The **value** is **morality** as implied the resolution. Reaching fair moral principles requires placing oneself behind a Veil of Ignorance.

Professor of Philosophy at Harvard, John **Rawls** writes[[1]](#footnote-1)

One should not be misled, then, by the somewhat unusual conditions which characterize the original position.  The idea here is simply to make vivid to ourselves the restrictions that it seems reasonable to impose on arguments for principles of justice, and therefore on those principles themselves.  Thus **it seems reasonable** and generally acceptable **that no one should be advantaged** or disadvantaged **by natural fortune** or social circumstances in the choice of principles.  **It also seems widely agreed that it should be impossible to tailor principles to** the circumstances of **one’s own [circumstances]** case. We should insure further that particular inclinations and aspirations, and persons’ conceptions of their good do not affect the principles adopted.  The aim is to rule out those principles that it would be rational to propose for acceptance, however little the chance of success, only if one knew certain things that are irrelevant from the standpoint of justice.  For example, 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.  One excludes the knowledge** of those contingencies **which sets men at odds and allows them to be guided by their prejudices**.

Therefore the **criterion** is **consistency with the original position.**

*Only the original position respects the will of all people in society.* ***Rawls-2*** *continues[[2]](#footnote-2)*

***No society can****, of course,* ***be a scheme of cooperation which men enter voluntarily in a literal sense;*** *each person finds himself placed at birth in some particular position in some particular society, and the nature of this position materially affects his life prospects.* ***Yet a society satisfying*** *the principles of* ***justice as fairness comes as close as a society can to being a voluntary scheme, for it meets the principles which free and equal persons would assent to under circumstances that are fair.****In this sense its members are autonomous and the obligations they recognize self-imposed. (11-2)*

I **contend** that private use of lethal force is inconsistent with the original position because everyone in society becomes less secure.

Professor Benjamin **Zipursky 96** gives 3 warrants[[3]](#footnote-3)

The most straightforward concern lies in the potentiality for abuse that would inhere in a rule permitting objective no-access self-defense. The abuse is at two levels. At the level of the citizen, we might see persons who **[First, people might] take life unnecessarily because they wrongly believe they are entitled to do so under a no-access defense.** And **[Second,] at the level of courts, we might see** slippage, a tendency to treat putative no-access cases as objective no-access cases, and **a tendency to spread no-access themes across** various parts of the **criminal law. This would mean that more lives would be taken than necessary or desirable. [Third,]** And, from the point of view of the social contractor ex ante, knowing about the likelihood that his/her legal rule would be diluted in application, it would mean that **each of us would be less secure** in bodily safety to the extent that **[because] others would feel freer to use force against us. In other words, men who merely seem like [abusers]** Mr. Norman, but are not like him, **have much less security** than they would in a world without an objective no-access justification. The fear would be particularly acute if having objective no-access cases as justifications led courts to make putative no-access cases justifications or excuses. n31 In short, the argument would proceed, an objective no-access justification would, in practice, lead to less personal security rather than greater personal security. **It therefore would not be rational to accept such a justification from the original position.** Ultimately, I do not want to accept or reject this conclusion. I want to point out what kind of argument we are dealing with now, and what kinds of considerations ought to be raised in order to evaluate its soundness.

1. Rawls, John (Prof @ Harvard). *A Theory of Justice*. Revised ed. Cambridge: Harvard U Press, 1999. [↑](#footnote-ref-1)
2. Rawls, John (Prof @ Harvard). *A Theory of Justice*. Revised ed. Cambridge: Harvard U Press, 1999. [↑](#footnote-ref-2)
3. Zipursky, Benjamin C (Assoc. Prof @ Fordham U School of Law; J.D., 1991, NYU; Ph.D., 1987, UPitt; B.A., 1982, Swarthmore College). “SELF-DEFENSE AND RELATIONS OF DOMINATION: MORAL AND LEGAL PERSPECTIVES ON BATTERED WOMEN WHO KILL: SELF-DEFENSE, DOMINATION, AND THE SOCIAL CONTRACT.” Spring 1996. UPitt Law Review. LexisNexis. [↑](#footnote-ref-3)