

Research on the Characteristics of Rawls's Theory of Justice

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Abstract

Rawls's theory of justice constitutes a foundational intervention in contemporary political philosophy, seeking to reconcile the demands of liberty and equality through a rearticulated contractarian framework. It endeavors to transcend classical utilitarianism, construct a procedural conception of justice, and reexamine the moral basis of the basic structure of society. These philosophical innovations are systematically expressed in his conception of "justice as fairness." This article critically examines the distinct features of Rawls's theory, with special emphasis on its normative coherence, procedural justification, and implications for democratic legitimacy and distributive justice.

Keywords

Theory of justice; original position; contract theory; utilitarianism; distributive equality.

1. Introduction

In the landscape of modern political philosophy, John Rawls's Theory of Justice constitutes a landmark contribution that reshapes the normative discourse surrounding liberty, equality, and the institutional structure of society. Emerging amid critical debates over distributive justice and the limitations of classical ethical theories, Rawls attempts to resolve the long-standing tension between individual freedom and social equality. By reviving the social contract tradition through the constructs of the "original position" and the "veil of ignorance," he formulates a principled framework for deriving political and moral norms that challenges utilitarian hegemony and classical contractarianism alike. This article investigates the distinctive philosophical features of Rawls's theory, including its reconfiguration of procedural justice, its emphasis on fairness as a foundational value, and its reconceptualization of the basic structure of society as the primary subject of justice. Through a critical engagement with Rawls's rejection of utility maximization, his procedural justification of the two principles of justice, and his ideal of a well-ordered society, this study aims to clarify the enduring theoretical significance of Rawls's work for contemporary political thought, particularly in relation to questions of legitimacy, moral pluralism, and institutional design.

2. Selection and Content of Justice Theory

Justice theory is primarily justified through contract theory, specifically via the original position. The subject of justice is the basic structure of society. The so-called principles of justice are the design principles for this basic structure. Individuals are assumed to hold a conception of basic goods and adopt an attitude of "mutual disinterest" toward inconsistencies in mutual interests—that is, they consider only their own gains without regard for harming others. Under the conditions of the original position and the veil of ignorance, through "reflective equilibrium," individuals will inevitably reach a consensus in selecting Rawls's two principles of justice. So, what are all the options? In the original position, individuals choose among various representative theories of justice, including Rawls's principles. The available justice theories include classical teleology, perfectionism, egoism, mixed conceptions, and Rawls's

principles of justice[1]. Among these, classical teleology is excluded by the people's adoption of the maximin rule; since individuals in the original position only moderately pursue their share of acceptable rights and obligations, the pursuit of perfection and benevolence is superfluous, leaving perfectionism without a place and thus excluded; because the goal is to achieve an ultimate theory of justice applicable to a "well-ordered society," although individuals inevitably appeal to some intuition when selecting justice theories, the grandeur and immutability of justice's subject—the basic structure of society—make intuitionism impossible to truly select. Individuals will inevitably choose Rawls's theory of justice, namely the two principles: The first principle is the equal liberty principle, whereby each person has an equal right to the most extensive basic liberty system compatible with a similar system of liberty for others. The second principle consists of two parts: the difference principle and the fair equality of opportunity principle, used to arrange social and economic inequalities. The difference principle states that social and economic inequalities should be arranged to the greatest benefit of the least advantaged and in accordance with the just savings principle. The fair equality of opportunity principle states that social and economic inequalities, under conditions of fair equality of opportunity, should make all offices and positions open to all.

This choice is possible and persuasive largely because: first, Rawls's theory of justice is refined through repeated comparisons with commonsense and intuitive justice criteria; second, the choice made by individuals in the original position, under the constraints of the veil of ignorance—namely, selecting Rawls's principles—is non-arbitrary and effective; third, individuals will make a consistent choice of justice theory in the original position, thereby resolving the state of opinion conflict caused by inconsistency[2].

3. New Contract Theory

Rawls hopes to leverage the advantages of contract theory while overcoming its shortcomings, using a new contract theory as a more solid foundation for the principles of justice. The advantage of classical contract theory lies precisely in this: it provides individuals with the opportunity to unanimously select principles of justice. The best justification for principles of justice comes from unanimous agreement, which poses no issue. However, classical contract theory constructs a hypothetical yet ideal environment in the state of nature, from which the resulting contract is believed to realize political ideals.

The necessity of contract formation arises from the inconveniences of the state of nature. This inconvenient state of nature has been widely debated: in Hobbes, the various deceptions and misfortunes in the state of nature reflect the darker aspects of civil society. Hobbes's state of nature evidently serves as the backdrop for the civil society he himself inhabited[3]. The contract, intended as the principle of civil society, is overshadowed by this unsettling state of nature, which becomes an inescapable undercurrent of civil society, casting expediency upon the contract. Therefore, since Hobbes introduced the concept of the state of nature, thinkers like Rousseau and Tuck have criticized his approach of treating civil society as the starting point of the state of nature—if the state of nature bears the profound imprint of actual civil society, then the parties to the contract formed in such a state of nature are not ideal citizens but petty, bargaining traders, reducing the contract to a mere bargaining agreement and diminishing its desirability.

To enhance the ideality of the contracting parties and the state of nature, thinkers like Locke and Rousseau argue that most people in the state of nature adhere to natural law and reason, with only a minority disregarding reason and natural law, thereby disrupting social order. To address this inconvenience, people establish contracts and states. Thus, the state of nature and most individuals appear sufficiently good, making the contract desirable. Borrowing Berlin's terminology, the former contract strives to realize "negative freedom," while the latter strives

for "positive freedom." Whether it is Locke's contract theory, which seeks to realize more "negative freedom," or Rousseau's, which seeks more "positive freedom," both attribute an ideal aspect to most people in the state of nature: they are virtuous, rational, and capable of considering the public interest. This portrays people in the state of nature as overly perfect; on the other hand, it posits a priori and vague natural law as the source of contract formation, rendering the resulting contract lacking in practical guidance. On one hand, classical contract theory aspires to but fails to escape historical reality; on the other, it develops the concept of highly moral individuals. Clearly, there exists a profound contradiction between historical experience and a priori ideals.

Rawls is deeply convinced of the power of contract theory and aware of the deficiencies of classical contractarianism. The primary difference between the state of nature and the original position is that classical contract theorists sometimes hesitate to view the state of nature as the backdrop of civil society yet inadvertently treat it as a historical fact in various contexts. Rawls, however, treats the original position as a pure hypothesis, a device of proof, thereby excluding historical experience and contingency and placing the proof on a more solid theoretical foundation. The principles of justice are not derived by Rawls or anyone else from some higher principle but are chosen by individuals in the original position, which represents procedural justice, to avoid the maximum loss of their interests if they become the least advantaged. Thus, the choice in the original position behind the veil of ignorance is consistent and natural, not the result of artificial coercion, embodying equal freedom. The knowledge and motivations available to individuals are limited to the realm of basic goods, without developing or even allowing for individuals' conceptions of the good, placing them in a state of mutual disinterest. Rawls step by step weakens subjective motivations, ensuring that individuals need not attain high morality while maintaining sufficient ideality and purity, thereby once again excluding the contingency of justice principle selection. Finally, the first principle unanimously chosen exhibits strong support for negative freedom, while the second principle, particularly the fair equality of opportunity principle, supports positive freedom. Thus, Rawls's new contract theory is not only built on a foundation that more thoroughly excludes experience, making it theoretically more robust, but also enriches the connotations of justice regarding personal freedom.

4. New Procedural Justice

Rawls seeks to achieve a form of pure proceduralism. Pure proceduralism refers to "the existence of a standard outside the procedure that determines whether the outcome is just," with the purpose of "establishing a procedure that realizes an outcome satisfying this standard[4]." Borrowing this concept, we find that for Rawls, this standard is equality. Equality is both a pursuit and a result. Rawls particularly considers equality as a possible outcome to eliminate the rift between freedom and equality while satisfying their realization. Rawls hopes to elaborate a result justice under a new proceduralism, meaning that this procedural justice has no substantive conflict with result justice. So, how does Rawls realize result justice under the premise of procedural justice narration?

As previously discussed, Rawls believes that principles of justice can be established on a new contract basis to exclude its shortcomings while maintaining unanimous agreement. Rawls's new contract theory arrangement is: while treating different conceptions of the good equally, it dilutes the good (the concept of the good only has the opportunity to be enriched after consensus on justice principles; otherwise, it will interfere with the selection of justice theory), making it irrelevant to the choice of justice theory. Another element is the "veil of ignorance," which is designed to eliminate the influence of the good on individuals' selection of justice. Individuals only have a basic good regarding rights and obligations to provide basic motivations

and knowledge. Since each person could be the least advantaged (regardless of the probability), no one will tolerate an allocation for the least advantaged that is so low they would be unwilling to join such a society (and they must enter it), thus supporting the elimination of inequalities, even if arrangements producing inequalities should maximally benefit the least advantaged, thereby demonstrating the realization of equality. Due to the exclusion of historicity and experience, what individuals unanimously choose is justice theory, achieving procedural justice. Individuals themselves, apart from basic goods, have no other goods, so there is no desire for equality. People will not particularly pursue equality as a good, yet they can indeed reach a consensus on equality in the original position and behind the veil of ignorance, thus achieving result justice. At this point, Rawls has completed the reconciliation of the contradiction between procedural and result justice. Without procedural justice, result justice is impossible, as one or more special contingent goods would lead to injustice. Without result justice, it must be that the purity of procedural justice is problematic. Evidently, Rawls, through the original position and the veil of ignorance, has transcended the natural states of previous thinkers. As a state of nature, the original position not only embodies a purer proceduralism than other natural states but also realizes result justice.

5. New State View

First, in the context of Rawlsian justice, the state is endowed with the function of executing fair justice distribution, rather than merely serving as an unobtrusive guardian of society. For the latter, the state need not intervene in society because, with the existence of a minimal state, society can achieve a justice of rights holding through market mechanisms, sufficient to lead to a pluralistic utopia. The state is not a naturally existing community but a social protection group developed under certain historical and psychological factors[5]. The state itself has no purposes beyond protection. In the context where the state acts as a night watchman, the political ideal dominated by the social utopian community is for each person to live the life they deem satisfactory. The state is minimal or even the bare minimum because citizens in society can already realize rights justice under the state's protection—origin represents rights justice in property holding and transfer, while luck reflects the acknowledgment of individuals' free choices and efforts. If rights justice leads to inequality, those with better origin, talent, and luck bear no responsibility to those in worse positions.

However, this is not the justice as fairness that Rawls desires. If everyone's origin, talent, and luck are different, and these differences are accepted as leading to inequality, it cannot be called fair or just. People's origin, talent, and luck are arbitrary and contingent; those who suffer failure due to inferior origin, talent, and luck should not face moral blame because the conditions prior to choice and effort are not fair. The "system of social cooperation" defends behaviors that increase the interests of the least advantaged from the standpoint of those with better origin, talent, and luck. Evidently, although justice principles are chosen in the absence of the good and embody equality in the choice, their practice can satisfy morality and also embody equality. Whether in terms of morality or the principles themselves, maximizing the interests of the least advantaged is required. Clearly, only the state is positioned to act as the implementer of redistribution, as only it can satisfy this authoritative distribution. Therefore, for Rawls, debates about the state do not concern whether it has moral legitimacy or what it cannot do; rather, they focus on the state's existence, its role in justice as fairness, what it can and should do, and which purposes it should uphold. The purpose of the state is to maintain freedom, and substantive freedom necessarily includes equality. History proves that the equality required by substantive freedom cannot be simply solved by the market but requires the state to implement a certain degree of redistribution. Thus, the political ideal under state leadership is for all to achieve equal civic freedom and for the least advantaged to benefit.

Second, Rawls might support a certain degree of comprehensive and mature welfare policies but does not necessarily endorse the welfare state in reality. For extreme libertarians like Nozick, they have sufficient reasons to support a certain degree of welfare policies. Based on the "rectification principle," those victimized by unjust property acquisition and transfer can demand that the state expand its functions for a specific period to compensate for the losses of injustice. Although Hayek, a proponent of liberal values, opposes supporting welfare policies in the name of "social justice," he still supports welfare policies themselves: "We have every reason to believe that in a free society, the government should ensure that all people are protected from severe and cruel deprivation in the form of a guaranteed minimum income[6]." It seems that Rawls, who consistently supports policies tilting toward the least advantaged, would be a supporter of the welfare state in reality, but this may not be the case. First, in the spectrum of political doctrines, scholars closer to liberalism than Rawls either view welfare policies as a moral obligation or as a tool for social stability. For Rawls, the moral legitimacy of certain welfare policies still stems from the provisions of "social justice." Second, Rawls advocates a "property-owning democracy" or "liberal democratic socialism" politico-economic system, which has a stronger tendency toward wealth dispersion. This is entirely different from the politico-economic system of the actual welfare state, which leads to the polarization of social wealth and even allows a small group to control the economy and indirectly control political life[7]. Finally, through the justice principle of equal access to offices and positions for all, as well as the promise of positive freedom for citizens, Rawls continually calls the less advantaged to participate in political life; even the least advantaged need not feel disheartened or inferior, as in the actual welfare state where recipients of relief are made to feel "second-class," simply because they receive welfare. Therefore, Rawls's state view, which seems to support the welfare state but in fact critiques it to a considerable degree, differs greatly from that of other scholars who support a certain degree of welfare policies for various reasons.

6. New Social View

Rawls believes that the only worthy opponent of his principles of justice is the utilitarian principle of justice. Rawls not only hopes to counter happiness-maximizing justice with justice as fairness but also desires a more stable society capable of supporting the already unanimously chosen principles of justice. This society is equally, if not more, persuasive than one supporting utilitarian goals.

Bentham holds that justice is the maximization of social utility. Utilitarianism takes individualism as its basic stance, using the maximization of personal happiness to guide individual behavior. A free person can certainly make decisions for themselves, which is self-evident. However, if a society or certain arbiters within it enforce the standard of utility maximization, it will inevitably impede people's freedom of choice. What kind of society can truly support utilitarian principles of justice? Mill astutely realizes that utilitarian principles of justice must first be chosen in a democratic society and, second, must resolve the contradiction between utility and freedom: "When the field involving others becomes slightly complex, more complex considerations may need to be added [8] ", because entities imposing coercion in the name of public interest hinder others from obtaining such thinking and choice. To solve the problem that coercion for utilitarian purposes might damage freedom, he draws a basic boundary for coercion and freedom: "Whether the coercing party or the free party, both must pay attention to tolerance and to fair or legitimate means," and his solution is to advocate for a morality of tolerance. In Mill, we can see the efforts of utilitarians to link the maximization of social happiness with morality. Utilitarianism hopes that by simultaneously arousing societal emphasis on personal freedom, it can increase welfare possibilities and even achieve the justice goal of "happiness maximization." However, as a principle of justice, utilitarianism still has

inherent defects: regarding the welfare pursued by a society, this welfare is often difficult to measure; the advancement of total social welfare does not necessarily enable people to equally enjoy the benefits it brings, and not all people have prior agreement on certain welfare-enhancing practices. Therefore, for utilitarian scholars, the choice of utility maximization is actually that of a democratic society. Although the utilitarian principle of justice is easy to understand, it may not be accepted by a modern democratic society demanding reform of wealth polarization. Thus, for utilitarians, the contradiction between utility maximization and democratic pursuits remains thorny. Additionally, utilitarianism's ideal society pursues efficiency but is vague on how to achieve justice, making it even more difficult to fully endorse amid the massive construction of welfare systems in Western countries.

Rawls demonstrates the unanimous choice of justice principles in the original position. So, after the original position, once the principles of justice are established, what kind of society can ensure their practice? Why is this society more persuasive than one realizing utilitarian justice? First, Rawls more or less accepts the utilitarian view on promoting welfare through reasonable plans: "A reasonable life plan can still be chosen through the prudent rationality determined by a full theory of the good." Second, he selects a well-ordered society as the implementation condition for his theory of justice: "A well-ordered society is one that pursues distributive justice, whose people possess a sense of justice, are stable and decent, look downward, and are friendly and tolerant[9]." Moreover, a well-ordered society not only considers current welfare and distributive justice but also ensures that it does not worsen the distribution for the next generation, in line with a "just savings principle." Based on these conditions, a well-ordered society can achieve both justice and efficiency while realizing "intergenerational justice." Therefore, after the principles of justice are chosen, the society that can realize them is a well-ordered society. This well-ordered society is sufficiently stable to meet the needs of practicing the principles of justice. Compared to a general democratic society, the people of a well-ordered society can practice the principles of justice because they possess a "sense of justice." A sense of justice means that the people residing in it have the ability to understand and practice the principles of justice. Inconsistencies between people stem, on one hand, from material interests and, on the other, from pursuits of metaphysical conceptions of the good. After the veil of ignorance is lifted, people in society still suffer from inconsistencies in pursuits of the good and material interests. Rawls uses the concepts of the priority of the right, overlapping consensus, and public reason to resolve conflicts between various goods and interests that develop in a well-ordered society and the principles of justice. Rawls argues that people can pursue different goods, and society will not favor any particular good, but these goods come from different comprehensive doctrines and lack full political and public nature. The principles of justice, however, emphasize the realization of political values. Therefore, the priority of the right will first ensure that when people pursue goods, they do not bring their respective goods into the political agenda but instead use public reason to understand and participate in political activities, with public reason guaranteeing the pure public nature of goods' ideas when applied to political activities. Public reason specifically excludes material interests from political activities: in a society pursuing utilitarian principles of justice, people need morality to regulate their participation in politics, and in their rational thinking and behavior, they still take personal interests as the starting point. Rawls particularly emphasizes that citizens' rational thinking on political issues should not serve the precise calculation of personal interests but should serve discussions recognized by the public. Citizens possess public reason because, in their inescapable relatively closed political social system, they are expected to mutually bear and adhere to civic obligations. People will adhere to public reason because civic obligations are self-established and upheld, and adhering to obligations is the proper meaning for free citizens. Finally, in the concept of "overlapping consensus," people can not only possibly understand and practice the principles of justice but can also reach a consensus on basic

political issues within their respective comprehensive doctrines, thereby alleviating the tense atmosphere between different doctrines of the good and different goods.

Through the elaboration of "priority of the right," "public reason," and "overlapping consensus," compared to societies guided by utilitarianism, Rawls promises a more diverse social landscape that better aligns with the essence of social cooperation: without state favoritism toward any particular good, the state maintains neutrality toward goods, and various goods in society have the right to exist. A well-ordered society not only enables people pursuing different goods to coexist peacefully and ensures that they seek guidance from the concept of public goods in political activities but also leaves sufficient rational space for individuals to consider public interests. Therefore, a well-ordered society may lack the wealth of a utilitarian society yet can guarantee the minimum assurances of mutual commitments among free people, ensure just savings, and thus secure its own stable existence. A well-ordered society also has a greater opportunity to exclude private desires, private interests, and undue coercion of justice by power that may exist in utilitarian societies. Because in a well-ordered society, people's adherence stems from their recognition, their recognition from a sense of justice, and adherence to obligations is adherence to themselves.

7. Conclusion

Rawls's theory of justice represents a paradigm shift in political philosophy. By redefining the subject of justice as the basic structure of society, Rawls moves beyond individualistic models and situates justice within institutional design. His use of the original position and veil of ignorance allows for the selection of just principles without recourse to contingent or metaphysical assumptions. Through his reconstruction of contract theory, Rawls creates a framework that embodies pure procedural justice, while simultaneously achieving substantive equality through the difference principle. In doing so, he reconciles the often-opposed ideals of freedom and equality under the banner of justice as fairness. Moreover, Rawls rethinks the role of the state—not as a night-watchman entity, but as a normative agent of justice—and envisions a well-ordered society grounded in public reason and overlapping consensus. His work offers a coherent and enduring model for democratic societies committed to liberty, fairness, and institutional integrity.

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