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4.3 The Two Principles of Justice as Fairness

These guiding ideas of justice as fairness are expressed in its two principles of justice:

First Principle: Each person has the same inalienable claim to a fully adequate scheme of equal basic liberties, which scheme is compatible with the same scheme of liberties for all;

Second Principle: Social and economic inequalities are to satisfy two conditions:

- a. They are to be attached to offices and positions open to all under conditions of *fair equality of opportunity*;
- b. They are to be to the greatest benefit of the least-advantaged members of society (*the difference principle*). (JF, 42–43)

The first principle of equal basic liberties is to be used for designing the political constitution, while the second principle applies primarily to economic institutions. Fulfillment of the first principle takes priority over fulfillment of the second principle, and within the second principle fair equality of opportunity takes priority over the difference principle.

The first principle affirms for all citizens familiar basic rights and liberties: liberty of conscience and freedom of association, freedom of speech and liberty of the person, the rights to vote, to hold public office, to be treated in accordance with the rule of law, and so on. The principle ascribes these rights and liberties to all citizens equally. Unequal rights would not benefit those who would get a lesser share of rights, so justice requires equal rights for all in all normal circumstances.

Rawls's first principle accords with widespread convictions about the importance of equal basic rights and liberties. Two further features make this first principle distinctive. First is its priority: the basic rights and liberties must not be traded off against other social goods. The first principle disallows, for instance, a policy that would give draft exemptions to college students on the grounds that educated civilians will increase economic growth. The draft is a drastic infringement on basic liberties, and if a draft is implemented then all who are able to serve must be equally subject to it.

The second distinctive feature of Rawls's first principle is that it requires *fair value of the political liberties*. The political liberties are a subset of the basic liberties, concerned with the rights to hold public office, the right to affect the outcome of national elections and so on. For these liberties Rawls requires that citizens be not only formally but also substantively equal. That is, citizens similarly endowed and motivated should have the same opportunities to hold office, to influence elections, and so on regardless of their social class. This fair value proviso has major implications for how elections should be funded and run, as described below.

Rawls's second principle of justice has two parts. The first part, fair equality of opportunity,

requires that citizens with the same talents and willingness to use them have the same educational and economic opportunities regardless of whether they were born rich or poor. “In all parts of society there are to be roughly the same prospects of culture and achievement for those similarly motivated and endowed” (*JF*, p. 44). So for example if we assume that natural endowments and willingness are evenly distributed across children born into different social classes, then within any type of occupation (generally specified) we should find that roughly one quarter of people in that occupation were born into the top 25% of the income distribution, one quarter were born into the second-highest 25% of the income distribution, one quarter were born into the second-lowest 25%, and one-quarter were born into the lowest 25%. Since class of origin is a morally arbitrary fact about citizens, justice does not allow class of origin to turn into unequal real opportunities for education or meaningful work.

The second part of the second principle is the difference principle, which regulates the distribution of wealth and income. With these goods inequalities can produce a greater total product: higher wages can cover the costs of training and education, for example, and can provide incentives to fill jobs that are more in demand. The difference principle requires that social institutions be arranged so that any inequalities of wealth and income work to the advantage of those who will be worst off. The difference principle requires, that is, that financial inequalities be to everyone's advantage, and specifically to the greatest advantage of those advantaged least.

Consider four hypothetical economic structures A-D, and the lifetime-average levels of income these would produce for representative members of three different groups:

Economy	Least-Advantaged Group	Middle Group	Most-Advantaged Group
A	10,000	10,000	10,000
B	12,000	30,000	80,000
C	30,000	90,000	150,000
D	20,000	100,000	500,000

Here the difference principle selects Economy C, because it contains the distribution where the least-advantaged group does best. Inequalities in C are to everyone's advantage relative to an equal division (Economy A), and relative to a more equal division (Economy B). But the difference principle does not allow the rich to get richer at the expense of the poor (Economy D). The difference principle embodies equality-based reciprocity: from an egalitarian baseline it requires inequalities that are good for all, and particularly for the worst-off.

The difference principle gives expression to the idea that natural endowments are undeserved. A citizen does not merit more of the social product simply because she was lucky enough to be born with gifts that are in great demand. Yet this does not mean that everyone must get the same shares. The fact that citizens have different talents and abilities can be used to make everyone better off. In a society governed by the difference principle citizens regard the distribution of natural endowments as an asset that can benefit all. Those better endowed are welcome to use their gifts to make themselves better off, so long as their doing so also contributes to the good of

those less well endowed. “In justice as fairness,” Rawls says, “men agree to share one another's fate.” (*TJ*, 102)