

Reading Excerpted by Christopher Lay
Los Angeles Pierce College
Department of History, Philosophy, & Sociology

Excerpts from John Rawls' (1958) "Justice as Fairness" from *The Philosophical Review*, Volume 67, Number 2.

§1

"It might seem at first sight that the concepts of justice and fairness are the same, and that there is no reason to distinguish them, or to say that one is more fundamental than the other. I think that this impression is mistaken. In this paper I wish to show that the fundamental idea in the concept of justice is fairness; and I wish to offer an analysis of the concept of justice from this point of view."

§2

"The conception of justice which I want to develop may be stated in the form of two principles as follows: first, each person participating in a practice, or affected by it, has an equal right to the most extensive liberty compatible with a like liberty for all; and second, inequalities are arbitrary unless it is reasonable to expect that they will work out for everyone's advantage, and provided the positions and offices to which they attach, or from which they may be gained, are open to all."

"The first principle holds, of course, only if other things are equal: that is, while there must always be a justification for departing from the initial position of equal liberty (which is defined by the pattern of rights and duties, powers and liabilities, established by a practice), and the burden of proof is placed on him who would depart from it, nevertheless, there can be, and often there is, a justification for doing so."

"The second principle defines what sorts of inequalities are permissible; it specifies how the presumption laid down by the first principle may be put aside. Now by inequalities it is best to understand not any differences between offices and positions, but differences in the benefits and burdens attached to them either directly or indirectly, such as prestige and wealth, or liability to taxation and compulsory services."

"It should be noted that the second principle holds that an inequality is allowed only if there is reason to believe that the practice with the inequality, or resulting in it, will work for the advantage of *every* party

engaging in it. Here it is important to stress that *every* party must gain from the inequality."

§5

"[O]ne might say of the tax-dodger that he violates the duty of fair play: he accepts the benefits of government but will not do his part in releasing resources to it; and members of labor unions often say that fellow workers who refuse to join are being unfair: they refer to them as 'free riders,' as persons who enjoy what are the supposed benefits of unionism, higher wages, shorter hours, job security, and the like, but who refuse to share in its burdens in the form of paying dues, and so on."

"[T]he criterion for the recognition of suffering is helping one who suffers, acknowledging the duty of fair play is a necessary part of the criterion for recognizing another as a person with similar interests and feelings as oneself."

"The recognition of one another as persons with similar interests and capacities engaged in a common practice must, failing a special explanation, show itself in the acceptance of the principles of justice and the acknowledgment of the duty of fair play."

"A practice is just if it is in accordance with the principles which all who participate in it might reasonably be expected to propose or to acknowledge before one another when they are similarly circumstanced and required to make a firm commitment in advance without knowledge of what will be their peculiar condition, and thus when it meets standards which the parties could accept as fair should occasion arise for them to debate its merits."