14 John Rawls and the “Veil of Ignorance”

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John Rawls’s Veil of Ignorance is probably one of the most influential philosophical ideas of the 20th century. The Veil of Ignorance is a way of working out the basic institutions and structures of a just society. According to Rawls, working out what justice requires demands that we think as if we are building society from the ground up, in a way that everyone who is reasonable can accept. We therefore need to imagine ourselves in a situation before any particular society exists; Rawls calls this situation the Original Position. To be clear, Rawls does not think we can actually return to this original position, or even that it ever existed. It is a purely hypothetical idea: our job in thinking about justice is to imagine that we are designing a society from scratch. The idea is that social justice will be whatever reasonable people would agree to in such a situation. We can then start thinking about how to make our actual society look more like the ideal picture we have imagined.

Of course, if we were designing a society in the Original Position, people might try to ensure that it works in their favour. The process is thus vulnerable to biases, disagreements, and the potential for majority groups ganging up on minority groups. Rawls’s solution to this problem comes in two parts. Firstly, he makes some assumptions about the people designing their own society. People in the Original Position are assumed to be free and equal, and to have certain motivations: they want to do well for themselves, but they are prepared to adhere to reasonable terms of cooperation, so long as others do too. Rawls also simplifies his discussion by imagining that people in the Original Position do not have total freedom to design society as they see fit. Rather, they must choose from a menu of views taken from traditional Western philosophy on what justice involves. Benefit could translate into a set of arrangements that were fair for everyone, assuming that they had to stick to those
choices once the Veil of Ignorance ‘lifts’, and they are given full information again. society is organised. Finally, the Veil hides facts about your “view of the good”: your values, preferences about how your own life should go, and specific moral and political beliefs. Rawls was a political liberal. That meant, among other things, that he thought the state should be neutral between different views about value. So, Rawls isn’t afraid to make several significant assumptions about the people involved in making decisions behind the Veil. Some of his assumptions aim to turn the conflicts that arise between self-interested people into a fair decision procedure. As we’ll see, however, others might be more fairly criticised as unreasonably narrowing the possible outcomes that people can reach behind the Veil.

I will outline Rawls’s justification for the Veil of Ignorance, raise some potential challenges for the conclusions he thinks people will reach from behind it, and lastly consider three criticisms of the Veil of Ignorance as a theoretical device. While these criticisms differ in their substance, they are united by a common feature: their scepticism of the way the Veil abstracts from real life in order to reach conclusions about justice. I'll conclude that these criticisms have merit; the Veil of Ignorance, considered by itself, does lead us to ignore the real world too much. However, I'll suggest that, at least in their strongest versions, these criticisms miss an important benefit of the Veil: quite simply, the fact that our own personal concerns and values can bias our thinking about justice, and that we can make important progress by considering things from different points of view.

Section 2: The principles of justice

Imagine that you find yourself behind the Veil of Ignorance. You might want to make sure that your life will go well. If you had to design a good life for yourself, you’d go for the specific things you care about. But behind the Veil you don’t know those specifics; you only know things that generally make people’s lives go well. Rawls calls these ‘Primary Goods’. They include things like money and other resources; basic rights and freedoms; and finally, the “social bases of self-respect”: the things you need to feel like an equal member of society.

In Rawls’s view, a central challenge behind the Veil is the lack of probabilities available. If you knew that your society was 90% Catholic, you could set things up so that the rewards associated with being Catholic were much higher. That would be personally rational, since you are very likely to end up in the better off group. The Veil prevents this type of reasoning because it hides the information. In the complete absence of probabilities, Rawls thinks you should play it safe and maximise the minimum you could get (a policy he calls Maximin). Translated into a society, that means that we should ensure that the worst-off people in society do as well as possible.

Rawls suggests two principles will emerge from discussion behind the Veil:

First Principle: Each person has the same indefeasible claim to a fully adequate scheme of equal basic liberties, compatible with the same liberties for all;

Second Principle: Social and economic inequalities must be:

1. Attached to offices and positions open to all under fair equality of opportunity;
2. To the greatest benefit of the least-advantaged members of society (the difference principle).

Rawls opts for equality of basic liberties in the First Principle because he thinks this is essential for seeing yourself as a moral equal in society. For other Primary Goods, though, equality is less important. By allowing some inequality, we could make life better for everyone. If we attach higher salaries to certain jobs, they may attract the hardest working people, producing greater economic benefits for everyone. The two parts of Rawls’s second principle of justice set limits
on when inequalities are allowed. Fair equality of opportunity says that positions which bring unequal payoffs must be open to people of equal talents and equal willingness to use them on an equal basis. If two people are just as capable of doing a job, and just as hardworking and willing to apply themselves, neither should have a greater chance of securing the position because they are wealthier, or because of their race or religion. Of course, we might wonder (and Rawls does not give a clear answer about this) when we are supposed to judge whether two people are equally hardworking and talented. The talents you choose to develop, and the amount of effort you put in, are heavily affected by education; so it might seem unfair to judge people if they have had very different educational experiences. Rawls’s argument therefore seems to support ensuring broad equality of education, encouraging people to find and develop their talents to the fullest, even if this isn’t a conclusion he explicitly draws.

Finally, the Difference Principle sets a further restriction on inequalities. Even if a particular inequality does not affect equality of opportunities, the Difference Principle tells us that it must be beneficial for the very worst off. For instance, it might be that by allowing inequalities, we motivate people to work harder, generating more Primary Goods overall. If these then benefit the worst off in society, making them better off than they would have been in a more equal distribution, the Difference Principle will allow that inequality.

Section 3: Criticisms

As with any influential philosopher, Rawls has been the subject of much criticism and disagreement. In this final section, we consider three objections to Rawls’s reasoning around the Veil of Ignorance.

3.1 Ownership and rights

We have already noted that Rawls explicitly makes several assumptions that shape the nature of the discussion behind the Veil of Ignorance, and the outcomes that are likely to come out of it. However, one might challenge Rawls by disputing the fairness or intuitiveness of one or more of his assumptions. that looks fair; but Nozick argues that we also need to look at the history of how various goods came to be owned. In some cases, we find that the person who owns those goods worked for them. In other cases, the individual will have inherited those goods, but they will have come from an ancestor who worked for them. In both cases, we cannot simply redistribute these goods to fit our pattern, because people have rights. someone else cannot be the basis for government forcibly taking your money. One possible basis for this is the idea of 'self-ownership'. Nozick thinks we will all agree that it would be wrong to force you to work if you didn’t want to. The reason for this is that your body is owned by you and nobody else. That principle extends, Nozick says, to what you do with your body: your labour. If you make something, or work for money, that thing is yours and nobody else’s. Just as the state has no right to force you to do things with your body that you don’t want to do, it also has no right to force you to do things with your other property, like giving it away to the less fortunate. That might be a nice thing to do, but it isn’t something others can force you to do.

One problem with this argument, to which Rawls might appeal, is that my ability to work (and therefore gain property) depends on many other things: my education, my health that was guaranteed by a public health system, a stable society that affords me opportunities for employment, or for employing others. So it’s not quite true that everything I produce comes from me alone.

3.2 Identity and ‘Neutrality’

A second criticism also concerns the fact that, behind the Veil, various facts are hidden from you. Rather than worrying about the substantive conclusions Rawls reaches, as Nozick does, this criticism worries about the very coherence of reasoned discussion behind the Veil of Ignorance.
Rawls’s Veil of Ignorance is an example of a theory of justice that has universal aspirations. Since one of the facts that is hidden by the veil is the nature of the society you live in, we may assume that the resulting principles are supposed to be applicable in all societies, though this is a view that Rawls attempted to reject in later work. In addition, people behind the Veil are supposed to come up with a view of how society should be structured while knowing almost nothing about themselves, and their lives.

One broad group who criticise these ideas are the so-called ‘communitarian’ philosophers, which includes Charles Taylor, Michael Walzer and Alasdair MacIntyre. While their views differ, they tend to agree that what justice requires cannot be decided abstractly, but must instead be informed by local considerations and culture. Communitarians also suggest that Rawls’s conception of the individuals behind the Veil of Ignorance is problematic because they have so few defining features. Even if Rawls is right that people behind the Veil would agree on his two principles, communitarians think that the hypothetical agreement ignores much that is important. Engagement in shaping our own lives, communitarians want to remind us that our lives are unavoidably shaped by existing attachments that we do not choose. For instance, if you are born into a particular religious community, you can of course still renounce that religion. But your life will still be shaped by the fact that you are a member, or former member, of that community. It is worth noting, though, that this accusation is somewhat unfair on Rawls. While it is true that individuals behind the Veil do not know about their defining features, Rawls does not think that real people are like this. His interest is in trying to formulate a neutral way to decide between competing groups.

Certainly, it is a plausible worry that what justice requires may depend in part on the values of the society in question. As a liberal, Rawls is particularly worried about protecting individuals whose preferred lives go against the grain of the society in which they find themselves. Communitarians will object that the Veil of Ignorance goes beyond this protection, and rules out the possibility of different ideas of justice, informed by local values. Perhaps we should acknowledge that people behind the Veil of Ignorance would recognise the possibility that their society will turn out to be strongly attached to a particular set of values. A rational person behind the Veil might want to try to find a way to give a special place to such values, while protecting dissenters.

3.3 Ideal justice?

Our final challenge also concerns the real-world applicability of Rawls’s principles. In brief, the claim from scholars of race and of gender is that Rawls’s abstract Veil of Ignorance ends up ignoring much that is relevant to justice.

The central criticism we consider here concerns the motivation of Rawls’s overall project. Rawls’s aim is to outline a theory of ‘ideal’ justice, or what a perfectly just society would look like. This ignores, purposefully, the many injustices that have happened and continue to happen, including the fact that most societies continue to exhibit racism, sexism and other forms of discrimination. As critics argue, we then get at best an incomplete theory, which does not tell us how to fix existing injustice or, as it is sometimes called, ‘non-ideal’ justice (an issue that Rawls himself describes as a “pressing and urgent matter”). For instance, people disagree about the idea of ‘reparations’ for racial slavery that shaped the United States. Yet because this is an issue of non-ideal justice (how should we respond to the fact that the United States and many of its citizens failed to comply with the basic requirements of justice?), the idealisation of the Veil of Ignorance seems to give us no way to determine this important question.

This maps onto a more general question in political philosophy: if a theory of justice does not tell us how to act in our actual societies, does it have any value? While some argue that Rawls’s work can be used to draw concrete
conclusions about issues such as racial profiling and affirmative action, critics who reject this view may also argue that a theory of justice that is concerned only with the ideal ignores the most pressing issues of the day. In Rawls's case, we may wonder whether we can accommodate such concerns by making small changes to his assumptions, or whether more radical changes (or even abandonment of the theory) are required.

Conclusion

The three criticisms outlined above all take issue, in different ways, with Rawls's *idealisation* away from the real world. Much of the value of Rawls's work will depend on whether it is useful to construct ideal views of justice before, or at the same time as, thinking about the messier real world. Even a pessimistic conclusion on this issue, though, should recognise the following insight from Rawls: that what seems just or fair or right to any person is influenced not just by our background but by our own selfish interests. Even if the details face problems, Rawls's Veil of Ignorance shows us that it can be valuable to imagine things from opposing points of view. While the criticisms from communitarians, scholars of race, and feminist scholars demonstrate the importance of considering the concrete features of our societies and lives, the basic idea of abstracting away from potential biases is an important one.

For Review and Discussion

1. The Difference Principle only allows inequalities if they benefit the worst off in society. Is this practical? Is it what people would agree to behind the Veil of Ignorance?

2. ‘The Veil of Ignorance hides information that makes us who we are. Behind the Veil, we are not individuals, and so any decision we reach is meaningless.’ Do you agree? Why/why not?

3. Since our talents and inclinations depend on what happens to us even before we are born, can we make sense of the idea of Rawls’s idea of ‘fair equality of opportunity’?