

Rawls argues that:

1. The basic idea of the social contract tradition is a good one. This idea is that we can determine what the basic social rules ought to be by asking the following question: What rules would it be reasonable for people to accept, if they were trying to negotiate a 'social contract' in order to escape the lawless 'state of nature' and thereby gain the benefits that flow from social cooperation?
2. But we need to make one important adjustment: We shouldn't ask, "What would people have chosen in some actual historical situation?" We should ask, "What would people choose in a situation that is carefully designed to be fair?" And the choice of basic rules will be fair only if it is made from behind "a veil of ignorance." That is, we should imagine that the people who are trying to agree on a contract (a set of rules) are ignorant of what their specific place or role in society will be. In Rawls' words: "no one knows his place in society, his class position or social status; nor does he know his fortune in the distribution of natural assets and abilities, his intelligence and strength, and the like. Nor, again, does anyone know his conception of the good, the particulars of his rational plan of life, or even the special features of his psychology such as his aversion to risk or liability to optimism or pessimism." If they were ignorant of all these things, then they would not be tempted to try to skew the social rules to benefit themselves, and they could agree on rules that were fair to everyone. (See pp. 21-23 for details.)
3. If people were choosing fundamental principles 'behind a veil of ignorance,' it would be rational for them to use the very conservative (risk-avoiding) 'maximin' rule of choice. This rule says that you should choose the option that has the best 'worst case outcome.' (So, you are to "maximize the minimum,") That is, for each option on your menu, consider what is the worst possible outcome that might result if you choose that option. Then choose the option where that worst possible outcome is as good as it can be. It is reasonable to use this very risk-avoidant rule in the (very unusual) situation where one is choosing basic rules for society, because, in that special situation, one is choosing not just for a moment or for oneself. One is choosing for one's whole lifetime and for one's descendants, as well. And the consequences of a poor choice can be disastrous.
4. If they followed this 'maximin' rule, they would choose Rawls' two principles of justice. That is, they would choose principles that called for:
 1. Protection of civil and political liberties (because these are of fundamental importance to one's ability to pursue one's own plan of life, whatever it is)
 2. Minimization of inequalities of wealth, power, authority, and so on, except when these inequalities are:

- a. To everyone's benefit -- as when the possibility of earning greater rewards motivates individuals to work harder and contribute more to a socially useful enterprise (Rawls calls this "the difference principle" – presumably because it is about when *differences* in income, wealth, and power are justified.) Note that this principle requires taxing and spending to prevent anyone from falling into poverty and to make sure that the increases in productivity, etc., really do benefit everyone.
 - b. Open to everyone under conditions of fair equality of opportunity. This seems to require
 - i.) strict rules against discrimination and
 - ii.) public provision of education and training, otherwise opportunities to 'move up' will not be genuinely equal.
5. Taxes to support programs that expand opportunities (like public education) and provide what Rawls calls a 'social minimum' (what others sometimes call a 'social safety net') are not unfair to those who are better off, because:
 - a. Their ability to earn higher incomes is only partly a result of their own effort. It depends on the presence of a social context in which those efforts can bear fruit. Without that social context – the institutions and practices of an ongoing society – a person's individual effort would not generate much wealth. Imagine the 'wealth' of a solitary person dropped without tools or knowledge or companions into a wilderness.
 - b. It is also largely a result of good fortune: Either inherited social advantages like wealth, connections, or access to better-than-average education or inherited natural advantages like intelligence, creativity, or athletic ability. (According to Rawls, even your ability to develop your natural talents by working hard, practicing, studying, etc. is dependent on a kind of luck. You will have acquired the character traits necessary to do these things, he says, only if you were lucky enough to be born into "fortunate family or social circumstances.")
6. In testing a conception of justice (or, more generally, a set of moral rules), we have to take into account a complex set of considerations. We need to evaluate the arguments that have convinced us to adopt a particular interpretation of the contractual procedure (like Rawls' insistence on the 'veil of ignorance'). We need to make sure that the principles or rules that we endorse are reasonably congruent with our 'considered judgments' about what is right or fair. We need to make sure that those principles are consistent with our understanding of human nature and psychology, so that we are not asking more of people than it is possible for them to give. And we need to consider what the most plausible alternatives are that our philosophical tradition has made available to us. (For Rawls, this means that he often tries to show how his view is more attractive than utilitarianism.) We move back and forth between these various kinds of considerations, making adjustments here and there, until we have a coherent whole. When we engage in this complex sort of assessment, we are searching for what Rawls calls "reflective equilibrium." None of these different kinds of considerations can serve as a *foundation* for our moral reasoning.