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Assignment

Read the chapter on Rawls and write notes on:

- i. John Rawls first principle
- ii. The second principle: distributive economic justice
- iii. The original position
- iv. Summarize Rawls idea of justice

1.1 Introduction

John Rawls was born in Baltimore, Maryland, 21st February 1921. He grew up in Baltimore, where his father was a lawyer. He attended secondary school in Connecticut (the Kent School) and then entered Princeton University in 1939. Rawls was first introduced to political philosophy by Norman Malcolm, a student of Ludwig Wittgenstein's. Rawls wrote his senior thesis on the problem of evil. After graduating from Princeton in January 1943, Rawls joined the army as an infantry between 1943-1946 and participated in active service in the pacific. After his service in the army, Rawls returned to Princeton in 1946 to begin graduate studies in philosophy, receiving his PhD degree in 1951. He taught at Princeton and later received a Fulbright scholarship to Oxford University, where he was affiliated with Christ Church College (1952-1953). At Oxford Rawls attended, and was especially influenced by, lectures by H. L. A. Hart on the philosophy of law. He was also influenced by the likes of Isaiah Berlin and Stuart Hampshire.

After his stay at Oxford, he returned to the United States where he taught at Cornell (1953-9) spent a year in Harvard, taught at the Massachusetts Institute of Technology (1960-1962), was offered a full professorship at Harvard in 1962 and remained in Harvard for the rest of his teaching career and retired in 1991 but kept on teaching there till 1995. Rawls was to married Margaret Warfield Fox, also from Baltimore, in 1949 and they had 3 children together.

Achievements: occupant of the John Cowells chair in Philosophy from 1974 till 1979 and became a successor to the likes of Nobel Laureate Kenneth Arrow, the James Bryant Conant University professorship (1979-91), received honorary doctorates from both Oxford and Harvard, awarded National Humanities Medal by President Clinton in 1999, the Rolf Schock Prize in Logic and Philosophy, in Stockholm.

1.2 Rawls first principle: Equal Basic Liberties

Rawls believes that for every individual citizen there are two fundamental capacities or powers and, correspondingly, two 'higher-order interests' in the realization of those capacities. Thus, each person has, over that person's entire life:

- I. An interest in being able to formulate and live according to some particular conception of the good.
- II. An interest in exercising one's 'sense of justice' and being motivated by it, providing others to do so as well.

The second point buttresses that each person has, has an interest in living cooperatively with fellow citizens, on terms of mutual respect and reciprocal benefit, under a unified and stable scheme of basic political and economic institutions organized by a shared set of principles of justice which each citizen can affirm.

These two notions of powers of the citizen included the idea that citizens in a democratic society are free and equal. To Rawls, everyone in a society is conceived as having the two powers at a sufficient level (each citizen is equal no citizen is above the other) to be able to be a fully contributing member of the society for one's entire adult life (or, at least, working years).

Rawls uses the idea of the two powers and the corresponding interests of the citizen to ground his idea of the concrete basic liberties that each citizen is to have equally. He also identifies which 'liberties' (which ways of acting or of not being injured) should be among the basic constitutional rights, by considering what he calls the 'two fundamental cases, thus, those liberties that are part of or a means of achieving the first interest (the conception of the good interest) constitute the first of these cases and those that are a part of or a means of achieving the second (the sense of justice interest) constitute the second of the 'two fundamental cases'.

Rawls offers liberty of conscience and freedom of personal association as examples of liberties justified under the first interest (the conception of good interest). The point from the first interest is that people wouldn't be able to live according to their own perception of the concept of what is good, and in turn wouldn't be able to revise any such conception, without liberty of conscience or freedom of personal association. Rawls also offered freedom of political speech and assembly as examples under the second interest (the sense of justice interest), this interest conceived by Rawls as being exercised in a democratic institutional context. The point from the second interest is that people cannot live cooperatively with their fellow citizens, in terms of equality and mutual respect, under a unified and stable scheme of democratic political institutions without having a practice of free political speech and assembly in place. It can be seen that the above-mentioned basic liberties can be justified under the European Convention on Human Rights (1954) or the United Nations' Covenant on Civil and Political Rights (1966, entered into force in 1976), or on a list of important

rights in current American constitutional law. Although there are some of these liberties fall under neither case directly but are, still necessary for the proper and adequate exercise of those that do fall under the liberties. Liberties such as the right to fair trial or right to bodily integrity are seen as necessary to the full flourishing of the liberties justified in the two fundamental cases.

To Rawls, all the liberties should be counted among the basic constitutional rights. These basic liberties and rights are not founded 'on basic or natural rights', but rather the foundation according to Rawls is in the conception of the person and of social cooperation most likely to be suitable to the public political culture of modern democratic society.

1.3 The second principle: Distributive Economic Justice

Rawls accounts that people have different natural endowments and are born into and grow up in different social circumstances and that no one is responsible for these factors in their own case. Although factors such as natural endowment and initial social circumstances are not trivial, they powerfully affect a person's life prospects, advantageous to some and disadvantageous to others, accordingly, they could be the main source of inequality between people.

Rawls in his argument develops the idea of democratic equality of opportunity in form of taking of remedial steps, conscientiously, to reduce the initial differential in advantages that accrues to individuals, arbitrarily, from their starting points in life, such as state-supported quality primary and secondary school education. The main idea behind this is to close the gap between the inequality among people at the point where they enter into adult life and has the basic capabilities required to be contributing members of society.

Although Rawls believes that the closing of such a gap cannot be achieved, thus he further introduces an idea to complement equality of opportunity. He calls this new idea the 'difference

principle', which added two more remedial steps; the principle of everyone's continual benefit, which in turn is constrained by the idea that, where there are several mutually improving options available, we should choose that option which most reduces the resultant inequality in outcomes (measured by one's average income over 5 years) between the upper class and lower class. These remedial steps reduce the gap between persons by taking into account both starting points and end results.

Rawls assumes that everyone starts from a hypothetical point of strict equality among people. This 'zero points' doesn't describe the way things actually are, rather it is merely to orient and clarify one's thinking. Rawls also assumes that as long as the benefit of the least well of the group could possibly be higher, so can the other groups be higher, right on up to the goal point. This assumption identifies a zone or context in which the repeated procedure (satisfy the standard of mutual benefit or efficiency and then reduce differences in outcome between the topmost and the bottom-most group) can operate, with full effect, to achieve its intended end.

These assumptions complete the argument of Rawls' second principle of justice. The principle of distributive economic justice. Now it remains for social and economic inequalities to satisfy two conditions: first, they are to be attached to positions and offices open to all under conditions of fair equality of opportunity; and second, they are to be to the greatest benefit of the least advantaged members of society.

1.4 The Original Position

In simplest terms the original position is an arena for deliberation and decision about principles of justice; its various features are meant to frame and constrain the debate about such principles. "The idea of the original position is to set up a fair procedure so that any principles agreed to will be just.

Rawls envisions two main roles for the original position. The first role is to serve as a screening device for the candidate principles, that is, principles taken from a shortlist of main, historically available theories of justice, such as Plato's republic, various versions of utilitarianism etc. Here the features of the original position serve as a checklist against which the candidate principles are to be measured and to be assessed. These screening processes involves requirements which Rawls refers to as the 'publicity requirement' where selected principles are clear and understandable to all with nothing hidden from view and everything is upfront and accounted for, the 'unanimity requirement' where the selected principle is looked at from a variety of perspectives and is acceptable to persons in each of those perspectives.

For example, an avowedly racist principle wouldn't probably pass through the filter afforded by the features of the original position. If people contemplate living in a multiracial society under that principle, some or many of them would be at a serious disadvantage and deeply harmed by its operation. Those who took on the role of injured parties would have to veto the racist principle; thus, it wouldn't have met the unanimity requirement. Since anyone (given the veil of ignorance - individuals are called upon to construct and then choose principles of justice that they would prefer to determine the basic structure of their society, in which they are to spend their entire lives) could be in such a role, the racist principle would be decisively ruled out. Other principles like the caste system and slavery principles wouldn't have been able to pass the initial screening for similar reasons. Other principles like the various versions of utilitarianism, might remain in contention

after being examined under the conditions set by publicity, unanimity, the veil of ignorance etc., as they have passed through the initial screening, meaning that these principles can be formulated and argued for under the constraints of the original position.

The second role of the original position is to rank the remaining qualified candidate principles after screening has been accomplished. In order to perform this role, the parties rely on the balance of reasons to decide which of the remaining eligible candidates is best. Although if they can do so unanimously, then there should be no doubt about that particular ranking.

1.5 Summary of Rawls idea of Justice

Rawls constructs justice as fairness around specific interpretations of the ideas that citizens are free and equal and that society should be fair. He sees it as resolving the tensions between the ideas of freedom and equality, which have been highlighted both by the socialist critique of liberal democracy and by the conservative critique of the modern welfare state. Rawls holds that justice as fairness is the most egalitarian, and also the most plausible, interpretation of these fundamental concepts of liberalism. He also argues that justice as fairness provides a superior understanding of justice to that of the dominant tradition in modern political thought: utilitarianism.

Rawls identifies two principles of justice to depict justice as fairness and is given institutional forms by its two principles of justice. In the first principle, each person has the same inalienable claim to a fully adequate scheme of equal basic liberties. While the second principle talks about the social and economic inequalities which satisfy two conditions; they are attached to offices and positions open to all under conditions of fair equality of opportunity and 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 embodied in the political constitution, it affirms that all citizens should have familiar basic rights and liberties such as the liberty of conscience and freedom of association, freedom of speech and liberty of the person, the right to vote, to hold office, to be treated in accordance with the rule of law etc. The first principle accords these rights and liberties to all citizens equally. Rawls notes that 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.

The second principle applies primarily to economic institutions. The second principle of justice according to Rawls is divided into two parts; fair equality of opportunity, which requires citizens with the same talents and willingness to use them have the same educational and economic opportunity regardless of their class (upper or lower). Rawls notes that in all society there are to roughly the same prospects of culture and achievement for those similarly motivated and endowed. The second part of the second principle of justice is the difference principle, which regulates the distribution of wealth and income.

Rawls also in his idea of justice identified the original position. Rawls conception of citizens and society are still very abstract. The original position aims to move from these abstract conceptions to determine the principle of social justice. The original position constructs a method of reasoning that models abstract ideas about justice and focuses their power together onto the choice of principle. The original position posits that real citizens will choose representatives (veil of ignorance) that will represent the majority of individuals in society in coming to an agreement on which principles of justice should order the political institution. The original position provides requirements that will produce a just and fair principle, these include the publicity requirement, that is, for the principle to be clear and available to all citizen, the unanimity requirement, that is,

those representatives have to look at varieties of the perspective and all representatives must accept each of the perspectives etc. Once the principle has passed through these requirements known as the initial screening. After the initial screening, the eligible candidates (principle) are ranked to determine which is the best eligible candidate. Rawls views that by using the original position provides just and fair principles that will order the society.

Reference

Boucher, D. and Kelly, P (eds.). 2003, *Political Thinkers From Socrates to the Present*, Oxford University Press, United States.

