

Dustyn Ochoa

Dr. Kate Brelje

Philosophical Ethics

November 21, 2024

How the Veil of Ignorance Promotes Fairness and Justice

The “Veil of Ignorance” is a thought experiment that was conceptualized by John Rawls, an American philosopher, in 1971. It originates from his book, “A Theory of Justice”, where Rawls provides his own alternative to utilitarianism. Utilitarianism states that the morally correct action is always the one that benefits the largest number of people. He believes utilitarianism to be flawed in its approach due to the fact that it possesses a lack of respect toward certain individual rights. Simply put, there will be many people that do not see the benefits of certain actions that would be deemed morally correct under utilitarianism. The trolley problem is a great example of this: There is a trolley barreling down a track with split paths. On the path it is heading for, there are five people. On the split path, there is one person. Under utilitarianism, the lever should always be pulled to direct the trolley toward the single person. This is because it would save the lives of more people, thus benefiting the greatest number. This is just one of many examples of utilitarianism, but it helps to demonstrate the sort of scenarios that one could apply it to. The “Veil of Ignorance” is a crucial concept for achieving fairness and justice in decision-making, as it fosters impartiality by encouraging individuals to design societal structures without knowledge of their own social position, in turn prioritizing the needs of the least advantaged and fostering equality.

On the other hand, to explain how the “Veil of Ignorance” can be applied to real life situations, we have the cookie problem. A single cookie is left to be split between two kids, let’s say- Allison and Damian. If Allison were to break the cookie, she is likely to break off a larger piece of it for herself and leave Damian with less. If Damian were to break the cookie, then he is likely to take the larger piece for himself. Now, if one were to apply the “Veil of Ignorance” to this situation, the person breaking the cookie would have to choose their piece last. This would ensure that the one breaking the cookie would try to break it as evenly as possible to maximize their own gain.

The purpose of the “Veil of Ignorance” was to offer a way of thinking about how to construct a just society, free of the biases of those creating the rules and laws. The reason for removing these biases comes from the idea that everyone has inherent biases that will ultimately play a factor in the design of a society. We can see this in the cookie problem, for example. The “Veil of Ignorance” accomplishes this by having individuals design these societal laws without knowledge of their personal circumstances. This removes personal attributes like gender, race, wealth, class, religion, etc. while keeping in mind the basic needs of humans. Every person still needs water and food, regardless of their socioeconomic status. For example, if you were creating laws for a society with absolutely zero knowledge of who you are as a person, you would strive to create the most balanced and fair laws possible. If you were to create laws that only exist to serve those with power, and you end up being someone with little power socioeconomically, then you would end up creating laws that work against you and vice versa. This is how the idea of having no biases ends up creating a fair and just society. Through this, the veil can promote impartiality and fairness. This in turn protects those who are underprivileged to create a just society.

In this next section, I will offer the premises of my argument for the “Veil of Ignorance” and provide supporting evidence. The “Veil of Ignorance” is a vital tool to be used by decision/policy makers in the creation of societal systems. Without the use of the veil, how can policy makers be sure they are thinking in the least biased way possible?

The first premise for the argument that I am proposing is that the veil eliminates personal biases from individual decision making. Under normal circumstances, those with the power to create the rules of society will have inherent biases. These biases cause them to create laws that favor them. This then creates unfairness in society where those that aren’t making the laws are subject to the whims of those who do. By requiring the ones making the laws to act under the veil, they are likely to create fair and just laws. This is because if they are not aware of their own biases, they do not know what benefits them most.

The second premise of my argument is that the “Veil of Ignorance” has an emphasis on protecting those who are underprivileged. When individuals involved in the decision making process of a society are unaware of their own position within the society, they are likely to create systems designed to protect those that are considered the least advantaged. This protects everyone, including themselves, in the event that they are not wealthy, or able bodied, among other things. Furthermore, those who are able bodied or wealthy at present, may have unforeseen circumstances take that from them in the future. Within this line of thinking, they are protected in this sense as well.

The third and final premise of my argument is that the veil causes individuals to think outside their own circumstances and embrace a wide perspective. This approach leads to principles that are universally inclusive toward the diverse needs and experiences of varying individuals. There are so many different people with all sorts of needs in the world. It is very

easy for one to be tunnel visioned on one perspective, without considering another. What one person experiences is different from another. By embracing this wider perspective, it ensures policy-makers design systems with everyone in mind. This is different from simply ensuring that those who are underprivileged are not forgotten. For example, two individuals could have the exact same place within society while one of them suffers from a condition completely unbeknownst to the other. Maybe this condition is chronic and so debilitating that this person has a significant lifestyle change, but still manages to find the same level of success as the one without. Just because this person is still able to achieve success despite their condition, doesn't mean that it doesn't affect them. It could be easy for decision makers to outright disregard an issue like this because the person is not seen as underprivileged. Without knowledge of their own identity, individuals are far less likely to discriminate based on race, gender, religion, etc.

The framework provided by the Veil of Ignorance is one that aims to promote a fair and just society. Through the elimination of inherent bias and emphasizing the needs of the underprivileged, it ensures that laws are created with fairness and equity in mind. This thought experiment proposes an insightful way into how individuals can remove their inherent biases to promote justice for all.

While in theory the "Veil of Ignorance" makes a lot of sense, it is quite limited and its scope is narrow. It is impractical for real-world decision-making because it requires individuals to disregard their own experiences, values, and cultural contexts. These are all essential for informed and effective governance. By stripping away personal identity and circumstances, it risks oversimplifying complex societal issues, potentially leading to decisions that fail to account for nuanced differences and real-world constraints. Moreover, one could argue that prioritizing the least advantaged can unintentionally de-incentivize individual initiative. By making everyone

equal, nobody will truly need to push themselves up to the top of society. This could ultimately lead to an undermining of overall societal progress.

A valid criticism for the first premise I stated is that this thought experiment heavily relies on the idea that people are able to set aside their inherent biases. People can be incredibly emotional when making decisions. Furthermore, ignorance about the world is also a real thing and people could simply not know or understand the experience of someone who is underprivileged. Not to mention, many studies have shown that even when people try not to be biased, subconsciously they will likely still have some bias inherently. A study done by Dr. Mihal Emberton out of California shows this well. She states in her journal, “Unconscious Bias Is a Human Condition”, that all humans have inherent biases whether they are aware of them or not. Regardless of your societal standing, religion, sex, etc. all individuals have some amount of bias.

A criticism of the second premise has to do with the differences in needs between underprivileged groups. Injustices to disadvantaged groups cannot be completely eliminated simply by creating fair laws that are equal for all. Issues like racism and sexism, for example, won't be solved simply by ensuring fairness in the justice system. Additionally, rules created under this system may not even take into consideration the nuances in the needs of the different types of disadvantaged people. The needs of someone living in poverty will be different than someone who is middle-class but physically disabled.

Finally, a valid criticism for the third premise of my argument assumes that all people under the veil would share the same values associated with justice. Humans are incredibly diverse and many cultures around the world value things differently. Some societies may have a hard focus on the well being of the community as a whole. On the other hand, some societies

may focus more on the well being of the individual as a priority. This notion that all cultures would share the same sense of justice falls apart when considering the global landscape.

The “Veil of Ignorance” is designed to create fairness in society but it relies on many assumptions about the values of different cultures. It also heavily relies on the assumption that the laws created will serve each individual equally and eliminate the inequalities that exist.

Addressing the first criticism is that the veil does not ask individuals to completely act without emotion or subconscious bias. What it does ask is for those individuals to imagine themselves in a realm of the unknown in regards to their place in society. Completely ridding oneself of personal bias isn't possible, but by applying this thought experiment, the goal is to reduce the biases as much as possible. As previously mentioned, the study done by Dr. Mihal Emberton articulates this well. She states in her journal that, “Unconscious Bias Is a Human Condition”(Emberton). Whether you are morally good or bad, regardless of occupation, as long as you are human, unconscious bias exists. In her abstract she goes on to state, “But those of us who learn to recognize and overcome our unconscious bias become more impactful and powerful stewards of society.” This journal shares similarities with the 'Veil of Ignorance,' as both emphasize understanding that all humans have biases and suggest that reducing or eliminating these biases can help individuals make a greater impact on society.

The second criticism states that the veil doesn't take into consideration the nuances and differences associated with underprivileged groups. While the veil does not focus on specific contexts, it does not ignore them entirely. It instead creates a foundation on which to evaluate the fairness of the rules. From here the rules can be molded and formed to address the specific contexts in which they are required.

The final criticism points to the idea that the “Veil of Ignorance” assumes that all people under the veil would share the same values associated with justice. However, what it actually aims to do is offer a fair and just framework for creation of laws. Varying cultures can apply the veil within the context of their own society. Community based societies that focus on the well being of everyone as a whole would focus on those values. On the other hand, communities that focus more on individuals will adjust the veil to suit their needs as well. It is not some rigid framework that requires conformity to a strict set of rules, but rather a flexible framework that accepts context.

The “Veil of Ignorance” is a thought experiment that proposes a framework which aims to promote justice and fairness by asking individuals to remove themselves from their personal biases to create societal rules that are both impartial and beneficial to all, regardless of circumstance. By asking individuals to consider justice and fairness from an unbiased perspective, the Veil of Ignorance serves as a flexible framework for designing a fair and equitable society. This in turn ensures that regardless of circumstance, all individuals within that society are treated fairly. This is how the “Veil of Ignorance” can be such a powerful tool for decision makers when designing laws and policies.

Works Cited

Emberton, Mihal. "Unconscious Bias Is a Human Condition." *The Permanente journal* vol. 25 (2021): 20.199. doi:10.7812/TPP/20.199