

John Rawls is rightly considered one of the most important political philosophers of the twentieth century and the founding father of contemporary normative political theory. His highly influential book *A Theory of Justice* “changed the subject”, as [Thomas Nagel put it](#), in the sense that it proved that political philosophy was not dead after the Second World War by providing a commanding work. Moreover, it also revitalized the social contract tradition by defending a liberal egalitarian theory of justice, according to which the political institutions of a society are to be justifiable to its members, considered as free and equals. To put it very roughly, Rawls’s theory of justice – called *justice as fairness* – presents two principles of justice, requiring that: 1) “each person is to have an equal right to the most extensive basic liberty compatible with a similar liberty for others”; (2) “social and economic inequalities are to be attached to positions and offices open to all under conditions of fair equality of opportunity”; (3) social and economic inequalities are justified as long as “they are to be to the greatest benefit of the least advantaged members of society”.

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One of the question that can be asked with respect to Rawls’s theory of justice concerns whether it can be applied to the European Union. Could we make an argument for justice as fairness in the EU, and thus demand for egalitarian redistribution among member states?

If we strictly follow Rawls and his theory, it seems that this cannot be the case. Indeed, in *A Theory of Justice*, Rawls considers the context of a closed domestic society, arguing that his principles of justice may not work for private associations, international relations, and possibly supranational institutions. In this sense, the principles of justice defended by Rawls constitute the core of a conception of social justice that regulate only the relations among individuals living in the same society and they do not specify duties that societies owe to other societies or their members.

Moreover, in his last book, entitled *The Law of the Peoples*, Rawls attempted to establish principles apt to regulate the interactions among territorially defined political, corporate

agents that have a monopoly on the legitimate use of force, which he calls “peoples”. However, differently from the domestic case, Rawls argued against a redistributive scheme among peoples, worrying about it being in tension with the principles of independence and self-determination. The point is that individuals living in a same society hold different duties towards each other than with respect to those living outside for there is a fundamental difference between justice within one people and between peoples. So, one of the problem for applying the Rawlsian principles of justice to the EU is that it seems that a political body needs to be a single unified “people” for its institutions to be regulated by them.

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In an [epistolary exchange](#) between Rawls and Philippe Van Parijs, the former makes his idea explicit, when he writes that

*one question the Europeans should ask themselves [...] is how far-reaching they want their union to be. It seems to me that much would be lost if the European union became a federal union like the United States. Here there is a common language of political discourse and a ready willingness to move from one state to another. Isn't there a conflict between a large free and open market comprising all of Europe and the individual nation-states, each with its separate political and social institutions, historical memories, and forms and traditions of social policy. Surely these are great value to the citizens of these countries and give meaning to their life. The large open market including all of Europe is aim of the large banks and the capitalist business class whose main goal is simply larger profit. The idea of economic growth, onwards and upwards, with no specific end in sight, fits this class perfectly. If they speak about distribution, it is [al]most always in terms of trickle down. The long-term result of this — which we already have in the United States — is a civil society awash in a meaningless consumerism of some kind.*

The quoted passage is particularly interesting because Rawls seems to think that Europe is losing something from its political-economic cooperation and integration of states: there is a

clear skepticism towards the goal of creating a proper European polity, in which individuals of different European states have duties of justice to all other EU citizens because of their different and significant cultural and national backgrounds.

Does this mean that the quest for egalitarian principles of justice in the EU is hopeless? Against such skepticism, Van Parijs asked Rawls why we should think of the EU as a conglomerate of ethno-demos, among which no relations of justice exist, and not as a poly-ethnic demos to which an egalitarian form of redistribution can apply. In short, the crucial questions are: is it possible for the EU to be considered a demos, in which cultural, historical, and linguistic differences can be nonetheless preserved? And does the social cooperation which already exist among member states, with the single European market and the euro for example, grant duties of justice, independently of national identities and irrespectively of the political boundaries of societies?

Recently, two ideas have been proposed in this direction and deserve attention. The first one, is the idea of “[demoicracy](#)”, as proposed by Kalypso Nicolaidis, and intended as a “Union of peoples who govern together, but not as one”, which would fit the EU better than both a federal union and an intergovernmental forum. The second one is the idea of [European solidarity](#), as presented by Andrea Sangiovanni, who grounds it in the nature of European social, political, legal and economic cooperation. According to this view, it is the relation among Europeans, allowing the maintenance and reproduction of European public goods, that can trigger social norms and principles of justice for the EU.

There is little doubt that the path to European solidarity and for building a European social union are no easy tasks and present complicated and difficult political problems. Nonetheless, there are interesting theoretical starting points to begin such a journey.

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