

Discussion Guide, Advanced

Episode 7

What is justice? According to the philosopher John Rawls, principles of justice are the outcome of a special kind of agreement. They are the principles that we would all agree to if we were choosing rules for our society and no one had any unfair bargaining power.

But how can we ensure that no one has any unfair bargaining power? Rawls's answer is that we have to limit our knowledge. So he imagines that we all find ourselves behind a "veil of ignorance." Behind this veil, you do not know anything about yourself. You do not know your sex, your race, or the social class you belong to. You do not know how strong or weak you are, how stupid or intelligent, or whether you are disabled. You do not even know what your goals in life are, or whether you practice a religion.

In this situation of ignorance, it's not possible for anyone to propose social rules designed to benefit himself or herself over other people. And so, Rawls thinks, whatever social rules we would agree to in this situation would be fair and just.

Is this the right way to think about principles of justice?

A fair contract

Rawls thinks that we can understand what justice is by considering the idea of a fair agreement. According to Rawls, an agreement is not necessarily *fair* even if it

is voluntary. In order to be fair, an agreement must also be made against a background of equality. It is unfair if one of the contracting parties is able to take advantage of the other party because he is stronger, richer, better informed or simply more powerful.

Is Rawls right about what counts as a fair agreement?

1.

If an agreement was entered into voluntarily, is that enough to ensure that the terms agreed to are fair?

2.

Suppose you have a leaky toilet, and a plumber tells you that it will cost \$2000 to repair. You agree to this price, not knowing that the usual price for the same type of repair is \$200. Is the contract between you and the plumber voluntary? Is the contract fair?

3.

Suppose a man comes to your door and asks you to buy a newspaper subscription at a discounted price. You do not particularly like the newspaper he's selling, but you have heard from your neighbors that the man will make a habit of stealing your mail out of spite if you refuse to buy a subscription. Reluctantly, you agree to buy a subscription, at a discounted price. Is the contract voluntary? Is it fair?

4.

Imagine that you are shipwrecked at sea, floating in the open ocean with no hope of rescue. A pirate ship comes upon you and the captain offers to fish you out of the water—but only if you agree to be the ship's cabin boy forever. The captain does not exert any other pressure. He simply makes his offer and says, politely, "Take or leave it."

If you agree to the captain's offer, are you morally bound to remain the ship's cabin boy forever? Would it be morally wrong for you to try to escape from your bondage when the ship reaches the next port? Why or why not?

1.

Imagine that you are poor and cannot find work due to an economic recession. One day a new employer comes to town and offers you a job in his factory for a wage of 50 cents per hour. The employer exerts no pressure. He simply makes his offer and says, politely, "Take it or leave it." You accept the offer, not without gratitude, because you have no reasonable alternative. Is the contract between you and your new employer voluntary? Is the contract fair?

Justice, impartiality, and ignorance

According to Rawls, justice is the outcome of a fair contract. However, for Rawls a contract is guaranteed to be fair only if the contracting parties are not able to take advantage of each other. Rawls therefore proposes that the principles of justice are the outcome of a special, hypothetical contract, concluded between behind a "veil of ignorance," where no one knows any of his personal qualities, strengths, or weaknesses.

Is the right way to think about principles of justice?

1.

Should we abstract from our personal qualities, strengths, and aspirations in choosing principles of justice to govern our society?

2.

Do you agree that no one should be able to propose a rule that benefits white

men, just because he's a white man—or to propose a rule that benefits aristocrats, just because he's an aristocrat?

3.

Do you think that you should be able to make reference to your religious beliefs, or your life goals, when proposing rules for society? Is it even possible to make such an important decision without knowing who you are and what goals and beliefs you have?

4.

You often have to think about what would be fair, and how to treat people justly. In thinking about justice in everyday life, do you try to make yourself color-blind, sex-blind, race-blind, intelligence-blind, and treat people with equal consideration? Or do you think that treating people fairly is compatible with showing greater concern for some people than for others? Does fairness require you to be blind to the differences between people?

5.

Would your answer to the previous question be different if you were a public official? Is it fair for a teacher to privilege her favorite student? Is it fair for a police officer to treat people differently because of the color of their skin, or because of their religion? Is it fair to judge some people more leniently than other people just because you like them more, or because you know them better?

6.

As a matter of justice, should *laws* always be blind to the differences between people?