



## **A Theory of Justice**

*John Rawls*

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This revised edition of A Theory of Justice, published in 1999, presents a more definitive statement of Rawls's views. This edition is the English version of the 1975 revised edition used in foreign language translations.

## A Theory of Justice Details

Date : Published September 30th 1999 by Belknap Press of Harvard University Press (first published January 1st 1971)

ISBN : 9780674000780

Author : John Rawls

Format : Paperback 538 pages

Genre : Philosophy, Politics, Law, Nonfiction, Classics, Political Science

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## Don says

If Rawls had understood expected utility theory this book would be better -- and unrecognisable. His response to decision making under uncertainty is iconoclastic, and absurd.

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## Anthony Buckley says

I'll start with just a word of complaint. There is no reason at all why an intelligent person like John Rawls should write so badly. One does not expect Mark Twain, George Orwell or even J K Galbraith. However, Rawls could have put in some *examples*, so that the reader did not sink into a bog of abstract nouns, and it would have been good if he had injected an occasional flash of wit to dissuade the reader from falling off his chair.

This having been said, the book is useful and interesting. It propounds the ethncal theory that "justice" is the prime virtue, and that justice is identical with "fairness". He calls his theory the "justice as fairness" theory.

His is a version of contract theory, that is he takes the view that morality (justice) arises out of a social contract (real or imaginary) which is supposed to have founded a social order. He reduces the idea of justice to two principles, provisionally stated (but later elaborated) as:

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

Second: Social and economic inequalities are to be arranged so that they are both (a) reasonably expected to be to everyone's advantage, and (b) attached to positions and offices open to all" p60

More generally, he states, "All social values – liberty and opportunity, income and wealth, and the basis of self-respect – are to be distributed equally unless an unequal distribution of any, or all, of these values is to everyone's advantage. Injustice, then, is simply inequalities that are not to the benefit of all" p62. This is elaborated into two principles, the "efficiency" and the "difference" principles.

According to the efficiency principle, "a distribution of goods or a scheme of production is inefficient when there are ways of doing still better for some individuals without doing any worse for others." What emerges from his discussion here is that there are many possible distributions of goods which coincide with this definition of efficiency.

The difference principle removes the indeterminateness of the principle of efficiency by singling out a particular position from which the social and economic inequalities of the basic structure are to be judged. Assuming the framework of institutions required by equal liberty and fair equality of opportunity, the higher expectations of those better situated are just if and only if they work as part of a scheme which improves the expectations of the least advantaged members of society p75.

True to the origins of these ideas in Hobbes, Locke and Rousseau, the principles of social justice and therefore the social contract itself is understood as having created "the basic structure of society", "They are to govern the assignment of rights and duties and to regulate the distribution of social and economic advantages" p61 So he does not concern himself with small scale social institutions such as families, firms, villages, cities and the like. It is plain too that he regards the nation state as the unit of society with which he

is concerned, and I fear that this society is identical with the United States of America. It is as though there is no other.

I do have a difficulty with this last approach. The problem is that, when one gets down to sociological brass tacks, there is (as Margaret Thatcher said, but did not understand) there is indeed “no such thing as society”, but rather an indefinite number of circumstances, social relationships and social institutions, all of which are different from each other and all of which emerge out of the action and social interactions of individuals.

It follows first of all that social contracts are to be discovered not merely in the ones considered to be part of “the basic structure of society” (whichever these may be thought to be), but rather as the basis for each and every small-scale social relationship and institution. It also follows that, whether a particular structure discoverable in human relationships has widespread or merely local significance, such a structure is likely to be subject to change and revision. Far from having to imagine an “original” position, a possibly fictitious moment when social structure came into existence, one can actually witness, in the unfolding of social interaction, the social contracts that arise in the day-by-day evolution of social institutions and relationships. From time to time, we make new contacts and form new relationships; and conversely relationships sometimes end or fall into disuse. But the social contracts which are formed in the course of such relationships do change over time. Of course, in society as in nature, some structures persist for years, decades, even centuries, while others are more fleeting. Nevertheless, to speak of “an original position” - as though the structure of social relations had been set up once for all - could often be misleading.

One feature of Rawls’s theory is the notion that, in the original position, the just deal can be made under a “veil of secrecy” (136-142). Those involved “do not know how the various alternatives will affect their own particular case p136 and they are obliged to evaluate principles solely on the basis of general considerations.

This idea evoked for me the traditional figure of Justice, which appears over countless law courts as a blindfolded woman. This image is typically taken to refer to the necessity of impartiality in the administration of justice. Rawls, however, appears to use this image as the basis for the formulation of the laws before they are administered.

According to him, to be just, laws must be made beneath such a veil of ignorance. “It is assumed, then, that the parties to the original social contract do not know certain kinds of particular facts. First of all, no one knows his place in society, his own position or social status; nor does he know his fortune in the distribution of natural assets and abilities, his intelligence and strength and the like. Nor, again, does anyone know his conception of the good, the particulars of his rational plan of life, or even the special features of his psychology such as his aversion to risk or liability to optimism or pessimism. More than this, I assume that the parties do not know the particular circumstances of their own society. That is, they do not know its economic or political situation, or the level of civilization and culture it has been able to achieve. The persons in the original position have no information as to which generation they belong. These broader restrictions on knowledge are appropriate in part because questions of social justice arise between generations as well as within them - - -. As far as possible, then, the only particular facts which the parties know is that their society is subject to the circumstances of justice and whatever this implies“. p137

I fear that I find these ideas of Rawls difficult to cope with. For me, social contracts are made by flesh and blood individuals in the course of their social interaction. The notion of a contract taking place in such abstract circumstances seems to me decidedly odd.

Although I am suspicious of Rawls, I found this book interesting and important. Indeed, and again despite my reservations, I shall undoubtedly revisit it and maybe even change my opinions.

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## Greg says

The book that I wound up reading most often in college (my major was Ethics, Politics and Economics). It shaped my worldview and politics perhaps more than any other book ever. I am elevating it from 4 stars to 5 stars because of that, in spite of the fact that it can be a bit of a slog. With this book, Rawls reignited political theory after a period during which not much of anything new had been said for decades, but he's not exactly a brilliant prose stylist.

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## Wendy says

So, first off: this is a work of academic philosophy. I think it's very readable and entertaining for a work of academic philosophy, but this is probably not a book to take to the beach. It also helps if you've had a basic course in philosophy, or have recently read a book like Michael Sandel's *Justice*, because the book will be very hard going if you don't have at least a glimmer of an idea about utilitarianism or Kantianism.

So, why read Rawls? It's often asserted that Rawls's work is the philosophical basis for modern American liberalism. I think it would be more accurate to say that most modern American liberals have a set of intuitions about justice that happen to dovetail pretty well with Rawls's philosophy. But if you are a political liberal, and you feel it's important to have a sound philosophical basis for your liberalism, you've probably got to consider Rawls's position, even if you reject it.

Rawls starts with a pretty neat philosophical conceit: the idea that a just society is one that operates by rules that everyone would agree to if they chose a set of rules from behind "a veil of ignorance". In other words, without knowing what their society would look like, what position they might occupy in it, or even what sort of goals and interests they might have, what rules would people agree to be bound by? I like this idea, because it seems to me that you can accept the method without necessarily accepting Rawls's conclusions. Also, it seems to offer a way to get at an ethical conception that might not be so tightly bound to a particular philosopher's societal circumstances. Kantianism seems so well-suited to the mind-set of an Enlightenment German Protestant non-conformist that one can't help be a bit suspicious of its general applicability.

Though, in all fairness, I have to admit that the rules that Rawls comes up with seem very well suited to the mind-set of a mid-20th century American liberal. He proposes two rules for a just society, which are to be applied in the following order:

1. Everyone should have the maximum liberty that is consistent with everyone having the same liberty.
2. Social and economic advantages should be distributed under conditions of fair equality of opportunity, and inequalities in the distribution of such advantages should be allowed only to the extent that such inequalities benefit the least well-favored in society.

We get to these rules about 100 pages in. The rest of the book is devoted to explaining what they mean and how they would be applied. It's fascinating stuff, but it defies easy summary. One of the most tricky parts of Rawls's theory is the part about inequalities benefitting the least well-favored - in fact, it's not unusual to see critiques of Rawls that focus exclusively on that, and ignore the rest of his argument. Occasionally you see people go on as if Rawls supported some kind of Harrison Bergeron-like state of absolute enforced equality. This seems silly, since it's hard to see how such a society would be consistent with the principle of maximum

liberty (which takes priority over the other principle). Rawls potentially allows for staggeringly large degrees of economic or social inequality, as long as it can be demonstrated that these inequalities benefit the least well-off. Actually doing such a demonstration is left to the economists or the sociologists. Which makes a lot of sense. It's just a bit disappointing to read a 500+ page book on justice, and find that there are still lots of hard questions left to be answered.

Still, if forming a perfectly just society were easy, we'd have done it by now.

Anyway, this book is not an easy read, but it's well worth reading. I think that even if you disagree with its conclusions (or, like me, think you at least need more time to think about and digest its conclusions), it will change the way you think about justice.

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## **Hadrian says**

A long involved theory of justice - create a society where you would be treated fairly, if you do not know what position you would occupy in such a society.

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## **Tyler says**

What strikes me most as a non-philosopher reading this book is what Rawls doesn't talk about. Libertarian ideas, the staple of American political and social discourse, receive no attention as such in this book. To the extent that libertarianism factors in at all, Rawls dismisses it so peremptorily he practically laughs at it. Yet his oblique approach does take on its precepts, as I'll mention later.

*A Theory of Justice* takes up a problem that goes back to the Enlightenment: If rights inure to individual persons, what role can society really play in our lives? Key to this paradox, it is argued, are the concepts of the good and of the right. There can be no meaningful notion of the good independent of a concept of what's right, or just. A good society, then, cannot let its moral structure be dictated by its economic practices. The author construes justice from a Kantian standpoint and employs principles such as universalizability to make Rawls's theory one that guarantees justice at the start, as opposed to one in which justice arises contingently from later developments.

The author dials us back to the state of nature, the famous theoretical starting point of Locke and Rousseau from which a society somehow must emerge. His unique angle is that he finds the state of nature inadequate as a starting point, so he modifies it into an "original position," a point from which individuals can reason more effectively about the kind of social contract they ought to agree to. Here Rawls's distinctive concept of the veil of ignorance comes into play.

Rawls advocates an objective and rational social contract theory. His book takes aim at two alternatives, utilitarianism and perfectionism. Outside dictatorships, he says, these are the two principles that actually do drive social and government policies in the rest of the world -- hence an example of the oblique swatdown of libertarian ideas. He takes apart both theories and proposes his own, based on a notion of equal liberties. Justice entails equal liberty for each person, and this principle has priority over other concepts.

Of special note, too, is Rawls's discussion of justification. It is misguided, he argues, to justify any system on the basis of deduction or induction from starting principles. Starting principles alone will prove unable to account for a social system in its entirety. Justification for a system of social organization must come from a judgment of the system as a totality. That is, justification comes from within that system, taken as a whole. Here the critique of other ideals is less oblique, and the disagreement more contentious.

Libertarianism, this text implies, relies on principles common to many viewpoints. It's these grounding principles that come under scrutiny throughout the book. He attacks the conflation of a self with one's own self, dismissing theories that fail to reason objectively. Late in the book (by which I mean to say: You cannot get by reading just part of it) he critiques the idea of private society. He uses Kant to contrast people treated as ends with people treated as means, repudiating notions that derive the value of a human life from an individual's social function. He asks what's really meant by "deserving" something. Through Kant, too, he links natural rights with natural duties. Altruism he denies as a duty of justice: His original position is one of rational self-interest.

Rawls stresses the ideal nature of his theory, not its practical applications. The implication of his reasoning is that, rather than using ideals as the basis of some sort of revolution, whoever understands this theory will be able to apply it in small ways throughout society. It can also be applied piecemeal by people in authority within a society or government without having suddenly to rewrite the entire existing social arrangement. The ideal theory empowers people to act on practical problems rather than dream of a perfect but unattainable future utopia.

I rate this book highly and recommend it to everyone. It is a work of philosophy that is accessible to non-philosophers, giving it a great advantage over philosophical works destined to remain within the confines of academia. It is a complete work, covering every aspect of society. It is highly innovative in its conception, a thought experiment laid out by a compelling and provocative line of reasoning. It carves out a specific niche in political thought. The proposal Rawls lays out has explanatory and predictive power. The book is perfect for people who love to read about ideas; but best of all, it satisfies the need of individuals to find some way to insert themselves into today's dramatically depersonalized social structure, a system that has arisen in our world through a mixture of complex technology and simple cruelty.

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## **Joshua says**

John Rawls presents the reader with a thought experiment based on the social contract, original position, and his very own "veil of ignorance."

So this thought experiment is a hypothetical situation that is really just a very dull gambling scheme where the players must make decisions about the structure of society. The thing that's supposed to be so revolutionary is that these players aren't aware of their position in society and they don't really know anything about their own identity, except that they have an identity and that they are REALLY goddamn rational, like REALLY rational.

Rawls, for some reason, views this as an optimal environment for determining a theory of justice...a theory of justice which is amazingly consistent with the ideals of the republican nation-state. Unexamined Classical Liberalism tempered by a degraded view of distributive justice.

OK, then.

It's possible that John Rawls does more to defend his position in later works or that I did not pay heed to some of his defenses within this book. Granted, his theory does have some admirable aims, it just doesn't really hold together as a justification for anything, really.

He's such an influential figure in legal and political philosophy, that it is striking how bleak and unimaginative his philosophy is.

I am all ears for hearing defenses of his position. I know I'm being somewhat flippant in this review, but I really am interested in a serious discussion of Rawls's merits and drawbacks.

**Siv30 says**

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and later in the decade Robert Nozick who defended the (right wing) Libertarian conception of society in "Anarchy, State, and Utopia". Rawls theory of Justices is an exercise in the Lockean social contract tradition with the idea of the society and its conception of justice put together by its members by agreeing on principles which the society is to be based. The social contract. It doesn't matter that historically that no such society came about this way. It is merely to inform the reader of how a just society and our idea of justice should be centered.

The social contract for Rawls is drawn between agents who have a good general knowledge about the world but have no idea of their position or identity in a society in terms of position socially or where they are in time or space. This is called by Rawls the original position under the veil of ignorance. Such agents would design a society for maximal political freedom and a default of equality including distributional equality. Inequality is only permitted to exist if it benefits the least well off members of society. This idea of justice seems to be in keeping with the ideals and expectations of liberals in the optimism and prosperity of postwar Europe and America. Nozick who came later in the decade was a harbinger of a neoliberal order that was to come and its minimalist state and antipathy to redistribution. We are living under Nozick's regime of justice and see its fruits Maybe Nozick won the debate especially for the one percent but We always have the option to return to Rawls conception which in many ways is the better one.

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### **Nooilforpacifists says**

Although he's liberalism's pet philosopher, the important concepts in this book are completely misguided: <http://nooilforpacifists.blogspot.com...> Not understanding economics, he basises justice on a "fairness" (the famous "veil of ignorance") dis-coupled from economic reality and markets. It fails to account for progress, productivity, and the possibility of change. In the end, Rawls was neither a philosopher, nor a moralist--he was a liberal scold, who (regrettably) lives on providing aid and comfort to extreme movements such as "Occupy Wall Street" and environmental "back-to-the-Stone Age" doomsayers.

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### **Twerking To Beethoven says**

Read this while writing my Ph.D. thesis back in 1998. Time flies.

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### **Farjana Chowdhury says**

In "A Theory of Justice", John Rawls presents a conception of justice which, as he puts it, generalises and carries to a higher level of abstraction the social contract theory. So, rather than dictating the exact form of government to be applied, the persons in the Rawls' original position would, in trying to further their own interests, decide upon principles of justice to regulate the basic distributive structure of society. Concerned only with institutional justice, the theory dictates that individual distributions are just to the extent that they are made through just institutions.

Rawls' version of the social contract differs from earlier social contract theories in some regards. First, while the original position is Rawls' equivalent to the state of nature of some earlier theories, he stresses that the original position should not be seen as a historical state, but rather as a hypothetical situation in which the goal is to decide upon a conception of justice. Second, as mentioned earlier, Rawls' version carries the social contract theory to a higher level of abstraction. While most other social contract theories appeal directly to

the judgment of the reader in deciding how society is to be organized, Rawls takes the idea one step further by asking us to imagine to which conclusion people with certain defined properties would come when placed in the original position. Third, there are some restrictions to the choices made in the initial situation. For example, Rawls takes for granted that people in the original position would rather have some form of government than, say, anarchy. Finally, Rawls assumes that the parties in the original position are all looking to securing so-called primary goods which, according to Rawls, are things that every rational person wants, no matter what his or her goals are in life, including such things as liberties, opportunities and wealth.

The concept of justice as fairness comes, Rawls argues, not from the idea that justice and fairness are the same, but from the fact that agreements and conclusions are reached in a fair original position. Thus, since the original position is fair, the agreements reached in it are fair, too. Rawls further argues that since the conception of justice agreed upon in the original position is fair, it would bring us as close as we could come to a society in which people have explicitly consented to a certain conception of justice. The idea of justice as fairness is further enforced by the participants in the original position being rational, mutually disinterested, informed in certain areas and lacking knowledge in others. The lack of knowledge about advantageous or disadvantageous natural endowments and social circumstances eliminates a biased conception of justice.

To Rawls, it is important that the idea of justice as fairness contrasts that of utilitarianism. He argues that classical utilitarianism, in only looking to maximise utility regardless of how it is divided between individuals, does not take seriously the distinction between persons. He further claims that utilitarianism would not be chosen by the parties in the original position because of the possibility of an enormously disadvantageous division of utility. While this choice admittedly would be made entirely out of self-interest, it is nevertheless effective as an argument in favour of Rawls' idea of justice as fairness.

The principles of justice that the persons in the original position would decide upon are, as Rawls presents them in his book, the following:

1. First Principle: Each person is to have an equal right to the most extensive basic liberty compatible with a similar liberty for others (Liberty Principle.)

2. Second Principle: Social and economic inequalities are to be arranged so that they are both reasonably expected to be to everyone's advantage (Difference Principle,) and attached to positions and offices open to all (Principle of Fair Equality of Opportunity.)

The first and second principles form the special conception of justice while the general conception of justice is the Difference Principle applied to all social values, phrased by Rawls thus: "All social values – liberty and opportunity, income and wealth, and the bases of self-respect – are to be distributed equally unless an unequal distribution of any, or all, of these values is to everyone's advantage." Later, Rawls changes "everyone's advantage" to "the greatest benefit of the least advantaged" and "the advantage of the least favored" in the Difference Principle and the general conception of justice, respectively. This is not a change in the theory, Rawls would argue, since he holds that if the least advantaged are benefited, so will everyone else.

The general conception of justice, Rawls claims, applies to a society in which the social conditions of some restrict them from exercising their basic liberties. When that standard has been reached, the special conception of justice takes over. Within the special conception of justice, there is a lexicographical ordering of principles. The Liberty Principle is placed above the Principle of Fair Equality of Opportunity which, in turn, is placed above the Difference Principle. Only when the conditions of the Liberty Principle have been

met does the Principle of Fair Equality of Opportunity come into play, and so on.

The reason for dividing the theory into the general and special conceptions of justice, as touched upon earlier, is that unless a level of adequate social conditions is reached, people cannot make use of their basic liberties. Furthermore, Rawls claims that there is a relation between the social conditions in which we find ourselves and how greatly we value liberty. As our social conditions improve, we start to value liberty more and welfare less. When we reach a point at which we value welfare and liberty equally, we can be said to have reached a level of adequate social conditions. Rawls argues that by applying the general conception of justice, this level can hopefully be reached, prompting a switch from the general to the special conception of justice.

Arguably, there are some difficulties in the application of the two conceptions of justice on a given society. For one, it seems hard to pin down exactly where to draw the line between adequate and inadequate social conditions. While Rawls does provide some guidelines for this purpose, he does not explain in detail at which point, exactly, the switch between the conceptions would take place. Presumably, the level of adequate social conditions is not invariable. Depending on the nation in which the principles of justice are to be applied, this level must be subject to some variations. For example, if the nation is wealthy, the level of adequate social conditions is presumed to rise. Nevertheless, the idea remains vague and arguably subjective.

Another difficulty is that even though the general conception of justice dictates that all social values are to be distributed so as to make the least advantaged as well off as possible, it allows for this distribution to be unequal. This means that while the worst off might reach a level of adequate social conditions, there is a possibility of inequalities growing as a consequence, which result in higher standards of living and higher requirements on people, for example in regards to work opportunities. Indeed, as the general level of well-being rises, so does the level at which we define adequate social conditions. And so, because the level of adequate social conditions constantly changes, we are just as often forced to switch between the general conception and the special conception of justice, resulting in what Rawls would like to avoid; an unstable society.

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