This is part two of a few reflections on Bertrand de Jouvenel's Du pouvoir *(On Power) on the relationship of philosophy and power. The following excerpts are my translation from the original French. An important point in understanding what follows is that Jouvenel uses the capitalized term "Power" to specifically denote political power.*

In this post I will further engage the political philosophy of John Rawls. Perhaps the most influential political philosopher of the 20th century, Rawls's *A Theory of Justice* has profoundly influenced contemporary liberal political thought. While it is impossible to adequately summarize the complexity of his thought, I will at least sketch a few main points of his argument.

Rawls posited rational agents in what he called the "original position of equality," which is his analogue to the state of nature posited by proponents of social contract theory such as Hobbes, Locke, and Rousseau (p. 11). The original position is a hypothetical situation of a group of mutually disinterested and rational agents behind a "veil of ignorance" as to where any of them might find themselves in the social order. No one would know whether he might be born into privilege or abject poverty, or whether she might encounter extraordinary opportunity or remain isolated with no occasion to improve her lot. Since no one would know where they might find themselves in the social order, no one could game the system in order to maximize personal advantage. Since for one in such a position it is "not reasonable for him to expect more than an equal share in the division of social primary goods, and since it is not rational for him to agree to less" (p. 130,) the sensible course for all to accept an equal distribution.

In order to understand this claim of reasonableness it seems important to note a special assumption on Rawls's part "that a rational individual does not suffer from envy … [as] envy tends to make everyone one worse off. … it is collectively disadvantageous" (p. 124.) This is important for those who have less, lest they be not willing to settle for less unless others must do with less as well. The assumption is that rational, disinterested individuals have an individual plan for their lives, and that they will "have no desire to abandon any of their aims provided others have less means to further theirs" (p. 125.) Anticipating an objection that this is unrealistic, Rawls responds that his conception of justice will eliminate "the conditions that give rise to disruptive attitudes" (p. 125.)

Such a group of rational individuals must make a social contract and "decide once and for all what is to count among them as just and unjust" (p. 11.) Rawls argued that "The original position is, one might say, the appropriate initial status quo, and thus the fundamental agreements reached in it are fair. … 'justice as fairness' … conveys the idea that the principles of justice are agreed to in a situation that is fair" (p. 11.)

Rawls proceeded to define what he called "primary social goods" and "primary natural goods." An extended quote should give a sense of his argument:

> All social values—liberty and opportunity, income and wealth, and the social bases of self-respect—are to be distributed equally unless an unequal distribution of any, or all, of these values is to everyone's advantage. Injustice, then, is simply inequalities that are not to the benefit of all. … As a first step, suppose that the basic structure of *society distributes certain primary goods*, that is, things that every rational man is

> presumed to want. These goods normally have a use whatever a person's rational plan of life. For simplicity, assume that the chief primary goods *at the disposition of society* are rights, liberties, and opportunities, and income and wealth. … These are the social primary goods. Other primary goods such as health and vigor, intelligence and imagination, are natural goods; although their possession is influenced by the basic structure, they are not so directly under its control. (54, emphasis mine)

Rawls distinction between "social primary goods" (rights, liberties) and "natural primary goods" (health, intelligence, imagination) is important. Part of his argument is that the inequality of natural primary goods, which cannot be controlled by the State, leads to unjust inequalities of social primary goods. As Van Parijs discussed early in his paper, he simply expanded Rawls's basket of primary goods to be provided by the State to include leisure time, toward which the State can allocate money earned by others to those who may have no desire to work and/or may not need it. The goal then is to equalize natural states of inequality by the construction of a set of institutions on principles of justice, the outcomes of which are deemed to be just because the institutions are just. For that to happen, these institutions must be able to rearrange the natural order. Rawls is clear on this: "rights, liberties, and opportunities, and income and wealth" are determined by and are available to "society" for (re)distribution to attain just outcomes.

While language such as "distributed equally" readily evokes a centralized socialist system, Rawls maintained that his was a liberal system that respected and maintained personal liberty, ranking liberty as the highest of the values, above equality. His first statement of his two principles, liberty and equality, is this: "First: each person is to have an equal right to the most extensive scheme of equal basic liberties compatible with a similar scheme of liberties for others. Second: social and economic inequalities are to be arranged so that they are both (a) reasonably expected to be to everyone's advantage, and (b) attached to positions and offices open to all" (p. 53.)

> The priority of liberty means that whenever the basic liberties can be effectively established, a lesser or an unequal liberty cannot be exchanged for an improvement in economic well-being. It is only when social circumstances do not allow the effective establishment of these basic rights that one can concede their limitation; and even then these restrictions can be granted only to the extent that they are necessary to prepare the way for the time when they are no longer justified. The denial of the equal liberties can be defended only when it is essential to change the conditions of civilization so that in due course these liberties can be enjoyed. (p. 132)

In order to permit this sort of individual liberty, with its inherent individual special interests, Rawls argues for a system of "pure procedural justice," in which "[t]he intuitive idea is to design the social system so that the outcome is just whatever it happens to be, at least so long as it is within a certain range" (p. 74.) In other words, it is not necessary that individuals intentionally act in some concerted way to bring about just outcomes. Rather, justice is accomplished by a system of just institutions – the assignments of "liberty and opportunity, income and wealth" – that, by the way they are set up to direct (and re-direct) individual, self-interested, rational behavior, bring about just outcomes.

All this sounds logical, simple, and just. Society simply has to determine what the basic basket of primary goods is and make sure everyone has that minimum; rational, mutually disinterested and non-envious individuals will embrace it, and a just and liberal society with a set of equal rights for all will be established.

However, "society" as a collective has no agency. When Rawls discussed the basic primary goods being available to "society" for redistribution, what does he mean? The meaning of his statement becomes more clear from his description of the State in relation to society:

> "given the principles of justice, the state must be understood as the association consisting of equal citizens. It does not concern itself with philosophical and religious doctrine but regulates individuals' pursuit of their moral and spiritual interests in accordance with principles to which they themselves would agree in an initial situation of equality. By exercising its powers in this way the government acts as the citizens' agent and satisfies the demands of their public conception of justice." (p. 186)

In other words, the State, in Rawls's formulation, does no more than effect the ideas of justice that the citizens themselves would set in his posited state of nature, the original position. The State is simply the agent of the will of the collective expressed in the conclusions of the original position:

> Therefore the notion of the omnicompetent laicist state is also denied, since from the principles of justice it follows that government has neither the right nor the duty to do what it or a majority (or whatever) wants to do in questions of morals and religion. Its duty is limited to underwriting the conditions of equal moral and religious liberty. (p. 186-7)

Here I conclude my summary of Rawls's arguments. In part three I will consider objections to Rawls's theory based on de Jouvenel's arguments.

Bertrand de Jouvenel. *Du Pouvoir: Histoire Naturelle de Sa Croissance*. (Paris: Hachette, 1972), pp. 165-168. English version available online at https://archive.org/stream/onpoweritsnature00injouv.

Phillipe Van Parijs. "Why Surfers Should Be Fed: The Liberal Case for an Unconditional Basic Income." *Philosophy & Public Affairs*, Vol. 20, No. 2 (Spring, 1991), pp. 101-131.

John Rawls. *A Theory of Justice*. (Cambridge: Harvard University Press, 1999).

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