

Lecture Notes 1 : *A Theory of Justice*: Context and Method

## The substantive-ethical context

Rawls' 1971 book sets out to break a stalemate between 'utilitarianism', 'perfectionism' and 'intuitionism':

the aim of justice as fairness is to work out an alternative conception of political justice to those found in utilitarianism, perfectionism, and intuitionism... while at the same time finding a more appropriate moral basis for the institutions of a modern democratic society (Rawls 2001, p. 97)

### Utilitarianism

Utilitarianism is a class of consequentialist theories according to which some action, rule or policy is morally required if and only if it maximizes utility.

Rawls claims that utilitarianism violates the 'separateness of persons' (see also Williams 1973). Contrast:

- (1) A causes himself some pain at  $t_1$  so that he may enjoy great pleasure at  $t_2$ .
- (2) A causes B some pain at  $t_1$  so that A may enjoy great pleasure at  $t_2$ .

Consider the trolley cases: what, if anything, does the difference between our intuitions in the standard case, and in the Fat Man case, show?

According to Rawls, a sound theory of justice must begin from an ideal of people as *free* and *equal* and work out a structure of basic institutional arrangements which never treats people as mere means, and treats them always as ends in themselves. That is what 'justice as fairness' sets out to do.

### Perfectionism

Perfectionism: the good life consists in the achievement of functioning in accordance with excellence.

Political perfectionism: the state is entitled to (coercively?) enforce particular conceptions of the good life, depending on whether they promote such excellence.

Justice as fairness aims at *neutrality* between diverse conceptions of the good life.

## The metaethical context

### Intuitionism

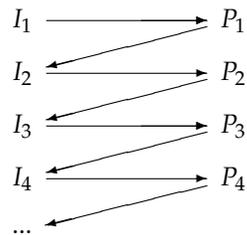
Intuitionism is a form of foundationalism (see, for example, the work of G.E. Moore and W.D. Ross). There exist certain 'basic' moral beliefs (naked suffering is bad, hurting the vulnerable is wrong, and so on) which are claimed to be *self-evident*.

Rawls is part of a current of thought in 20th century analytic philosophy (led by the philosophy of W.V.O. Quine) highly critical of foundationalist epistemology.

### The idea of reflective equilibrium

Start from an original scenario that elicits or illustrates a moral intuition. Then refine this intuition into a principle, P1. Then hit it with a putative counterexample, through another intuition-eliciting scenario. The counterexample, if successful, will generate another intuition I2 that engenders a new principle, P2...

### The intuition-principle dialectic



This procedure is, for Rawls, a 'regulative ideal', and perfect equilibrium may never be achieved.

NB: It follows from all this that reflective equilibrium stands or falls with the soundness of coherentism.

Rawls' system of justice is sometimes claimed to be metaethically 'constructivist': sound moral principles are *derived* (or 'constructed') from an appropriate decision *procedure*. Cf. Dworkin's 'paleontological' model of moral epistemology.

What is the appropriate procedure here? Rawls' *original position*, an idealized situation in which free and equal people choose the content and structure of the institutions of the just society (more on this in Lecture 2).

## Study questions

What are Rawls' objections against utilitarianism? Are they sound?  
Is Rawls a constructivist?

## Further Reading

Rawls (1971) ch. 1-2.

Williams, B. (1973), 'A Critique of Utilitarianism', in *Utilitarianism: For and Against*, CUP.