The Influences of Utilitarianism on Rawls' Theory of Justice

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Abstract: Concerning political philosophy during the second half of the 20th century, Rawl's theory of justice stands out, particularly in its critique of utilitarianism. The currency of utilitarianism deeply influences the emergence of Rawls 'veil of ignorance and two principles of justice. Classical utilitarianism provides Rawls with a theoretical framework, informing him with the importance of predominant criteria to govern a society. While the fact remains that the impairment of individual rights, which is inherited in classical utilitarianism for maximizing the collective welfare, has long been denounced by liberals. To address this, Rawls introduces the social contract theory, arguing for the priority of the right over the 'good'. Whereas the prevalent of average utilitarianism brought Rawls to notice with shortcomings among the traditional version of social contract. By applying the veil of ignorance as an approach of justification, Rawls refutes two premises of average utilitarianism, which are the law of insufficient reason and the analogous preferences of social members. This lays a foundation for his two principles of justice, the greatest equal liberty principle and the difference principle. Justice as fairness incorporates the merits of utilitarianism, providing liberalism with a constructive force, concurrently elucidating the defects of utilitarianism. Accordingly, Rawls 'argument effectively challenges utilitarianism, coupled with failings of utilitarians to deal persuasive counterattacks, as a consequence, bringing a shift of the dominant in political philosophy from utilitarianism towards liberalism.

Keywords: John Rawls, utilitarianism, veil of ignorance, justice

1.   Introduction

A Theory of Justice by J.B.Rawls (1921-2002), published in 1971, has marked a resurgence of liberalism over the previously commanding utilitarianism, reclaiming its leading position in political philosophy. Rawls begins by asserting that, 'justice is the first and foremost virtue of social regulations, …certain laws or institutions, no matter how efficient and well-ordered, must be reformed or abolished if they are unjust.' In other words, Rawls hopes that his two principles of justice can crack down on utilitarianism since the latter is not righteousness enough in his perspective. Rawls' ambition to provide 'an alternatively systematic account of justice' incorporates both organized and stabilized features of utilitarianism whilst avoiding its primary inadequacy, that is the deprivation of rights among minorities. [1]

After the publication of *A Theory of Justice*, some reviewers praise Rawls for providing an *Archimedean point*, which integrates the previously neglected value of equality into liberalism thus achieving 'justice as fairness'. [2] However, some keenness utilitarians suspect that Rawls, in his

early years, served as a sympathizer of utilitarianism. In specific, Rawls is accused to develop a second-order utilitarianism, in his 1955 essay *Two Concepts of Rules*. The approaches Rawls employs to systemize his theory of justice have raised doubts about whether they truly get rid of utilitarianism or not. [3] This paper seeks to examine the influences of utilitarianism over the construction of Rawls' theory of justice. Thus to clarify whether *justice as fairness* possesses the advantages Rawls claims, say, the superiority and substitutability compared with utilitarianism.

2.   The Impacts of Classical Utilitarianism on Rawls' Methodology

In A Theory of Justice, Rawls incorporates what he perceives as an advantage of classical utilitarianism, namely, the preference of guiding principles. This prioritized order overcomes the drawbacks of intuitionism, in addition gains the upper hand with its efficiency in social management. The Methods of Ethics of H.Sidgwick (1838-1900) provides a concise summary of utilitarian ethics, 'If the predominant regimes of a society are arranged to achieve the greatest net-balance of satisfaction for all its members, then this society is becomingly organized and therefore just.' Classical utilitarians assert that the legitimacy of social institutions lies in abilities to produce the highest amount of 'good' or, at the very least, avoid lagging behind other systems in generating 'good'. This perspective of consequentialism on rights receives broadly intuitive appeal as it concretizes the reasonableness of conditions for social cooperation, instead of constraining with abstract moralities or metaphysical entities.

Rawls contends that individuals, whether select or prioritize certainly ultimate principles, commonly share constructive criteria, therefore by considering the criteria can address the issue of priority. The fundamental criteria further creates a *lexicographic order* of ultimate principles, where the former doctrine is absolutely preferred over the latter, thus systematically illuminating and coordinating the criteria for judgment. [1] *Justice as fairness* focuses on the issue of priority with a practical orientation, hence shifting the concept of liberty from desirability to feasibility. [4] Although we can catch a glimpse on personal rights in Roman precedents, the concept of *right*, in modern version, has not yet been born until the establishment of its priority, signifying voluntary actions gain social appreciations. [5]

Determining to clarify the importance of natural rights, Rawls traces back to the social contract, as the paramount divergence between *justice as fairness* and classical utilitarianism sits in 'what means justice'. In social contract theory, human beings initially live in a natural status without state or law. To overcome survival difficulties, they sign a virtual contract to unite. This thought experiment illustrates that the welfare state can never encroach upon natural rights. In the view of classical utilitarians, an individual's moral value originates from a teleological definition of the 'good' and the right. The 'good', serves as the end, justifies its means. If the 'good' is maximized, the moral value of a person will be achieved. Similarly, the first value of an idea of justice is its utility to society, instead of prioritizing anything in any sense. One might understand the baseline of organizations as follows: for a managerial society, '1 + 1 > 1', yet means of production are monopolized collectively, individuals are forced to join the collective, or else '1 → 0'; while for a cooperative society, '1 + 1 > 2', accompanying with an assurance of the independence of thoughts and ownerships. A well-ordered society adheres to both the rules of utilitarianism and of natural rights can gain great benefits. Consequently, utilitarians partially support *reciprocity* as a guiding principle. Once the two conflict, the rule of utilitarianism take precedence. [1]

It's pointed out by Rawls that based on understandings of circumstances, people regard themselves as 'free, equal, rational, and reasonable'. [6] Everybody has a tenure of natural rights, thus violating it for magnifying welfare of the collective is unjust. Utilitarianism lacks an explanation for justice, as a utilitarian can excuse his choices by situations or interests, leading to the irresponsibility of personal decisions. The humanitarian catastrophes of the twentieth century illustrate consequences when social

institutions run out of the control of personal conscience. Rawls introduces the social contract into his *justice as fairness* to replace teleology with deontology, intending to overcome the flaw of utilitarianism where the 'good' is not subject to the right, thereby redefining the 'good' by associating with the right. [1]

3.   The Effects of Average Utilitarianism on Rawls' Two Principles of Justice

In the mid-20th century, utilitarianism was revised to maximize the average utility, calculated by adding up utilities, which refer to satisfactions gained from consumptions or other services, of each individual corresponding to his social status, then divided by the population ($\Sigma = pi * ui$, where pi represents the likelihood of an individual approaches status i, and ui is the utility correlated) instead. The plan of distribution in average utilitarianism, whom is advocated by J.Bentham (1748-1832), being treated by Rawls as the only competitor of his two principles of justice due to its compatibility with the claim of desert. In distinct situations, however, average utilitarianism still violates human rights like classical utilitarianism does. [1]

As the main point, average utilitarianism is based on deontology, meaning social contract is employed for its justification as well. It implies that the traditional edition of social contract may lead to utilitarianism. Taken the way of H.Sidgwick, Rawls finds hope to overcome utilitarianism within social contract. Traditional social contract doesn't require its participants to forget their identities. For Rawls, people behind the *veil of ignorance* are unaware of their 'primary goods', desired by every rational man, like high statuses and salaries, but have to choose between average utilitarianism and two principles of justice. [1] The subject of possession for Rawls can't be confused with performers trapped in circumstances, or abstract but rootless entities as in traditional metaphysics. [7] Rawls' demonstration considers 'self' as a dignified existent, which carries an irreducible kernel, rather a pure container of experience. [4] Participants will aware by self-reflection that it's risky to lean toward utilitarianism. Since when lacking evidence for predicting his prospect, one must make a judgement based on the *principle of insufficient reason*, assuming an *equal probability* of reaching each position. Whilst an ideal pattern of average utilitarianism, demanding for either the randomness of positions ($p_i = 1/n$, where *n* refers to the population) or equal distributions ($u_i = U/n$, where *U* is the overall utility), can be unimaginable to achieve. Rawls argues that positions-of-origin, personal talents, plus the forms of social organizations, occupying the largest proportions in issues related with justice. Therefore comparing with the *veil of ignorance*, which isn't based on the principle of insufficient reason, the traditional social contract lacks a sense of political justice. [1]

The design of the *veil of ignorance* indicates the equality of rational individuals who cares most about self-interests. Usually, the majorities of a society find themselves difficult to compassionate with the minorities. Nonetheless, if personal trading-edges are hidden by the *veil of ignorance*, people will tend to take long-term expectations of the least benefited groups into account. Therefore they would regard *equality* as a guiding criteria when weighing principles, and viewing it as improper to sacrifice the liberty of any member for a greater benefit. So as subsequently, justice represents kinds of equality. Participants would reach a consensus to avoid risks at the end, as they perceive that other confined individuals speculate in same manner. In this way, they would endorse the *greatest equal liberty principle*, where diverse liberties possessed by distinctive individuals, if being compatible with other forms, should have to be protected equally. [1]

By combining personal decisions with social contract, Rawls initiates a mode called *rational compromise*, which surpasses the *decision procedure* in *Outline of a Decision Procedure for Ethics*, thus effectively addresses the remaining issue in Kantian philosophy, while takes a turn from individual ethics to collectively political philosophy. Like T.Nagel (1937-) mentions, ethical judgments are binary, since moral subjects would simultaneously consider and act in personal and

collective perspectives. The two may conflict in various aspects, yet both are indispensable. 'Each rational individual takes an non-personal viewpoint whilst never giving up his personal ones.' [5, 8]

The other assumption of average utilitarianism that all members have similar preferences of utilities, is also inconsistent with Rawls. The evaluation of utilities can only be based on 'primary goods' and advanced interests certified personally. But for people in the *original position* who are deficient in clear-cut individualities hence lacking predilections of utilities, they couldn't make interpersonal comparisons to achieve unified expectations (u_i in $\Sigma = p_i * u_i$ is undetermined). [1] For a society with diverse values, average utilitarianism would have to arbitrarily determine the 'good' for everybody just as classical utilitarianism does. In *Political Liberalism*, Rawls terms the attempts of utilitarians to reshape a diversified society by state power as *oppressive facts*. Even for J.S.Mill (1806-1873) who advocates for maximizing personalities, it still requires suppressions from authorities to force people to develop their characteristics. [9] Democratic societies, with plural values in modern times, concern individuals as the minimal units of moral choices, since it's reasonable to consider differentiated beliefs of citizens. Consequently, divergences in preferences should be tolerated, leading to the *difference principle*, which holds that if certain inequalities in wealths and social organizations benefit everyone, they should be permitted, when presupposing the *greatest equal liberty principle* and an equal openness of opportunities.

Meanwhile, these inequalities ought to be carefully examined. Firstly, assuming that the basic forms of a society control and allocate 'primary goods', which generally can be listed as a catalog. Then, an absolute egalitarianism called the *basic point*, where everyone has been distributed with same amounts of rights, obligations, incomes and wealths, is taken as a benchmark for examination. If inequalities in powers and wealths make conditions of all members superior than the *basic point*, then they would be allowed. Still, it's crucial to notice that the first and second principles sorted by *lexicographic order* prohibit to exchange political rights of citizens for economic benefits, no matter how alluring they might be. Rawls believes his two principles of justice can exclude slavery or hierarchy, therefore they perform better than utilitarianism in assurance of human rights. [1]

4. Conclusion

Rawls' critiques of utilitarianism terminated its commanding edge in political philosophy but didn't declare its end. Utilitarians clap back to Rawls by imposing restrictions to utilitarianism or picking flaws with Rawls' theory of justice. [10]

Some argue that the justice view of J.S.Mill can also be separated into two parts, liberty in the first place and the followed for somewhat dissimilarities in allocation. [11] In *On Liberty*, Mill speaks for the formal and essential freedom of citizens, for its significance to preserve the vigor of a society, in spite of his belief that a society would civilize itself progressively and diachronically. Barbarians deserve to be governed by despotism, but when they can restrict themselves morally, they would be on their ways to democracy. [12] It reflects that the disparity between Rawls and Mill presents in their explanations of liberty. For divergent forms of liberties, Rawls opposes to distinguish them with regards to importance, albeit Mill believes to make trade-offs by utilitarianism. Mill's opinion stifles some marginalized liberties, for the essence of liberty will be kind-of lost once it submits to efficiency. Rawls states, 'there's a law of *diminishing marginal returns* when distributing individual rights. …for a society promotes to maximize its net-balance of profits, the deprivation of someone's liberty can be handily defended by the supreme goal.' It's inevitable to integrate all kinds of liberties as a whole, therefore the value of each can be clarified and their applications are protected by procedural justice. [1] Different forms of liberties negotiate with each other, instead of one promptly overriding another. Moreover, the 'progressive' course of civilization proposed by Mill suggests it starts with autocracy but will terminate in democracy. Since this 'termination' should be based on

rational contemplation rather than real-life experience, Mill's way of thinking confirms to the *reflective equilibrium* by Rawls.

The main disputes of justice as fairness focus on the *difference principle*. D. Gauthier (1932-2023) criticizes Rawls for whom views natural talents as undeserved. Once the *veil of ignorance* is lifted, those talented will find Rawls' way of distribution unacceptable. [10, 13] Gauthier then asserts his own method called *constrained maximization*. In order to magnify its potentiality, a society *with contract* should only 'maximinize' the social surplus generated by cooperations. [13] Fair distribution consists in the extent of exclusive possessions, but in the early stages of civilization, plenty of injustice in distributions were explained by 'providences'. For a society hasn't reached its contract point yet, vigorously advocating distributions based on natural talents can only exaggerate its inequality, while 'group demands' under such conditions are evidently not reasonable. The Rawls-Gauthier debate correlates with struggles between market efficiency and social fairness in constitutional democracy, with a controversy in the degrees of redistribution. As for developing countries, the priority of institutional design is to improve living-standards of disadvantages through social collaboration. Hence in a wider sense, Rawls should be understood first before interpreting Gauthier.

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