

Macalester Journal of Philosophy

Volume 13
Issue 1 *Spring 2004*

Article 5

5-1-2004

Rawls's Theory of Justice From A Utilitarian Perspective

T. D. Rogers
Macalester College

Follow this and additional works at: <http://digitalcommons.macalester.edu/philo>

Recommended Citation

Rogers, T. D. (2004) "Rawls's Theory of Justice From A Utilitarian Perspective," *Macalester Journal of Philosophy*: Vol. 13: Iss. 1, Article 5.
Available at: <http://digitalcommons.macalester.edu/philo/vol13/iss1/5>

This Article is brought to you for free and open access by the Philosophy Department at DigitalCommons@Macalester College. It has been accepted for inclusion in Macalester Journal of Philosophy by an authorized administrator of DigitalCommons@Macalester College. For more information, please contact scholarpub@macalester.edu.

Rawls's Theory of Justice From A Utilitarian Perspective

T. Django Rogers

John Rawls's influential work, A Theory of Justice, represents an attempt to give a moral justification for the workings of egalitarian democracy. Drawing on the social contract theories of Locke, Rousseau, and Kant, Rawls argues that the best society would be founded on principles of justice chosen by rational citizens in an *original position*. In this original position, rational citizens would choose principles behind a *veil of ignorance* in which their own social status, natural talents, and goals would not affect their decision-making. Under the veil of ignorance, according to Rawls, rational citizens would choose principles of justice that would grant the most extensive liberties to its citizens while ensuring fairness of opportunity and that inequalities benefit the least advantaged.¹

I am very attracted to the theory Rawls has put forth in A Theory of Justice. I feel that he gives a good explanation of how principles of justice can be arrived at in order to have a fair and just society. However, I do not think that Rawls's way of doing this is the only way. In many ways, it seems that utilitarianism can be used to justify the same principles that Rawls is advocating. Specifically, it seems that his notion of the veil of ignorance is just a tool used to decide principles in an essentially utilitarian manner. So, for the purpose of this paper, I will note the similarities between Rawls's notion of the veil of ignorance and utilitarianism, and I will argue that by using this concept, Rawls is really advocating a kind of utilitarian reasoning.

The Veil of Ignorance and its Implications

First of all, it is important to make clear the basic notion of Rawls's theory that I will be working with and to state what the theory's practical implications are, according to Rawls. Understanding both the theory and its implications is important because, as I will claim, both have similarities to utilitarianism.

Basically, the meat of Rawls's theory, or what seems to be its core concept, is the idea of the veil of ignorance. As mentioned earlier, it is this veil that allows rational citizens (in a hypothetical situation) to decide the principles that will govern their society. Behind this veil, Rawls argues that all rational citizens should come to the same conclusion about what is best for society. This notion is the core of Rawls's theory because, as he argues, it creates the situation in which impartial, unbiased principles of justice are arrived at.² What is also important about it is that it avoids some objections to previous contractarian scenarios by depriving individuals of their personal information and preferences. Previously, utilitarians have argued that contractarian scenarios, such as the *original position*, may be biased. When each citizen is assumed to be concerned with furthering his or her own interests (as Rawls suggests), utilitarians have argued that this may lead to privileging smarter or more clever people at the expense of others (Talisie, 34). To avoid this traditional objection, Rawls introduced the veil of ignorance as a way to ensure that none of the people in the original position are influenced by their own desires, preferences, or personal talents and abilities. To me, this veil of ignorance is really what defines Rawls's theory, and it is what I discuss in this paper.

What is just as important, though, is the conception of justice and government that is formulated behind the veil of ignorance. Rawls argues that all people should agree on the same thing from behind the veil, namely two principles. The first principle, or the *liberty principle*, calls for a system of equal rights. Under this principle "each person is to have an equal right to the most extensive basic liberty compatible with a similar liberty for others."³ Rawls's second principle is the *difference principle*. It states that any social and economic inequalities must be, first, to everyone's advantage, and, second, attached to positions and offices that are equally open

¹ Rawls, 13

² Rawls, 14

³ Ibid.

to all. Rawls holds that “social and economic inequalities...are just only if they result in compensating benefits for everyone, and in particular for the least advantaged members of society.”⁴ However, the liberty principle must be satisfied before the difference principle comes into play. These two principles, taken in lexical order, constitute the basic agreement at which all rational citizens under the veil of ignorance should arrive, and, according to Rawls, they lay the foundation for creating a fair and just society.

Utilitarian Similarities

By using the veil of ignorance, Rawls is attempting to justify principles in a way that is not utilitarian. The most obvious difference between the two theories seems to be that while utilitarianism justifies principles by asking what is best for the greatest number of people, Rawls’s theory does so by asking what a rational citizen would want for him or herself. My basic argument, however, is that, when under the veil of ignorance, one rational citizen is no different from another, and therefore what is being decided is that which is best for the greatest number of rational citizens.

Take first this idea that rational citizens under the veil are no different from each other. Rawls says that behind the veil, “the parties do not know their conception of the good or their special psychological propensities,” and he adds “this ensures that no one is advantaged or disadvantaged in the choice of principles by the outcome of natural chance or the contingency of social circumstances.”⁵ I think Rawls would agree that each rational citizen behind the veil is essentially the same. For when you take away peoples’ personal goals, talents, and knowledge about themselves and their place in society, what is left to distinguish between them? What Rawls seems to be doing is masking people’s personal talents and desires in order to allow a kind of pure, unbiased reasoning. He is really just using the veil of ignorance as a tool to arrive at this type of reasoning. The veil of ignorance is no more than a hypothetical thought experiment allowing rational people to reason in this clear, unbiased way. While this is a compelling idea, and I think Rawls would, for the most part, agree with my conception of it, my claim is that this kind of unbiased reasoning is no different from the reasoning used in utilitarianism.

When we accept that all people behind the veil of ignorance are essentially the same (that they are all just unbiased, impersonal reasoners), it seems to follow that when any one person makes a decision about what is best for him or herself, that person is really deciding what is best for everyone under the veil. For if everyone under the veil is the same, what is best for one person is no different than what is best for another. Rawls is essentially asking, “What is best for everyone?”

This sounds similar to utilitarian reasoning because it is similar. Utilitarians reason the same sort of way. By asking what will bring the greatest amount of happiness to the greatest number of people, utilitarians are trying to find out what is best for society as a whole. Practically speaking, it seems obvious that no system of justice will ever meet the interests of every citizen in its society; so utilitarians say that the best system of justice is that which will bring the greatest total amount of happiness to the society as a whole. For in every society, there will be people who may choose not to follow laws or respect the rights of others, but this does not mean that our conception of justice should change in order to account for the interests of criminals. The best we can do is to create a system of rights and principles that will lead to the greatest amount of happiness in society. Rawls’s reasoning seems congruent with this, due to the fact that he uses the veil to mask personal interests, thereby getting rid of any biased or criminal interests. For when people are behind the veil, they are not making decisions based on their own interests, they are making decisions based on the basic interests of everyone. While Rawls may

⁴ Rawls, 15

⁵ Rawls, 12

claim that every citizen behind the veil is motivated by his or her own interests, the fact that all citizens behind the veil are essentially the same leads to the conclusion that any one person is actually deciding what is best for all persons.

Rawls's reasoning is so similar to utilitarianism that it leads to a conception of justice that can be essentially utilitarian. The two basic principles that Rawls proposes, as the product of the original position, are compatible with an indirect utilitarian system of justice. Take the first principle for example. As mentioned earlier, it calls for a system of basic equal rights for all. There is no reason that an indirect-utilitarian system of government would not support a system of equal rights just like this. The case can be clearly made, and has been by utilitarians in the past, that adopting rules (or principles) may, indirectly, be the best way to maximize the overall happiness of society. Although adopting a system of equal rights may not maximize happiness in every possible instance, taken over all, it would do more good for society than harm. There may be a specific situation in which violating a person's basic right would cause more good than harm, but a rule-utilitarian system would still uphold that individual's right because, overall, respecting such rights will cause the greatest amount of happiness.

The second principle Rawls proposes is the difference principle. This principle is not as easily justified by indirect utilitarianism as the first, but I think such a justification is possible. According to the difference principle, social and economic inequalities are only justified if they benefit all members of society, and in particular the least advantaged members. I think indirect utilitarianism would support such a principle because adopting it would bring about more overall happiness than not adopting it. This is because, under the difference principle, goods would be distributed to those who would benefit from them the most. For example, a poor person who has no money for food would benefit much more from ten dollars than a wealthy person would. In general, a small amount of goods will bring more happiness to a disadvantaged person than it will to a more advantaged person. Without the difference principle, goods would benefit people who would not receive the most possible happiness from them, and thus overall happiness would not be maximized. Adopting the difference principle would increase overall happiness in society by ensuring that social and economic inequalities are to the advantage of those who will most benefit from them.

Rawls's Distinctions

In A Theory of Justice, Rawls addresses the idea that his theory may be similar to utilitarianism. However, he only discusses the classical form of utilitarianism, and by doing this, creates a rather weak argument for distinguishing between the two theories. The main difference he sees is that utilitarianism does not prohibit the unequal distribution of goods for the greatest aggregate welfare, and his theory does. He says that while utilitarianism allows for the greater gains of some to compensate for the lesser losses of others, his theory does not.⁶ This, however, is where he falls into trouble because he does not take into account rule utilitarianism. Rawls defines utilitarianism, for the purpose of his argument, as the idea that society is just when its major institutions are arranged so as to achieve the greatest net balance of satisfaction summed over all the individuals belonging to it.⁷ By saying that utilitarianism allows the greater gains of some to compensate for the lesser loss of others, Rawls seems to be implying that this sort of strict utilitarianism would not uphold a system of equal rights. This is because in many situations, violating someone's basic right may in fact be more beneficial than not. As discussed earlier, however, utilitarian reasoning, taken to a logical conclusion, can be shown to support equal rights. Rawls's concern in raising this distinction seems to be that utilitarianism cannot account for equal

⁶ Rawls, 26

⁷ Rawls, 22

rights, and thus equal distribution. But, as has been shown, indirect utilitarianism can account for such rights through utilitarian reasoning.

One could argue, however, that my argument is not convincing and that utilitarian reasoning, in some situations, could still be shown to support the gain of some at the expense of others. My response to this is that Rawls's theory can be shown to do the same thing. Rawls's reasoning supports the notion that the advantages of some can justly compensate the resulting loss of others. Take his first principle of equal rights, and imagine, for example, a peaceful animal rights march. Rawls would say that the protesters' right to free speech is more important than the resulting discomfort onlookers may feel. Here, the lesser loss of some (namely, the discomfort of onlookers) is justified by the greater benefits of others (namely, the freedom of the protesters). In fact, it seems that in all cases of equal rights, there is an inherent assumption that the benefits that rights afford an individual are more important (or are a greater good) than any losses that may occur as a result of these rights. In this sense, Rawls's theory can be shown to support utilitarian reasoning.

Another criticism that Rawls brings up is that utilitarianism does not take seriously the distinction between persons. He argues that utilitarian thought is basically the reasoning of one man adapted for society as a whole. He says, "just as it is rational for one man to maximize the fulfillment of his system of desires, it is right for a society to maximize the net balance of satisfaction taken over all of its members."⁸ This interpretation of utilitarianism leads him to conclude that decisions regarding utility are made by an impartial observer who identifies with the desires of others as if they were his own. His position is that utilitarianism requires "conflating all persons into one through the imaginative acts of the impartial sympathetic spectator."⁹ But how is this different from the citizen behind the veil of ignorance? As was discussed earlier, every rational citizen behind the veil is essentially the same; so Rawls is basically conflating all rational citizens into one. By erasing personal knowledge, desires, and talents, Rawls is creating the perfect impartial spectator. Rawls's theory does not take the distinctions between persons any more seriously than utilitarianism does.

The last major distinction Rawls draws on is the idea that utilitarianism is a teleological theory in the sense that it defines the good independently of the right, while his theory does not. He is right that utilitarianism defines the good independently of the right, but the fact that his theory does not is questionable. While it is clear from A Theory of Justice that Rawls's personal conception of the good is not independent of the right, the original position and the veil of ignorance do not necessitate this sort of belief. It seems obvious that a rational citizen behind the veil could easily arrive at Rawls's two theories without making judgments regarding the relationship of the good and the right. A citizen behind the veil might choose the two principles simply because he or she perceives them to be the most likely to promote his or her interests. In order to arrive at these principles, it is not necessary for this person to have an abstract conception of the relationship between right and good. It is generally philosophers who feel the need to take sides on such abstract verbal disputes. It is quite plausible, however, that one could arrive at Rawls's principles of justice without any philosophical insight into the relation between right and good. In the context of Rawls's principles and rule-utilitarianism, it is just a verbal dispute.

After spending so much time criticizing Rawls, I must reiterate that I find his theory very inviting. I still feel that he gives a good explanation of how principles of justice can be arrived at in order to have a fair and just society. However, in this paper I have tried to show how Rawls's contractarian theory is essentially the same as another inviting theory: utilitarianism. Basically, this is because any rational citizen under the veil of ignorance would want what is best for him or herself, and the best way to insure that he or she gets it is by deciding on principles that would be

⁸ Rawls, 26

⁹ Rawls, 27

best for the greatest number of rational citizens possible. By using the veil of ignorance, Rawls seems to be erasing individual preferences in order to get at what is really the best for everyone. To me, not only are his principles of justice justifiable by utility, his very reasoning can be said to be utilitarian.