We are learning. our capacity to connect has expanded. we now need to learn how to use our new abilities to justly govern ourselves.

Welcome to the [*'Rawlsian Room'*](http://news.harvard.edu/gazette/2005/05.19/24-mm.html)*.* John Rawls was a great moral philosopher of the twentieth century.

*RAWLS'S major work has been widely and correctly acclaimed as the most searching investigation of the notion of justice in modern times.*

*-kenneth arrow*

Rawls proposed that people think about 'justice' from a hypothetical 'Original Position' in which people deliberate what is 'justice' without knowing their own personal interests or biases. This 'veil of ignorance' creates a shared public space. Rawls passion for 'justice' expressed his yearning for harmony with others. The perspective of the Original Position, he wrote, "is not a perspective from a particular place beyond the world, nor the point of view of a transcendent being; rather it is a certain form of thought and feeling that rational persons can adopt within the world. And having done so, they can ... arrive together at regulative principles that can be affirmed by everyone as he lives by them, each from his own standpoint. Purity of heart, if one could attain it, would be to see clearly and to act with grace and self-command from this point of view."

With original position, Rawls sought to express the core of our humanity as a people. Exclusion of the personal is the predicate to moral decision. John Harsanyi, nails this: "*when people express a preference for one social arrangement over another, they will often have a fairly clear idea of what their own personal position would be under both. Nevertheless, we can say that they are ex- pressing a moral value judgment, or that they are expressing a moral preference for one of these social arrangements, if they ... make their choice as if they thought they would have the same probability of taking the place of any particular individual in the society."*

Rawls got hit, academically, from two sides: Harsanyi, an economist, maintained that people in the original position would choose to govern themselves by utilitarian principles and thus would maximize total expected value of their choices regardless of outcome to individual future role (of which we are ignorant). Nozick disputed that equality is the ideal of justice.

As far as the Law is concerned, this debate in philosophy and decision theory misses the bedrock. What does it mean to be a judge? What is your job?

Rawls found legal bedrock in his vision of equal citizens without bias in a domain of common knowledge as a vantage from which to judge the fidelity of competing constitutional interpretations to our founding ideal. This bedrock supports the American jury conceived as a group of people with justice in their hearts, all equal in law who set aside their personal interests and biases to do justice. Rawls bedrock likewise should also ground the interpretive stance of the justices of our Supreme Court.

Assume that judges in the original position agree that we are not only legal equals by assumption, but also that this legal equality is the ideal we seek to realize in the institutional structure by which we govern ourselves. The Supreme Court's role should be to hold the constitution true to its ideal, and with it the ship of state. Like the jury, the Supreme Court justices, in theory, are maximally insulated against the pressures of bias and self-interest. The Court should see itself as a Rawlsian institution.