6 Perverse Effects and Social Philosophy: Rawls’s Theory of Justice

Those who reflect on the nature of industrial society constantly refer to what I shall here call programmed Utopias. The pessimist version has it that societies are vast organisations in which individual behaviours would inevitably be programmed. The optimistic version (see, for instance, the American sociologist Etzioni’s book *The Active Society*) has it that industrial societies have to be corrected by improving their programming, i.e., by researching into better means of circulating information and by perfecting the retroactive mechanisms that link the different poles of a society (considered as an organisation) together.

Rawls’s book, *A Theory of Justice*, is intellectually superior to most programmed Utopias. He has recourse to an impressive armoury of concepts. But he too tends to minimise the role played in social change by the perverse effects that social institutions and in particular individual freedoms invariably produce. We have known since Rousseau that there is always some cost involved in eliminating these perverse effects. Their social significance is in itself sufficient cause to doubt theories that argue for an implicit identity between societies and organisations. The distinction is actually a fundamental one. All the behaviours that take place inside an organisation are more or less ordered. They are the product of roles. In society, on the other hand, there are all sorts of behaviours (those that comprise the private sphere) that depend on individual free choice, and perverse effects are often the result, as several of the above texts suggest, of the accumulation of behaviours of this type.

Finally Rawls fails to realise that the distributive justice that he claims to define implies costs and that these costs may well be paid off in the all too familiar form of restriction of the individual’s liberties.

This discussion of the Rawlsian theory of justice thus brings us to some of the fundamental questions that this book poses: the accumulation of micro-sociological actions will readily engender, at the macro-sociological level, effects that are in general too complex to be anticipated in all their detail and sufficiently ambivalent to

leave a great deal of room for ideological and political conflicts. It is for this reason that the dialectic (in a restricted form) seems to me to be a better general paradigm for sociological analysis than cybernetics.

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Difficult though it is to summarise in a few lines the 600 or so pages of *A Theory of Justice*, it is not impossible to do so provided one keeps to the essential. Rawls’s theory of justice is in fact relatively simple in its main lines. It proceeds from a ‘deductive’ approach which derives directly from the contractualist philosophers: let us assume there to be men who are ignorant of the particular position which will be attributed to them in the society of which they are going to become members, not knowing even the generation to which they belong, possessing minimum knowledge of human nature and of societies, harbouring towards each other a basic feeling of neutrality which excludes envy, knowing that they appreciate ‘primary goods’ such as wealth, power and personal fulfilment, but knowing neither the exact list nor the relative utility of these goods. Let us then imagine that these men are presented with various conceptions of justice, that is to say principles which should govern their choices of social institutions. According to Rawls, the theory to which they would give pride of place over all other and in particular over all theories of the utilitarian or intuitionist type – I shall have occasion to bring out the exact significance of these terms subsequently – is that of *justice as fairness*: they would demand first of all that the basic liberties be equally distributed among all men (first principle); secondly that social and economic inequalities (1) be regulated in such a way as best to serve the interests of the most unfavoured individuals; (2) be attached to functions and positions to which all men have equal opportunity of access (second principle).

Without entering into Rawls’s demonstration in detail, I shall briefly show how certain propositions are ‘deduced’ from postulates relating to the ‘original position’ (i.e., ‘the state of nature’) as it is described by Rawls. Thus, once the contractants are assumed to be not envious, they have no reason to include equal conditions among their demands. More precisely, since they do not know what position they will occupy in society, they should prefer to an egalitarian system in which all men would have a certain quantity of ‘primary goods’ an egalitarian system which would enable each person to be ensured of an at least equal quantity of primary goods.

Equal opportunity of access to positions is ‘deduced’ in a similar way: not knowing their aptitudes and talents, knowing merely that