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### **Good Books**

John Rawls: *A Theory of Justice*

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‘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... Being first virtues of human activities, truth and justice are uncompromising.’

I cannot date precisely when I first read these words taken from the opening of John Rawls’s *A Theory of Justice* (Rawls, 1972; see also Rawls, 1999). The book was published in the United States in 1971, but did not appear in the UK until 1972. So I must have been some twenty-two years of age on first encounter. At the time I was a research student at Clare College working on questions of political theory and public policy. Then a rather serious young man coming from a pre-war council estate in Brighton, and deeply aware both of the civil rights struggle in the United States and of social deprivation in the UK, the book, with its high moral tone and remarkable intellectual brilliance, both enticed and captivated me. Here was a work that not only took social justice seriously but was also philosophically profound and employed the latest techniques of social science. It was a model of how the moral sentiments of justice could be analysed and crafted into a chain of reasoning from which we could derive practical guidance for the reform and improvement of society. If one took its arguments seriously, opponents of social justice were not only venial, but also intellectually muddled. After Rawls to deny social justice seemed worse than a crime, it was an error.

So what did this book say to make it so influential? It is long, nearly six hundred pages, abstract and in many places abstruse. However, at its heart, was a simple and powerful idea. That idea was this. We understand what the principles of justice require of us when we understand them as the outcome of an agreement, a social contract, among persons who are destined to live together in society, provided that the agreement is made without any one of the contracting parties knowing his or her own future place in society. This is to be understood as a thought-experiment. Each of us is to imagine ourselves placed behind what Rawls called ‘a veil of ignorance’. When the imaginary social contract is made, we do not know whether we shall be male or female, street porter or philosopher, northerner or southerner, black, brown or white, Baptist or Buddhist, Catholic or Confucian. We are stripped back to our bare personhood. Behind the veil of ignorance (this is my way of talking, not Rawls’s) we are merely souls destined to enter the world, but with a power that no ordinary soul has, namely the power to negotiate with other souls the terms and conditions of our joint life. As souls, we are citizens-in-waiting.

In such a situation, Rawls argued that there are two principles of justice on which we would agree. The first is that of equal civil and political liberties. No citizen-in-waiting would rationally consent to being excluded from the right to vote, the right to a fair trial, the right to freedom of association or the rights of freedom of conscience. The second principle on which we would agree, thought Rawls, was that the social and economic benefits of society should be shared in such a way that the worst-off members of society are made as well off as they can be provided that equality of opportunity is secured in relation to education and employment.

As you can imagine, much theoretical reasoning was needed to derive these two specific principles of justice from the general thought-experiment. As a research student I spent much of my time – not entirely successfully I might add – trying to uncover the flaws in the argumentative steps by which Rawls derived his two principles. However, in the rest of what I have to say, I want to concentrate not upon the details of these derivations, but upon the general idea that Rawls offered us in *A Theory of Justice*.

I have noted the deep impression that *A Theory of Justice* made in the early 1970s, but the central idea on which it rested is very old. That idea is that ignorance of our own role in social life is a great equaliser of judgement, enabling us to see more clearly what is just and what is unjust. According to the second book of Samuel (II Samuel, 12-13), when King David conceived a lust for the beautiful Bathsheba, he ordered that Bathsheba's husband, Uriah the Hittite, be sent into the front at the hardest point of battle, so that Uriah would be killed and David himself possess Bathsheba. How did the prophet Nathan challenge this action? He told David a story. There was a rich man and a poor man. The poor man possessed little but one small ewe lamb, which he brought up with his children, the lamb eating of the poor man's morsel and drinking from his cup. When the rich man had to meet an obligation of hospitality to a traveller, he recoiled from the idea of using one of his own flock for the required meal, but instead slaughtered the poor man's lamb. We read that, on hearing this story, David's anger was greatly kindled against the rich man, saying that he deserved to die. Nathan then said: you are the man. Nathan had constructed his own veil of ignorance behind which David was enabled to understand the injustice of his actions.

There is then an ancient truth is the thought that justice for the weak or impoverished means asking people to judge actions and practices behind a veil of ignorance. Yet, at this point, the old Adam of the research student cannot be kept in check, and so, as well as praising Rawls's book I offer one critical line of thought. 'Justice', the book begins, 'is the first virtue of social institutions, as truth is of systems of thought.' Yet, is this really so? Are there not obligations beyond justice, including obligations of forgiveness and benevolence? Justice is a cautious, jealous virtue. It is the principle of an eye for an eye, a tooth for a tooth, even if these days it is not rendered in that literal form. By contrast, forgiveness steps beyond justice: it is a refusal to render evil for evil and a willingness to turn the other cheek. How then do the demands of forgiveness relate to the requirements of justice? If justice is the first virtue of social institutions, how is forgiveness possible?

Rawls discusses this problem in a couple of passages in *A Theory of Justice*, where he contrasts the morality of justice with the morality of the love of mankind. The morality of the love of mankind is a morality that goes beyond the requirements of justice, and as such it is not one for ordinary persons. It is morality for saints and heroes. Justice gives us the moral right to assert our own claims; the morality of the love of mankind permits us to waive those claims, yet it does not require of us that we do so. On this understanding, ordinary persons live in a world of claim and counter-claim, placing their faith in the cautious, jealous virtue of justice, and only saints and heroes can transcend that world. The social order rests upon justice; forgiveness and benevolence are the virtues of special individuals.

Yet, the Christian doctrine of forgiveness is not a doctrine only for saints, although saints give the rest of us a glimpse of what its demands truly involve. It is a doctrine for all of us in our daily lives. It is also, I suggest, relevant to our collective lives, as issues of international financial debt reveal only too clearly. It is easy at this point to be misled by language and so to fail to understand just how radical the obligations of forgiveness can be. Consider the movement for the relief of debt owed by developing countries to the rich world, a movement led by many Christian groups, who gathered originally around the Jubilee 2000 campaign. Their call for the remission of debt looks like an appeal for forgiveness, but it is in large measure a claim of justice. In effect, it is a claim that the present debts were unjustly incurred, and so should in justice be remitted, for example debts arising from loans made to military or corrupt political regimes. On this understanding debt remission is not a matter of forgiveness strictly speaking, but of justice. Genuine forgiveness of debt is forgiveness of debts that ought in justice to be paid.

The promise of the Kingdom of Heaven goes beyond the promise of justice. It is grace beyond justice. In the parable of the labourers in the vineyard, the workers who were hired for the last hour of the day were paid one denarius, one penny, the same as those who had been hired in the early morning. Those who had been hired early complained. They had borne the burden of the scorching heat during the day. (Remember the sun they worked under was not a pale fenland sun even at its hottest, but the searing heat of the eastern Mediterranean.) They had worked harder and longer than the workers hired at the end of the day. Theirs was a complaint of justice, and in justice the complaint was merited. Their reward was not proportional to their deserts.

At first sight, the reply to their complaint by the landowner is less than satisfactory: 'Surely I am free to do what I like with my own money.' This does not sound like the Kingdom of Heaven, but more like the sort of high-handedness that we now associate with an unaccountable financial elite. But the lesson is that grace and forgiveness will create their own injustice. Those who have lent or those who have laboured in the legitimate expectation of a return will find themselves unfairly treated as a result of the forgiveness of debt. Those who have led good and virtuous lives would be less than human if they did not have a twinge of resentment when they see life-long sinners out of grace given prior admission into the Kingdom of Heaven when the last shall become first.

Grace and forgiveness are principles not only for saints and heroes in a society in which justice is the first virtue of social institutions. The personal challenge for each of us is to practise forgiveness of an injustice to which we have been subjected and – perhaps even more demandingly – to reflect upon what it means for each of us to be forgiven for an injustice that we have committed. The collective challenges of forgiveness raise profoundly hard questions. However those questions are worked out, the truth that will set us free will also free us, individually and collectively, from the claims and counter-claims of justice.

## References

- Barry, Brian (1989) *Theories of Justice* (London: Harvester-Wheatsheaf).
- Daniels, Norman (ed.) (1975) *Reading Rawls* (Oxford: Basil Blackwell).
- Freeman, Samuel (ed.) (2003) *The Cambridge Companion to Rawls* (Cambridge: Cambridge University Press).
- Hart, H.L.A. (1973) 'Rawls on Liberty and Its Priority', *University of Chicago Law Review*, 40: 3, pp. 534–55, reprinted in Norman Daniels (ed.), *Reading Rawls* (Oxford: Basil Blackwell, 1975), pp. 230–52.
- Laslett, Peter (1956) 'Introduction' in Peter Laslett (ed.) *Philosophy, Politics and Society* (Oxford: Basil Blackwell), pp. vii–xv.
- Maffettone, Sebastiano (2010) *Rawls: An Introduction* (Cambridge: Polity Press).
- Rawls, John (1972) *A Theory of Justice* (Oxford: Oxford University Press).
- Rawls, John (1999) *A Theory of Justice* (Oxford: Oxford University Press, revised edition).