This first conference will focus on John Rawls’ famous *Theory of Justice* (1971). Rawls is widely held as the most important representative of contemporary liberal egalitarianism. We will analyze how equality plays a fundamental role in his theory of justice as fairness:

1) In the constructivist and contractualist justification of his theory. Rawls starts from a very simple intuition. The choice of principles of social justice, which should govern the basic institutions of a well-ordered society, must be made from a point of view that ensures their fairness. This means that the choice of fundamental principles must be made from an impartial perspective that neutralizes, as much as possible, the disproportionate impact of the contingent traits that characterize individuals and determine what they can expect from life. Rawls embodies this essential condition of fairness in the situation of hypothetical choice that he calls “original position of equality”, a kind of updating of the social contract theory.

2) Equality then plays a part in the content of the principles of justice themselves, which interact in order to frame what Rawls calls “democratic equality”. The first principle is the “principle of equal liberty”, according to which each person must have an equal right to the most extensive system of liberties compatible with similar liberties for all; the second principle is the “principle of difference”, according to which social and economic inequalities should be attached to positions opened to all (equality of opportunities) and arranged so that they are to the greatest benefit of the least advantaged persons.

I will present his theory, but I would like, first, to introduce the background against which he proposes it.

1) *A short history of justice and equality*

To start thinking about equality and, specifically, the relation between justice and equality, it may be fruitful to begin with Aristotle’s *Politics*, III, 12: “All men believe that the righteous/the fair consists of a certain equality (...). But what kind of equality and what kind of inequality? This is a point that must not escape us, because it contains a fundamental difficulty of political philosophy.” In the *Nicomachean Ethics*, V, 2, he specifies: “the righteous is what is in conformity with the law and what respects equality”: what is just, or right, is both what is legal and what is equal. And what is equal, he adds, can be in turn divided into two main dimensions: it is both conceived in what he calls arithmetical and
proportional terms: A-x+x=A; or A/a= B/b, both types of equality defining respectively corrective justice and distributive justice. In the first case, what matters it to re-establish the agent A in his former situation when x has been unjustly taken from him, by exactly compensating his loss. The judge’s role consists in evaluating the loss and restituting or compensating the victim with an equivalent amount of good. In the second case, what matters is to allocate resources, or goods, or benefits, in a society proportionally to the value, or worth, of the different members of the society, that is according to what they deserve.

Why start with Aristotle in order to think about contemporary theories of equality?

Because political philosophy today is still trying to respond to the difficulty identified by Aristotle; equality had many different meanings, and contemporary theories of social justice decline equality according to many different criteria, which do not lead to the same result for determining what a just society is: according to the choice of criterion, very different distribution systems can be considered as “just”: according to merit, according to needs, according to the involvement or commitment of the members to the production system of the society, etc.

But, while Aristotle’s question remains actual and vivid, there is something radically new in the way we think about equality today: according to Aristotle, there are, by nature, kinds or types of equal people and kinds of unequal people – and fair distribution mechanisms can rely on the natural equality or inequality of members of the society; paradigmatically, some men are naturally made to conceive, think, create (they are citizens, member of the city/polis fit to equally participate in the political decisions of the city), and some are naturally made to execute, perform material tasks (they are slaves and their function is strictly economic).

This hypothesis of a natural inequality between humans is widely shared in Antiquity and in Plato for example (in the famous Republic dialogue), such natural inequality justifies the construction of the ideal just city according to a hierarchical model. Justice - or harmony and unity of the city - is precisely ensured by respecting the natural hierarchy and exactly translating it into the political order, each member having to maintain himself in his place and perform his specific functions, in the name of the stability of the city considered as organic totality, similar to the harmonious soul. The ideal of isonomy (that is, the equal sharing of the capacity to govern, equality by law) is rejected on the grounds that it leads to an anarchic and colorful regime that consists in attributing equality (isonomy) “both to what is unequal and to what is equal”. Democracy based on isonomy does not respect the order that organizes the whole of nature: it is unjust.
The great novelty of western modernity, from the 17th century onwards, was on the contrary to affirm that all humans are equals. According to French philosopher A. Boyer, “the great political theorists of the classical age disagree on just about everything, except that men are fundamentally free and equal” (Notions de philosophie, “Justice and Equality”, p. 24). The natural equality of humans is the starting point of all political philosophies of the classical age, and particularly contractualist ones. The affirmation of the natural, moral equality of all humans allows contractualism to refute the idea that it is natural, inevitable and therefore legitimate for some humans to be subjected to the authority, power or domination of other humans because of some natural superiority of the latter. This is the great critical force of the contractualist system: differences in power, instituted differences, socio-political differences, do not stem from natural inequalities; they stem from artificial conventions and agreements between humans: they are therefore likely to be questioned. If humans are fundamentally naturally and morally equal, any inequality in the political order can be questioned and it must be justified if it is to claim legitimacy. That is not to say that any inequality is necessary unjust, but rather that an assumption about equality is the baseline, and any social or political inequality must be justified by a supplementary argument if, when, it claims to be just.

From contractualists theories, a specific idea about the human condition emerged, which was loudly and publicly declared in Article 1 of the 1789 French Declaration of the Rights of Man and of the Citizen: “All men are born and remain free and equal in rights”. This declaration is obviously not descriptive, rather normative and prescriptive: there are, and there were in 18th century France, empirically, historically, huge material inequalities, of all sorts, between humans. But the declaration can be considered as a standard affirmation of egalitarian universalism, of the value of equality as a universal value: everyone else is declared, supposed to be, my equal.

Contemporary political theories still operate within this broad framework: according to philosopher Bernard Williams (“The idea of equality” in Problems of the Self, Cambridge UP, 1973), there is a moral concern common to all contemporary political theories, “the assumption of moral equality among people”. Equal attention, equal concern, equal respect ought to be given to any and every person in the world: this is a premise shared by all normative contemporary theories of political philosophy. But this premise does not mean that all theories equally consider equality as a central value of their theorization; and it does not mean that they all agree as to the meaning and scope of equality.

In the words of Thomas Nagel (“Egalitarianism” in Equality and Partiality, OUP 1991):
“Modern political theories agree that a society must treat its members equally in some respects, but they disagree over the respects, and the priorities among them. For someone accustomed to the forms of equality before the law and equality of citizenship that hold first place in a liberal democracy, the natural question is how far it is desirable or possible to extend the rule of equality into the areas of social and economic relations.” (p. 63) And he refers to John Rawls, as one who “devotes considerable discussion to the motivational viability of an egalitarian position in (...) A Theory of Justice” (Ibid.).

2) Equality in John Rawls’ “original position”

In the contemporary field of normative political philosophy, undoubtedly, the monumental Theory of Justice, by Harvard philosopher John Rawls, published in 1971, is one of the most cited and debated philosophical works of the century. To this day, it still has an enormous influence on the course of the debates in political philosophy. Two recently published books in France testify to this continuous significance: Alain Boyer, Apology of John Rawls (2019) and Catherine Audard, Democracy and Reason (2018), both insist that, even if A Theory of Justice was written in the 1960s and has met with criticism, it is still relevant in our more complex world. His work constitutes a common reference for all subsequent political theory and he is considered the father of contemporary liberal egalitarianism. This is why, in order to think about contemporary theories of equality, we will begin this series of lectures with a reminder of its main line of argument and consider what answer he gives to Nagel’s question: if humans are considered morally equal, how does this normative presupposition translate into the socio-political and economic field? What type of equality obtains between members of a society if we want this society to be just? How can the ideal of a strongly egalitarian world translate into a viable set of institutions?

Rawls’ theory is egalitarian in many ways:

1) first, in its justification, because it is motivated by different egalitarian norms that must be integrated into each other in a coherent way in order to formulate a correct theory of justice – his theory of “justice as fairness”;

2) second, in the principles it actually promotes or prescribes, because three different principles of justice interact to propose a conception of what he calls “democratic equality”.

Rawls’ reflection stems from an intuitively simple idea: the principles of social justice, which should govern our basic institutions and be the normative foundations of distributive
systems in what he calls a well-ordered society, must be chosen from an impartial perspective and with an impartial procedure, that ensures their fairness.

Rawls embodies this essential condition of equity or fairness in a situation of hypothetical choice that he calls the “original position”, which he presents as a kind of updating of the “state of nature” in classic social contract theory. The main characteristic of the “original position” is to ensure that hypothetical contractors (you, me, people reflecting together about the principles of social justice and trying to come up with an agreement about these principles) find themselves impartially situated toward one another, so that the choice of principles of justice cannot be the result of a bargain between self-interested parties. In order to ensure impartiality, he places us, the partners, in his thought experiment, behind what he calls a “veil of ignorance”. The function of the veil of ignorance is to ensure that the choice of principles will not reflect the impact of those traits or characteristics that are considered morally arbitrary: to ensure that the choice of fundamental principles is made from an impartial perspective that neutralizes, as much as possible, the disproportionate impact of the contingent traits that characterize concrete, empirical, individuals, determine what they can expect from life, and weigh upon their actual preferences for wrong reasons. “(...) the original position is the appropriate initial status quo which insures that the fundamental agreements reached in it are fair.” (TJ, § 4, p. 15)

We must forget, or ignore, our self-interests, our egoist preferences, in order to make our decisions about the principles of justice freely, autonomously and not heteronomously, under the influence of particular desires, attachments or circumstances, but from an impartial, and potentially universal, point of view: this is the function of the veil of ignorance. If we don’t actively ignore our particular interests when reflecting about the norms and principles of a just society, the risk is that we come up to these principles as a result of bargaining, compromises, or coercion – that some position prevails for wrong reasons and imposes itself on the others by force, fear, self-love, or any other reason that cannot be a proper motive in determining what is just. “For example, says Rawls, if a man knew that he was wealthy, he might find it rational to advance the principle that various taxes for welfare measures be counted unjust; if he knew that he was poor, he would most likely propose the contrary principle. To represent the desired restrictions one imagines a situation in which everyone is deprived of this sort of information.” (TJ, § 4, p. 17) The original position is a representation of the procedural restrictions necessary to come up with principles of justice it would be rational to adopt in a fair contractual situation.
Hence, under the veil of ignorance, the partners in the original position ignore certain kind of particular facts (TJ, § 24, p. 118):

“First of all, 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. More than this, I assume that the parties do not know the particular circumstances of their own society. That is, they do not know its economic or political situation, or the level of civilization and culture it has been able to achieve.”

The partners ignore:
- their position in society (if they rich or poor, if they live in urban or rural areas, if they are students, workers, entrepreneurs, if they are men or women, parents, married or single, if they are old or young, etc.: they ignore everything about their personal socio-economical level, or generational place);
- their natural endowments: their intellectual, cognitive, or affective capacities and natural gifts: they don’t know if they are hardworking or lazy, courageous or cowards, etc.
- their own moral conceptions and psychological tendencies: they may favor consequentialism or Kantian ethics, they may be egoists, altruists, rationalists or sentimentalists, etc.
- lastly, the particular historical, political, economical context of their own society: democracy, monarchy, authoritarian regime, capitalist or socialist economy, feudal regime, slave system, etc.

So the partners hold no concrete information on their personal vision of life, life plan or beliefs system. Individuals are reduced to “comparable situations” and no one can want to favor their own personal situation over that of other partners. Individual, social or cultural particularities play no role in the choice of principles. The interest of this hypothesis is that it ensures the equality and autonomy of all subjects, which may be understood in Kantian terms: it makes any bargaining or subjugation impossible. It imposes constraints or restrictions on what the parties know, and thus it ensures the rationality of their motivations: all are, and ought to be, convinced by the same arguments about justice, regardless of their personal interest or individual preferences. “Moral principles are the object of rational choice” (TJ, § 40, p. 221). The fairness of the original position ensures that principles of justice are potentially universally, because exclusively rationally, justified.
This leads to another determination of the partners’ situation: they are equal moral subjects, “with the same rights in the procedure for choosing principles”. The partners in the original position are “free and equal rational beings” (p. 222). To be defined as “moral subjects” corresponds to a dual competence: § 77: “The basis of equality”, p. 442: “Moral persons are distinguished by two features: first they are capable of having (and are assumed to have) a conception of their good (as expressed by a rational plan of life); and second they are capable of having (and are assumed to acquire) a sense of justice, a normally effective desire to apply and to act upon the principles of justice, at least to a certain minimum degree. We use the characterization of the persons in the original position to single out the kind of beings to whom the principles chosen apply.” 1) People know that once the veil is lifted, they will be able to form a conception of their good life (to conceive what their happiness might consist in) and to determine rationally the best way to achieve this objective: they know that they have the capacity to tell what “a good life” or a “happy life” means to them, and to conceive the correct and most efficient means to achieve this objective. They are rational. And 2) they have a sense of justice: the are able to recognize that other people have the same equal moral footing than themselves, and that a just, well-ordered society, is a society where people cooperate on the basis of this equal standing. They are reasonable. TJ, § 40, p. 442: They recognize each others as “Moral persons”, the ones “who are entitled to equal justice”.

Partners know what they want in life and how to best get it; and they know that a just society is a society in which all wish to cooperate, which is based on the requirement that all are considered moral equals. By definition or hypothesis, people who try to come up to an agreement regarding the principles that will govern their just society possess those two “moral faculties”, rationality and reasonableness.

Rawls therefore invites us to imagine how hypothetical individuals thus located under the veil of ignorance, and defined by their rationality and their reasonableness, could be led to choose the principles that will govern the just or fair distribution of “primary social goods”: these are those civil and political freedoms, as well as those material resources, of which we have good reason to believe that every rational individual wishes to possess as much as possible, whatever his particular conception of the good life may be. Rawls gives a rough list of these primary goods: rights, freedoms, income, wealth and the social conditions of a sense of self-respect.

3) Equality in the principles of justice as fairness
His hypothesis is that in the absence of any information on their place in the socio-economic structure, as well as in the distribution of natural advantages and disadvantages, these hypothetical rational and reasonable contractors will want above all to ensure that if they were to find themselves at the bottom of the socio-economic hierarchy, once the veil of innocence had been lifted, they would nevertheless be able to live a decent life. They will opt for the maximin strategy, i.e. the maximisation of the social minimum. They will agree on principles of distribution that guarantee that they will have a minimally fair amount of social goods. So the content of the principles of justice as fairness is ensured by the impartiality of the procedure: this is why the condition of impartiality, or equality, in the original position, is of tremendous importance for the justification of the principles of social justice.

At first glance, it might seem that this strategy will result in strict egalitarianism. Indeed, anyone who is concerned about maximizing the shares of the less fortunate will always remain hungry for any unequal sharing of social resources. Behind the veil of ignorance, no one would have any reason to prefer a situation in which some people would enjoy more freedoms or more wealth than others.

But a closer look shows that the situation is different, particularly with regard to material resources. According to a plausible psychological hypothesis, says Rawls, allowing a certain degree of material inequality is likely to result in more resources being produced for distribution in return than under a strict equality regime. Those who have the means to generate wealth will be more motivated to produce if they can, to a certain extent, enjoy the fruits of their activities than if they cannot benefit more than their less productive fellow citizens. Given this aspect of human psychology, Rawls believes that these hypothetical partners will choose in the original position to allow material inequalities to a certain extent, as long as these inequalities always benefit the least well-off in the society in question, and that the social positions allowing access to the greatest wealth are attributed in accordance with the principle of equal opportunities.

Therefore, Rawls comes up with the two principles of justice as fairness, which will give institutional form to the guiding idea of justice. He deduces from the original position the two principles that will serve to manage and evaluate the functioning of the basic institutions of a just society. These two principles are as follows:

First Principle: Each person has the same indefeasible claim to a fully adequate scheme of equal basic liberties, which scheme is compatible with the same scheme of liberties for all (principle of equal liberties);
Second Principle: Social and economic inequalities are to satisfy two conditions:
a. They are to be attached to offices and positions open to all under conditions of *fair equality of opportunity*;
b. They are to be to the greatest benefit of the least-advantaged members of society (the *difference principle*).

Both principles ground an institutional system that Rawls calls “democratic equality”. The first principle guarantees that citizens have the same system of basic liberties and that the value of liberties be equal for all. Freedoms form an inalienable “system”, i.e. they must be declared and protected as a whole, even if there may be tensions or conflicts between some of them, leading to compromising and restricting some of them to maintain the highest possible equal scheme of basic liberties for all. Tensions may particularly arise between the so-called liberties of Ancients – freedom to participate in political affairs, political participation and civic involvement - and the liberties of Moderns, personal freedoms, individual independence and enjoyments in the private sphere (the distinction comes from French thinker Benjamin Constant, 1819). The second principle consists in two sub-principles, which specify how the benefits of social cooperation must be both “open to all” and “to the benefit of the least-advantaged members of society”.

The first principle assigns to each individual the broadest domain of civil and political freedom that is compatible with an equal domain for all others; and the second ensures that material inequalities will only be tolerated to the extent that they benefit the least well-off, and that they are linked to social positions equally open to all on the principle of equal opportunity. The first of these two principles should be placed, says Rawls, in a relationship of lexical priority over the second: freedom cannot, in a just society, be limited in the name of increased wealth. Beyond a certain threshold of economic development, Rawls believes, any gain in terms of wealth would be of less marginal utility than what would have been sacrificed by compromising basic rights and freedoms. The priority of the principle guaranteeing the widest possible system of freedom for all, as well as the priority given in the justification of the principles to the hypothetical consent of citizens, make Rawls’ theory a paradigm of political liberalism.

What is remarkable, in these principles of social justice, is that Rawls is led to justify, to some extent, that a just society is an unequal society, i.e. a society in which some inequalities remain, in which some people are privileged, and some others disadvantaged. I said before that he is considered as the father of liberal egalitarianism, and yet, the difference principle justifies inequality. What are the meaning, role, and extent of this principle, and how can a just society be conceived as an unequal society?
The difference principle can be considered as a response to the argument that criticizes strict or absolute equality as a negative incentive for productivity: in a strict equality perspective, a just society is a society in which everyone, regardless of their merit, need or productive value, is entitled to the exact same amount of resources. But such strict equality has some leveling down tendency: if, regardless of how hardworking I am, I can only be allocated the same exact bundle of resources as my lazy neighbor, I will be tempted by laziness myself. If this line of reasoning is generalized, the whole society will reach a lower level of productivity, and through the reiteration of these self-interested individual behaviors, the total amount of resources that can be distributed will be drastically diminished. Hence, everyone’s level of welfare will be tendencially lower than in a society where production is positively rewarded. Rawls’s difference principle is a tentative remedy against the leveling down tendency.

On the one hand, we have to admit that some inequalities are acceptable and justifiable in a just society; so inequality is not intrinsically evil or wrong, and those who produce more can legitimately claim for a bigger bundle of resources or social goods: here lies the incentive for greater productivity. But on the other hand, inequality can be instrumentally wrong, when it leads to marginalization, disaffection or disengagement of some members. Inequalities are only justified when they (albeit indirectly) benefit everyone, and particularly the least advantaged members of society.

Thus the most productive people do not have a natural right or personal indisputable merit associated to the gains they make from their production. A citizen does not merit more of social goods simply because he was lucky enough to be born with the potential to develop skills that are currently in high demand. The different talents are considered as common assets, which must be used to benefit everyone. Inequalities are legitimate only when a minimal amount of income and wealth is protected for the most disadvantaged group, and this minimal amount has to be determined and maintained above a certain threshold, that defines a decent life, by laws and institutions. Hence, Rawls gives the principle of difference a non-meritocratic meaning: individual qualities are thought of as collective assets, and not private goods that would belong to the person to do what he or she deems to be in his or her particular interest; they are not “good” in themselves; they are of chance, and they are only fair or legitimate if they are put at the service, functionally, of all. The natural or social endowments, or gifts used to produce more, benefit general productivity, but individual success is not legitimized by any moral merit. We have no particular legitimate claim or right to what we are simply lucky enough to be able to produce.
The principle of difference aims to respond to the arguments of those who criticize the counterproductive effects of the redistributive policies of welfare states. But it also effectively limits the acceptable level of inequalities: this is the function of the principle of equal opportunities (all situations must be effectively, and not only formally, open to all members of society). Moreover, the just or fair level of inequalities is established by a counterfactual argument: inequalities must be so that any other distributive system leaves the least advantaged group a worse situation. The inequalities that remain are justified if the situation of the poorest group is still better off than it would be in any other situation.

To illustrate, consider three hypothetical economic structures A-C, and the lifetime-average levels of income that these different economic structures would result in for representative members of three groups:

<table>
<thead>
<tr>
<th>Economy</th>
<th>Least-Advantaged Group</th>
<th>Middle Group</th>
<th>Most-Advantaged Group</th>
</tr>
</thead>
<tbody>
<tr>
<td>A</td>
<td>10,000</td>
<td>10,000</td>
<td>10,000</td>
</tr>
<tr>
<td>B</td>
<td>30,000</td>
<td>90,000</td>
<td>150,000</td>
</tr>
<tr>
<td>C</td>
<td>20,000</td>
<td>100,000</td>
<td>500,000</td>
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Here the difference principle allows us to select Economy B as the fairest system of distribution: it is the system in which the least-advantaged group does best. The completely equal distribution system (A) does not advantage them; and the system C is unfair because it allows the rich to get richer at the expense of the poor, even if the total amount of welfare is comparatively higher than in B.

The principle of difference is egalitarian in the sense that it takes the equality of shares in primary goods as a baseline and considers that any inequality in the distribution of these shares, to be equitable, requires a special justification; but on the other hand, it is compatible with inequalities, particularly in terms of income. Hence, equality has an instrumental value, but not an intrinsic value, in Rawls’ Theory of Justice. The difference principle expresses an ideal of deep social unity, where everyone agrees to share everyone’s fate and is committed to respect the principles of justice that constitute the fundamental justificatory basis of the social cooperation. In a just society, freedoms and opportunities must be equal; income and wealth
can be unequal when inequality ensures that everyone’s needs be better met. Rawls’ idea of equality is instrumental to *civic unity*: he conceptualizes it, with its limits, so that it helps stabilizing society, and makes sure that everyone is committed to respecting the principles of justice despite the variety of worldviews, visions of good life or happiness, and values, that may occur.

This theory, which constitutes one of the most solid justification of political liberalism, has been discussed and criticized from several angles. The two next conferences will present some important contributions to the debate about equality that followed from Rawls’ position. I just want to mention here, to conclude, an important objection, which was partly acknowledged by Rawls himself, under the influence of some other thinkers. As we have seen, Rawls’s constructivist method, conceived as a update of social contract theories, starts from the thought experiment of an “original position” in which we can assess the most stable and reliable moral intuitions of rational and reasonable moral subjects, and build, from them, a theoretical apparatus to account for principles of justice. The most important justification for the two principles comes, as we have just seen, from the contractualism developed by Rawls. But it is important to see that this contractualism is part of a broader justification system. Indeed, the original position is only a choice perspective because it is a model of an initial intuition about social justice. And the principles thus generated are subject to several additional supporting steps. The question is whether these principles, when applied to concrete problems, produce results that largely correspond to our most reliable political and moral judgments, and whether a society governed by these principles is plausible and achievable, given what the relevant social sciences teach us about human beings and society. This is what Rawls calls the method of “reflexive equilibrium”, in which the principles are not in themselves considered as the necessary foundations of a just society, but are deduced from a hypothetical moral situation and confirmed by their correspondence to our well considered moral intuitions. Such an approach requires two elements: 1) first, that it be possible to identify among our moral judgments a certain subset of convictions that is epistemically more reliable than others, and 2) second, that there will be a significant overlap among individuals among those subsets of reliable judgments. In other words, Rawls assumes that what divides us on moral issues is that part of the irrational, of circumstantial preferences, that we do not know how to completely get rid of in everyday empirical life. The elimination of judgments and intuitions caused by distorting factors (emotions, particular attachments, partisanship, etc.) will result in a kind of moral unanimity around a number of particularly “well
considered” judgments about justice. A set of principles capable of reflecting these intuitions will therefore win the support of any rational agent.

But critics of Rawls’ universalism doubt that reason is so unambiguous on moral issues. We can see that there is a plurality of reasonable conceptions of the good life that are incommensurable, without one being rationally superior to any other. There is therefore no set of moral judgments that can be said to be essential to human reason, and that could serve as a starting point for the construction of a normative theory acceptable to any rational and reasonable person. Rawls’ method leads to circularity: such method is problematic in the field of morality since it presupposes the very thing that should have been demonstrated. The proponent of reflexive equilibrium starts from the most stable and reliable intuitions of the normally constituted moral agent, and seeks to demonstrate that a particular set of principles best corresponds to these initial intuitions. The aim is not to convince a potential skeptic of the validity of a set of precepts, but rather to rally a hypothetical agent to principles in which, according to his most stable intuitions, he already tacitly believes. There is therefore a circularity in the justification process proposed by the reflexive balance which, according to some of its critics (David Gauthier), considerably undermines its justification strength. Rawls’ theory is culturally situated and based on the idealization of a rational and reasonable liberal moral subject – which is not necessarily an issue, except if, which is Rawls’ ambition, the theory is supposed to propose a rational procedure of justification for a theory of justice universally valid.