

A well-ordered society with publicly acknowledged principles — A re-interpretation of Rawlsian social contract

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Introduction

John Rawls is arguably the most influential political philosopher of the twentieth century. In his most seminal books, *A Theory of Justice* (1971), Rawls claims that his aim is to 'present a conception of justice which generalizes and carries to a higher level of abstraction the familiar theory of the social contract as found, say, in Locke, Rousseau, and Kant.' However, what role does the idea of social contract play in Rawls' theory is rarely discussed among Rawls scholars. Some scholars contend that Rawlsian social contract is a kind of hypothetical contract which people would make behind the 'veil of ignorance,' and this idea is redundant in Rawls' theory. In this poster, I would like to argue that Rawlsian social contract should rather be understood as a social agreement on political principles which people would make in a well-ordered society. The idea of social contract is necessary because it represents a political ideal in Rawls' mind.

Original Position



John Rawls (1921-2002)

We should imagine that we were in an 'original position' and chose principles of justice behind a 'veil of ignorance.' The original position is a hypothetical choice situation which everyone is treated as equals there.

Many Rawls scholars take the idea of original position as the Rawlsian version of social contract. We can imagine an 'original position,' which people were placed behind a veil of ignorance.

Behind the veil of ignorance, people in the original position did not know their social status, their race or gender, their natural asset, and their conception of the good. In such a fair choice situation, people could choose principles of justice as the political principles which govern the basic structure of their society.

Ok, now I do not know who I am. What principles of justice I want my society to be governed?



Original Position—Why is it relevant?

The fact that I would have agreed if you had insisted neither adds nor suggests any argument why I should agree now. If you had held out for your proposal, and I had agreed, I could not say that my agreement was in any way nullified or called into question because of duress. But if I had not in fact agreed, the fact that I would have in itself mean nothing.



Ronald Dworkin (1931-)

Some scholars, like Dworkin, criticize that the original position cannot justify principles of justice independently, therefore the contractarian element is redundant in Rawls' theory.

Dworkin argues that:

- (1) In the original position, we were ignorant of their social status and natural endowments and would choose in the way which Rawls describes.
- (2) Nevertheless, in the real world, we will choose differently, for there is no any 'veil of ignorance' in the real world and we have full information about ourselves. Our choice in the real world is different from our choice in the original position.
- (3) Therefore, there is no point for us to be bound by an hypothetical choice which I would make under a condition of much less knowledge. The fact that I would choose principles of justice in the original position cannot explain why I should follow principles of justice in the real life. The original position, which is the representation of Rawlsian social contract, is merely a redundant hypothetical story.

If you were behind the veil of ignorance and ignorant of your identity, you would agree with an extensive welfare system. Now please pay a large amount of tax to us.

Come on! Why do I have to be affected by a hypothetical contract which I would make behind the veil of ignorance?



Well-ordered society—A reasonable agreement on principles of justice

Dworkin is right that the original position cannot provide an independent justification for principles of justice. Yet it does not mean that the idea of social contract is unnecessary in Rawls' theory.

Indeed, Rawlsian social contract should be interpreted as a social agreement on principles of justice among reasonable citizens in a well-ordered society, but not simply a hypothetical story which would happen among people who were ignorant of their particular information in the original position.

A well-ordered society represents a kind of ideal society which all reasonable citizens seek for a fair scheme of social cooperation. In a well-ordered society, citizens are fully informed, but they are also reasonable. They want to cooperate with other fellow citizens fairly and seek for public norms which can be justifiable to others. Principles of justice are exactly the kind of public norms they are looking for, because these principles can treat every citizens fairly and represent a fair scheme of social cooperation. Therefore, in a well-ordered society, citizens generally accept principles of justice as their public norms.

The contractarian element in Rawls' theory is mainly represented by such a social agreement in the well-ordered society, but not the hypothetical contract in the original position. It represents a political ideal that everyone would accept as long as they want to participate in a fair scheme of social cooperation. And it is also an ideal which Rawls wants to achieve.

Why should I be affected by the principles of justice, which I would have agreed in a never-happened hypothetical situation?

If the original position represents the contractarian element in Rawls' theory, then is it simply redundant?



Yes, the original position is hypothetical, but it is also a good heuristic device to tell us what principles we should follow if we want to live in a well-ordered society. If you agree that well-ordered society is a valuable political ideal, then you should follow the principles of justice.

Actually the Rawlsian social contract is better understood as a social agreement on principles of justice which people would make in a well-ordered society. This social agreement represents a political ideal which Rawls believes, that is, an agreement which reasonable citizens would make while they concern about how to cooperate with each other fairly.

Conclusions

Through this interpretation, we can understand that the idea of social contract plays a more important role in Rawls' theory than the role that many people think. Rawlsian social contract should be understood as a general agreement in a well-ordered society, and the original position is a heuristic device which people in the well-ordered society would accept if they were looking for principles which govern their society.

Even we know the full information of ourselves, we are still willing to be bound by the principles of justice, because they represent public norms which would be accepted by any reasonable citizens.

