

POL 2057 — Rawls, psychology, and non-ideal societies — Milan Ilnyckyj

John Rawls' *Theory of Justice* includes a detailed discussion of the ways in which human psychology may help to bolster the institutions of a well-ordered society.¹²³⁴ This understanding bears similarities to the idea of positive feedbacks in public policy, wherein the operation of a new policy or institution has a self-reinforcing effect, often through the creation of a defensive constituency.⁵ Rawls argues that justice as fairness “generates its own support” and has “greater stability than the traditional alternatives”, but this argument is based in the imagined psychology of people already in a well-ordered society.⁶

While, in places, Rawls discusses the problem of applying the principles of justice in a society that is not already well-ordered, there seem to be a couple of bases according to which the theory requires greater elaboration when being applied to the world as it now exists. First — both within individual states and globally — a very substantial amount of injustice endures. A few examples, which are relevant to relatively affluent and orderly societies like those in North America and Europe, include ongoing racial discrimination in the operation of the police, court, and prison systems; the limited scope of equality of opportunity, manifest through mechanisms like better schools in affluent areas; and the ability of individuals and organizations with high levels of resources to unduly influence the political system. Second, there is a strong possibility that contemporary societies are operating in a profoundly unsustainable way. In the course of their normal operation, they continually degrade the physical environment in which all future generations will have to live, perhaps most notably in terms of irreversible biodiversity loss and the many consequences of anthropogenic climate change. On a partially related note, we can also ask about how applicable a theory of justice predicated on hermitically isolated nation states (“self-contained national communities”) remains in a world characterized to a large extent by economic globalization and political internationalization. Even excluding the possibility that nature itself deserves ethical consideration⁷⁸, global flows of energy, raw materials, and wastes intertwine the ethical relations of people in a way that corresponds only weakly to national borders.

The notion of society as a collaborative enterprise capable of producing mutual benefits may require us to consider more features of the international system than Rawls acknowledges in this text.⁹¹⁰ At the same time, any attempt to consider the justice of global society as opposed to individual states requires consideration of even starker ongoing injustices than those which can be identified in states like those in North America and Europe, including violent political oppression and the most egregious forms of human exploitation.¹¹ Adopting a system of justice with a strong focus on ethical relations between human beings within one national boundary risks perpetuating global injustice, as well as intergenerational injustice. Rawls acknowledges that “equal liberties can be denied only when it is necessary to change the quality of civilization”, but provides little practical guidance on how he sees this process operating.¹²

Despite the extensive attention Rawls has received from political theorists, a general societal conception of justice defined in terms of rational principles chosen in the original position does not exist. If we find Rawls' principles of justice convincing, along with the argument that their general societal acceptance is important for creating stability, more thought must be devoted to the question of how suitable psychological tendencies can be encouraged in a non-ideal and globally-interconnected society.

Notes

¹Rawls writes about how his conception of justice could “transform our perspective on the social world”. John Rawls, *A Theory of Justice: Revised Edition* (Cambridge: Harvard University Press, 1999), (Section 77, paragraph 16).

²Rawls also identifies how a conception of justice “is seriously defective if the principles of moral psychology are such that it fails to engender in human beings the requisite desire to act upon it”. *ibid.*, (69:2-3).

³Rawls also acknowledges the contingency of some elements of his account on factual claims about human psychology. See: *ibid.*, (70:14).

⁴See also: *ibid.*, (72:9).

⁵See: Ilnyckyj, Milan. “Policy process II– feedback effects: Critical Reading Response.” 2013. <https://www.sindark.com/phd/PUBPOL-feedback-crr-1-2.pdf>

⁶*Ibid.*, (69:5).

⁷Which Rawls acknowledges as beyond the scope of his theory of justice as fairness *ibid.*, (77:17).

⁸Also, while we cannot yet communicate with them in a sufficiently sophisticated way to be sure, it seems possible that non-human animals like primates and marine mammals may possess the “conception of their good” and “sense of justice” that would entitle them to moral personhood within an expanded Rawlsian framework. *ibid.*, (77:3).

⁹Rawls states that “Now I assume that the boundaries of these schemes are given by the notion of a self-contained national community”. *ibid.*, (69:8).

¹⁰Rawls discusses an obligation to behave well even toward strangers, but restricts the obligation to a single-state context *ibid.*, (72:3).

¹¹International “resentment” — as defined by Rawls — may thus be a more important phenomenon than the domestic sort. See: *ibid.*, (80:6).

¹²*Ibid.*, (82:1).

References

Rawls, John. *A Theory of Justice: Revised Edition*. Cambridge: Harvard University Press, 1999.