information about what position they occupy (or the position of those they represent). The result is that they choose principles that maximize average utility. Such a utilitarian veil of ignorance is thinner than the one employed by Rawls because it allows the parties more information. Other theories of justice might defend a thicker veil of ignorance than the one employed by Rawls. For example, if one believes that justice should not be influenced by general facts about human psychology, then the veil should shield the parties from these facts (Gerald A. Cohen and others who share his views on the nature of justice could go in this direction). Deliberate democrats might follow Jürgen Habermas and argue that debates about politics should take place with full information.

These disagreements about the thickness of the veil of ignorance express underlying disagreements about the nature of justice—about what question we are using the veil of ignorance to answer and of the assumptions within the question. Utilitarians and socialists would not be persuaded by Rawls's original-position arguments, for they would reject his characterization of the veil of ignorance (and perhaps also of the interests of the parties), but this simply shows that their assumptions about justice differ. Again, the veil of ignorance, and the original position more generally, only work as arguments for the principles of justice as fairness for those who accept that Rawls has identified both the right question and the assumptions built into the question and that these are properly expressed by the original position. Different arguments are needed to show that the question, assumptions, and construction are as Rawls saw them. Perhaps disappointingly, the veil of ignorance in Rawlsian theory only works as an argument for those already committed to the basic assumptions of Rawlsian liberalism, and it cannot serve as an independent argument against utilitarianism, socialism, or other theories of justice that do not accept these assumptions.

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See also Citizenship; Democracy; Distributive Justice; Equality of Opportunity; Liberalism; Political Deliberation; Procedural Justice; Social Contract

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