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The Fairness Principle: How the Veil of Ignorance Helps Test Fairness

18-22 minutes

The Basics

If you could redesign society from scratch, what would it look like?

How would you distribute wealth and power?

Would you make everyone equal or not? How would you define fairness and equality?

And — here's the kicker — what if you had to make those decisions without knowing who you would be in this new society?

“But the nature of man is sufficiently revealed for him to know something of himself and sufficiently veiled to leave much impenetrable darkness, a darkness in which he ever gropes, forever in vain, trying to understand himself.”

— Alexis de Tocqueville, *Democracy in America*

Philosopher **John Rawls** asked just that in a thought

experiment known as “the Veil of Ignorance” in his 1971 book, [Theory of Justice](#).

Like many thought experiments, the Veil of Ignorance could never be carried out in the literal sense, nor should it be. Its purpose is to explore ideas about justice, morality, equality, and social status in a structured manner.

The Veil of Ignorance, a component of social contract theory, allows us to test ideas for fairness.

Behind the Veil of Ignorance, no one knows who they are. They lack clues as to their class, their privileges, their disadvantages, or even their personality. They exist as an impartial group, tasked with designing a new society with its own conception of justice.

As a thought experiment, the Veil of Ignorance is powerful because our usual opinions regarding what is just and unjust are informed by our own experiences. We are shaped by our race, gender, class, education, appearance, sexuality, career, family, and so on. On the other side of the Veil of Ignorance, none of that exists. Technically, the resulting society should be a fair one.

In [Ethical School Leadership](#), Spencer J. Maxcy writes:

Imagine that you have set for yourself the task of developing a totally new social contract for today’s society. How could you do so fairly? Although you could never actually eliminate all of your personal biases and prejudices, you would need to take steps at least to minimize them. Rawls suggests that you imagine yourself in an original position behind a veil of ignorance. Behind this veil, you know nothing of yourself and your natural abilities, or your

position in society. You know nothing of your sex, race, nationality, or individual tastes. Behind such a veil of ignorance all individuals are simply specified as rational, free, and morally equal beings. You do know that in the “real world,” however, there will be a wide variety in the natural distribution of natural assets and abilities, and that there will be differences of sex, race, and culture that will distinguish groups of people from each other.

“The Fairness Principle: When contemplating a moral action, imagine that you do not know if you will be the moral doer or receiver, and when in doubt err on the side of the other person.”

— Michael Shermer, *The Moral Arc: How Science and Reason Lead Humanity Toward Truth, Justice, and Freedom*

The Purpose of the Veil of Ignorance

Because people behind the Veil of Ignorance do not know who they will be in this new society, any choice they make in structuring that society could either harm them or benefit them.

If they decide men will be superior, for example, they must face the risk that they will be women. If they decide that 10% of the population will be slaves to the others, they cannot be surprised if they find themselves to be slaves. No one wants to be part of a disadvantaged group, so the logical belief is that the Veil of Ignorance would produce a fair, egalitarian society.

Behind the Veil of Ignorance, cognitive biases melt away.

The hypothetical people are rational thinkers. They use probabilistic thinking to assess the likelihood of their being affected by any chosen measure. They possess no opinions for which to seek confirmation. Nor do they have any recently learned information to pay undue attention to. The sole incentive they are biased towards is their own self-preservation, which is equivalent to the preservation of the entire group. They cannot stereotype any particular group as they could be members of it. They lack commitment to their prior selves as they do not know who they are.

So, what would these people decide on? According to Rawls, in a fair society all individuals must possess the following:

- Rights and liberties (including the right to vote, the right to hold public office, free speech, free thought, and fair legal treatment)
- Power and opportunities
- Income and wealth sufficient for a good quality of life (Not everyone needs to be rich, but everyone must have enough money to live a comfortable life.)
- The conditions necessary for self-respect

For these conditions to occur, the people behind the Veil of Ignorance must figure out how to achieve what Rawls regards as the two key components of justice:

- Everyone must have the best possible life which does not cause harm to others.
- Everyone must be able to improve their position, and any inequalities must be present solely if they benefit everyone.

However, the people behind the Veil of Ignorance cannot be

completely blank slates or it would be impossible for them to make rational decisions. They understand general principles of science, psychology, politics, and economics. Human behavior is no mystery to them. Neither are key economic concepts, such as comparative advantage and supply and demand. Likewise, they comprehend the deleterious impact of social entropy, and they have a desire to create a stable, ordered society. Knowledge of human psychology leads them to be cognizant of the universal desire for happiness and fulfillment. Rawls considered all of this to be the minimum viable knowledge for rational decision-making.

Ways of Understanding the Veil of Ignorance

One way to understand the Veil of Ignorance is to imagine that you are tasked with cutting up a pizza to share with friends. You will be the last person to take a slice. Being of sound mind, you want to get the largest possible share, and the only way to ensure this is to make all the slices the same size. You could cut one huge slice for yourself and a few tiny ones for your friends, but one of them might take the large slice and leave you with a meager share. (Not to mention, your friends won't think very highly of you.)

Another means of appreciating the implications of the Veil of Ignorance is by considering [the social structures of certain species of ants](#). Even though queen ants are able to form colonies alone, they will band together to form stronger, more productive colonies. Once the first group of worker ants reaches maturity, the queens fight to the death until one remains. When they first form a colony, the queen ants are

behind a Veil of Ignorance. They do not know if they will be the sole survivor or not. All they know, on an instinctual level, is that cooperation is beneficial for their species. Like the people behind the Veil of Ignorance, the ants make a decision which, by necessity, is selfless.

The Veil of Ignorance, as a thought experiment, shows us that ignorance is not always detrimental to a society. In some situations, it can create robust social structures. In the animal kingdom, we see many examples of creatures that cooperate even though they do not know if they will suffer or benefit as a result. In a paper entitled "[The Many Selves of Social Insects](#)," Queller and Strassmann write of bees:

...social insect colonies are so tightly integrated that they seem to function as single organisms, as a new level of self. The honeybees' celebrated dance about food location is just one instance of how their colonies integrate and act on information that no single individual possesses. Their unity of purpose is underscored by the heroism of workers, whose suicidal stinging attacks protect the single reproducing queen.

We can also consider the [Tragedy of the Commons](#). Introduced by ecologist [Garrett Hardin](#), this [mental model](#) states that shared resources will be exploited if no system for fair distribution is implemented. Individuals have no incentive to leave a share of free resources for others. Hardin's classic example is an area of land which everyone in a village is free to use for their cattle. Each person wants to maximize the usefulness of the land, so they put more and more cattle out to graze. Yet the land is finite and at some point will become too depleted to support livestock. If the

people behind the Veil of Ignorance had to choose how the common land should be shared, the logical decision would be to give each person an equal part and forbid them from introducing too many cattle.

As N. Gregory Mankiw writes in [*Principles of Microeconomics*](#):

The Tragedy of the Commons is a story with a general lesson: when one person uses a common resource, he diminishes other people's enjoyment of it. Because of this negative externality, common resources tend to be used excessively. The government can solve the problem by reducing use of the common resource through regulation or taxes. Alternatively, the government can sometimes turn the common resource into a private good.

This lesson has been known for thousands of years. The ancient Greek philosopher Aristotle pointed out the problem with common resources: "What is common to many is taken least care of, for all men have greater regard for what is their own than for what they possess in common with others."

In [*The Case for Meritocracy*](#), Michael Faust uses other thought experiments to support the Veil of Ignorance:

Let's imagine another version of the thought experiment. If inheritance is so inherently wonderful — such an intrinsic good — then let's collect together all of the inheritable money in the world. We shall now distribute this money in exactly the same way it would be distributed in today's world... but with one radical difference. We are going to distribute it by lottery rather than by family inheritance, i.e, anyone in the world can receive it. So, in these

circumstances, how many people who support inheritance would go on supporting it? Note that the government wouldn't be getting the money... just lucky strangers. Would the advocates of inheritance remain as fiercely committed to their cherished principle? Or would the entire concept instantly be exposed for the nonsense it is?

If inheritance were treated as the lottery it is, no one would stand by it.

[...]

In the world of the 1% versus the 99%, no one in the 1% would ever accept a lottery to decide inheritance because there would be a 99% chance they would end up as schmucks, exactly like the rest of us.

And a further surrealistic thought experiment:

Imagine that on a certain day of the year, each person in the world randomly swaps bodies with another person, living anywhere on earth. Well, for the 1%, there's a 99% chance that they will be swapped from heaven to hell. For the 99%, 1% might be swapped from hell to heaven, while the other 98% will stay the same as before. What kind of constitution would the human race adopt if annual body swapping were a compulsory event?! They would of course choose a fair one.

“In the immutability of their surroundings the foreign shores, the foreign faces, the changing immensity of life, glide past, veiled not by a sense of mystery but by a slightly disdainful ignorance.”

— Joseph Conrad, Heart of Darkness

The History of Social Contract Theory

Although the Veil of Ignorance was first described by Rawls in 1971, many other philosophers and writers have discussed similar concepts in the past. Philosophers discussed social contract theory as far back as ancient Greece.

In [Crito](#), Plato describes a conversation in which Socrates discusses the laws of Athens and how they are responsible for his existence. Finding himself in prison and facing the death penalty, Socrates rejects Crito's suggestion that he should escape. He states that further injustice is not an appropriate response to prior injustice. Crito believes that by refusing to escape, Socrates is aiding his enemies, as well as failing to fulfil his role as a father. But Socrates views the laws of Athens as a single entity that has always protected him. He describes breaking any of the laws as being like injuring a parent. Having lived a long, fulfilling life as a result of the social contract he entered at birth, he has no interest in now turning away from Athenian law. Accepting death is essentially a symbolic act that Socrates intends to use to illustrate rationality and reason to his followers. If he were to escape, he would be acting out of accord with the rest of his life, during which he was always concerned with justice.

Social contract theory is concerned with the laws and norms a society decides on and the obligation individuals have to follow them. Socrates' dialogue with Plato has similarities with the final scene of Arthur Miller's [The Crucible](#). At the end of the play, John Proctor is hung for witchcraft despite having the option to confess and avoid death. In continuing

to follow the social contract of Salem and not confessing to a crime he obviously did not commit, Proctor believes that his death will redeem his earlier mistakes. We see this in the final dialogue between Reverend Hale and Elizabeth (Proctor's wife):

HALE: Woman, plead with him! [...] Woman! It is pride, it is vanity. [...] Be his helper! What profit him to bleed? Shall the dust praise him? Shall the worms declare his truth? Go to him, take his shame away!

ELIZABETH: [...] He have his goodness now. God forbid I take it from him!

In these two situations, individuals allow themselves to be put to death in the interest of following the social contract they agreed upon by living in their respective societies. Earlier in their lives, neither person knew what their ultimate fate would be. They were essentially behind the Veil of Ignorance when they chose (consciously or unconsciously) to follow the laws enforced by the people around them. Just as the people behind the Veil of Ignorance must accept whatever roles they receive in the new society, Socrates and Proctor followed social contracts. To modern eyes, the decision both men make to abandon their children in the interest of proving a point is not easily defensible.

Immanuel Kant wrote about justice and freedom in the late 1700s. Kant believed that fair laws should not be based on making people happy or reflecting the desire of individual policymakers, but should be based on universal moral principles:

Is it not of the utmost necessity to construct a pure moral

philosophy which is completely freed from everything that may be only empirical and thus belong to anthropology? That there must be such a philosophy is self-evident from the common idea of duty and moral laws. Everyone must admit that a law, if it is to hold morally, i.e., as a ground of obligation, must imply absolute necessity; he must admit that the command, "Then shalt not lie," does not apply to men only, as if other rational beings had no need to observe it. The same is true for all other moral laws properly so called. He must concede that the ground of obligation here must not be sought in the nature of man or in the circumstances in which he is placed, but sought *a priori* solely in the concepts of pure reason, and that every other precept which is in certain respects universal, so far as it leans in the least on empirical grounds (perhaps only in regard to the motive involved), may be called a practical rule but never a moral law.

How We Can Apply This Concept

We can use the Veil of Ignorance to test whether a certain issue is fair.

When my kids are fighting over the last cookie, which happens more often than you'd imagine, I ask them to determine who will spilt the cookie. The other person picks. This is the old playground rule, "you split, I pick." Without this rule, one of them would surely give the other a smaller portion. With it, the halves are as equal as they would be with sensible adults.

When considering whether we should endorse a proposed law or policy, we can ask: if I did not know if this would

affect me or not, would I still support it? Those who make big decisions that shape the lives of large numbers of people are almost always those in positions of power. And those in positions of power are almost always members of privileged groups. As Benjamin Franklin once wrote: “Justice will not be served until those who are unaffected are as outraged as those who are.”

Laws allowing or prohibiting abortion have typically been made by men, for example. As the issue lacks real significance in their personal lives, they are free to base decisions on their own ideological views, rather than consider what is fair and sane. However, behind the Veil of Ignorance, no one knows their sex. Anyone deciding on abortion laws would have to face the possibility that they themselves will end up as a woman with an unwanted pregnancy.

In [*Justice as Fairness: A Restatement*](#), Rawls writes:

So what better alternative is there than an agreement between citizens themselves reached under conditions that are fair for all?

[...]

[T]hreats of force and coercion, deception and fraud, and so on must be ruled out.

And:

Deep religious and moral conflicts characterize the subjective circumstances of justice. Those engaged in these conflicts are surely not in general self-interested, but rather, see themselves as defending their basic rights and liberties

which secure their legitimate and fundamental interests. Moreover, these conflicts can be the most intractable and deeply divisive, often more so than social and economic ones.

In [*Ethics: Studying the Art of Moral Appraisal*](#), Ronnie Littlejohn explains:

We must have a mechanism by which we can eliminate the arbitrariness and bias of our “situation in life” and insure that our moral standards are justified by the one thing all people share in common: reason. It is the function of the veil of ignorance to remove such bias.

When we have to make decisions that will affect other people, especially disadvantaged groups (such as when a politician decides to cut benefits or a CEO decides to outsource manufacturing to a low-income country), we can use the Veil of Ignorance as a tool for making fair choices.

As Robert F. Kennedy (the younger brother of John F. Kennedy) said in the 1960s:

Few will have the greatness to bend history itself, but each of us can work to change a small portion of events. It is from numberless diverse acts of courage and belief that human history is shaped. Each time a man stands up for an ideal, or acts to improve the lot of others, or strikes out against injustice, he sends forth a tiny ripple of hope, and crossing each other from a million different centers of energy and daring, those ripples build a current which can sweep down the mightiest walls of oppression and resistance.

When we choose to position ourselves behind the Veil of Ignorance, we have a better chance of creating one of those

all-important ripples.