



# A THEORY OF JUSTICE

REVISED EDITION

JOHN RAWLS



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*Revised Edition*

JOHN RAWLS

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For Mard



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## PREFACE FOR THE REVISED EDITION

It gives me great pleasure to provide this preface to the revised edition of *A Theory of Justice*. Despite many criticisms of the original work, I still accept its main outlines and defend its central doctrines. Of course, I wish, as one might expect, that I had done certain things differently, and I would now make a number of important revisions. But if I were writing *A Theory of Justice* over again, I would not write, as authors sometimes say, a completely different book.

In February and March of 1975 the original English text was considerably revised for the German edition of that year. To the best of my knowledge these revisions have been included in all subsequent translations and no further ones have been added since that time. All translations have, therefore, been made from the same revised text. Since this revised text includes what I believe are significant improvements, the translated editions (provided accuracy is preserved) until now have been superior to the original. This revised edition incorporates these improvements.

Before commenting on the more important revisions and why they were made, I will comment on the conception of justice presented in *A Theory of Justice*, a conception I call “justice as fairness.” The central ideas and aims of this conception I see as those of a philosophical conception for a constitutional democracy. My hope is that justice as fairness will seem reasonable and useful, even if not fully convincing, to a wide range of thoughtful political opinions and thereby express an essential part of the common core of the democratic tradition.

The central aims and ideas of that conception I refer to in the preface to the first edition. As I explain in the second and third paragraphs of that preface, I wanted to work out a conception of justice that provides a reasonably systematic alternative to utilitarianism, which in one form or another has long dominated the Anglo-Saxon tradition of political thought. The primary reason for wanting to find such an alternative is the weakness, so I think, of utilitarian doctrine as a basis for the institutions

of constitutional democracy. In particular, I do not believe that utilitarianism can provide a satisfactory account of the basic rights and liberties of citizens as free and equal persons, a requirement of absolutely first importance for an account of democratic institutions. I used a more general and abstract rendering of the idea of the social contract by means of the idea of the original position as a way to do that. A convincing account of basic rights and liberties, and of their priority, was the first objective of justice as fairness. A second objective was to integrate that account with an understanding of democratic equality, which led to the principle of fair equality of opportunity and the difference principle.<sup>1</sup>

In the revisions I made in 1975 I removed certain weaknesses in the original edition. These I shall now try to indicate, although I am afraid much of what I say will not be intelligible without some prior knowledge of the text. Leaving this concern aside, one of the most serious weaknesses was in the account of liberty, the defects of which were pointed out by H. L. A. Hart in his critical discussion of 1973.<sup>2</sup> Beginning with §11, I made revisions to clear up several of the difficulties Hart noted. It must be said, however, that the account in the revised text, although considerably improved, is still not fully satisfactory. A better version is found in a later essay of 1982 entitled “The Basic Liberties and Their Priority.”<sup>3</sup> This essay attempts to answer what I came to regard as Hart’s most important objections. The basic rights and liberties and their priority are there said to guarantee equally for all citizens the social conditions essential for the adequate development and the full and informed exercise of their two moral powers—their capacity for a sense of justice and their capacity for a conception of the good—in what I call the two fundamental cases. Very briefly, the first fundamental case is the application of the principles of justice to the basic structure of society by the exercise of citizens’ sense of justice. The second fundamental case is the application of citizens’ powers of practical reason and thought in forming, revising, and rationally pursuing their conception of the good. The equal political liberties, including their fair value (an idea introduced in §36), and freedom of thought, liberty of conscience, and freedom of association, are to insure

1. For these two principles see §§12–14 of Chapter II. It is these two principles, and particularly the difference principle, which give justice as fairness its liberal, or social democratic, character.

2. See his “Rawls on Liberty and Its Priority,” *University of Chicago Law Review*, 40 (1973), pp. 534–555.

3. See *Tanner Lectures on Human Values* (Salt Lake City: University of Utah Press, 1982), vol. III, pp. 3–87, republished as Lecture VIII in John Rawls, *Political Liberalism* (New York: Columbia University Press, 1993).

that the exercise of the moral powers can be free, informed, and effective in these two cases. These changes in the account of liberty can, I think, fit comfortably within the framework of justice as fairness as found in the revised text.

A second serious weakness of the original edition was its account of primary goods. These were said to be things that rational persons want whatever else they want, and what these were and why was to be explained by the account of goodness in Chapter VII. Unhappily that account left it ambiguous whether something's being a primary good depends solely on the natural facts of human psychology or whether it also depends on a moral conception of the person that embodies a certain ideal. This ambiguity is to be resolved in favor of the latter: persons are to be viewed as having two moral powers (those mentioned above) and as having higher-order interests in developing and exercising those powers. Primary goods are now characterized as what persons need in their status as free and equal citizens, and as normal and fully cooperating members of society over a complete life. Interpersonal comparisons for purposes of political justice are to be made in terms of citizens' index of primary goods and these goods are seen as answering to their needs as citizens as opposed to their preferences and desires. Beginning with §15, I made revisions to convey this change of view, but these revisions fall short of the fuller statement I have given since in an essay, published in 1982, entitled "Social Unity and Primary Goods."<sup>4</sup> As with the changes in the account of the basic liberties, I think the changes required by that statement can be incorporated within the framework of the revised text.

Many other revisions were made, especially in Chapter III and again, though fewer, in Chapter IV. In Chapter III I simply tried to make the reasoning clearer and less open to misunderstanding. The revisions are too numerous to note here, but they do not, I think, depart in any important way from the view of the original edition. After Chapter IV there are few changes. I revised §44 in Chapter V on just savings, again trying to make it clearer; and I rewrote the first six paragraphs of §82 of Chapter IX to correct a serious mistake in the argument for the priority of liberty;<sup>5</sup> and there are further changes in the rest of that section. Perhaps having identified what I regard as the two important changes, those in the ac-

4. This essay appears in *Utilitarianism and Beyond*, edited by Amartya Sen and Bernard Williams (Cambridge: Cambridge University Press, 1982), pp. 159–185; also in John Rawls, *Collected Papers*, edited by Samuel Freeman (Cambridge, Mass.: Harvard University Press, 1999), chap. 17, pp. 359–387.

5. For this mistake see "Basic Liberties and Their Priority," *ibid.*, n. 83, p. 87, or *Political Liberalism*, n. 84, p. 371.

counts of the basic liberties and of primary goods, these indications suffice to convey the nature and extent of the revisions.

If I were writing *A Theory of Justice* now, there are two things I would handle differently. One concerns how to present the argument from the original position (see Chapter III) for the two principles of justice (see Chapter II). It would have been better to present it in terms of two comparisons. In the first parties would decide between the two principles of justice, taken as a unit, and the principle of (average) utility as the sole principle of justice. In the second comparison, the parties would decide between the two principles of justice and those same principles but for one important change: the principle of (average) utility is substituted for the difference principle. (The two principles after this substitution I called a mixed conception, and here it is understood that the principle of utility is to be applied subject to the constraints of the prior principles: the principle of the equal liberties and the principle of fair equality of opportunity.) Using these two comparisons has the merit of separating the arguments for the equal basic liberties and their priority from the arguments for the difference principle itself. The arguments for the equal basic liberties are at first glance much stronger, as those for the difference principle involve a more delicate balance of considerations. The primary aim of justice as fairness is achieved once it is clear that the two principles would be adopted in the first comparison, or even in a third comparison in which the mixed conception of the second comparison is adopted rather than the principle of utility. I continue to think the difference principle important and would still make the case for it, taking for granted (as in the second comparison) an institutional background that satisfies the two preceding principles. But it is better to recognize that this case is less evident and is unlikely ever to have the force of the argument for the two prior principles.

Another revision I would now make is to distinguish more sharply the idea of a **property-owning democracy** (introduced in Chapter V) from the idea of a welfare state.<sup>6</sup> These ideas are quite different, but since they both allow private property in productive assets, we may be misled into thinking them essentially the same. One major difference is that the background institutions of property-owning democracy, with its system of (workably) competitive markets, tries to disperse the ownership of wealth and capital, and thus to prevent a small part of society from

6. The term "property-owning democracy," as well as some features of the idea, I borrowed from J. E. Meade, *Efficiency, Equality, and the Ownership of Property* (London: G. Allen & Unwin, 1964); see esp. Chapter V.

controlling the economy and indirectly political life itself. Property-owning democracy avoids this, not by redistributing income to those with less at the end of each period, so to speak, but rather by ensuring the widespread ownership of productive assets and human capital (educated abilities and trained skills) at the beginning of each period; all this against a background of equal basic liberties and fair equality of opportunity. The idea is not simply to assist those who lose out through accident or misfortune (although this must be done), but instead to put all citizens in a position to manage their own affairs and to take part in social cooperation on a footing of mutual respect under appropriately equal conditions.

Note here two different conceptions of the aim of political institutions over time. In a welfare state the aim is that none should fall below a decent standard of life, and that all should receive certain protections against accident and misfortune—for example, unemployment compensation and medical care. The redistribution of income serves this purpose when, at the end of each period, those who need assistance can be identified. Such a system may allow large and inheritable inequities of wealth incompatible with the fair value of the political liberties (introduced in §36), as well as large disparities of income that violate the difference principle. While some effort is made to secure fair equality of opportunity, it is either insufficient or else ineffective given the disparities of wealth and the political influence they permit.

By contrast, in a property-owning democracy the aim is to carry out the idea of society as a fair system of cooperation over time among citizens as free and equal persons. Thus, basic institutions must from the outset put in the hands of citizens generally, and not only of a few, the productive means to be fully cooperating members of a society. The emphasis falls on the steady dispersal over time of the ownership of capital and resources by the laws of inheritance and bequest, on fair equality of opportunity secured by provisions for education and training, and the like, as well as on institutions that support the fair value of the political liberties. To see the full force of the difference principle it should be taken in the context of property-owning democracy (or of a liberal socialist regime) and not a welfare state: it is a principle of reciprocity, or mutuality, for society seen as a fair system of cooperation among free and equal citizens from one generation to the next.

The mention (a few lines back) of a liberal socialist regime prompts me to add that justice as fairness leaves open the question whether its principles are best realized by some form of property-owning democracy or by a liberal socialist regime. This question is left to be settled by

historical conditions and the traditions, institutions, and social forces of each country.<sup>7</sup> As a political conception, then, justice, as fairness includes no natural right of private property in the means of production (although it does include a right to personal property as necessary for citizens' independence and integrity), nor a natural right to worker-owned and -managed firms. It offers instead a conception of justice in the light of which, given the particular circumstances of a country, those questions can be reasonably decided.

John Rawls  
November 1990

7. See the last two paragraphs of §42, Chapter V.

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## PREFACE

In presenting a theory of justice I have tried to bring together into one coherent view the ideas expressed in the papers I have written over the past dozen years or so. All of the central topics of these essays are taken up again, usually in considerably more detail. The further questions required to round out the theory are also discussed. The exposition falls into three parts. The first part covers with much greater elaboration the same ground as “Justice as Fairness” (1958) and “Distributive Justice: Some Addenda” (1968), while the three chapters of the second part correspond respectively, but with many additions, to the topics of “Constitutional Liberty” (1963), “Distributive Justice” (1967), and “Civil Disobedience” (1966). The second chapter of the last part covers the subjects of “The Sense of Justice” (1963). Except in a few places, the other chapters of this part do not parallel the published essays. Although the main ideas are much the same, I have tried to eliminate inconsistencies and to fill out and strengthen the argument at many points.

Perhaps I can best explain my aim in this book as follows. During much of modern moral philosophy the predominant systematic theory has been some form of utilitarianism. One reason for this is that it has been espoused by a long line of brilliant writers who have built up a body of thought truly impressive in its scope and refinement. We sometimes forget that the great utilitarians, Hume and Adam Smith, Bentham and Mill, were social theorists and economists of the first rank; and the moral doctrine they worked out was framed to meet the needs of their wider interests and to fit into a comprehensive scheme. Those who criticized them often did so on a much narrower front. They pointed out the obscurities of the principle of utility and noted the apparent incongruities between many of its implications and our moral sentiments. But they failed, I believe, to construct a workable and systematic moral conception to oppose it. The outcome is that we often seem forced to choose between utilitarianism and intuitionism. Most likely we finally settle upon a vari-

ant of the utility principle circumscribed and restricted in certain ad hoc ways by intuitionistic constraints. Such a view is not irrational; and there is no assurance that we can do better. But this is no reason not to try.

What I have attempted to do is to generalize and carry to a higher order of abstraction the traditional theory of the social contract as represented by Locke, Rousseau, and Kant. In this way I hope that the theory can be developed so that it is no longer open to the more obvious objections often thought fatal to it. Moreover, this theory seems to offer an alternative systematic account of justice that is superior, or so I argue, to the dominant utilitarianism of the tradition. The theory that results is highly Kantian in nature. Indeed, I must disclaim any originality for the views I put forward. The leading ideas are classical and well known. My intention has been to organize them into a general framework by using certain simplifying devices so that their full force can be appreciated. My ambitions for the book will be completely realized if it enables one to see more clearly the chief structural features of the alternative conception of justice that is implicit in the contract tradition and points the way to its further elaboration. Of the traditional views, it is this conception, I believe, which best approximates our considered judgments of justice and constitutes the most appropriate moral basis for a democratic society.

This is a long book, not only in pages. Therefore, to make things easier for the reader, a few remarks by way of guidance. The fundamental intuitive ideas of the theory of justice are presented in §§1–4 of Chapter I. From here it is possible to go directly to the discussion of the two principles of justice for institutions in §§11–17 of Chapter II, and then to the account of the original position in Chapter III, the whole chapter. A glance at §8 on the priority problem may prove necessary if this notion is unfamiliar. Next, parts of Chapter IV, §§33–35 on equal liberty and §§39–40 on the meaning of the priority of liberty and the Kantian interpretation, give the best picture of the doctrine. So far this is about a third of the whole and comprises most of the essentials of the theory.

There is a danger, however, that without consideration of the argument of the last part, the theory of justice will be misunderstood. In particular, the following sections should be emphasized: §§66–67 of Chapter VII on moral worth and self-respect and related notions; §77 of Chapter VIII on the basis of equality; and §§78–79 on autonomy and social union, §82 on the priority of liberty, and §§85–86 on the unity of the self and congruence, all in Chapter IX. Adding these sections to the others still comes to considerably less than half the text.

The section headings, the remarks that preface each chapter, and the index will guide the reader to the contents of the book. It seems superfluous to comment on this except to say that I have avoided extensive methodological discussions. There is a brief consideration of the nature of moral theory in §9, and of justification in §4 and §87. A short digression on the meaning of “good” is found in §62. Occasionally there are methodological comments and asides, but for the most part I try to work out a substantive theory of justice. Comparisons and contrasts with other theories, and criticisms thereof now and then, especially of utilitarianism, are viewed as means to this end.

By not including most of Chapters IV–VIII in the more basic parts of the book, I do not mean to suggest that these chapters are peripheral, or merely applications. Rather, I believe that an important test of a theory of justice is how well it introduces order and system into our considered judgments over a wide range of questions. Therefore the topics of these chapters need to be taken up, and the conclusions reached modify in turn the view proposed. But in this regard the reader is more free to follow his preferences and to look at the problems which most concern him.

In writing this book I have acquired many debts in addition to those indicated in the text. Some of these I should like to acknowledge here. Three different versions of the manuscript have passed among students and colleagues, and I have benefited beyond estimation from the innumerable suggestions and criticisms that I have received. I am grateful to Allan Gibbard for his criticism of the first version (1964–1965). To meet his objections to the veil of ignorance as then presented, it seemed necessary to include a theory of the good. The notion of primary goods based on the conception discussed in Chapter VII is the result. I also owe him thanks, along with Norman Daniels, for pointing out difficulties with my account of utilitarianism as a basis for individual duties and obligations. Their objections led me to eliminate much of this topic and to simplify the treatment of this part of the theory. David Diamond objected forcefully to my discussion of equality, particularly to its failure to consider the relevance of status. I eventually included an account of self-respect as a primary good to try to deal with this and other questions, including those of society as a social union of social unions and the priority of liberty. I had profitable discussions with David Richards on the problems of political duty and obligation. Although supererogation is not a central topic of the book, I have been helped in my comments on it by Barry

Curtis and John Troyer; even so they may still object to what I say. Thanks should also go to Michael Gardner and Jane English for several corrections which I managed to make in the final text.

I have been fortunate in receiving valuable criticisms from persons who have discussed the essays in print.<sup>1</sup> I am indebted to Brian Barry, Michael Lessnoff, and R. P. Wolff for their discussions of the formulation of and the argument for the two principles of justice.<sup>2</sup> Where I have not accepted their conclusions I have had to amplify the argument to meet their objections. I hope the theory as now presented is no longer open to the difficulties they raised, nor to those urged by John Chapman.<sup>3</sup> The relation between the two principles of justice and what I call the general conception of justice is similar to that proposed by S. I. Benn.<sup>4</sup> I am grateful to him, and to Lawrence Stern and Scott Boorman, for suggestions in this direction. The substance of Norman Care's criticisms of the conception of moral theory found in the essays seems sound to me, and I have tried to develop the theory of justice so that it avoids his objections.<sup>5</sup> In doing this, I have learned from Burton Dreben, who made W. V. Quine's view clear to me and persuaded me that the notions of meaning and analyticity play no essential role in moral theory as I conceive of it. Their relevance for other philosophical questions need not be disputed here one way or the other; but I have tried to make the theory of justice

1. In the order mentioned in the first paragraph, the references for the six essays are as follows: "Justice as Fairness," *The Philosophical Review*, vol. 57 (1958); "Distributive Justice: Some Addenda," *Natural Law Forum*, vol. 13 (1968); "Constitutional Liberty and the Concept of Justice," *Nomos VI: Justice*, ed. C. J. Friedrich and John Chapman (New York, Atherton Press, 1963); "Distributive Justice," *Philosophy, Politics, and Society*, Third Series, ed. Peter Laslett and W. G. Runciman (Oxford, Basil Blackwell, 1967); "The Justification of Civil Disobedience," *Civil Disobedience*, ed. H. A. Bedau (New York, Pegasus, 1969); "The Sense of Justice," *The Philosophical Review*, vol. 62 (1963).

2. See Brian Barry, "On Social Justice," *The Oxford Review* (Trinity Term, 1967), pp. 29–52; Michael Lessnoff, "John Rawls' Theory of Justice," *Political Studies*, vol. 19 (1971), pp. 65–80; and R. P. Wolff, "A Refutation of Rawls' Theorem on Justice," *Journal of Philosophy*, vol. 63 (1966), pp. 179–190. While "Distributive Justice" (1967) was completed and sent to the publisher before Wolff's article appeared, I regret that from oversight I failed to add a reference to it in proof.

3. See John Chapman, "Justice and Fairness," in *Nomos VI: Justice*.

4. See S. I. Benn, "Egalitarianism and the Equal Consideration of Interests," *Nomos IX: Equality*, ed. J. R. Pennock and John Chapman (New York, Atherton Press, 1967), pp. 72–78.

5. See Norman Care, "Contractualism and Moral Criticism," *The Review of Metaphysics*, vol. 23 (1969), pp. 85–101. I should also like to acknowledge here the criticisms of my work by R. L. Cunningham, "Justice: Efficiency or Fairness," *The Personalist*, vol. 52 (1971); Dorothy Emmett, "Justice," *Proceedings of the Aristotelian Society*, supp. vol. (1969); Charles Frankel, "Justice and Rationality," in *Philosophy, Science, and Method*, ed. Sidney Morgenbesser, Patrick Suppes, and Morton White (New York, St. Martin's Press, 1969); and Ch. Perelman, *Justice* (New York, Random House, 1967), esp. pp. 39–51.

independent of them. Thus I have followed with some modifications the point of view of my “Outline for Ethics.”<sup>6</sup> I should also like to thank A. K. Sen for his searching discussion and criticisms of the theory of justice.<sup>7</sup> These have enabled me to improve the presentation at various places. His book will prove indispensable to philosophers who wish to study the more formal theory of social choice as economists think of it. At the same time, the philosophical problems receive careful treatment.

Many persons have volunteered written comments on the several versions of the manuscript. Gilbert Harman’s on the earliest one were fundamental and forced me to abandon a number of views and to make basic changes at many points. I received others while at the Philosophical Institute at Boulder (summer 1966), from Leonard Krimerman, Richard Lee, and Huntington Terrell; and from Terrell again later. I have tried to accommodate to these, and to the very extensive and instructive comments of Charles Fried, Robert Nozick, and J. N. Shklar, each of whom has been of great help throughout. In developing the account of the good, I have gained much from J. M. Cooper, T. M. Scanlon, and A. T. Tymoczek, and from discussions over many years with Thomas Nagel, to whom I am also indebted for clarification about the relation between the theory of justice and utilitarianism. I must also thank R. B. Brandt and Joshua Rabinowitz for their many useful ideas for improvements in the second manuscript (1967–1968), and B. J. Diggs, J. C. Harsanyi, and W. G. Runciman for illuminating correspondence.

During the writing of the third version (1969–1970), Brandt, Tracy Kendler, E. S. Phelps, and Amélie Rorty were a constant source of advice, and their criticisms were of great assistance. On this manuscript I received many valuable comments and suggestions for changes from Herbert Morris, and from Lessnoff and Nozick; these have saved me from a number of lapses and have made the book much better. I am particularly grateful to Nozick for his unfailing help and encouragement during the last stages. Regrettably I have not been able to deal with all criticisms received, and I am well aware of the faults that remain; but the measure of my debt is not the shortfall from what might be but the distance traveled from the beginnings.

The Center for Advanced Study at Stanford provided the ideal place for me to complete my work. I should like to express my deep apprecia-

6. *The Philosophical Review*, vol. 50 (1951).

7. See *Collective Choice and Social Welfare* (San Francisco, Holden-Day, 1970), esp. pp. 136–141, 156–160.

tion for its support in 1969–1970, and for that of the Guggenheim and Kendall foundations in 1964–1965. I am grateful to Anna Tower and to Margaret Griffin for helping me with the final manuscript.

Without the good will of all these good people I never could have finished this book.

John Rawls

Cambridge, Massachusetts  
August 1971

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PART ONE. THEORY



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## CHAPTER I. JUSTICE AS FAIRNESS

In this introductory chapter I sketch some of the main ideas of the theory of justice I wish to develop. The exposition is informal and intended to prepare the way for the more detailed arguments that follow. Unavoidably there is some overlap between this and later discussions. I begin by describing the role of justice in social cooperation and with a brief account of the primary subject of justice, the basic structure of society. I then present the main idea of justice as fairness, a theory of justice that generalizes and carries to a higher level of abstraction the traditional conception of the social contract. The compact of society is replaced by an initial situation that incorporates certain procedural constraints on arguments designed to lead to an original agreement on principles of justice. I also take up, for purposes of clarification and contrast, the classical utilitarian and intuitionist conceptions of justice and consider some of the differences between these views and justice as fairness. My guiding aim is to work out a theory of justice that is a viable alternative to these doctrines which have long dominated our philosophical tradition.

### 1. THE ROLE OF JUSTICE

Justice is the first virtue of social institutions, as truth is of systems of thought. A theory however elegant and economical must be rejected or revised if it is untrue; likewise laws and institutions no matter how efficient and well-arranged must be reformed or abolished if they are unjust. Each person possesses an inviolability founded on justice that even the welfare of society as a whole cannot override. For this reason justice denies that the loss of freedom for some is made right by a greater good shared by others. It does not allow that the sacrifices imposed on a few are outweighed by the larger sum of advantages enjoyed by many. Therefore in a just society the liberties of equal citizenship are taken as settled;

the rights secured by justice are not subject to political bargaining or to the calculus of social interests. The only thing that permits us to acquiesce in an erroneous theory is the lack of a better one; analogously, an injustice is tolerable only when it is necessary to avoid an even greater injustice. Being first virtues of human activities, truth and justice are uncompromising.

These propositions seem to express our intuitive conviction of the primacy of justice. No doubt they are expressed too strongly. In any event I wish to inquire whether these contentions or others similar to them are sound, and if so how they can be accounted for. To this end it is necessary to work out a theory of justice in the light of which these assertions can be interpreted and assessed. I shall begin by considering the role of the principles of justice. Let us assume, to fix ideas, that a society is a more or less self-sufficient association of persons who in their relations to one another recognize certain rules of conduct as binding and who for the most part act in accordance with them. Suppose further that these rules specify a system of cooperation designed to advance the good of those taking part in it. Then, although a society is a cooperative venture for mutual advantage, it is typically marked by a conflict as well as by an identity of interests. There is an identity of interests since social cooperation makes possible a better life for all than any would have if each were to live solely by his own efforts. There is a conflict of interests since persons are not indifferent as to how the greater benefits produced by their collaboration are distributed, for in order to pursue their ends they each prefer a larger to a lesser share. A set of principles is required for choosing among the various social arrangements which determine this division of advantages and for underwriting an agreement on the proper distributive shares. These principles are the principles of social justice: they provide a way of assigning rights and duties in the basic institutions of society and they define the appropriate distribution of the benefits and burdens of social cooperation.

Now let us say that a society is well-ordered when it is not only designed to advance the good of its members but when it is also effectively regulated by a public conception of justice. That is, it is a society in which (1) everyone accepts and knows that the others accept the same principles of justice, and (2) the basic social institutions generally satisfy and are generally known to satisfy these principles. In this case while men may put forth excessive demands on one another, they nevertheless acknowledge a common point of view from which their claims may be adjudicated. If men's inclination to self-interest makes their vigilance

against one another necessary, their public sense of justice makes their secure association together possible. Among individuals with disparate aims and purposes a shared conception of justice establishes the bonds of civic friendship; the general desire for justice limits the pursuit of other ends. One may think of a public conception of justice as constituting the fundamental charter of a well-ordered human association.

Existing societies are of course seldom well-ordered in this sense, for what is just and unjust is usually in dispute. Men disagree about which principles should define the basic terms of their association. Yet we may still say, despite this disagreement, that they each have a conception of justice. That is, they understand the need for, and they are prepared to affirm, a characteristic set of principles for assigning basic rights and duties and for determining what they take to be the proper distribution of the benefits and burdens of social cooperation. Thus it seems natural to think of the concept of justice as distinct from the various conceptions of justice and as being specified by the role which these different sets of principles, these different conceptions, have in common.<sup>1</sup> Those who hold different conceptions of justice can, then, still agree that institutions are just when no arbitrary distinctions are made between persons in the assigning of basic rights and duties and when the rules determine a proper balance between competing claims to the advantages of social life. Men can agree to this description of just institutions since the notions of an arbitrary distinction and of a proper balance, which are included in the concept of justice, are left open for each to interpret according to the principles of justice that he accepts. These principles single out which similarities and differences among persons are relevant in determining rights and duties and they specify which division of advantages is appropriate. Clearly this distinction between the concept and the various conceptions of justice settles no important questions. It simply helps to identify the role of the principles of social justice.

Some measure of agreement in conceptions of justice is, however, not the only prerequisite for a viable human community. There are other fundamental social problems, in particular those of **coordination, efficiency, and stability**. Thus the plans of individuals need to be fitted together so that their activities are compatible with one another and they can all be carried through without anyone's legitimate expectations being severely disappointed. Moreover, the execution of these plans should lead to the

1. Here I follow H. L. A. Hart, *The Concept of Law* (Oxford, The Clarendon Press, 1961), pp. 155–159.

achievement of social ends in ways that are efficient and consistent with justice. And finally, the scheme of social cooperation must be stable: it must be more or less regularly complied with and its basic rules willingly acted upon; and when infractions occur, stabilizing forces should exist that prevent further violations and tend to restore the arrangement. Now it is evident that these three problems are connected with that of justice. In the absence of a certain measure of agreement on what is just and unjust, it is clearly more difficult for individuals to coordinate their plans efficiently in order to insure that mutually beneficial arrangements are maintained. Distrust and resentment corrode the ties of civility, and suspicion and hostility tempt men to act in ways they would otherwise avoid. So while the distinctive role of conceptions of justice is to specify basic rights and duties and to determine the appropriate distributive shares, the way in which a conception does this is bound to affect the problems of efficiency, coordination, and stability. We cannot, in general, assess a conception of justice by its distributive role alone, however useful this role may be in identifying the concept of justice. We must take into account its wider connections; for even though justice has a certain priority, being the most important virtue of institutions, it is still true that, other things equal, one conception of justice is preferable to another when its broader consequences are more desirable.

## 2. THE SUBJECT OF JUSTICE

Many different kinds of things are said to be just and unjust: not only laws, institutions, and social systems, but also particular actions of many kinds, including decisions, judgments, and imputations. We also call the attitudes and dispositions of persons, and persons themselves, just and unjust. Our topic, however, is that of social justice. For us the primary subject of justice is the basic structure of society, or more exactly, the way in which the major social institutions distribute fundamental rights and duties and determine the division of advantages from social cooperation. By major institutions I understand the political constitution and the principal economic and social arrangements. Thus the legal protection of freedom of thought and liberty of conscience, competitive markets, private property in the means of production, and the monogamous family are examples of major social institutions. Taken together as one scheme, the major institutions define men's rights and duties and influence their life prospects, what they can expect to be and how well they can hope to

do. The basic structure is the primary subject of justice because its effects are so profound and present from the start. The intuitive notion here is that this structure contains various social positions and that men born into different positions have different expectations of life determined, in part, by the political system as well as by economic and social circumstances. In this way the institutions of society favor certain starting places over others. These are especially deep inequalities. Not only are they pervasive, but they affect men's initial chances in life; yet they cannot possibly be justified by an appeal to the notions of merit or desert. It is these inequalities, presumably inevitable in the basic structure of any society, to which the principles of social justice must in the first instance apply. These principles, then, regulate the choice of a political constitution and the main elements of the economic and social system. The justice of a social scheme depends essentially on how fundamental rights and duties are assigned and on the economic opportunities and social conditions in the various sectors of society.

The scope of our inquiry is limited in two ways. First of all, I am concerned with a special case of the problem of justice. I shall not consider the justice of institutions and social practices generally, nor except in passing the justice of the law of nations and of relations between states (§58). Therefore, if one supposes that the concept of justice applies whenever there is an allotment of something rationally regarded as advantageous or disadvantageous, then we are interested in only one instance of its application. There is no reason to suppose ahead of time that the principles satisfactory for the basic structure hold for all cases. These principles may not work for the rules and practices of private associations or for those of less comprehensive social groups. They may be irrelevant for the various informal conventions and customs of everyday life; they may not elucidate the justice, or perhaps better, the fairness of voluntary cooperative arrangements or procedures for making contractual agreements. The conditions for the law of nations may require different principles arrived at in a somewhat different way. I shall be satisfied if it is possible to formulate a reasonable conception of justice for the basic structure of society conceived for the time being as a closed system isolated from other societies. The significance of this special case is obvious and needs no explanation. It is natural to conjecture that once we have a sound theory for this case, the remaining problems of justice will prove more tractable in the light of it. With suitable modifications such a theory should provide the key for some of these other questions.

The other limitation on our discussion is that for the most part I

examine the principles of justice that would regulate a well-ordered society. Everyone is presumed to act justly and to do his part in upholding just institutions. Though justice may be, as Hume remarked, the cautious, jealous virtue, we can still ask what a perfectly just society would be like.<sup>2</sup> Thus I consider primarily what I call strict compliance as opposed to partial compliance theory (§§25, 39). The latter studies the principles that govern how we are to deal with injustice. It comprises such topics as the theory of punishment, the doctrine of just war, and the justification of the various ways of opposing unjust regimes, ranging from civil disobedience and conscientious objection to militant resistance and revolution. Also included here are questions of compensatory justice and of weighing one form of institutional injustice against another. Obviously the problems of partial compliance theory are the pressing and urgent matters. These are the things that we are faced with in everyday life. The reason for beginning with ideal theory is that it provides, I believe, the only basis for the systematic grasp of these more pressing problems. The discussion of civil disobedience, for example, depends upon it (§§55–59). At least, I shall assume that a deeper understanding can be gained in no other way, and that the nature and aims of a perfectly just society is the fundamental part of the theory of justice.

Now admittedly the concept of the basic structure is somewhat vague. It is not always clear which institutions or features thereof should be included. But it would be premature to worry about this matter here. I shall proceed by discussing principles which do apply to what is certainly a part of the basic structure as intuitively understood; I shall then try to extend the application of these principles so that they cover what would appear to be the main elements of this structure. Perhaps these principles will turn out to be perfectly general, although this is unlikely. It is sufficient that they apply to the most important cases of social justice. The point to keep in mind is that a conception of justice for the basic structure is worth having for its own sake. It should not be dismissed because its principles are not everywhere satisfactory.

A conception of social justice, then, is to be regarded as providing in the first instance a standard whereby the distributive aspects of the basic structure of society are to be assessed. This standard, however, is not to be confused with the principles defining the other virtues, for the basic structure, and social arrangements generally, may be efficient or ineffi-

2. *An Enquiry Concerning the Principles of Morals*, sec. III, pt. I, par. 3, ed. L. A. Selby-Bigge, 2nd edition (Oxford, 1902), p. 184.

cient, liberal or illiberal, and many other things, as well as just or unjust. A complete conception defining principles for all the virtues of the basic structure, together with their respective weights when they conflict, is more than a conception of justice; it is a social ideal. The principles of justice are but a part, although perhaps the most important part, of such a conception. A social ideal in turn is connected with a conception of society, a vision of the way in which the aims and purposes of social cooperation are to be understood. The various conceptions of justice are the outgrowth of different notions of society against the background of opposing views of the natural necessities and opportunities of human life. Fully to understand a conception of justice we must make explicit the conception of social cooperation from which it derives. But in doing this we should not lose sight of the special role of the principles of justice or of the primary subject to which they apply.

In these preliminary remarks I have distinguished the concept of justice as meaning a proper balance between competing claims from a conception of justice as a set of related principles for identifying the relevant considerations which determine this balance. I have also characterized justice as but one part of a social ideal, although the theory I shall propose no doubt extends its everyday sense. This theory is not offered as a description of ordinary meanings but as an account of certain distributive principles for the basic structure of society. I assume that any reasonably complete ethical theory must include principles for this fundamental problem and that these principles, whatever they are, constitute its doctrine of justice. The concept of justice I take to be defined, then, by the role of its principles in assigning rights and duties and in defining the appropriate division of social advantages. A conception of justice is an interpretation of this role.

Now this approach may not seem to tally with tradition. I believe, though, that it does. The more specific sense that Aristotle gives to justice, and from which the most familiar formulations derive, is that of refraining from *pleonexia*, that is, from gaining some advantage for oneself by seizing what belongs to another, his property, his reward, his office, and the like, or by denying a person that which is due to him, the fulfillment of a promise, the repayment of a debt, the showing of proper respect, and so on.<sup>3</sup> It is evident that this definition is framed to apply to actions, and

3. *Nicomachean Ethics*, 1129b–1130b5. I have followed the interpretation of Gregory Vlastos, "Justice and Happiness in *The Republic*," in *Plato: A Collection of Critical Essays*, edited by Vlastos (Garden City, N.Y., Doubleday and Company, 1971), vol. 2, pp. 70f. For a discussion of Aristotle on justice, see W. F. R. Hardie, *Aristotle's Ethical Theory* (Oxford, The Clarendon Press, 1968), ch. X.

persons are thought to be just insofar as they have, as one of the permanent elements of their character, a steady and effective desire to act justly. Aristotle's definition clearly presupposes, however, an account of what properly belongs to a person and of what is due to him. Now such entitlements are, I believe, very often derived from social institutions and the legitimate expectations to which they give rise. There is no reason to think that Aristotle would disagree with this, and certainly he has a conception of social justice to account for these claims. The definition I adopt is designed to apply directly to the most important case, the justice of the basic structure. There is no conflict with the traditional notion.

### 3. THE MAIN IDEA OF THE THEORY OF JUSTICE

My 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.<sup>4</sup> In order to do this we are not to think of the original contract as one to enter a particular society or to set up a particular form of government. Rather, the guiding idea is that the principles of justice for the basic structure of society are the object of the original agreement. They **are the principles that free and rational persons concerned to further their own interests would accept in an initial position of equality as defining the fundamental terms of their association.** These principles are to regulate all further agreements; they specify the kinds of social cooperation that can be entered into and the forms of government that can be established. This way of regarding the principles of justice I shall call **justice as fairness.**

Thus we are to imagine that those who engage in social cooperation choose together, in one joint act, the principles which are to assign basic rights and duties and to determine the division of social benefits. Men are to decide in advance how they are to regulate their claims against one another and what is to be the foundation charter of their society. Just as each person must decide by rational reflection what constitutes his good,

4. As the text suggests, I shall regard Locke's *Second Treatise of Government*, Rousseau's *The Social Contract*, and Kant's ethical works beginning with *The Foundations of the Metaphysics of Morals* as definitive of the contract tradition. For all of its greatness, Hobbes's *Leviathan* raises special problems. A general historical survey is provided by J. W. Gough, *The Social Contract*, 2nd ed. (Oxford, The Clarendon Press, 1957), and Otto Gierke, *Natural Law and the Theory of Society*, trans. with an introduction by Ernest Barker (Cambridge, The University Press, 1934). A presentation of the contract view as primarily an ethical theory is to be found in G. R. Grice, *The Grounds of Moral Judgment* (Cambridge, The University Press, 1967). See also §19, note 30.

that is, the system of ends which it is rational for him to pursue, so a group of persons must decide once and for all what is to count among them as just and unjust. The choice which rational men would make in this hypothetical situation of equal liberty, assuming for the present that this choice problem has a solution, determines the principles of justice.

In justice as fairness the original position of equality corresponds to the state of nature in the traditional theory of the social contract. This original position is not, of course, thought of as an actual historical state of affairs, much less as a primitive condition of culture. It is understood as a purely hypothetical situation characterized so as to lead to a certain conception of justice.<sup>5</sup> Among the essential features of this situation is that no one knows his place in society, his class position or social status, nor does any one know his fortune in the distribution of natural assets and abilities, his intelligence, strength, and the like. I shall even assume that the parties do not know their conceptions of the good or their special psychological propensities. The principles of justice are chosen behind a veil of ignorance. 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. Since all are similarly situated and no one is able to design principles to favor his particular condition, the principles of justice are the result of a fair agreement or bargain. For given the circumstances of the original position, the symmetry of everyone's relations to each other, this initial situation is fair between individuals as moral persons, that is, as rational beings with their own ends and capable, I shall assume, of a sense of justice. The original position is, one might say, the appropriate initial status quo, and thus the fundamental agreements reached in it are fair. This explains the propriety of the name "justice as fairness": it conveys the idea that the principles of justice are agreed to in an initial situation that is fair. The name does not mean that the concepts of justice and fairness are the same, any more than the phrase "poetry as metaphor" means that the concepts of poetry and metaphor are the same.

Justice as fairness begins, as I have said, with one of the most general of all choices which persons might make together, namely, with the

5. Kant is clear that the original agreement is hypothetical. See *The Metaphysics of Morals*, pt. I (*Rechtslehre*), especially §§47, 52; and pt. II of the essay "Concerning the Common Saying: This May Be True in Theory but It Does Not Apply in Practice," in *Kant's Political Writings*, ed. Hans Reiss and trans. by H. B. Nisbet (Cambridge, The University Press, 1970), pp. 73–87. See Georges Vlachos, *La Pensée politique de Kant* (Paris, Presses Universitaires de France, 1962), pp. 326–335; and J. G. Murphy, *Kant: The Philosophy of Right* (London, Macmillan, 1970), pp. 109–112, 133–136, for a further discussion.

choice of the first principles of a conception of justice which is to regulate all subsequent criticism and reform of institutions. Then, having chosen a conception of justice, we can suppose that they are to choose a constitution and a legislature to enact laws, and so on, all in accordance with the principles of justice initially agreed upon. Our social situation is just if it is such that by this sequence of hypothetical agreements we would have contracted into the general system of rules which defines it. Moreover, assuming that the original position does determine a set of principles (that is, that a particular conception of justice would be chosen), it will then be true that whenever social institutions satisfy these principles those engaged in them can say to one another that they are cooperating on terms to which they would agree if they were free and equal persons whose relations with respect to one another were fair. They could all view their arrangements as meeting the stipulations which they would acknowledge in an initial situation that embodies widely accepted and reasonable constraints on the choice of principles. The general recognition of this fact would provide the basis for a public acceptance of the corresponding principles of justice. No society can, of course, be a scheme of cooperation which men enter voluntarily in a literal sense; each person finds himself placed at birth in some particular position in some particular society, and the nature of this position materially affects his life prospects. Yet a society satisfying the principles of justice as fairness comes as close as a society can to being a voluntary scheme, for it meets the principles which free and equal persons would assent to under circumstances that are fair. In this sense its members are autonomous and the obligations they recognize self-imposed.

One feature of justice as fairness is to think of the parties in the initial situation as rational and mutually disinterested. This does not mean that the parties are egoists, that is, individuals with only certain kinds of interests, say in wealth, prestige, and domination. But they are conceived as not taking an interest in one another's interests. They are to presume that even their spiritual aims may be opposed, in the way that the aims of those of different religions may be opposed. Moreover, the concept of rationality must be interpreted as far as possible in the narrow sense, standard in economic theory, of taking the most effective means to given ends. I shall modify this concept to some extent, as explained later (§25), but one must try to avoid introducing into it any controversial ethical elements. The initial situation must be characterized by stipulations that are widely accepted.

In working out the conception of justice as fairness one main task

clearly is to determine which principles of justice would be chosen in the original position. To do this we must describe this situation in some detail and formulate with care the problem of choice which it presents. These matters I shall take up in the immediately succeeding chapters. It may be observed, however, that once the principles of justice are thought of as arising from an original agreement in a situation of equality, it is an open question whether the principle of utility would be acknowledged. Off-hand it hardly seems likely that persons who view themselves as equals, entitled to press their claims upon one another, would agree to a principle which may require lesser life prospects for some simply for the sake of a greater sum of advantages enjoyed by others. Since each desires to protect his interests, his capacity to advance his conception of the good, no one has a reason to acquiesce in an enduring loss for himself in order to bring about a greater net balance of satisfaction. In the absence of strong and lasting benevolent impulses, a rational man would not accept a basic structure merely because it maximized the algebraic sum of advantages irrespective of its permanent effects on his own basic rights and interests. Thus it seems that the principle of utility is incompatible with the conception of social cooperation among equals for mutual advantage. It appears to be inconsistent with the idea of reciprocity implicit in the notion of a well-ordered society. Or, at any rate, so I shall argue.

I shall maintain instead that the persons in the initial situation would choose two rather different principles: the first requires equality in the assignment of basic rights and duties, while the second holds that social and economic inequalities, for example inequalities of wealth and authority, are just only if they result in compensating benefits for everyone, and in particular for the least advantaged members of society. These principles rule out justifying institutions on the grounds that the hardships of some are offset by a greater good in the aggregate. It may be expedient but it is not just that some should have less in order that others may prosper. But there is no injustice in the greater benefits earned by a few provided that the situation of persons not so fortunate is thereby improved. The intuitive idea is that since everyone's well-being depends upon a scheme of cooperation without which no one could have a satisfactory life, the division of advantages should be such as to draw forth the willing cooperation of everyone taking part in it, including those less well situated. The two principles mentioned seem to be a fair basis on which those better endowed, or more fortunate in their social position, neither of which we can be said to deserve, could expect the willing cooperation of others when some workable scheme is a necessary condition of the wel-

fare of all.<sup>6</sup> Once we decide to look for a conception of justice that prevents the use of the accidents of natural endowment and the contingencies of social circumstance as counters in a quest for political and economic advantage, we are led to these principles. They express the result of leaving aside those aspects of the social world that seem arbitrary from a moral point of view.

The problem of the choice of principles, however, is extremely difficult. I do not expect the answer I shall suggest to be convincing to everyone. It is, therefore, worth noting from the outset that justice as fairness, like other contract views, consists of two parts: (1) an interpretation of the initial situation and of the problem of choice posed there, and (2) a set of principles which, it is argued, would be agreed to. One may accept the first part of the theory (or some variant thereof), but not the other, and conversely. The concept of the initial contractual situation may seem reasonable although the particular principles proposed are rejected. To be sure, I want to maintain that the most appropriate conception of this situation does lead to principles of justice contrary to utilitarianism and perfectionism, and therefore that the contract doctrine provides an alternative to these views. Still, one may dispute this contention even though one grants that the contractarian method is a useful way of studying ethical theories and of setting forth their underlying assumptions.

Justice as fairness is an example of what I have called a contract theory. Now there may be an objection to the term “contract” and related expressions, but I think it will serve reasonably well. Many words have misleading connotations which at first are likely to confuse. The terms “utility” and “utilitarianism” are surely no exception. They too have unfortunate suggestions which hostile critics have been willing to exploit; yet they are clear enough for those prepared to study utilitarian doctrine. The same should be true of the term “contract” applied to moral theories. As I have mentioned, to understand it one has to keep in mind that it implies a certain level of abstraction. In particular, the content of the relevant agreement is not to enter a given society or to adopt a given form of government, but to accept certain moral principles. Moreover, the undertakings referred to are purely hypothetical: a contract view holds that certain principles would be accepted in a well-defined initial situation.

The merit of the contract terminology is that it conveys the idea that principles of justice may be conceived as principles that would be chosen by rational persons, and that in this way conceptions of justice may be

6. For the formulation of this intuitive idea I am indebted to Allan Gibbard.

explained and justified. The theory of justice is a part, perhaps the most significant part, of the theory of rational choice. Furthermore, principles of justice deal with conflicting claims upon the advantages won by social cooperation; they apply to the relations among several persons or groups. The word "contract" suggests this plurality as well as the condition that the appropriate division of advantages must be in accordance with principles acceptable to all parties. The condition of publicity for principles of justice is also connoted by the contract phraseology. Thus, if these principles are the outcome of an agreement, citizens have a knowledge of the principles that others follow. It is characteristic of contract theories to stress the public nature of political principles. Finally there is the long tradition of the contract doctrine. Expressing the tie with this line of thought helps to define ideas and accords with natural piety. There are then several advantages in the use of the term "contract." With due precautions taken, it should not be misleading.

A final remark. Justice as fairness is not a complete contract theory. For it is clear that the contractarian idea can be extended to the choice of more or less an entire ethical system, that is, to a system including principles for all the virtues and not only for justice. Now for the most part I shall consider only principles of justice and others closely related to them; I make no attempt to discuss the virtues in a systematic way. Obviously if justice as fairness succeeds reasonably well, a next step would be to study the more general view suggested by the name "rightness as fairness." But even this wider theory fails to embrace all moral relationships, since it would seem to include only our relations with other persons and to leave out of account how we are to conduct ourselves toward animals and the rest of nature. I do not contend that the contract notion offers a way to approach these questions which are certainly of the first importance; and I shall have to put them aside. We must recognize the limited scope of justice as fairness and of the general type of view that it exemplifies. How far its conclusions must be revised once these other matters are understood cannot be decided in advance.

#### 4. THE ORIGINAL POSITION AND JUSTIFICATION

I have said that the original position is the appropriate initial status quo which insures that the fundamental agreements reached in it are fair. This fact yields the name "justice as fairness." It is clear, then, that I want to say that one conception of justice is more reasonable than another, or