

Differences Between Rawls and Locke: From the Perspectives of Rationality and Equality

Wenzhang Pan

*School of Humanities and Social Sciences, Xi'an Jiaotong Liverpool University (XJTLU), Suzhou, P. R. 215123, China
Corresponding author. Email: Wenzhang.pan@outlook.com*

ABSTRACT

This essay intends to criticize the theory of John Rawls on justice as fairness. In order to do so, this essay chooses the strong and well-argued theory of John Locke on human rights and the civil government as a contrast. This essay holds the opinion that the choice of Rawls to base his theory entirely on a weak assumption is the main difference from Locke, and such choice ends up to be the lack of soundness in premises and the lack of logical cohesiveness. These defects in the theory might result in dangerous, however, unpredictable consequences. This essay mainly explores their theory through their views upon rationality and equality. The essay provides a solution out of such defects which might be hard to be accepted by scientific academia. That is to bring back metaphysical premises to the political philosophy. At the end of this essay, a strong accusation is made against the positivism and to defend the metaphysics in political philosophy.

Keywords: *Analytic philosophy, liberalism, contractarian, political theory, Rawls*

1. INTRODUCTION

John Rawls is influential due to his thoughts in regards to social justice. Okin [1] states that Rawlsian theory is the most influential theory of justice in the 20th century; yet, it is also widely criticized from nearly all sides. For example, both Harsanyi [2] and Arrow [3] critiques that maximum principles applied in Rawls' theory on the decision making of people at original positions, while classical liberalists critique his point on distribution. In a theory of justice, Rawls [4] introduces the theory of justice known as justice as fairness with principles that, first, each person has the claim to the most extensive scheme of equal basic liberties as for others, and second, there should be social and economic inequalities for the benefit of the least advantaged and attached to offices and positions equally open to all. Rawls assumes that the aforementioned principles of justice will be recognized by rational and reasonable people at an original position, which provides certain similarities with the state of nature proposed by John Locke. However, unlike Locke and other social contract philosophers who starts from strong metaphysical premises, just as the name of his work a theory of justice suggests, Rawls puts his entire theory on an assumption with premises chosen and created by himself, which is so weak that shakes the overall soundness of his theory. This choice of Rawls ends to be a key difference from early thinkers, however, also a defect of his inference that might lead to dangerous consequences due to its popularity. From the perspective of this essay, the Rawlsian view on justice definitely deserve an overhaul meta-view harsh criticizes. Yet due to the length of this essay and the need of further understanding of Rawls' works, this essay intends to take a

different approach that from specific and crucial concepts in his theory to explore the inference and weakness of Rawlsian justice through the comparison with Locke's theory on civil government.

2. ANALYSIS

2.1. Comparison on Rationality

Despite that both Rawls and Locke emphasize the rationality, their usages of rationality – or mainly reason in the work of Locke – differ from the other. Locke sees the usage of reason as an epistemic capacity to perceive the natural law, which is used by him to introduce the human rights. Before bringing in the reason, in the inference of Locke, Locke [5] first introduces the state of nature, when – or where – all human beings equally enjoy utter freedom to do whatever this person will. However, Locke further introduces that “the state of nature has a law of nature to govern it, which obliges every one”. Locke indicates that through the use of reason in perceiving the natural law, human beings can discover the causes of human rights. And later in the reasoning, he indicates that, in order to defend their rights, people own the right to punish. Yet, the individuals' judging might cause, according to Locke, partiality, excessive punishment, and confusion and disorder. Therefore, Locke believes that such right should be delegated to the government. Generally speaking, Locke mainly uses the reason to show the human rights, and he sees the reason used as a capacity. For Rawls, the rationality and reasonableness used in his theory are the properties of his ideal citizens. He assumes that at the original position where no knowledge of the empirical life

to be in the minds of citizens within, people can be rational and reasonable, which means that first they know what they will be pursuing and are capable to pursue, and second they can cooperate and possess a sense of justice [4].

One might argue that view of Rawls can be recognized as similar to Locke, since that it is obvious that “being able to preserve reason as an epistemic capacity” is also a property for human beings. This notwithstanding, when emphasizing reason or rationality and reasonableness, the circumstances they face is different. This difference in circumstances leads to different usages. Locke uses the reason to connect the premise of the existence of the natural law and the rights and obligations of human beings under such law. However, for Rawls, citizens being rationality and reasonableness are exactly one of the premises of his assumption. *Videlicet*, for Rawls, the use of rationality serves as a premise for his assumption to works.

This difference in circumstances they face when reasoning can be explained with the different nature of their theories. For Locke's theory on human right is propositional, while Rawls' theory on justice is moral. To explain, Locke argues human rights as if they are within the reality – in this case, natural law, as part of reality. For instance, the existence of human lives is the manifestation of human life right as the effects of natural law carrying the meanings of its origin – for Locke is God, and thus, we know they the life right is there. Namely, human rights are there before any discussions and are needless for human creation. Hence, Locke's theory on human rights is to show the existence of beings as human rights in reality and to propose concepts of human rights with truth value in accord with the existed beings as human rights, where he puts reason at. However, for Rawls' theory on justice, Rawls holds opinion that justice is not in reality before human creation, and it is a moral being created by human beings that determined by human decisions on what it ought to be. Thus, unlike Locke, he does not need to use reason as a capacity to show what in reality exists. Based on that, he begins his introduction on his theory of justice. He believes the principles of justice are at an assumed original position to be set with people to make decision. It is at this step that he adds rationality and reasonableness as a premise.

2.2. Comparison on Equality

The view of equality is also of extreme difference between Locke and Rawls. The equality of Rawls is that people should be treated unequally to reach an equality in consequences; the equality of Locke is that all people are equal before the natural law. Comparing with rights, punishment and property, equality does not stand out to be an important issue in the second treatise of civil government. For Locke, equality is a state among humans as the result of being under the rule of the law of nature. Locke [5] describes the state of nature as “a state also of equality, wherein all the power and jurisdiction are reciprocal, no one having more than another”.

This thought of Locke is similar to Rawls that people all have the equal basic liberty as in the first principle [4]. Yet more thoughts about equality can be shown in the second principle. Rawls believes that the principle which concerns the purpose of action serves the equality in consequences. This claim can be spotted when Rawls discusses the second principle of the justice as fairness. Rawls [4] states that the second principle of his justice is that there should be social and economic inequities in order to both benefit the least advantaged and to attach to the offices and positions equally open to all. From the perspective of this principle itself, obviously this is not equality, because if we only view this action without considering the possible consequences it might bring about, this action treats people unequally. Yet, with the condition that such inequalities are to benefit less advantaged, it can be recognized as consequentialism equality.

For the sake of understanding, I shall sketch a hyperbolic case for example, a society with only two categories of people – beautiful and ugly. By using this example, there is no intent to have any differences in regards to gender or any self-preference between them. It is *prima-facie* that human being appreciate the beauty as the quality possessed by the bearers, and it is reasonable to believe that those who unfortunately beautiful are more advantaged than those who ugly – without considering the causality behind and whether it is fair. If, according to the second principle of Rawls, an inequality has to be made in the society for the benefit of the least advantaged, then between the two categories the only solution is that we take away what those who beautiful deserve and give them to those who ugly. That means, if the unalterable *fait accompli* of being beautiful has already granted a person more than those who ugly, then the society has to make a compensation to benefit those who ugly from those who beautiful in the aspects of other qualities they possess. If all the persons can be the same diligent – as assumed – then since being beautiful cannot be changed, the society has to take away, more or less, what those who beautiful deserve through their efforts to compensate those who ugly in order to reach an equality after the social distributions.

A deeper understanding of Rawlsian equality is that equality in the second principle serves the first principle. Lies at the core of this understanding is that to reach equality is not a purpose ends at itself, instead, it is a means to realize each individual's claim to liberties in the first principle, as Rawls [4] states that “the basic equal liberties protected by the first principle cannot be justified, or compensated for, by greater social and economic advantages”. Yet as mentioned, the first principle of his theory suggests that he would like to guarantee the claim from all individuals to the most extensive scheme of equal basic liberties. It is obvious that, if without any premises, this first principle is conflicting with the second principle that there should be social and economic inequality created to equalize different people and further to guarantee the liberties appealed in the first principle. The perfect example is the right of owning property. This right is equal to everyone and necessary to everyone, while the amount of property to obtain is determined mainly by the amount

of effort people put in to this process, and such property is in their hands for disposal. If the society has to create inequality to grab property, without permission, from the relatively advantaged groups who are so due to various reasons, then this violates the first principle for it undermines people's necessary and equal right. Despite that Rawls [4] grants a higher priority to the first principle over the second, as long as the second principle exist, it contradicts the first principle – as shown through the right of owning property. However, Rawls adds premises at the original position for his theory to work out, that is citizens at original position are rational and reasonable. With these premises, the theory is coherent, since in the above case of property people would like to give away their property for the least advantaged groups.

2.3. The Weakness of Rawlsian Theory

However, as mentioned at the beginning of this essay, the assumption of original position is too weak. Unlike the propositions from social contract philosophers on liberty, human rights and equality before natural law, which are so solid that could hardly be rejected, the only proposition sound for Rawls is that justice is a moral being. Several questions arise from his theory in regards to soundness of his premises and logical cohesiveness. The first one is that, if it is a thought experiment at the original position with only the actors of human beings, why should we only bring in the factors of rationality and reasonableness? If at this position none of the mortal experience or identities will influence their decision making, then it is reasonable to consider that only the nature of human being is influencing their decision making. To describe human nature with only rationality and reasonability is incomplete. The second question is that to what extent do we believe that people are rational and reasonable means they are willing to agree on the second principle. What if for example – in a chaffing way of expression – Robert Nozick is among these people at original position, while he is not a professor of Harvard, has no empirical experience, but unfortunately for Rawls preserves the rationality and reasonableness to disagree with Rawls? It is notable that, as a close colleague of Rawls – in both terms of discipline and location, Robert Nozick has a different theory in his work *Anarchy, State, and Utopia* on political philosophy which is sound, popular and against the wishes of Rawls, as he [6] indicates that “there is no justified sacrifice of some of us for others” and sketches a complete outlook of the destiny of civil governments that they will eventually become small and “night watchmen” of the society.

The final and most important question is that if the premises are soundless and some of his inference lacks of coherence, how does Rawls come up with his conclusion of justice as fairness? A strong accusation is that, just as the name of his book suggest, he must first have a desire of this conclusion, then he chose parts which he could assemble a theory fits with his desire. It is undoubtedly and extremely noble to have such a desire to change, which drives many people to where they are. However, if we

neglect the approach to the conclusion, we might fail to convince, or even worse that it might end up to be a theory which convinces most of people yet violates what is more fundamental or the initiate intention.

2.4. Discussion

The intention of this essay to use John Locke as a comparison to Rawls is to provide a solution out of the defects what Rawlsian philosophy faces. It is apparent that the overhaul weakness of the theory can be remedied by re-introducing the metaphysical premises. If strong premises can be brought back to the theory, there is no need to manipulate the factors at the original position. This means that, first the premises in the inference are able to be more sound, and second the logic can be more cohesive due to the removal of the rationality and reasonableness.

A counter argument to this solution might come from the scientism and positivism with people who claim that all statements within the set which can be treated as authentic and meaningful must can be examined by empirical reality. If we assume that this is true, then metaphysics – as part of philosophy beyond the boundary of empirical experience – is of no doubt to be unauthentic and meaningless. However, to what extent do we understand positivism can be true? If we assume that this statement itself is true, then obviously we have no empirical means to examine its truth value, then, according to itself, it is unauthentic and meaningless; if we have to guarantee that it is authentic and meaningful, then it overturns itself, and thus, it is false. And since that there is no reference in reality that can be the criterion to judge whether it is in accord with this reference, perhaps the statement of positivism is never a question of whether it can be true or not. If that is so, then for the advocates for positivism, this statement is either an issue of belief – that even they cannot prove it, they would rather like to believe in it – or an issue of morality – that they cannot prove it because they do not claim that it is true but is important. Since that the counter of positivism has no superiority against the metaphysical propositions.

3. CONCLUSION

This essay tries to compare the different views on rationality and equality from John Locke and John Rawls, and lists the defects of Rawls' theory that deserves to criticize. Locke mainly sees rationality as a capacity for people to realize the natural law and rights granted by this law, and sees equality as a natural state; Rawls sees rationality as a property that citizens who can fit in his theory preserve, and sees equality as the result of deliberate inequality in treatment in order to reach an equality in results. The greatest defect of Rawls is that he, as a political scientist, abandons the tradition of metaphysics as premises, but turns to a weak assumption. This essay appeals to the return of metaphysics in political and sociological theories. A great limitation of this essay is

that the complexity of Rawls' work and expression is unprecedented for its author due to his lack of experience in dealing with massive and cross-field thinking. This essay only conveys a shallow understanding of Rawls' work and perhaps many of this essay's assertions are explained in his work, which have not been found out.

What enlightening in writing this paper is that it suggests that as a periphery field of philosophy, political philosophy needs massive foundation to stand. This also explains why Rawls turns his back away from the metaphysics. That is assumed by me as the result of popular skepticism attitude from the upper stream radical positivists, such as the Vienna Circle, who largely defined the modern science. However, throughout the last century, we have been witnessing a renaissance against the radical positivism, including the post-positivists and continental philosophers who never believe in the existence of a reality that human minds can approach to. I humbly hold the opinion that, despite positivism has brought significant utility, it should be constrained upon a common and basic recognition that it is simply one approach with its central claim consisting of nothing more but belief.

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REFERENCES

- [1] Okin, Susan M. *Justice, Gender, and the Family*. Basic Books, 1989. Internet Archive, <https://archive.org/stream/justicegender00okin/ref=ol#page/n5/mode/2up>. Accessed 6 August 2020.
- [2] Harsanyi, John C. "Can the Maximin Principle Serve as a Basis for Morality? A Critique of John Rawls's Theory". *The American Political Science Review*, vol. 69, no. 2 June, 1975, pp. 594-606. JSTOR, <http://www.jstor.org/stable/1959090>. Accessed 6 August 2020.
- [3] Arrow, Kenneth J. "Some Ordinalist-Utilitarian Notes on Rawls's Theory of Justice by John Rawls". *Journal of Philosophy*, vol. 70, no. 9, May 10, 1973, pp. 245-263. JSTOR, <http://www.jstor.org/stable/2025006>. Accessed 6 August 2020.
- [4] Rawls John. *A Theory of Justice*. Revised Edition, Belknap Press of Harvard University Press, 1971. http://www.consiglio.regione.campania.it/cms/CM_PORRTALE_CRC/servlet/Docs?dir=docs_biblio&file=BibliocoContenuto_3641.pdf. Accessed 15 July 2020.
- [5] Locke, John. *Two Treatises of Government*. Edited by Thomas Hollis, A. Millar et al., 1764. Online Library of Liberty, <https://oll.libertyfund.org/titles/locke-the-two-treatises-of-civil-government-hollis-ed>. Accessed 3 July 2020.
- [6] Nozick, Robert. *Anarchy, State, and Utopia*. Basic Books, 1974.