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Review

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The Philosophical Review, Vol. 110, No. 3 (July 2001)

A THEORY OF JUSTICE. Revised edition. By JOHN RAWLS. Cambridge: Harvard University Press, 1999. Pp. xxii, 538.

A revised edition of John Rawls's classic work *A Theory of Justice* has recently been published in English. The revisions appeared in the first foreign translation in 1975 and Rawls has made no further revisions to the text since that date, with the exception of a second preface, written for the French edition in 1987 and modestly revised in 1990. Changes are found on approximately 130 of the book's 600 pages. Most are minor stylistic changes. About 25 percent of the changes made are to some extent substantive. They do not alter the presentation of the central arguments significantly, but they do introduce some important new ideas. Replacement of the original by the revised edition is, of course, somewhat inconvenient, since the voluminous literature on Rawls refers to the page numbers in the original edition. (The conversion table on 517–19 of the revised edition provides some remedy.) Also, the new ideas presented in the revisions are more fully developed in Rawls's later writings. Nevertheless, the emergence of several themes may deepen our understanding of his political philosophy.

First of all, the revisions emphasize that Rawls's presentation of the basic problem of justice and his arguments for the two principles are guided throughout by a moral conception of the person as free and equal. This moral conception is invoked at points in the argument that previously relied on claims about the requirements of rationality and the tendencies of human psychology. For example, Rawls previously claimed that the theory of justice as fairness was part of the theory of rational choice (47, 1st ed.). That claim has been removed. He now acknowledges that appeals to rationality and psychology are too general alone to do the work of, for instance, specifying the content of primary goods. Primary goods are no longer understood simply as goods it is rational to want because they are necessary means, whatever one's system of ends (93, 1st ed.). Rather, they are characterized as goods it is assumed persons normally need to carry out their plans of life, when we think of persons as having a definite conception of the good and fundamental interests connected with the formation and revision of that conception of the good (81, 151–53, 160, rev. ed.).¹ The share of primary goods allotted to persons serves as the basis for interpersonal comparisons of welfare on the assumption that justice requires assigning priority to the interests those goods serve. In this way, the theory of justice as fairness can avoid the difficulties of relying upon an evasive psychological measure of

¹It should be noted that this change is not made consistently. See, for example, 223, rev. ed.

satisfaction to determine which goods it is rational to want and how to compare the welfare of different persons.

Closely connected with this first theme is a second: there is a change in the formulation of the first principle of justice and the argument for its priority. The first principle was originally stated, “each person is to have an equal right to the most extensive basic liberty compatible with a similar liberty for others” (60, 1st ed.). The reformulation reads: “each person is to have an equal right to the most extensive scheme of equal basic liberties compatible with a similar scheme of liberties for others” (53, rev. ed.). As Rawls indicates in his preface to the revised edition, this change was prompted by a critical review by H. L. A. Hart in 1973.² Hart questioned whether the content of the basic liberties could be identified or the priority of their protection over the pursuit of greater material gain could be established by appeal to the rational interests of representative persons. Rational persons may disagree, he argued, over how to adjust the scheme of liberties when conflicts between liberties arise. Persons may also rationally disagree over whether compromises to the basic liberties should be allowed for the sake of promoting other values, such as increasing persons’ material wealth. Thus, in working out the proper scope of each liberty and in establishing the priority of a scheme of basic liberties, Hart observed, Rawls’s argument cannot refer simply to the rationality of securing greater overall liberty for all persons. Rather, it would seem to involve the claim that certain liberties are especially valuable. But what is the basis on which this value is established, asked Hart, if it is not provided by an account of the rational interests had by all?

We might find in Hart’s question a challenge to Rawls to propose a partial conception of the good that could serve as a basis for an overlapping consensus among persons who disagree about which aims in life are most important or where the imperatives of rationality would direct us. Rawls’s answer is that the basic liberties and their priority are essential social conditions for the adequate development and full exercise of the powers of moral personhood in what he refers to in the preface as two fundamental cases (pref. to the rev. ed., xii). A focus on these powers and the goods required to support them reveal that it is not liberty per se but rather certain basic liberties that are especially important. The content and scope of each basic liberty is justified with reference to the features of this moral conception of the person.

The first fundamental case features the moral power persons have to possess and revise a conception of the “fundamental ends by reference to which they would decide the kind of life and subordinate ends that are acceptable to them” (152, rev. ed.; see also 131–32, 160, 474–76, rev. ed.).

²H. L. A. Hart, “Rawls on Liberty and its Priority,” *University of Chicago Law Review* 40 (1974): 534–55, reprinted in *Reading Rawls*, ed. Norman Daniels (Stanford: Stanford Univ. Press, 1989), 230–52.

Rawls claims that free and equal citizens “give first priority to preserving their liberty in these matters” (131–32, rev. ed.). This requires securing such liberties as freedom of conscience and association. The second case concerns persons’ capacity to develop and exercise a sense of justice. It supports inclusion on the list of basic liberties of freedom of speech and the right to vote and to participate in public office.

While, as indicated, the first fundamental case receives notable attention in the revised edition, references to the second fundamental case are not much in evidence. The reason for this may be that for the parties to reckon fully with the significance of the interest that the persons they represent have in developing and exercising a sense of justice, it seems the motivational stipulation of mutual disinterest in the original position must be relaxed. If the parties are concerned with what enables persons to exercise a sense of justice, it must be because they care about treating one another fairly. Ensuring the fair treatment of all is something the veil of ignorance is supposed to force the parties to do. But if they already care about offering one another fair terms of social cooperation, there is less reason to postulate a veil of ignorance. The argument could instead proceed directly from the interests of free and equal persons to consideration of the principles such persons could rationally share.³ Reasoning from a desire to give one another justice is what citizens do when they exercise “public reason,” and Rawls’s discussion of that idea in his more recent work takes place largely without reference to the original position.⁴ Although the idea of public reason does not appear in the revised *A Theory of Justice*, introduction of the second fundamental case might be understood to foreshadow it.

A third theme of the revisions is that they de-emphasize what Rawls refers to as the general conception of justice and instead concentrate more fully on the serial ordering of the two principles, which maintains the priority of the basic liberties. The general conception reads: “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” (54, rev. ed.). As he tells us in the first edition, the general conception represents a generalized form of the difference principle (83, 1st ed.). In removing several references to the general conception (particularly in §§26, 46, and 82), Rawls would appear to be more cautious about the scope of the reasoning that lies behind the difference principle.

Caution about how and where the difference principle applies does not, however, reflect second thoughts about the motivation for introducing the

³The veil of ignorance may serve a heuristic device that helps the parties better to refine their sense of justice, but it is not essential to that task. Cf. Brian Barry, *Theories of Justice* (Berkeley: University of California Press, 1989), 344–45. See also Rawls’s discussion of ethical variations of the original position, 585, 1st ed.; 512, rev. ed.

⁴See “The Idea of Public Reason Revisited,” *University of Chicago Law Review* 64 (1997).

difference principle and establishing its proper domain. To the contrary, Rawls appears even more forcefully to make the case that advantages to some persons in the natural lottery are not deserved and hence that the benefits produced by the “complementarities” of the distribution of natural talents should be regulated by justice (87, rev. ed.). He says that if we reject the difference principle in favor of maximizing a weighted mean of the expectations of the two groups we are, in effect, “valuing for their own sake the gains to those already more favored by natural and social contingencies” (88, rev. ed.). He continues, more emphatically than in the first edition: “no one has an antecedent claim to be benefited in this way, and so to maximize a weighted means is, so to speak, to favor the more fortunate twice over” (88, rev. ed.). Further, in §17, Rawls establishes a cleaner break between the notion of desert and the idea of legitimate expectations within an institutional framework regulated by justice. Legitimate expectations are, he stresses, entitlements established by social institutions, and he now more boldly asserts, “the notion of desert does not apply here” (89, rev. ed.).

Finally, there is greater emphasis on the representative and nonmetaphysical nature of the elements of the original position thought experiment.⁵ Rawls is careful, for instance, to contextualize references to the mutual disinterestedness of the parties. It would be a mistake, he says, to interpret the mutual disinterestedness of the parties in the original position as a purported reflection of our attitudes toward one another or of the attitudes persons would take in a just society (128, rev. ed.). The elements of the original position are now said to “model” rather than to “express” relevant aspects of persons’ conduct and motives (129, 189, 1st ed.; 112, 165, rev. ed.). Rawls also now stresses that the principles of justice can be compared to elements of Kant’s moral philosophy by analogy and similarity only (§40).⁶ The description of the original position is no longer said to “interpret” the point of view of noumenal selves, but rather to “resemble” that point of view (255, 1st ed.; 225, rev. ed.) And as we have seen, Rawls further distances his theory from the metaphysical notion of desert.

Rawls’s thinking about justice has evolved significantly since the initial publication of *A Theory of Justice* in 1971. The important themes of political constructivism, overlapping consensus, public reason, and the idea of a political (not metaphysical) conception of justice are not developed until later. Yet their seeds in *A Theory of Justice* indicate the striking steadiness,

⁵I note that the emergence of this theme of political liberalism precedes the several communitarian criticisms set forth in the 1980s. Thanks to Norman Daniels for calling my attention to this point.

⁶At the same time, Rawls underscores the Kantian nature of his theory, adding, for instance, a comparison of reasoning behind the veil of ignorance to Kant’s categorical imperative (§24, n. 11).

consistency and organic character of his political philosophy.⁷

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EQUILIBRIUM AND RATIONALITY: GAME THEORY REVISED BY DECISION RULES. By PAUL WEIRICH. Cambridge: Cambridge University Press, 1998. Pp. xii, 235.

Like many theorists before him, Paul Weirich has set out to find the Holy Grail of classical game theory: the solution concept that identifies the uniquely rational solution to every non-cooperative game. In this book, he reports an intermediate stage in his quest. He cannot actually identify the unique solution for every game but, he believes, he has found a new concept of equilibrium that is a necessary property of that solution.

Weirich tells us that he is concerned with *ideal games*, defined as follows: “The agents in an ideal game decide rationally, have the power to anticipate each other, and have full knowledge of the payoff structure of the game and the circumstances of the agents” (29). The purpose of this idealization, he says, is to close the gap between “objective standards” of rationality and the more limited capabilities of real human agents (30). The idea, I take it, is that these objective standards are modes of correct reasoning that could be followed by a sufficiently intelligent and knowledgeable being. However, Weirich does not ask what these standards might be, or what his agents have knowledge about: that is “beyond the scope of this book” (30). The stipulation that ideal agents can anticipate one another—that they are *prescient*—is unexplained. Weirich says mysteriously: “Although I maintain that an explanation of prescience in ideal games is possible, I do not attempt to provide one” (41).

A *solution* for a game is “a profile of strategies that are rational if realized together”; an *objective* solution is a solution for an ideal game (23). That every ideal game has a solution, accessible to agents who adhere to objective standards of rationality, is a “basic intuition”: somehow, we can be confident about this, even if we have no idea what the objective standards of rationality are (20). If a game has an objective solution, that solution is necessarily unique. In a given game, only one solution is actually realized; if the game is ideal, we know that “the realization of other profiles [of strategies] is incompatible with the agents’ rationality and knowledge.” One might wonder just how the standards of objective rationality lead agents to these unique