ONE of the stated aims of John Rawls's *A theory of justice* is to provide a plausible alternative to utilitarianism. Rawls gives two kinds of arguments to show that his two principles of justice are more plausible or more nearly correct than utilitarianism. First, he argues that the two principles of justice provide a better match with our 'considered judgments in reflective equilibrium.' Second, he argues that his two principles would be chosen in preference to the principle of utility in 'the original position.' I shall be concerned only with the second of these two arguments in this paper. According to Rawls, people in the original position choose principles on the assumption that whatever principles are chosen will be strictly complied with, i.e., they choose on the assumption that the basic institutions of their society and all of the actions of its members will be in compliance with whatever principles are chosen.

The evaluation of the principles must proceed in terms of the general consequences of their public recognition and universal application, it being assumed that they will be complied with by everyone (p. 138).

The persons in the original position assume that the principles they acknowledge, whatever they are, will be strictly complied with and followed by everyone (p. 351; also see pp. 132, 145, 245, and 575).¹

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¹ Unless otherwise indicated, all page references are to *A theory of justice*. Strict compliance not only means that the institutions of the society are in conformity with its principles of justice, but also that the actions of its individual members are in conformity with those principles (see pp. 132, 138, 176 and 351).
In the first section of the paper I shall argue that some of Rawls's strongest arguments to show that people in the original position would choose his principles over the principle of utility depend on an appeal to considerations that are inconsistent with the assumption of strict compliance. This is important, because, as I shall argue in Part II, the framework of the original position can serve to justify theories about what makes institutions just or unjust or about what makes actions right or wrong only if the parties to the original position choose on the assumption that whatever principles are chosen will be strictly complied with. Rawls cannot have it both ways. If people in the original position do not choose on the assumption of strict compliance, then Rawls's principles may indeed be chosen in preference to the principle of utility, but that they would be chosen cannot constitute an objection to utilitarianism as a criterion of justice or a criterion of right and wrong, i.e., a theory about what makes institutions just or unjust or about what makes actions right or wrong. Almost all of those who call themselves utilitarians defend the principle of utility as a criterion of right and wrong and a criterion of justice. Very roughly, utilitarianism (or act utilitarianism) is the view that: (i) social institutions are just or desirable to the extent that they maximize the balance of good consequences relative to bad ones, and (ii) an act is morally right if and only if there is no alternative course of action open to the agent that would result in a more favorable balance of good consequences relative to bad. On the other hand, the case for thinking that Rawls's principles would be chosen in the original position is considerably weakened on the assumption of strict compliance. In the third section of the paper I will argue that the assumption of strict compliance, so vital for Rawls's theoretical purposes (his critique of utilitarianism), raises serious doubts about the relevance or applicability of his theory for questions of social practice.

I

Three of Rawls's strongest arguments for thinking that his principles would be chosen in the original position appeal to considerations that are inconsistent with the assumption of strict compli-
ance. The first of these arguments is what I call the 'simplicity argument.' Rawls's principles are much easier to apply than the principle of utility. Violations of the principle of maximum equal liberty are relatively easy to detect. Similarly, it is possible to determine in a rough way what policies maximize the social and economic status of the least advantaged members of society. One's social and economic status is largely a function of wealth and income which can be easily measured. On the other hand, it is extremely difficult to determine what kinds of policies and institutions are compatible with the principle of utility. Problems about the measurement of utility are a well-known difficulty for utilitarians.

Another consideration favoring the difference principle is the comparative ease with which it can be interpreted and applied. . . . It is fairly straightforward to ascertain what things will advance the interests of the least favored. This group can be identified by its index of primary goods, and policy questions can be settled by asking how the relevant representative man suitably situated would choose. But to the extent that the principle of utility is given a role, the vagueness in the idea of average (or total) well-being is troublesome. It is necessary to arrive at some estimate of utility functions for different representative persons and to set up an interpersonal correspondence between them, and so on. The problems in doing this are so great and the approximations are so rough that deeply conflicting opinions may seem equally plausible to different persons. Some may claim that the gains of one group outweigh the losses of another, while others may deny it. No one can say what underlying principles account for these differences or how they can be resolved. It is easier for those with the stronger social positions to advance their interests unjustly without being shown to be clearly out of bounds. Of course all this is obvious, and it has always been recognized that ethical principles are vague. Nevertheless they are not all equally imprecise, and the two principles of justice have an advantage in the greater clarity of their demands and what needs to be done to satisfy them (pp. 320–321; also see p. 501 and [10], pp. 143–144).

Mere ease of application is not a strong consideration in favor of Rawls's principles. It can't just be that it is more difficult to determine what the principle of utility requires. The argument must be that the principle of utility is likely to be misapplied in harmful ways and that disagreement concerning its correct application is likely to undermine the stability of the society (see p. 501). Rawls also seems
to be saying this in the passage cited above. If the principle of utility is chosen, then those with stronger social positions may be able 'to advance their interests unjustly,' i.e., 'advance their interests by violating the chosen principles of justice, without being shown to be clearly out of bounds.' However, the argument that the principle of utility is likely to be misapplied in harmful ways is inconsistent with the assumption of strict compliance. For on this assumption, the parties are to presume that whatever principles are chosen will be strictly complied with—however difficult it may be to determine exactly what they require. There remains the problem of stability, which will be dealt with below.

The second and third arguments that I believe violate the assumption of strict compliance concern the difficulties that certain individuals may have in trying to act in accordance with the principle of utility—what Rawls calls 'the strains of commitment.' Since the principle of utility may require great sacrifices on the part of certain groups, the members of such groups may find it very difficult to comply with it. A utilitarian society will have a tendency to become unstable since not all of its members can be expected to develop a strong desire to act in accordance with its main principle. The major purpose of Rawls's extended discussion of moral psychology in the latter parts of the book is to show that the members of a society that had his principles as its public conception of justice would develop a strong desire to act in accordance with those principles. On page 580 Rawls says that the considerations about stability 'do not determine the initial acknowledgment of the principles in the first part of the argument, but confirm it. They show that our nature is such as to allow the original choice to be carried through.' There are, however, a number of other passages in which he claims that the greater stability afforded by his principles would be an important consideration in their favor for the parties in the original position.

It is, for example, a consideration against a conception of justice that in view of the laws of moral psychology, men would not acquire a desire to act upon it even when the institutions of their society satisfied it. . . . This kind of general information is admissible in the original position (p. 138).

Other things equal, the persons in the original position will adopt the more stable set of principles (p. 455; also see p. 177, which is included in a section entitled 'Some main grounds for the two principles of justice').
I take it that the argument must be that people will fail to act in accordance with the principle of utility, not merely that it will be difficult for them to follow it. The mere fact that people find it difficult to follow the principle of utility can't undermine the stability of their society. In order for the stability of a utilitarian society to be undermined, it is not enough that some find it difficult to act in accordance with the principle of utility. At the very least, there must be a danger that some people will not act in accordance with the principle of utility.

Rawls also questions whether the parties to the original position can agree to follow the principle of utility without acting in bad faith, since they know that they may end up in a position that would make it very difficult for them to comply with it (p. 176; also see [10], p. 144).

These two arguments could not be accepted by the parties to the original position, given that they are choosing on the assumption of strict compliance. A society becomes unstable when certain groups become so dissatisfied that they act in ways that undermine its operation or even threaten its existence. Such instability is very harmful unless the society is so unjust as to make its collapse desirable. However, a utilitarian society cannot become unstable in the way that Rawls suggests unless certain individuals act contrary to the principle of utility. Assuming that others strictly comply with the principle of utility, a member of a utilitarian society who acted in ways that tended to undermine its stability would ipso facto be violating the principle of utility. To see that this is so let us consider the position of the members of such a society. Can they justify acting in ways that undermine the stability of their society by appealing to the principle of utility? In order to justify such acts on utilitarian grounds they would, at the very least, need to show that their society has a less than optimal level of welfare. Here, they cannot say that the society's level of welfare is less than optimal because of its instability. For the question at issue is precisely whether there could be any instability in a society whose members all strictly complied with the principle of utility. Unless there is a reason other than that of instability for thinking that such a society would have a less than optimal level of welfare (Rawls fails to give
any such reasons), any acts that undermine its stability violate the principle of utility and are thus incompatible with the assumption of strict compliance. As long as the principle of utility is strictly adhered to by all, there can be no instability. If the people in the original position choose on the assumption that whatever principles are chosen will be strictly complied with, they will have no reason to fear that the adoption of utilitarian principles will lead to an unstable society. Similarly, they cannot question whether it is possible for them to agree to follow the principle of utility in good faith if they suppose that they will strictly comply with whatever principles are chosen.

II

(A) The fact that the three arguments just considered are inconsistent with the assumption of strict compliance is significant, for as I shall now argue, there is no reason for a utilitarian to be disturbed about the fact that people in the original position would choose Rawls's principles over the principle of utility unless the parties to the original position assume strict compliance.

Let us conceive of the original position without the assumption of strict compliance. In other words, suppose that the parties to the original position do not choose on the assumption that the institutions of their society and the actions of its members will strictly comply with whatever principles are chosen, but only that the principles will be generally accepted and constitute the public conception of justice for their society. On these assumptions, the three arguments considered earlier can be given in favor of Rawls's principles. It is very likely that people would prefer Rawls's principles to the principle of utility in the original position so conceived. This, I believe, would show that Rawls's two principles are preferable to the principle of utility as a public conception of justice, but it would not count against the principle of utility as a theory about what makes institutions just or unjust or as a theory about what makes actions right or wrong. For it may be the case that the general acceptance of Rawls's two principles would have greater utility than the general acceptance of the principle of utility. In that
case there would be perfectly good utilitarian grounds for preferring Rawls's principles to the principle of utility. Whatever else we say about the ability of the original position to justify moral principles, we should at least hold fast to the idea that the outcome of a choice in the original position cannot discredit a moral principle (as a criterion of justice or a criterion of right and wrong) if the principle, itself, is consistent with the choice in question. The choice between Rawls's principles and the principle of utility in the original position can be viewed as a choice between society's having Rawls's principles as its public conception of justice and its having the principle of utility as its public conception of justice. Given that the general acceptance of Rawls’s principles would result in a higher average level of welfare for the members of the society than the general acceptance of the principle of utility, the utilitarian, himself, is committed to choosing Rawls’s principles over the principle of utility in this situation.

(B) It should be noted that in at least one place Rawls does not seem to take utilitarianism to be a theory about what makes actions right or wrong or a theory about what makes institutions just or unjust, rather he says that 'utilitarianism is the view that the principle of utility is the correct principle for society's public conception of justice' (p. 182). This is ambiguous between the following:

1) Utilitarianism is the view that the principle of utility is the correct principle for society's public conception of justice, given that whatever public conception of justice it has will be strictly complied with.

2) Utilitarianism is the view that the principle of utility is the correct principle for society's public conception of justice, assuming that the members of society will not necessarily strictly conform to whatever set of principles is chosen.

The context of this statement, however, strongly suggests the latter interpretation. In a very revealing footnote on this same page Rawls concedes that his definition has the consequence that the view defended by Brandt in his well-known paper, 'Some merits of one version of rule-utilitarianism,' is not a utilitarian theory. According to the view proposed in Brandt's paper, an act is right if and only if
it is consistent with the ideal moral code for the agent's society. Brandt holds that the principle of utility is the ultimate standard for assessing public conceptions of morality; the ideal moral code for a society is the code whose general acceptance would result in the greatest average level of welfare for the members of the society. (To say that a moral code is generally accepted by the members of a society is to say that most of them believe that the code is the true or correct moral code; it does not imply that they always act in accordance with the code.) According to Brandt, the principle of utility would most likely not be included in the ideal code for any society. For many reasons, (all having to do with the fact that people would often fail to act in accordance with the principle of utility, even if it were generally accepted) there are most likely alternative codes whose general acceptance would result in a higher average level of welfare. Brandt does not deny that the principle of utility would constitute the ideal moral code for a society, given strict compliance. He only denies that it would constitute the ideal moral code for a society, given ordinary human weaknesses, which imply something less than strict compliance. Therefore, while Brandt would certainly reject (2), there is no reason to suppose that he would reject (1). Since Rawls takes his definition of utilitarianism to exclude Brandt's theory, we can infer that he wants his definition to be understood in this second sense; his definition excludes Brandt's theory as a version of utilitarianism only if it is read in this way.

Another reason for thinking that Rawls's definition of utilitarianism should be read along the lines of (2) instead of (1) is that, immediately after stating this definition, Rawls suggests "a different variation of the initial situation in which the motivational assumption is that the parties want to adopt those principles that maximize average utility." Rawls claims that his principles might still be chosen in preference to the principle of utility in this revised version of the original position. He is assuming that a society governed by his principles might enjoy a higher average level of welfare than one governed by the principle of utility. This claim is plausible if people in the original position do not assume that the principles chosen will be strictly complied with. However, Rawls has given us no reason to
think that a society that strictly conformed to his principles could have a higher average level of welfare than it would if it strictly complied with the principle of average utility (see fn. 2). Therefore, we should take Rawls's definition of utilitarianism as the view that the principle of utility is the correct principle for society's public conception of justice to mean that the principle of utility is the correct principle for the public conception of justice in a 'real' society whose institutions and members cannot be expected to strictly comply with its public conception of justice.

Thus construed, Rawls's definition of utilitarianism is most implausible and, at the very least, highly misleading. The vast majority of those who call themselves utilitarians take the principle of utility to be criterion of right and wrong or criterion of justice in the sense that I have explained here. For example, Sidgwick [12] says 'By Utilitarianism is here meant the ethical theory, that the conduct which, under any given circumstances, is objectively right, is that which will produce the greatest amount of happiness on the whole; that is, taking into account all whose happiness is affected by the conduct' (p. 411). Also see Bentham [2], p. 3; Mill [7], p. 10; Sartorius [11], pp. 1 and 12; and Smart [13], p. 4. One is not committed to viewing the principle of utility as an appropriate or desirable public conception of justice for morally imperfect beings (who often fail to act in accordance with the principles that they accept) simply in virtue of being a utilitarian. For, as Rawls himself suggests, there may be other principles whose general acceptance would result in a higher average level of welfare than the principle of average utility itself (see pp. 30 and 181–182). Many utilitarians explicitly disavow any claims as to the desirability of the general acceptance of the principle of utility. Sidgwick [12] writes the following:

Thus, on Utilitarian principles, it may be right to do and privately recommend, under certain circumstances, what it would not be right to advocate openly ... And thus a Utilitarian may reasonably desire, on Utilitarian principles, that some of his conclusions should be rejected by mankind generally; or even that the vulgar should keep aloof from his system as a whole, in so far as the indefiniteness and complexity of calculations render it likely to lead to bad results in their hands (p. 490).
Also see Brandt [4], p. 301, Brandt [3], Chapter 14, and Sartorius [11], pp. 58–68, and 119–120. Nothing that I have shown in this paper undermines the plausibility of Rawls’s arguments against utilitarianism as he defines it on p. 182. But, of course, Rawls wants to do more than attack this straw-man view, of which he fails to name even a single proponent. A theory of justice is advertised as a critique of the classical utilitarian tradition—the tradition of Mill, Sidgwick, Smart, and Brandt, which defends the principle of utility as a criterion of justice and a criterion of right and wrong.

(C) It appears as if the choice of Rawls’s principles over the principle of utility by people in the original position cannot discredit the principle of utility as a criterion of justice or right and wrong unless it is conceived in such a way that the choice of Rawls’s principles results in a lower level of welfare for the members of the society. I take it that a society whose institutions and members strictly complied with the principle of utility would enjoy a higher level of welfare than it would if they strictly complied with Rawls’s two principles.\(^2\) If this is so, then for people in the original position to choose Rawls’s principles over the principle of utility on the assumption of strict compliance is inconsistent with the principle of utility. This choice would result in a lower average level of welfare for the members of the society. A utilitarian cannot allow that such a choice could be correct. On the other hand, if the choice of principles in the original position is posed in such a way that the choice of Rawls’s principles would result in a higher average level of welfare for the members of the society than the choice of the principle of utility, a utilitarian can (indeed must) allow that it would be correct to choose Rawls’s principles over his own. Rawls is faced with the following dilemma. If the choice is made without

\(^2\) There are two different passages in which Rawls seems to reject this assumption. On pp. 30 and 181–182 he suggests that, all other things being equal, a society ordered by his principles may have a higher level of welfare than a utilitarian society (pp. 30 and 181–182). However, the arguments that he offers there all depend on the claim that a utilitarian society would be ‘unstable.’ Therefore, these arguments violate the assumption of strict compliance and cannot be taken as support for the claim that a society that strictly complied with his two principles might have a higher level of welfare than it would if it strictly complied with the principle of utility.
the assumption of strict compliance, his principles are likely to be chosen in preference to the principle of utility. However, this needn't bother the utilitarian, since it is likely that the choice of Rawls's principles would be justified on utilitarian grounds. On the other hand, if the condition of strict compliance is taken seriously, then it seems much less likely that Rawls's principles would be chosen, since some of his strongest arguments are ruled out by this condition. On reflection it seems clear that Rawls's arguments to show that his principles would be chosen depend in part on an illicit appeal to utilitarian considerations. One of the reasons that we are repelled at the prospect of living in an unstable society is that the expected utility of its members is rather low. (Rawls himself suggests that the choice of his principles might result in a higher average level of welfare than the choice of the principle of utility; see fn 2.)

(D) If people in the original position choose principles according to what Rawls calls a 'maximin strategy' of choosing the course of action having the least unfavorable worst possible outcome, then they will have reason to choose Rawls's two principles over the principle of utility, even if the choice of the principle of utility would result in a higher average level of welfare for their society. However, there is a strong consensus among commentators that Rawls's attribution of a maximin strategy to the parties in the original position is unreasonable or at least inadequately defended.³ (The strategy of maximizing 'expected utility' is generally thought to be more reasonable than the maximin strategy; following this strategy, people in the original position will choose the principle of utility over Rawls's two principles, provided that the choice of the principle of utility would result in a higher average level of welfare.) Without the assumption that the parties to the original position will follow a maximin strategy, Rawls's arguments for thinking that his principles would be chosen in preference to the principle of utility in the original position seem to depend on its being the case that the choice of the two principles would result in a higher average level of welfare than the choice of the principle of utility. But, Rawls has not

³ See [1], chapter 9; [8], p. 12; [5], pp. 102–107; [6], p. 166; and [14], p. 120.
given us any reason to think that this could be so if the principles chosen are strictly complied with by everyone. Thus, our arguments show that Rawls's original position arguments cannot justify his claim that the two principles of justice are more nearly correct than the principle of utility as criteria of justice or criteria of right and wrong without the dubious maximin assumption.

III

The parties to the original position choose principles on the assumption that whatever principles are chosen will be strictly complied with. This assumption is, as I have argued, necessary in order for Rawls's theory to constitute a successful critique of utilitarianism. However, this assumption raises questions about the significance of Rawls's theory for questions of social practice. For it is very improbable that any sizable group of human beings would strictly comply with any of the principles that would be seriously considered for adoption by people in the original position. To show that a certain set of principles would be chosen in the original position and thus that they are the appropriate public principles of justice for a society of individuals who will strictly conform to whatever public conception of justice they embrace gives little guidance to those who want to know what sorts of policies and institutions are appropriate for societies that are composed of morally imperfect individuals. Rawls is aware of this difficulty:

It will be recalled that strict compliance is one of the stipulations of the original position; the principles of justice are chosen on the supposition that they will be generally complied with ... the principles define then a perfectly just scheme; they belong to ideal theory and set up an aim to guide the course of social reform. But even granting the soundness of these principles for this purpose, we must still ask how well they apply to institutions under less than favorable conditions and whether they provide any guidance for instances of injustice. The principles and their lexical order were not acknowledged with these situations in mind and so it is possible that they no longer hold (p. 245).

Immediately after this passage Rawls says that there are two parts of the theory of justice—ideal theory and non-ideal theory. Ideal theory is the correct or appropriate public conception of justice for
a society whose institutions and members strictly comply with whatever principles of justice they accept. Non-ideal theory is the correct or appropriate public conception of justice for a society whose institutions and members do not necessarily comply with its public conception of justice. Ideal theory is derived from a conception of the original position in which the parties choose on the assumption of strict compliance (pp. 245 and 351). Non-ideal theory is derived from a conception of the original position in which the parties do not assume that the principles chosen will be strictly complied with (p. 246). Rawls does not elaborate any further about the differences between ideal and non-ideal theory. I take it that the parties to the original position for non-ideal theory choose on the assumption that the principles chosen will be generally accepted and constitute the public conception of justice for their society. Rawls never provides a full account of the principles for non-ideal theory, although his discussion of civil disobedience in Chapter VI constitutes part of non-ideal theory. He suggests that his two principles of justice for ideal theory are not included in the correct principles for non-ideal theory (p. 245).

It is not clear that non-ideal theory, itself, can give us any guidance for dealing with social questions. Suppose that there is a particular set of principles whose general acceptance (assuming only partial compliance) by the members of our society would be most desirable. From this it doesn't follow that we should now advocate policies that will satisfy those principles. At most it only follows that if it were possible to bring it about that a certain set of principles is generally accepted, it would be desirable to make it the same set of principles that would be chosen for non-ideal theory. But, as a matter of fact, there is no set of principles constituting a public conception of justice that is generally accepted and, given this, it may not always be desirable to advocate policies that are in accordance with the principles for non-ideal theory.

A utilitarian can use the principle of utility to assess actions, policies, and institutions and to determine which actions he ought to perform and which policies and institutions he ought to support. He will advocate those courses of action and those policies that will best promote the general welfare given the imperfections of the world as
it is. The utilitarian can use the principle of utility in this way to provide guidance for questions of social practice, even if he does not view it as the correct principle for non-ideal theory. As we have seen, a utilitarian is not committed to the view that the principle of utility is the correct principle for non-ideal theory. For there may be other principles the general acceptance of which by morally imperfect beings (whose institutions and actions are not always consistent with the principles that they accept) would have greater utility.

Similarly, it might be suggested that if we take Rawls's two principles to provide the correct account of what makes institutions just or unjust, then they can serve to guide reflection on questions of social practice in this same way. In this imperfect world of ours it is very unlikely that the basic institutions of a society could ever completely satisfy the requirements of Rawls's two principles of justice. So, with regard to questions of practice, the Rawlsian cannot simply advocate those policies that will bring about the existence of institutions that completely satisfy the two principles of justice. He might instead advocate policies that lead to the establishment of institutions that come as close as possible to satisfying the demands of Rawls's principles. Rawls, himself, suggests something like this on page 246.

However, there are serious difficulties with this approach. Sometimes injustices can cancel each other out. So, it may be the case that a state of affairs that differs from a perfectly just state of affairs in various respects is less just than a state of affairs that differs from a perfectly just state of affairs in all of those respects plus others, even though the former more nearly satisfies the conditions for perfect justice (as defined by Rawls's theory). Given this, it is not always desirable to aim at institutions that come as close as possible to satisfying the demands of Rawls's two principles. Rawls himself says that there may be situations in which one injustice can counterbalance another (pp. 57 and 279). He does not, however, appear to be aware of the difficulties that this creates for him in trying to apply his two principles to concrete social questions.

The best examples to illustrate how injustices can counterbalance each other are cases of perpetrating injustices on some people in order to compensate the victims of other injustices. Given an unjust
system of conscription it may be more just to compensate those who were compelled to serve by a system of preferential hiring for veterans (which violates Rawls's principle of fair equality of opportunity), rather than do nothing to compensate them. Rawls's principle of fair equality of opportunity requires that those with similar abilities and similar diligence have similar prospects in life (p. 73). Thus, Rawls's principles may allow that some preference be given to veterans in order to make up for the loss of training and education that may have resulted from their military service. But Rawls's view does not allow that any preference be given to those veterans whose career prospects were not unfavorably affected by their military service. I contend that it would be more just to give veterans job preferences that go beyond this than to do nothing to compensate them. (For my argument here it is only necessary to claim that it would be more just to give preference to veterans whose military service did not harm their career prospects than to do nothing at all to compensate them.) Let me emphasize that I do not advocate preferential hiring as the most desirable form of compensation. I simply contend that it is sometimes preferable to no compensation at all.

The foregoing argument assumes that conscription can be unjust. It is clear that a system of conscription can be unjust according to Rawls's principles. Conscription constitutes a very severe limitation on people's liberty; it is tantamount to slavery. Rawls's principles cannot allow for any form of conscription unless it is absolutely necessary in order to preserve the liberty of the society, e.g., when it is necessary in order to prevent the forcible imposition of a totalitarian regime. Less extensive liberty is to be tolerated only when it strengthens the total system of liberty for all (p. 302). Conscription typically also constitutes a departure from the principle of equal liberty, since under all actual systems of conscription not all citizens are called to service or even liable to be called up. According to Rawls, departures from maximum equal liberty (such as conscription) can be justified if and only if: (1) in the case of less extensive liberties, the less extensive liberty strengthens the total system of liberty for all, or (2) in the case of unequal liberties, the inequalities are acceptable to those with lesser liberty (p. 302). (1)
implies that conscription is justified only when it is necessary in order for a free society to protect its liberties from outside attack, for surely otherwise conscription does not 'strengthen the total system of liberty.' (2) seems to imply that conscription is justified only when all citizens are compelled to serve. If unequal liberty is never justified unless it is acceptable to those with lesser liberty, then the unequal liberty involved in any form of military service in which some citizens do not serve is unjust unless those who serve do so voluntarily. (If the loss of liberty entailed by selective military service is acceptable to those who serve, they shouldn't need to be compelled to serve.) On page 380 Rawls takes what I believe is a more permissive view of conscription than is warranted by his general principles; but he still allows for the possibility that conscription may be unjust in some situations.

The argument of the last section of the paper can be summarized as follows. Rawls's theory does not give us any clear procedure for deciding between alternative sorts of policies and social institutions. We can't realistically aim at institutions that fully satisfy the requirements of his two principles; nor does it seem to be the case that we should necessarily try to bring about institutions that most nearly satisfy the conditions of those principles. Nothing I have said here shows that there is no such decision procedure available to Rawls, but what I have said suggests that such a decision procedure has yet to be formulated.

References

[6] LYONS, DAVID. 'Nature and soundness of the contract and coherence argu-


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