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**Assignment Title:** CONTINUOUS ASSESSMENT TEST
**Course Title:** History of Political Thought II
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**Question**

ASSIGNMENT: Read the Chapter on Rawls (Full Name is : John Rawls) in the *Political Thinkers*, edited by David Boucher and Paul Kelly (eBook sent on WhatsApp) and write short explanatory notes on:

1. John Rawl's First Principle;

2. The Second Principle: Distributive Economic Justice;

3. The Original Position;

4. Summarise John Rawls Idea of Justice

ANSWERS:

 **The Two Principles of Justice as Fairness**

These guiding ideas of justice as fairness are given institutional form by its two principles of justice:

**First Principle**: Each person has the same indefeasible claim to a fully adequate scheme of equal basic liberties, which scheme is compatible with the same scheme of liberties for all;

**Second Principle**: Social and economic inequalities are to satisfy two conditions:

1. They are to be attached to offices and positions open to all under conditions of *fair equality of opportunity*;
2. They are to be to the greatest benefit of the least-advantaged members of society (the *difference principle*).

The first principle of equal basic liberties is to be embodied in the political constitution, while the second principle applies primarily to economic institutions. Fulfillment of the first principle takes priority over fulfillment of the second principle, and within the second principle fair equality of opportunity takes priority over the difference principle.

The first principle affirms that all citizens should have the familiar basic rights and liberties: liberty of conscience and freedom of association, freedom of speech and liberty of the person, the rights to vote, to hold public office, to be treated in accordance with the rule of law, and so on. The first principle accords these rights and liberties to all citizens equally. Unequal rights would not benefit those who would get a lesser share of the rights, so justice requires equal rights for all, in all normal circumstances.

Rawls's first principle confirms widespread convictions about the importance of equal basic rights and liberties. Two further features make this principle distinctive. First is its priority: the basic rights and liberties must not be traded off against other social goods. The first principle disallows, for instance, a policy that would give draft exemptions to college students on the grounds that educated civilians will increase economic productivity. The draft is a drastic infringement on basic liberties, and if a draft is implemented then all who are able to serve must be equally subject to it, even if this means slower growth. Citizens' equal liberty must have priority over economic policy.

The second distinctive feature of Rawls's first principle is that it requires *fair value of the political liberties*. The political liberties are a subset of the basic liberties, concerned with the right to hold public office, the right to affect the outcome of national elections and so on. For these liberties, Rawls requires that citizens should be not only formally but also substantively equal. That is, citizens who are similarly endowed and motivated should have similar opportunities to hold office, to influence elections, and so on regardless of how rich or poor they are. This fair value proviso has major implications for how elections should be funded and run, as will be discussed below.

Rawls's second principle of justice has two parts. The first part, fair equality of opportunity, requires that citizens with the same talents and willingness to use them have the same educational and economic opportunities regardless of whether they were born rich or poor. “In all parts of society there are to be roughly the same prospects of culture and achievement for those similarly motivated and endowed”.

So, for example, if we assume that natural endowments and the willingness to use them are evenly distributed across children born into different social classes, then within any type of occupation (generally specified) we should find that roughly one quarter of people in that occupation were born into the top 25% of the income distribution, one quarter were born into the second-highest 25% of the income distribution, one quarter were born into the second-lowest 25%, and one-quarter were born into the lowest 25%. Since class of origin is a morally arbitrary fact about citizens, justice does not allow class of origin to turn into unequal opportunities for education or meaningful work.

The second part of the second principle is the difference principle, which regulates the distribution of wealth and income. Allowing inequalities of wealth and income can lead to a larger social product: higher wages can cover the costs of training and education, for example, and can provide incentives to fill jobs that are more in demand. The difference principle allows inequalities of wealth and income, so long as these will be to to everyone's advantage, and specifically to the advantage of those who will be worst off. The difference principle requires, that is, that any economic inequalities be to the greatest advantage of those who are advantaged least.

|  |  |  |  |
| --- | --- | --- | --- |
| Economy | Least-Advantaged Group | Middle Group | Most-Advantaged Group |
| A | 10,000 | 10,000 | 10,000 |
| B | 12,000 | 30,000 | 80,000 |
| C | 30,000 | 90,000 | 150,000 |
| D | 20,000 | 100,000 | 500,000 |

To illustrate, consider four hypothetical economic structures A-D, and the

lifetime-average levels of income that these different economic structures would result in for representative members of three groups:

Here the difference principle selects Economy C, because it contains the distribution where the least-advantaged group does best. Inequalities in C are to everyone's advantage relative to a completely equal distribution (Economy A), and relative to a more equal distribution (Economy B). But the difference principle does not allow the rich to get richer at the expense of the poor (Economy D). The difference principle embodies equality-based reciprocity: from an egalitarian baseline, it requires that any inequalities are good for all, and especially for the worst-off.

The difference principle is partly based on the negative thesis that the distribution of natural assets is undeserved. A citizen does not merit more of the social product simply because she was lucky enough to be born with the potential to develop skills that are currently in high demand. Yet this does not mean that everyone must get the same shares. The fact that citizens have different talents and abilities can be used to make everyone better off. In a society governed by the difference principle, citizens regard the distribution of natural endowments as a common asset that can benefit all. Those better endowed are welcome to use their gifts to make themselves better off, so long as their doing so also contributes to the good of those less well endowed.

The difference principle thus expresses a positive ideal, an ideal of deep social unity. In a society that satisfies the difference principle, citizens know that their economy works to everyone's benefit, and that those who were lucky enough to be born with greater natural potential are not getting richer at the expense of those who were less fortunate. One might contrast Rawls's positive ideal to Nozick's ideal of libertarian freedom, or to ideas about economic justice that are dominant within contemporary society. “In justice as fairness,” Rawls says, “men agree to share one another's fate.”

The Original Position

Rawls's conceptions of citizens and society are still quite abstract, and some might think innocuous. The *original position* aims to move from these abstract conceptions to determinate principles of social justice. It does so by translating the question: “What are fair terms of social cooperation for free and equal citizens?” into the question “What terms of cooperation would free and equal citizens agree to under fair conditions?” The move to agreement among citizens is what places Rawls's justice as fairness within the social contract tradition of Locke, Rousseau and Kant.

The strategy of the original position is to construct a method of reasoning that models abstract ideas about justice so as to focus their power together onto the choice of principles. So Rawls's conceptions of citizens and of society are built into the design of the original position itself. Rawls's intent is that readers will see the outcome of the original position as justified because they will see how it embodies plausible understandings of citizens and society, and also because this outcome confirms many of their considered convictions about justice on specific issues.

The original position is a thought experiment: an imaginary situation in which each real citizen has a representative, and all of these representatives come to an agreement on which principles of justice should order the political institutions of the real citizens. This thought experiment is better than trying to get all real citizens actually to assemble in person to try to agree to principles of justice for their society. Even if that were possible, the bargaining among real citizens would be influenced by all sorts of factors irrelevant to justice, such as who could threaten the others most, or who could hold out for longest.

The original position abstracts from all such irrelevant factors. The original position is a fair situation in which each citizen is represented as only a free and equal citizen: each representative wants only what free and equal citizens want, and each tries to agree to principles for the basic structure while situated fairly with respect to the other representatives. The design of the original position thus models the ideas of freedom, equality and fairness. For example, fairness and equality are modeled in the original position by making the parties who represent real citizens symmetrically situated: no citizen's representative is able to threaten any other citizen's representative, or to hold out longer for a better deal.

The most striking feature of the original position is the *veil of ignorance*, which prevents arbitrary facts about citizens from influencing the agreement among their representatives. As we have seen, Rawls holds that the fact that a citizen is of a certain race, class, and gender is no reason for social institutions to favor or disfavor her. Each representative in the original position is therefore deprived of knowledge of the race, class, and gender of the real citizen that they represent. In fact, the veil of ignorance deprives the parties of all facts about citizens that are irrelevant to the choice of principles of justice: not only facts about their race, class, and gender but also facts about their age, natural endowments, and more. Moreover, the veil of ignorance also screens out specific information about what society is like right now, so as to get a clearer view of the permanent features of a just social system.

Behind the veil of ignorance, the informational situation of the parties that represent real citizens is as follows:

* Parties do not know:
	+ The race, ethnicity, gender, age, income, wealth, natural endowments, comprehensive doctrine, etc. of any of the citizens in society, or to which generation in the history of the society these citizens belong.
	+ The political system of the society, its class structure, economic system, or level of economic development.
* Parties do know:
	+ That citizens in the society have different comprehensive doctrines and plans of life; that all citizens have interests in more primary goods.
	+ That the society is under conditions of moderate scarcity: there is enough to go around, but not enough for everyone to get what they want;
	+ General facts and common sense about human social life; general conclusions of science (including economics and psychology) that are uncontroversial.

The veil of ignorance situates the representatives of free and equal citizens fairly with respect to one another. No party can press for agreement on principles that will arbitrarily favor the particular citizen they represent, because no party knows the specific attributes of the citizen they represent. The situation of the parties thus embodies reasonable conditions, within which the parties can make a rational agreement. Each party tries to agree to principles that will be best for the citizen they represent (i.e., that will maximize that citizen's share of primary goods). Since the parties are fairly situated, the agreement they reach will be fair to all actual citizens.

The design of the original position also models other aspects of Rawls's conceptions of citizens and society. For example, the publicity of a well-ordered society is modeled by the fact that the parties must choose among principles that can be publicly endorsed by all citizens. There are also some assumptions that make the hypothetical agreement determinate and decisive: the parties are not motivated by envy (i.e., by how much citizens besides their own end up with); the parties are not assumed to be either risk-seeking or risk-averse; and the parties must make a final agreement on principles for the basic structure: there are no “do-overs” after the veil of ignorance is lifted and the parties learn which real citizen they represent.

Also Rawls belongs to the social contract tradition, although he takes a different view from that of previous thinkers. Specifically, Rawls develops what he claims are principles of justice through the use of an artificial device he calls the *Original position*; in which, everyone decides principles of justice from behind a veil of ignorance. This "veil" is one that essentially blinds people to all facts about themselves so they cannot tailor principles to their own advantage:

"...no one knows his place in society, his class position or social status, nor does anyone know his fortune in the distribution of natural assets and abilities, his intelligence, strength, and the like. I shall even assume that the parties do not know their conceptions of the good or their special psychological propensities. The principles of justice are chosen behind a veil of ignorance."

According to Rawls, ignorance of these details about oneself will lead to principles that are fair to all. If an individual does not know how he will end up in his own conceived society, he is likely not going to privilege any one class of people, but rather develop a scheme of justice that treats all fairly. In particular, Rawls claims that those in the *Original Position* would all adopt a maximin strategy which would maximize the prospects of the least well-off.

"They are the principles that rational and free persons concerned to further their own interests would accept in an initial position of equality as defining the fundamentals of the terms of their association."

Rawls bases his *Original Position* on a "thin theory of the good" which he says "explains the rationality underlying choice of principles in the Original Position". A full theory of the good follows after we derive principles from the original position. Rawls claims that the parties in the original position would adopt two such principles, which would then govern the assignment of rights and duties and regulate the distribution of social and economic advantages across society. The difference principle permits inequalities in the distribution of goods only if those inequalities benefit the worst-off members of society. Rawls believes that this principle would be a rational choice for the representatives in the original position for the following reason: Each member of society has an equal claim on their society's goods. Natural attributes should not affect this claim, so the basic right of any individual, before further considerations are taken into account, must be to an equal share in material wealth. What, then, could justify unequal distribution? Rawls argues that inequality is acceptable only if it is to the advantage of those who are worst-off.

The agreement that stems from the original position is both *hypothetical* and *ahistorical*. It is hypothetical in the sense that the principles to be derived are what the parties would, under certain legitimating conditions, agree to, not what they have agreed to. Rawls seeks to use an argument that the principles of justice are what *would* be agreed upon if people were in the hypothetical situation of the original position and that those principles have moral weight as a result of that. It is ahistorical in the sense that it is not supposed that the agreement has ever been, or indeed could ever have been, derived in the real world outside of carefully limited experimental exercises.

 **The Argument from the Original Position: The Selection of Principles**

The argument from the original position has two parts. In the first part, the parties agree to principles of justice. In the second part, the parties check that a society ordered by these principles could be stable over time. Rawls only attempts to show that his two principles of justice as fairness would be favored over utilitarian principles, since he sees utilitarianism as the main competing tradition of reasoning about justice. The parties are thus presented with a choice between Rawls's two principles and utilitarian principles, and asked which principles they would prefer to agree to.

The first part of the original position contains two fundamental comparisons between Rawls's principles and utilitarian principles. In the first comparison, the parties compare Rawls's principles to *the principle of average utility*: the principle that the basic structure should be arranged so as to produce the highest level of utility averaged among all citizens. Rawls argues that the parties would favor his principles in this comparison, because the first principle of justice as fairness secures equal liberties for all citizens.

In this first comparison, Rawls argues that it is rational for the parties to use *maximin* reasoning: to maximize the minimum level of primary goods that the citizens they represent might find themselves with. And maximin reasoning, he says, favors justice as fairness.

Under average utilitarianism, Rawls argues, the basic liberties of some citizens might be restricted for the sake of greater benefits to other citizens. For example, restricting the political and religious liberties of a weak minority might work to the benefit of the majority, and so produce a higher average level of utility in the society. A party in the original position will find the possibility that their citizen might be denied political and religious liberties intolerable, given that the party could instead secure equal liberties for their citizen by choosing justice as fairness. A party will not be willing to gamble with the political standing and deepest commitments of the citizen they represent, Rawls says, when they could safeguard the standing and commitments of their citizen even if their citizen turns out to be in a weak minority.

Moreover, Rawls says, a society ordered by the principles of justice as fairness has other advantages over a utilitarian society. Securing equal basic liberties for all encourages a spirit of cooperation among citizens on a basis of mutual respect, and takes divisive conflicts about whether to deny liberties to some citizens off of the political agenda. By contrast, a utilitarian society would be riven by mutual suspicions, as different groups put forward highly speculative arguments that average utility could be increased by implementing their partisan policies. Rawls's first principle, by securing permanent equal liberties for all citizens, increases social harmony by making it much easier for justice to be seen to be done. The balance of considerations in favor of justice as fairness over average utility here is, Rawls claims, decisive.

In the second fundamental comparison, the parties are offered a choice between justice as fairness and *the principle of restricted utility*. The principle of restricted utility is identical to Rawls's two principles, except that the difference principle is replaced with a principle which says that the distribution of wealth and income should maximize average utility, constrained by a guaranteed minimum level of income for all. While the first comparison turned on the importance of the basic liberties, the second comparison contains Rawls's formal argument for the difference principle.

Maximin reasoning plays no role in the argument for the difference principle. Nor does aversion to uncertainty.

In this second comparison, Rawls argues that the parties will favor justice as fairness because its principles provide a better basis for enduring cooperation among all citizens. The difference principle, he says, asks less of the better-off than restricted utility asks of the worst-off. Under the difference principle, he says, those who are better endowed are permitted to gain more wealth and income, on the condition that their doing so also benefits their fellow citizens. Under restricted utility, by contrast, those living at the minimum will suspect that their interests have been sacrificed to make the better-off better off still. These citizens at the minimum may become cynical about their society, and withdraw from active participation in public life.

Moreover, it is again difficult to maintain a public agreement as to which economic policies actually will maximize average utility, and debates over where to set the guaranteed minimum may lead to mistrust among social classes. The difference principle instead encourages mutual trust and the cooperative virtues by instantiating an ideal of economic reciprocity. Each party will see the advantages for the citizen they represent of securing the more harmonious social world of justice as fairness.

**A Theory of Justice**

 **John Raw,**

 **THE MAIN IDEA OF THE THEORY OF JUSTICE**

My aim is to present a conception of justice which generalizes and carries to a higher level of abstraction the familiar theory of the social contract as found, say, in Locke, Rousseau, and Kant." In order to do this, we are not to think of the original contract as one to enter a particular society or to set up a particular form of government. Rather, the guiding idea is that the principles of justice for the basic structure of society are the object of the original agreement. They are the principles that free and rational persons concerned to further their own interests would accept in an initial position of equality as defining the fundamental terms of their association. These principles are to regulate all further agreements; they specify the kinds of social cooperation that can be entered into and the forms of government that can be established. This way of regarding the principles of justice I shall call justice as fairness. Thus we are to imagine that those who engage in social cooperation choose together, in one joint act, the principles which are to assign basic rights and duties and to determine the division of social benefits. Men are to decide in advance how they are to regulate their claims against one another and what is to be the foundation charter of their society. Just as each person must decide by rational reflection what constitutes his good, that is, the system of ends which it is rational for him to pursue, so a group of persons must decide once and for all what is to count among them as just and unjust. The choice which rational men would make in this hypothetical situation of equal liberty, assuming for the present that this choice problem has a solution, determines the principles of justice.